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May 29, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : The Woods of Westminster Golf Course and Proposed  
Residential Subdivision (formerly Westminster Estates)  
PROJECT MUNICIPALITY : Westminster  
PROJECT WATERSHED : Nashua  
EEA NUMBER : 14044  
PROJECT PROPONENT : The Woods of Westminster Golf Course  
DATE NOTICED IN MONITOR : April 22, 2009

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the FEIR, the project includes the construction of a 125-lot cluster residential subdivision with an open space area that will encompass the existing Woods of Westminster golf course. The 303± acre project site is located on Bean Porridge Hill Road in Westminster, and contains four existing single family homes, a public golf course and vegetated open space and wetlands. The project proposes to connect each lot to individual septic systems

and water supply wells and create a comprehensive stormwater management system to control stormwater runoff generated by the collective project site. The Proponent has indicated that additional water quality best management practices (BMPs) will be utilized to mitigate potential impacts associated with stormwater management. The project site is located adjacent to the habitat of the Creeper (*Strophitus undulatus*) which is a State-listed species of "Special Concern". The project site contains three professionally surveyed archaeological sites on record with the Massachusetts Historical Commission (MHC).

The Woods of Westminster Golf Course completed MEPA review in 1994 (EOEA No. 9990) and was subsequently constructed and presently operated as an 18-hole public golf course. The current project includes both the existing golf course and an additional residential cluster development. The project will be serviced by approximately 9,012 linear feet of roadway and will result in the new alteration of 79± acres of land and the creation of approximately 16.44 acres of new impervious area. The project will result in the disturbance of approximately 8.88 acres of the 63.63 acres of on-site wetland buffer zone area. No direct wetland alteration will occur in conjunction with the project's development.

### Jurisdiction

The project is undergoing review pursuant to Sections 11.03(1)(a)(1) and (2) because the project requires a state permit and will involve the direct alteration of 50 or more acres of land and creation of ten or more acres of impervious area. The project will require Approval of a Nitrogen Aggregation Loading Plan (BRP WP 58a) from MassDEP. The project will require a Construction General Permit (CGP) under the National Pollutant Discharge Elimination System (NPDES) program from the United States Environmental Protection Agency (U.S. EPA). The project has received an Order of Conditions from the Westminster Conservation Commission. Review in accordance with the Massachusetts Endangered Species Act (MESA) occurred concurrently with review by the Westminster Conservation Commission under the Massachusetts Wetlands Protection Act. The Natural Heritage and Endangered Species Program (NHESP) has reviewed the project and concluded that it will not require a Conservation and Management Permit, so long as conditions specified in prior filings with their office have been met. Project modifications may require an amendment to the Order of Conditions issued by the Westminster Conservation Commission. Finally, the project will require individual sewage disposal system and well permits from the Westminster Board of Health.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction exists over land alteration, stormwater, wetlands, and wastewater.

### Review of the FEIR

As directed in the Certificate on the DEIR, the FEIR was prepared as a Response to Comments document. The FEIR contained copies of the comment letters received on the DEIR and answered those comments within MEPA jurisdiction, focusing on the key issues noted by the Secretary in the Certificate on the DEIR. In response to MassDEP comments pertaining to the stormwater calculations provided in the DEIR, the FEIR included additional supporting data and narrative clarifying how the project will meet the required volume of groundwater discharge and meet Standard #3 of the MassDEP Stormwater Management Policy. The FEIR also addressed how the project will meet the Nitrogen Credit Land requirements in accordance with 310 CMR 15.216(2).

The FEIR responded to MHC's comments and clearly identified the three historic archaeological sites, the Page (Robinson) Site (MHC #WST.HA.11), S. Hale Site (MHC #WST.HA.13), and S. Towne Site (MHC #WST.HA.12) and proposed them for inclusion in protective easements. After review of MHC files and the information submitted, MHC has determined that the proposed project will not affect significant historic and archaeological resources, on the condition that a recorded preservation restriction for the project is filed with MHC. The Proponent should revise the draft preservation restriction included in the FEIR in accordance with the guidance provided in the MHC comment letter on the FEIR.

### Mitigation

The Proponent has prepared draft Section 61 Findings for use by State permitting agencies. In accordance with Section 11.12(5)(e) of the MEPA regulations, final Section 61 Findings must be forwarded by each permitting agency to the MEPA Office, which will publish a Notice of Availability in the Environmental Monitor. The Proponent has committed to the following mitigation measures which should be included in the agencies' Section 61 Findings for the project, as applicable:

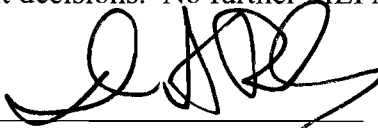
- The project will include a stormwater management system that will assist in protecting the habitat of the Creeper (*Strophitus undulatus*) which is a State-listed species of Special Concern. The stormwater system will include deep sump/hooded catch basins, water quality inlets prior to stormwater basins "I" and "J", sediment forebays, and a total of ten stormwater basins.
- The project will comply with the conditions specified in prior filings with the NHESP office with regard to the Massachusetts Endangered Species Act (MESA) and therefore will not result in a "take" as defined in the MESA regulations.
- The Proponent will place a deed restriction on the open space to used as credit land toward the Nitrogen Aggregation Loading Plan (approximately 32 acres).
- The Proponent will obtain an Order of Conditions from the Westminster Conservation Commission in accordance with the Massachusetts Wetlands Protection Act.

- The project will obtain coverage under the NPDES CGP and prepare a Stormwater Pollution Prevention plan to prevent erosion and sedimentation during the construction period.

Conclusion

I find the FEIR to be adequate and am allowing the project to proceed to the State agencies for permitting. The FEIR contained adequate information on project impacts and mitigation, and provided the state permitting agencies with sufficient information to understand the environmental consequences of their permit decisions. No further MEPA review is required.

May 29, 2009  
Date

  
Ian A. Bowles

Comments received:

- 04/28/2009 Town of Westminster Conservation Commission
- 05/06/2009 Massachusetts Historical Commission
- 05/11/2009 Montachusett Regional Planning Commission
- 05/14/2009 Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program

IAB/HSJ/hsj