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

PROJECT NAME : Jefferson at Westford
PROJECT MUNICIPALITY : Littleton Road (Route 110) – Westford and Chelmsford
PROJECT WATERSHED : Concord River
EOEA NUMBER : 14028
PROJECT PROPONENT : Jefferson at Westford, L.P.
DATE NOTICED IN MONITOR : April 9, 2008

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

Project Description

As described in the DEIR, the proposed project consists of the construction of a 308-unit apartment development with associated access roadways on a 97-acre site. The proponent's access roadway has been reduced to 24-foot wide to reduce wetland impacts. Approximately sixty-two of the apartment units will be affordable. The project's access driveway will connect to Littleton Road (Route 110). Approximately 6.87 acres of the project site are located within Chelmsford, but no alterations are proposed in this area.

The project may require a Comprehensive Permit from the Housing Appeals Committee (HAC) under Chapter 40B. It will need an Access Permit from the Massachusetts Highway Department (MassHighway) for access to Littleton Road. The project will need a Groundwater Discharge Permit from the Department of Environmental Protection (MassDEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will need to obtain Orders of Conditions from the Westford Conservation Commission for work on the project site and off-site for the Littleton Road improvements. On February 6, 2008, the proponent received an Order of Conditions for the project's emergency access road, which is in a buffer zone. Because the



proponent is seeking financing from Mass Development, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Based on the Institute of Traffic Engineers Land Use Code 220, the proposed project is estimated to generate approximately 2,070 new vehicle trips per weekday. About 474 surface parking spaces and fifty covered garage spaces will be constructed by the proponent.

The project will be supplied with potable water by the municipal supplier. It will consume approximately 51,500 gallons per day (gpd) of potable water from the municipal system. The proponent will also utilize 11,100 gpd of irrigation water from a proposed on-site well. The project will generate approximately 51,500 gpd of wastewater (based on 462 bedrooms). The proponent is proposing to construct a private wastewater package treatment plant with a groundwater discharge.

Since submitting the ENF, the proponent has made the following changes to the project:

- Selected a 308-unit development program, which is based on discussions with the Town of Westford, as the Preferred Alternative.
- The impervious area remains at 8.8 acres, which is the same as for the 268-unit alternative.
- The number of parking spaces has increased from 480 to 524 spaces.
- Traffic has increased to 2,070 vehicle trips per day.
- The access roadway from Littleton Road will be 24-feet wide and will not include a sidewalk to reduce wetland impacts.
- The wetland impacts have been reduced from approximately 9,000 to 3,662 sf.
- The wastewater generation has increased from 44,220 to 51,500 gpd.
- The wastewater effluent disposal system has been relocated to the apartment courtyard.
- The proponent is negotiating a License Agreement for the use of Town Forest land as an emergency access.

Review of the DEIR

The DEIR provided a detailed project description. It included existing and proposed site plans. The DEIR identified that the project would be built in one phase. It described the proponent's 308-unit Preferred Alternative. The DEIR described each state agency action required for the project. It contained sufficient information to allow the permitting agencies to understand the environmental consequences related to the project. The DEIR discussed how this project is compatible with Executive Orders 385 and 418, the Northern Middlesex Council of Governments (NMCOG) Long Range Plan, and Westford's and Chelmsford's Master Plan, Open Space Plan, and Zoning.

The DEIR compared the Preferred Alternative – the 308-unit apartment complex with the 250-unit Alternative, the 268-unit Alternative, and the No-Build Alternative. It did not develop a Reduced Build Alternative because the proponent was able to relocate its proposed wastewater effluent disposal system to the apartment complex courtyard. The DEIR identified the impacts of each of the alternatives on each of the scoped areas in this Certificate. It discussed alternative building configurations that resulted in fewer impacts, such as reducing the amount of impervious area reducing the width of the access road. The alternatives analysis presented the alternative driveway configurations with a reduced width to decrease wetlands impacts. The DEIR identified the proponent's emergency access alternatives at the site. It provided a comparative analysis of the project alternatives for the areas listed within this scope.

The DEIR was prepared in conformance with the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. It summarized the level-of-service (LOS) analysis at the Route 110/Tadmuck Road and the Route 110/Site Driveway intersections. The DEIR provided the LOS analysis for the Route 110/South Chelmsford Road, the Route 110/Boston Road/Carlisle Road, the Route 110/Tadmuck Road/Garrison Road (in Chelmsford), and the Route 110/Hunt Road (in Chelmsford) intersections. It included a map of the traffic study area. The DEIR included other development related growth identified by the communities. The DEIR's LOS tables included each movement for these above intersections. The Volume/Capacity ratio was also provided for proposed signalized intersections. The DEIR included a summary of average and 95th percentile vehicle queues for each intersection within the study area. The traffic accident problem areas were identified. The DEIR provided the most current information on the proposed construction dates for the roadway improvements in the area. It discussed the visibility enhancements and roadway widening. No right-of-way (ROW) issues due to roadway widening were identified in the DEIR. The DEIR included plans showing the configuration of each roadway intersection proposed for modification.

The DEIR described how the number of parking spaces was determined. It identified the number of parking spaces required by local zoning for the land uses proposed on the project site. The DEIR identified the number of parking spaces within garages, in-front of garages, tandem spaces, and visitor and club-house parking.

The DEIR showed where sidewalks currently exist in a map of the area and where the proponent proposed sidewalks along South Chelmsford Road for 2,376 linear feet. The proponent provided bicycle accommodation in the shoulder of its proposed Route 110 improvements at the project site driveway. It has stated that it will provide bicycle racks at a number of locations within the project site, but the locations have not been determined at this time. The proponent is awaiting completion of its consultation process with the Town on its Section 40(B) process. No public transportation service exists in the project area.

According to the proponent, the project will alter approximately 3,662 sf of Bordering Vegetated Wetlands (BVW). The proponent is utilizing retaining walls and one culvert to reduce wetland impacts. The proponent is proposing a 7,500 sf replication area.

The DEIR identified the proponent's efforts to obtain Orders of Conditions from the Westford Conservation Commission (WCC) for the project. The Wetland Section of the DEIR contained an alternatives analysis to ensure that all wetland impacts are avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR illustrated that the impacts have been minimized and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). It identified the location of nearby public wells. All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations were clearly delineated on a plan. The Westford Conservation Commission has accepted the resource area boundaries. No outstanding issues with the Westford Conservation Commission were identified by the proponent on the site.

A detailed wetlands replication plan was provided in the DEIR. The proponent is proposing a replication ratio of greater than 2:1. In order to preserve wildlife travel corridors through the large wetland through which the access roadway travels, and to reduce the potential for vehicle mortality of small wildlife, the proponent will provide three access corridors under the access driveway and one access corridor under the emergency access roadway to allow for the continued passage of wildlife such as turtles and amphibians.

The DEIR included a detailed description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. It provided pre- and post-drainage calculations. The proponent will recharge roof runoff and other treated stormwater runoff from parking areas and driveways in order to retain as much as possible of the existing groundwater flows and drainage patterns. The existing MassHighway drainage system is sheet flow.

Proposed stormwater activities were evaluated. The location of detention/infiltration basins and their distances from wetland resource areas were identified. This analysis addressed the current and expected post-construction water quality. Sufficient mitigation measures were incorporated to ensure that no downstream impacts would occur. The drainage analysis demonstrated that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns. The DEIR addressed the performance standards of MassDEP's Stormwater Management Policy. It addressed the groundwater recharge issues and demonstrated that the project will meet the Stormwater Management Policy. The DEIR demonstrated that the design of the drainage system is consistent with this policy.

The DEIR discussed the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental

Protection Agency for stormwater discharges from construction sites. It included a discussion of best management practices employed to meet the NPDES requirements. The EIR identified how this project would comply with Westford's NPDES Phase II Stormwater General Permit.

The DEIR described the maintenance program for the drainage system. This maintenance program, which was contained in Appendix B, outlined the actual maintenance operations, responsible parties, and back-up systems. The proponent has committed to using a non-sodium based deicer on the project's paved surfaces and limiting the use of chemical fertilizers and pesticides on grass areas.

The DEIR did not identify any impacts from the project on the drinking water supply and distribution system. The DEIR identified the location of its proposed groundwater well for irrigation purposes. The proponent is proposing to use approximately 11,100 gpd. No water storage tanks are proposed on-site. The DEIR investigated the establishment a potable well on the project site, and it has rejected the merits of such a proposal.

The DEIR outlined the proponent's efforts to reduce water consumption and thereby reduce wastewater generation. It described the design of the wastewater package treatment plant, leaching area, and groundwater discharge issues. The proponent has relocated its wastewater treatment facilities to address MassDEP's concerns. The DEIR determined that the proposed addition of 51,500 gpd will not impact the groundwater tables and wetlands. The project will have 462 bedrooms at the site.

The DEIR presented a summary of the results of hazardous waste studies and remediation efforts undertaken at the site by the proponent. It discussed the aesthetics of the project, and it included a conceptual-level landscaping plan and building elevations.

The DEIR presented a discussion on potential construction period impacts and analyzed the feasible measures that can avoid or eliminate these impacts. The proponent will not require blasting to develop the project site. It estimated that about 36,000 cubic yards of fill will be utilized on the project site. This filling operation would require approximately 32 to 40 truck trips for between 36 to 45 days. The proponent has identified the truck route proposed to allow for this filling operation. The DEIR showed on Figure 6-1 where filling will be required on the site.

The FEIR should resolve the remaining issues outlined below, as required by this Certificate. It should include a copy of this Certificate.

Project Description & Regulatory Environment

The FEIR should include a detailed description of the project with a summary/history of

the project. It should briefly describe each state agency action required for the project. The FEIR should show that the project is consistent with the applicable performance standards. It should contain sufficient information to allow the permitting agencies to understand the environmental consequences related to the project.

Traffic

The FEIR should provide a traffic signal warrant analysis for the unsignalized intersections in the study area operating at LOS F (not in Appendix A as stated in the DEIR) It should state the number of bicycle parking spaces and show their locations. Because there is no available transit service from the project site, the FEIR should consider whether a shuttle bus service would be feasible.

Drainage

The FEIR should include a draft Pollution Prevention Plan. The proponent should develop a low impact turf management program in the FEIR with an integrated pest management plan for the turf. The FEIR should address reducing the amount of impervious area proposed on the project site by alternative layout and reduced pavement areas.

Sustainable Design

To the maximum feasible extent, the proponent should incorporate additional sustainable design elements into the project design. The FEIR should summarize the proponents' efforts to ensure that this project includes Leadership in Energy and Environmental Design (LEED) Certified buildings or the equivalent. It should incorporate site design that maximizes site layout and sustainable design/Low Impact Development (LID) opportunities to minimize water, wastewater, stormwater and wetlands impacts. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- water conservation and reuse of wastewater and stormwater;
- renewable energy technologies to meet energy needs;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air;
- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy ;
- easily accessible and user-friendly recycling system infrastructure incorporated into the building design;
- development of a solid waste reduction plan;
- development of an annual audit program for energy consumption, waste streams, and use

- of renewable resources;
- Low Impact Development (LID) principles that reduce stormwater, potable water, wastewater, and wetland impacts and that provide water conservation and the reuse of wastewater and stormwater; and
 - LEED certification.

Mitigation

The FEIR should include a separate chapter on mitigation measures. This chapter on mitigation should include Proposed Section 61 Findings for all state permits: MassHighway, MassDEP, and Mass Development. The Proposed Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

In the DEIR, the proponent committed to the following mitigation measures:

- Providing \$725,000 to the Town of Westford for the widening Route 110 and constructing a left-turn lane and roadway shoulders for bicycle accommodation at the Site Driveway; for the proposed Tadmuck Road/Route 110 intersection improvements (about \$40,000); and for constructing 2,376 linear feet of new asphalt sidewalk along South Chelmsford Road from the project site's emergency access road to the vicinity of South Gates Road.
- Providing for 7,500 sf of wetlands replication (a 2:1 ratio), approximately \$50,000.
- Constructing a stormwater management system that complies with MassDEP's Stormwater Management Policy, between \$1.1 to \$1.4 million.
- Utilizing water saving devices, dual flush toilets, aerated faucets, water efficiency shower heads and electronically controlled plumbing fixtures, approximately \$40,000.
- Installing an on-site irrigation well, approximately \$50,000.
- Utilizing native, drought resistant plants in the landscaping plan.

I urge the proponent to participate in any discussions and studies that evaluate the feasibility of traffic, pedestrian and bicycle improvements within this area.

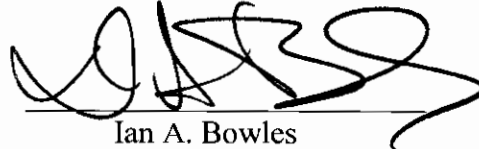
Response to Comments

In order to ensure that the issues raised by commenters are addressed, the FEIR should include a response to comments. This directive is not intended to, and shall not be construed to enlarge the scope of the FEIR beyond what has been expressly identified in the initial scoping certificate or this certificate.

Circulation

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Westford and Chelmsford officials. A copy of the FEIR should be made available for public review at the Westford and Chelmsford Public Libraries.

May 30, 2008
Date



Ian A. Bowles

Comments received:

- EOT, 5/5/08
- Chelmsford Community Development Department, 5/7/08
- MDM Transportation, 5/8/08
- MassDEP/NERO, 5/9/08
- NMCOG, 5/9/08
- Epsilon Associates, 5/13/08
- NMCOG, 5/21/08
- Westford Office of the Town Manager, 5/22/08
- NMCOG, 5/23/08

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