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July 7, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME: Alden Woods
PROJECT MUNICIPALITY: Holden
PROJECT WATERSHED: Nashua
EOEA NUMBER: 12229
PROJECT PROPONENT: C.B. Blair Development Corporation
DATE NOTICED IN MONITOR: June 7, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.10 and 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that the project **requires** the preparation of an Environmental Impact Report (EIR).

The request for the Notice of Project Change has been submitted because the applicant, C.B. Clair Development Corporation, is proposing to construct additional residences and to increase the number of lots added to the Department of Environmental Protection (DEP) sewer extension permit for the Alden Woods development. The project site is located between Chapel Street and Wachusett Street in Holden, MA.

MEPA History

In May 2000, C. B. Clair Development Corp. filed an Environmental Notification Form (ENF) for a proposed 45-lot residential subdivision on approximately 33 acres in Holden. The ENF also described 60 "Approval Not Required" (ANR) lots to be developed along Wachusett and Chapel Streets. The environmental impacts of the 60 ANR lots were not considered in the MEPA review process. The project was subject to review pursuant to Section 11.03 (1)(b)(2) and

11.03 (5)(b)(c) of the MEPA regulations because it required a Sewer Connection/Extension Permit from the DEP and because it proposed to create more than 5 acres of new impervious surface. On June 23, 2000 the Secretary of Environmental Affairs issued a Certificate on the ENF stating that the project did not require the preparation of an EIR.

On July 20, 2005 the proponent requested an Advisory Opinion from MEPA as to whether changes to the project's sewer extension permit necessitated further MEPA review in the form of an NPC. The response from the MEPA office on July 25, 2005 directed the proponent to file an NPC that outlined the work proposed in the new sewer extension permit and that provided an update on all other aspects of the project and its environmental impacts, including land, traffic, water and wastewater based on 105 units of housing (including the 60 ANR lots), rather than the 45 units presented in the original ENF.

The NPC filed in August 2005 outlined changes to the project since issuance of the Certificate on the ENF. Development plans were modified to include the construction of the 60 original A.N.R. lots. In addition, the project now included the installation of low pressure sewer systems along sections of Wachusett Street and Chapel Street; installation of a gravity sewer system along Chapel Street north of Brice Circle; construction of four single-family homes along Wachusett Street; and the relocation of the cross-country sewer line along the end of Blair Drive. During review of the NPC, MEPA was made aware that the proponent had proposed an addition to the development, called Alden Woods II, which involved the construction of approximately 10 new homes. According to the proponent, local permits for the Alden Woods II development were under appeal, and it was uncertain whether the project would proceed. The Secretary issued a Certificate on the NPC on September 9, 2005 stating that no further MEPA review was required. The Certificate also stated that the proponent must file another NPC if the Alden Woods II proposal was approved.

To date, the proponent has installed municipal sewers along Wachusett Street and Chapel Street, developed the subdivision roadway system, installed a sewer pump station, and completed approximately 95% of the construction of the residences since MEPA review in 2005.

Project Change Description

Since the review of the NPC in 2005, the proponent has been approved for the Alden Woods II which includes the construction of 15 new single-family homes and the addition of 16 residences to the sewer extension permit that has been issued by DEP. The proponent also proposes to construct the Blair Road extension to Wachusett Street. Proposed changes will result in an additional 4.4 acres of land alteration and an additional 1.7 acres of impervious surface. The newly proposed residences will generate an additional 7,040 gallons per day (gpd) of wastewater and require an additional 7,040 gpd of water.

Jurisdiction

As a result of the Alden Woods II proposal, the total amount of impervious area created by the project is now 11.2 acres; therefore, the project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(1)(a)(2) of the MEPA regulations. The project requires a NPDES Stormwater Construction General Permit from the U.S. Environmental Protection

Agency; a Stormwater General Permit Notice of Intent for Discharges to Outstanding Resource Waters from Construction Sites (BRP WM 08B) and a modification to the Sewer Extension Permit from the Department of Environmental Protection (DEP). The project also requires an Order of Conditions from the Holden Conservation Commission. The proponent is not seeking financial assistance from the Commonwealth, and therefore MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to issues of land alteration, stormwater, wetlands and wastewater.

Waiver Request

In the current NPC, the proponent has requested that I waive the mandatory requirement to prepare an EIR for this project. Section 11.11 of the MEPA regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.11 and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that:

- (a) the Project is likely to cause no Damage to the Environment; and
- (b) ample and unconstrained infrastructure facilities and services exist to support the Project.

I have carefully reviewed the NPC, prior MEPA filings, and written comments submitted by the Department of Conservation and Recreation (DCR) Division of Water Supply Protection regarding the project's current and proposed stormwater management system, and find that the proponent has not demonstrated that the preparation of an EIR will not serve to avoid or minimize Damage to the Environment in accordance with the MEPA regulations. The NPC does not meet the standard for a full EIR waiver at 301 CMR 11.11(3)(a), and I am therefore denying the proponent's request.

I acknowledge the large amount of work that has been undertaken on this project to date, both in design and construction. This Certificate lays out a narrow Scope for the Draft EIR (DEIR) that requests more information about the project's current and proposed stormwater management system. Should the DEIR result the substantive issues outlined below, I will consider the procedural options available to me at 301 CMR 11.08 (8)(b)(2), as they may relate to the Scope for the Final EIR.

SCOPE

General

As modified by this Certificate, the proponent should prepare the Draft EIR (DEIR) in accordance with the general guidelines for outline and content found in Section 11.07 of the MEPA regulations. The DEIR should include a copy of this Certificate and of each comment received, which should be addressed in the DEIR as they are relevant to this Scope. The DEIR should contain copies of all prior MEPA filings and Certificates. The proponent should circulate the DEIR to those who received the current NPC; to those who commented on the current NPC; to municipal officials in the Town of Holden; and to any state and federal agencies from which

the proponent will potentially seek permits or approvals. In addition, copies of the DEIR should be made available at the Holden public library.

Project Description

The DEIR should include a thorough description of the project, including a detailed description of work that has been completed to date. Pursuant to Section 11.07(6)(1) of the MEPA regulations, which requires an identification of all federal, state and local permits to be sought for the project, the proponent should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The DEIR should provide an update on which of these required permits the proponent has received, and which have been applied for to date.

Stormwater

The current NPC provided an outline of the project's stormwater management system, including erosion and sedimentation controls to be implemented during construction, and a description of structural and non-structural Best Management Practices (BMPs) that will be used to manage runoff from the site.

In the DEIR, the proponent should respond to comments from DCR's Division of Water Supply Protection regarding stormwater and impacts to Outstanding Resource Waters (ORWs). The proponent should also provide a history of stormwater violations at the project site. The proponent should state whether it has submitted a Stormwater General Permit Notice of Intent for Discharges to ORWs from Construction Sites (BRP WM 08B) to DEP and provide an update on the status of that application and on the status of the Notice of Intent submitted to the Holden Conservation Commission.

The DEIR should include a detailed drainage plan that identifies stormwater discharge points and discusses the impacts of the project on Chaffins Brook, which is a tributary to the Quabbin Reservoir. The DEIR should provide drainage calculations, pre- and post-construction run off rates and a detailed description of Best Management Practices. Details concerning the assumptions used in designing the stormwater system and sufficient information to demonstrate that the system meets DEP's Stormwater Management Policy should be included in the DEIR. The proponent should submit a more detailed Erosion and Sedimentation Control Plan in the DEIR following guidance submitted by DCR.

The proponent should also provide documentation in the DEIR that problems associated with previously constructed stormwater management facilities have been addressed.

Wastewater

The original sewer extension permit submitted to DEP in July 2000 for the Alden Woods Definitive Subdivision described various lengths of proposed 8" sewer main totaling 6,750 lineal feet located along Brice Circle, Blair Drive, Alden Hill Road, Wachusett Street and cross country sewer. The permit also referenced a new sewer pump station located on Wachusett Street with 1,750 lineal feet of 6" force main sewer.

The following changes to the project's wastewater system were proposed in the 2005 NPC:

- Low-Pressure Sewer: An E/One 1000 Series Simplex 48 x 20 Fiberglass Station pump was installed on ten existing lots and four proposed lots. An E/One Model 2010 pump system was proposed for five lots along Wachusett Street.
- The proponent installed an eight-inch PVC sewer line 1,200 linear feet in length along Chapel Road between Brice Circle and Alden Hill Road.
- The cross-country sewer line was relocated to connect the sewer line at the end of Blair Drive to Wachusett Street. The sewer line is an eight-inch PVC gravity line approximately 1,326 feet in length.

The proponent submitted a new sewer extension permit to the DEP for the work outlined above. On July 15, 2005 the DEP issued a Deficiency Notice to the proponent outlining a number of issues that the proponent must address before the Department could complete its review of the permit application. In the DEIR, the proponent should provide an update on the construction of the development's wastewater system and should discuss how the project meets the performance standards for the Sewer Extension and Connection Permit program regulations at 314 CMR 7.03.

Mitigation

The DEIR should contain a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that includes 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. The DEIR should provide a schedule for the implementation of the mitigation, based on the construction phases of the project.

July 7, 2006
Date



Stephen R. Pritchard

Comments Received:

6/26/2006 Department of Conservation and Recreation, Division of Water Supply Protection

SRP/BA/ba