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September 22, 2006

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

PROJECT NAME	: Northgate Meadows
PROJECT MUNICIPALITY	: Sterling and Leominster
PROJECT WATERSHED	: Nashua River
EOEA NUMBER	: 13650
PROJECT PROPONENT	: J. Whitney Development, Inc.
DATE NOTICED IN MONITOR	: August 23, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 and Section 11.10 of the MEPA regulations (301 CMR 11.00), I determine that the above referenced Notice of Project Change (NPC) **requires** the filing of a mandatory Environmental Impact Report (EIR). By a separate Draft Record of Decision (DROD), I propose to grant a Phase I Waiver allowing the first phase of the project, as described in the NPC, to proceed to the state permitting agencies prior to completion of the EIR.

Project Description

The original project included: subdivision of a 13.5-acre parcel in Leominster into three lots for industrial use (manufacturing, research and development, and warehousing) and construction of a 158-unit residential complex consisting of 86 townhouses and 72 apartments on a 31.5-acre parcel in Sterling. The project change, as described in the NPC, consists of the expansion of the industrial subdivision (by addition of 18 lots) on an abutting 41.7-acre parcel. The industrial subdivision is being expanded to the northwest. The entire project site is now 73.25 acres. The project includes associated stormwater, utility and roadway infrastructure. Access to the site from Route 12 will be provided via Research Drive. Access will also be provided to Willard Street via an extension of Research Drive through the site (Technology Drive). The project site is located on the west side of Leominster Road on the Sterling/Leominster border. The site is comprised of relatively flat to gently-sloping topography and contains forested upland and wetland areas. Currently, a cleared portion of the site is used to store construction materials.

The NPC will increase the potential impacts of the project significantly. Land alteration will increase from 23.5 acres to 33.9 acres; creation of new impervious area will increase from 9.8 acres to 19 acres; alteration to bordering vegetated wetlands (BVW) will increase from 1,800 sf to 5,000 sf;[1] wastewater generation will increase from 39,000 gallons per day (gpd) to 53,000 gpd; water use will increase from 45,000 gpd to 61,000 gpd; traffic generation will increase from 1,716 new average daily trips (adt) to 5,196 adt; and parking will increase from 493 spaces to 1,493 spaces.

Project mitigation includes removal of wastewater inflow and infiltration (I/I), efforts to minimize impervious surfaces, construction and maintenance of a stormwater management system consistent with the MassDEP Stormwater Management Policy and wetlands replication on a 2:1 basis.

Permits and Jurisdiction

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(1), (1)(a)(2), (6)(a)(6) and (6)(a)(7) because it requires a state permit and will alter more than 50 acres of land, create ten or more acres of new impervious area, generate 3,000 or more new adt and construct 1,000 or more parking spaces. The project requires a Sewer Connection and a Sewer Extension Permit from the Department of Environmental Protection (MassDEP) and an Access Permit from the Massachusetts Highway Department (MassHighway). Also, it requires a Comprehensive Permit from the Town of Sterling Zoning Board of Appeals and an Order of Conditions from the Sterling Conservation Commission (and hence a Superseding Order of Conditions from MassDEP if the local Order is appealed).

The proponent may seek financial assistance from the Commonwealth. Therefore, MEPA has broad scope jurisdiction which extends to all significant environmental impacts potentially resulting from the project. These include land, wetlands, drainage, water quality, traffic and wastewater.

Phase I Waiver Request

The proponent has requested a Phase I Waiver with the NPC to allow construction of the apartment building and a section of the industrial subdivision to proceed in advance of the completion of the EIR. I propose to grant the Phase I Waiver as detailed in a separate Draft Record of Decision (DROD) also issued today.

SCOPE

General

The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The EIR should include a

1 Although impacts to BVW are increased overall, impacts associated with Phase I of the project have been reduced from 1,800 sf to 355 sf.

description of the proposed project (all phases including Phase I) including as much information as possible on lighting, grading and landscaping.

Project Description

The EIR should include a thorough description of the entire project and all project elements and construction phases. The EIR should include an existing conditions plan illustrating resources and abutting land uses for the entire project area and a proposed conditions plan (or plans) illustrating proposed elevations, structures, access roads, stormwater management systems, and sewage connections. The EIR should also include a site circulation plan illustrating how motor vehicles, pedestrians and cyclists will be accommodated on the site. Full size plans (not reductions) must be provided for the entire site at a reasonable scale (e.g. 40 or 60 scale).

Project Permitting and Consistency

The EIR should briefly describe each state permit required for the project and each phase of the project and should demonstrate that the project meets applicable performance standards. In accordance with section 11.01 (3)(a) of the MEPA regulations, the EIR should discuss the consistency of the project with any applicable local or regional land use plans. The EIR should also address the requirements of Executive Order 385 (Planning for Growth).

Alternatives Analysis

In addition to the Preferred Alternative and No Build Alternative, the EIR should include a reduced build alternative that minimizes impervious surfaces and impacts to wetlands through site design and other measures. For each alternative, the EIR should quantify the amount of land altered, the amount of earth work involved in meeting final grades and the amount of impervious surfaces created. The EIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land.

In particular, I encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit http://www.mass.gov/envir/lid/. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: http://www.epa.gov/owow/nps/lid/.

Wetlands and Drainage

The project, as currently proposed, may alter approximately 5,000 sf of BVW. As required by the alternatives analysis, the EIR should explore measures for minimizing wetlands

impacts eliminating construction and structures in the buffer zone and designing wetlands crossings to minimize impacts to the stream bank. The Sterling Conservation Commission will review the project for consistency with the Wetlands Protection Act (WPA).

The EIR should include plans that clearly delineate all applicable resource area boundaries including riverfront areas, buffer zones, 100-year flood elevations, water supply wells, wellhead protection areas, priority and/or estimated habitat, wetland replication areas, waterways, ponds and agricultural fields. BVW that have been delineated in the field should be surveyed, mapped and located on the plans. The EIR should quantify the project's estimated impact on each resource area. It should describe the nature of all likely impacts that cannot be avoided, including crossings, grading, overstory clearing and construction-related disturbances and whether they are temporary or permanent in nature.

Wetlands replication should be provided at a ratio of replication to alteration of approximately 2:1. A detailed wetlands replication plan should be provided in the EIR which, at a minimum, should include: replication location(s), elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence and a discussion of the required performance standards and monitoring.

The EIR should include a section on stormwater that demonstrates that source controls, pollution prevention measures, erosion and sediment controls and the drainage system will comply with the MASSDEP Stormwater Management Policy and standards for water quality and quantity both during construction and post-development. The EIR should include an operations and management plan to ensure the long-term effectiveness of the stormwater management system. The locations of detention basins, distances from wetland resource areas, and the expected quality of the effluent from the basins should be identified. The EIR should also analyze indirect impacts to wetland resource areas, irregardless of municipal boundaries, from receipt of drainage and stormwater runoff from the site.

EOT has indicated that the DEIR should include a comprehensive drainage analysis of the state highway culverts. The design should redirect, retain and infiltrate all stormwater discharge on-site to the maximum extent feasible.

Traffic and Transportation

The project will generate approximately 5,196 adt and it requires an Access Permit from MHD. The proponent must provide a traffic analysis for the entire project site. It should address previous and current comments from the Executive Office of Transportation (EOT) and the Montachusett Regional Planning Commission (MRPC), including development of a Transportation Demand Management (TDM) Program, pedestrian and bicycle access and sight distance issues at the Pratt Junction/North Row Road and along Leominster Road.

The EIR should include a traffic study prepared in conformance with the Executive Office of Environmental Affairs (EOEA)/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The traffic study should compare impacts for the various alternatives. It should identify appropriate mitigation measures for areas where the project will have an impact on

traffic operations. The proponent should provide a clear commitment to implement and fund mitigation measures and should describe the timing of their implementation based on the phases of the project. The EIR should present capacity analyses and a summary of the average and 95th percentile vehicle queues for each intersection within the study area. Any proposed traffic signal must include a traffic signal warrant analysis according to the Manual of Uniform Traffic Control devices (MUTCD). The traffic study should also include weave, merge, diverge, ramp and road segment analyses where applicable. At a minimum, the traffic study should analyze the following state highway and local roadway locations:

- Route 12/site driveways
- Willard Street/Technology Drive
- Route 12/North Row Road/Pratts Junction Road
- Route 12/Mellon Hollow Road
- Route 12I-190 southbound ramps
- Route 12/North Row Road

Also, any intersection that will experience an increase attributable to the project of 10% or more over existing traffic volumes and that currently operates at level of service (LOS) D or worse should be included.

The EIR should specify the volume of truck trips associated with the development during construction and at full build out. The EIR should discuss proposed truck routes and whether delivery hours will be limited to minimize impacts to traffic congestion and residences.

The EIR should include conceptual plans for the proposed roadway improvements and design alternatives, that should be of sufficient detail (e.g. 80 scale) to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed. Any mitigation within the state highway layout must conform to MHD standards, including but not limited to, provisions for lane, median and shoulder widths and bicycle lanes and sidewalks. The proponent should be prepared to fund the design and construction of the improvements and should identify its commitment in the EIR.

The project includes construction of 1,493 surface parking spaces. The EIR should identify the parking ratio, describe how it was developed and evaluate ways to minimize the amount of parking at the site or its impacts (such as banking some parking that would only be constructed if warranted by demand or provide structured parking).

Water Use

The ENF indicates that the project will use approximately 61,000 gpd of water. The EIR should identify the water supplier(s) for the project and demonstrate that adequate hydraulic capacity exists to serve the project. The EIR should include a map showing all private and

public water systems within a one-half mile radius of the project area and all Interim Wellhead Protection Areas (IWPAs) as well as any delineated Zone IIs within one mile of the project area.

In addition, I strongly encourage the proponent to incorporate water conservation technologies into the project design. The proponent should consult with MassDEP to ensure that the final project design meets the Commonwealth's water conservation standards, including those standards pertaining to lawn and landscape conservation. The proponent should also consider developing an Irrigation Management Plan (IMP) to reduce any irrigation water demand associated with the project. The IMP should include the use of: xeroscaping, amended soils and compost; the planting of native and drought-tolerant species of trees, shrubs, and turf grasses; an automated water efficient irrigation system; and a water management protocol for drought conditions.

Wastewater

The proponent has indicated that the project will generate approximately 53,000 gpd of wastewater. Phase I will include an on-site pump station that will pump sewage to the Leominster municipal collection system for treatment and discharge at its Wastewater Treatment Facility (WWTF). The force main will traverse privately owned land in Leominster. Wastewater associated with Phase II and Phase III will gravity flow to existing sewer lines within Jytek Drive and Willard Street and will also be treated and discharged at the Leominster WWTF. The project proponent has committed to removing extraneous flow (Infiltration and Inflow (I/I)) on a 4:1 basis. The EIR should describe how this will be achieved.

Because the pump station will be privately owned, MassDEP has indicated that submission of an operation and maintenance agreement, consistent with MassDEP's single entity ownership rule, is required to facilitate review of the Sewer Connection Permit. Submittal of this information is a requirement of the Phase I Waiver; the Sewer Extension Permit for Phase I will not be issued until this information is provided.

Construction Period Impacts

The EIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities and propose feasible measures to avoid or eliminate these impacts. The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions, which may occur during the construction activities.

Mitigation

The EIR should include 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. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

Response to Comments

The EIR should contain a copy of this Certificate and a copy of each comment received. The EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. The EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Leominster and Sterling officials. A copy of the EIR should be made available for review at the Sterling and Leominster public libraries.

September 22, 2006
Date

Robert W. Golledge, Jr.

Comments Received:

9/12/06	Department of Environmental Protection Central Regional Office (MassDEP/CERO)
9/12/06	Executive Office of Transportation (EOT)
9/11/06	Town of Sterling/Conservation Commission

RWG/CDB/cdb