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November 24, 2006

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

PROJECT NAME : Assabet River Consortium/Westboro Village
PROJECT MUNICIPALITY : Gleason Street – Westborough
PROJECT WATERSHED : Assabet River
EOEA NUMBER : 12348/13656
PROJECT PROPONENT : Westboro Village, LLC
DATE NOTICED IN MONITOR : October 25, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). The proponent has requested a Phase I Waiver to allow the first phase of the project to proceed, pending the preparation of a Comprehensive Wastewater Management Plan (CWMP)/Environmental Impact Report (EIR) for the project. The Phase I Waiver Request was presented within the Notice of Project Change submittal (NPC). In a Draft Record of Decision (DROD), also issued today, I have proposed to **grant** a Phase I Waiver with conditions allowing the proposed Westboro Village project to proceed while the DEIR for the Comprehensive Wastewater Management Plan is being prepared.

Project History

The Town of Westborough, together with the Towns of Marlborough, Hudson, Maynard, Northborough, and Shrewsbury have joined to form the Assabet River Consortium to prepare a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR, EOEA# 12348) to address short term- and long-term regional issues relating to the wastewater treatment and disposal and nutrient loading in the Assabet River on a basin-wide basis. The goals of the CWMP/EIR are to identify environmentally sustainable treatment alternatives that respond to the communities' needs, meet water quality and public health standards, reduce phosphorous loading, and increase water levels in the Assabet River and its tributaries.

The Certificate on the ENF for the Consortium required that prior to completion of MEPA review for the Consortium CWMP, projects located within the Consortium communities that seek sewer extension permits from the MassDEP will also require a Phase I waiver from the EIR requirement for the Consortium. The project proponent has requested such a waiver in a Notice of Project Change (NPC) published in the Environmental Monitor on October 25, 2006, and has provided additional information in support of that request. I note that all development projects located within the Consortium communities requesting municipal sewer service must satisfactorily demonstrate: 1) that the proposed project is located in an area proposed for municipal sewer; 2) an on-site solution is not feasible; and 3) the proponent has committed to contribute to ongoing infiltration and inflow removal (I/I) projects within the Town of Shrewsbury and will provide mitigation (2 - 4:1) for every gallon of wastewater generated by the proposed project and exported out of the basin, before being allowed to connect to the sewer system.

NPC/Phase I Waiver Request - Westboro Village Project

The proposed project was the subject of Draft and Final EIRs in 2006 respectively. The Westboro Village project involves the construction of a 522,000 square foot (sf) mixed use development consisting of 350 residential condominium units (including 70-units of affordable housing), 5,000 sf of retail space, and 10,000 sf of office space. The project is a transit-oriented development within a 0.5 mile of the Westborough Commuter Rail Station, and the proponent is proposing a sidewalk connecting to the station. The proponent proposed to donate an approximately 24-acre parcel located off of West Main Street as open space to the Town of Westborough. The proponent designed the project to comply with Massachusetts General Law Chapter 40R, The Smart Growth Zoning and Housing Production Act, and the Town of Westborough has implemented an overlay zoning district. The project site contains about 35.2 acres and is an active gravel mining area. This project required a mandatory EIR. The project required a Sewer Connection/ Extension Permit and a Water System Distribution Modification Permit from the Department of Environmental Protection (DEP). It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The proposed project will be connected to the Town of Westborough's municipal water and sewer service. It will consume approximately 122,000 new gallons per day (gpd) of water, 94,960 gpd from municipal water and 27,040 gpd from irrigation wells. The proposed Westboro Village project and the future development of a privately-owned 8-acre development parcel (Ward parcel) will generate approximately 97,000 new gpd of wastewater. A Secretary's Certificate was issued for the FEIR on August 16, 2006 and found that the FEIR adequately and properly complied with MEPA.

As described in this Notice of Project Change (NPC) submittal, the proponent is proposing to construct approximately 283 linear feet (lf) of new 8-inch gravity sewer line within the Gleason Street right-of-way to connect the project to the existing municipal sewer main located at the Gleason Street/Fisher Street intersection in Westborough.

The proponent is also proposing to upgrade the existing Otis Street pumping station and construct approximately 2,100 linear feet of 12-inch force sewer main from the Otis Street pumping station to an existing 30-inch gravity sewer located upstream of the Westborough-Shrewsbury Wastewater Treatment Facility (WWTF). The project's water supply needs and wastewater flows will be served by the Town of Westborough's water supply system and Wastewater Treatment Facility, respectively. According to the information provided in the NPC submittal, the proponent has also committed to acquire an easement on the 24-acre parcel of property the proponent transferred to the Town of Westborough (Sending Parcel) as protected open space as part of the Westboro Village project proposal for the future groundwater discharge of treated wastewater flows. This Sending Parcel is located off West Main Street, further upstream on the Assabet River, and provides access to Stump Pond. In their comments, MassDEP has indicated that the proponent will need to identify the proposed location of the proposed 12-inch force sewer main to determine, what impacts, if any, this portion of the project will have on wetland resources.

I anticipate that the MassDEP's sewer extension permitting process will include a thorough review of the proposed project and the Phase I Waiver requirements pertaining to the adequate capacity of Westborough's Wastewater Treatment Facility (WWTF) to serve the project's wastewater flows, the suitability of the on-site soils to accommodate an on-site Title 5 treatment system, and the proponent's mitigation commitments. I have reviewed the Phase I Waiver request and supporting information and I find that the amount of wastewater flow generated from the proposed project (97,000 gallons per day (gpd)), will not result in a significant increase in wastewater flow Westborough's WWTF. Based on these facts, I hereby propose to grant the request for a Phase I Waiver for the Westboro Village Project in Westborough. This Draft Record of Decision (DROD) shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

November 24, 2006

DATE


Robert W. Golledge, Jr., Secretary

Comments received:

11/14/06 Massachusetts Department of Environmental Protection – CERO

NPC #13656/12348 – Westboro Village, Westborough
RWG/NCZ/ncz