



The Commonwealth of Massachusetts

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SECRETARY

April 9, 2004

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE and DRAFT RECORD OF DECISION

PROJECT NAME : Highland Hill Project
PROJECT MUNICIPALITY : Shrewsbury
PROJECT WATERSHED : Assabet
EOEA NUMBER : 12348/13224
PROJECT PROPONENT : Highland Hill Realty Trust
DATE NOTICED IN MONITOR : January 24, 2004

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 Highland Hills residential subdivision project **does not require** the preparation of an Environmental Impact Report (EIR). As Secretary of Environmental Affairs, I have reviewed this Phase I Waiver Request from the Assabet River Consortium (EOEA# 12348) pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), and hereby **propose to grant a waiver** (as defined below), allowing this project to proceed to the state permitting agencies without requiring the completion of the Assbet River Consortium's Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the proposed project involves the development of 38 new single-family homes, and 390 surface parking spaces to be located on a 27-acre site off North Street and High Street in Shrewsbury. The project will be served by municipal water from the Town of Shrewsbury and municipal sewer from the Town of Westborough's Wastewater Treatment Facility at the rate of 18,480 gallons per day (gpd), and 18,480 gpd, respectively. The project also includes the construction of an on-site sewer pump station, approximately 3,300 linear feet of paved roadway with sidewalk, and stormwater and utility infrastructure including four detention basins. According to the information contained in the ENF, the proponent has proposed to construct two separate accessways located on North Street and High Street to serve the proposed project.

According to the information provided in the NPC, the project will be served by municipal water from the Town of Shrewsbury and municipal sewer from the Town of Westborough's Wastewater Treatment Facility at the rate of 18,480 gallons per day (gpd), respectively. The proposed project will not trigger any required EIR thresholds.

The project is undergoing review pursuant to Section 11.03 (1)(b)(2) and 11.03(5)(b)(c) of the MEPA regulations, because the project will create more than five acres of new impervious surface (6.7 acres total), and will result in the construction of ½ or more miles of new sewer mains (1.47 mi total) respectively. The project will require an Order of Conditions from the Shrewsbury Conservation Commission (and hence Superseding Order(s) from DEP if any local Orders were appealed). The project will also require a Sewer Extension Permit and a 401 Water Quality Certification from the Department of Environmental Protection (DEP). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres.

Assabet River Consortium – NPC/Phase I Waiver Request

The Town of Shrewsbury, together with the Towns of Hudson, Maynard, Northborough, and Westborough, and the City of Marlborough, 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 DEP will also require a Phase I Waiver from the EIR requirement for the Consortium.

As described in this NPC submittal, the proponent has committed to making a financial contribution to Town of Shrewsbury's ongoing infiltration and inflow (I/I) elimination program at the rate of four gallons for every gallon of wastewater generated by the project, and will pay for the removal of 70,400 gallons of I/I from the Town's sewer system.

In their comments, DEP has indicated that the proponent will also be required to incorporate additional measures to mitigate the potential impacts of this project including the installation of low flow fixtures in residences to be connected. I adopt DEP's comments as my own and condition the granting of this Waiver Request on the proponent's implementation of the mitigation measures recommended by DEP.

I find that the NPC/Phase I Waiver request contains sufficient information upon which to make a determination that the construction of this project will not constrain the Town of Shrewsbury from exercising any option in its Town-wide Comprehensive Wastewater Management Plan, and that the agency action on phase one will contain terms such as a condition or restriction in a permit, contract or other relevant document approving or allowing the agency action, or other evidence satisfactory to the Secretary, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Based on these facts, I propose to grant the waiver subject to the aforementioned findings and conditions. This Draft Record of Decision (DROD) shall be published in the April 24, 2004 issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

April 9, 2004
DATE

Ellen Roy Herzfelder, Secretary

Comments received: continued on next page

02/09/04	Massachusetts Department of Environmental Protection – CERO
02/19/04	Cornerstone Engineering
03/11/04	Cornerstone Engineering
03/16/04	Kathie Ellis
03/23/04	Henry H. Wood
03/24/04	Lisle & Terry Holgate

Comments received: contd.

03/24/04	Douglas R. Waud
03/25/04	Cornerstone Engineering
03/29/04	Robert A. Cole
03/30/04	Massachusetts Department of Environmental Protection – CERO

EOEA #12348 NPC & DROD - Highland Hills
ERH/NCZ/ncz