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January 6, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME :The Willows
PROJECT MUNICIPALITY :Ayer
PROJECT WATERSHED :Nashua
EOEA NUMBER :13686
PROJECT PROPONENT :Willow Road Development, LLC
DATE NOTICED IN MONITOR :December 7, 2005

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the proposed project involves the construction of a 97-unit condominium complex in 55 separate buildings, approximately 150 surface parking spaces (130 residents, 20 visitor), 2 individual single family house lots fronting on Willows Road, a 200 square foot (sf) maintenance storage shed, and a 400 sf gazebo. The project also includes the construction of approximately 3,900 linear feet of paved looped roadway with sidewalk, and utility and stormwater infrastructure including two detention basins, and an on-site sewer pump station. The site is a 28-acre former sand and gravel mining facility located off Willow Street in Ayer. The project's two site drives will be located 600 feet apart along Willows Road. The project's estimated water supply demand (27,390 gpd) and wastewater flows (27,390 gpd) will be served by the Town of Ayer. This project is being proposed under a Comprehensive Permit pursuant to M.G.L. Chapter 40B and approximately 25 percent of the apartment units (24 units) will be affordable.

According to the information provided by the proponent at the MEPA site visit held for this project, the development restrictions posed by the Ayer Zoning Board of Appeals will prevent further development of the remaining project site area. As a result, 68 percent of the project site (approximately 18.5 acres) will remain as permanent undeveloped open space.

The project is undergoing review pursuant to Sections 11.03 (1)(b)(2) of the MEPA regulations, because it will result in the creation of five or more acres of impervious surface area (approximately 5.2 acres total). The project will require a Sewer Connection Permit from the Department of Environmental Protection (DEP). The project will also require Orders of Conditions from the Ayer Conservation Commission (and hence Superseding Order(s) from DEP if any local Orders are appealed). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. I encourage the proponent to continue to identify additional opportunities to further reduce the project's impervious surface areas. Specifically, I ask the proponent to work closely with the Ayer Planning Board to identify opportunities to reduce the total number of surface parking spaces proposed for the project, and/or construct any proposed visitor parking spaces using pervious materials.

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to produce significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues of land alteration, water quality, and wastewater.

Stormwater:

According to the information provided in the ENF and supplemental information submitted to the MEPA Office in response to comments made at the MEPA site visit held for this project, the proponent's stormwater management plan incorporates both structural and non-structural best management practices (BMPs) consistent with DEP's Stormwater Management Act Guidelines and the Wetlands Protection Act performance standards. The proposed stormwater management plan includes drainage swales, periodic road sweeping, deep sump hooded catch basins, and a total of two stormwater detention basins to service the project's stormwater flows for eventual discharge to Bordering Vegetated Wetlands (BWV) abutting the project site's eastern boundary.

The proponent should continue to explore additional opportunities for incorporating Low Impact Development (LID) techniques in site design and storm water 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. LID can also protect natural resources by incorporating wetlands, stream buffers, and mature forests as project design features. In addition to the use of permeable surface parking materials and landscaped bioretention areas to significantly reduce the total amount of impervious area and stormwater runoff from the proposed project, I strongly encourage the proponent to consider the use of swales, filter strips, depressed parking islands, and porous pavement throughout the project site. I encourage the proponent to contact EOEAs LID Technical Assistance Initiative for more information on LID.

Wetlands:

As described in the ENF, the project will not result in the alteration of bordering vegetated wetlands (BVW) resource areas. Portions of the proposed construction activities will result in the alteration of approximately 24,750 sf of Riverfront Area to Bennett's Brook for grading and roadway construction, sewer main and stormwater management infrastructure. The proponent has committed to provide approximately 50,700 sf of on-site wetland restoration consisting of removal of invasive species, loaming, reseeding, and native shrub and tree plantings as mitigation for project impacts to the Riverfront Area.

Water:

The project's water supply (approximately 27,390 gallons per day (gpd)) will be provided by the Town of Acton's municipal water system. I expect that DEP's permitting process will require the proponent to demonstrate that the Town of Ayer has sufficient capacity to meet the project's potable water supply needs.

The proponent should consult with DEP to ensure that the final project design meets the Commonwealth's water conservation standards. The proponent should consider implementing a proposed Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. An IMP could involve the use of: 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.

I encourage the proponent to incorporate water conservation and water use efficiency in the project design to optimize and comply with the March 1989 State

Plumbing Code. The proponent should commit to employing efficient residential water conservation technologies for the project including: water saving devices; low flow toilets; and low flow appliances (dishwashers, washing machines) for all proposed new construction.

Construction Period:

The proponent should evaluate construction period impacts, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses, and analyze feasible measures that can be employed to avoid or eliminate these impacts. The proponent should coordinate construction activities with town officials and abutting property owners.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report. The proponent can resolve any remaining issues in the permitting process.

January 6, 2006

Date


Stephen R. Pritchard, Secretary

Comments received:

01/03/06 Department of Environmental Protection - CERO

SRP/NCZ/ncz
EOEA #13686