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February 22, 2007

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

PROJECT NAME : Assabet Consortium Comprehensive Wastewater Management Plan/Bartlett @ 495 Center  
PROJECT MUNICIPALITY : Northborough  
PROJECT WATERSHED : Assabet  
EOEA NUMBER : 12348/13557  
PROJECT PROPONENT : Assabet River Consortium/Northborough Land Realty Trust, an affiliated entity of the Gutierrez Company  
DATE NOTICED IN MONITOR : January 9, 2007

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 hereby 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 Bartlett at 495 Center project to proceed while the DEIR for the Comprehensive Wastewater Management Plan is being prepared.

The proposed project site is one of several parcels of land owned by the proponent in the Northborough/Marlboro area. An ENF was filed by the proponent for a development on an adjacent property, Hillside at 495 Center (EOEA# 12916). The Secretary's Certificate on the ENF for that project (February 14, 2003) required preparation of an Draft and Final EIR (DEIR, FEIR) to discuss the full impacts of the Hillside at 495 project as well as the potential cumulative infrastructure impacts and site planning issues arising from the full build-out of the remaining four development parcels owned by the proponent.

According to the Secretary's Certificate, the DEIR is to function as a "master plan" to guide the layout and development of the land area along the Bartlett Street and Forest Street corridors in a manner that minimizes overall impacts. I note that on February 6, 2007 the proponent submitted a DEIR for the Hillside at 495 Center project to the MEPA Office. That DEIR is currently under MEPA review.

#### Assabet River Consortium – NPC/Phase I Waiver Request

The Town of Northborough and the City of Marlborough, together with the Towns of Hudson, Maynard, Shrewsbury, and Westborough have joined to form the Assabet River Consortium to prepare a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR, EOE# 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. The project proponent has requested such a waiver in a Notice of Project Change (NPC) published in the Environmental Monitor on December 24, 2002, and has provided additional information in support of that request.

#### Bartlett at 495 Center/Notice of Project Change

The proposed project involves construction of a one-story warehouse/distribution facility of approximately 220,000 square feet (sf) on a 32-acre site located on Bartlett Street in Northborough. Other components of the project include construction of a site access driveway, 213 parking spaces, stormwater management facilities, utilities, and landscaping. Municipal water and sewer will be provided to serve the development. The project's wastewater will be conveyed from Northborough to the Marlborough sewer system. Traffic impacts are estimated at 1,160 vehicle trips per day. Water use is estimated at 4,900 gallons per day (gpd) and wastewater generation is estimated at 4,500 gpd. The July 22, 2005 Secretary's Certificate on the Environmental Notification Form (ENF) submitted for this project required the proponent to submit a Notice of Project Change (NPC) for the sewer extension component of this project as required by the Secretary's Certificate on the ENF for the Assabet River Consortium Comprehensive Wastewater Management Plan (CWMP), issued on January 24, 2001 (EOEA# 12348).

As described in this NPC, the project change consists of the construction of approximately 850 linear feet (lf) of 8" gravity sewer main extension (790 lf – Northborough, 60 lf Marlborough) to service the proposed warehouse/distribution facility located on Bartlett Street in Northborough. The proposed sewer extension will connect to existing municipal sewer facilities located within the Bartlett Street right-of-way in Northborough and Marlborough.

The wastewater flow from the project site will be conveyed to the Marlborough municipal sewer system for treatment and disposal at the Marlborough Westerly Waste Water Treatment Facility (Westerly WWTF). The proposed sewer extension project does not exceed any MEPA review thresholds. The proponent will need to provide MassDEP with a detailed description of the water use and wastewater generation characteristics associated with the proposed warehouse/distribution facility.

I note that the Town of Northborough and the Town of Marlborough have a joint agreement to share the capacity of the Marlborough Westerly Wastewater Treatment Plant (WTP). The Town of Northborough has agreed to allocate capacity from their allotment under the agreement to accommodate the proposed project. The City of Marlborough has initiated efforts to create additional capacity at its Westerly Treatment Facility through the use of flow diversion projects. These include the Lake Williams Pump Station wastewater flow diversion project, which, upon completion, will divert approximately 120,000 gpd of wastewater flow from the City's Westerly Wastewater Treatment Facility (which discharges wastewater to the Assabet River) to its East Wastewater Treatment Facility, which is operating sufficiently below its permitted capacity and discharges to Hop Brook, a tributary to the Sudbury River. According to comments received from the Department of Environmental Protection (MassDEP), the proponent's proposed sewer connection will require flow metering and a contractual agreement with the Town of Marlborough. The proponent will need to respond to MassDEP's comments during permitting.

### Rare Species

The Blue-spotted Salamander (*Ambystoma laterale*) and Four-toed Salamander (*Hemidactylium scutatum*) have been documented to occur on the proposed project site. These salamanders are listed as species of "Special Concern" pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). The proponent has worked closely with NHESP regarding rare species impacts and has proposed a Rare Species Conservation Plan that will provide for the permanent protection of rare species habitat through the placement of a Conservation Restriction (CR) on a portion of the project site and on adjacent property. The total area of land to be placed under CR is approximately 25.3 acres (including approximately 12.4 acres of upland). The proponent has also committed to provide partial funding for a Four-toed Salamander conservation research project to be conducted by the University of Massachusetts. NHESP anticipates issuing a Conservation & Management Permit for the proposed project subject to the proponent's implementation of the proposed Rare Species Conservation Plan and the proponent's submission of a final Conservation & Management Permit application to NHESP. I will condition my granting of the proponent's waiver request on the proponent's implementation of the proposed Rare Species Conservation Plan and the proponent's submission of a final Conservation & Management Permit application to NHESP.

Historical and Archaeological Resources

The northern boundary of the project site abuts a segment of the Wachusett Aqueduct Linear District, which is listed in the National and State Registers of Historic Places. In their comments on the NPC, the Massachusetts Historic Commission (MHC) indicated that an historical period archaeological site (Filtration Plant, NBO.HA.3) is located in the southeast corner of the project site. According to MHC, the proponent has consulted with MHC and has relocated the sewer easement further south and within the Bartlett Street right-of-way. The project as currently designed will avoid impacting the Filtration Plant site, and will have no adverse impacts to significant historic or archaeological resources.

I have reviewed the waiver request and supporting information and I find that the request has merit, that the impacts of Phase I are insignificant, that ample and unconstrained infrastructure exists to support Phase I, and that implementation of Phase I does not require implementation of future phases or limit potential mitigation for future phases. Based on these facts, I hereby grant the request for a Phase I waiver for the warehouse/distribution facility project located on Bartlett Street in Northborough.

February 22, 2007  
DATE

  
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Ian A. Bowles, Secretary

Comments Received

- 02/01/07 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP)
- 01/29/07 Department of Environmental Protection (MassDEP) – CERO
- 01/08/07 Massachusetts Historical Commission (MHC)
- 01/31/07 Massachusetts Historical Commission (MHC)

IAP/NCZ/ncz  
#12348/13557 NPC – Assabet Consortium CWMP/Bartlett @ 495 Center