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March 7, 2008

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

PROJECT NAME : Rockwood Meadows
PROJECT MUNICIPALITY : Upton and Hopkinton
PROJECT WATERSHED : Mill River Basin
EEA NUMBER : 14185
PROJECT PROPONENT : LLD Land Development Corporation
DATE NOTICED IN MONITOR : February 6, 2008

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 proposed project consists of a 62-unit senior housing development on a 78.7-acre site (the former Amato Farm site) which is located partially within the Town of Upton (55.5 acres) and partially within the town of Hopkinton (23.2 acres). The project as proposed in the Environmental Notification Form (ENF) includes construction of 20 single-family homes and 22 duplex buildings, a community building, on-site water supply wells and an on-site septic system, roadways and stormwater infrastructure, and approximately 0.38 miles of new water and sewer mains.

The project will result in alteration of approximately 21 acres of land (including creation of 6.4 acres of new impervious area) and alteration of 3,270 square feet (sf) of Bordering Vegetated Wetlands (BVW). The project will result in generation of approximately 387 new vehicle trips per day and involves construction of 182 parking spaces. Approximately 61 acres of the project site will be placed under a Conservation Restriction (CR).

The project is undergoing MEPA review pursuant to Section 11.03 (1)(b)(2) because it will result in creation of five or more acres of impervious area. The project requires a New Source Approval from the Massachusetts Department of Environmental Protection (MassDEP) for the proposed water supply well. The project requires an Order of Conditions from the Upton

Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The project may require a Groundwater Discharge Permit from MassDEP.

The project will not receive financial assistance from the Commonwealth of Massachusetts and does not require a land transfer from an agency of the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project within the subject matter of any required Permit that are likely to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to land and stormwater, water supply, wetlands, and wastewater.

All of the project's proposed buildings will be located on the Town of Upton portion of the project site. The drinking water wells, approximately 463 feet of the roadway and its utilities, and a small portion of a drainage basin will be located in the Town of Hopkinton. According to the ENF, all of the project's infrastructure including the proposed septic system, drinking water wells, roadway and stormwater infrastructure, will be privately owned and operated by a homeowners association.

The ENF indicates that water demand for the proposed project is estimated at 16,120 gallons per day (gpd). The project requires several permits from MassDEP for the proposed water supply. As noted in the MassDEP comment letter, requirements that need to be addressed during the permitting process include but are not limited to: water quality; compliant zone-1; fire flow; minimum distribution pressure; and storage capacity. The project will need to meet the requirements of the Massachusetts Drinking Water Regulations at 310 CMR 22.00 and the Guidelines and Policies for Public Water Systems. I refer the proponent to the MassDEP comment letter for additional information on the New Source Approval Permitting Process and other permits that may be required for water treatment and distribution.

The ENF indicates that the project will generate 10,000 gpd of wastewater. As noted in the MassDEP comment letter, systems serving a facility with a design flow of 10,000 gpd or greater shall be approved by MassDEP. In its response to comments letter (dated February 27, 2008) the proponent indicates that the number of seats in the community center will be reduced so that wastewater flow will be 9,950 gpd, and that the plan will be resubmitted to the Upton Board of Health for re-approval. The proponent should provide the new calculations to MassDEP and consult with MassDEP regarding permitting requirements for the project's wastewater system.

The project site is not currently mapped as Priority or Estimated Habitat and NHESP does not have any rare species concerns associated with the site. However, as further detailed in the comment letter from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), there are fisheries resources in the vicinity of the project including North Pond and the Mill River. Fisheries surveys have yielded 15 species in the Mill River, which is stocked annually with trout, and 13 species in North Pond, which is a significant recreational fishery. The proponent should ensure that the project does not in any way diminish the ability of the Mill River to support stocked trout species. Best Management Practices (BMPs) for erosion and sedimentation control should be adhered to during test well drilling and pump

tests for the water supply wells. All surface water resources in the vicinity of the well (or wells if more than one is proposed) should be monitored for potential impacts.

The proponent should ensure that BMPs for erosion and sedimentation controls are adhered to during all phases of construction to minimize potential impacts to fishery resources. All in-stream work should be conducted during low flow periods. The project should be designed to meet the culvert replacement recommendations in the Massachusetts River and Stream Crossing Standards: Technical Guidelines, August 6, 2004 as further detailed in the NHESP letter. If the project will result in alteration of the streambed, the existing grade should be maintained.

The project will result in alteration of 3,270 sf of BVW associated with the roadway crossing to reach the rear portion of the site. The proponent considered alternatives, including a site configuration that would eliminate the need for a crossing and reduce impervious area. The proposed design was selected as the preferred alternative in part to retain the open fields near the existing roadway for a potential community farm, and to provide the required protective zone for the water supply well (the open fields at the front of the site will be placed under a CR).

The project has received an Order of Conditions from the Town of Upton (an Order is not required from the Town of Hopkinton). The Town of Hopkinton Conservation Commission, in its comment letter, highlighted the importance of appropriate stormwater management and erosion control techniques, during and after construction, to protect adjacent wetlands and receiving streams. I encourage the proponent to consult with the Hopkinton Conservation Commission regarding its comments and to provide the Commission with additional information on the proposed site plan, erosion controls and stormwater management system. In its response to comments, the proponent indicates that the project will meet all of the standards in the MassDEP Stormwater Management Guidelines.

The proponent has committed to measures to avoid, minimize, and mitigate environmental impacts, including:

- wetlands replication at a 2:1 ratio;
- erosion control matting, double rows of haybales and silt fencing, and a construction sequencing plan;
- stormwater recharge on-site with a stormwater management system designed in accordance with MassDEP stormwater management standards. The system will include deep-sump hooded catch basins for the roadways and four basins with sediment forebays that will provide infiltration and retention;
- 61 acres of the 78-acre site will be placed under a Conservation Restriction (CR). Portions of the CR area may be used for future agricultural activities and the protected area includes a public walking trail system that will connect to other conservation areas in the vicinity of the site.
- Donation of a van to the Upton Council on Aging;
- \$25,000 contribution to the School Street/West Main Street intersection design and construction in Hopkinton.

I am satisfied that the ENF has adequately described the general nature of the proposed project and proposed measures to avoid and minimize, or mitigate environmental impacts, and that any remaining issues can be adequately addressed during the permit process. The proposed project, as described in the ENF, requires no further review under MEPA.

March 7, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

2/13/08	Department of Environmental Protection, Central Regional Office
2/21/08	Town of Hopkinton Conservation Commission
2/27/08	Allen Engineering, on behalf of proponent (Response to Comments)
3/05/08	Division of Fisheries and Wildlife, NHESP

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