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May 23, 2008

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

PROJECT NAME : J & K Corner
PROJECT MUNICIPALITY : Holden
PROJECT WATERSHED : Wachusett
EEA NUMBER : 14177
PROJECT PROPONENT : J & K Ventures
DATE NOTICED IN MONITOR : April 23, 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 construction of a two-story commercial building expansion (4,288 gross square feet) and 22 parking spaces, and will include excavation, vegetation removal, septic tank relocation, increased impervious area and storage of solid waste. The proposed project is located within Riverfront Area, within 200 feet from the bank of a tributary to the Wachusett Reservoir, and within the Zone A of a public water supply. Bordering Vegetated Wetlands on-site are considered Outstanding Resource Waters (ORW).

The project is under environmental review pursuant to Section 11.03(4)(b)(6) because it will result in alteration requiring a variance in accordance with the Watershed Protection Act from the Department of Conservation and Recreation (DCR). The project also requires an Order of Conditions from the Holden Conservation Commission (and, on appeal only, a Superseding Order from the Massachusetts Department of Environmental Protection). The project requires an Access Permit from Massachusetts Highway Department for access to Route 122 A. MEPA jurisdiction is limited to the subject matter of state agency permits and extends to water supply, wetlands, water quality, transportation, land and stormwater.

The proponent submitted a Notice of Project Change (NPC) in response to my Certificate on the Environmental Notification Form (ENF), dated March 7, 2008, in which I determined that the project did not appear to be permissible as proposed and required an NPC if the proponent chose to proceed with a redesigned project. As presented in the NPC, the proponent has made



changes to the project design that are intended to further avoid, minimize and mitigate potential impacts, including:

- Eliminating the driveway and 9 parking spaces (# 23-31) proposed in a portion of Riverfront Area off Bond Street;
Installing paving instead of pervious surfaces for parking;
Redirecting roof runoff into a stormwater system; and
Installing a Stormceptor unit.

According to the NPC, the project will result in approximately 0.13 acres of new impervious area on a 1-acre site. The proposed project is located entirely within Riverfront area and includes approximately 7,025 square feet of alteration, of which 1,462 sf is for the building expansion and 5,563 sf is associated with new parking facilities. The NPC continues to characterize the project as a redevelopment of degraded Riverfront Area.

Comments from the Department of Conservation and Recreation (DCR) indicate that the project continues to appear to be inconsistent with applicable stormwater management standards and regulatory requirements for work in Riverfront Area. Nevertheless, it is not apparent that the submission of additional information or analysis in an EIR would serve to advance the purpose of MEPA review. Therefore, based on my review of the NPC and comment letters received, and after consultation with DCR, it is my determination that the NPC provides adequate information to allow state agencies to take agency action, including formal determinations regarding the permissibility of the project. No further MEPA review is required.

Pursuant to the MEPA regulations at 301 CMR 11.10, the proponent may be required to file an NPC if there is a material change to the project prior to the taking of agency actions on the project.

May 23, 2008

DATE



Ian A. Bowles, Secretary

Comments received

5/13/2008	Department of Conservation and Recreation (DCR)
5/16/2008	Executive Office of Transportation
5/21/2008	Montachusett Regional Planning Commission

IAB/DBB/ac