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June 2, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
 ON THE  
 FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Woodlands at Laurel Hill  
 PROJECT MUNICIPALITY : Acton and Westford  
 PROJECT WATERSHED : Merrimack and SuAsCo  
 EOEА NUMBER : 13414  
 PROJECT PROPONENT : The Woodlands at Laurel Hill LLC  
 DATE NOTICED IN MONITOR : April 26, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

The proposed project involves development of 444 residential units on an approximately 74-acre site (in Acton and Westford). The project will result in approximately 36 acres of land alteration including approximately 16 acres of new impervious area and approximately 20 acres of alteration of previously cleared and graded land (previously altered for a planned office park development). Traffic impacts are estimated at an average of 3,036 vehicle trips on an average weekday and the project includes construction of 850 new parking spaces. The average daily water demand for the project is estimated at 40,698 gallons per day (gpd) for domestic water (peak day flow is estimated at 81,395 gpd). An interbasin transfer of water (approximately 15,080 gpd) is proposed from the Merrimack watershed to the SuAsCo watershed to serve the proposed Westford residential units. The Acton portion of the project will be served by the Acton Water District. Irrigation water demand is estimated at 27,065 gpd during summer months and will be supplied by on-site wells. Wastewater generation is estimated at approximately 40,698 gpd (81,395 gpd peak day flow) and an on-site wastewater treatment facility (WWTF) is proposed with approximately one mile of new sewer main. The project site includes 3 vernal pools and priority habitat for rare species. A Conservation Restriction (CR) is being proposed for approximately 32 acres of the project site.

The project is undergoing MEPA review and requires a mandatory EIR pursuant to Section 11.03 (1)(a)(2) of the MEPA regulations because it involves creation of 10 acres or more of impervious area and Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project is also undergoing MEPA review pursuant to Section 11.03 (1)(b)(1) because it involves alteration of 25 acres or more of land and Section 11.03(2)(b) because it will involve a "take" of a species of special concern, Section 11.03(4)(a)(2) because it may involve a new interbasin transfer of water determined to be significant by the Water Resources Commission, and Section 11.03(5)(b)(3)(c) because it involves construction of ½ mile or more new sewer mains.

The project requires a 401 Water Quality Certification, a Groundwater Discharge permit, and a Water Supply Distribution System Modification permit from the Department of Environmental Protection (DEP). The proponent is requesting a Determination of Insignificance from the Water Resources Commission (WRC) for an inter-basin transfer. The project requires Orders of Conditions from the Acton and Westford Conservation Commissions (and on appeal only, a Superseding Order from DEP). The project requires a Massachusetts Highway Department (MHD) Access Permit and a Conservation and Management Permit from Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). The project also requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The project involves financial assistance from the Commonwealth. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA regulations.

### Transportation

In response to the comments on the Draft EIR (DEIR), the proponent conducted additional data gathering relating to delays and intersection operations at the intersection of Route 2A/119 (Great Road at Nashoba Road) and further refined mitigation commitments. The FEIR included a traffic report on the "Build with Mitigation" scenario for the Route 2A/Route 119/Nagog Park Drive intersection. The FEIR also included a traffic signal plan and concept plan showing proposed roadway improvements as requested by the Executive Office of Transportation (EOT). EOT has determined that the FEIR has adequately addressed its comments on the DEIR regarding traffic operations and the capacity of the Route 2A/Route 119/Nashoba Road intersection. The proponent also provided a map as requested that depicts proposed on-site sidewalks and bicycle routes and demonstrates how they connect to the neighboring office park, residential development, and the existing Bruce Freeman bike trail in Acton. The FEIR also included a Letter of Commitment to EOT (summarized in the mitigation section below), which will be used by MassHighway in development of Section 61 Findings for the project.

### Water Supply

The proposed project will obtain water from the Action Water District to serve the portion of the development located in Acton. The portion of the project located in Westford will

be served by the Littleton Water Department. The proposed water supply from Littleton constitutes an inter-basin transfer because Littleton's water supply sources are located in the Merrimack River basin (the proposed project site is located in the SuAsCo River basin.) The project is thus subject to review and approval by the Water Resources Commission (WRC). The proposed inter-basin transfer is 15,080 gallons per day. The proponent submitted an Interbasin Transfer Act, Request for Determination of Insignificance as part of the DEIR and provided additional information in the FEIR as requested by the WRC. As further detailed in its comment letter, the WRC has sufficient information to proceed with its review and will have 90 days to rule on the Request for Determination of Insignificance after MEPA review of the project is complete.

The FEIR estimates irrigation needs at 27,065 gallons per day during summer months. As further detailed in the DEP comment letter, this may be an over-estimate and DEP suggest that irrigation needs should be approximately 20,028 gpd during summer months. The proponent should re-evaluate the irrigation estimates and consult with the Acton Board of Health regarding registration of the private irrigation wells. The proponent should install meters on irrigation wells to document that the volume of water used is less than threshold. As noted by DEP in its comment letter, residents of Acton and Westford will be required to follow the conservation measures imposed in their respective towns. The proponent has committed to water conservation measures for the proposed project as further detailed in the mitigation section below.

#### Rare Species

The Natural Heritage and Endangered Species Program (NHESP) is satisfied that the proposed project and associated mitigation meets the standards for issuance of a Conservation and Management Permit. However, NHESP noted that the plans attached to the FEIR do not appear to reflect the changes made to the Conservation Restriction (CR) boundaries as indicated in the FEIR text. As discussed in the FEIR, the proponent modified site plans to include additional areas within the proposed CR area, which is approximately 32 acres. The "arm-like" extension near the proposed WWTF (as shown on the Master Plan in FEIR) is now included in the CR. In addition, an area adjacent to a vernal pool and potential breeding area near Durkee Lane has also been included in the CR. The proponent should submit revised plans to NHESP that reflect the most recent CR boundary revisions as discussed with NHESP. Revised plans with final CR boundaries should be submitted to the MEPA office also for the project file. The proponent should provide NHESP with detailed information on the proposed Blue-spotted Salamander long-term monitoring plan and the proposed on-site breeding pool enhancement. This information will be required by NHESP prior to issuance of a Conservation and Management Permit.

#### Wetlands and Stormwater

The FEIR included additional information on wetlands and stormwater including information on existing conditions, drainage analysis, site alterations and the proposed stormwater management system. The FEIR also provided information to demonstrate how the project will comply with the DEP Stormwater Management Policy standards. The FEIR provided an update on the Notice of Intent (NOI) process and Order of Conditions issued from

the Acton Conservation Commission. The proposed project also requires an Order of Conditions from the Westford Conservation Commission and an NOI has been filed by the proponent.

The proposed project involves work in the wetlands buffer zone (approximately 4 acres of alteration). No work is proposed in Riverfront Area. As noted in the FEIR, a proposed irrigation well has been moved away from Spoon Pool to avoid adverse impacts to this resource area. The project includes wetlands construction and enhancement of an existing wetlands area (which developed from a partially completed detention basin associated with a previous development). The constructed wetlands area will serve as a component of the project's stormwater attenuation and treatment system. As further detailed in the FEIR, the proposed project will be designed to comply with the Phase II of the National Pollutant Discharge Elimination System (NPDES) and the DEP Stormwater Management Policy. The project has been designed to promote groundwater recharge through direct recharge of rooftop runoff into subsurface recharge structures and use of recharge wicks in drainage basins.

### Mitigation

The FEIR provided additional details and commitments to mitigation, and included electronic versions of draft Section 61 Findings. As further detailed in the FEIR, the proponent has committed to a range of mitigation measures including:

#### *Rare Species*

- A significant project footprint reduction in and near rare species habitat;
- Permanent protection of 32 acres of blue-spotted Salamander habitat under a Conservation Restriction;
- Long-term monitoring of Blue-spotted Salamander population;
- On-site habitat restoration and enhancement;
- On and off-site field studies and monitoring;
- Construction monitoring, timing and adaptive methods to avoid impacts to rare species.

#### *Water Supply*

- Water efficient plumbing fixtures;
- Education of residents using the *DEP Massachusetts Drought Management Task force Tips for Saving water – Indoor and Outdoor*;
- Ecological landscaping design approaches that minimize irrigation needs, including use of drought-resistant species and water conservation devices such as rain gages, cut-off valves, and timers;
- Landscaping that conforms to the Massachusetts Water Resource Commission's Policy and Guidelines for Lawn and Landscape Conservation
- An Irrigation system that conforms to the Turf and Landscape Irrigation Best Management Practices as set forth by the Irrigation Association

#### *Wetlands and Stormwater*

- Erosion and sedimentation controls and other construction mitigation measures;
- Drainage improvements on Westford Road and Durkee Lane;
- Improvements to existing dysfunctional detention basins;

- Project design that avoids direct wetlands alteration and minimizes work in buffer zone;
- Vegetated parking lot islands;
- Structural and operational Best-Management-Practices for construction and on-going maintenance of the Stormwater System, which will meet or exceed water quality standards of the Massachusetts Stormwater Policy;
- A Stormwater Pollution Prevention Plan;
- Integrated Pest Management and Fertilizer Management Plans.

### *Wastewater*

As further detailed in the FEIR, the proponent has committed to:

- Comply with DEP guidance on WWTF ownership and financial operations;
- Institute sewer use regulations prior to facility start-up;
- Ensure facility meets permitted effluent limits under a range of flow and influent loading conditions, including the initial plant start-up period;
- Provide a system with an adequate level of redundancy in accordance with DEP regulations and design guidelines;
- Work with a licensed WWTF Operator, in accordance with DEP Groundwater Discharge Permit regulations, to maintain facility and ensure effluent quality;
- Design a state-of-the-art treatment process to meet or exceed permitted nutrient limits;
- Design effluent disposal system to ensure no emergent groundwater conditions.

### *Transportation*

As further detailed in the FEIR, the proponent has committed to:

- Modify traffic signal at Great Road and Nagog Park Drive;
- Construct site access driveway intersection with Nagog Park Drive (24-foot minimum width with signage/stripping to conform to standards and signage/landscaping designed to avoid any restriction of line of sight);
- Widen of Great Road to provide southbound left turn into Nonset Path (north) and reconstruction of existing sidewalk;
- Reconstruct portions of Westford Road and Durkee Lane;
- Implement a Transportation Demand Management (TDM) program, which will include ridesharing, public transportation, and bicycling. TDM measures the proponent will implement include: designation of a Transportation Campus Manager; dissemination of promotional TDM materials to residents; participation in MassRides; concierge services; and evaluation of demand for a shared car service such as ZipCar.
- Incorporate sidewalks to promote pedestrian access to nearby office, restaurant, retail, daycare and recreational facilities.

### Sustainable Design

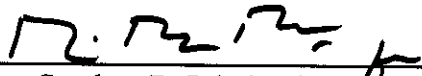
The FEIR proposes a range of sustainable design elements including water conservation measures, ecological landscaping, vegetated islands in parking areas, waste management and recycling, and a TDM program. I commend the proponent for its efforts in this regard and

encourage the proponent to continue to evaluate alternatives design elements that will promote sustainable development. Given the high concentration of residential units proposed, this project presents a good opportunity to serve as a model for high-performance/green building in Massachusetts. I encourage the proponent to contact the EOEA Policy Office for assistance in identifying resources and models to support sustainable project design, and to consider EnergyStar Certification and Leadership in Environmental Design (LEED) Certification for Homes for the proposed development

I am satisfied that the Final EIR adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. State agencies should forward copies of the final Section 61 Findings to the MEPA Office for completion of the project file. The proposed project requires no further review under MEPA and may proceed to state permitting.

June 2, 2006

DATE

  
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Stephen R. Pritchard, Secretary

Comments Received:

5/11/06	Water Resource Commission
5/15/06	Department of Environmental Protection, Central Regional Office
5/22/06	Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
5/23/06	Executive Office of Transportation, Office of Transportation Planning
5/26/06	Northern Middlesex Council of Governments

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