



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT
GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

June 22, 2007

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

PROJECT NAME : The Meadows at Harris Pond Estates
PROJECT MUNICIPALITY : Blackstone
PROJECT WATERSHED : Blackstone River
EOEA NUMBER : 14029
PROJECT PROPONENT : **Onyx Building Corporation**
DATE NOTICED IN MONITOR : May 23, 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 determine that this project does not require the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the proposed project entails the development of a 94-unit residential subdivision, consisting of 84 single-family homes and five duplexes (10 units), and associated infrastructure on a 134-acre site on the east side of Farm Street and abutting the Mill River and Harris Pond in Blackstone. Forty acres of the site were previously used as a sand and gravel pit. The remainder of the site is forested. Approximately 47 acres of the site will be developed, with the remainder to be left as open space and donated to the Town of Blackstone. The proponent will construct a trail system through the open space for non-motorized recreation. An existing unoccupied house and outbuilding will be demolished in order to provide access to the site from Park Street.

MEPA Jurisdiction and Permitting Requirements

The project is undergoing review pursuant to 301 C.M.R. 11.03 (1)(b)(2) and 11.03 (5)(b) (3)(c) of the MEPA regulations, because it will result in the creation five or more acres of impervious area and because it entails the construction of more than one-half mile of new sewer mains not within the right-of-way of existing roadways. The project will require a Sewer Extension/Connection Permit from the Department of Environmental Protection (MassDEP) and an Order of Conditions from the Blackstone Conservation Commission (and hence a Superseding Order from MassDEP if the local Order is 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. The proponent is not seeking state funding or financial assistance for the proposed project. MEPA jurisdiction therefore is limited to those aspects of the project within the subject matter of any required or potentially required state permits that have the potential to produce significant damage to the environment (land, rare species, wetlands, and wastewater).

Land

The project site contains 134 acres, 46 of which were previously used for earth removal operations. The proposed project will occupy 26 acres of this previously altered area, and the remaining 20 acres will be restored in accordance with the Special Permit issued by the Blackstone Planning Board and constitute part of the designated open space that the proponent will donate to the Town of Blackstone. The ENF indicated that the project will alter 48.5 acres of land. However, in a letter submitted on behalf of the proponent, the site engineer states the project will actually result in the alteration of 22.5 acres (not 48.5 as stated in the ENF), as 26 acres to be occupied by the proposed development were previously disturbed by the previous earth removal operations.

The Blackstone Planning Board issued a Special Permit for a Flexible Residential Development on this site in October, 2004, that minimizes impervious surfaces and other impacts to land to the greatest extent possible by providing for smaller lots, reduced roadway widths, shorter driveways, and the use of porous concrete for sidewalks. The proposed roadway width of 22 feet is less than the 26 feet required by conventional zoning while the average proposed lot size of 26, 145 square feet (sf) is less than the 35,000 and 65,000-sf lots required under conventional zoning. I commend the proponent for pursuing a reduced build alternative for the development of this site, thereby allowing more than half the site to be preserved as open space.

Endangered Species

A portion of the project site is located within Priority Habitat and Estimated Habitat for the American Brook Lamphrey, the Freshwater Mussel, and the Triangle Floater, all of which are protected under the Massachusetts Endangered Species Act (MESA) and all of which require

good water quality in the Mill River in order to ensure their survival there. Although no development is proposed in areas mapped as Priority and Estimated Habitat, in its comments, the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP) states that it expressed concerns to the proponent during the MESA review process about potential impacts to water quality associated with overflow from detention basins, the proposed crossing of the intermittent stream, and clearing within the riverfront area in association with stormwater management controls. NHESP is currently reviewing revised project plans and additional information submitted by the proponent, and has not yet determined if the project will result in a "take", thereby requiring a Conservation and Management Permit. If NHESP determines that the project will result in a "take", the proponent should contact the MEPA office to determine if the project would be subject to further review under MEPA in the form of a Notice of Project Change (NPC).

Wetlands

The project has been designed to avoid wetland resource areas on the site, but proposes a roadway crossing over an intermittent stream that will affect 45 linear feet of Bank. The proponent will submit a Notice of Intent (NOI) to the Blackstone Conservation Commission.

Wastewater

According to the ENF, the project will generate approximately 39,160 gallons per day (gpd) of wastewater and will require a Sewer Extension Permit from MassDEP. However, the ENF does not specify where the proposed sewer main(s) will be located nor whether any pump stations will be required. In a letter submitted on behalf of the proponent, the site engineer states that the project will utilize a low-pressure sewer system that will be located within the subdivision roadways and that will travel cross-country along the old railroad bed adjacent to the site, cross Farm Street, and continue along the railroad bed to the Castle Hill Condominiums where it will connect with the municipal gravity sewer system. This sewer main will transport wastewater flows from the project to the wastewater treatment facility located in Woonsocket Rhode Island, with which the Town of Blackstone has an inter-municipal agreement. The proponent should provide full details of the proposed wastewater plan in its application to MassDEP for a Sewer Extension Permit.

Water

The ENF does not provide information on how drinking water will be supplied to the subdivision. In a letter submitted on behalf of the proponent, the site engineer states that the project will connect into the municipal water supply system at Park and Farm Streets. The proponent will also install a water main parallel to the cross-country sewer main to the Castle Hill Condominiums. The proponent will also reserve two public drinking water supply well sites that will be donated to the Town of Blackstone to accommodate future development.

I strongly encourage the proponent to incorporate water conservation and water use efficiency in the project design to comply with the March 1989 state plumbing code. Specifically, the proponent should consider employing efficient residential water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances.

Construction Period Air Quality

The project will include clearing and grading operations, demolition of an existing house and barn, construction of 89 new residential buildings and associated drainage and utility services, and paving of roadways and driveways. The project is subject to or potentially subject to the following MassDEP regulations:

310 CMR 7.09 - Dust, Odor, Construction and Demolition

310 CMR 7.10 - Noise

Specifically, MassDEP is concerned about potential dust, odor and/or noise generation involved during the construction period. The proponent should be aware of and review the generally applicable requirements at 310 CMR 7.09 and 310 CMR 7.10 under the Air Pollution Control Regulations. The proponent also should be aware that there are commercially available dust suppression methods including use of a water truck and/or spreading calcium chloride.

Conclusion

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 during the permitting processes.

June 22, 2007

Date



Ian A. Bowles

Comments received:

06/14/07 Massachusetts Division of Fisheries and Wildlife Natural Heritage and
Endangered Species Program
06/15/07 Andrews Survey and Engineering, Inc.
06/20/07 Massachusetts Department of Environmental Protection Central Regional Office

IAB/RB/rb