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August 8, 2008

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

PROJECT NAME : Stony Brook Estates
PROJECT MUNICIPALITY : Holden
PROJECT WATERSHED : Wachusett Reservoir/Nashua River
EOEA NUMBER : 13874
PROJECT PROPONENT : Blair Enterprises, Inc.
DATE NOTICED IN MONITOR : July 9, 2008

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) on the above project, which describes the proponent's change in roadway design to avoid filling of wetlands. I hereby determine that the proposed change warrants a change in the Scope for the Environmental Impact Report (EIR) as further detailed below. The proponent should submit a Draft EIR that addresses other aspects of the Scope as required by the Certificate on the Environmental Notification Form (ENF), dated November 9, 2006.

The project change eliminates the wetland crossing of an Outstanding Resource Water (ORW) and no longer requires a 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection (MassDEP). Therefore, the following items required in the Scope may be deleted:

- Demonstration of how the project will minimize wetlands alteration and be consistent with the 401 WQC regulatory requirements;
- Plans for wetlands replication;
- Discussion of the applicability and project's conformance with the U.S. Army Corps of Engineers programmatic general permit requirements for river and stream crossings; and
- Discussion of project compliance with regulatory requirements pertaining to Riverfront Area (unless Riverfront Area will be impacted by the proposed project).

Other changes to the project include relocation of a sewer force main discharge point to avoid a second pumping station and to shorten the force main length by 320 feet. The NPC indicate that the Town of Holden has allocated sewer capacity and is prepared to accept



maintenance of the pump station. The DEIR should provide additional information on downstream sewers and the proposed pump station as requested by MassDEP in its comment letter and as required by the Scope.

As further detailed in the MassDEP comment letter, the proposed project is located within the drainage area to the Wachusett Reservoir, which is a Class A Public Water Supply. The proponent will be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to MassDEP for its review and MassDEP will determine if additional stormwater pollution prevention measures are required beyond the SWPPP to protect ORW. The Draft EIR should include a draft SWPPP.

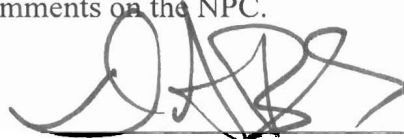
The project involves alteration within two hundred feet of the bank of a tributary, which is not allowed without a Watershed Protection Act Variance from the Department of Conservation and Recreation (DCR) to approve the proposed activities. The project received a Variance Decision on June 27, 2001. However, the proposed project has changed since that time and DCR has determined that the changes are significant enough to warrant an application for a new Variance. The DEIR should include additional information and analysis as requested in the DCR comment letter on the NPC and as required by the Scope.

I acknowledge the improvements the proponent has made by eliminating a wetlands crossing. However, there are other aspects of the project that may significantly impact environmental resources, including ORWs. The project site is challenging, with steep slopes, highly erodible soils, and critical wetland resources. Overall land alteration and impervious area has increased since the filing of the ENF, and stormwater management facilities are proposed in close proximity to jurisdictional wetlands. The proponent has not yet demonstrated that environmental impacts will be avoided, minimized or mitigated to the maximum extent feasible. The DEIR should evaluate opportunities to incorporate Low Impact Development (LID) techniques in site design and stormwater management plans.

The proponent should submit a Draft EIR as required by the Scope and this Certificate. The Draft EIR should include responses to comments on the NPC.

August 8, 2008

DATE



Ian A. Bowles, Secretary

Comments Received:

- 7/24/08 Department of Environmental Protection, Central Region Office
- 7/29/08 Department of Conservation and Recreation, Division of Water Supply Protection

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