



# *The Commonwealth of Massachusetts*

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August 9, 2006

## RECORD OF DECISION

PROJECT NAME : Pinehaven Drive Sewer Expansion  
Project/Assabet River Consortium  
PROJECT MUNICIPALITY : Northborough/ and five other municipalities  
PROJECT WATERSHED : Assabet River  
EOEA NUMBER : 12348  
PROJECT PROPONENT : Town of Westborough/The Assabet River  
Consortium  
DATE NOTICED IN MONITOR : May 24, 2006

As Secretary of Environmental Affairs, I have reviewed this project pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), and hereby **grant** a waiver (as defined below), allowing the project to proceed to the state permitting agencies without requiring the completion of an Environmental Impact Report (EIR).

### **Pinehaven Drive Sewer Expansion Project:**

The proposed project consists of the construction of approximately 1.50 miles of 8" gravity sewer main within the Pinehaven Drive area in Northborough. The proposed Pinehaven Drive project area has been designed to serve and 95 existing single family houses and the Lincoln Street Elementary School and includes Pinehaven Drive, Woodlawn Street, Shady Lane Avenue, Jay Avenue, Sunny Hill Road, Leland Avenue, and a portion of Lincoln Street. The proposed project will not impact bordering vegetated wetland resource areas. Approximately 500 lf of sewer main and a proposed pump station will be located within the 100-ft buffer zone of a wetland resource area. A Notice of Intent was submitted to the Town's Conservation Commission has conducted its hearing, and has issued an Order of Conditions.

The proposed project does trigger any required EIR thresholds. According to the information provided in the NPC, the project will be served by municipal water from the Town of Northborough, and municipal sewer from the Town of Westborough's Wastewater Treatment Facility at the rate of 29,800 gallons per day (gpd).

**Assabet River Consortium – NPC/Phase I Waiver Request:**

The of Town of Northborough, together with the Towns of Hudson, Maynard, , Shrewsbury, Westborough, and the City of Marlborough, have joined to form the Assabet River Consortium to prepare a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR, EOEA# 12348) to address short term- and long-term regional issues relating to the wastewater treatment and disposal and nutrient loading in the Assabet River on a basin-wide basis. The goals of the CWMP/EIR are to identify environmentally sustainable treatment alternatives that respond to the communities' needs, meet water quality and public health standards, reduce phosphorous loading, and increase water levels in the Assabet River and its tributaries. The Certificate on the ENF for the Consortium required that prior to completion of MEPA review for the Consortium CWMP, projects located within the Consortium communities that seek sewer extension permits from the DEP will also require a Phase I waiver from the EIR requirement for the Consortium. The project proponent has requested such a waiver in a Notice of Project Change (NPC) published in the Environmental Monitor May 24, 2006 and has provided additional information in support of that request.

As described in the NPC, the Pinehaven Drive Area was identified as an area of need (Sewer Needs Area #3D, 6) by the Town of Northborough in its Phase I – Needs Analysis portion of the CWMP/EIR (March 2001). The Town of Northborough had recommended the construction of sewers to resolve this area's need for sewage treatment in the Phase II - Alternatives Analysis portion of the CWMP/EIR (May 2002). The relatively small amount of additional wastewater flow generated from the proposed project (29,800 gpd), will not result in a significant increase in wastewater flow to the Town of Westborough's Wastewater Treatment Facility. Lastly, the construction of this project will not constrain the Town of Northborough and the Assabet River Consortium from exercising any option in its plans to comply with National Pollutant Discharge and Elimination (NPDES) standards and improve the quality of wastewater discharge to the Assabet River.

I anticipate that DEP's permit review process will require the proponent to commit to removing Infiltration and Inflow (I/I) from the municipal sewer line to help offset the additional flows anticipated from the proposed project. I strongly encourage the proponent to work with the 95 residential property owners and the Lincoln Street Elementary School located within the Pinehaven Drive project area to install low flow fixtures in each residence upon connection to the municipal sewer line.

Section 11.11 (4) of the MEPA regulations provides that the Secretary may waive grant a partial waiver of a mandatory EIR review threshold that will allow the proponent to proceed with phase one of the project prior to preparing an EIR, based on a determination that:

1. the potential impacts of phase one of the project, taken alone, are insignificant;

2. ample and unconstrained infrastructure facilities and services exist to support phase one of the project;
3. the project is severable, such that phase one does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and
4. the agency action on phase one will contain terms such as a condition or restriction in a permit, contract or other relevant document approving or allowing the agency action, or other evidence satisfactory to the Secretary, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

### Findings

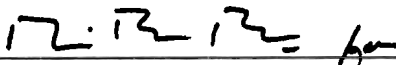
I have carefully reviewed the Phase I Waiver Request, supporting documentation, and written comments.

1. As described by the proponent, the Pinehaven Drive Sewer Expansion Project will involve the construction of approximately 1.50 miles of 8" gravity sewer main within the Pinehaven Drive right-of-way in Northborough. The proponent will need to employ appropriate erosion and sedimentation control measures during project construction. The proponent's sewer extension project will not impact bordering vegetated wetlands (BVW) resource areas.
2. The relatively small amount of additional wastewater flow generated from the proposed project (29,800 gpd), will not result in a significant increase in wastewater flow to the Town of Westborough's Wastewater Treatment Facility. Lastly, the construction of this project will not constrain the Town of Northborough and the Assabet River Consortium from exercising any option in its plans to comply with National Pollutant Discharge and Elimination (NPDES) standards and improve the quality of wastewater discharge to the Assabet River.

The project will require a Sewer Extension Permit from the Department of Environmental Protection (DEP). I anticipate that DEP's permit review process will contain terms such as a condition or restriction so as to ensure due compliance with MEPA and 301 CMR 11.00.

Based on these findings, it is my judgment that the phase one waiver request does have merit, does meet the tests established in 301 CMR 11.11, and will serve to advance the interests of the Massachusetts Environmental Policy Act.

August 9, 2006  
DATE

  
Stephen R. Pritchard, Secretary

Comments received: None

FROD #12348 – Pinehaven Drive, Northborough  
SRP/NCZ/ncz