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

PROJECT NAME: Proposed Honey Dew Donuts
PROJECT MUNICIPALITY: West Boylston
PROJECT WATERSHED: Wachusett Reservoir/Nashua River
EEA NUMBER: 14068
PROJECT PROPONENT: Hanoiti Properties, LLC
DATE NOTICED IN MONITOR: July 25, 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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As outlined in the Environmental Notification Form (ENF), the project involves the construction of a 2,232 square foot (sf) Honey Dew Donuts restaurant with one drive-through window at 328 West Boylston Street/Route 12 in West Boylston. The 0.73 acre site is located on the westerly side of Route 12 just north of the Worcester town line. The site currently contains a single family dwelling with associated paved driveway, garage, shed and an extensive area of manicured lawn. Wetland resources on the site are associated with Gates Brook, which is a mapped tributary to the Wachusett Reservoir. The entire site is located within the Riverfront Area of the Wetlands Protection Act and the Primary Protection Zone of the Watershed Protection Act.

Jurisdiction

The project is undergoing review pursuant to Section 11.03(4)(b)(6) of the MEPA regulations because it requires a variance in accordance with the Watershed Protection Act. The project requires the following permits and/or approvals: a Highway Access Permit from the Massachusetts Highway Department (MHD); a Variance from the Watershed Protection Act from the Department of Conservation and Recreation (DCR); an Order of Conditions from the West Boylston Conservation Commission; and approval from the West Boylston Planning Board. The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required or potentially required state permits with the potential to cause damage to the environment. In this case, MEPA jurisdiction extends to water supply protection, wetlands, stormwater and transportation.

Wetlands/Stormwater

The Proponent will limit construction to existing developed areas. The project involves the removal of the existing house and related hardscape and construction of the proposed restaurant and associated 19-space parking lot. Stormwater runoff from the parking and access areas will be collected by two deep-sump hooded catch basins and then will be routed to a long water quality swale that borders the western side of the paved area. The catch basins will provide pretreatment, and the water quality swale will provide attenuation and biologic treatment of runoff prior to discharge to the adjacent wetland resource area. The roof drain will be routed through a subsurface infiltration field to provide groundwater recharge. The ENF contained a discussion of the project's compliance with the Department of Environmental Protection's (MassDEP) Stormwater Management Policy (SMP). Stormwater will be managed in accordance with MassDEP standards for discharges to "critical areas" since the stream is a tributary to the Wachusett Reservoir.

The project will impact 28,685 sf of Riverfront Area, including 11,025 sf of restoration. The Wetlands Regulations for Riverfront Area require an alternatives analysis. In addition to the No-Build Alternative, the Proponent considered an alternative in which the existing home on the site would remain and an additional residential building would be constructed. The project site has existed as a subdivided lot since prior to the 1996 Rivers Protection Act and the 1992 Watershed Protection Act, and therefore the construction of a second single family home on the site is a "by right" activity. According to the ENF, this alternative would increase the impervious surface on the site while not providing any stormwater management. Additionally, the Proponent plans to re-naturalize approximately 11,000 sf of the site that is currently lawn. To enhance the protection of water quality and wildlife habitat, this area will be planted with native vegetation and allowed to remain in a natural condition. The Proponent submitted a copy of the proposed planting plan with the ENF. The Proponent has received an Order of Conditions from the West Boylston Conservation Commission for the project (DEP #327-0238).

Water Supply Protection

The project requires a variance from the Watershed Protection Act for prohibited alterations and activities within 200 feet of Gates Brook. The Watershed Protection Act regulations allow for a variance from normal Primary Protection Zone restrictions if there is a finding that relief may be granted without substantial detriment to the public good and without impairment of the water quality in the Watersheds (350 CRM 11.06(3)). The Proponent asserts in the ENF that that the proposed restaurant project and associated stormwater management and re-naturalization planting provides more environmental protection to the interests protected under the Wetlands and Watershed Protection Acts than the "by right" alternative of constructing an additional house. DCR has stated in its comments on the ENF that the project does not require further MEPA review.

Transportation

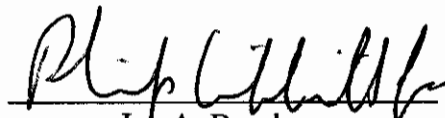
Access to the site will be provided by two curb cuts on Route 12, enter-only and exit-only respectively. The project is anticipated to generate 821 new average daily trips (adt) and requires a MHD Access Permit. The Proponent submitted a Traffic Impact and Access Study (TIAS) with the ENF that was prepared in conformance with EEA/Executive Office of Transportation (EOT) Guidelines for Traffic Impact Assessments. The results of the TIAS indicate that traffic operations at local intersections and the West Boylston Street/Site Drive(s) will not be adversely impacted as a result of the project. EOT concurs in its comments that the traffic associated with the project will not have a negative impact on the state highway. At the MEPA site visit held for the project on August 7, 2007, it was noted that the West Boylston Planning Board favors one common entrance and exit site drive over the proposed separate access points. If local permitting decisions result in a material change to the project as proposed in the ENF, the Proponent should consult with the MEPA office to determine whether a Notice of Project Change is required.

Conclusion

I have determined that the ENF has sufficiently defined the nature and general elements of the project and has proposed measures to avoid and mitigate environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permitting and review process. The proposed project, as described in the ENF, requires no further review under MEPA.

August 24, 2007

Date


Ian A. Bowles