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August 31, 2007

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

PROJECT NAME: Alden Woods
PROJECT MUNICIPALITY: Holden
PROJECT WATERSHED: Nashua
EEA NUMBER: 12229
PROJECT PROPONENT: C.B. Blair Development Corporation
DATE NOTICED IN MONITOR: July 25, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). On July 18, 2007, I issued a Certificate on the Draft Environmental Impact Report (DEIR) that allowed the DEIR to be reviewed as a FEIR in accordance with 301 CMR 11.08(8)(b)(2). My decision on the DEIR was noticed in the *Environmental Monitor* on July 25, 2007 along with the notice of availability of the FEIR, which was subject to a 30-day comment period.

Project Description & MEPA History

The project is a 124-lot residential subdivision on the project site known as Alden Woods, located west of Chapel Street and east of Wachusett Street in Holden, MA. The project will be constructed in two phases in which Phase I was previously approved and is approximately 98 percent complete and Phase II is currently under review.

In May 2000, C. B. Clair Development Corp. filed an Environmental Notification Form (ENF) for a proposed 45-lot residential subdivision on approximately 33 acres in Holden. The

ENF also described 60 “Approval Not Required” (ANR) lots to be developed along Wachusett and Chapel Streets. The environmental impacts of the 60 ANR lots were not considered in the MEPA review process. On June 23, 2000 the Secretary of Environmental Affairs issued a Certificate on the ENF stating that the project did not require the preparation of an EIR. On July 20, 2005 the proponent requested an Advisory Opinion from MEPA as to whether changes to the project’s Department of Environmental Protection (MassDEP) sewer extension permit necessitated further MEPA review in the form of an NPC. The response from the MEPA office on July 25, 2005 directed the proponent to file an NPC that outlined the work proposed in the new sewer extension permit and that provided an update on all other aspects of the project and its environmental impacts, including land, traffic, water and wastewater based on 105 units of housing (including the 60 ANR lots), rather than the 45 units presented in the original ENF.

The NPC filed in August 2005 outlined changes to the project since issuance of the Certificate on the ENF. Development plans were modified to include the construction of the 60 original ANR lots. In addition, the project now included the installation of low pressure sewer systems along sections of Wachusett Street and Chapel Street; installation of a gravity sewer system along Chapel Street north of Brice Circle; construction of four single-family homes along Wachusett Street; and the relocation of the cross-country sewer line along the end of Blair Drive. During review of the NPC, MEPA was made aware that the proponent had proposed an addition to the development, called Alden Woods II, which involved the construction of approximately 10 new homes. According to the proponent, local permits for the Alden Woods II development were under appeal, and it was uncertain whether the project would proceed. The Secretary issued a Certificate on the NPC on September 9, 2005 stating that no further MEPA review was required. The Certificate also stated that the proponent must file another NPC if the Alden Woods II proposal was approved.

In May of 2006 the proponent filed a second Notice of Project Change because it received approval for the Alden Woods II project, which includes the construction of 15 new single-family homes and the addition of 16 residences to the MassDEP sewer extension permit. The proponent also proposed to construct the Blair Road extension to Wachusett Street. As a result of the Alden Woods II proposal, the total amount of impervious area created by the project is 11.2 acres; therefore, the project became subject to the preparation of a mandatory EIR pursuant to Section 11.03(1)(a)(2) of the MEPA regulations. The Secretary’s Certificate issued on July 7, 2006 outlined a narrow scope for a Draft Environmental Impact Report (DEIR).

Jurisdiction

The project requires a NPDES Stormwater Construction General Permit from the U.S. Environmental Protection Agency (EPA); a Stormwater General Permit Notice of Intent for Discharges to Outstanding Resource Waters from Construction Sites (BRP WM 08B) and a Sewer Extension Permit from the Department of Environmental Protection (MassDEP); and possible review from the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP). At the local level, the project also requires an Order of Conditions from the Holden Conservation Commission.

The proponent is not seeking financial assistance from the Commonwealth, and therefore MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to issues of land alteration, stormwater, wetlands and wastewater.

Review of the FEIR

The purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses environmental impacts of a proposed project; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. I have fully examined the record before me, including but not limited to the Scope issued on July 7, 2006; the FEIR filed in response; and the comments entered into the record. I find that the FEIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy. The proponent has provided a considerable amount of information about the project's stormwater management system and proposed mitigation. The proponent has also responded in detail to comments submitted on the second NPC. The proponent may address remaining issues during permitting.

Stormwater

Approximately 11.2 acres of impervious area will be created as a result of both phases of the project. Drainage from the project site flows westward toward Wachusett Street and is channeled into an existing storm drainage system. This drainage is eventually directed towards Chaffins Brook, which flows to the north into Unionville Pond. Chaffins Brook is a tributary to the Wachusett Reservoir and classified as an Outstanding Resource Water (ORW). The project therefore requires a BRP WM 09 permit from MassDEP, for Approval of NPDES Stormwater Pollution Prevention Plans for Construction or Industrial General Permits Discharging to Outstanding Resource Waters. Chaffins Brook is also designated as a Category 5 Water requiring a Total Maximum Daily Load (TMDL).

According to information provided in the FEIR, the project will comply with MassDEP's Stormwater Management Policy (SMP). The proponent provided a detailed description of proposed structural and non-structural stormwater Best Management Practices (BMPs). The project has been designed so that no new stormwater point discharges will flow into or cause erosion to wetland resource areas. Stormwater runoff will be treated in compliance with SMP Standard #6 which addresses critical areas. The post-development peak discharge does not exceed pre-development rates for the 2-year, 10-year, 100-year and 24-hour storm. The proposed stormwater management system will remove approximately 80% of the Total Suspended Solids (TSS) load through the use of the following BMPs: deep sump catch basins, stormceptors, detention ponds, armored and vegetated swales, and stone check dams. The project site does not contain land uses with higher potential loads. Erosion and sediment controls and stabilization practices have been incorporated into the project design.

The Proponent provided responses to concerns raised by the Department of Conservation

and Recreation's (DCR) Division of Water Supply Protection regarding stormwater management and potential adverse impacts to drinking water resources. In its comments on the DEIR, DCR states that while some stormwater management issues need further refinement; these issues can be resolved in the MassDEP BRP WM 09 review process. A revised NPDES report including the Stormwater Pollution Prevention Plan (SWPPP) has been submitted to MassDEP as requested and is currently under review. The EPA has issued the Construction General Permit to authorize the discharge of stormwater associated with construction activities under the NPDES General Permit.

Wetlands

The proponent filed two Notice of Intents with the Holden Conservation Commission for work related to the installation of the sewer main and roadway system from the project to Wachusett Street. The closest wetland resource area to the work area is greater than 700 feet from the construction zone, but during a 10-inch storm event in October 2005, silt entered the drop inlet and may have affected the resource area. The proponent took measures to prevent further siltation and has been working with the Conservation Commission to ensure the protection of the resource area. The proponent received an Order of Conditions from the Conservation Commission in April 2007 approving the project as designed.

Rare Species

A review of the recently updated Massachusetts Natural Heritage Atlas 11th Edition (2006) indicates that there are Estimated Habitats and Priority Habitats on or near the project site. Phase I is located within both Estimated and Priority Habitats, however approval and construction of Phase I was completed prior to the release of the 2006 Natural Heritage Atlas. The project site was not located in rare species habitat prior to the release of the 2006 edition of the Atlas. No work associated with Phase II of the project will occur in or near the Estimated or Priority Habitats area. The proponent contacted the NHESP in May of 2007 regarding the potential impacts of the project on rare species habitat. NHESP did not submit comments on the DEIR or FEIR.

Wastewater

A total of 3.4 miles of sewer line has been constructed for the Alden Woods subdivision. The project will connect the new mains to the Town of Holden system for wastewater removal and therefore requires a Sewer Extension Permit from MassDEP. The Upper Blackstone Water Pollution Abatement District is the receiving wastewater treatment facility for flows from the Alden Woods project. The facility is designed to handle 56 million gallons per day and currently has an average daily flow of 36 million gallons per day. The facility has the capacity to accommodate the additional flow anticipated from both phases of the Alden Woods project.

The cross-country sewer line was approved as part of Phase I and included the sewer line for Phase II of Alden Woods. MassDEP issued a modification to the original sewer extension

permit, effective November 2, 2005, which approved additional residences for Phase II. The construction of the sewer line for both phases of the Alden Woods project has been completed. The work proposed in the second NPC filed in May of 2006 included the construction of 15 new residences and the addition of 16 homes to the sewer extension permit. These homes were added to the sewer extension permit and approved by MassDEP prior to the filing of the NPC.


Mitigation

The FEIR addressed mitigation measures that the proponent will implement during and post-construction to avoid negative impacts from stormwater runoff to ORWs and wetland resources. The stormwater issues due to heavy rain events in the fall of 2005 that led to off-site siltation have been addressed through rigorous review with the Conservation Commission and DCR.

Conclusion

The FEIR has adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. The FEIR has also adequately responded to the issues raised in the scope of July 7, 2006. I am satisfied that the proponent has met its obligations under MEPA jurisdiction, and that the state permitting agencies have sufficient information on which to base their Section 61 Findings. The Proponent should amend the Section 61 Finding for MassDEP to specify the operation and maintenance of the proposed Environment One Model 2010 pump for the low pressure sewer line. I remind MassDEP to forward a copy of the final Section 61 Findings to the MEPA office for completion of the project file. I refer the proponent, state agencies and others to the Certificate on the DEIR for additional details on mitigation commitments and recommendations regarding the proposed project. The proposed project requires no further review under MEPA and may proceed to state permitting.

August 31, 2007
Date


Ian A. Bowles

Comments Received:

8/22/2007 Department of Environmental Protection, Central Regional Office

IAB/BA/ba