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June 23, 2003

**CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
THE NOTICE OF PROJECT CHANGE and PHASE I WAIVER REQUEST**

PROJECT NAME : Brookfield Estates Subdivision/Town of
Wilmington CWRMP/EIR
PROJECT MUNICIPALITY : Wilmington
PROJECT WATERSHED : Shawsheen
EOEA NUMBER : 8844
PROJECT PROPONENT : Mangano Development
DATE NOTICED IN MONITOR : May 24, 2003

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 have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). The proponent has requested a Phase I Waiver to allow the project to proceed, pending the Town of Wilmington's preparation of an Comprehensive Water Resources Management Plan / Environmental Impact Report (CWMP/EIR) for the Town of Wilmington. The Phase I Waiver Request was presented within the NPC. I have carefully reviewed the NPC and supporting documentation, and written comments and hereby propose to **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).

Brookfield Estates Project

As described in the Notice of Project Change (NPC), the proposed project consists of the development of a 28-lot single-family residential subdivision on a 40-acre parcel of property located at the end of Ashwood Avenue in Wilmington.

The project will include the construction of approximately 1,300 linear feet of roadway with sidewalk, 1 stormwater detention basin and 4 infiltration basins, and approximately 0.5 miles of municipal water and sewer main. The project's water supply needs (12,320 gpd) and wastewater treatment needs (12,320 gpd) will be serviced by the Town of Wilmington's municipal water supply and wastewater collection system.

This project is undergoing review pursuant to 11.03 (5)(b)(3)(c) of the MEPA regulations because it will result in the construction of one or more new sewer mains $\frac{1}{2}$ or more miles in length. Because the project proposes the alteration of approximately 524 square feet (sf) of Bordering Vegetated Wetlands (BWW), it will require Orders of Conditions from the Wilmington Conservation Commission (and hence Superseding Order(s) from DEP if any local Orders were appealed). The project will also require a Section 401 Water Quality Certificate from DEP. As described in the ENF, the project has been approved by the Town of Wilmington as a Conservation Subdivision and will result in the creation of a Conservation Restriction on approximately 25.0 acres (62.5%) of the project site.

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 (wetlands and wastewater).

Town of Wilmington CWRMP/EIR Project History

In October 1991, the Town of Wilmington submitted an Environmental Notification Form (ENF) proposing to construct approximately 7.25 miles of interceptor sewer, 1.48 miles of force main, and two pump stations. The project would have altered more than 2 acres of bordering vegetated wetlands, 3,000 linear feet of bank and 5,400 sf of land under water, and it would have crossed areas impacted with hazardous waste contamination, and several open space/conservation properties. A scope for an EIR was established in the ENF Certificate issued November 7, 1991.

A Notice of Project Change (NPC) was filed in January 1999 and proposed to develop the EIR in the form of a Town-wide Comprehensive Wastewater Management Plan (CWWMP), designed to quantify the Town's long-term sewer needs and identify alternative approaches for meeting those needs. A Special Review Procedure was developed for this project, consisting of a Phase I - Needs Report, followed by a Phase II - Draft and Final EIR/CWWMP. A second NPC was filed in June 2001 and proposed to expand the scope of the study and EIR to include a comprehensive evaluation of existing and future water supply needs and town-wide stormwater control. The Secretary's Certificate issued in July 2001, adopted the proponent's proposed Comprehensive Water Resources Management Plan/Environmental Impact Report (CWRMP/EIR), and provided for the establishment of a Citizens Advisory Committee (CAC) and a group of technical advisors to provide input into the plan's development.

In March 2003, the Town of Wilmington filed a third NPC (EOEA #8844) requesting a Phase I Waiver to construct the Lowell Street Sewer Extension Project to provide municipal sewer service to 59 properties, and at full build-out will generate approximately 70,000 gallons per day (gpd) of wastewater flow, and thereby allowing its construction to proceed in advance of Wilmington's submittal of the Phase II DEIR document and the preparation of the CWRMP/EIR for the Town of Wilmington. According to the information provided in the NPC, the project area will be served by municipal water from the Town of Wilmington and municipal sewer collection by the Town of Wilmington for treatment by the Massachusetts Water Resources Authority's (MWRA) Deer Island Wastewater Treatment Facility (WWTF). As I noted in the Certificate on the NPC, existing local water withdrawals by communities located in the Ipswich River basin, including the Town of Wilmington, are causing severe stresses on the ecosystem of the Ipswich River basin. Restoring the water balance in the Ipswich River basin will require a combination of improved stormwater management and groundwater recharge, reducing the amount of wastewater exported out of the basin for treatment, and supplementing or replacing existing water supplies.

In support of Wilmington's Phase I waiver request, DEP indicated that the Town of Wilmington will be withdrawing significantly less water from the Ipswich basin and relying on out-of-basin sources through the Town's existing emergency connections for approximately 50% of the Town's drinking water supply needs because the Town has suspended the use of their drinking water wells in the Maple Meadow Brook aquifer due to potential water quality concerns. The Certificate on the NPC - Lowell Street Sewer Extension Project was issued in May 2003 and proposed to grant the Wilmington's Phase I waiver request.

Brookfield Estates – NPC/Phase I Waiver Request

As described in this NPC, the proponent is requesting a Phase I Waiver to construct the Brookfield Estates Subdivision Project thereby allowing its construction to proceed in advance of Wilmington's preparation of the CWRMP/EIR for the Town of Wilmington.

According to the comments received from DEP, the proposed project will not significantly impact the Ipswich River Basin. The project's proposed drainage and recharge system has been designed to provide recharge to the Shawsheen River Basin where the project is located. The project will also be served by the Town of Wilmington's municipal water supply system that will be relying on out-of-basin sources (MWRA) for a significant portion (approximately 50%) of the Town's drinking water supply needs. In addition, the proponent has committed to eliminate infiltration and inflow (I/I) from the Town of Wilmington's sewers at the rate of four gallons for every gallon of wastewater generated by the project. As described in the NPC, the proponent has identified certain manholes and sewer pipe sections in Wilmington from which the proponent will remove an average of 54, 322 gallons of I/I.

DEP supports the proponent's waiver request subject to the following conditions;

- 1) the proponent obtain certification from the Town of Wilmington that the proposed I/I work has been completed, and include said certification with the proponent's sewer extension permit to DEP,
- 2) the project's proposed stormwater infiltration system is designed to conform with the Town's Stormwater Management Program,
- 3) the project be designed and constructed to optimize water conservation and water use efficiency, and comply with the March 1989 state plumbing code requiring water saving devices and low flow toilets for new construction,
- 4) the proponent comply with all relevant regulatory requirements.

I adopt DEP's comments as my own, and I strongly encourage the proponent to continue to work closely with DEP, and the Town of Wilmington to design and implement an appropriate I/I mitigation plan for the Town of Wilmington that will help to offset the proposed project's municipal water withdrawal and sewerage impacts.

I find that the NPC/Phase I Waiver request contains sufficient information upon which to make a determination that the construction of this project will not constrain the Town of Wilmington from exercising any option in its Town-wide Comprehensive Wastewater Management Plan, and that 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.

Based on these facts, I hereby propose to grant the request for a Phase I waiver for the Brookfield Estates Sewer Expansion Project in Wilmington. This Draft Record of Decision (DROD) shall be published in the July 8, 2003 issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

June 23, 2003
DATE


Ellen Roy Herzfelder, Secretary

Comments received:

04/14/03 Massachusetts Department of Environmental Protection (DEP) – NERO

#8844 NPC & Phase I Waiver Request - Brookfield Estates Subdivision
ERH/NCZ/ncz