



# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

*100 Cambridge Street, Suite 900*

*Boston, MA 02114-2524*

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

STEPHEN R. PRITCHARD  
SECRETARY

Tel. (617) 626-1000  
Fax. (617) 626-1181  
<http://www.mass.gov/envir>

March 17, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Woodlands at Laurel Hill  
PROJECT MUNICIPALITY : Acton and Westford  
PROJECT WATERSHED : Merrimack and SuAsCo  
EOEA NUMBER : 13414  
PROJECT PROPONENT : The Woodlands at Laurel Hill LLC  
DATE NOTICED IN MONITOR : February 8, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent has requested that the DEIR be reviewed as a Final Environmental Impact Report (FEIR). I acknowledge that the proponent submitted a comprehensive, well-organized DEIR and responded to most of the issues outlined in the Scope. However, there are some outstanding issues relating to traffic analysis and mitigation, and other issues raised in the comment letters received, which should be addressed in a FEIR. Therefore, I am requiring a limited-scope FEIR to address transportation and water supply issues, provide a response to comments, and present additional information and clarifications as outlined in the Scope below.

The proposed project involves development of 444 residential units on an approximately 74-acre site (in Acton and Westford). The project will result in approximately 36 acres of land alteration including approximately 16 acres of new impervious area and approximately 20 acres of alteration of previously cleared and graded land (previously altered for a planned office park development). Traffic impacts are estimated at an average of 3,036 vehicle trips per day and the project includes construction of 850 new parking spaces. Water use is estimated at approximately 81,395 gallons per day (gpd) for potable water and 38,600 gpd for irrigation use. An interbasin transfer of water (approximately 15,080 gpd) is proposed from the Merrimack watershed to the SuAsCo watershed to serve the proposed Westford residential units. The Acton portion of the project will be served by the Acton Water District. Wastewater generation is estimated at

approximately 81,395 gpd and an on-site wastewater treatment facility is proposed with approximately one mile of new sewer main. The project site includes 3 vernal pools and priority habitat for rare species. A Conservation Restriction (CR) is being proposed for approximately 31 acres of the project site.

The project is undergoing MEPA review and requires a mandatory EIR pursuant to Section 11.03 (1)(a)(2) of the MEPA regulations because it involves creation of 10 acres or more of impervious area and Section 11.03(6)(a)(6) because it involves generation of 3,000 or more new average daily trips (adt) on roadways providing access to a single location. The project is also undergoing MEPA review pursuant to Section 11.03 (1)(b)(1) because it involves alteration of 25 acres or more of land and Section 11.03(2)(b) because it will involve a "take" of a species of special concern, Section 11.03(4)(a)(2) because it may involve a new interbasin transfer of water determined to be significant by the Water Resources Commission, and Section 11.03(5)(b)(3)(c) because it involves construction of ½ mile or more new sewer mains.

The project requires a 401 Water Quality Certification, a Groundwater Discharge permit, and a Distribution System Modification permit from the Department of Environmental Protection (DEP). The project also requires a local Order of Conditions (and on appeal only, a Superseding Order from DEP), a Massachusetts Highway Department (MHD) Access Permit and a Conservation and Management Permit from Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP). The project is also requesting a Determination of Insignificance from the Water Resources Commission (WRC) for an inter-basin transfer. The project also requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The project involves financial assistance from the Commonwealth. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project that may cause significant Damage to the Environment as defined in the MEPA regulations.

## SCOPE

### General

The FEIR should include a copy of this Certificate, a copy of each comment letter received and a response to all comments received. A Project Summary in clear non-technical language should be included in the FEIR as well as maps and site plans to facilitate review and comment.

### Transportation

The DEIR includes a revised traffic study that generally conforms to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessments. Although the DEIR has addressed many of the MassHighway Department's (MHD) comments regarding traffic generation, intersection analysis and site mitigation, additional information and analysis is required in the FEIR. The FEIR should address MHD concerns regarding traffic operations and capacity of the Route

2A/Route 119/Nashoba Road intersection as further detailed in its comment letter. The proponent conducted a signal warrant analysis for the Route 2A/Route 119 unsignalized intersections of Nonset Path and Nashoba Road. According to the analysis, these locations operate under constrained conditions, which are expected to deteriorate in the future. The Route 2A/Route 119/Nagog Park Drive intersection is expected to fail under build-out conditions. The FEIR should include a Level of Service summary based on the revised traffic study. The FEIR should also include the traffic report on the "Build with Mitigation" scenario for Route 2A/Route 119/Nagog Park Drive intersection.

The DEIR proposes a traffic mitigation plan that includes traffic signal modifications, geometric improvements, re-striping and sidewalk reconstruction, and installation of a traffic signal at the Route 2A/Route 119/Nonset Path south intersection. MHD supports the proposal to provide a left-turn lane on Route 2A eastbound at the intersection of Nonset Path, as well as striping Nonset Path for a left and right-turn lane. MHD recommends that the proponent should obtain community support prior to implementing these changes. The FEIR should provide an update on consultations with the local community regarding these proposed traffic mitigation measures. The FEIR should also include a revised concept plan indicating existing conditions, and proposed changes to the phasing, sequence and timing of the Route 2A/Route 119/Nagog Park Drive intersection.

The DEIR proposes a comprehensive Transportation Demand Management (TDM) program, which includes commitments to work with MassRides, provide a rideshare program, promote use of Massachusetts Bay Transportation Authority (MBTA) Commuter Rail, and provide on-site bicycle facilities. The FEIR should include a map of on-site sidewalks and bicycle routes and describe connections to adjacent areas as required by the Scope for the DEIR and as requested by EOT in its comment letters. The FEIR should demonstrate how pedestrian and bicycle routes connect to the neighboring office park, residential development, and the existing Bruce Freeman bike trail in Acton, and include a specific commitment to implement any feasible improvements that will improve connections to the existing network. The DEIR proposes 850 parking spaces but does not provide information to justify the amount of parking proposed as was required in the Scope. The FEIR should evaluate opportunities to reduce the amount of parking required and should provide information to justify the number of spaces proposed.

### Water Supply

The proposed water supply from Littleton constitutes an inter-basin transfer because Littleton's water supply sources are located in the Merrimack River basin (the proposed project site is located in the SuAsCo River basin.) The project is thus subject to review and approval by the Water Resources Commission (WRC). The proposed inter-basin transfer is 15,080 gallons per day. The DEIR included a Request for Determination of Insignificance (RDI) under the Interbasin Transfer Act (ITA). The DEIR includes an analysis of alternatives to an inter-basin transfer in order to supply water to the Westford portion of the project. As further detailed in the DEIR, service from the Acton Water District is not feasible due to legislative constraints and the Westford Water Department's distribution does not extend to the project area. The DEIR

indicates that an extension of the Westford distribution system is not feasible because it would require multiple wetlands crossings and significant financial costs.

The FEIR should include a map showing Littleton's water supply sources in relation to Gilson Brook and Beaver Brook, and the major basin divide between the Merrimack and Concord (SuAsCo) River basins, as well as the location of the development, the topography, and the analysis point just downstream of Forge Pond. The FEIR should include graphs and a table illustrating flow reductions caused by the inter-basin transfer as further detailed by WRC its comment letter. The FEIR should provide additional information needed to complete the ITA review and respond to the Water Resource Commission (WRC) comments as further detailed in its letter. The proponent should refer to the WRC's lawn and landscape water conservation standards and design a conservation-minded irrigation plan as recommended by WRC. The FEIR should clarify irrigation volumes and demonstrate how the project will be consistent with WRC standards.

### Rare Species

Since the filing of the DEIR, the proponent has been in consultations with NHESP and has submitted a draft permit application, which includes plans that reflect changes to the proposed Conservation Restriction (CR) boundaries as requested by NHESP. The DEIR proposes rare species mitigation measures including placement of 31 acres of Blue-spotted Salamander habitat under a CR, long-term monitoring of rare species population, and creation of new aquatic habitat. NHESP indicates that it expects to be able to issue a Conservation and Management Permit for the project upon completion of the MEPA review process. The FEIR should provide an update on consultations with NHESP and rare species protection and impact mitigation plans.

### Wetlands and Stormwater

The FEIR should provide additional information and commitments to address comments from the Town of Westford and the Northern Middlesex Council of Governments regarding erosion and sediment controls and potential wetlands impacts associated with construction, stormwater infrastructure and proposed water supply and irrigation wells.

### Alternatives and Sustainable Design

The DEIR provided a good analysis of alternative scenarios and site layouts, which included five alternatives in addition to the proposed project. The alternatives analysis included a reduced build development, the no-build option, and alternative designs that would result in higher land alteration and other impacts. The chart presented at the end of Section 2 (Alternative Analysis) was very helpful in facilitating a clear comparison of the impacts of the six alternatives.

The DEIR proposes sustainable design elements such as water conservation measures, ecological landscaping, vegetated islands in parking areas, and waste management and recycling. I commend the proponent for its efforts in this regard and encourage the proponent to continue to

evaluate alternatives design elements that will promote sustainable development. Given the high concentration of residential units proposed, this project presents a great opportunity to serve as a model for high-performance/green building in Massachusetts. I encourage the proponent to contact the EOEPA Policy Office for assistance in identifying resources and models to support sustainable project design, and to consider EnergyStar Certification and Leadership in Environmental Design (LEED) Certification for Homes for the proposed development. The FEIR should include an update on consultations and any additional measures proposed to increase sustainability and minimize environmental impacts associated with energy consumption, materials use and other aspects of building construction and operations.

### Mitigation

The FEIR include a summary of mitigation measures to which the proponent is committed and a schedule for implementation. The FEIR should include revised draft Section 61 Findings for state permits as appropriate to reflect any changes since the filing of the DEIR. The proposed Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation measures. The proponent should submit an electronic copy of draft Section 61 Findings to the DEP as requested in its comment letter.

### Comments

The FEIR should respond to the comments received on the DEIR to the extent that they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or direct narrative response. The FEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

### Circulation

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to those who commented on the DEIR as listed below. A copy of the FEIR should be made available for public review at the Acton and Westford Public Libraries.

March 17, 2006

DATE

  
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Stephen R. Pritchard, Secretary

SRP/AE/ae

## Comments Received:

2/07/06 Water Supply District of Acton  
2/10/06 Town of Acton, Board of Selectmen  
3/08/06 Water Resources Commission  
3/09/06 McGregor & Associates (on behalf of the Town of Westford)  
3/10/06 Places Site Consultants (on behalf of the proponent)  
3/10/06 Northern Middlesex Council of Governments  
3/10/06 Town of Westford, Office of the Town Manager  
3/13/06 Division of Fisheries and Wildlife,  
Natural Heritage and Endangered Species Program  
3/13/06 Metropolitan Area Planning Council  
3/13/06 Department of Environmental Protection, Central Regional Office  
3/15/06 Executive Office of Transportation, Office of Transportation Planning  
3/16/06 Town of Westford, Office of the Town Manager (late comment)