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June 5, 2009

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

PROJECT NAME : Graniteville Woods  
PROJECT MUNICIPALITY : Westford  
PROJECT WATERSHED : Merrimack  
EEA NUMBER : 14408  
PROJECT PROPONENT : Graniteville Woods LLC  
DATE NOTICED IN MONITOR : April 22, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) 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

The proposed project consists of a Chapter 40B residential housing development and two single-family homes on an approximately 182-acre site. As described in the Environmental Notification Form (ENF), the proposed Chapter 40B development consists of 68 three-bedroom single-family homes, 96 two-bedroom townhouse units and associated infrastructure, including an on-site wastewater treatment facility and an emergency access gravel roadway. Water supply for the project will be provided by a connection to the Westford Municipal Water System. The project will result in alteration of approximately 27 acres of land. As detailed further herein, the majority of the site will be protected as open space and placed under a Conservation Restriction. The project site includes Priority Habitat for the Blanding's Turtle (*Emydoidea blandingii*), a state-listed threatened species. The site is located within the Graniteville Historic District, which is listed in the State and National Register of Historic Places.

### Permits and Jurisdiction

The proposed project is undergoing environmental review because it meets or exceeds MEPA thresholds and requires one or more state agency actions. The project is under review pursuant to Section 11.03(2)(b) of the MEPA regulations because it will result in disturbance of more than two acres of designated priority habitat of state-listed species, Section 11.03(b)(1) and (2), because it will result in direct alteration of 25 or more acres of land and creation of 5 or more acres of new impervious area, Section 11.03(6)(b)(14) because it will result in generation of 1,000 or more new average daily vehicle trips and construction of 150 or more new parking spaces, and Section 11.03(10)(b)(1) because it will result in demolition of historic structures located within a historic district listed in the State Register of Historic Places and the Inventory of Historic and Archaeological Assets of the Commonwealth.

The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), a Groundwater Discharge Permit from the Massachusetts Department of Environmental Protection (MassDEP), and an Order of Conditions from the Westford Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The project also requires review by the Massachusetts Historic Commission (MHC). The project obtained a Comprehensive Permit (M.G.L. Ch. 40B) from the Town of Westford Board of Appeals on February 17, 2009.

The project is not receiving financial assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to rare species and land alteration, stormwater and drainage, wetlands, wastewater, and historical and archaeological resources.

### Review of the ENF

The description of the project and development site in the ENF focused on the 104.5-acre parcel that is the subject of the Comprehensive Permit application. However, the proponent circulated additional information as requested by the MEPA Office during the ENF review to clarify the proponent's landholdings and future use of other parcels in the vicinity of the proposed Chapter 40B development.

The entire 182-acre site contains six lots owned by the proponent. The proposed Chapter 40B residential development is located on Lot 1, a 104.5-acre parcel. Approximately 76 acres of this lot will be placed under a Conservation Restriction. Lots 2 and 3 (approximately 27 acres and 44.8 acres respectively) will be deeded to the Town of Westford for conservation purposes. Lot 3 has a 40-foot wide easement for a portion of the emergency access road (which also crosses through a portion of Lot 6) that will serve the proposed development. Lots 4 and 6, approximately 1.6 and 2.85 acres respectively, will be retained by the proponent for possible development of two single-family homes (one on each lot).

*Rare Species*

At the request of NHESP, the proponent conducted a survey for the Blanding's Turtle. NHESP has determined that the project will result in a "take" of the Blanding's Turtle. The proponent has proposed mitigation measures, including a Conservation Restriction and funding for Blanding's Turtle research and conservation, to meet the long-term "Net Benefit" requirement of the Massachusetts Endangered Species Act regulations. NHESP indicates in its comment letter that the project, with its proposed avoidance, minimization, and mitigation measures, is likely to qualify for a Conservation and Management Permit.

*Wetlands*

The project site contains significant wetland resource areas. The proponent has delineated more than 60 wetland and potential wetland areas, including the riverfront area of Snake Meadow River, a 4-acre pond and associated wetlands along West Street, certified and potential vernal pools and quarry holes throughout the site. Supplemental information submitted during the ENF review period outlines several alternative development plans and access road alternatives previously considered by the proponent. The preferred alternative will avoid and minimize overall land disturbance and wetlands impacts, and will meet or exceed the Westford Local Wetlands Bylaw requiring a 50-foot non-disturbance and a 75-foot structure set-back from state and local wetlands with the exception of two areas (a crossing for emergency access and grading/stormwater management area) for which waivers have been obtained from the Zoning Board of Appeals (ZBA).

The preferred alternative presented in the ENF may result in alteration of 459 square feet (sf) of Bordering Vegetated Wetland (BVW) associated with a crossing for the emergency access road (including 316 sf of permanent alteration). The proposed crossing will span the wetlands at an existing granite slab crossing. According to the ENF, the existing crossing was not identified in the Order of Resource Area Delineation (ORAD) issued by the Westford Conservation Commission in July 2006, and the Commission may determine that this crossing is not a wetlands resource area. The Conservation Commission is reviewing the project and will determine if there was an error in the previous delineation and whether or not replication for any BVW impacts will be required. If wetlands mitigation is required, the proponent should ensure that mitigation is consistent with the BVW performance standards in 310 CMR 10.55(4), and the design for the replication should be based on the MassDEP *Massachusetts Inland Wetland Replication Guidelines*, March 2002. The ENF did not identify an area on-site for wetlands replication. The proponent should coordinate with NHESP regarding the design and location of any proposed replication.

As noted in comment letters from the Town of Westford and The Northern Middlesex Council of Governments (NMCOG), the project is located in the watershed of Reed Brook, designated as a Coldwater Fishery by the Division of Fisheries and Wildlife. The proponent should ensure that appropriate measures are incorporated in design and construction to avoid adverse impacts to fishery resources.

*Wastewater*

The ENF proposes an on-site wastewater treatment facility and subsurface disposal. The proposed design flow is 43,560 gallons per day (gpd) and the ENF estimates an average flow of 21,780 gpd. A membrane bioreactor (MBR) is proposed as the principal treatment unit. Treated effluent will be discharged to numerous leaching areas via drip dispersal. The effluent will be required to meet tertiary level treatment standards. MassDEP indicates in its comment letter that the proponent has been working cooperatively with MassDEP regarding hydrogeologic issues, most of which have been satisfactorily addressed.

The ENF discusses MassDEP requirements for an Emergency Repair Account and a Capital Reserve Account for the wastewater treatment facility. The MassDEP comment letter includes some clarifications on its requirements. The proponent will be required to establish two separate and distinct financial assurance mechanisms (FAMs) related to the wastewater treatment facility. Both accounts must be established as interest-bearing escrow accounts. Annual financial reports on both FAMs must be submitted to MassDEP on or before January 31 of each year.

I also refer the proponent to the Town of Westford's comment letter for guidance on local Board of Health permitting requirements for the proposed wastewater treatment facility.

*Historical and Archaeological Resources*

The project site is located within the Graniteville Historic District. The Massachusetts Historic Commission (MHC) has determined that the project will have an adverse effect on properties listed in the State Register of Historic Places. The project includes demolition of two existing residential structures at 75 and 77/79 North Main Street, which are included in the Inventory of Historic and Archaeological Assets of the Commonwealth. MHC indicates in its comment letter that 77/79 North Main Street is a contributing property to the District and its demolition constitutes an "adverse effect" (950 CMR 71.05(a)). MHC is of the opinion that 75 North Main Street does not meet the criteria for eligibility as a contributing property to the District.

The project site also contains several quarries, including the Samuel Fletcher Quarry, which is a contributing property to the Graniteville Historic District. According to MHC, the project will have an adverse effect on this quarry. MHC notes a possible rockshelter on-site that has the potential to contain intact, significant archaeological deposits. The proponent should consult with MHC regarding possible modifications to the project plan to avoid this rockshelter and to discuss the proposed Conservation Restriction for the site.

As noted in its comment letter, MHC will continue to work with the proponent, the Town of Westford Historical Commission, and state agencies to develop a Memorandum of Agreement (MOA) that summarizes a plan to avoid, minimize or mitigate adverse effects to historic resources.

*Transportation*

According to the ENF, the project will result in 1,320 new vehicle trips per day for a total of 1,350 trips per day. The project includes construction of 386 new parking spaces, for a total of 392 spaces. The project site is not currently served by a public transit. The ENF indicates that the project will be designed to accommodate future public bus service if it becomes available. The internal roadway network and project access will be designed to allow bus turning and maneuvering. The project will include a pedestrian connection between the project and the Blanchard Middle School and the Day School, as well as pedestrian paths and walking trails within the open space areas of the project. The project will also include bicycle accommodations.

*Stormwater and Low Impact Development (LID)*

The proposed project will result in 9.9 acres of new impervious area. The ENF includes a summary of the proposed stormwater management system design which includes catch basins, sumps and oil/gas hoods, and stormceptor units. As described in the ENF, proposed buildings will be clustered within the natural terrain to minimize cuts and fills and preserve natural features, and natural drainage systems will be used and enhanced. Roadways and pavement widths, as well as driveway length and width have been reduced in the preferred alternative to minimize impervious area. The ENF indicates that soil conditions and extensive ledge onsite has limited the use of rain gardens, swales and rooftop infiltration as previously envisioned. I encourage the proponent to incorporate these features in the project to the extent feasible.

The ENF indicates that the proposed stormwater management system is designed in accordance with the MassDEP Stormwater Regulations (2008). MassDEP's comment letter notes that the information provided in the ENF is insufficient to demonstrate compliance. The proponent should re-evaluate aspects of the stormwater management system in light of MassDEP's comments and recommendations, and modify the design as needed to ensure compliance. The ENF indicates that the temporary sedimentation basins will also be used as infiltration basins for the project where soil and grading allow. If infiltration is proposed, the basins should be carefully reconstructed after their use as sedimentation basins to restore diminished recharge capacity due to compaction and clogging of soils in the sedimentation basin during construction.

The ENF does not propose stormwater drainage controls for the gravel emergency road, which crosses an intermittent stream. Some potential measures were discussed during the MEPA site visit. As recommended by the Town of Westford and NMCOG in their comment letters, the proponent should incorporate design features as part of the project to prevent ongoing erosion from the emergency access roadway to the intermittent stream and associated wetlands, and to avoid adverse impacts to adjacent properties during and after construction.

The proponent indicates that a detailed stormwater management report has been submitted to MassDEP and the Westford Conservation Commission as part of the Notice of Intent (NOI) process. I expect that MassDEP's comments will be considered by the Conservation Commission and that any outstanding issues relating to stormwater will be addressed during the local permitting process.

Blasting

The ENF indicates that perchlorate contamination has been detected in the vicinity of the project site and includes a report based on document review and on-site water sampling and analysis. The ENF includes proposed blasting specifications for the project and indicates that perchlorate-containing blasting agents will not be used. As noted in MassDEP's comment letter, perchlorate linked to blasting agents and explosives can adversely affect thyroid-controlled metabolic function, particularly in vulnerable populations. I refer the proponent to MassDEP's comment letter and its recommendations for the use of blasting agents, which the proponent should follow, where feasible, to avoid potential environmental impacts.

Recycling

According to the ENF, the proponent is committed to salvaging and recycling as much non-hazardous demolition and construction waste as possible. As recommended by MassDEP, I encourage the proponent to be specific in defining waste management goals in contractor and subcontractor agreements, to require documentation to verify implementation of waste reuse, recycling and disposal plans, and to use products from recycled materials for structural elements of the project. I refer the proponent to MassDEP's comment letter for additional guidance on incorporating recycling and source reduction into project design.

Construction Period Air Quality

The ENF indicates that the proponent will investigate the feasibility of using a contractor that will participate in the Diesel Retrofit Program and requiring contractors to use ultra-low sulfur diesel (ULSD). I strongly encourage the proponent to participate in the MassDEP Diesel Retrofit Program to mitigate diesel emission impacts to the maximum extent feasible. MassDEP staff is available to work with project proponent to implement mitigation. I remind the proponent that off-road equipment engines must use low sulfur diesel (LSD) fuel as of July 2007, as required by a 2004 regulation issued by the U.S. Environmental Protection Agency (EPA). I refer the proponent to MassDEP's comment letter for additional guidance.

Conclusion

The ENF has sufficiently defined the nature and general elements of the project, and has proposed measures to avoid and minimize, or mitigate environmental impacts. I am satisfied that any outstanding issues can be addressed through the state and local permitting process. Based on review of the ENF and comments received, and in consultation with state agencies, I have determined that no further MEPA review is required. The project may proceed to state permitting.

June 5, 2009

DATE



Ian A. Bowles, Secretary

Comments Received:

5/13/09      Massachusetts Historical Commission  
5/14/09      Northern Middlesex Council of Governments  
5/15/09      Town of Westford  
5/26/09      Department of Environmental Protection, Northeast Regional Office  
5/26/09      Division of Fisheries and Wildlife, Natural Heritage and Endangered Species  
                  Program

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