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

PROJECT NAME : Westminster Estates
PROJECT MUNICIPALITY : Westminster
PROJECT WATERSHED : Nashua
EOEEA NUMBER : 14044
PROJECT PROPONENT : The Woods of Westminster Golf Course
DATE NOTICED IN MONITOR : June 11, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project includes the construction of a 141-lot cluster residential subdivision with an open space area that will encompass the existing Woods of Westminster golf course. The 303± acre project site is located on Bean Porridge Hill Road in Westminster, and contains three existing single family homes, a public golf course and vegetated open space and wetlands. Under the Preferred Alternative the project proposes to connect to the municipal sewer system and discharge wastewater off-site, construct an on-site water supply well, and create a comprehensive stormwater management system to control stormwater runoff generated by the project site. Direct wetland alteration will be limited, and the proponent has indicated that additional water quality best management practices (BMPs) will be utilized to mitigate potential impact to an identified rare species, the Creeper (*Strophitus undulatus*).

The Woods of Westminster Golf Course completed MEPA review in 1994 (EOEA No. 9990) and was subsequently constructed and presently operated as an 18-hole public golf course. The current project, Westminster Estates, includes both the existing golf course and an additional residential cluster development. The project will be serviced by approximately 9,010 linear feet of roadway and will result in the new alteration of 69± acres of land and the creation of approximately 20 acres of impervious area. The project will retain the three existing residences on site and 137 new single family homes will be constructed. The project is estimated to generate an additional 60,280 gallons per day (gpd) of wastewater and require the additional withdrawal of 60,280 gpd of water. The project will require the installation of water and sewer mains within the subdivision roadway, as well as off-site sewer mains within Bean Porridge Hill Road and South Ashburnham Road. The project will temporarily impact 100 square feet (sf) of Bordering Vegetated Wetlands (BVWs) and permanently impact approximately 29,700 sf of Riverfront Area in association with the placement of stormwater management structures.

The project is undergoing review pursuant to Sections 11.03 (1)(a)(1) and (2) because the project requires a state permit and will involve the direct alteration of 50 or more acres of land and creation of ten or more acres of impervious area. The project will require an Approval to Site Source/Conduct Pumping Test (BRP WS 13), a Pumping Test Approval and Approval to Construct Source (BRP WS 14), and a Major Sewer Extension Permit (BRP WP 71) from the Massachusetts Department of Environmental Protection (MassDEP). The project may also require a Conservation and Management Permit under the Massachusetts Endangered Species Act from the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program. The project will require a Surface Water Discharge Permit under the National Pollutant Discharge Elimination System (NPDES) program. Finally, the project will require an Order of Conditions from the Westminster Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land, stormwater, rare species, wetlands, water, wastewater, and historic resources.

The proponent must prepare a Draft and a Final EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

SCOPE

General

The Draft Environmental Impact Report (DEIR) should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate.

Project Description and Permitting

The DEIR should include a detailed description of the proposed project and characterization of the existing environment in compliance with 301 CMR 11.07(e) and (g). The DEIR should identify and describe any project phasing. The DEIR should characterize adjacent uses (residential and open space) and their relationship to the proposed project. The DEIR should provide a summary of past MEPA filings associated with Woods of Westminster golf course and describe the golf course's relationship to the proposed residential development project.

The DEIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards.

Alternatives

The DEIR should analyze the following alternatives:

- No-Build Alternative;
- Preferred Cluster Development Alternative as proposed by the proponent with off-site treatment of wastewater;
- A Cluster Development Alternative with treatment of wastewater on-site through use of a shared septic system; and
- An As-of-Right Development Alternative that would meet the current Westminster Board of Health and Zoning Regulations (i.e. individual septic systems).

The DEIR should identify the impacts for each of the alternatives on land alteration (including impervious area), drainage, wastewater, water supply, historic resources, rare species, and wetlands in a tabular format. Calculations should include impact associated with off-site sewer main extensions. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

The DEIR should identify and explain any project phasing, including potential impacts on construction sequencing and drainage patterns. It should discuss how this project is compatible with Executive Order 385 – Planning for Growth, by discussing its consistency with local land use plans and applicable regional plans.

Land

The proposed project will alter approximately 69 acres of land and create 20 acres of impervious area on the 303± acre project site. The DEIR should present existing and proposed grades at a reasonable scale on site plans, and summarize conceptual cuts and fills to prepare development parcels and construct stormwater management facilities. The DEIR should

summarize assumptions used to calculate anticipated land alteration and impervious areas within the ENF. The DEIR should evaluate the feasibility of further reducing overall land alteration and impervious surfaces impact through modified design, reduced pavement widths, implementation of low impact design techniques, etc. The DEIR should address how existing vegetation will be retained while accommodating new development lots.

Wastewater

The project will generate approximately 60,280 gpd of wastewater. Under the Preferred Alternative presented in the ENF, the project will require a sewer extension permit (BRP WP 71) to connect the residential units to municipal sewers. This alternative would require the installation of sewer mains within the subdivision roadway, as well as within portions of Bean Porridge Hill Road and South Ashburnham Road. Currently, the Town of Westminster is developing a Comprehensive Wastewater Management Plan (CWMP) to evaluate future wastewater expansion and services. Based upon the draft CWMP, the project is outside the proposed needs areas. On March 13, 2007, the Public Works Commissioners for the Town of Westminster denied the Sewer Extension permit application based on these findings. MassDEP has stated that since the project requires a sewer extension permit and is outside of the proposed needs areas identified in the Town's draft CWMP, the proponent must demonstrate that an on-site system is not feasible. Additionally, if subsequent to further studies, the project proceeds with the Preferred Alternative of off-site wastewater treatment, the proponent would be required to file a Notice of Project Change (NPC) under the MEPA Regulations in order to request a Phase I Waiver under the CWMP (EOEA No. 13919).

Several comments on the ENF and discussion at the MEPA scoping session have noted the challenges facing the project with regard to treatment of wastewater. It is my understanding that the Westminster Board of Health presently prohibits the use of shared septic systems, leaving projects with limited options for wastewater treatment (either on-site individual septic systems or sewer connection). The preservation of open space through the creation of a residential cluster development, as proposed as part of this project, is consistent with local planning documents and open space goals. However, the conflict of smaller development lots and local wastewater treatment requirements limit the location of cluster developments to those areas specifically identified within the CWMP as needs areas. I strongly encourage the proponent and regulatory boards within the Town of Westminster to work together to reconsider the feasibility of shared septic systems for this project.

In addition to the Preferred Alternative of off-site wastewater treatment, the DEIR should evaluate an alternative that utilizes an on-site shared septic system, as well as an alternative that is consistent with existing local zoning and Board of Health regulations. The DEIR should summarize the environmental impacts of each alternative and discuss the overall advantages or disadvantages of each scenario. This analysis may also include a discussion of project cost, feasibility, and consistency with local and regional planning documents or regulations. The DEIR should address the project's relationship to the draft CWMP, environmental impacts of sewer main extensions (if applicable), and treatment capacity for each development alternative. Finally, the DEIR should provide supporting documentation to substantiate feasibility of each

wastewater alternative (i.e. capacity for off-site treatment, soils data for an on-site shared system, etc.).

Water

The DEIR should provide a description of existing and proposed water withdrawals and associated permits for both the existing golf course and the residential development. The DEIR should characterize the nature of these withdrawals (potable v. irrigation, groundwater v. surface water withdrawal, etc.) and the potential impact water withdrawal increases may have on the sub-watershed and wetland resource areas. The proponent should discuss opportunities to recharge groundwater as part of the project and outline water conservation measures that could be applied to the project. Finally, the DEIR should address water supply comments submitted by MassDEP related to the applicability of the Massachusetts Water Management Act (MWMA).

Wetlands

The project site is located proximate to Phillips Brook and Crocker Pond and contains areas of Bordering Vegetated Wetlands (BVW). The DEIR should provide plans of appropriate scale to accurately discern the location of each wetland area regulated under the Wetlands Protection Act (WPA) located on the project site. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The text should explain whether the local conservation commission had accepted the resource area boundaries, and any disputed boundary should be identified. Furthermore, the DEIR should discuss the influence of local wetland bylaw requirements on project design. The DEIR should provide an accurate measurement of each wetland resource area that will be affected by the project.

The DEIR should demonstrate that all wetland impacts have been avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR should illustrate that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The DEIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The DEIR should consider the potential impact of a shared on-site wastewater treatment system on wetland resource areas and discuss ways to avoid or minimize potential impact. The locations of any detention basins and their distances from wetland resource areas, and the expected water quality of the effluent from said basins should be identified. The DEIR should specifically address the impact, if any, to the removal or placement of stormwater outfalls within resource areas. The DEIR should clarify what portions of the project may result in the permanent alteration of wetland resource areas versus temporary impacts to facilitate roadway construction. The DEIR must also address the current and expected post-construction water

quality of the predicted final receiving water bodies and demonstrate compliance with applicable water quality regulations or guidelines.

Stormwater

The DEIR should present drainage calculations and conceptual plans for the management of stormwater from the proposed project. It should include a description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The DEIR should discuss the feasibility of maximizing stormwater infiltration and identify the quantity and quality of flows.

The DEIR should demonstrate that source controls, pollution prevention measures, erosion and sedimentation controls during construction, and the post-development drainage system for the project are designed in compliance with the MassDEP's Stormwater Management Policy and standards for water quality and quantity impacts. The drainage analysis should ensure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns. The DEIR should discuss opportunities to incorporate low impact development (LID) stormwater runoff controls into the project. The primary tools of LID are the use of landscaping features and naturally vegetated areas in site design, which encourage the detention, infiltration and filtration of stormwater on-site, and the in-basin recharge of groundwater resources. Other tools include water conservation and use of pervious surfaces. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>. If LID techniques are not included in the Preferred Alternative, the DEIR should discuss why such techniques were not feasible or applied to the project site.

The DEIR should present an operation and maintenance plan for the drainage system to ensure its effectiveness. This plan should be consistent with the Stormwater Pollution Prevention Plan required under the NPDES Construction General Permit and should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

Rare Species

The Natural Heritage and Endangered Species Program (NHESP) has indicated that based on a review of the project plans and information contained within their database, the proposed project is located near the actual habitat of the Creeper (*Strophitus undulatus*) which is a state-listed species of "Special Concern". This species and its habitat are protected pursuant to the Massachusetts Endangered Species Act (MESA, MGL c131A) and its implementing regulations (321 CMR 10.00).

The DEIR should provide a project history of correspondence and studies, if any, conducted regarding the presence of rare species on the property. The DEIR should provide a

summary of the rare species identified on-site by NHESP, characterize preferred species habitat and potential impacts due to the proposed project, and outline mitigation measures, if any. The DEIR should address the ability of the proposed stormwater management system to meet the water quality standards and habitat characteristics necessary to preserve Creeper habitat. The DEIR should provide an update on consultation with NHESP and, if applicable, a determination as to whether a Conservation and Management Permit will be required under MESA. The proponent should specifically address the impact of various project alternatives requested as part of the DEIR with regard to rare species habitat and water quality. The DEIR should, to the extent practicable, commit to mitigation measures such as construction-related oversight, work-timing considerations, and erosion control measures associated with the project prepared subsequent to guidance from the NHESP, to avoid and minimize impact to Creeper habitat.

Historical

The Massachusetts Historical Commission (MHC) indicated in their comment letter that they had previously reviewed the adjacent golf course project, "The Woods of Westminster Golf Course" in 1999. The golf course is proposed as the open space portion of the project presently under review. A reconnaissance archaeological survey was conducted for the golf course construction project, which identified several historical archaeological sites. These sites included the Page (Robinson) Site (WST.HA.11), the S. Towne Site (WST.HA.12), and the S. Hale Site (WST.HA.13). According to MHC, these sites are 19th and 20th century historic farmsteads represented by extant above-ground stone walls and foundations. The MHC stated that the Page (Robinson) Site and the S. Towne Site are within the area of potential effect for the current project in Lot #138 and 122 and 118 and 119, respectively.

The DEIR should include a summary of archaeological resources on the project site, as surveyed pursuant to EOEA No. 9990. As part of the DEIR, the proponent should consider alternative project layouts to incorporate these two archaeological sites into deeded open space portions of the project and preserved in their existing natural conditions. The DEIR should include a discussion of how sensitive archaeological sites could be avoided in the Preferred Alternative and draft proposed conditions to be incorporated into the deeded open space plan, if feasible, to preserve these archaeological resources.

Transportation

The project does not exceed any specific ENF traffic threshold, nor does it require a State agency action related to traffic impacts associated with the project. However, I acknowledge the proponent's commitment to roadway improvements along Bean Porridge Hill Road as part of the Westminster Planning Board approval process, including roadway striping and providing a consistent pavement width of 20 feet and improved roadway shoulders.

Construction

The DEIR should discuss potential construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts.

Mitigation

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Comments/Circulation

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. The DEIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The DEIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.

The proponent should circulate the DEIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the DEIR should be made available for review at the Westminster Public Library.

July 11, 2007

Date



Ian A. Bowles

Comments received:

06/26/2007	Massachusetts Historical Commission
07/02/2007	Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
07/02/2007	Alicia Altieri, Westminster Town Planner
07/02/2007	W.E.S.T. (Watchdogs for an Environmentally Safe Town)
07/02/2007	Massachusetts Department of Environmental Protection - CERO

IAB/HSJ/hsj