



# The Commonwealth of Massachusetts

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November 9, 2006

## CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Stony Brook Estates  
PROJECT MUNICIPALITY : Holden  
PROJECT WATERSHED : Wachusett Reservoir/Nashua River  
EOEA NUMBER : 13874  
PROJECT PROPONENT : C.B. Blair Enterprises  
DATE NOTICED IN MONITOR : September 11, 2006

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 hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR). Although the project does not exceed mandatory EIR thresholds, I am requiring an EIR due to the potential for significant environmental impacts associated with the project, and the need for additional information on baseline conditions, alternatives and proposed measures to avoid, minimize or mitigate impacts.

The proposed project consists of the construction of seventy-five single family homes and associated infrastructure on a 59-acre site. The site is currently undeveloped and is composed of mature woodlands and bordering vegetated wetlands associated with an on-site stream. The project is located in the Wachusett sub-watershed of the Nashua River Watershed and is subject to the Watershed Protection Act. The project as proposed in the Environmental Notification Form (ENF) will result in approximately 46 acres of land alteration and 9 acres of impervious area. BVW impacts are estimated at 2,958 square feet (sf). Water use and wastewater generation is estimated at 33,000 gallons per day and the ENF proposes connections to municipal infrastructure. The ENF also proposes construction of 1.19 miles of new water mains and 1.85 miles of new sewer mains. Traffic impacts are estimated at 750 vehicles per day.

An Environmental Notification Form (ENF) was filed previously for the project (EOEA# 11695). The proponent has filed a new ENF due to the time lapse since the previous filing, and because most of the permits previously issued have expired. The project is undergoing MEPA review pursuant to Section 11.03(1)(b)(1) and (2) of the MEPA regulations because it will result in alteration of 25 or more acres of land and creation of 5 or more acres of impervious area. The project is also under review pursuant to Section 11.03(4)(b)(6) because it requires a Variance

from the Watershed Protection Act and Section 11.03(5)(b)(3)(c) because it involves construction of ½ mile or more of new sewer mains. The project may also meet or exceed the review threshold at Section 11.03(3)(b)(1)(d) because it may result in alteration of 5,000 or more sf of BVW.

The project requires a 401 Water Quality Certification from the Massachusetts Department of Environmental Protection (MassDEP) and an Order of Conditions from the Holden Conservation Commission (and, on appeal only, a Superseding Order from MassDEP). The project requires a Variance from the Watershed Protection Act from the Department of Conservation and Recreation (DCR). Any amendments to the plans previously approved (pursuant to the DCR Variance Decision on June 27, 2001) will need an amended Variance Decision and possibly a public hearing. The proponent is also required to submit a Stormwater General Permit Notice of Intent to MassDEP for Discharges to Outstanding Resource Waters from Construction Sites (Form BRP WM 08B). The project requires a Sewer Connection/Extension Permit from MassDEP.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to water supply, wastewater, wetlands and water quality, land, stormwater and drainage.

## SCOPE

### General

The proponent should prepare a Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this Scope. The DEIR should include a copy of this Certificate, a copy of each comment letter received and a response to comments. A Project Summary in clear non-technical language should be included in the DEIR. This section of the document should summarize the project, alternatives analyzed, the type and extent of potential impacts, and mitigation measures that the proponent is committed to. It should also include a list of permits required and a timetable and cost estimate for the project. The DEIR should provide an update on any changes in the project since the filing of the ENF.

The site plans submitted with the ENF are outdated and should be revised. The DEIR should include the most up-to-date site plans. Site plans should clearly identify the 200-foot and 400-foot watershed protection zones. Surface waters and other wetland resource areas on and in the vicinity of the project site should be delineated on site plans, which should be clearly labeled and include legends. The plans should also indicate the proposed area of land alteration within each lot. Site plans should also show existing or proposed trails and connections with adjacent open space and conservation areas. The DEIR should quantify overall impacts including land alteration, impervious area and wetlands alteration.

### Alternatives and Sustainable Design

The DEIR should evaluate alternative site configuration and project sizes, including designs that will minimize tree clearing and other land alteration, and potential impacts to ORW. The alternatives analysis should include a Low Impact Development (LID) alternative and consider a clustered development layout that minimize habitat fragmentation and land alteration. The alternative analysis should include a clear comparison of the impacts of each alternative and its project components (including but not limited to acres of land use and alteration, volume of earthwork, impervious area, wetlands (resource areas and buffer zones), undisturbed open space/habitat, water use and wastewater generation).

The DEIR should evaluate the use of LID techniques in site design and storm water management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. 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/>.

In addition to LID techniques, I encourage the proponent to consider High-Performance/Green buildings and other measures that can serve to avoid or minimize potential environmental impacts. Such alternatives may also reduce project development and long-term operational costs.

- Leadership in Energy and Environmental Design (LEED) certification for homes;
- water conservation and reuse of wastewater and stormwater;
- use of renewable energy;
- ecological landscaping;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- an annual audit program for energy and water use, and waste generation;
- energy-efficient Heating, Ventilation and Air Conditioning (HVAC), lighting systems, and appliances, and use of solar preheating of makeup air;
- use of building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- incorporation of an easily accessible and user-friendly recycling system infrastructure into building design; and
- implementation of a solid waste minimization and recycling plan.

### Stormwater and Drainage

The DEIR should include a drainage analysis and stormwater management plan. Land alteration has the potential to adversely impact drainage patterns and the project site includes steep slopes and critical wetland resource areas. The DEIR should describe existing conditions and analyze impacts associated with changes in site topography and drainage patterns. Several comment letters highlighted the sensitivity of this site due to its location within the Wachusett Reservoir watershed and its proximity to the City of Worcester reservoir system. The DEIR should compare pre-development and post-development conditions and discuss any changes anticipated in the context of wetlands ecological functions and water supply resources. The DEIR should also include information to demonstrate the project's consistency with the MassDEP Stormwater Management Policy, including Standard #6, which requires that the first one inch of run-off is pre-treated before discharge to a critical area.

The DEIR should include a detailed description of the proposed stormwater management system, including the size and location of its components. The DEIR should consider alternative designs for the detention basins that will enhance the level of pollutant treatment and reduce potential ORW impacts. The DEIR should include an Operations and Maintenance Plan and clarify responsibility for long-term management of the system. The DEIR should describe alternative designs (overall site planning and the stormwater system) considered by the proponent in order to incorporate LID and avoid adverse impacts to hydrological systems on and off-site. The DEIR should provide clear commitments to mitigation measures relating to stormwater and drainage impacts

### Water Supply/Watershed Protection

The proponent should consult with DCR regarding the need for an Amended Variance Decision and public hearing, and provide an update in the DEIR. The DEIR should describe how the proposed project is being designed to avoid and minimize, or mitigate potential impacts to public water supply resources.

### Wetlands and Water Quality

The proposed project proposes a wetland crossing with six arch culverts in an area of Outstanding Resource Water (ORW). The MassDEP comment letter indicates that this design is not consistent with the 401 Water Quality regulations, which presume a bridge would be used to cross an ORW and avoid wetland fill. The DEIR should address this issue and discuss alternatives considered for the crossing. The DEIR should demonstrate how the project will be consistent with regulatory requirements and minimize wetlands alteration.

Due to the time lapse since the project underwent DCR review for the Variance Decision, the proponent should conduct a new wetlands delineation to determine if the BVW boundaries have since changed. The DEIR should provide an update on the wetlands delineation, and ensure existing conditions and site plans are consistent with the most up-to-date delineation. The DEIR should include plans for wetlands replication and discuss the rationale for selection of proposed

replication areas as well as impacts, such as mature tree clearing, associated with replication plans.

The DEIR should discuss the applicability, and project's conformance with, the Army Corps of Engineers programmatic general permit requirements in the "Massachusetts River and Stream Crossing Standards: Technical Guidelines". Based on discussions during the site visit, it appears that alteration associated with the crossing may have been under-estimated in the ENF. The DEIR should include the total amount of BVW alteration associated with all components of the crossing, and clarify the amount of alteration resulting from footings and shading. The DEIR should address the questions raised at the site visit and in comment letters regarding the intermittent or perennial status of the on-site stream. Site plans should locate the stream and show how it connects to off-site resources such as Dawson Pond. If the stream is perennial, the DEIR should discuss how the project will comply with regulatory requirements pertaining to Riverfront Area.

The DEIR should describe proposed work on steep slopes and demonstrate how this work will be accomplished while simultaneously preventing impacts to ORW wetland resources on and adjacent to the project site. The DEIR should include plans for erosion and sedimentation controls and construction phasing activities. The DEIR should describe measures that will be implemented to minimize soil disturbance on steep slopes near critical areas.

#### Wastewater

According to the ENF, the proposed project will generate approximately 33,000 gallons per day (gpd) of wastewater, and will require construction of 1.85 miles of new sewer lines and a pump station (200 gallons per minute (gpm)). As noted in the MassDEP comment letter the Town of Holden placed a temporary ban on sewer extensions in 2005 and conducted a town-wide sewer capacity study. The DEIR should provide additional information on the sewers downstream of the project and discuss whether downstream sewers can handle the additional flow from the proposed pump station.

The MassDEP comment letter also notes that the Town of Holden has stopped accepting ownership of pump stations and has required other subdivisions to form an owner's association to operate and maintain shared pump stations. The DEIR should include plans for ownership and long-term maintenance, and discuss liability issues associated with operation of the pump station.

The DEIR should clarify the distance between the proposed sewer lines and water supplies and tributaries. Site plans should show the adjacent brook, which is a tributary to the Wachusett Reservoir, and the Zone A of the tributary. The DEIR should discuss how the proposed project will comply with MassDEP requirements for emergency contingency plans for pump stations within 1,000 feet of water supplies and tributaries.

The MWRA Advisory Board, in its comment letter, recommends that the Rutland-Holden Sewer and Relief Trunk Sewer should be under the ownership and control of the host communities. The letter references a Memorandum of Understanding (MOU) developed by MWRA and DCR that addresses this issue. The Advisory Board is also recommending that any

new connections, including the Stony Brook Estates project, be restricted until sewer management responsibilities are transferred to host communities. I encourage the proponent to consult with the Town of Holden and the appropriate state agencies on this issue. The DEIR should include an update on consultations with state and local agencies and the status of sewer ownership and management, and discuss implications for the proposed project.

Construction

The DEIR should include a draft Construction Management Plan (CMP), which should describe how the proposed project will comply with MassDEP Air Pollution Control Regulations (310 CMR 7.09) and avoid adverse impacts to wetlands and ORW during the construction phase.

Mitigation and Section 61 findings

The DEIR should include a summary of all proposed measures to avoid, minimize and mitigate adverse effects on the environment. The DEIR should include proposed Section 61 Findings for all state permits, which should describe mitigation measures to be implemented, contain a clear commitment to mitigation and a schedule for implementation, and identify parties responsible for funding and implementing the mitigation measures.

Comments

The DEIR should respond to the comments received on the ENF 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 DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

Circulation

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to the list of "comments received" below. A copy of the DEIR should be made available for public review at the Holden Public Library.

November 9, 2006

DATE

  
Robert W. Golledge, Jr., Secretary

Comments received

- 10/02/06 Nashua River Watershed Association
- 10/02/06 Department of Environmental Protection, Central Regional Office
- 10/12/06 Anthony Costello
- 10/20/06 Department of Conservation and Recreation
- 10/31/06 Massachusetts Water Resources Authority (MWRA) Advisory Board

RWG/AE/ae