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November 15, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Laurel Ridge Estates
PROJECT MUNICIPALITY : Leicester
PROJECT WATERSHED : Blackstone
EOEA NUMBER : 13963
PROJECT PROPONENT : Fox Hill Builders
DATE NOTICED IN MONITOR : October 9, 2007

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) 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). Because the Draft EIR (DEIR) adequately addressed the substantive issues of the Scope, I reviewed the DEIR as a Final EIR in accordance with the provisions of the MEPA regulations at 301 CMR 11.03(8)(8)(b)(2)(a). The FEIR was noticed in the October 9, 2007 issue of the Environmental Monitor and was subject to a 30-day comment period. The Massachusetts Department of Environmental Protection (MassDEP) resubmitted its comments on the DEIR regarding water supply and wastewater. No other comments were received.

The proposed project consists of construction of 111 residential units (ninety-one single-family homes and ten duplexes) on a 62.18-acre site. The project includes construction of three roadways (approximately 0.9 miles in total) and approximately one mile of new sewer mains (on-site and off-site). Off-site sewers and a pump station are proposed as part of a cooperative venture with two other residential development projects in the area. The proposed project will alter approximately 27.46 acres of land, including 11.17 acres of impervious area, and will impact 2,504 square feet of bordering vegetated wetlands (BVW).

The project is undergoing review pursuant to Section 11.03(1)(a)(2) and requires a mandatory EIR because it will result in creation of ten or more acres of impervious area. The project is also undergoing review pursuant to Section 11.03(5)(b)(c) because it involves

construction of ½ mile or more of new sewer mains. The project requires a Sewer Extension Permit and a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP). The project also requires a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA).

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 wastewater, wetlands, land, stormwater and drainage.

DEIR/FEIR REVIEW

General

The project has not changed since the filing of the Environmental Notification Form (ENF), with the exception of the modifications to the stormwater management system. The DEIR/FEIR includes additional information and analysis pertaining to alternatives, wetlands, stormwater, wastewater and water supply, and includes a Response to Comments and draft Section 61 Findings.

Alternatives

The DEIR/FEIR includes an expanded alternatives analysis that compares the proposed 111-unit age-restricted project with a 38-lot conventional subdivision (which has similar wetlands impacts and less impervious area). The alternatives analysis also considers a 12-unit and a 6-unit single-family development that would avoid wetlands impacts and have significantly less impervious area. According to the DEIR, the preferred alternative will cluster housing using a local permitting initiative and protect 16.84 acres of the project site for open space and conservation purposes.

Wetlands and Stormwater Management

The project will result in filling of 2,504 sf of BVW and will impact 260 linear feet of Bank. According to the DEIR/FEIR, wetlands impacts will be mitigated through culvert installation and construction of a 2,800 sf wetlands replication area on-site. The proponent has committed to erosion and sedimentation controls and other construction and post-construction practices to protect wetlands and water quality. The stormwater management system and drainage analysis presented in the ENF had been designed for a previously proposed 38-single family home subdivision. The DEIR/FEIR includes a revised stormwater and drainage analysis and proposes system modifications to accommodate a more dense development of 111 units. The DEIR/FEIR proposes larger detention basins and pipes and infiltration units for roof run-off. The proposed stormwater management system will be designed to meet MassDEP Stormwater Management Policy standards. The proponent or its successor homeowner's association will be responsible for the operation and maintenance of the stormwater management system.

Wastewater

The DEIR/FEIR includes a discussion on the feasibility of alternative wastewater disposal systems including on-site septic systems and a package treatment plant. The preferred alternative is to discharge sewage to the Upper Blackstone Wastewater Treatment Facility. The project includes on-site and off-site sewer mains, and a pump station. Proposed off-site sewers are being designed as a separate but cooperative venture to accommodate an existing apartment complex. The proponent submitted additional information during the MEPA review process to clarify ownership and responsibility for maintenance of the sewer system. As further detailed in its letters (from EcoTec, Inc. dated September 21, 2007 and November 8, 2007), the proponent will be responsible for wastewater infrastructure (including the proposed pump station) until the system passes the applicable tests of the Cherry Valley Sewer District (CVSD), after which the system would be owned and maintained by CVSD. The DEIR/FEIR indicates that easements will be granted to the CVSD for maintenance of the sewer system. I expect the proponent will provide additional documentation as necessary to MassDEP during the permit process with regard to long-term ownership and maintenance of the sewer system.

Water Supply

Private water supply wells are proposed for the project's residential units. According to the DEIR/FEIR, the project will not meet the definition of a public water supplier as defined within 310 CMR 22.00, and, therefore, would not require a water supply permit from MassDEP. The DEIR/FEIR proposes sampling and analysis of each well installation using the water quality parameters required by the Leicester Board of Health. As noted in the MassDEP comment letters, the Leicester Board of Health does not presently include uranium analysis for private well installations. I support MassDEP's recommendation that the proponent test the water supply for uranium because there have been instances of elevated uranium levels in the project area.

Sustainable Design

According to the DEIR/FEIR, the proponent will construct the project to meet EnergyStar Certification for Homes requirements. I commend the proponent for its commitment to enhance energy efficiency as a sustainable design feature of the project. The DEIR/FEIR has adequately assessed potential project impacts and proposed measures to avoid, minimize or mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process.

November 15, 2007

DATE



Ian A. Bowles, Secretary

Cc: Christopher Montiverdi, Chairman, Leicester Board of Health

Comments Received:

11/06/2007 Department of Environmental Protection, Central Regional Office

IAB/AE/ae