



# *The Commonwealth of Massachusetts*

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March 15, 2007

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

PROJECT NAME : Laurel Ridge Estates  
PROJECT MUNICIPALITY : Leicester  
PROJECT WATERSHED : Blackstone  
EOEA NUMBER : 13963  
PROJECT PROPONENT : Fox Hill Builders  
DATE NOTICED IN MONITOR : February 6, 2007

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).

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 also 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. The project will impact 2,504 square feet of bordering vegetated wetlands (BVW) as a result of proposed road crossings.

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.

### Single EIR Request

The proponent has submitted an Expanded Environmental Notification Form (ENF) with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than require the usual two-step Draft and Final EIR process. The Expanded ENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request for a Single EIR in accordance with Section 11.05(7) and Section 11.06(8) of the MEPA regulations, and I find that the Expanded ENF did not meet the enhanced standards required in the MEPA Regulations. The ENF does not fully describe and analyze all aspects of the project and all feasible alternatives, or provide a sufficiently detailed baseline to assess stormwater and drainage impacts and mitigation measures. Therefore, I must require the usual two-step Draft and Final EIR process. However, if the Draft EIR resolves the substantive issues outlined below, I will consider the procedural options available to me at 301 CMR 11.08(8)(b)(2) as they relate to the Scope for the Final EIR and may allow the Draft EIR to be reviewed as a Final EIR.

## 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 and a copy of each comment letter received. The DEIR should include a clearly labeled existing conditions plan of the project site and its immediate context, and a plan of proposed conditions. Maps and plans should be of a reasonable scale to facilitate review and comment and should include wetlands and water bodies on-site and in the project area, and any areas proposed for permanent protection as open space. Site plans should identify wetlands resource areas and buffer zone and the proposed conditions plan should show proposed development in the context of existing resources. Plans should show adjacent land uses and infrastructure, Zone IIs and other water protection districts, and any rare species habitat on or adjacent to the project site.

The DEIR should include a project summary, an update on any changes since the ENF filing, an update on permitting, and a summary of alternatives analyzed and mitigation measures proposed. The DEIR should clarify how much of the 17 acres proposed as open space will remain undisturbed and discuss how undisturbed areas will be permanently protected.

## Alternatives

The proposed project consists of 91 single-family homes and ten duplexes. The ENF discusses one other feasible alternative considered, a 38-lot detached single-family home subdivision. The ENF indicates that this alternative has similar environmental impacts to the proposed project but does not describe or quantify impacts. The ENF also discusses two alternatives considered infeasible, a six-lot single family development along existing road frontage and a 12-lot single-family development that would avoid wetlands impacts associated with a second roadway access. The DEIR should provide a quantitative comparison of environmental impacts associated with the 38-lot subdivision and the project as proposed in the ENF (including but not limited to land alteration, impervious area, and wetlands impacts; wastewater generation; and areas that will remain as protected open space).

The DEIR should evaluate alternative approaches to stormwater management including an alternative that incorporates principles of low impact development (LID). 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.

## Wetlands and Stormwater Management

The ENF indicates that wetlands impacts (2,504 sf of BVW) are necessary in order to provide an access road to upland areas. Roadway construction and land clearing has already been undertaken. The proponent has committed to creating a 2,800 sf on-site replication area. The DEIR should clarify the current status of proposed wetlands mitigation.

The ENF included a post-development drainage analysis for the 38-lot subdivision previously permitted by the town, not for the 111-unit project as proposed in the ENF. The DEIR should include a revised drainage analysis for the proposed development that clearly compares pre-development and post-development conditions. The DEIR should describe any changes anticipated in wetlands hydrology, including water quantity and quality, as a result of the proposed development.

The DEIR should describe the proposed stormwater management system and how it is being designed to maintain existing site hydrology and drainage patterns, and protect wetland resources. The DEIR should describe LID techniques that will be incorporated into project design and identify the main components of stormwater system on site plans. The proponent indicated that a homeowner's association may be responsible for the stormwater system. The DEIR should include clear commitments to ensure effective long-term operation and maintenance of the stormwater system, and clarify long-term ownership and maintenance responsibilities.

### Wastewater

According to the ENF, sewage from the proposed project will discharge to the Upper Blackstone Wastewater Treatment Plant. The DEIR should clarify ownership, and identify who will be responsible for operation and maintenance, of the pump station that is proposed as a related project. The DEIR should also clarify ownership and long-term responsibilities for maintenance of the on-site sewer mains.

### Water Supply

During the ENF review period, the proponent submitted additional information to clarify ownership of the house lots and associated on-site wells (EcoTec, Inc. letter dated February 16, 2007). Based on the information provided by the proponent, it appears that the project's water supply is not considered a "Public Water System" as defined in 310 CMR 22.00, and that a MassDEP Water Supply Permit is not required. Each dwelling unit will have its own private water supply well and single-family lots will be sold to individual homeowners. Duplex lots may be held in common ownership by two homeowners. The proponent should consider the comments made by MassDEP during the site visit regarding water supply testing for uranium.

### Construction

The DEIR should discuss measures proposed to protect wetland resource areas during construction activities, and include a draft erosion and sedimentation control plan. The DEIR should clarify if any blasting is being proposed and if so, discuss measures to protect public water supplies in the project area. I refer the proponent to the MassDEP Memorandum entitled "Potential Environmental Contamination From the Use of Perchlorate-Containing Explosive Products" available at <http://www.mass.gov/dep/cleanup/laws/blasting.htm>

### Sustainable Design

I encourage the proponent to explore opportunities to avoid and minimize land alteration, clearing of vegetation, habitat fragmentation, and creation of impervious area to the maximum extent feasible, and to incorporate other sustainable development measures in project design. I encourage the proponent to incorporate restrictions on use of fertilizers, pesticides and other chemical controls in the homeowner association documents in order to protect wetland and water supply resources in the project area.

I encourage the proponent to consider high-performance/green building and other sustainable design measures to avoid and minimize environmental impacts. Sustainable design measures, which can reduce project development and long-term operational costs, may include:

- EnergyStar Certification and Leadership in Energy and Environmental Design (LEED) Certification for Homes;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- green roofs;

- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful [www.mass.gov/envir/lid](http://www.mass.gov/envir/lid) and [www.lid-stormwater.net](http://www.lid-stormwater.net) , and: <http://www.epa.gov/owow/nps/lid/>).
- optimization of natural day lighting, passive solar gain, and natural cooling;
- use of energy efficient Heating, Ventilation and Air Conditioning (HVAC) and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- implementation of a solid waste minimization and management plan; and
- provision of easily accessible and user-friendly recycling system infrastructure.

#### Response to Comments

The DEIR should respond to the comments received on the ENF to the extent that they are within MEPA jurisdiction. The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments.

#### Mitigation and Section 61 Findings

The DEIR should describe all measures to avoid, minimize and mitigate adverse effects on the environment and include a summary of mitigation measures to which the proponent is committed. 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.

#### 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, and to the Town of Leicester. A copy of the DEIR should be made available for public review at the Leicester Public Library.

March 15, 2007

DATE



Ian A. Bowles, Secretary

#### Comments Received:

2/13/07

Department of Environmental Protection, Central Regional Office

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