The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
http://www.mass.gov/envir

March 29, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME:	Ames Run Cluster Subdivision/The Lodge at Ames Pond
PROJECT MUNICIPALITY:	Tewksbury
PROJECT WATERSHED:	Shawsheen/Merrimack
EOEA NUMBER:	13493
PROJECT PROPONENT:	**The Hanover Company** (previous proponent Ames Hill Development, LLC)
DATE NOTICED IN MONITOR:	February 20, 2007

As Secretary of Environmental Affairs, I hereby determine that the Single Environmental Impact Report (Single EIR) submitted for this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description and MEPA History

The project was the subject of an April 2005 Environmental Notification Form (ENF) that described an 87-lot single-family residential cluster subdivision located adjacent to Ames Pond in Tewksbury. The project site is approximately 198 acres, consisting of approximately 76 acres in pond surface area, approximately 113 acres of wooded uplands, and approximately 9 acres of Bordering Vegetated Wetlands (BVW). The original ENF project was proposed in two phases: Phase 1 consisted of 50 lots on two cul-de-sac streets, one off North Street (proposed Prospect Hill Road) and the other an extension of the existing Catamount Road; Phase 2 consisted of the remaining 37 lots on a cul-de-sac extension of the existing Overlook Drive.

At the time of the ENF submission, the proponent had received permission from the Tewksbury Planning Board for Phase 1 of the project and was in the process of working with a

Planning Board subcommittee to consider permitting options for Phase 2. During the ENF review process, the proponent requested permission to proceed with Phase 1 of the project prior to completion of an EIR for the entire project. The Final Record of Decision dated June 15, 2005, found that the proponent's Phase 1 Waiver request had merit and allowed the commencement of the first phase of the project, which has since commenced construction.

In November of 2006, the proponent submitted a Notice of Project Change (NPC) because a new proponent, The Hanover Company, assumed responsibility for the Phase 2 development and proposed to construct a 364-unit residential housing project under the provisions of MGL Chapter 40B in place of the previously reviewed 37-lot cluster subdivision plan. The proposed project to be known as the Lodge at Ames Pond will consist of 13 multi-story apartment style buildings, a clubhouse building, and accessory garage buildings. Site access will be from a new driveway to be constructed off of Ames Pond Drive, which provides access to Lowell Street/Andover Street (Route 133) and Interstate 495. All residences will be served by extensions of the municipal water and sewer lines.

The Secretary's Certificate on the ENF dated May 9, 2005 issued a Scope for a Draft and Final EIR for Phase 1 of the project and the previously proposed Phase 2. In the November 2006 NPC, the proponent requested permission to fulfill its EIR obligations under MEPA for both Phases of the project with a Single EIR in accordance with 301 CMR 11.06(8). In the NPC, the proponent provided a considerable amount of information on the project, including an alternatives analysis; a detailed stormwater analysis; and a Traffic Impact and Access Study (TIAS). In the Certificate on the NPC dated December 8, 2006, the proponent was allowed to prepare a Single EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations. The Scope for the EIR was amended to reflect the changes proposed in the NPC.

Jurisdiction

The project as outlined in the ENF and NPC is subject to environmental review and the preparation of a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03(1)(a)(1) and 11.03(1)(a)(2) of the MEPA regulations because it will result in the alteration of more than 50 acres of land and the creation of more than 10 acres of new impervious surface. The project also exceeds ENF review thresholds at 301 CMR 11.03(5)(b)(3)(c), 301 CMR 11.03(6)(b)(13) and 301 CMR 11.03(6)(b)(15) because it proposes the construction of new sewer mains one-half or more miles in length that are not located in the right of way of existing roadways and because it will generate more than 2,000 new daily vehicle trips and create more than 300 new parking spaces.

Phase 1 of the project required and has obtained the following permits: a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); a Section 404 Programmatic General Permit (PGP) from the U.S. Army Corps of Engineers (ACOE); a Minor Sewer Extension Permit from the Department of Environmental Protection (MassDEP); a Cluster Subdivision Special Permit from the Tewksbury Planning Board; and an Order of Conditions from the Tewksbury Conservation Commission.

The Phase 2 Lodge at Ames Pond project requires the following permits and/or approvals: a NPDES Construction General Permit; a Section 404 PGP from the ACOE; a Major Sewer Extension Permit and a Water Distribution System Modification Permit from MassDEP; a Chapter 40B Comprehensive Permit from the Tewksbury Zoning Board of Appeals; and an Order of Conditions from the Tewksbury Conservation Commission.

Because the potential exists for the project to be appealed to the Housing Appeals Committee (HAC), MEPA has broad scope jurisdiction that extends to all significant environmental impacts potentially resulting from the project. These include land alteration, drainage, wetlands, wastewater, drinking water and transportation.

Review of the Single EIR

The purpose of MEPA review is to ensure that a project proponent studies feasible alternatives to a proposed project; fully discloses its environmental impacts; and incorporates all feasible means to avoid, minimize, or mitigate Damage to the Environment as defined by the MEPA statute. I have fully examined the record before me, including but not limited to the Scope issued on December 8, 2006; the Single EIR filed in response; and the comments entered into the record. I find that the Single EIR is sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy. The proponent has provided detailed information about the project and its potential impacts and proposed mitigation. Remaining issues outlined in this Certificate may be addressed during permitting.

Alternatives

The NPC provided a comparison of the impacts of the No Build, the ENF Full Build and the NPC Full Build alternative. The proponent requested in the NPC that the requirement for analysis of the "reduced build" alternative as outlined in the Certificate on the ENF be removed from the Scope for the EIR. According to the proponent, the market for single family housing in the Tewksbury area has softened considerably since the filing of the ENF, and a single family development is not feasible for this site presently.

The Single EIR included an analysis of three alternatives for the Phase 2 development, including the proponent's Preferred Alternative, a Phase 2 Reduced Build Alternative, and the No-Build Alternative. The Preferred Alternative includes Phase 1 of the Ames Run Cluster Subdivision and the Phase 2 Lodge at Ames Pond Complex. The Reduced Build Alternative includes Phase 1 of the Ames Run Cluster Subdivision and a reconfigured Phase 2 single-family development, for a total of 87 single-family homes. While the Preferred Alternative will result in more significant impacts than the Phase 2 Reduced Build alternative, the proponent has committed to implement mitigation measures to ensure that the project will avoid or minimize Damage to the Environment.

In addition, the proponent has committed to the following sustainable design measures to minimize the impacts of the project:

- The buildings will be energy efficient using high levels of wall and ceiling insulation and thermally broken, insulated vinyl windows to create a tight building envelope. All units will be heated with natural gas fired aquatherm heat systems.
- Material usage will be optimized by incorporating the use of standard size building units wherever possible.
- Drought resistant native plants will be used to conserve water.
- The proponent will install recycling facilities on site.
  The buildings will be oriented to reduce site disturbance and environmental impact. Buildings will be designed with split levels to take advantage of the site's topography and retaining walls will be used to minimize land clearing and grading.
- The proponent has incorporated Low Impact Development (LID) concepts into the project wherever practicable.
  The proponent will conserve approximately 78 percent of the site as open space.

Land Alteration/Drainage

The two phases of the proposed project will result in the alteration of 53.35 acres of land and the creation of 17.23 acres of impervious surface. According to the Single EIR, the project will include a comprehensive stormwater management system that will comply with the guidelines of MassDEP's Stormwater Management Policy (SMP). A series of interconnected deep sump catch basins will collect surface runoff and direct it to a mechanical separator and then into detention basins for runoff control. The drainage system will provide removal of total suspended solids (TSS) using deep-sump hooded catch basins with oil/gas separators, mechanical separators and extended detention basins. Clean rooftop runoff will be recharged to groundwater on site. The stormwater management system will attenuate for the 2, 10, 25, 50 and 100-year storm events.

The Single EIR contained information to demonstrate that Phase 2 of the project will comply with the SMP guidelines for critical areas, and that stormwater from the site will be treated to one inch of runoff multiplied by the impervious area within the contributing drainage area. All water quality controls will also conform to the NPDES standards for an impaired water body, as Ames Pond is classified as impaired under Section 303(d) of the Clean Water Act. In response to comments from MassDEP on the NPC, the proponent used guidance from the Strategic Envirotechnology Partnership (STEP) fact sheet to determine the TSS removal rates for the project.

Each detention basin in Phase 2 will be designed using multiple outlets to reduce basin outlet velocities and to protect the 25-foot buffer zone around Ames Pond. Site hydrology will continue to flow in the same pattern as under existing conditions. Ames Hill hydrology during pre-development conditions is split with almost half of the site contributing to the watershed to the east and half to the west. The proponent has been required as a condition of local permits to maintain this condition under post-development conditions. In addition, post-development discharge rates and volumes will not exceed pre-development rates in accordance with the SMP. The proponent submitted drainage calculations in the Single EIR to affirm that the proposed stormwater management system provides adequate protection for wetland resources.

Because the development of the Phase 2 area will occur in a steep sloped area, the proponent presented a discussion of construction methodology in the Single EIR and outlined measures to control and minimize erosion and sedimentation to Ames Pond. The site layout for the Phase 2 Lodge at Ames Pond development has been designed to maintain as much natural buffer to Ames Pond as possible. Retaining walls will be utilized to minimize land clearing and grading as much as practicable. The site will be served by two internal roadways running somewhat parallel to the contour of the existing ground to minimize cuts and fills and excessively steep grades. In addition, the buildings have been designed with split levels to take advantage of the site's topography. The proponent should consider comments from MassDEP regarding the buffer to Ames Pond during the Notice of Intent (NOI) process for Phase 2.

Temporary erosion controls and settlement basins will be incorporated in the construction sequence plan and included in the Storm Water Pollution Prevention Plan (SWPPP). A copy of the SWPPP was submitted with the Single EIR. The Single EIR also contained an Operations and Maintenance Manual for long-term inspection and maintenance of stormwater Best Management Practices (BMPs). The Operations and Maintenance Manual outlines a schedule for street sweeping and guidelines for snow storage and removal. As shown in the plans, no snow will be plowed towards the wetlands or stormwater basins. The proponent should refine the snow disposal plan in response to comments from MassDEP for submittal with the Phase 2 NOI.

Wetlands

Wetlands at the site include two discrete areas of Bordering Vegetated Wetlands (BVW), Bank, and Land Under Water. The newly proposed Phase 2 development will result in an additional wetlands crossing that was not included in the original ENF proposal; however impacts to BVW have not increased. A roadway crossing for the originally proposed Phase 2 has been eliminated, although the crossing at this location will be retained to provide for utility crossings to serve the Phase 1 and 2 developments. This crossing has been reduced in width to approximately 20 feet. An additional roadway crossing is required for the new Phase 2 development at the northern end of the site adjacent to Ames Pond Drive. The total wetland impacts for the project will be 4,708 sf.

According to the Single EIR, the project does not require a 401 Water Quality Certificate (WQC). The December 2006 NPC indicated however that a WQC had been issued by MassDEP for Phase 1 of the project and that a second WQC would be required for Phase 2. The proponent should contact wetlands staff at MassDEP's Northeast Regional Office to resolve wetlands permitting issues for the project.

The site drive will result in alterations to 60 linear feet of an existing intermittent stream channel, regulated under the Massachusetts Wetlands Protection Act as Bank. The drive will be located at an existing unpaved crossing of the stream channel where it has been culverted by three 24-inch concrete pipes. The intermittent stream flows easterly through the pipes into a shallow marsh bordering Ames Pond. In order to mitigate impacts and to meet current Massachusetts River and Stream Crossing Standards, the stream will be spanned by a 20-foot wide concrete arch. In addition, the wildlife habitat and hydraulic functions of the stream at the

crossing will be improved by removal of the existing concrete pipe culverts and their replacement by a constructed stream channel.

A conceptual wetland mitigation plan was submitted with the Single EIR. The proponent has proposed to construct a 5,000 sf BVW replication area located immediately adjacent to an existing resource area. The wetland replication plan also includes mitigation for impacts to 60 linear feet of Bank at the proposed site drive. The proposed wetland replacement and restoration plan has been developed in accordance with the General Performance Standards for Bordering Vegetated Wetlands (310 CMR 10.55(4)) as well as MassDEP's Inland Wetland Replication Guidelines.

Water and Wastewater

Due to existing elevations within portions of the site and within adjacent water service areas, the proponent will construct a water booster station to be owned and operated by the Tewksbury Water Department.

The two phases of the project will result in the generation of 86,680 gallons per day (gpd) of wastewater. The proponent has received a Minor Sewer Extension Permit from MassDEP for Phase 1 of the project. Phase 2 of the project will require a Major Sewer Extension Permit for the construction of 2.25 miles of new sewer main.

Wastewater from Tewksbury is directed to the Lowell Regional Wastewater Treatment Facility. The Town of Tewksbury has an intermunicipal agreement with the City of Lowell to discharge up to 4.25 million gallons per day (MGD) of wastewater to the Lowell system. The intermunicipal agreement sets the flow at an average annual basis. The Town of Tewksbury currently discharges a daily average of less than 2.5 MGD on an annual basis, so the projected additional flows from the project can be accommodated. In response to comments from MassDEP on the NPC, the proponent evaluated the wastewater collection system downstream of the project site. According to information presented in the Single EIR, the existing sewers and pump stations downstream do not require upgrades to satisfy the new flow demands attributable to the project.

Transportation

According to the Single EIR, the Phase 1 Ames Run Cluster Subdivision is projected to generate approximately 297 average vehicle trips per day. The Phase 2 Lodge at Ames Pond will result in approximately 2,338 daily trips. The project does not require any state permits related to traffic. The NPC included a Traffic Impact and Access Study that indicated that the project will not result in any Level-of-Service degradations at intersections in the vicinity of the project. The TIAS was developed in consultation with the Town of Tewksbury.

Mitigation

The Single EIR contained a separate chapter on all mitigation measures to which the proponent has committed and a draft Section 61 Finding for MassDEP. The proponent committed to the following mitigation measures in the Single EIR:

Stormwater

- The project will include a comprehensive stormwater management plan in compliance with MassDEP Stormwater Management Standards. The project will use deep sump catch basins with oil/gas separators, mechanical separators and extended detention basins to reduce TSS concentrations before discharge to Ames Pond.
- Detention basins will include multiple outlets to reduce the velocity of stormwater and all discharge points will be located at least 25 feet from the edge of Ames Pond. Clean rooftop runoff will be recharged to groundwater.
- Stormwater impacts during construction will be minimized through the implementation of a SWPPP including a detailed sedimentation and erosion control plan.

Wetlands

- To mitigate wetland impacts and protect wildlife habitat, the proposed stream crossing will be spanned by a 20-foot wide concrete arch. This span has been designed to comply with MassDEP's Wildlife Habitat Protection Guidance (March 2006) and the Massachusetts River and Stream Crossing Standards. In addition, the wildlife habitat and hydraulic functions of the stream at the crossing will be improved by the removal of the existing concrete pipe culverts and their replacement by a constructed stream channel.
- The proponent will install a wetland replication area of 5,000 sf to replace the area and functionality of the BVW and Bank alteration. The proposed BVW replication area represents a 1:1 ratio of replication area to impact area, and is proposed in compliance with MassDEP's Inland Wetland Replication Guidelines (March 2002).

Water

- Due to existing elevations within portions of the new development as well as adjacent homes on Catamount Road, the proponent will design and construct a water booster station that will be owned and operated by the Town of Tewksbury.

I remind the permitting agencies to forward copies of Section 61 Findings, once issued, to the MEPA Office for completion of the project files.

Conclusion

I find the Single EIR to be adequate and am allowing the project to proceed to the state agencies for permitting. The Single EIR contained adequate information on project alternatives, impacts, and mitigation, and provided the state permitting agencies with sufficient information to

understand the environmental consequences of their permit decisions. No further MEPA review is required.

March 29, 2007
Date

Ian A. Bowles

Comments Received:

3/22/2007 Department of Environmental Protection, Northeast Regional Office

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