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August 29, 2003

DRAFT RECORD OF DECISION

PROJECT NAME : Stone Castle
 PROJECT MUNICIPALITY : Tyler & Arrowwood Streets - Methuen
 PROJECT WATERSHED : Merrimack River
 EOE NUMBER : 13080
 PROJECT PROPONENT : Alcro Development
 DATE NOTICED IN MONITOR : July 22, 2003

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and propose to grant a waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the construction of an 89-unit single-family detached residential condominium community that is age-restricted (55 years +). An existing home and barn on the site will remain. Two chicken coops and another barn will be demolished. The condominium community will include a Club House for the residents. Two gated access roadways will be constructed; one onto Tyler Street and the other onto Arrowwood Street. The project has a total of 374 parking spaces, which includes a two-car garage for each unit with parking in front of each garage. The site contains 77.94 acres of land.

The project will consume approximately 19,580 gallons per day (gpd) of water, and generate a similar amount of wastewater. The proponent proposes to receive water and sewer service from the local municipal system in Methuen.

Categorical Inclusion

The project is included for the preparation of a mandatory EIR pursuant to Section 11.03(1)(a)(2) of the MEPA regulations because it creates 10 or more acres of impervious area.

Jurisdiction

The project will require a Sewer Extension Permit and a Section 401 Water Quality Certificate from the Department of Environmental Protection (DEP). It must comply with the U.S. Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. On July 10, 2003, the proponent received an Order of Conditions as a "limited project" for three roadway crossings from the Methuen Conservation Commission for the alteration of about 4,000 sf of bordering vegetated wetlands (BVW) and impacts to buffer zones. The proponent received a Comprehensive Permit under Chapter 40B from the City of Methuen on July 22, 2003. MEPA jurisdiction is limited to those aspects of the project that may have significant environmental impacts (wastewater, historical/archaeological, wetlands, and drainage).

Waiver Request

On July 14, 2003, the proponent requested a waiver from the requirement for the preparation of an EIR. On August 12, 2003, an Executive Summary of the Traffic Study was submitted to the MEPA Office for its review. The waiver request was discussed at the consultation/scoping session, which was held on August 8, 2003.

Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on one or more of the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about benefits in excess of those that could be achieved in the absence of a waiver.

Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. Twenty-five percent or 23 units will be classified as affordable housing under state regulations.
2. The potential traffic impacts of the project are insignificant. According to the proponent, the project is

estimated to generate approximately 1,334 new vehicle trips per day.

The proponent will work with the City of Methuen to design traffic signals for the intersection of Tyler Street/North Lowell Street (approximately \$30,000) and improve sight distance at the driveway onto Tyler Street (approximately \$3,936).

3. The proponent will provide a sidewalk along the north side of the Tyler Street frontage. It will also construct a sidewalk along one side of its internal roadways. Sidewalks are estimated to cost the proponent approximately \$45,153. The proponent has committed to install a bicycle rack at the Club House.

4. Ample and unconstrained infrastructure exist for water and wastewater service. The water and wastewater systems do not require any additional upgrades for the proposed project. The Greater Lawrence Wastewater Treatment Plant has sufficient capacity.

5. The proponent is proposing to incorporate Best Management Practices pursuant to DEP's Stormwater Management Policy. The proponent is using deep sump catch basins with gas trap hoods that flow to four extended detention basins with sediment forbays. These detention basins will control post-development stormwater discharges from the site to pre-development levels (at cost of approximately \$86,800). Roof runoff will be infiltrated into drywells. The project will be constructed in five phases to minimize and control soil erosion and stormwater runoff. The proponent/condominium association has committed to perform an annual inspection and maintenance program for the stormwater collection system and drywells and to sweep roadways and parking areas twice each year.

6. On August 12, 2003, the proponent committed to replicate its altered BVW of 4,000 sf at 6,000 sf. The proponent is proposing to restore about 4,500 sf of Riverfront area after the removal of the chicken coop on the south side of Tyler Street. It is proposing to use calcium chloride for deicing roadways. The proponent has agreed to place a covenant on the property to limit wetland alteration to no more than 5,000 sf in perpetuity.

7. The proponent has committed to donate the 20-acre parcel on the south side of Tyler Street as open space to the City of Methuen (about \$452,000). This parcel contains soils that are considered Prime and State Important agricultural soils according to Massachusetts Department of Agricultural Resources (MDAR). The soils around the farmhouse on the northern parcel are also considered Prime agricultural soils.

8. The proponent must undertake an intensive (locational) archaeological survey for the project, as requested by the Massachusetts Historical Commission (MHC).

9. The proponent will contribute \$25,000 to the City of Methuen for use at their discretion towards mitigation.

Based on these findings, it is my judgement that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the waiver requested for this residential development, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen day comment period, after which I shall reconsider, modify, or confirm the waiver.

August 29, 2003

DATE

Ellen Roy Herzfelder

cc: John Felix, DEP/NERO

Comments received:

MDCR, 7/24/03

Donald E. Stewart, 8/8/03

MDAR, 8/11/03

DEP/NERO, 8/11/03

MHC, 8/11/03

Landtech, 8/12/03

Landtech, 8/12/03

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