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April 24, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SECOND NOTICE OF PROJECT CHANGE

PROJECT NAME : The Village at Russell Farm
PROJECT MUNICIPALITY : Methuen
PROJECT WATERSHED : Bare Meadow Brook
EOEA NUMBER : 13667
PROJECT PROPONENT : Homestead Village, LLC
DATE NOTICED IN MONITOR : March 11, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

Originally proposed in a November 2005 Environmental Notification Form (ENF), the project consisted of the phased (Phase I, Phase II) development of a mixed use residential community for seniors (55 and older) and office/retail development on a 20.92-acre site located off Merrimack Street (Route 110) in Methuen. The mixed-use development project included the construction of one main accessway (Village Lane) from Route 110 and one gated emergency accessway from the project site along an existing town-owned way (Palermo Street) to Route 110.

Phase I Activities

Phase I has been completed and included the construction of 50 attached residential condominium units in 19 separate buildings, and related utilities and stormwater management infrastructure including 3 detention basins on a 14.66-acre portion of the project site. Phase I construction also included an attached 2-car parking garage for each of the proposed residential condominium units.

Phase II Activities

Under Phase II, the proponent constructed 2 senior apartment buildings (80 units total), 7 attached residential condominium units in three separate buildings, and a three-story 27,810 square foot (sf) retail/office building and related utilities and stormwater management infrastructure including 1 detention basins on a 1.26-acre portion of the project site. A total of 211 surface parking spaces (110 residential apartment, 64 office, 37 retail, and 7 2-car garages for the residential condominium units) have been constructed in Phase II. The Phase II project also included the construction of an on-site sewer pump station, approximately 3,000 linear feet of paved roadway with sidewalk, and stormwater and utility infrastructure including four detention basins.

The Proponent estimated that the mixed use residential/retail/office development project will generate approximately 1,612 new vehicle trips per day. The project's potable water supply needs (approximately 27,340 gallons per day (gpd)), are served by the Town of Methuen. The project's wastewater flows (approximately 27,340 gpd) are conveyed by the Town of Methuen's sewer system to the Greater Lawrence Sanitary District for treatment and disposal. A Certificate on the ENF was issued on December 9, 2005, finding that the project adequately and properly complied with the Massachusetts Environmental Policy Act.

Notice of Project Change

In March 2006 the Proponent filed a Notice of Project Change (NPC) to incorporate the construction of Phase III which included a new 38-unit apartment building, a 3-unit condominium building, a 4,800 sf office/retail building, and 112 additional surface parking spaces. The proposed project change resulted in a 2.63-acre expansion of the project site (23.55 acres total), a 1.47-acre increase in impervious area (9.91 acres impervious area total), an increase of 412 daily vehicle trips (2,024 total), and an increase of approximately 9,222 gpd for the project's potable water supply demand (36,562 gpd total), and wastewater flows (36,562 gpd total), respectively. The Secretary issued a Certificate for the NPC and determined that the potential impacts associated with the proposed changes to the project did not warrant further MEPA review. The Secretary requested that the Proponent address the comments received on the NPC and work closely with the permitting agencies to resolve any remaining issues pertaining to stormwater, water conservation, traffic mitigation, the need for safe and pedestrian friendly access to the project site.

Second Notice of Project Change

The Proponent has filed this second Notice of Project Change (2nd NPC) to describe proposed revisions to the previously reviewed Phase III development program. As described in the 2nd NPC submittal, the Proponent is now proposing to revise the Phase III construction plan to include a small expansion of the project site by approximately 0.71 acres (24.26 acres total) and to revise the proposed building program to include a three-story 34,500 sf office building, two 24-unit senior apartment buildings, and a three-story 16,500 sf office building. The proposed project change will result in an increase of .90 acres of impervious surface area (10.81 acres impervious area total) including the construction of 55 additional surface parking spaces (361 parking spaces total).

The proposed project change will result in a decrease of approximately 14,428 gpd for the project's potable water supply demand and generated wastewater flows (22,134 gpd total), respectively, and an increase of approximately 680 daily vehicle trips. At full-build, the Village at Russell Farm project is expected to generate a total of approximately 2,706 vtd .

Permits and MEPA Jurisdiction

The project has undergone review pursuant to Sections 301 C.M.R. 11.03 (1)(b)(2) and 11.03 (6)(b)(14) of the MEPA regulations, because it involves the creation of five or more acres (8.5 acres total) of impervious area, and the generation of 1,000 or more new vehicle trips (1,612 total) on roadways providing access to a single location, respectively. The project required an Order of Conditions from the Methuen Conservation Commission, and on appeal only, a Superceding order of Condotions from the Massachusetts department of Environmental Protection (MassDEP). The project may also require a National Pollutant Discharge Elimination System (NPDES) Programmatic Construction General Permit (CGP) for stormwater discharges from a construction site of over one acre from the U.S. Environmental Protection Agency. According to the Proponent, the project's internal roadways will be privately owned and maintained. The project has received a Sewer Connection Permit from MassDEP. The project also required a vehicular access permit from the Massachusetts Highway Department (MassHighway). Because the Proponent did not seek financial assistance from the Commonwealth for the project, MEPA jurisdiction extended to those aspects of the project that are within the subject matter of required state permits and that have potential to cause Damage to the Environment as defined in the MEPA Regulations, including wetlands, stormwater and traffic.

REVIEW OF THE 2ND NOTICE OF PROJECT CHANGE

Stormwater

As originally described in the ENF submitted for this project (November 9, 2005), the Proponent's stormwater management plan for Phases I and II includes the use of structural and non-structural best management practices (BMPs) including deep sump hooded catch basins, stormwater detention basins, sub-surface infiltration/detention basins, drainage swales and periodic road sweeping to collect and treat the project's stormwater flows for eventual discharge to Bordering Vegetated Wetlands (BVW) abutting the project site's northeastern boundary. I note that the project site is located within the Critical Supporting watershed for the Greater Merrimack Core Habitat, which is a critical or exemplary habitat for aquatic species. The Secretary's Certificate on the first NPC requested that the project be sited, designed and constructed to avoid and minimize impacts to the environment within this watershed.

The Proponent demonstrated to MassDEP that the project's stormwater management plan incorporates both structural and non-structural best management practices (BMPs) consistent with MassDEP's Stormwater Management Act Guidelines and the Wetlands Protection Act performance standards particularly in the areas of rooftop runoff, source control and pollution prevention. According to the Proponent, the stormwater management plan for the Phase III project has also been designed to address the 100-year storm event and includes the use of structural and non-structural BMPs. Stormwater flows will be collected in deep sump hooded catch basins and conveyed to sub-surface infiltration/detention basins and to collect and treat the project's stormwater flows for eventual infiltration to groundwater. Emergency overflows of stormwater will be directed to the stormwater management system constructed for the Phase I development.

Low Impact Development (LID)

I continue to urge the Proponent to consult with MassDEP to identify and incorporate additional opportunities for employing 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. LID can also protect natural resources by incorporating wetlands, stream buffers, and mature forests as project design features. In addition to the use of permeable surface parking materials and landscaped bioretention areas to significantly reduce the total amount of impervious area and stormwater runoff from the proposed project, I encourage the proponent to give further consideration to the use of swales, filter strips, depressed parking islands, and porous pavement throughout the project site. I encourage the proponent to contact EOEAs LID Technical Assistance Initiative for more information on LID.

Traffic

As originally described in the March 2006 NPC submittal, the Phase III development was estimated to generate approximately 412 additional vehicle trips on an average weekday. Using the Institute of Traffic Engineers Trip Generation land use code 230 for residential condominiums/townhouse, land use code 220 for apartments, land use code 710 for general office, the currently proposed Phase III project change is estimated to generate approximately 1,094 new additional vehicle trips on an average weekday. The Proponent committed to implementing timing changes to the Pleasant Valley/Merrimack Street intersection as part of the previously reviewed Phase III construction program. According to the Proponent, MassHighway's District 4 Office is currently reviewing the proposed Phase III project design to determine if the timing changes to the Pleasant Valley/Merrimack Street intersection will still be required to mitigate the mixed use residential/office development project's impacts to traffic. According to MassHighway, the trip generation associated with this 2nd NPC will not significantly impact the state highway system.

However, the Proponent will be required to implement signal timing changes at the Pleasant Valley Street/Merrimack Street intersection to improve traffic operations at this intersection. The Proponent is also required to provide the Transportation Demand Management (TDM) measures committed to as part of previous MEPA filings for this project.

As described in the April 21, 2006 MEPA Certificate issued for this project the Proponent must provide the following TDM measures to reduce the traffic impacts from the full-build project: provide on-site sidewalk linkages to Route 110, posting of the Merrimack Valley Regional Transit Authority (MVRTA) Route 01 Bus schedule on-site, constructing a bus stop with adequate space for a public bus service drop-off/pick up location within the project site, and working with the MVRTA's Office of Special Services, MassRides, and the Town of Methuen to identify specific opportunities for serving the Village at Russell Farm project. As a condition of this Certificate, I am requiring that the Proponent to complete the implementation of the TDM measures described above prior to occupancy of the Phase III project. The Proponent should continue to work closely with MassHighway and the City of Methuen and MVRTA during final project design to evaluate the feasibility of constructing any additional traffic, transit, pedestrian, and bicycle improvements within the project area in response to remaining regional and local traffic concerns.

Water Conservation

The Proponent will need to continue demonstrate to MassDEP that the Phase III project design and the full-build Village at Russell Farm project meets the Commonwealth's water conservation standards. I strongly encourage the Proponent to incorporate water conservation and water use efficiency in the project design to optimize, and comply with the 2005 State Plumbing Code. The Proponent has committed to employing efficient residential water conservation technologies for the project including: water saving devices and low flow toilets for all proposed new construction. The Proponent has committed to reducing the project's irrigation water demand by planting native and drought-tolerant species of trees, shrubs, and turf grasses, and by installing an automated water efficient irrigation system. I ask that the Proponent consult with MassDEP, and the Massachusetts Water Resources Commission's *Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, October 2002*, during final project design.

Construction Period

The Proponent should evaluate Phase III construction period impacts, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses, and analyze feasible measures that can be employed to avoid or eliminate these impacts. The Proponent should coordinate Phase III construction activities with town officials and abutting property owners.

Based on a review of the information provided by the Proponent and after consultation with the relevant public agencies, I find that the potential impacts of the proposed Phase III project changes do not warrant further MEPA review.

April 24, 2009
DATE


Philip A. Bowles, Secretary

Comments received:

04/14/09 Massachusetts Highway Department (MassHighway)

2nd NPC# 13667
IAB/NCZ/ncz