

For Office Use Only Executive Office of Environmental Affairs MEPA Analyst: <u>Nick Zavalas</u> Phone: 617-626- <u>1030</u>
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# NPC

## Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Sapphire Park		EOEA #: 13629	
Street: Pearl Street & Shawn Avenue			
Municipality: Gardner, MA		Watershed: Millers / Nashua	
Universal Transverse Mercator Coordinates:		Latitude: 42° 35' 00" Longitude: 71° 58' 45"	
Status of project construction: 0% complete			
Proponent: Sunshine Realty Trust			
Street: PO Box 70			
Municipality: Ayer		State: MA	Zip Code: 01432
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Charles Strickland			
Firm/Agency: Miesner Brem Corp.		Street: 142 Littleton Road, Ste. 16	
Municipality: Westford		State: MA	Zip Code: 01886
Phone: (978)692-1313	Fax: 978-692-0303	E-mail: cstrickland@meisnerbrem.com	

In 25 words or less, what is the project change? The project change involves . . .  
 Reduction from 172 Mobile home units to 103 units, including roadway and impervious area reductions as well as an increase in open space.

Date of ENF filing or publication in the Environmental Monitor: September 24, 2005

Was an EIR required?  Yes  No; if yes,  
 was a Draft EIR filed?  Yes (Date: )  No  
 was a Final EIR filed?  Yes (Date: )  No  
 was a Single EIR filed?  Yes (Date: )  No

Have other NPCs been filed?  Yes (Date(s): )  No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to "ATTACHMENTS & SIGNATURES" on page 4.

**PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER**

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))  
 Yes     No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?  
 Yes     No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate?  Yes     No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
<b>LAND</b>			
Total site acreage	97.1±	0	97.1±
Acres of land altered	56.6±	-13.6±	43.0±
Acres of impervious area	13.1±	-3.3±	9.8±
Square feet of bordering vegetated wetlands alteration	7,081±	806±	7,887±
Square feet of other wetland alteration	0	0	0
Acres of non-water dependent use of tidelands or waterways	0	0	0
<b>STRUCTURES</b>			
Gross square footage	146,360±	-49,680±	96,680±
Number of housing units	187	-69	118
Maximum height (in feet)	35	0	35
<b>TRANSPORTATION</b>			
Vehicle trips per day	1,010	-345	665
Parking spaces	374	-138	206
<b>WATER/WASTEWATER</b>			
Gallons/day (GPD) of water use	42,790±	-15,180±	27,610±
GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	42,790±	-15,180±	27,610±
Length of water/sewer mains (in miles)	2.1±	-0.7±	1.4±

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No
2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No
3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No
4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?  
Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No
5. impact upon an Area of Critical Environmental Concern? Yes No

If you answered 'Yes' to any of these 5 questions, explain below:

The site is located within a Priority Habitat of Rare Species.

**PROJECT CHANGE DESCRIPTION** (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

The original development plan for Sapphire Park was the subject of an Environmental Notification Form (ENF) filed with the MEPA Office in September 2005. It was determined that the project did require a Draft Environmental Impact Report on October 31, 2005.

Sapphire Park was originally designed with 172 mobile home units and nine interior roadways. During discussions with Town officials, concerns about the accuracy of the wetland delineation were raised. The wetlands were reflagged and located which resulted in a substantial reduction in the scope of the project. The plans were revised in accordance with the city wetland regulations. The current project design includes 103 mobile home units and only 5 interior roadways. As a result of the wetland delineation and major plan revisions, the proposed project no longer exceeds any mandatory EIR thresholds. The current design plan calls for 13± acres less land area to be disturbed. Despite the increased wetland area the project intends to fill only 808±ft<sup>2</sup> of additional wetland area, compared to the original design plan. The total acreage of the open space parcel is 52.2± acres to be preserved in perpetuity.

The significance of the proposed changes is substantial. The current Sapphire Park project reduces the total proposed land area alteration by almost 25%. Additionally, the project no longer exceeds any thresholds for requiring a mandatory EIR. The total impervious area is less than 10 acres and the total land alteration is less than 50 acres.

The Applicant has obtained an Order of Conditions (OOC) from the Gardner Conservation Commission to construct the roadways and infrastructure (stormwater management, sewer, water, etc.) for the project. The Order of Conditions ensures that necessary steps have been taken to minimize the impacts to wetland resource areas. Furthermore, impacts are minimized by the

creation of the 52.2± acre open space parcel which substantially reduces the amount of work done near or on environmentally sensitive areas limiting alteration to less than 50% of the land area within the Sapphire Park Development.

This Notice of Project Change is filed because of the substantial reduction in the scope of the proposed development. The Sapphire Park development no longer meets any threshold for filing an ENF. For this reason, because impacts have been minimized and an Order of Conditions has already been issued, it is hoped that a new certificate can be issued and no further MEPA review will be required for Sapphire Park.

**ATTACHMENTS & SIGNATURES**

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)
10/31/07	<i>[Signature]</i>	11/31/07	<i>[Signature]</i>
Name (print or type)	Name (print or type)	Name (print or type)	Name (print or type)
James D. Dorell	Sunshine Realty Trust	Charles W. Stroud III	Muscle Beach Corp.
Firm/Agency	Firm/Agency	Firm/Agency	Firm/Agency
Rd. Box 70	Rte. 1A, Littleton, CO 80120	Rte. 1A, Littleton, CO 80120	Rte. 1A, Littleton, CO 80120
Street	Street	Street	Street
Filer MA 01432	Westford, MA 01990	Westford, MA 01990	Westford, MA 01990
Municipality/State/Zip	Municipality/State/Zip	Municipality/State/Zip	Municipality/State/Zip
(978) 772-7177	(978) 672-1313	(978) 672-1313	(978) 672-1313
Phone	Phone	Phone	Phone