

For Office Use Only
 Executive Office of Environmental Affairs
 MEPA Analyst: *Bill GAGE*
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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: New Seabury Development Project		EOEA #: 12074	
Street: Off Great Oak Road (Business offices at 20 Red Brook Road)			
Municipality: Mashpee		Watershed: Cape Cod	
Universal Tranverse Mercator Coordinates:		Latitude: 70°29'1.99"	
		Longitude: 41°34'15.46"	
Status of project construction: 25 % complete			
Proponent: New Seabury Properties LLC			
Street: 20 Red Brook Road			
Municipality: New Seabury, Mashpee		State: MA	Zip Code: 02649
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Lina McLean			
Firm/Agency: New Seabury Properties		Street: 20 Red Brook Road	
Municipality: Mashpee		State: MA	Zip Code: 02649
Phone: 508-539-8203	Fax: 508-477-7455	E-mail: lmclean@newseabury.com	

In 25 words or less, what is the project change? Project changes involve building 200 residences and 10,000 SF commercial space in Section 5 per agreement with Cape Cod Commission; connecting existing development to wastewater facilities.

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: November 10, 1999

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date: October 31, 2000) No
 was a Final EIR filed? Yes (Date: March 30, 2001) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s): January 2, 2003; August 15, 2003) 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: A condition of the current ground water discharge permit will need to be modified to be consistent with the terms of the New Seabury wastewater treatment facility's Operating Agreement.

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))

Yes No; if yes, attach justification.

Please see attached 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Are you requesting that a Scope in a previously issued Certificate be rescinded?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 ¹	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage	±80 Acres	0	±80 Acres
Acres of land altered	13-15 Acres	25-27 Acres	38-42 Acres
Acres of impervious area	0 (net new)	±23 Acres	±23 Acres
Square feet of bordering vegetated wetlands alteration	0	0	0
Square feet of other wetland alteration	0	0	0
Acres of non-water dependent use of tidelands or waterways	0	0	0
STRUCTURES			
Gross square footage	1,750 SF	498,250 SF ²	500,000 SF
Number of housing units	0 (+1 existing)	200 (+1 existing)	200 (+1 existing)
Maximum height (in feet)	45 Feet	0 Feet	45 Feet
TRANSPORTATION			
Vehicle trips per day	1,518	3,284	4,802 ³
Parking spaces	102	403	505 ⁴

1. These statistics pertain only to New Seabury Section 5 which was the subject of the two previous NPCs. The development program for all other components of the New Seabury Development Project is unchanged or somewhat less than that which was reviewed in the October 24, 2001 SFEIR.
2. This is an estimate of the combined square footage of planned residential and commercial development.
3. Worst case – assumes maximum commercial development in Section 5.
4. 50 new spaces at the golf practice facilities replace parking removed at the site of the former Crossroads building. There are 52 existing spaces at the tennis center.

WATER / WASTEWATER			
Gallons/day (GPD) of water use	6,825 gpd	57,175 gpd	64,000 gpd ⁵
GPD water withdrawal	0	0	0
GPD wastewater generation/ treatment	6,500 gpd	114,760	121,260 ⁶
Length of water/sewer mains (in miles)	0	0.97 Miles	0.97 Miles

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:

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

(a) *brief description of the project as most recently reviewed.*

The most recent review of the *entire* New Seabury Development Project (the "Project") occurred through the Supplemental Final Environmental Impact Report filed on October 24, 2001 (the "SFEIR"). As described in the SFEIR, the Project involved the completion of the multi-decade development of residential, commercial, and recreational facilities on approximately 1240 acres in Mashpee. At that time, the Project's development program called for the construction of approximately 527 additional residential units in a combination of apartments, single-family homes, townhomes, a 150-room hotel (treated as residential under the New Seabury special permit), and approximately 80,000 square feet of commercial space including a 100-seat restaurant. This proposed development, along with wastewater generated by the club facilities (the Popponesset Inn, clubhouse, golf maintenance, and tennis center) would have generated total wastewater flows of approximately 252,000 gallons per day, based on Title 5 flow rates.

Much of the Project development reviewed in the SFEIR was to have occurred in an approximately 80-acre portion of New Seabury just off Great Oak Road, known as Section 5. The Section 5 development included 200 apartments, 37 townhomes, 37

5. Maximum water use limit in Section 5 imposed under the May 2005 Agreement for Judgment with the Cape Cod Commission as discussed elsewhere in this NPC.
6. Design flow based on Title 5. Note that wastewater flows do not correlate to water use because water use in Section 5 is restricted under the Agreement for Judgment, and existing developments that would be connected to the WWTF are already water users supplied by the Mashpee Water District. Total flow includes 66,260 gpd from Section 5 plus an estimated 55,000 gpd from existing developments.

single-family houses, the 150-room hotel, the 80,000 square feet of commercial space plus ~35,000 square feet of existing space to remain⁷. Thereafter, the Cape Cod Commission attempted to assert jurisdiction over Section 5 and other parts of the New Seabury Project, notwithstanding that the Project's special permit was granted in 1964, decades before the Cape Cod Commission was created. One of the Commission's principal contentions for its assertion of jurisdiction was that as a result of an agreement with the Mashpee Board of Selectmen that reallocated development rights to Section 5, substantially more development was proposed for Section 5 than had been proposed originally in 1964. The Commission asserted that this meant that New Seabury was no longer in "substantial compliance" with its Special Permit. In an effort to isolate the Section 5-related dispute, and thereby remain free to proceed with other components of the overall development project, New Seabury filed an NPC on January 2, 2003 which reduced the development proposed for Section 5 to that which had been established by the 1964 special permit. On August 15, 2003, New Seabury filed a second NPC which called for a further reduction in the development program for Section 5, including the elimination of all new residential and commercial construction in that area. This NPC would have resulted in only 1,750 SF of new building (golf driving range building), the construction of planned recreation facilities (golf driving range and practice greens), and the elimination of 778 parking spaces from the plan as previously presented. Other than the development program changes described for Section 5 in both of the previous NPCs, all other components of the New Seabury Development Project remained as described and reviewed in the October 24, 2001, Supplemental Final EIR (SFEIR).

In May 2005, an Agreement for Judgment ("AFJ") was entered in the Cape Cod Commission litigation. The AFJ is the result of prolonged, detailed negotiations between New Seabury Properties and the Cape Cod Commission, and serves, in essence, as a development agreement between the parties. The AFJ limits residential and commercial development in Section 5 to approximately half of that which was reviewed under the SFEIR. Under the AFJ, development in Section 5 is limited to 200 residential units (with no more than 506 bedrooms) and 10,000 SF of new commercial space. The amount of new commercial space may be increased to as much as 50,000 SF, provided that for each additional 5,000 SF of commercial space above the 10,000 SF baseline, the maximum number of residential units is reduced by four. Thus, if 50,000 SF of new commercial space is built the maximum number of residential units will be reduced to 168 (and still be subject to the 506 bedroom limit). This August 2007 NPC is meant to (i) synchronize MEPA review of the Project with the provisions of the Agreement for Judgment, and (ii) present New Seabury Properties' plan to make the Wastewater Treatment Facility's additional excess capacity resulting from the substantial reduction of development in Section 5 available to other existing developments.

(b) *a description of material changes to the project as previously reviewed.*

As was the case with the previous two NPCs, the Project changes with respect to additional development described in this August 2007 NPC, occur only in Section 5 of New Seabury. Additionally, this NPC addresses the planned connection to the New Seabury Private Sewer Treatment Facility (WWTF) of existing residential development within New Seabury that is serviced by septic systems. This NPC calls for the


7. Existing development in Section 5 includes administrative offices, a maintenance building, a Sales Cottage [real estate], temporary office trailers, and the tennis center. Additionally, there is one single-family residence and a real estate office building in Section 5, neither of which is owned by the Proponent.

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:

8/24/07 

Date: Signature of Responsible Officer
or Proponent

Date: Signature of person preparing
NPC (if different from above)

Lawrence D. Carr
Name (print or type)

Name (print or type)

New Seabury Properties LLC
Firm/Agency

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