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March 22, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Sapphire Park Mobile Home Court
PROJECT MUNICIPALITY : Gardner
PROJECT WATERSHED : Nashua
EOEA NUMBER : 13629
PROJECT PROPONENT : **Sunshine Realty Trust**
DATE NOTICED IN MONITOR : **February 20, 2007**

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project **no longer requires** the preparation of an Environmental Impact Report (EIR).

Project Description and MEPA History

As originally described in the Environmental Notification Form (ENF) in September 2005, the Sapphire Park Mobile Home Court project (Sapphire Park) entailed the development of a 172-unit mobile home park on an 85-acre portion of a 97-acre parcel of property located off Pearl Street and Shawn Avenue in Gardner. The project included the construction of approximately 12,072 linear feet (lf) of roadway, 344 surface parking spaces, and associated utilities and stormwater management infrastructure including three stormwater detention basins. The project's estimated water supply needs and related wastewater flows (37,840 gpd) were to be served by the City of Gardner's municipal waster supply and sewer system.

The project required the preparation of a DEIR pursuant to 301 C.M.R. 11.03 (1)(a)(2) of the MEPA regulations because it involved the creation of ten or more acres (approximately 12.0 acres total) of impervious surface. The proposed project also underwent review pursuant to 11.03 (1)(b)(1) and (5)(b)(3)(c) of the MEPA regulations because it resulted in the direct alteration of 25 or more acres of land (approximately 48.0 acres), and required the construction of sewer mains one-half or more miles in length (2.1 miles total), respectively.

The project required an Order of Conditions from the Gardner Conservation Commission (and hence a Superseding Order from MassDEP if any local Orders were appealed). The project also required a Section 401 Water Quality Certificate from MassDEP, and a General Program Category II Permit from the U.S. Army Corps of Engineers. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre from the U.S. Environmental Protection Agency.

Cumulative Impacts

The proposed Sapphire Park project represents the second phase of development (Phase II) of the proponent's previously initiated Farm Hill Estates, consisting of 112 single-family homes on a 97-acre site off Pearl Street (Route 101) in Gardner. The proponent submitted additional information to the MEPA Office indicating that a portion of the proposed Farm Hill Estates project was constructed in 1989 including 15 single-family houses, approximately 850 lf of paved roadway, and approximately 2,200 lf of rough-graded roadway.

The proponent's Phase I construction activities also involved the filling of approximately 5,440 square feet (sf) of Bordering Vegetated Wetlands (BVW) for the Shaun Avenue roadway crossing. I note that although required, an ENF for the Farm Hill Estates project was not submitted to the MEPA Office. Pursuant to the anti-segmentation provision of the MEPA regulations (Section 11.01(2)(c)), the proponent was required to prepare a DEIR to discuss the cumulative infrastructure impacts and site planning issues resulting from the proposed Phase II (Sapphire Park Mobile Home Court) and the completed Phase I (Farm Hill Estates). When considering the cumulative impacts from the full-build project, it appeared likely that the proposed Sapphire Park project would meet the additional mandatory EIR threshold related to land alteration. The Secretary's Certificate on the ENF issued on October 31, 2005 required the proponent to prepare a DEIR to discuss the project's cumulative impacts on land, wastewater, water supply and stormwater management.

Notice of Project Change

As described in this Notice of Project Change (NPC) submittal, the proponent has revised the project design to accommodate revisions to the wetland delineation of the project site made subsequent to the issuance of the Secretary's Certificate on the ENF. The project, as currently proposed, involves the construction of a reduced number of mobile home units (103 mobile home units total), and significant reductions in land alteration, impervious surface area, and impacts to bordering vegetated wetlands (BVW).

According to the information provided in the NPC submittal and summarized in the Table below, the cumulative impacts associated with the proposed Sapphire Park Mobile Home Court and the Farm Hill Estates project no longer exceed any MEPA review threshold requiring the mandatory preparation of an Environmental Impact Report (EIR).

Sapphire Park Project and Farm Hill Estates Project

Project Description	FARM HILL ESTATES	SAPPHIRE PARK	Totals
Project Area (Acres)	11.42	85.68	97.1
Residential Units	15	103	118
Surface Parking Spaces	30	206	236
Total Disturbed Area (Acres±)	8.61	34.36	42.97
Total Impervious Area (Acres±)	1.16	8.65	9.81
Total Open Space (Acres)	0	52	52
Total Wetland Buffer Disturbed (Acres)	3.5	9.90	13.4
Total Wetland Alteration (SF)	5,440	2,447	7,887
Riverfront Area Disturbed-Total (SF)	0	0	0
Endangered Species	None	None	None
Total Municipal Water Use (GPD)	4,950	22,660	27,610
Total Municipal Wastewater (GPD)	4,950	22,660	27,610
Vehicle Trips Per Day (VTD)	150	515	665
New Roadways (Linear Feet)	850	6,739	7,589

Land Alteration

The Sapphire Park project, as currently designed, will result in alterations to approximately 34 acres of land, and approximately 8.7 acres of new impervious surface area. The proponent should continue to investigate all feasible methods of avoiding, reducing, or minimizing impacts to land. As described in the NPC, the proponent has committed to permanently protecting approximately 52 acres (53 percent) of the 85-acre Sapphire Park project site as undeveloped open space. The proponent should consider offering a conservation restriction (CR) on those portions of the project site proposed to remain as permanently protected and undisturbed open space.

Wetlands

According to the NPC, Phase I involved two wetland crossings for Shaun Avenue and Topaz Terrace, and resulted in the alteration of approximately 5,440 sf of BVW. Phase I impacts also included alterations to approximately 3.5 acres of the 100-foot wetland buffer zone. As currently designed, Phase II proposes an additional three wetland crossings for Ruby Road and Opal Lane, and a cross-country sewer line, and will result in the additional alteration of approximately 2,447 sf of BVW. Therefore, the proposed Sapphire Park project will require a 401 Water Quality Certification from MassDEP.

The proponent will be required to provide MassDEP with an analysis and evaluation of practicable alternatives to the proposed additional filling. This analysis must incorporate the filling of wetlands previously completed as part of Phase I. The proponent has proposed to implement a total of 3,265 sf of on-site wetlands replication, a ratio of 1.3:1. The proponent should also propose to mitigate for the impacts to BVW resulting from Phase I. At a minimum, the proponent may need to provide wetlands replication at a ratio of 2:1, (approximately 15,775 sf) for any/all unavoidable impacts to wetlands resulting from the full-build project. I strongly

encourage the proponent to work closely with the Gardner Conservation Commission and MassDEP to implement mitigation measures for the full-build project that will fully offset impacts to wetland resource areas.

The Sapphire Park site plan depicts portions of numerous house lots and large sections of the project's internal roadways, and stormwater management best management practices (BMPs) to be located within the 100-foot wetland buffer zone. As currently designed, the project will result in the alteration of approximately 10 acres of the 100-foot wetland buffer zone. I strongly encourage the proponent to consider methods for further avoiding or minimizing encroachment into buffer zones. The proponent should consider placing deed restrictions, to include certified vernal pools, if any, and the uplands around them, on any residential properties that will be located within 600 feet of any vernal pools or within the 100-foot wetlands buffer zone as a method for avoiding future impacts from homeowner activities.

Stormwater Resources

According to the proponent, the full-build project will now result in the creation of approximately 9.81 acres of new impervious surface area. The stormwater management plan for the Sapphire Park Mobile Home Court project has been designed to meet MassDEP's Stormwater Management Policy guidelines, and includes the use of deep sump catch batch basins, Vortecs and VortSentry infiltration units, water quality swales, and six stormwater detention basins with sediment forebays, and periodic road sweeping to accommodate the project's stormwater flows for eventual discharge to BVW abutting the project site.

I encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater 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. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Water Supply

The NPC includes estimates of the potable water supply demands for the proposed Sapphire Park project (22,660 gallons per day (gpd)), and the Farm Hill Estate project (4,950 gpd), respectively. As currently proposed, the total projected potable water demand for the full-build project (27,610 gpd) will be served by the City of Gardner's water supply and distribution system.

The proponent must demonstrate to MassDEP that the final project design 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 comply with the March 1989 state plumbing code. Specifically, the proponent should commit to employing efficient residential water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances (dishwashers, washing machines). I strongly encourage the proponent should also consider implementing an Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. An IMP could involve the use of amended soils and compost, the planting of native and drought-tolerant species of trees, shrubs, and turf grasses, an automated water efficient irrigation system, and a water management protocol for drought conditions. I ask that the proponent consult with MassDEP, and refer to 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 the final design of the proponent's IMP.

Wastewater

The estimated combined wastewater flow from the Sapphire Park and Farm Hill Estates projects (approximately 27,610 ggpd) will be served by the City of Gardner. According to the proponent, the City of Gardner's municipal sewer system has sufficient capacity to accommodate the full-build project's additional wastewater flows. I strongly encourage the proponent to work closely with the City of Gardner to identify opportunities to contribute to any ongoing infiltration and inflow removal (I/I) projects within the City of Gardner and to provide mitigation at a ratio of 2-4:1 for every gallon of wastewater generated by the project as a condition of connecting to the sewer system.

Construction Period

Proposed activities, including construction mitigation, erosion and sedimentation control, sediment dewatering, phased construction, and drainage discharges or overland flow into wetland areas, will be evaluated by MassDEP during the permitting process.

The proponent must satisfactorily demonstrate to MassDEP that the construction period impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The proponent should analyze construction-period impacts for the full-build project, including temporary impacts to wetlands, and the extent of any blasting and/or re-grading during construction. If blasting will be required during project construction, the proponent must prepare a blast design plan pursuant to the Board of Fire Protection Regulations (577 CMR 13.09) for the proposed construction of roads, houses and utilities within the project site. Blasting mixtures that include perchlorate have been identified as the source of contamination in many Massachusetts public water supplies. To the extent practicable, the use of perchlorate-containing explosive products should be avoided when surface or groundwater may be affected.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the NPC submittal has served to adequately disclose potential impacts and mitigation, and to demonstrate that project impacts no longer warrants the preparation of an EIR. The proponent can resolve any remaining issues during the state and local permitting processes.

March 22, 2007
DATE



Ian A. Bowles, Secretary

Comments received:

02/13/07 Department of Environmental Protection (DEP) – CERO
03/12/07 Paul N. DeMeo
03/12/07 **Watchdogs for an Environmentally Safe Town (WEST)**

NPC #13629
IAB/NCZ/ncz