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October 10, 2007

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

PROJECT NAME : New Seabury Development Project
PROJECT MUNICIPALITY : Mashpee
PROJECT WATERSHED : Cape Cod
EOEA NUMBER : 12074
PROJECT PROPONENT : New Seabury Properties, LLC
DATE NOTICED IN MONITOR : September 10, 2007

Pursuant to the Massachusetts Environmental Policy Act (G.L. c.30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it **does not require** further MEPA review.

Project History with MEPA

In the Supplemental Final Environmental Impact Report (SFEIR), the project consisted of the development of underdeveloped and undeveloped parcels in New Seabury. The project included the construction over 10 years of approximately: 532 residential units; 80,000 square feet (sf) of commercial space; and a 150-room hotel. It also involved the reconstruction and expansion of the Popponesset Inn and the Cabana Club. In addition, a prior Phase I Waiver had been issued for the construction of a 300,000 gallon per day (gpd) wastewater treatment facility (WWTF), the reconstruction and expansion of the golf course clubhouse, and the construction of a golf course maintenance facility. MEPA jurisdiction for this project was limited to the subject matter of the required state permits: a Department of Environmental Protection (MassDEP) Groundwater Discharge Permit, a Sewer Extension Permit, a Chapter 91 License, and Section 106 Review with the Massachusetts Historical Commission (MHC).

New Seabury is comprised of 29 Sections. Section 5 has been the subject of several changes, including this NPC. There is currently about 35,000 sf of commercial space and one residential unit located in Section 5. Section 5 contains about 80 acres. Two wells, the Rock Landing Wells, operated by the Mashpee Water District (MWD), and the Sophronia Young House site are located in Section 5. MHC has determined that the Sophronia Young House site is

eligible for listing in the National Register of Historic Places.

The original proposal for Section 5 proposed 80,000 sf of commercial space, a 150-room hotel, a 200-unit garden apartment complex, a golf driving range, a new golf maintenance facility, a tennis facility with 8 courts, 37 single-family detached homes, and 38 single-family attached residential units.

All existing development controlled by the proponent and the proposed development in Section 5 would be connected to the WWTF. The proponent committed to additional mitigation measures that are listed in November 30, 2001, Certificate on the Supplemental FEIR. The Certificate determined that the project adequately and properly complied with the Massachusetts Environmental Policy Act.

In January of 2003, the proponent revised the development program (with a change in the land use mix) for Section 5. This change was made by the proponent in order to comply with the 1964 Special Permit issued by the Town of Mashpee. The proponent was proposing 25 residential units and 145,000 sf of new commercial space. In addition, the proponent was proposing 10 tennis courts.

The proponent has committed to continue to provide the same mitigation program as originally proposed in the Supplemental FEIR. In addition, the proponent has committed to the following additional mitigation measures once the development of Section 5 is underway:

- Restricting residential lawn areas and controlling the application of fertilizers and pesticides by deed restrictions.
- Applying no fertilizers or pesticides to the golf driving range that is located within the 100-foot open space ring contiguous with the Zone I wellhead protection radius once vegetation has been established.
- Utilizing water conserving plumbing fixtures in new and rehabilitated structures, as was done when New Seabury Properties renovated the Popponesset Inn and reconstructed the Country Club.
- Employing a construction monitor, at an estimated project cost of \$250,000, to ensure that contractors employ and properly maintain mitigation measures.
- When receiving a commitment from the MWD for water connections within Section 5, establishing an escrow fund of \$50,000 for any necessary well remediation attributable to the proposed development and to implement wellhead protection measures necessary to address development impacts.
- Incorporating bicycle racks and pedestrian paths into the layout of Section 5 to facilitate walking and cycling within Section 5 and other parts of New Seabury.

In August of 2003, an NPC was submitted for this project. The proponent proposed eliminating all residential and commercial development in Section 5. The existing single residential unit and 35,000 square feet (sf) of commercial space would remain. The project change would revise the

recreational facilities. The existing 16-court tennis complex would remain. The proponent is proposing to build the golf driving range and a short game practice area. The golf driving range and short game practice area will require a 1,750 sf building and about 43 parking spaces (a net gain of 16 spaces). The sinks and toilets in the golf practice facilities building will be connected to a 1,000 gallon tight tank which will be pumped out by a licensed septic contractor on a regularly scheduled basis. Wastewater flow has been reduced from the January NPC to this NPC from 28,763 to 6,500 gallons per day (gpd). The existing reception center, maintenance buildings, office trailers, and tennis complex will remain on their existing septic systems. Vehicle trips are reduced from 4,806 to 1,492 trips in Section 5. All other elements in the overall New Seabury Development Project will remain as described in the October 15, 2001 SFEIR. The proponent will remove the five existing commercial on-site septic systems and will tie these facilities into the wastewater treatment plant, whose discharge is outside the municipal wells Zone II area. In the Certificate on this NPC dated September 25, 2003, the Secretary required no further MEPA review for the Section 5 changes described.

Notice of Project Change

This NPC was submitted for MEPA review on August 31, 2007. In May of 2005, an Agreement for Judgment (AFJ) was entered into by the proponent and the Cape Cod Commission (CCC) as a result of litigation. The AFJ serves as a development agreement between the proponent and the CCC. It limits residential and commercial development in Section 5. The AFJ allows for a total of approximately 500,000 sf, which consists of 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. The 506 bedroom limit remains in force. The proponent has estimated that the development occurring in Section 5 will generate approximately 4,802 new vehicle trips and about 505 parking spaces will be developed. The project will consume approximately 64,000 gpd of potable water. It will generate a total of 121,260 gpd of wastewater (66,260 gpd from Section 5 and 55,000 gpd from existing developments) that will flow to the WWTF.

This NPC seeks to synchronize MEPA review of the project with the AFJ, and to allow for the utilization of the WWTF's excess capacity resulting from the reduction of the building program in Section 5. It makes available approximately 82,000 gpd of wastewater capacity to other existing developments. The proponent is proposing to connect the existing residential development within New Seabury that is serviced by septic systems and perhaps to adjacent development. However, the existing Groundwater Discharge permit restricts the proponent's ability to connect existing developments to the WWTF


The proponent is proposing smaller (1,200 to 1,800 sf) detached and semi-attached cottages and far fewer small- to medium-sized single family homes than originally planned. It is proposing recreational uses and limited seasonal commercial uses in the area adjacent to the existing tennis and golf practice facilities. All of the proponent's development in Section 5 will

be connected to the WWTF. The proponent would create 23 acres of impervious area. The stormwater management system is designed to capture and pre-treat runoff before it is released to the groundwater. It will provide direct recharge of clean roof runoff from all buildings. The proponent would increase open space by 56 percent immediately surrounding the wells. It will implement a comprehensive turf and landscape management program that minimizes the application of chemical fertilizers and pesticides within Section 5. The proponent will implement an approved recovery plan for archaeological resources within Section 5. It will provide periodic sampling of 17 groundwater monitoring wells, and provide an independent Environmental Monitor with access to \$100,000 during construction for groundwater monitoring. The proponent has agreed to set aside approximately 21 acres of land as permanently protected open space (via a Conservation Restriction) in Section 5. An additional 17.7 acres in Section 5 has been restricted by the proponent for recreational use only (driving range and tennis center). A Preservation Restriction governing the historic homestead site will provide an additional 37,700 sf of permanently protected land within Section 5.

As this project moves forward, I encourage the proponent to work with MassDEP, the CCC, the Mashpee Water District (MWD), and other local agencies to further improve the project. The proponent should resolve the ownership of the Sophronia Young Homestead site in order to record the Preservation Restriction that has been requested by the MHC.

Based on a review of the information provided by the proponent and after consultation with MassDEP, I find that the potential impacts of this project change do not warrant preparation of a Supplemental EIR and can be addressed through the state permitting processes.

October 10, 2007
DATE



Ian A. Bowles

Comments received:

New Seabury, 9/12/07
MHC, 9/19/07
New Seabury, 9/20/07
New Seabury, 9/25/07
MassDEP/SERO, 10/1/07
CCC, 10/1/07

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