

For Office Use Only
Executive Office of Environmental Affairs
MEPA Analyst: *Briony Angus*
Phone: 617-626- *1029*

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 Marlborough Hill Subdivision | | EOEA #: 13679 | |
| Street: New Marlborough Hill Road | | | |
| Municipality: New Marlborough | | Watershed: Housatonic | |
| Universal Transverse Mercator Coordinates: 18 0644416E 4665537N | | Latitude: 42°-07'-40"N Longitude: 73°-15'-17"W | |
| Status of project construction: 50% complete | | | |
| Proponent: New Marlborough Hill, LLC | | | |
| Street: 479 Hartsville-New Marlborough Road | | | |
| Municipality: New Marlborough | | State: MA | Zip Code: 01230 |
| Name of Contact Person From Whom Copies of this NPC May Be Obtained: Sarah Schultz | | | |
| Firm/Agency: SK Design Group, Inc. | | Street: 2 Federico Dr. | |
| Municipality: Pittsfield | | State: MA | Zip Code: 01201 |
| Phone: 413-443-3537 | Fax: 413-445-5376 | E-mail: sschultz@sk-designgroup.com | |

In 25 words or less, what is the project change? **The project required changes to the Conservation Restriction and the Deed Restrictions in the approved ENF .**
See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **November 22, 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Are you requesting that a Scope in a previously issued Certificate be rescinded?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 |
|--|---------------------|------------|--------------------|
| LAND | | | |
| Total site acreage | 348.5± | 0 | 348.5± |
| Acres of land altered | 28.6± | 0 | 28.6± |
| Acres of impervious area | 2.75± | 0 | 2.75± |
| Square feet of bordering vegetated wetlands alteration | 2,335 | 0 | 2,335 |
| 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 | 98,000 | 0 | 98,000 |
| Number of housing units | 40 | 0 | 40 |
| Maximum height (in feet) | 35 | 0 | 35 |
| TRANSPORTATION | | | |
| Vehicle trips per day | 324 | 0 | 324 |
| Parking spaces | 80 | 0 | 80 |
| WATER/WASTEWATER | | | |
| Gallons/day (GPD) of water use | 21,600 | 0 | 21,600 |
| GPD water withdrawal | 0 | 0 | 0 |
| GPD wastewater generation/ treatment | 0 | 0 | 0 |
| Length of water/sewer mains (in miles) | 0.37 | 0 | 0.37 |

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) 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).

Description of the Existing Project Site

The existing site is comprised of 348.5 acres± of undeveloped, forested hilly terrain with various wetland resource areas. The site is located to the north of New Marlborough Hill Road, to the east of Hartsville-Mill River Road and the Konkapot River and to the west of Route 57 – Hartsville Road. The adjacent lots, like a portion of the proposed project, consist of single-family residences, situated on a minimum of one (1) acre of land. This proposal is in harmony with local zoning and existing development practices in the community. A majority of the site and proposed project falls within the Natural Heritage and Endangered Species polygon boundary. A complete study of the boundary area has been completed and attached herein.

Project Description

The proposed residential project will be developed in two phases. The first phase involves dividing the 107 acres± south of Anthony Brook into 10 residential lots ranging in area from 4.4 acres± to 20.8 acres±. Lots #2-#10 have frontage along New Marlborough Hill Road. Lot #1 has frontage along New Marlborough Hill Road, but its' accessible frontage falls on Hartsville-Mill River Road. Each lot is proposed to contain a single-family residence and related facilities including, associated driveway and/or common driveway, septic system, private well and selective clearing in the area surrounding the residence as described in the approved ENF. Selective clearing is intended to provide vistas and aesthetic areas surrounding the proposed house sites rather than expansive turf lawns. The second phase involves the construction of approximately 30, 3-bedroom housing units. This development is to include affordable housing. These will all be accessed by a common

drive, entering from Hartsville Road-Route 57. The houses are grouped into 4 clusters and each cluster will have a common leaching field and well. The design for this development is still in the preliminary stage. More information will be provided upon completion.

Proposed Revisions

The approved ENF included 104.59± acres of proposed Conservation Land via a Conservation Restriction per M.G.L CH 184, S.31-33 (a "CR") and 32.19± acres of Deed Restricted Land. The proposed revision eliminates the deed restricted areas and substitutes in lieu thereof an equal amount of "CR" land.

Subsequent to this filing, one of the two rare species associated with the project site has been removed from the protected State Rare Species List. Multiple communications between the Applicant and NHESP have resulted in changes to the Conservation Restriction plan and documents. All deed restrictions have been eliminated. The amount of land previously proposed in the deed restriction on lots 2-7 has been added to the "CR" on the northern remaining land. The deed restriction located to the east of Lot 10 has also been included in the "CR" area. The former deed restriction on Lot 1 has been added to the "CR" land.

The 35 foot wide Access and Utility Easement over Lot 1 in the approved ENF has been extended from the northerly edge of the restricted area on Lot 1 to the northerly boundary of Lot 1 to provide access from Hartsville Mill River Road to the Remaining Land over an existing logging road.

The proposal is to increase the "CR" land from 104.59 acres as provided in the approved ENF, to 136.78 acres. The expanded land conservation approach, in lieu of deed restrictions, is amenable to NHESP and streamlines the process by creating a single land protection document for this property.

Appendix B is the Draft Conservation Restriction submitted for approval at the time of the ENF filing. Along with the new Conservation Restriction area is a revised CR document whereas the Grantee, area and description has been revised (See Appendix C). A copy of the approved plan can be seen in Appendix D and the revised Conservation Restriction plan can be seen in Appendix E.

The proposed development has not changed. All lots, building envelopes, driveways, etc, have remained unchanged.

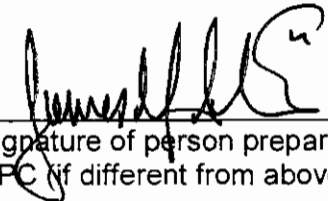
We believe that the changes are minor and do not have any additional environmental impacts.

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:

| | | |
|---|------------------------|---|
| <u>Joyce Bernstein (over)</u> Date Signature of Responsible Officer or Proponent | <u>2/13/08</u> Date |  Signature of person preparing NPC (if different from above) |
|---|------------------------|---|

| | |
|--|------------------------------|
| <u>Joyce Bernstein</u> | <u>James M. Scalise, II</u> |
| Name (print or type) | Name (print or type) |
| <u>New Marlborough Hill, LLC</u> | <u>SK Design Group, Inc.</u> |
| Firm/Agency | Firm/Agency |
| <u>479 Hartsville-New Marlborough Road</u> | <u>2 Federico Dr.</u> |
| Street | Street |
| <u>New Marlborough, MA 01230</u> | <u>Pittsfield, MA 01201</u> |
| Municipality/State/Zip | Municipality/State/Zip |
| <u>413-442-2929 Ext. 2</u> | <u>413-443-3537</u> |
| Phone | Phone |