

For Office Use Only Executive Office of Environmental Affairs MEPA Analyst: <i>Bill Gage</i> Phone: 617-626- <i>1025</i>

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: The Country Club At Indian Pond Estates		EOEA #: 11119
Street: Off Brook Street and Country Club Way		
Municipality: Kingston, MA	Watershed: Jones River	
Universal Transverse Mercator Coordinates: 19 356559E 4649603N	Latitude: 41-58'-58.4" N	Longitude: 70-43'-58.4" W
Status of project construction:	%complete 96%	
Proponent: High Pines, LLC		
Street: 60 Country Club Way		
Municipality: Kingston,	State: MA	Zip Code: 02364
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Mark M. Flaherty, P.E.		
Firm/Agency: Flaherty & Stefani, Inc.	Street: 67 Samoset Street	
Municipality: Plymouth	State: MA	Zip Code: 02364
Phone: 508-747-2425	Fax: 508-747-3991	E-mail: mark@fs-eng.com

In 25 words or less, what is the project change? The project change involves ...
The Chapter 40B project is an 86-unit townhouse project in five separate locations (29 acres) are on undevelop parcels of land previously reviewed as
See full project change description beginning on page 3. 23 Residential House lots.

Date of ENF filing or publication in the Environmental Monitor: April 15, 1997

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date: 9/30/97) No
 was a Final EIR filed? Yes (Date: 12/9/98) No
 was a Single EIR filed? Yes (Date:) No
 Have other NPCs been filed? Yes (Date(s):) No

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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: Comprehensive Zoning Law, Chapter 40B, to Construct 86 Townhouse Units in place of 23 Residential House lots.

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Are you requesting that a Scope in a previously issued Certificate be rescinded?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	521 acres	0	521 acres
Acres of land altered	332.8	2.3 Ac.	335.1 acres
Acres of impervious area	65	3.5 Ac.	68.5
Square feet of bordering vegetated wetlands alteration	0		0
Square feet of other wetland alteration	0		0
Acres of non-water dependent use of tidelands or waterways	0		0
STRUCTURES			
Gross square footage	1,370,500	-1,300	1,369,200
Number of housing units	270	63	333
Maximum height (in feet)	35	0	35
TRANSPORTATION			
Vehicle trips per day	3225 (645+ 2579)	250	3,475
Parking spaces	1330 (250+270 (4))	252	1,582
WATER/WASTEWATER			
Gallons/day (GPD) of water use	131,400 (Non-Irr)	20,800	152,200
GPD water withdrawal	93,000 (Irrig)		93,000
GPD wastewater generation/ treatment	131,400	20,800	152,000
Length of water/sewer mains (in miles)	1.80	0.25	2.05

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 (Site previously without Priority Sites)

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).

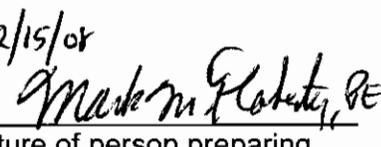
SEE ATTACHED PAGES

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:

	1-28-08	^{2/15/08} 
Date Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

Fred Tonsberg	Mark M. Flaherty
Name (print or type)	Name (print or type)
High Pines Corporation	Flaherty & Stefani, Inc.
Firm/Agency	Firm/Agency
60 Country Club Way	67 Samoset Street
Street	Street
Kingston, MA 02364	Plymouth, MA 02360
Municipality/State/Zip	Municipality/State/Zip
781-585-8500	508-747-2425
Phone	Phone

PROJECT CHANGE DESCRIPTION

DESCRIPTION OF THE PROJECT RECENTLY REVIEWED:

The Certificate from the Secretary of Environmental Affairs on the Final Environmental Impact Report described the project as a housing subdivision (three phases of the subdivision which already existed at the time of the MEPA review), with a fourth phase of 150 residential housing units to be built—total of 270 existing and proposed homes-- and a 18-hole golf course on a 350-acre parcel in the Jones River Sub-basin.

As part of Final EIR Certificate issued by the Secretary, the proponent and Town of Kingston were allowed to use treated wastewater effluent from the Town of Kingston Wastewater Treatment Plant in order to meet long-term irrigation needs of the golf course. The Town was allowed to develop a leaching field under the practice fairway to allow excess water not needed for golf course operations to infiltrate directly into the ground. The proponent agreed and has maintained that less than 100,000 gallon per day of groundwater withdrawal has been used for irrigation purposes.

Presently much of the Phase IV Subdivision falls within both the Priority and Estimated Habitat Areas as administered by the Natural Heritage and Endangered Species Program. At the time of the Secretary issued the Certificate on the Final EIR, the site was not classified a Priority Habitat, but was listed and reviewed by MEPA as falling within the Estimated Habitats of Rare Wetlands Wildlife and being in proximity to several Certified Vernal Pools.

The existing subdivision complex—with a total of 520 acres-- has approximately 250 homes built in four construction phases; a 158-acre championship level golf course; 50,000 square foot clubhouse with restaurant and function hall facilities; a swimming pool and future tennis facility; and a proposed fitness center. Under the original subdivision approval another 30 homes would still left to be built. The entire infrastructure of roadways and utilities at the Indian Pond Estates has been constructed with the exception of final coat of paving and sidewalk repair left to be completed.

The subdivision complex has its access points from Indian Pond Road to Pine Cone Drive; from Indian Pond Road to High Pines Drive; and from Brook Road to Country Club Way. Indian Pond Estates has a network of 6.8 miles of roadways servicing the existing and proposed homes. A review of building permit applications on a number of homes along Country Club Way list the average home size as nearly 6,000 S.F. on acre-sized lots. Thus this multi-faceted complex is comprised of fine homes and impressive recreational facilities.

DESCRIPTION OF MATERIAL CHANGES TO THE PROJECT AS PREVIOUSLY REVIEWED:

The revised project includes construction of (86) 2,200 S.F. townhouse units on five sites in the Phase 4 project area under a Comprehensive Permit (Ch. 40B) issued by the Town of Kingston Zoning Board of Appeals. These five sites with access along Country Club Way are situated on undeveloped parcels previously designated for 23 residential housing units on 34 acres. Each of the units would be comprised of two-story attached structures with three bedrooms and a 2-car garage. The access roads and drainage structures are to be maintained by a homeowners association as private drives with privately-owned utilities. Please refer to the Site Plan for each of the five sites attached to this Notice of Project Change. Also attached is a copy of the previously reviewed Phase 1,3 and 4 subdivision plans.

The development of the townhouses is to occur on five sites comprising 23 undeveloped parcels with a total area of 34 acres – 29 acres of which is to be subject of construction with the remaining land left as open space. At least half of the 29 acres has been previously cleared in anticipation of home construction. The wooded areas not previously disturbed consist mainly of pine and oak trees with a relatively thick understory situated on thick deposits of sand and gravel.

The project includes 58 age-restricted units and the remaining without any restrictions. There will be 22 affordable housing units (families restricted to 80% of the median income in the Brockton Metropolitan Statistical Area). A large percentage (70%) of the affordable units will be offered to Kingston residents as separate preference category.

On-site septic systems will service the needs of 56 units, with the remaining 30 units tying into the existing sewer system on Country Club Way for treatment at the Town of Kingston Wastewater Treatment Plant. Each of the units will have Town-supplied drinking water. Stormwater will be controlled at each of the five sites through on-site leaching meeting with the State Stormwater Management Plan. The project site does not lie in either special flood hazard area or an aquifer protection zone.

SIGNIFICANCE OF THE PROPOSED CHANGES WITH SPECIFIC REFERENCE TO THE FACTORS LISTED IN 301 CMR 11.10 (6):

Summary: In 1997 the Secretary issued a Certificate on the project at Indian Pond Estates that included a 270- unit residential subdivision, 18-hole golf course and associated amenities, groundwater withdrawal for golf course irrigation, and a wastewater disposal area for the Town of Kingston Wastewater Treatment Facility.

The MEPA process examined among other things: traffic impacts, archaeological impacts, impacts from the project on water—surface and groundwater; and impacts on estimated habitat areas.

It is our opinion that the proposed addition of an 86-unit townhouse-style units approved under a Comprehensive Permit on 23 undeveloped parcels previously designated for residential housing is an “insignificant” expansion of this large multi-faceted residential/golf course community. As indicated on the Tabular Summary (page 2) all factors for the evaluation of the project with the exception of additional parking—19% increase—are substantially less than the 10% threshold as described by MEPA.

Expansion of the Project: The proposed change to add 86 townhouse units located in five separate areas instead of building residential housing on 23 lots for a total project of 270 residential housing units, 158-acre golf course, pool and tennis complex and future health club is a modest or insignificant increase in the scope of the project.

If the project was viewed solely from the standpoint of significance from a traffic standpoint—traffic being a measure of increase in additional human activity at the project site—than a statement from the Traffic Engineer—Greenman-Pedersen, Inc. -- retained to perform a Traffic Impact Statement concluded the following on 12/5/2005: “As currently planned, the proposed development will consist of 94—(now 86) -- attached condominium units. The proposed development would generate 27 vehicle trips ... during the weekday AM peak hour and 45 vehicle trips during the weekday PM peak hour. ... The proposed development will not generate volumes significant enough to create or noticeably increase any operational deficiencies at any of the study area locations”.

If the project was viewed from a site disturbance standpoint, one needs to only look at the size of the existing homes at Indian Pond Country Estates on 1-acre size lots with the large lawns and other house-site amenities, i.e. pool to see that the attached townhouses clustered together are not significant increase in the site disturbance from 23 new homes. The increase in impervious coverage for the clustered townhouse units with parking, access driveways is more than one could anticipate under the single family home build-out scenario.

Finally at the time of the initial MEPA review, Indian Pond Estates was not listed as lying within a Priority Habitat to Endangered Species but portions did lie within Estimated Habitat areas for Eastern Box Turtle. It is felt at that time the Secretary did

consider the impacts to the habitat areas and did take into the account when making his decision.

Generation of Further Impacts: It is our opinion that the impacts to the project were thoroughly reviewed during the earlier MEPA process and the generation of Environmental Impact Report. The additional impacts from the added townhouse units has been also thoroughly vetted during the local Zoning Board of Appeals review process for approval of a Comprehensive Permit for Chapter 40B Affordable Housing. The impacts traffic and otherwise were consistent with the previous MEPA reviewed impacts.

Change in Expected Date for Commencement of the Project, Commencement of Construction, Completion Date for the Project or Schedule of work on the Project: Indian Pond Estates have been continuous in its build-out of single family homes from the Secretary's previous issuance of a Certificate on the Final EIR. During the hearing process for the approval of the Comprehensive Permit for the townhouse project it was stated that the townhouse project would be build-out in phases with construction proceeding forward from one site to the next until all five sites would fully completed. The last scheduled date of construction was listed for the year 2011.

Change of the Project Site: The project site has not changed.

New Application for a Permit or New Request for Financial Assistance or a Land Transfer: This Notice of Project Change in presented as the owner/applicant recently received approval from the Town of Kingston Zoning Board of Appeals to replace 23 undeveloped parcels of land slated for residential housing construction and to five separate project sites for construction of 86 townhouse units under a Comprehensive Zoning Permit under Chapter 40B Affordable Housing.

Project with Delay of Net Benefits to Environmental Quality and Resources or Public Health: Indian Pond Estates has completed the construction of a championship golf course, swimming pool complex, and has constructed fully the roadway and utilities to serve those facilities along with construction of 250 single family homes.

Project Involving Lapse of Time: Indian Pond Estates has continuously performed construction towards build-out of the previous approved golf course, wastewater effluent disposal, swimming pool and single family home construction since the issuance of a Certificate from the Secretary of Environmental Affairs.

MEASURES THAT THE PROJECT IS TAKING TO AVOID DAMAGE TO THE ENVIRONMENT OR TO MINIMIZE AND MITIGATE UNAVOIDABLE ENVIRONMENTAL IMPACTS:

The proposed project includes construction on five sites for the development of 86 attached townhouse-style 2-story with three bedrooms and an attached 2-car garage. The construction of these units would conclude the build-out of Indian Pond Estates with the minor exception of 7 residential house sites. The development has been subject to two previously submitted Environmental Impact Studies. The first one was prepared that resulted in a Certificate issued by the Secretary of Environmental Affairs (EOEA No. 11119). A second separate study with the Town's permitting of its wastewater treatment facility by Camp, Dresser and McKee which resulted in a cooperative effort between the owner of Indian Pond Estates and the Town of Kingston concerning the disposal of wastewater effluent on an 8-acre practice tee at Indian Pond Estates.

For each of the five project sites the following statements apply:

Wetlands: The sites have been designed to avoid any and all impacts to wetlands and their respective buffer zones. All construction will be kept outside of the 100-foot buffer zones of the identified wetlands areas. A filing with the Town of Kingston Conservation Commission was made that resulted in their concurrence of the proposed work being outside their jurisdiction.

Soils: The soils at each of the five project sites are predominantly of the Carver and Gloucester excessively drained sandy soils. In general the soils over the five sites have percolation rates of less than 2 minutes per inch.

The stormwater management systems are conservatively designed at an assumed rate of 40 minutes per inch. This is standard practice to allow for the build-up of sediments and vegetation over time.

For sewerage disposal thirty of the units will be connected to the available municipal sewerage system in Country Club Way and the remainder units will have on-site septic systems.

Surface Waters: There are no surface water streams, ponds or lakes within the proposed development sites. Outside of the subject area, but within the Indian Pond Estates complex, there are four isolated lands subject to flooding (ILSF) that have been certified as vernal pools and have been protected with buffer areas during construction of the golf course. The closest surface waters, Lucas Pond and Second Brook are off-site and more than 100 feet to the northeast of the existing entrance road. The site is on the watershed of the Jones River which is more than 500 feet to the north and across Brook Street, from the site.

Groundwater Hydrogeology: Groundwater which is part of the Plymouth-Carver Aquifer flows from the subject area, generally, in concert with surface water, towards the

Jones River to the north. The Plymouth-Carver Aquifer has a potential yield of 300 gallons per minute.

Landscape: Since the project will be re-graded to provide optimal contours, there will be landscaped additions needed to screen and improve the sites aesthetic presentation. The townhouse-style homes will each have their own separate driveway; a 2-car garage; a front lawn and a rear courtyard.

Summary of Environmental Mitigation: This development will provide homes at a range of costs that will allow 22 affordable units, many of which will be restricted to 55 and over, within a complex of luxury homes and attractive amenities. The proposed “clustered” residential townhouse style units, privately owned infrastructure, and large age-restricted units, minimize the need for Town’s services.

The infrastructure of buildings, roadways, and utilities have been designed to minimize impacts to the environment by avoiding intrusion into any wetland buffers; utilizing private on-site septic systems as well as Town sewer and water systems; and by retaining and controlling all stormwater events by infiltration and recharge to the groundwater beneath the five sites.