

For Office Use Only
 Executive Office of Environmental Affairs
 MEPA Analyst: *Beiony 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: Ames Run Cluster Subdivision / The Lodge at Ames Pond		EOEA #: 13493
Street: North Street, Catamount Road and Overlook Drive		
Municipality: Tewksbury	Watershed: Shawsheen/Merrimack	
Universal Tranverse Mercator Coordinates: 4722500 N 317050E	Latitude: 42° 38' 06" Longitude: 71° 13' 53"	
Status of project construction: 35 %complete		
Proponent: The Hanover Company (previous proponent: Ames Hill Development, LLC)		
Street: 5847 San Felipe, Suite 3600		
Municipality: Houston	State: TX	Zip Code: 77057
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Joseph Freeman		
Firm/Agency: Daylor Consulting Group, Inc.	Street: Ten Forbes Road	
Municipality: Braintree	State: MA	Zip Code: 02184
Phone: 781-849-7070	Fax: 781-849-0096	E-mail: jfreeman@daylor.com

In 25 words or less, what is the project change? The project change involves . . .
Change of Phase II of the project from 37 single family house lots to 364 residential units developed under MGL Chapter 40B.
 See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor: **April 9, 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:

Potential Housing Appeals Committee action under MGL Chapter 40B

DEP BRP WP 17 – Major Sewer Connection (ENF project required DEP BRP WP 18 – Minor Sewer Connection)

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Are you requesting that a Scope in a previously issued Certificate be rescinded?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:

The Hanover Company is requesting that the ENF Certificate dated May 9, 2005 and Final Record of Decision dated June 8, 2005 be revised to:

- Substitute the new “Phase II” proposal in place of the ENF Phase II (37 single family homes);
- Allow the preparation of a Single EIR for the entire Ames Run Cluster Subdivision/Lodge at Ames Pond project in accordance with the provisions of 301 CMR 11.06(8)

Summary of Project Size & Environmental Impacts*	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage	198	0	198
Acres of land altered	36.35	17	53.35
Acres of impervious area	10.43	0.87	11.3
Square feet of bordering vegetated wetlands alteration	4,900	-19	4,881
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	147,552	370,839	518,391
Number of housing units	87	327	414
Maximum height (in feet)	35	25 +	60 +

TRANSPORTATION			
Vehicle trips per day	517	2,118	2,635
Parking spaces	348	383	731
WATER/WASTEWATER			
Gallons/day (GPD) of water use	38,280	48,400	86,680
GPD water withdrawal	0	66,000 (irrigation)	66,000
GPD wastewater generation/ treatment	32,280	48,400	86,680
Length of water/sewer mains (in miles)	1.38	0.87	2.25

**This table provides a comparison for the entire site. Please see below for a comparison for Phase II of the project.*

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).

Project as Previously Reviewed

The project as previously reviewed in the ENF dated April 9, 2005 included an 87-lot single-family, residential cluster subdivision adjacent to Ames Pond in Tewksbury. The overall parcel is approximately 198 acres, consisting of approximately 76 acres in pond surface area, approximately 113 acres of wooded uplands, and approximately 9 acres of Bordering Vegetated Wetlands ("BVW") (the "Site) as shown in **Figure 1 – Project Locus** and **Figure 2 – Project Aerial** in Attachment 4. The original ENF project was proposed in two phases: Phase I consisted of 50 lots on two cul-de-sac streets, one off North Street (proposed Prospect Hill Road) and the

other an extension of the existing Catamount Road; Phase II consisted of the remaining 37 lots on a cul-de-sac extension of the existing Overlook Drive. The ENF proponent, Ames Hill Development, LLC, received approval from the Tewksbury Planning Board for Phase I of the project and subsequently was granted a MEPA Waiver allowing Phase I of the project to proceed prior to the completion of an Environmental Impact Report (“EIR”) for the entire project. Ames Hill Development, LLC has since commenced construction on Phase I of the project.

Project as Currently Proposed

The Hanover Company has assumed responsibility for the former Phase II development and is proposing to construct a 364 unit residential housing project under the provisions of MGL Chapter 40B in place of the previously reviewed 37-lot cluster subdivision plan (ENF Phase II). The Lodge at Ames Pond will consist of 13 multi-story apartment style buildings and a clubhouse building, along with accessory garage buildings.

The Phase II project site is approximately 53 acres, primarily wooded, and situated on Ames Hill along the western end of Ames Pond. Site access will be from a new access driveway to be constructed off of Ames Pond Drive, which provides access to Lowell Street/Andover Street (Route 133) and Interstate 495.

The project is projected to result in an additional average daily trip generation of 2,118 vehicles per day, compared to the original ENF project. The project is not expected to result in adverse impacts on local roadways and intersections, the traffic study conducted for the project indicates that there are no degradation in peak hour Level of Service at the existing project area unsignalized and signalized intersections.

The project will result in the generation of an additional 48,400 gallons per day of sewage compared to the ENF Ames Run Cluster Subdivision project. There is adequate capacity for the additional sewage flows in the local sewer system. Sewage flows from Tewksbury are directed to the Lowell Regional Wastewater Treatment Facility. The plant has been designed to treat the combined wastewater, storm water, and domestic sewage from the City of Lowell and the towns of Chelmsford, Dracut, Tewksbury and Tyngsboro.

The project will include a comprehensive stormwater management plan in compliance with the Stormwater Management Standards. The stormwater management system includes the following Best Management Practices (BMPs) to reduce total suspended solids (TSS) concentrations by 87% before discharge to Ames Pond:

- Deep sump catch basins with oil/gas separators;
- Mechanical separators (Stormceptor or equivalent); and
- Extended detention basins.

The detention basins will include multiple outlets to reduce the velocity of stormwater and all discharge points will be located at least 25-feet from the edge of Ames Pond to further reduce

stormwater impacts to the pond. Clean rooftop runoff will be recharged to groundwater on the site. Through the use of the detention basins measures to meet MA DEP recharge standards, stormwater discharges from the project will not exceed pre-developed conditions. Please refer to Appendix A for the complete Stormwater Management Report and calculations.

Project Impacts

The table below compares the impacts of the ENF Phase II project and the currently proposed Phase II Lodge at Ames Pond project:

Summary of Phase II Size & Environmental Impacts	Previously reviewed – ENF	Net Change	Currently Proposed - NPC
LAND			
Total site acreage	52.7	0	52.7
Acres of land altered	17	17	34
Acres of impervious area	4.5	6.8	11.3
Square feet of bordering vegetated wetlands alteration	4,900	-19	4,881
Square feet of other wetland alteration	0	0	0
Acres of non-water dependent use of tidelands or waterways	N/A	N/A	N/A
STRUCTURES			
Gross square footage	62,752	370,839	433,591
Number of housing units	37	327	364
Maximum height (in feet)	35	25 +	60 +
TRANSPORTATION			
Vehicle trips per day	220	2,118	2,338
Parking spaces	148	583	731
WATER/WASTEWATER			
Gallons/day (GPD) of water use	16,280	48,400	64,680
GPD water withdrawal	0	66,000 (irrigation)	66,000
GPD wastewater generation/ treatment	16,280	41,712	64,680
Length of water/sewer mains (in miles)	0.25	0.87	1.12

Significance of the Changes

In accordance with the provisions of 301 CMR 11.10(6) and in determining whether a change in a Project or the lapse of time might significantly increase environmental consequences, the Secretary shall consider the factors listed below. The proponent is not requesting that the Secretary formally determine the significance of the proposed changes to Phase II of the project

at this time, rather to substitute the new Lodge at Ames Pond Phase II development for the original Ames Pond Cluster Subdivision Phase II (37 single family homes) in the scope of the required Environmental Impact Report. The discussion relative to the factors listed at 301 CMR 11.10(6) is included in compliance with the requirements for preparation of a Notice of Project Change.

The Proponent is also requesting that the Secretary allow the preparation of a Single Environmental Impact Report for the entire project in accordance with the requirements of 301 CMR 11.06(8). Attached to this NPC (Attachment 6) is supplemental information, in the manner of an Expanded ENF, in support of the Single EIR request.

In addition, the Proponent is also requesting that the requirement for analysis of the "Reduced Build" Alternative be removed from the scope of the EIR. Since the filing of the ENF, the market for single family housing in the Tewksbury area has softened considerably, and a single family development at this location is not feasible at the present time. The current Phase II project, the Lodge at Ames Pond, is a project that is welcomed both by the marketplace as well as the Tewksbury town government.

The original project proposed to the town by The Hanover Company was for a smaller development. It was at the request of the Tewksbury Board of Selectmen that the number of apartment units was increased to the current count of 364. The Lodge at Ames Pond meets a strong demand for rental housing in the Tewksbury area, and fulfills the goals of the town to diversify the housing stock within the town. For these reasons, we request that the requirement to analyze a "Reduced Build" Alternative be removed from the EIR scope.

(a) Expansion of the Project. A change in a Project is ordinarily insignificant if it results solely in an increase in square footage, linear footage, height, depth or other relevant measures of the physical dimensions of the Project of less than 10% over estimates previously reviewed, provided the increase does not meet or exceed any review thresholds.

The increase in square footage and building height for the new Lodge at Ames Pond Phase II development, although in excess of the 10% threshold, does not result in significant additional impacts compared to the ENF Phase II development. Additional information regarding project impacts can be found in Attachment 6.

(b) Generation of further impacts, including an increase in release or emission of pollutants or contaminants during or after completion of the Project. A change in a Project is ordinarily insignificant if it results solely in an increase in impacts of less than 25% of the level specified in any review threshold, provided that cumulative impacts of the Project do not meet or exceed any review thresholds that were not previously met or exceeded.

The increase in the number of housing units for the new Phase II development exceeds the 10% threshold (increase from 37 to 364), as well as the projected increase in traffic generation for the Phase II development (220 to 2,338 ADT). Although the increase in average daily traffic

exceeds the ENF review threshold at 301 CMR 11.03(6)(b)13, these increases do not result in significant additional impacts beyond the project as analyzed in the ENF. There is no significant impact to the Level of Service for signalized and unsignalized intersections in the project area.

(c) Change in expected date for Commencement of the Project, Commencement of Construction, completion date for the Project, or schedule of work on the Project.

Although the dates for the commencement of construction and the completion date of the Phase II portion of the project have changed, this change is not anticipated to result in significant impacts.

(d) Change of the Project site.

The project site has not changed, therefore this criterion is not applicable.

(e) New application for a Permit or New request for Financial Assistance or a Land Transfer.

The hearing on the Comprehensive Permit before the Tewksbury Zoning Board of Appeals is ongoing and the Comprehensive Permit has not been issued as of this filing. There is the potential for an appeal to the Housing Appeals Committee NPC Phase II Lodge at Ames Pond project. A new DEP sewer connection permit will also be required for the NPC Phase II Lodge at Ames Pond development. In addition, a DEP Section 401 Water Quality Certification will be required for the proposed wetlands impacts. A potential Superceding Order of Conditions may also be required as the Order of Conditions from the Tewksbury Conservation Commission has not been obtained at this time.

(f) For a Project with net benefits to environmental quality and resources or public health, any change that prevents or materially delays realization of such benefits.

The Lodge at Ames Pond will not result in the prevention or delay of any net benefit to environmental quality and resources or public health, therefore this criterion is not applicable.

(g) For a Project involving a lapse of time, changes in the ambient environment or information concerning the ambient environment.



This Notice of Project Change is not being filed as a result of a lapse in time, therefore this criterion does not apply.

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:

10/13/06		10/16/06	
Date	Signature of Responsible Officer or Proponent	Date	Signature of person preparing NPC (if different from above)

<u>Brandt Bowden</u>	<u>Joseph Freeman</u>
Name (print or type)	Name (print or type)
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