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May 17, 2006

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Sippican Commerce Park
PROJECT MUNICIPALITY : Wareham Street (Route 28) – Middleborough
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 13771
PROJECT PROPONENT : Edgewood Development Company, LLC
DATE NOTICED IN MONITOR : April 10, 2006

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 hereby determine that this project **requires** the preparation of a Single Environmental Impact Report (EIR).

Project Description

According to the Expanded Environmental Notification Form (ENF), the project consists of the construction of a twelve lot industrial/commercial business park containing approximately 392,000 square feet (sf). The project includes 975 parking spaces. The 148-acre site is undeveloped and forested. Two existing residential structures will be demolished. The proponent is proposing to utilize the existing Bay Colony Railroad Line, which abuts the project site by building a railroad spur for potential tenants in the business park. If a composting proposal moves forward for Lot 8, the proponent for this facility will prepare a Notice of Project Change covering the specific aspects and impacts of their proposal.

This project is subject to a mandatory EIR pursuant to Section 11.03(1) (a) (2) because it creates ten or more acres of impervious area. The project will need to obtain an Access Permit for Route 28 from the Massachusetts Highway Department (MHD). It will require a 401 Water Quality Certificate from the Department of Environmental Protection (DEP). The proponent received a permanent Railroad Crossing Easement from the Executive Office of Transportation (EOT). The project may need to obtain a Rail Service Connection (Spur) Approval/Building Permit from EOT. It must comply with the U.S. Environmental Protection Agency's National

Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. The project will require a Programmatic General Permit from the U.S. Army Corps of Engineers. It may need to obtain Orders of Conditions from the Middleborough Conservation Commission as a limited project for impacts to wetland resource areas and the Rochester Conservation Commission. MEPA jurisdiction is limited to those aspects of the project within the subject matter of state permits and that may have significant environmental impacts (land alteration, traffic, railroad issues, wetlands, and stormwater).

The proposed access roadway into the site would connect the proposed development onto Wareham Street. Using the Institute of Traffic Engineers (ITE) Handbook and land use code 130, the proponent estimates that the project will generate approximately 2,764 average daily vehicle trips on weekdays. The proponent is proposing to provide 975 new parking spaces.

Each lot will have its own well for potable water and a Title 5 wastewater system. The proponent has estimated that the project will consume about 63,850 gallons per day (gpd) of potable water. The project will generate approximately 44,440 gpd of new wastewater flow.

Single EIR/Waiver Request:

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than require the usual two-step Draft and Final EIR process. The Expanded ENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request for a Single EIR in accordance with Section 11.06(8) of the MEPA regulations, and I find that the Expanded ENF describes and analyzes all aspects of the project; provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and demonstrates that the planning and design of the project use all feasible means to avoid potential environmental impacts. The Expanded ENF contained a traffic impact and access study. Therefore, I will allow the proponent to prepare a Single EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

SCOPE

As modified by this scope, the EIR should conform to Section 11.07 of the MEPA regulations for outline and content. The EIR should resolve the remaining issues outlined below. It should address the comments listed at the end of this Certificate to the extent that they are within this scope, and it should include a copy of this Certificate and all comment letters.

Project Description:

The EIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans. The EIR should identify and describe

any proposed project phasing. It should describe the proponent's Preferred Alternative. The EIR should discuss how this project is compatible with Executive Order 385, the SERPEDD Regional Plan, and Middleborough's Master Plan, Open Space Plan, and Zoning.

Alternatives Analysis:

The EIR should summarize and compare the Preferred Alternative and the No-Build Alternative. It should discuss alternative building configurations that might result in fewer impacts, such as reducing the amount wetlands impacts and impervious area. The EIR should summarize the alternatives already developed for the project site. It should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives for each of the areas listed within this scope.

Traffic:

The EIR should be prepared in conformance with the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. It should identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations, especially where delay increases at intersections.

The Expanded ENF completed a Level-of-Service (LOS) analysis for the following intersections during the weekday morning and evening peak hours:

Wareham Street (Route 28)/Spruce Street;
Spruce Street/Locust Street;
Route 28/Locust Street;
Route 28/Pine Street;
Route 28/Kings Highway; and
Route 28/County Road (Route 58).

The EIR should summarize this LOS analysis. It should include a map of the traffic study area.

The EIR's LOS tables should include each movement for these above intersections. The Volume/Capacity ratio should also be provided for any proposed signalized intersections. The EIR should include a summary of average and 95th percentile vehicle queues for each intersection within the study area.

In the EIR, traffic accident problem areas should be identified, and solutions should be proposed.

The EIR should discuss the proponent's coordination efforts with MHD and the local municipality as they address regional and local traffic concerns within this area. It should provide the most current information on the proposed construction dates for any roadway improvements

in the area.

The EIR should provide a traffic signal warrant analysis for any unsignalized intersections in the study area operating at LOS F.

The EIR should discuss the suitability of proposed signalization improvements, visibility enhancements, and any roadway widening. It should discuss right-of-way (ROW) implications of possible widening and describe how such right-of-ways (ROW) would be acquired.

Parking:

The EIR should describe how the number of parking spaces was determined. It should identify the number of parking spaces required by local zoning for the land uses proposed on the project site.

Pedestrian and Bicycle Facilities:

The EIR should show where sidewalks currently exist in a map of the area and where the proponent proposes sidewalks. It should identify how these sidewalks would connect to other sidewalks and proposed crosswalks.

The EIR should identify the proposed bicycle facility improvements included with this project. It should state the number of bicycle parking spaces and show their locations.

Transportation Demand Management:

The EIR should outline the proponent's Transportation Demand Management (TDM) Program that would be included in any sale or lease arrangements with prospective tenants. The TDM measures to consider include: an on-site transportation coordinator; a ridesharing program; a guaranteed ride home for employees who rideshare; offering flextime to employees and direct deposit; and coordinating its TDM services with other nearby employers. The proponent should investigate initiating a Route 28 Transportation Management Agency (TMA) or joining other efforts to establish one in this area.

Public Transportation:

The EIR should include a map of the area displaying public transportation bus routes in the project area that provide access to the Middleborough/Lakeville Commuter Rail Station. If there is no available transit service from the project site, the EIR should consider contracting with a private shuttle service to Middleborough/Lakeville Station.

Wetlands:

The EIR should identify the proponent's efforts to obtain an Order of Conditions from the Middleborough Conservation Commission. According to the proponent, the project will impact the following wetland resource areas: 19,750 sf of Bordering Vegetated Wetlands (BVW) and 11,000 sf of Riverfront Area. Two wetlands crossings are proposed by the proponent for the access roadway to reach the uplands portions of the site. The first crossing at the driveway entrance will impact 3,000 sf of cranberry bog and the second crossing at Lot 8 would impact approximately 16,750 sf.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The Wetland Section of the EIR should conform to this approach by first examining options that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. The EIR should evaluate retaining walls and bridging to reduce BVW impacts. Where it has been demonstrated that impacts are unavoidable, the EIR should illustrate that the 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 EIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. It should identify the location of nearby public water supplies and wells.

All resource area boundaries, riverfront areas, applicable buffer zones, and 100-year flood elevations should be clearly delineated on a plan. Bordering Vegetated Wetlands that have been delineated in the field should be surveyed, mapped, and located on the plans. Each wetland resource area and riverfront area should be characterized according to 310 CMR 10.00. The text should explain whether the local conservation commission has accepted the resource area boundaries, and any disputed boundary should be identified. The EIR should describe any outstanding issue with the Middleborough Conservation Commission.

For any amount of required wetlands replication, a detailed wetlands replication plan should be provided in the EIR that, at a minimum, includes: replication location(s) at a minimum of 1.5 to 1.0 ratio delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring.

Drainage:

The EIR should include a detailed description of the proposed drainage system design,

including a discussion of the alternatives considered along with their impacts. It should provide pre- and post-drainage calculations. The proponent should recharge roof runoff and other treated stormwater runoff from parking areas and driveways in order to retain as much as possible of the existing groundwater flows and drainage patterns. If the proponent ties into the existing MHD drainage system, the EIR should clarify the permits required and if there will be a recharge deficit on-site. The EIR should indicate and discuss where the MHD drainage system discharges in this area.

Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The locations of detention/infiltration basins and their distances from wetland resource areas, and the expected water quality of the effluent from said basins should be identified. This analysis should address current and expected post-construction water quality (including winter deicing and sanding analyses) of the predicted final receiving water bodies. Sufficient mitigation measures should be incorporated to ensure that no downstream impacts would occur. The drainage analysis should ensure that on- and off-site wetlands are not impacted by changes in stormwater runoff patterns.

The EIR should discuss the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. The EIR should include a discussion of best management practices employed to meet the NPDES requirements, and should include a draft Pollution Prevention Plan. It should identify how this project will comply with the NPDES Phase II Stormwater General Permit, which Middleborough is required to prepare and implement.

The EIR should describe the maintenance program for the drainage system, which will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems.

In the EIR, the proponent should consider committing to using a non-sodium based deicer on the project's paved surfaces and limiting the use of chemical fertilizers and pesticides on grass areas maintained by the business park because of adjacent cranberry farming operations. The EIR should address reducing the amount of impervious area proposed on the project site by alternative layout and reduced pavement areas.

Drinking Water:

The EIR should identify the location of any groundwater wells proposed for potable water or irrigation purposes and the amount of gallons per day that the well would use. It should identify if any water storage tanks are proposed on-site.

Wastewater:

The EIR should outline the proponent's efforts to reduce water consumption and thereby reduce wastewater generation. It should identify the approximate location for each Title 5 Septic System on each lot. The EIR should address DEP's concern regarding whether the project will remain under single ownership and require a Groundwater Discharge Permit.

Hazardous Waste:

The EIR should present a summary of the results of hazardous waste studies and remediation efforts undertaken at the site by the proponent to comply with the Massachusetts Contingency Plan, 310 CMR 40.0000.

Visual/Aesthetics:

The EIR should discuss the aesthetics of the project, and should include a conceptual-level landscaping plan and building elevations from all sides.

Construction:

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, dust, wetlands, and traffic maintenance) and analyze feasible measures that can avoid or eliminate these impacts. It should identify the amount of blasting required to develop the site. The EIR should discuss the state and local permitting process for blasting.

Sustainable Design:

This project presents a good opportunity to successfully incorporate cost-effective sustainable design elements and construction practices into the project. These elements can minimize environmental impacts and reduce operating costs. I strongly encourage the proponent to consider incorporating elements, such as those noted below, into its project design, construction and management:

- water conservation and reuse of wastewater and stormwater
- renewable energy technologies to meet energy needs
- optimization of natural day lighting, passive solar gain, and natural cooling
- energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air
- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy
- easily accessible and user-friendly recycling system infrastructure into building design
- development of a solid waste reduction plan
- development of an annual audit program for energy consumption, waste streams, and use

of renewable resources.

Mitigation:

The EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include Proposed Section 61 Findings for all state permits, MHD, EOT, and DEP. The Proposed Section 61 Findings should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

The EIR should develop transportation and parking demand management measures to reduce single passenger automobile trips to the project and encourage ridesharing to the site through the use of preferential parking. It should include plans showing the configuration of each roadway intersection proposed for modification. The proponent should consider participating in proposals by the Towns of Middleborough and Rochester and MHD to provide additional traffic mitigation measures to reduce the impacts on estimated delay at adjacent intersections.

Response to Comments:

The EIR should respond to the comments received to the extent that comments are within the subject matter of this scope. Each comment letter should be reprinted in the EIR. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to the questions/issues raised.

Circulation:

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to Middleborough and Rochester officials. A copy of the EIR should be made available for public review at the Middleborough and Rochester Public Libraries.

May 17, 2006

DATE



Stephen R. Pritchard

cc: Sharon Stone, DEP/SERO

Comments received:

Angle Tree Consulting & Engineering, 5/1/06

EOEA #13771

Expanded ENF Certificate

May 17, 2006

NHESP, 5/8/06
EOT, 5/9/06
DEP/SERO, 5/12/06

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SRP/WTG/wtg