

*For Office Use Only*  
*Executive Office of Environmental Affairs*

EOEA No.: **13973**  
 MEPA Analyst: **Holly Johnson**  
 Phone: 617-626-**1023**

# ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: Harvestwood Estates		
Street: Old Centre Street		
Municipality: Middleborough	Watershed: Taunton River	
Universal Transverse Mercator Coordinates:	Latitude: 41.917405 Longitude: -70.968875	
Estimated commencement date: Spring 2007	Estimated completion date: Fall 2007 (roadway)	
Approximate cost: \$400,00.00 (roadway)	Status of project design: 100% complete	
Proponent: Maroney Building & Contracting		
Street: 7 Pebblebrook Way		
Municipality: Lakeville	State: MA	Zip Code: 02347
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Brian Madden, LEC Environmental Consultants, Inc.		
Firm/Agency: LEC	Street: 36 Cordage Park Circle, Suite 312	
Municipality: Plymouth	State: MA	Zip Code: 02360
Phone: 508-746-9491	Fax: 508-746-9492	E-mail: bmadden@lecenvironmental.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No
- Has this project been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No
- Has any project on this site been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8))  Yes  No
  - a Special Review Procedure? (see 301 CMR 11.09)  Yes  No
  - a Waiver of mandatory EIR? (see 301 CMR 11.11)  Yes  No
  - a Phase I Waiver? (see 301 CMR 11.11)  Yes  No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): NONE.

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

List Local or Federal Permits and Approvals:

NPDES Permit Stormwater during Construction, MESA Conservation & Management Permit (321 CMR 10.23), Middleborough Conservation Commission Orders of Conditions, Special Permit by the Middleborough Planning Board for Open Space Development, Building Permits (All to be Filed).

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                 |  |  |
|---------------------------------|--|--|
| <input type="checkbox"/> Land   | <input checked="" type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands      |
| <input type="checkbox"/> Water  | <input type="checkbox"/> Wastewater              | <input type="checkbox"/> Transportation                        |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air                     | <input type="checkbox"/> Solid & Hazardous Waste               |
| <input type="checkbox"/> ACEC   | <input type="checkbox"/> Regulations             | <input type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input checked="" type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i> Conservation & Management Permit (321 CMR 10.23)
Total site acreage	23.52			
New acres of land altered		5.24		
Acres of impervious area	0	1.2	1.2	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
<b>STRUCTURES</b>				
Gross square footage	0	14,400	14,400	
Number of housing units	0	8	8	
Maximum height (in feet)	0	35	35	
<b>TRANSPORTATION</b>				
Vehicle trips per day	0	80	80	
Parking spaces	0	16	16	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	0	3,520	3,520	
GPD water withdrawal	0	3,520	3,520	
GPD wastewater generation/ treatment	0	440 per septic system (3520 total)	440 per septic system (3520 total)	
Length of water/sewer mains (in miles)	0	Water: 0.24	Water: 0.24	

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify \_\_\_\_\_)  No

**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify: Estimated Habitat (EH 1097) and Priority Habitat mapped for Eastern Box Turtle (*Terrapene carolina*), a Species of Special Concern. A Certified Vernal Pool partially exists on-site )  No

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include 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 (Specify \_\_\_\_\_ )  No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify \_\_\_\_\_ )  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_ )  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (You may attach one additional page, if necessary.)

**a.) Project Site Description**

The proposed project, "Harvestwood Estates" involves the construction of an 8-Lot residential cluster subdivision on a 23.52± acre site located off Old Centre Street in Middelborough, Massachusetts. The project is proposed under the Town of Middleborough Zoning By-Laws as an Open Space Development. Scattered single-family dwellings abut the property's frontage along Old Centre Street to the east and west, while undeveloped, forested upland and wetland areas occur to the west, south, and east. An industrial park occurs further south of the site. The undeveloped site itself is primarily comprised of mixed deciduous-evergreen forested upland habitat with forested/scrub shrub wetland areas within the eastern and southern portions of the site and a Certified Vernal Pool (CVP) located within the northeastern corner of the site, bisected by the property boundary.

As proposed, only 4.54± acres (19.3%) of the 23.52± acre site are proposed to be permanently disturbed with construction of the subdivision roadway, single-family dwellings, driveways, and associated manicured lawn areas containing the individual Title V septic systems, thus allowing 18.96± acres (80.7% of the site) to remain as open space. Approximately 16.19± acres will become permanently protected under a Conservation Restriction, including stormwater management areas, while the remaining 2.79± acres will be protected by Deed Restrictions on individual lots. No work is proposed within any protectable wetland areas or within 100 feet of the CVP and all work within the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW) has been minimized to the greatest extent practicable.

**b.) Alternatives**

As originally proposed, the project involved the construction of an 11-Lot conventional residential subdivision on the 23.52± acre site. Proposed permanently disturbed areas, including the subdivision roadway, single-family dwellings, driveways, and all manicured lawn areas comprised 7.9± acres (33.6%), allowing for 15.6± acres of land (66.4%), including the stormwater management area, to remain as open space. In March, 2006, a Notice of Intent (NOI) was filed with the Middleborough Conservation Commission and the Department of Environmental Protection for 8-Lots (phase I) with only the detention basin occurring within the 100-foot Buffer Zone to BVW. Based on review of the NOI, the Natural Heritage and Endangered Species Program (NHESP) determined that the project would occur within the actual habitat of the Eastern Box Turtle (*Terrapene carolina*) and Spotted Turtle (*Clemmys guttata*), both listed as "Species of Special Concern" at the time (*C. guttata* has since been de-listed). Following a Habitat Assessment and several meetings and correspondences with NHESP, the Project Proponent has evaluated numerous alternatives, including 8-Lot and 11-

Lot conventional and cluster subdivision layouts. While a no-build alternative was considered, costs associated with acquiring additional land made this alternative unfeasible. Ultimately, the 8-Lot residential cluster layout was selected to maximize project consolidation and open space land, while avoiding and minimizing impacts to *T. carolina* habitat.

c.) **Mitigation**

As described above, the 11-Lot conventional residential subdivision only allowed for 15.6± acres of land (66.4%) to remain as open space, primarily protected under Deed Restrictions on individual lots. In comparison, the 11-Lot cluster layout resulted in 16.84± acres of land to remain as open space, including the stormwater management area. In order to meet the permitting requirements enumerated under 321 (CMR 10.23) of the *Massachusetts Endangered Species Act* (MESA, M.G.L. c. 131A) and its implementing *Regulations* (321 CMR 10.00), the Project Proponent selected the 8-Lot residential cluster subdivision, designed in a logical configuration as an Open Space Development. Accordingly, mitigation in the form of on-site land/habitat protection (long-term “net-benefit”) will result in 18.96± acres (80.7% of the site) to remain as open space; approximately 16.19± acres protected under a Conservation Restriction and 2.79± acres protected by Deed Restrictions on individual lots. Furthermore, the Project Proponent has committed to creating and maintaining *T. carolina* Nesting Habitat Areas. Subsequent to filing the ENF, the Project Proponent will be filing a Conservation and Management Permit Application with NHESP to ensure the proposed 8-Lot residential cluster subdivision project and discussed mitigation and net benefit measures meet the performance standards of 321 CMR 10.23.