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June 15, 2007

DRAFT RECORD OF DECISION

PROJECT NAME: Plainville Commerce Park
PROJECT MUNICIPALITY: Plainville
PROJECT WATERSHED: Ten Mile River
EOEEA NUMBER: 14025
PROJECT PROPONENT: Edgewood Development Company, LLC
DATE NOTICED IN MONITOR: May 9, 2007

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF) submitted on this project and hereby **propose to grant** a waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR). In a separate Certificate also issued today, I have set forth the outstanding issues related to the project that can be addressed by permitting agencies.

Project Description

As outlined in the EENF, the project consists of the development of a planned business park comprising 14 new lots on a 79.3 +/- acre site on South Street in Plainville, MA. The project site is the location of the former Northeast Concrete Products industrial facility. The completed development will include buildings designed for R&D/flex space, warehousing and business offices, with a planned maximum total floor area of approximately 557,000 square feet and 993 off-street parking spaces. The conceptual site plan included in the EENF assumes that the project is built out to the maximum allowed under local zoning. The project site is located within a Department of Environmental Protection (MassDEP) Zone II Groundwater Recharge Area for North Attleborough's drinking water wells.

The project will be accessed via a new municipal roadway that will run northerly from South Street (Route 1A) to Cross Street, a local collector roadway located along the site's northern edge. South Street/Route 1A is locally controlled in the vicinity of the project. Access to and from the site to South Street will be controlled via a new traffic signal.

Water and sewer for the site will be provided via municipal services. The proponent proposes to extend the municipal sewer line from the intersection of Sharlene Lane and South Street to the site, and then, consistent with the Town of Plainville's updated Wastewater Facilities Plan (EOEA #13757), to extend the municipal line northerly to the terminus of Robin Street along the site's easterly boundary. A new sewer line will also be installed from the main line in the proposed subdivision roadway to service the individual building lots.

Jurisdiction

The project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it will generate more than 3,000 new daily vehicle trips. The project also exceeds the following ENF review thresholds: 301 CMR 11.03(5)(b)(3)(c) because the project requires the construction of more than ½ a mile of new sewer main not located in the existing right of way and 301 CMR 11.03(6)(b)(15) because the project will result in the construction of more than 300 new parking spaces.

The project will require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA); a Sewer Extension Permit from MassDEP; an Order of Conditions from the Plainville Conservation Commission; Definitive Subdivision Approval and Site Plan Review from the Plainville Planning Board; five special permits related to ground water protection from the Plainville Zoning Board of Appeals; an Environmental Health Permit from the Plainville Board of Health; a Sewer/Water Connection Permit from the Plainville Water and Sewer Commission; compliance with the Town of Plainville's Industrial Pretreatment Program; a Road Opening Permit from the Plainville Highway Department; and a Traffic Signal Permit from the Plainville Board of Selectmen.

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required or potentially required permits with the potential to cause Damage to the Environment. In this case, MEPA jurisdiction on this project extends to wetlands, stormwater and wastewater.

Waiver Request

The proponent submitted an Expanded Environmental Notification Form (EENF) for the project with a request for a waiver from the requirement for the preparation of an EIR. The EENF identifies the environmental impacts of the project and describes measures to be undertaken by the proponents to avoid, minimize and mitigate project impacts. The waiver request was discussed at the consultation/scoping session for the project which was held on May 30th, 2007.

Standards for All Waivers

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the provision or requirement would:

- (a) Result in an undue hardship for the Proponent, unless based on delay in compliance by the Proponent; and
- (b) Not serve to avoid or minimize Damage to the Environment.

Determinations for an EIR Waiver

The MEPA regulations at 301 CMR 11.11(3) state that, in the case of a waiver of a mandatory EIR review threshold, I shall at a minimum base the finding required in accordance with 301 CMR 11.11(1)(b) stated above on a determination that:

- (a) The project is likely to cause no Damage to the Environment; and
- (b) Ample and unconstrained infrastructure facilities and services exist to support those aspects of the project within subject matter jurisdiction.

Findings

Based upon the information submitted by the proponent and after consultation with the state permitting agencies, I find that the Waiver Request has merit and that the proponent has demonstrated that the proposed project meets the standards for all waivers at 301 CMR 11.11(1). I find that strict compliance with the requirement to prepare a Mandatory EIR for the project would result in an undue hardship for the proponent. The preparation of an EIR for the project will require duplication of efforts undertaken by the community, and will likely result in the loss of a construction season, with significant delay in the development of the project which will result in numerous environmental improvements at the site.

I also find that compliance with the requirement to prepare an EIR for the project would not serve to avoid or minimize Damage to the Environment. In accordance with 301 CMR 11.11(3), this finding is based on my determination that:

1. The project is likely to cause no Damage to the Environment:
 - The proposed project is subject to a comprehensive local review process that will ensure that potential environmental impacts are evaluated and mitigated.

Land Alteration/Stormwater

- The project site is a heavily altered open area that is almost entirely devoid of vegetation due to its past use as an industrial precast concrete manufacturing facility. The proponent intends to extensively landscape the site as part of the development and to provide vegetated and landscaped buffers to help screen commercial activities from the predominantly residential areas to the east of the site. The proposed project calls for substantial improvements to the site and the creation of large amounts of new green space.
- The proponent will install a stormwater management system that will feature deep-sump catch basins with grease/oil hoods, structural pretreatment units such as Stormceptors, upgrades to the existing detention and recharge facilities, and other Best Management Practices (BMPs) such as parking lot sweeping. The stormwater management system will be designed in compliance with MassDEP's Stormwater Management Policy and applicable NPDES requirements.
- The proposed stormwater management system in combination with the re-vegetation and landscaping of the site will restore a significant amount of open space to the site, helping to reduce potential post-development runoff impacts. Re-use of the site as proposed will lessen current environmental impacts from the property from the implementation of better stormwater management controls. The project will help to improve the characteristics of the Ten Mile River watershed by improving water quality and lessening the potential for downstream flooding.

Wetlands

- The proponent has received an Order of Resource Area Delineation (ORAD) for a portion of the site from the Plainville Conservation Commission and will file a second Abbreviated Notice of Resource Area Delineation (ANRAD) for wetland resource areas in the northwestern portion of the site. The project must receive an Order of Conditions from the Plainville Conservation Commission for resource area impacts before proceeding with construction. The proponent will implement comprehensive erosion and sedimentation control measures during construction to avoid negative impacts to resource areas.

Wastewater

- Given that the project site lies within the MassDEP Zone II for the Town of North Attleborough Ten Mile wellfields, the proponent's plan to extend the municipal sewer to the project site is appropriate. The provision of municipal sewer will provide a measure of protection against future contamination that could possibly develop if on-site sanitary disposal systems were utilized for the project.
- The proponent has committed to providing funding for inflow and infiltration (I/I) removal efforts in the municipal system. This funding will support ongoing efforts of the

Plainville Water and Sewer Department to identify and correct I/I problems, particularly in the older Western Area Sewer System. According to a letter submitted to the MEPA Office from the Town of Plainville Water and Sewer Superintendent, the proponent will participate in the Town's I/I program with a goal of a 5:1 removal rate. The Plainville Sewer Commissioners are currently working to establish a dollar value for the I/I mitigation.

Transportation

- The Traffic Impact and Access Study (TIAS) submitted with the EENF demonstrates that the project will have a minimal impact on local roadways.
2. Ample and unconstrained infrastructure facilities and services exist to support those aspects of the project within subject matter jurisdiction:

Wastewater

- The project's wastewater impacts have been recently reviewed by MEPA in a prior filing for the Town of Plainville's Wastewater Facilities Plan Update (EOEA #13757). This Plan Update fully addressed environmental and capacity issues related to the proposed sewer extension. In April of 2006, the Secretary of Environmental Affairs issued a Certificate on the ENF for the Wastewater Facilities Plan Update stating that no further review was required.
- The first section and second components of the proposed sewer extension (South Street and Sharlene Lane to Robin Street) were fully reviewed by EOEA and MassDEP in 2006 as part of the Wastewater Facilities Plan Update. In the Wastewater Facilities Plan Update, the Town proposed to extend the municipal sewer line northward on South Street from its current terminus at Sharlene Lane, through the property that is now proposed as the Plainville Commerce Park. This is the third component of the sewer main that the proponent proposes to install in the subdivision roadway. This roadway will be constructed to Town of Plainville standards and taken over by the Town as a public right-of-way following project completion.
- Currently, approximately 1,000 gallons per day (gpd) of wastewater are discharged to a septic system on the site. The proposed project will result in the generation of approximately 41,500 gpd of additional flow to be discharged to the municipal collection system. The Town of Plainville operates a municipal sewer collection system under an intermunicipal agreement with the Town of North Attleborough; the Ten Mile Treatment Plant is located in North Attleborough and the Town of Plainville is charged for treatment of effluent entering the North Attleborough system. The Ten Mile Treatment Plant has an approved capacity of 4.61 million gallons per day (mgd). Current average daily wastewater flows are approximately 3.7 mgd. The Wastewater Facilities Plan Update studied the capacity of the Town's sewer system to accommodate this extension and concluded that the municipal sewer system had the capacity to support the extension. The

flows associated with the project are consistent with the increases projected in the Update.

- MEPA has already reviewed the issue of sewer infrastructure capacity for both the South Street sewer line and the off-site sewer line, both of which were specifically included in the Wastewater Facilities Plan Update. The potential capacity flows from the project site were accounted for in the capacity analysis provided to MEPA and MassDEP in the update. The issue of adequacy of sewer capacity and the related sewer line extension have been fully reviewed.

Transportation

- The geometry of the property allows for excellent access with a straightforward roadway design, minimizing the amount of pavement and utility infrastructure necessary to service the project.

Conclusion

I have determined that this waiver request has merit, and am issuing this Draft Record of Decision (DROD), which will be published in the next edition of the Environmental Monitor on June 25, 2007 in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days and will end on July 9, 2007. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6). I hereby **propose to grant** the waiver requested for this project, from the requirement to prepare a mandatory Environmental Impact Report (EIR), subject to the above findings, and conditions, if applicable.

June 15, 2007

Date

Ian A. Bowles

Comments received:

5/25/2007	Town of Plainville, Board of Water & Sewer Commissioners
5/29/2007	Plainville Conservation Commission
6/6/2007	Scott Brown, State Senator, Norfolk, Bristol and Middlesex Districts & Richard J. Ross, State Representative, 9 th Norfolk District
6/8/2007	Stephen H. Kaiser
6/8/2007	Department of Environmental Protection, Southeast Regional Office
6/12/2007	Town of Plainville, Water and Sewer Department

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