



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Timothy P. Murray
LIEUTENANT
GOVERNOR

Ian A. Bowles
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

August 22, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Commerce Park
PROJECT MUNICIPALITY : Middleborough
PROJECT WATERSHED : Taunton
EEA NUMBER : 4854
PROJECT PROPONENT : **28 Clay Street** Middleborough LLC
DATE NOTICED IN MONITOR : July 23, 2008

Pursuant to the Massachusetts Environmental Policy Act (G.L. c.30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and determine that it **does not require** further MEPA review.

Previous MEPA Review

The project originally reviewed by the MEPA office in 1983 consisted of the construction of up to one million square feet of office space, research and development, light manufacturing and a 220 room hotel. The site abuts the east side of Bedford Street (Route 28/18), south of Clay Street and just north of the Route 44/28 traffic rotary. The southern portion of the Park abuts Route 44 east of the traffic rotary, however no access is proposed to or from Route 44. Access to the Park is from Route 28/18.

On August 30, 1984, the Secretary determined that the Final Environmental Impact Report (FEIR) submitted on the project was adequate. Construction in the Park has proceeded over the years with economic trends. Presently the Park includes 256,000 square foot (s.f.)

existing office/ manufacturing/warehouse plus a total of 126,000 s.f. expansion for two existing buildings. The remainder of the proposed build out for the Park includes 272,800 s.f. office/industrial plus the 250 unit 40B apartments. The Park will no longer include a hotel. Approximately $\frac{3}{4}$ of the roads in the Park have been completed.

NPC Project Change Description

This NPC was submitted for MEPA review on July 15, 2008. The proponent is requesting that it be allowed to construct a 250 apartment unit 40B Comprehensive Permit residential development plan with 447 on-site parking spaces. This proposed 250-unit residential development will be constructed instead of 200,000 s.f. of the originally proposed office/industrial building (with approximately 375 on-site parking spaces) and hotel that could be located on the site. The residential development is proposed on Lot 1, a portion of Lot 5 and 5.6-acres of previously off site land added land to the Commerce Park subdivision. Access to the proposed residential development is proposed from Clay Street to provide a separation of residential and commercial traffic. The Comprehensive Permit was denied by the Middleborough Zoning Board of Appeals. The proponent has appealed the Middleborough Zoning Board's decision to the Massachusetts Housing Appeals Committee.

The NPC contained a traffic study that provides an analysis of the existing Park development plus future build out with the apartments compared to the one million square feet of commercial development plus hotel previously reviewed by MEPA. The traffic report concludes that there will be significantly less traffic volumes and impacts as a result of the existing Park and future build out compared to the previous plan reviewed by MEPA.

The Natural Heritage and Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife has stated that the area of the project change is now located within Priority and Estimated Habitat as indicated in the 12th Edition of the MA Natural Heritage Atlas and therefore requires review through a direct filing with NHESP for compliance with the Massachusetts Endangered Species Act (MESA 321 CMR 10.00). The project site is mapped for the Eastern Box Turtle (*Terrepenne carolina*), a species listed as "Special Concern" pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00). NHESP has determined that the project change may result in a prohibited "take" of the Eastern Box Turtle and require a MESA Conservation and Management Permit (321 CMR 10.23). The proponent should consult with NHESP and address any outstanding rare species concerns.

The water demand for the proposed change is estimated to be 25,000 gallons per day (gpd), with the total water demand for the project estimated at 40,000 gpd. The Town of Middleborough is authorized under the Water Management Act to withdraw on average 2.25 MGD. Middleborough's 2007 average daily water demand was 1.69 MGD, and therefore, Middleborough has sufficient authorized volume to supply this project.

There are no wetlands located on or within 100 feet of the site proposed for the residential development. The proposed stormwater design is consistent with the drainage master planning performed for the Park. Drainage from the site will flow via the existing drainage


infrastructure in Commerce Boulevard to two existing stormwater detention basins. Stormwater runoff from the proposed residential development will be collected in catch basins located throughout the paved parking areas of the site and directed to an underground stormwater collection system. An underground stormwater recharge system is proposed for three (3) of the proposed buildings to capture and infiltrate the runoff from proposed building roof areas.

Conclusion

Based upon a review of the information provided by the proponent and after consultation with the state and local permitting agencies, I find that the potential impacts of this project change do not warrant preparation of a Supplemental EIR and can be addressed through the local and state permitting processes. No further MEPA review is required for the completion of the Commerce Park development, as presented in this NPC.

August 22, 2008

Date


for Ian A. Bowles

Comments Received:

8/12/08 Department of Environmental Protection
8/14/2008 Division of Fisheries & Wildlife, Natural Heritage and Endangered Species
Program

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