

ENF Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs
 EOE No.: 14464
 MEPA Analyst: Purvi Patel
 Phone: 617-626-1029

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: Crimson Estates		
Street: Spruce Street		
Municipality: Middleborough	Watershed: Taunton	
Universal Transverse Mercator Coordinates:	Latitude N 41°48.868'	
	Longitude: W 70°49.943'	
Estimated commencement date: 4/1/2011	Estimated completion date: 5/1/2017	
Approximate cost: \$24,000,000	Status of project design:	60 %complete
Proponent: Haskins Way LLC		
Street: 161 Thompson Street		
Municipality: Middleborough	State: MA	Zip Code: 02346
Name of Contact Person From Whom Copies of this ENF May Be Obtained: James Pavlik		
Firm/Agency: Outback Engineering, Inc.	Street: 165 East Grove Street	
Municipality: Middleborough	State: MA	Zip Code: 02346
Phone: 508-946-9231	Fax: 508-947-8873	E-mail: jpavlik@outback-eng.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:
 Comprehensive Permit under MGL ch. 40B ss 20-23 ___ Order of Conditions under the
 Massachusetts Wetland Protection Act
 US Army Corp Section 404 Permit and DEP Water Quality Certificate Section 401 Permit
 National Pollution Discharge Elimination System Permit-Stormwater Pollution Prevention Plan

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

- Land
 Water
 Energy
 ACEC
 Rare Species
 Wastewater
 Air
 Regulations
 Wetlands, Waterways, & Tidelands
 Transportation
 Solid & Hazardous Waste
 Historical & Archaeological Resources

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input checked="" 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 type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i>
Total site acreage	160			
New acres of land altered		48		
Acres of impervious area	0.26	14.	14.26	
Square feet of new bordering vegetated wetlands alteration		17,811		
Square feet of new other wetland alteration-*includes open water Flood Plain alteration		5,662		
Acres of new non-water dependent use of tidelands or waterways		0		
STRUCTURES				*-The GPD water use is for the existing bog operation that has a Water Management Registration.
Gross square footage	5,870	155,200	161,070	
Number of housing units	0	97	97	
Maximum height (in feet)	22	35	35	
TRANSPORTATION				
Vehicle trips per day	2	1040	1,042	
Parking spaces	0	0	0	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	127,394*	42,680	170,074	
GPD water withdrawal	127,394*	0	127,394	
GPD wastewater generation/ treatment	0	42,680	42,680	
Length of water/sewer mains (in miles)	0/0	2/0	2/0	

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 _____) 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.*)

Project Site Description: The site consists of 159.99 acres located east of Spruce Street in the Town of Middleborough (see attached USGS locus plan and Crimson Estates project plans, last revised 9/24/08). Within Middleboro's Residence-Rural Zoning District, an allowed use for the property is residential development per the zoning by-law. The site is mostly wooded, except for the front portion of the site where there are 14.27 acres of cranberry bogs and additional support land consisting of reservoirs, dikes, access roads, and storage/work areas. Other cranberry bogs are located across Spruce Street and to the east and north of the site. There are 2 homes bordering the site near the northeast corner, and other residences are to the south and along the opposite side of Spruce Street. The wetland resource areas, as shown on the project plans, have been approved by the Middleborough Conservation Commission. The cranberry bog area and southern wetland portions of the project site are within Flood Zone A per Flood Insurance Rate Maps.

The northerly land owned by Spruce Street Bog Realty Trust was taxed as an agricultural use in accordance with MGL Ch. 61A of the Assessment and Taxation of Agricultural and Horticultural Land. The south parcel owned by Walter Burr was taxed as a forestry use in accordance with MGL Ch. 61 of the Classification and Taxation of Forest Lands and Forest Products. During the Comprehensive Permit hearing process with the Board of Appeals, the applicant took steps to remove portions of the project site from Ch. 61 and 61A, leaving only the 21.69-acre bog parcel to be retained by Spruce Street Bog Realty Trust in agricultural use and Chapter 61A. Upon further approvals of the project, this bog parcel will eventually be subdivided from the 40B project.

Proposed Project and Mitigation: For the purposes of this ENF, the project consists of construction of subdivision roadways and 97 for-sale, single-family dwellings per a Comprehensive Permit issued by the Middleboro Board of Appeals under MGL ch. 40 B, ss. 20-23, and includes improvements to the cranberry bogs as specified on the attached "Farm Plan". The site will be accessed by two entrance roads off Spruce Street, which require wetland alterations. All subdivision drainage facilities will be designed in compliance with the DEP Stormwater Management regulations. The lots range in size from 15,000 to 35,000 sq. ft. (average lot size 22,479 sq. ft.), with a minimum of 100 ft. frontage (except 1 lot on a cul de sac would have 50'). All dwellings will be serviced by private septic systems and town water. Approximately 80 acres will be open space. Including the wetland resource area disturbance, the project will result in total land disturbance of approximately 48 acres.

The project will require US Army Corp Section 404 and DEP Water Quality Certificate Section 401 permits due to wetland and bog alteration for the primary entrance road (Road A) and an emergency connector road that provides a second means of access to the back portion of the site (Army Corp application was filed, and is awaiting resolution of plan revisions required for the project). There are no other means of accessing the buildable rear portion of the site, other than to alter wetland areas in and around the bogs. The primary access road (Road A) is proposed at a location that minimizes this alteration, and includes a cross-culvert and retaining walls at the edge of the proposed road to reduce wetland alteration as much as possible. This road will require alteration or filling of approximately 5,236 sq. ft. of land under water, 15,872 sq. ft. of bordering vegetated wetlands, and 426 lin. ft. of inland bank to construct the first 200 lin. ft. of roadway and stormwater facilities off of Spruce Street. The land under water and bank will be replicated to the east and west of the entrance road, and approximately 36,000 sq. ft. of bordering vegetated wetland (i.e. a 2:1 ratio) will be replicated at south end of site near end of Road B.

The second access road was required the Middleborough Board of Appeals to be paved to a width of 18 ft. for emergency vehicles. This road connects Road E to Road B and involves filling cranberry bog to widen an existing dike; this dike widening and other bog/reservoir work is planned regardless of the subdivision development as part of the improvements shown in the attached Farm Plan. The dike widening/roadway and bog filling does not result in any new wetland alteration where it is all within the confines of the bog and/or upland areas, and allowed exemptions for agricultural purposes per the Wetlands Protection Act (WPA). However, approximately 19,000 sq. ft. of bog (Flood Zone A) will be filled to widen the dike and to accommodate the paved emergency road, and simultaneously recreated by squaring off and widening approximately 22,000 sq. ft. in other areas of bog such that there is no net loss of flood storage area.

Alternatives: For the purposes of this ENF, three on-site alternatives are assessed to compare to the proposed project, including (1) "no build", (2) a conventional subdivision designed and permitted according to Middleborough Planning Board and other town and state regulations, and (3) a modification to the proposed project where the Comprehensive Permit plan primary road (Road A) is changed to a boulevard-style road with the 2 lanes separated by a median and the second, emergency access is not paved (gravel only). No off-site alternatives are possible where this is a privately owned development project for this specific site.

1. With the "No Build" alternative, the site would remain as it exists today, and there would be no land or wetland alteration. A slight modification would include improvements to the bog operations per the attached Farm Plan; this would result in widening the south dike to improve access, squaring off and leveling portions of the bog, deepening the reservoir at the north end of the site, and other improvements. As noted in project description, this work would not involve any new wetland impacts and all work is under agricultural exemptions noted in the WPA.
2. Conventional subdivision (see Alternative 2 plan attached): under this alternative, 39 house lots with at least 200' frontage and 80,000 sq. ft. would be created using a similar roadway network to the proposed project. One entrance road would be identical to Road A, and the second roadway across the south bog dike would be a typical 50' subdivision layout with 26' pavement and a sidewalk, instead of 18' paved and no sidewalk under the proposed project. Therefore, wetland alteration and replication would be identical to the proposed project, except there would have to be more bog alteration to accommodate the wider roadway (again, this work would not involve new wetland alteration as discussed above). Overall, this alternative would result in less impervious area and land disturbance than the proposed project because there would be less homes and private driveways constructed per the local zoning by-law. This alternative was not considered due to applicant's desire to permit under MGL Ch 40B.
3. This alternative Comprehensive Permit plan (see Alternative 3 plan attached) was based on suggestions of the Middleborough Town Planner, and is nearly identical to the proposed project, except there are 3 additional house lots, and the primary access would be a boulevard-style road with divided median strip, and the second emergency access road across the south bog dike would be gravel instead of pavement. The primary entrance road with two 18' wide lanes separated by a landscaped median, would be constructed similar to the proposed project with retaining walls, but would result in approximately 6,000 sq. ft. additional wetland filling and replication. A 16' wide gravel emergency access road would double for bog farming operations along the south dike, and therefore slightly less bog alteration of 2' width. Although there would be significantly less impervious area and land alteration (if reduced to 97 lots to match the proposed project), this alternative was rejected by the Board of Appeals during the Comprehensive Permit hearings because of their preference for two paved roads.

Table below summarizes some development land uses and alterations of the project and the 3 alternatives.

Project - Alternative	Proposed dwelling units	Proposed impervious area(sf)	Proposed wetland alteration+(sf)	Proposed land alteration+(sf)
Project	97	585,500	85,557	2,064,269 sf*
1	0	0	38,700*	40,154 sf*
2	39	363,000	89,800	1,546,600*
3	100	551,900	91,100	2,070,400*

+ - includes floodplain alteration

*- areas includes dike widening and squaring off the bogs. This work will be done regardless of whether or not the residential development is completed. Note that the dike and bog work will not result in any new wetland alteration. All work is upland or inside bog and water reservoir.