

<p style="text-align: center;"><i>For Office Use Only</i> Executive Office of Environmental Affairs</p> <p>MEPA Analyst: <i>Ann Canada</i></p> <p>Phone: 617-626-<i>1035</i></p>
--

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Commerce Park		EOEA #: 4854	
Street: Bedford Street			
Municipality: Middleborough		Watershed: Taunton	
Universal Transverse Mercator Coordinates: 4641255.64728 N 337509.75769 E		Latitude: 41-54-23.55120 N Longitude: 70-57-32.82840 W	
Status of project construction: approximately 50 %complete			
Proponent: 28 Clay Street Middleborough LLC c/o Conroy Development			
Street: 800 Technology Center Drive			
Municipality: Stoughton		MA	02072
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Thomas French			
Firm/Agency: Cubellis, Inc.		Street: 97 Libbey Industrial Parkway	
Municipality: Weymouth		State: MA	Zip Code: 02189
Phone: 781-803-9100		Fax: 781-337-0827	E-mail: tfrench@cubellis.com

In 25 words or less, what is the project change? The project change involves . . .
 Change in use of Lot 1 and a portion of Lot 5 in the Commerce Park commercial subdivision from a proposed light industrial/research/office use to a 250 unit multi family residential development.

See full project change description beginning on page 4.

Date of ENF filing or publication in the Environmental Monitor: 8/05/1983

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date: Monitor 4/09/84) No
 was a Final EIR filed? Yes (Date: Final Certificate 8/30/84) No
 was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s):) No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to "ATTACHMENTS & SIGNATURES" on page 4.

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed:

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))
 X Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?
 Yes X No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes X No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts (Areas pertain only to 12.5 acre site for proposed residential development; see note 1 below)	Previously reviewed (Assumed 200,000 s.f. office/research & development/light industrial use)	Net Change	Currently Proposed (250 unit residential development)
LAND			
Total site acreage	6.9 (5.6 acres of previously off site area was add to the subdivision; see Note 2 below)	+5.6	12.5
Acres of land altered	9.2	-1.9	7.3
Acres of impervious area	7.7	-1.6	6.1
Square feet of bordering vegetated wetlands alteration	-0-	-0-	-0-
Square feet of other wetland alteration	-0-	-0-	-0-
Acres of non-water dependent use of tidelands or waterways	-0-	-0-	-0-
STRUCTURES			
Gross square footage	200,000	+57,835	257,835
Number of housing units	-0-	250	250
Maximum height (in feet)			
TRANSPORTATION			
Vehicle trips per day	2,276	-622	1,654
Parking spaces	Approximately 375	+72	447

WATER/WASTEWATER			
Gallons/day (GPD) of water use	Approximately 15,000	+25,000	Approximately 40,000
GPD water withdrawal	n/a	n/a	n/a
GPD wastewater generation/ treatment	Approximately 15,000	+25,000	Approximately 40,000
Length of water/sewer mains (in miles)	n/a	n/a	n/a

Notes: (1) Pertains only to 12.5 acre project site, which is presently undeveloped. The “previously reviewed” is based on a 200,000 square foot office/research & development /light industrial use. The 200,000 square foot size is based on a feasible development size for the parcel, based on the square footage of development reviewed by MEPA and the Full Build Master Plan for the subdivision.

(2) The original site under the FEIR was 112 acres; only 6.9 acres of this area is proposed to be changed from the use described in the FEIR.

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on 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 No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

5. impact upon an Area of Critical Environmental Concern? Yes No

If you answered ‘Yes’ to any of these 5 questions, explain below:

Natural Heritage Maps include all of the unbuilt portions of the subdivision as Priority Habitat area. See enclosed Figure 6 (Figures 1 through 5 referenced in narrative below).

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

(a) a brief description of the project as most recently reviewed

(b) a description of material changes to the project as previously reviewed,

(c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and

(d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

The Commerce Park (the Park) subdivision was filed with MEPA in 1983 and proposed up to one million square feet of office space/research & development/light manufacturing plus a 220 room hotel. Figure 1 (Locus Map) shows the location of the 12.5 acre site proposed for residential use. 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, but no access is proposed to/from Route 44. Access to the Park is from Route 28/18. Figure 2 is the Master Plan for the Park from the FEIR. The site is the same as in the MEPA filings with the exception of approximately 5.6 acres of abutting property in the vicinity of Bedford Street and Clay Street that was added to the Commerce Park subdivision land. This additional land is comprised of undeveloped property and single family residential homes. The 250 unit multi family residential development is proposed on Lot 1, a portion of Lot 5 (of the subdivision) and 5.6 acres of previously off site land added land to the Commerce Park subdivision.

The Certificate of the Secretary on the FEIR (adequately complies) is dated August 30, 1984 and the MEPA Project Tracking System indicates no further action by MEPA since the Certificate on the FEIR. Construction in the Park has proceeded over the years with economic trends. The Brookfield Engineering facility was designed and constructed in the mid to late 1990's. Middleborough Park, LLC purchased the remainder of the Park in 2002 and the Cirelli food distribution facility was constructed in 2004. Figure 3 is a 2004 Full Build Master Plan for the Park showing a total gross square footage of building development of 912,800 square feet,(with no hotel) which is less than the size of project proposed during MEPA review. Approximately $\frac{3}{4}$ of the roads in the Park have been completed and there are five (5) sites in the Park yet to be built out (Parcels 1, 9, 7/8, 6 and 5). Presently the Park includes 256,000 s.f. existing office/ manufacturing/warehouse plus a total of 126,000 s.f. expansion plus 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.

Middleborough Park, LLC proposes to construct The Lodge at Middleborough, a 250 unit 40B Comprehensive Permit residential development plan (apartments) with 447 on-site parking spaces on Parcel 1 and a portion of Parcel 5 in the Park (Figure 3a). This proposed 250 unit residential development will be constructed instead of approximately 200,000 square feet of office/research & development/light industrial building (with approximately 375 on-site parking spaces) that could be located on the site. Access to the proposed residential development is proposed from Clay Street to provide a separation of residential and commercial traffic. Figure 4 is a site plan of the proposed residential development. Figure 5 is an aerial photo of the proposed residential development site and surrounding area. The Comprehensive Permit was denied by the Middleborough Zoning Board of Appeals and the client has appealed the Zoning Board's decision to the Housing Appeals Committee.

The scope of MEPA review for the FEIR was traffic, wetlands & flooding and construction related effects. The attached traffic study 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 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.

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 with stormwater forebays located on Lot 10 in the Park. 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 for a 2-year storm event.

The 12.5 +/- acre project site lies in an area of dry upland mixed deciduous/pine forest. The project borders on Clay Street along its western limits and Clay Street in turn borders on industrial development and Route 28. To the east of the site is a warehouse facility and other development bordering on Commercial Blvd. In the southern portion of the site is some early successional habitat with old construction debris near Rte. 28.

With the exception of the north project boundary, the parcel is largely isolated from contiguous forested habitat. Its isolation from large areas of contiguous habitat, and proximity to busy secondary roadways reduces the viability of this habitat to sustainable eastern box turtle habitation.

The Park was not within Priority Habitat in the 2005 version Natural Heritage Atlas. In the 2006 revisions to the Natural Heritage Data layer, the site became largely encompassed within the newly mapped Priority Habitat (PH 301). The proponents will be meeting with NHESP to discuss the features of the project site.

ATTACHMENTS & SIGNATURES

Attachments:

1. Secretary's most recent Certificate on this project
2. Plan showing most recent previously-reviewed proposed build condition
3. Plan showing currently proposed build condition
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7)

Signatures:

<p>7/2/08 <u>H. Thomas French, Jr.</u> Date Signature of Responsible Officer or Proponent Cubellis, Inc. for Middleborough Park, LLC Name (print or type) do Conroy Development Firm/Agency 800 Technology Center Drive Street Stoughton, MA 02072 Municipality/State/Zip 781-344-5656 Phone</p>	<p>7/2/08 <u>H. Thomas French, Jr.</u> Date Signature of person preparing NPC (if different from above) H. Thomas French, Jr. Name (print or type) Cubellis, Inc. Firm/Agency 97 Libbey Industrial Parkway Street Weymouth, MA 02189 Municipality/State/Zip 781-803-9100 Phone</p>
---	--