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April 11, 2008

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

PROJECT NAME: Cavossa Park
PROJECT MUNICIPALITY: Middleborough
PROJECT WATERSHED: Buzzards Bay/Taunton
EEA NUMBER: 13840
PROJECT PROPONENT: Cavossa Commercial Park LLC
DATE NOTICED IN MONITOR: March 12, 2008

Pursuant to the Massachusetts Environmental Policy Act (M. G. L. c. 30, ss. 61-62H) 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 hereby determine that the project **no longer requires** the preparation of an Environmental Impact Report (EIR).

Project Description As Previously Reviewed

As originally outlined in the Expanded Environmental Notification Form (EENF) submitted in July 2006, the project involves the construction of a twelve lot, 465,000 square foot (sf) industrial/commercial business park located in Middleborough. The project includes 1,095 parking spaces and is anticipated to generate approximately 3,236 new vehicle trips per day at fully occupancy. The 77-acre site is presently undeveloped and forested. The development plan presented in the EENF considered a maximum build-out scenario allowed under Middleborough zoning, through the Form C Subdivision process.

In accordance with Section 11.05(7) of the MEPA regulations, the proponent submitted an EENF with a request that the Secretary of Energy and Environmental Affairs allow the

proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than require the usual two-step Draft and Final EIR process. As part of the Certificate on the EENF issued on September 1, 2006, the Secretary granted the proponent the right to prepare a Single EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

Project Change Description

The principal changes to the project as outlined in the NPC are as follows:

- Change from the creation of 12 development lots created through the local Form C Subdivision process to a revised development plan with a maximum of three development lots created through the Form A Subdivision process. The revised project plans will develop one of these lots;
- Change from the generation of 3,236 new vehicle trips per day, accessing the site via a State Highway (Route 28), to a total of 200 new vehicle trips per day;
- Change from the alteration of 27 acres of land, to the alteration of 9.5 acres of land within the 77-acre total project area;
- Change from the creation of 21 acres of impervious area to four acres of impervious area;
- Change from 1,095 new parking spaces, to a total of no more than 100 parking spaces on-site;
- Change in the overall project square footage, reducing the project size to 20,000sf from 465,000 sf;
- The estimated environmental impact associated with this project has been reduced below all MEPA thresholds for either an ENF or a mandatory EIR.

Jurisdiction

The project was previously subject to environmental review and the preparation of a mandatory EIR pursuant to Sections 11.03(1)(a)(2), 11.03(6)(a)(6), and 11.03(6)(a)(7) of the MEPA regulations, because it would have resulted in the creation of ten or more acres of impervious area, generation 3,000 or more new vehicle trips per day, and the construction of more than 1,000 parking spaces at a single location. The project as proposed in the NPC has significantly reduced potential environmental impacts and no longer exceeds either MEPA ENF or mandatory EIR thresholds. The project continues to require a State Highway Access Permit for Route 28 from the Massachusetts Highway Department (MHD). The project must comply with the U.S. Environmental Protection Agency's (U.S. EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. Finally, the project will require an Order of Conditions from the Middleborough Conservation Commission as a limited project for impacts to wetland resource areas.

Review of the NPC

The project scope and scale has been reduced to a level of impact that is below MEPA review thresholds. The NPC included revised site plans and estimates of potential environmental impact. The project will significantly reduce the amount of impervious area, land alteration, wastewater generation, and traffic generation. The driveway accessing the building from Route 28 will follow portions of a discontinued private roadway (Old Wareham Street), in an effort to reduce clearing and grading. The curb cut on Route 28 must conform to MassHighway curb cut design standards. The project will be connected to the Town water supply and will have its own Title V septic system. It is estimated that the project will consume less than 2,000 gallons per day of potable water and generate less than 2,000 gallons per day of new wastewater flow.

Wetland impacts associated with the construction of the project driveway will be similar to that reviewed as part of the EENF, with a total of 3,770sf of alteration to Bordering Vegetated Wetlands (BVWs). According to the MassDEP comment letter on the NPC, an Order of Conditions as issued by the Middleborough Conservation Commission on March 13, 2008 (File No. 220-1007). Wetlands replication should be conducted in accordance with this Order of Conditions and in conformance with MassDEP's *Inland Wetland Replication Guidelines*. MassDEP indicates that the project will need to comply with Section 401 Water Quality Certification requirements. A portion of the project area contains Priority and Estimated Habitat of a state-protected rare species; the Water-willow Stem Borer. The Natural Heritage and Endangered Species Program (NHESP) has indicated in its comments on the NPC is that provided the future lot development complies with the 25-foot no-disturbance zone, the NHESP maintains that the project will avoid a "take" of state-listed rare species pursuant to 321 CMR 10.00.

Conclusion

Based on a review of the information provided in the NPC, and after consultation with the relevant public agencies, I find that the project as outlined in the NPC no longer warrants the preparation of an EIR. No further MEPA review is required at this time. The proponent is reminded to review the MEPA Regulations at 301 CMR 11.00 if any activities will occur on the project site not explicitly outlined in the ENF to determine if a Notice of Project Change will be required.

April 11, 2008

Date



Ian A. Bowles

Comments Received:

04/01/2008 Massachusetts Department of Environmental Protection – SERO
04/02/2008 Massachusetts Division of Fisheries and Wildlife - Natural Heritage and Endangered Species Program
04/10/2008 Executive Office of Transportation
IAB/HSJ/hsj