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September 1, 2006

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Cavossa Park
PROJECT MUNICIPALITY : Middleborough
PROJECT WATERSHED : Buzzards Bay / Taunton
EOEA NUMBER : 13840
PROJECT PROPONENT : Cavossa Commercial Park LLC
DATE NOTICED IN MONITOR : July 25, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a Single Environmental Impact Report (EIR).

Project Description

According to the Expanded Environmental Notification Form (EENF), the project consists of the construction of a twelve lot industrial/commercial business park containing approximately 465,000 square feet (sf). The project includes 1,095 parking spaces and is anticipated to generate approximately 3,236 new vehicle trips per day at full occupancy. The 77-acre site is presently undeveloped and forested. The development plan presented in the EENF considers a maximum build-out scenario allowed under Middleborough zoning. It is likely that development lots may be consolidated to accommodate end users. However, impacts to the environment would not increase beyond those presented within the EENF. The project site stormwater management system has been master planned to allow the project to be built out over time without knowing specific users at the time of permitting. Should additional impacts be created upon determination of occupancy, the proponent should consult the MEPA regulations and file a Notice of Project Change (NPC) if warranted.

This project is subject to 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 creates ten or more acres of impervious area, generates 3,000 or more new vehicle trips per day, and proposes construction of more than 1,000 parking spaces at a single location. The project will need to

obtain a State Highway Access Permit for Route 28 from the Massachusetts Highway Department (MHD). It must comply with the U.S. Environmental Protection Agency's (U.S. EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges. The project will require an Order of Conditions from the Middleborough Conservation Commission as a limited project for impacts to wetland resource areas.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land alteration, traffic, wetlands, and stormwater.

The proponent has prepared a Traffic Impact and Access Study (TIAS) in association with the EENF to evaluate existing and proposed traffic conditions within the project vicinity. Mitigation measures included within the TIAS include dedicated turning lanes and a monitoring program to determine if future signalization of the site driveway will be warranted.

The proposed project will be connected to Town water supply in lieu of on-site water supply wells. Each lot will have its own Title 5 wastewater system. The proponent has estimated that the project will consume about 18,500 gallons per day (gpd) of potable water. The project will generate approximately 18,500 gpd of new wastewater flow.

Single EIR/Waiver Request

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I 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. The EENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request for a Single EIR in accordance with Section 11.06(8) of the MEPA regulations, and I find that the EENF (and supplemental information received on August 18, 2006) describes and analyzes all aspects of the project; provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and demonstrates that the planning and design of the project use all feasible means to avoid potential environmental impacts. The EENF contained a detailed traffic impact and access study. Therefore, I will allow the proponent to prepare a Single EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

SCOPE

As modified by this scope, the EIR should conform to Section 11.07 of the MEPA regulations for outline and content. The EIR should resolve the remaining issues outlined below. It should address the comments listed at the end of this Certificate to the extent that they are within this scope, and it should include a copy of this Certificate and all comment letters.

Project Description

The EIR should provide a detailed project description with a summary/history of the project. It should include existing and proposed site plans at a reasonable scale and should identify and describe any proposed project phasing. The EIR should discuss how this project is compatible with Executive Order 385, the SRPEDD Regional Plan, and Middleborough's Master Plan, Open Space Plan, and Zoning.

Alternatives Analysis

The EIR should summarize and compare the Preferred Alternative and the No-Build Alternative. The EIR should also present a design layout alternative that does not utilize a portion of the existing right of way, as it was noted at the site consultation that other landholders adjacent to the project site maintain access rights through this right of way. Each alternative presented should strive to limit environmental impacts and should include quantification of its potential impact to wetlands, stormwater, traffic, land alteration and impervious areas.

Land Alteration

The proposed project will alter approximately 27 acres of land and create 21 acres of impervious area on the approximately 77 acre project site. The EIR should identify existing and proposed grades, and summarize conceptual cut and fills to prepare development parcels and to construct stormwater management facilities. The EIR should summarize assumptions used to calculate anticipated land alteration and impervious areas within the EENF. The EIR should discuss the possibility of utilizing porous pavement or reserve parking on development lots to reduce impervious surfaces.

Drainage

The EIR should include a description of the proposed stormwater management system including the location of structures and proposed best management practices (BMPs) for each design alternative and consistency with the Massachusetts Department of Environmental Protection (DEP) Storm Water Management Policy. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The EIR should include a Stormwater Pollution Prevention Plan prepared in accordance with the NPDES Construction General Permit.

If the proponent ties into the existing MHD drainage system, the EIR should clarify the permits required and if there will be a recharge deficit on-site. The EIR should indicate and discuss where the MHD drainage system discharges in this area.

Traffic

The EENF presented a TIAS generally conforms to EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. This TIAS included existing and proposed traffic generation estimates, sight distance, queue length and Level of Service (LOS) analyses. Supplemental traffic information to be included in the EIR is outlined below.

The EIR should provide greater detail to demonstrate that sufficient turning radius for large vehicles exiting the site onto Route 28. The EIR should include conceptual plans, preferable at 1:40 scale, for the proposed roadway improvements that should be of sufficient detail to verify the feasibility of constructing turning radius for WB-62 trucks at the site ingress and egress. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvement are proposed.

The EIR should show where sidewalks currently exist in a map of the area and where the proponent proposes sidewalks (both internally and externally to the site, if any). The EIR should conceptually depict the location of a walking easement to adjacent open space and provide an update on coordination efforts for public access with other landowners. The EIR should identify the proposed bicycle facility improvements included with this project. It should state the number of bicycle parking spaces and show their locations.

The EIR should outline how the proponent's Transportation Demand Management (TDM) Program could be included in any sale or lease arrangements with prospective tenants. The proponent should investigate the availability of the Dial-A-Ride services of the Greater Attleborough Taunton Regional Transit Authority, and collaborate with any existing or proposed TDM programs offered by local businesses.

The EIR should provide supporting documentation to confirm that mitigation measures within the state highway layout conform to MHD standards, including but not limited to, provisions for lane, median and shoulder widths, and bicycle lanes and sidewalks. MHD has requested that, given the information presented in the EENF, the proponent should commit to signalizing the I-495 northbound ramps intersection. The EIR should outline proposed improvements, conceptual design, and evaluate impacts associated with the installation of a new traffic signal at this intersection. The EIR should also include a clear commitment to signalize the Route 28/site driveway intersection if warranted or upon request from MHD.

The EIR should include a summary of traffic mitigation measures and funding commitments and provide updates on any coordination efforts with the Town of Middleborough or MHD.

Wetlands/Rare Species

According to the proponent, the project proposes alteration of approximately 3,770 sf of Bordering Vegetated Wetlands (BVWs) associated with a wetland crossing. This area of impact and the wetland crossing is located along an existing abandoned right of way. Subdivision roadway plans show a narrowing of the project roadway within this wetland area to reduce wetland alteration. The EIR should confirm that these wetland alteration calculations consider both grading and/or placement of retaining walls in addition to paved areas. If a retaining wall is proposed, plans within the EIR should clearly detail the location, height and materials to be used for the retaining wall.

The EIR should characterize each wetland resource area on the project site with regards to vegetation and habitat in accordance with applicable performance standards of the Wetland Protection Act. The EIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat. It should identify the location of nearby public water supplies and wells. The EIR should describe any outstanding issues with the Middleborough Conservation Commission.

The Commonwealth has endorsed a "No Net Loss Policy" that requires that all feasible means to avoid and reduce the extent of wetland alteration be considered and implemented. The EENF proposes two areas of wetland replication to mitigate the alteration of BVWs associated with the limited project roadway. These wetland replication areas are contiguous to existing wetland resource areas and will provide approximately 7,700 sf of replicated wetland area (a mitigation ratio in excess of 2:1). The EIR should include the wetland replication areas delineated on plans, elevations, typical cross sections, test pits or soil boring logs, groundwater elevations, the hydrology of areas to be altered and replicated, list of wetlands plant species of areas to be altered and the proposed wetland replication species, planned construction sequence, and a discussion of the required performance standards and monitoring. Conformance with DEP's *Inland Wetland Replication Guidelines* should also be addressed within the EIR.

The proponent should note that if development of individual lots will consist of activities regulated under the Wetlands Protection Act, additional Notices of Intent may be required prior to development.

A portion of the project area contains Priority and Estimated Habitat of a state-protected rare species; the Water-willow Stem Borer. The comment letter submitted by NHESP concluded, "that provided that all future plans show a 25-foot No-Disturbance Zone in the indicated areas, the NHESP finds that the project will avoid a "take" of state-listed species."

The EIR should clearly identify this 25' no-touch zone on the accompanying plans and outline measures to include this limitation on final subdivision plans to be recorded with the lots.

Historical

The Massachusetts Historical Commission (MHC) considers portions of the project area to be archaeologically sensitive, and likely to contain archaeological sites associated with ancient and historical period occupation of the Middleborough area. The archaeological sensitivity of the project area is principally defined by its environmental setting, which includes well-drained soils in proximity to wetlands and water resources including wetlands associated with the Taunton River drainage, favorable for ancient and historic period Native American occupation and land use.

The EIR should include the findings of an intensive (locational) archaeological survey (950 CMR 70) requested by MHC for the proposed project. The purpose of this survey should be to locate and identify any significant historic or archaeological resources that may be affected by the project. Should the findings of this survey identify areas to be avoided, minimized or mitigated, the proponent should coordinate these efforts with MHC and present revised design alternatives within the EIR.

Construction Impacts

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures, which can avoid or eliminate these impacts. Construction of the project should be performed in accordance with local and State air quality requirements.

Sustainable Design

This project presents a good opportunity to successfully incorporate cost-effective sustainable design elements and construction practices into the project. These elements can minimize environmental impacts and reduce operating costs. I strongly encourage the proponent to consider incorporating elements, such as those noted below, into its project design, construction and management:

- water conservation and reuse of wastewater and stormwater
 - renewable energy technologies to meet energy needs
 - optimization of natural day lighting, passive solar gain, and natural cooling
 - energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air
- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy

- easily accessible and user-friendly recycling system infrastructure into building design
- development of a solid waste reduction plan
- development of an annual audit program for energy consumption, waste streams, and use of renewable resources.

Mitigation

The mitigation section should include a proposed Section 61 Finding for each state agency that will issue permits for the project. The proposed Section 61 Finding should contain a clear commitment to implement mitigation measures, estimate the individual costs of the proposed mitigation, and identify the parties responsible for implementation. A schedule for the implementation of mitigation should also be included.

Comments

The EIR should contain a copy of this Certificate and of each comment received. The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The EIR should respond fully to each substantive comment received, to the extent that it is within MEPA jurisdiction. The EIR should present additional technical analysis and/or narrative as necessary to respond to the concerns raised, not otherwise raised in this Certificate.

The proponent should circulate a copy of the EIR to any party submitting written comments on the ENF and in accordance with Section 11.16 of the MEPA Regulations. A copy of the EIR should be made available for public review at the Middleborough Public Library.

September 1, 2006

DATE



Robert W. Gollidge, Jr.

Comments received:

- 07/26/2006 Massachusetts Historical Commission
- 08/23/2006 Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program
- 08/23/2006 Executive Office of Transportation
- 08/25/2006 Department of Environmental Protection – SERO

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