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December 1, 2006

DRAFT RECORD OF DECISION

PROJECT NAME : North Bedford Street Business Park
PROJECT MUNICIPALITY : East Bridgewater
PROJECT WATERSHED : Taunton
EOEA NUMBER : 13888
PROJECT PROPONENT : Equity Industrial Partners
DATE NOTICED IN MONITOR : October 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and hereby **propose to grant a Phase I Waiver** to allow commencement of the first phase of the project prior to completion of the Environmental Impact Report (EIR) for the entire project. This Draft Record of Decision (ROD) will be published in the December 6, 2006 issue of the *Environmental Monitor* for a fourteen-day comment period after which I will issue a Final ROD with a determination regarding the Phase I Waiver request.

Project Description

The project as proposed in the Environmental Notification Form (ENF) consists of a mixed use commercial development on an approximately 122-acre site. The ENF proposes a two-phase project. Phase I includes construction of a 70,000 square foot (sf) medical building and associated infrastructure and Phase II includes approximately 715,000 sf of development (15,000 sf retail, 150,000 sf office, 130,000 sf manufacturing, and 420,000 sf of warehouse space) and 1,575 parking spaces. The site includes existing buildings of approximately 290,000 sf and parking areas for approximately 850 vehicles. At full build-out, the project as proposed in the ENF will result in alteration of an additional 58 acres of land and creation of 48 acres of new impervious area. Traffic impacts at full build-out are estimated at 9,930 vehicles per day. Phase II of the project includes construction of an on-site wastewater treatment and disposal facility to handle flows of approximately 44,000 gallons per day.

Jurisdiction

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03 (1)(a)(1) and (2) of the MEPA regulations because it will result in alteration of 50 or more acres of land and creation of 10 or more acres of impervious area, and pursuant to Section 11.03(6)(b)(a)(6) and (7) because it will result in generation of 3,000 or more new average daily trips (adt) and construction of 1,000 or more new parking spaces.

The project requires an Access Permit from the MassHighway Department (MHD) for access onto Route 18. Other permits required include a Groundwater Discharge Permit from the Department of Environmental Protection (MassDEP). The project may also require a Water Supply Distribution System Modification Permit from MassDEP. The project requires an Order of Conditions from the Town of East Bridgewater (and, on appeal only, a Superseding Order from MassDEP). The project may require pre-construction permits pursuant to MassDEP Air Quality Control Regulations. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA).

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, air quality, wastewater, wetlands, water supply, land, stormwater and drainage.

Waiver Request

In the Environmental Notification Form (ENF) filed in October, 2006, the proponent requested that I grant a Phase I Waiver for the project. The proposed Phase I includes construction of a 70,000 square foot (sf) medical office building and associated infrastructure on an 8-acre portion of the approximately 122-acre project site. Phase I includes construction of 350 parking spaces and is expected to generate 2,648 vehicle trips per day. Other impacts associated with the proposed Phase I include alteration of approximately 8 acres of land, which includes creation of 6.6 acres of new impervious area. Phase I development will require approximately 8,250 gpd of water and generate approximately 7,500 gpd of wastewater, which will be discharged to an on-site Title 5 septic system. Phase I requires an Access permit from MHD and a NPDES Construction Activities Permit from EPA.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict

compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, the finding required under Section 11.11(1)(b) shall be based on a determination that: a) the potential environmental impacts of Phase I are insignificant; b) ample and unconstrained infrastructure and services exist to support Phase I; c) the project is severable, such that Phase I does not require the implementation of any other future phase or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and d) the agency action on Phase I will contain terms, such as a condition or restriction in a permit to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Based upon the information submitted by the proponent and after consultation with the relevant state agencies and review of comments received, I determine that:

1. The proposed Phase I exceeds the MEPA review thresholds for traffic and land alteration. Phase I, when taken alone, does not trigger any mandatory EIR thresholds.
2. Traffic impacts associated with Phase I will be adequately mitigated. The proponent has committed to transportation improvements including an exclusive left-turn and right-turn lane from Route 18 to the site driveway, curb radii to accommodate emergency vehicle access, and exclusive right-turn and left-turn storage lanes for vehicles accessing the Route 18/site driveway intersection. The proponent has also committed to donate the right-of-way along the site frontage to MHD for sidewalk construction, and to install an underground conduit (and traffic signal if warranted) for future signalization at the Route 18/site driveway intersection. The proponent should ensure that the driveway on Route 18 is designed in accordance with MHD standards and that adequate acceleration and deceleration lanes are provided to accommodate the volume of traffic on Route 18. The proponent should continue consultations with MHD to finalize the Phase I mitigation plan. I encourage the proponent to promote pedestrian connectivity as part of Phase I as recommended by the Old Colony Planning Council (OCPC) and to consult with OCPC regarding the project's consistency with OCPC 2000 Regional Land Use and Transportation Policy Plan.
3. The proponent has committed to construction of a stormwater management system to comply with MassDEP's Stormwater Management Policy. The proponent should make every effort to maximize retention and infiltration of storm water runoff on site and avoid connections to the State Highway drainage system if possible. The proponent should consult with MHD to ensure that the proposed stormwater management system meets

MHD requirements. As Phase I proceeds, I encourage the proponent to evaluate opportunities to minimize impervious area and incorporate Low Impact Development (LID) techniques and other sustainable design measures such as Leadership in Energy and Environmental Design (LEED) Certification for new construction.

4. Phase I is severable. Implementation of Phase I does not require the implementation of any future phase of development and will not restrict the means by which other potential environmental impacts may be avoided, minimized and mitigated. Phase I will result in alteration of approximately 8 acres of the 122-acre site and is located along North Bedford Street adjacent to an existing development. An alternatives analysis for the remainder of the project site will be included in the EIR providing opportunities to consider alternative levels of development and site configurations, and other measures to avoid and minimize, or mitigate environmental impacts from any other phase of the project.
5. Ample and unconstrained infrastructure facilities and services exist to support Phase I. The Executive Office of Transportation (EOT) is satisfied that Phase I development can be accommodated within the state transportation system and does not object to the proponent's request for a Phase I Waiver. Phase I of the project will rely on municipal water services and will include construction of an on-site Title 5 septic system. MassDEP has approved the construction of a Title 5 septic system for the proposed Phase I medical building and the continued use of the existing system at the former Foxboro company building. If Phase II of the project proceeds in the future, all flows from Phase I and II must be tied into the proposed treatment facility as required by MassDEP.
6. The proponent must submit a Draft EIR in accordance with the Scope in the Certificate on the ENF.

Providing the conditions of this waiver are met, I am satisfied that Phase I of this project will be implemented in a manner that avoids, minimizes and mitigates impacts to the extent feasible such that the potential environmental impacts of Phase I are insignificant. I am also satisfied that Agency Action will contain terms, such as conditions or restrictions in a permit, that ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of Phase II of the project. Based on these findings, I determine that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the Phase I Waiver requested for this project. I remind those state agencies that will be issuing any permits for Phase I of the project to provide copies of their Section 61 Findings to the MEPA Office for the project file.

December 1, 2006

DATE

Robert W. Gollidge, Jr., Secretary

Comments received

11/16/06 Department of Environmental Protection, Southeast Regional Office
11/22/06 Executive Office of Transportation
11/27/06 Old Colony Planning Council

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