

For Office Use Only
 Executive Office of Environmental Affairs
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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: ADM Tihonet Mixed Use Development		EOEA #: 13940
Street: Tihonet Road, Wareham		
Municipality: Wareham/Carver/Plymouth	Watershed: Buzzard's Bay	
Universal Transverse Mercator Coordinates:	Latitude: 41°47'52" N Longitude: 70°43'29" W	
Status of project construction: 0 %complete		
Proponent: ADM Development Services LLC		
Street: 158 Tihonet Road		
Municipality: Wareham	State: MA	Zip Code: 02571
Name of Contact Person From Whom Copies of this NPC May Be Obtained: Stacy Minihane		
Firm/Agency: Beals and Thomas, Inc.	Street: 32 Court Street	
Municipality: Plymouth	State: MA	Zip Code: 02300
Phone: 508-746-3288	Fax: 508-746-6407	E-mail: sminihane@btweb.com

In 25 words or less, what is the project change? The project change involves . . .
 The building program associated with the Phase A development in Wareham as presented in the Expanded Environmental Notification Form (EENF) dated July 11, 2008 has been changed. As currently proposed, Phase A1 has been reduced in size, while Phase A2 has been relocated and increased in size. An additional Phase (Phase A3) has been proposed.

Date of ENF filing or publication in the Environmental Monitor: EENF filed: July 11, 2008; noticed in Monitor: July 23, 2008

Was an EIR required? Yes No; if yes,
 was a Draft EIR filed? Yes (Date:) No
 was a Final EIR filed? Yes (Date:) 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:

DEP Sewer Extension/Connection Permit
MassHighway - Traffic Signal Permit

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

Are you requesting that a Scope in a previously issued Certificate be rescinded?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

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

Request for Amended Phase A Waiver. The Phase A Waiver was granted through a Final Record of Decision dated October 15, 2008.

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:

The newly proposed Phase A3 bog creation is located within NHESP mapped habitat.

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).

- *Town of Wareham* → Preliminary and Definitive Subdivision Approval (Wareham Planning Board)
 - Site Plan Review-Special Permit (Wareham Planning Board)
 - Water Main Extension Approval (Wareham Fire District Water Department & Wareham Municipal Maintenance Department (road cut))
 - Title 5 Sewage Disposal Permit (Wareham Board of Health)
 - Building Permit (Wareham Building Department)

Prior Phase A2 Introduction

The Phase A2 portion of the project previously reviewed in the EENF was located in Wareham off Lou Avenue, with frontage on Garage Street, and was proposed to consist of the development of a 40,000± sf medical office building with 170 parking spaces (25% of which were anticipated to be constructed of pervious pavement) and other site amenities (including stormwater facilities). The building had a footprint of approximately 17,000 sf and was proposed to be 2 ½ stories in height (the total structure footprint was anticipated to be 20,500 sf due to a proposed portico). The existing topography allowed the building's lower level (basement) to be placed on-grade with walk-out access on the northerly side. The development was sited on 6± acres and included both wooded and previously developed areas (Refer to Figures 3.6.1 and 3.6.2 dated July 11, 2008 in the EENF, Phase A2 Locus Map and Phase A2 Topographic Map, respectively). Note that the Phase A2 development was not discussed in the SRP, as it was proposed in the EENF in response to a specific market opportunity that had been identified by the Proponent subsequent to the issuance of the SRP.

The Phase A2 project was to be serviced by a municipal sewer and water service provided by the Wareham Fire District. Lou Avenue, a public way, was proposed to be improved and realigned in order to accommodate the Phase A2 development. Refer to the attached Figure 3.6.3 dated July 11, 2008, Phase A2 Conceptual Site Plan, which depicts the previously proposed Phase A2 development plan.

Prior Phase A2 Permits and Approvals Summary

The permits necessary for the construction associated with Phase A2 included:

- *Federal* → NPDES Stormwater Permit for Construction Activities (Environmental Protection Agency)
- *State* → State Highway Access Permit (MassHighway)
- *Town of Wareham* → Order of Conditions (Wareham Conservation Commission)
 - Preliminary and Definitive Subdivision Approval (Wareham Planning Board)
 - Site Plan Review-Special Permit (Wareham Planning Board)
 - New Service Connection (Wareham Fire District)
 - Road Cut Approval (Wareham Municipal Maintenance Department)
 - Sewer connection (Wareham Sewer Department)
 - Building Permit (Wareham Building Department)

Prior Phase A Summary

MEPA Review Thresholds

The Phase A development program presented in the EENI was proposed as two independent projects (Phase A1 and Phase A2) that could be assimilated into future development plans while minimizing environmental impacts. Numerous alternatives were considered during the design process, focusing on limiting impacts to wetlands, rare species habitat, wastewater and other environmental constraints. Overall, impacts from the Phase A development were limited to the extent practicable by respecting the natural resources of the initial development area and utilizing the available infrastructure to support this phase. Through careful planning and design, the number of MEPA ENF review thresholds that would have been exceeded through the development of Phase A was minimized. Specifically, the thresholds previously exceeded consisted of:

Prior Phase A1 Thresholds Exceeded

1) The creation of five or more acres of impervious area (301 CMR 11.03(1)(b)(2)); and 2) the construction of 300 or more new parking spaces (301 CMR 11.03(6)(b)(15)). The Phase A1 project was anticipated to result in the creation of approximately 8.3-acres of impervious area, and the creation of 407 parking spaces.

Prior Phase A2 Thresholds Exceeded

The generation of 1,000 or more new ADT on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location” (301 CMR 11.03(6)(b)(14)).

Prior Combined Phase A1 and Phase A2 Thresholds Exceeded and Required Permits

1) The creation of ten or more acres of impervious area (301 CMR 11.03(1)(a)(2)); 2) Generation of 2,000 or more new adt on roadways providing access to a single location (301 CMR 11.03(6)(b)(13)); 3) Generation of 1,000 or more new adt on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location (301 CMR 11.03(6)(b)(14)).

- *Federal* → NPDES Stormwater Permit for Construction Activities (Environmental Protection Agency)
- *State* → State Highway Access Permit (Massachusetts Highway Department)
→ Conservation and Management Permit (NHESP)
- *Town of Wareham* → Preliminary and Definitive Subdivision Approval (Wareham Planning Board)
→ Site Plan Review-Special Permit (Wareham Planning Board)
→ Water Main Extension Approval (Wareham Fire District Water Department)
→ New Service Connection (Wareham Fire District)
→ Street Opening Permit (Wareham Municipal Maintenance)

- Department)
- > Title 5 Sewage Disposal Permit (Wareham Board of Health)
- > Order of Conditions (Wareham Conservation Commission)
- > Building Permit (Wareham Building Department)
- > Demolition Permit (Wareham Building Department)

Prior Phase A Project Severability

The SRP requires a demonstration that *“implementation of the proposed phase will not preclude options to avoid, minimize or mitigate environmental impacts associated with future phases.”*

The Phase A1 development incorporated a ±115,200 sf building that was severable from potential future development of adjacent land under the ownership of the Proponent (including from Phase A2, as discussed further in this NPC section). The proposed Phase A1 development included a single cul-de-sac roadway to access the proposed development (and potentially future phases of Tihonet Technology Park), was self-sufficient and did not rely on the construction of infrastructure or utilities associated with a future phase of development. Water supply and wastewater systems to be provided to support the Phase A1 development did not require additional stages of development to operate effectively.

The Phase A2 development consisted of a building and associated infrastructure that was severable from potential future development of adjacent land (including from Phase A1) owned by the Proponent. The Phase A2 development would result in the realignment and eventual continuation of Lou Avenue to accommodate future development. It was self-sufficient and did not rely on the construction of infrastructure or utilities associated with a future phase of development. Water supply and wastewater systems to be provided to support the Phase A2 development did not require additional stages of project development to operate effectively.

Due to their de minimis land areas relative to the overall ±6,100 Tihonet Mixed Use Development (TMUD) Parcel (0.003% of the total Parcel for Phase A1 and 0.001% of the total Parcel for Phase A2), implementation of Phase A1 and/or A2 did not preclude opportunities to avoid, minimize or mitigate environmental impacts related to future phases.

Prior Phase A Project Impacts

Table 1 identifies the combined impacts associated with Phase A as contained in the previously reviewed EENF along with a distribution of the impacts by sub-Phase A1 and A2.

Table 1 Distribution of Previously Reviewed Phase A Impacts

Summary of Project Size and Environmental Impacts	EENF Phase A1	EENF Phase A2	Total EENF Phase A (EENF Phase A1 & A2)
LAND			
Total site acreage	18.4±	6±	24.4±
Acres of land altered	15.1±	4.9±	20±
Acres of impervious area	8.3 ±	3±	11.3±
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	115,200±	40,000±	155,200±
Number of housing units	0	0	0
Maximum height (in feet)	42'±	42'±	42'±
TRANSPORTATION			
Vehicle trips per day	828±	1,422±	2,250±
Parking spaces	407±	170±	577±
WATER/WASTEWATER			
Gallons/day (GPD) of water use	4,000±	3,500±	7,500±
GPD water withdrawal	4,350±	3,850 ± (Avg/day)	8,200±
GPD wastewater generation/ treatment	8,000±	7,000±	15,000±
Length of water/sewer mains (in miles)	0.2±	0.1±	0.3±

The Secretary issued the Phase One Waiver decision, dated October 15, 2008, determining that no further MEPA review of Phases A1 and A2 was required.

(b) DESCRIPTION OF PROPOSED CHANGES

As part of this NPC, three (3) separate and distinct development phases (Phase A1, A2 and A3) are proposed to be established as part of Phase A (instead of the 2 phases originally reviewed), each of which can stand alone as a separate project that will not preclude options to avoid, minimize or mitigate environmental impacts associated with future phases. A brief description of the three proposed Phase A projects is provided below. A full, detailed description of each of the proposed sub-phases is provided in the accompanying narrative document. The Notice of Project Change proposes the following changes in Phase A.

Proposed Phase A1 - The proposed Phase A1 building area in the TTP would be reduced from 115,200± sf to 80,000± sf along with a modification in the apportioned use of the building to 10% (8,000± sf) office and 90% (72,000± sf) light industrial use. This will result in a commensurate decrease in the number of vehicle trips per day generated, the parking required, the impervious area, as well as water consumption and sewage flow. The full buildout to 115,200 sf building area for this parcel of the Tihonet Technology Park will be reviewed in a future MEPA filing. A detailed accounting of the change in impacts for the proposed Phase A1 is provided in Table 2 below.

Table 2 Comparison of Previously Reviewed to Revised Phase A1 Impacts

Summary of Project Size and Environmental Impacts	Previously Reviewed Impacts (EENF Phase A1)	NPC Revised Impacts (Proposed Phase A1)
Total site acreage	18.4±	16.4±
Acres of land altered	15.1±	15.7±
Acres of impervious area	8.3 ±	7.3±
Square feet of bordering vegetated wetlands alteration	0	0
Square feet of other wetland alteration	0	0
Acres of non-water dependent use of tidelands or waterways	0	0
Gross square footage	115,200±	80,000±
Number of housing units	0	0
Maximum height (in feet)	42'±	42'±
Vehicle trips per day	828±	450±
Parking spaces	407±	256±
Gallons/day (GPD) of water use	4,000±	2,748±
GPD water withdrawal	4,350±	3,023±
GPD wastewater generation/ treatment	8,000±	5,496±
Length of water/sewer mains (in miles)	0.2±/NA	0.3±/NA

Proposed Phase A2 – The proposed revisions to the Phase A2 program are intended to accommodate the needs of a particular end user that the Proponent has identified for the Phase A2 site. The location of Phase A2 remains off Route 28 at Lou Avenue, as reviewed in the EENF. However, the proposed development has been relocated 10.2 miles to the north side of Rose Brook,