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February 20, 2009

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

PROJECT NAME : Proposed Mixed Use Redevelopment (formerly reviewed
as Gateway Centre Redevelopment)
PROJECT MUNICIPALITY : New Bedford
PROJECT WATERSHED : Buzzards Bay
EEA NUMBER : 13613
PROJECT PROPONENT : Dickinson Development Company
DATE NOTICED IN MONITOR : N/A

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project change is insignificant and **does not require** the preparation of an Environmental Impact Report.

Original Project Description and MEPA History

The project was the subject of an Expanded Environmental Notification Form (Expanded ENF) in 2005 and a Single Environmental Impact Report (Single EIR) in 2006. As originally proposed, the project entailed the development of a total of 201,874-square foot (sf) retail center to be located along Coggeshall Street at its intersection with the Interstate 195 (I-195) westbound ramps in New Bedford. The site contained approximately 15.5 acres of a mix of vacant land and a number of vacant and occupied mill buildings. The proposed development entailed the construction of a 104,886-sf home improvement store, with a 27,988-sf enclosed garden center, 69,000 sf of additional retail space, and 668 parking spaces. The project will also include the redevelopment of approximately half an acre of land along the Acushnet River for a landscaped pedestrian walkway and a waterfront park.

The project was anticipated to generate 12,220 new daily vehicle trips per day. Primary access to the site was proposed via a signalized driveway at the intersection of the I-195 westbound ramps and Coggeshall Street. As part of the project, the existing unsignalized highway on/off ramp would be upgraded to provide a signalized gateway from the I-195 corridor, representing an enhancement over existing traffic operations. Secondary access and egress for the plaza was proposed via a right-turn in/right-turn out only driveway onto Coggeshall Street west of the signalized driveway. The Single EIR estimated the project's water demand at 9,985 gallons per day (gpd) and wastewater generation at 9,000 gpd. The project was also estimated to result in 14.93 acres of impervious area. A Certificate on the Single EIR was issued on January 25, 2006, which found that the project adequately and properly complied with MEPA.

Jurisdiction and Permitting Requirements

The project underwent MEPA review and required the preparation of an EIR pursuant to Section 11.03(3)(b)(1)(e), 11.03 (3)(b)(5), 11.03 (6)(a)(6) and 11.03(10)(b)(1) of the MEPA regulations because it will result in new fill in a regulatory floodway; it may involve a new unlicensed non-water dependent use of tidelands in accordance with the Chapter 91 Waterways Program; it will generate more than 3,000 new vehicles trips per day from a single location; and it proposes the demolition of a historic structure listed in the Inventory of Historic and Archaeological Assets of the Commonwealth.

The project requires an Access Permit from the Massachusetts Highway Department (MHD); a Chapter 91 License from the Department of Environmental Protection (DEP); review by the Massachusetts Historical Commission (MHC); Federal Consistency Review by the Massachusetts Office of Coastal Zone Management (CZM); and an Order of Conditions from the New Bedford Conservation Commission.

Because the proponent did not seek financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extended to issues related to transportation, air quality, wetlands, stormwater, waterways and historic resources.

Description of Project Change

In the current Notice of Project Change (NPC), the proponent describes proposed changes to the project, which include the elimination of the home improvement store and associated retail space, and their replacement with a 95,000-sf grocery store, a 2,000-sf bank, 19,800 square feet of office space and 31,800 square feet of retail space on a 14-acre site. The currently proposed project would contain a total of 148,600 square feet of space, as compared with 201,874 square feet for the previous proposal, a decrease of 53,274 square feet. The currently proposed project would result in a corresponding decrease in traffic generation, from 12,220 to 11,928 average

daily trips. The currently proposed project would also result in a reduced amount of impervious surfaces, 13.0 acres as compared to 14.93 acres for the original proposal.

The project change will result in an increase in water use from 9,985 to 12,540 gpd, and an increase in wastewater generation from 9,000 to 12,540 gpd. However, this increase does not change my determination that the project changes presented in the NPC are insignificant under the MEPA regulations because there is no state agency action associated with water consumption or wastewater generation required for this project. MEPA therefore lacks jurisdiction over those additional water use-related impacts.

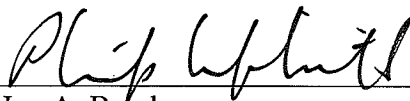
According to the NPC, ambient traffic conditions in the area of the project site have not changed significantly since the review of the Single EIR, and over \$2 million worth of off-site roadway improvements will continue to be implemented to mitigate for the anticipated traffic impacts of the project. These improvements generally consist of the signalization of the intersection of the I-195 on- and off-ramps with Coggeshall Street and the proposed primary site drive, as well as improvements to the Coggeshall Street corridor.

Conclusion

Based on the information presented in the NPC and consultation with MassHighway, I find that the proposed project change is insignificant in accordance with the MEPA regulations at 310 CMR 11.10(6). No further MEPA review is required.

February 20, 2009

Date


for Philip A. Bowles

Comments received: none

IAB/RB/rb