



The Commonwealth of Massachusetts

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June 9, 2006

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

PROJECT NAME : Harborside Village
PROJECT MUNICIPALITY : Main Street – Fairhaven
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 13792
PROJECT PROPONENT : Bufffree Building Co., Inc.
DATE NOTICED IN MONITOR : May 10, 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 determine that the above project **does not require** the preparation of an Environmental Impact Report (EIR).

According to the Environmental Notification Form, the proposed project consists of the construction of a 30-unit, approximately 17,835 square foot (sf), residential condominium development. The proponent is proposing to set aside a 560 sf commercial unit for a water-dependent use. It will construct a public access link from Cushman Park to the Acushnet River waterfront and Pease Park. The site was formerly occupied by a 9,400 sf new/used car dealership, which was demolished. The site contains 1.32 acres.

The project is subject to MEPA review pursuant to Section 11.03(3)(b)(5) because the project requires a Chapter 91 License for a new unlicensed non-water dependent use of previously filled tidelands from the Department of Environmental Protection (DEP). It may need Federal Consistency Review by the Massachusetts Coastal Zone Management (MCZM) Office. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. An Order of Conditions will be required from the Fairhaven Conservation Commission. MEPA jurisdiction extends to the subject matter of the state permits involved (wetlands, waterways, and stormwater).

Using the Institute of Traffic Engineers Land Use Code 230, the proponent estimates that

the project will generate approximately 180 new trips each day. The proponent will provide 60 parking spaces.

The project will be supplied with public water and wastewater from the local municipality. It is estimated to consume approximately 7,920 gallons per day (gpd) of potable water, and it will generate approximately 6,600 gpd of wastewater.

The quality of stormwater runoff generated by the project will be improved by the implementation of Best Management Practices. The project will decrease the amount of impervious area by about 14,810 sf. The existing runoff on the site is sheet flow to existing municipal catch basins in Middle, Main, and Pease Streets. Stormwater from parking areas will flow to catch basins equipped with deep sumps and hoods and a water quality treatment system before discharging to the municipal system. Roof runoff will flow to the stormwater collection system. The proponent and the condominium association will provide an inspection and maintenance program for the stormwater system, and a biannual sweeping program of the driveways and parking areas.

According to the proponent, the project is estimated to affect 34,412 sf of former filled private Tidelands (a reduction of 1,307 sf). The New Bedford/Fairhaven Harbor Plan (NB/FHP) recommended three specific improvements for the project site. These improvements include: 1. providing and maintaining benches, 2. lighting, 3. waste receptacles, and/or other public amenities such as public parking. At the consultation session, the proponent has committed to construct public sidewalks surrounding and through the site (approximately 1,075 linear feet of five-foot wide sidewalks). The proponent will provide a signed pedestrian access easement through the site to provide a more direct access to Pease Park from Cushman Park. The project will create a 750 sf additional "pocket park" south of Pease Park by relocating the existing chain link fence to the north of the pump house. The proponent will supply additional landscaping, three park benches, a picnic table, and a trash receptacle to this area. It will add three picnic tables, and a trash receptacle to the north side of Pease Park. The proponent will upgrade the existing 30-inch drainage line from Cushman Park. This 30-inch drainage line runs through the project site. The proponent will add a water quality treatment system to treat stormwater from the project site and from Cushman Park. It will provide for the maintenance of this stormwater treatment system. The proponent will widen Middle Street to provide 15 on-street parking spaces. The proponent has removed the non-water dependent condominium units from within 100 feet of tidelands. It has provided a 560 sf Facility of Public Accommodation for a water-dependent use (Fairhaven Harbor Master). The project impacts to wetland resource areas and the waterfront improvements proposed as part of the NB/FHP can be adequately handled during the local and DEP permitting processes.

In its comment letter, MCZM recommends that the proponent explore the location of the most landward historic high water mark (including plans circa 1844), and that revised plans be

submitted that reflect this line for the Chapter 91 License application. The proponent should consider MCZM's suggestion to convert the private parking spaces within the 100-foot setback area to public spaces.

Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR.

June 9, 2006
Date


Stephen R. Pritchard

cc: Ben Lynch, DEP/Boston
Sharon Stone, DEP/SERO

Comments received:

MA Division of Marine Fisheries, 5/18/06
MA Division of Marine Fisheries, 5/24/06
SITEC, 5/25/06
DEP/SERO, 5/26/06
DEP/SERO, 5/30/06
MCZM, 5/31/06
DEP/SERO, 6/1/06

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