



# The Commonwealth of Massachusetts

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September 22, 2006

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

PROJECT NAME : The Village at Lincoln Park  
PROJECT MUNICIPALITY : Dartmouth  
PROJECT WATERSHED : Buzzards Bay  
EOEA NUMBER : 13862  
PROJECT PROPONENT : **Lincoln Park Realty, LLC**  
DATE NOTICED IN MONITOR : August 23, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project entails the construction of a mixed use development project on a site formerly occupied by the Lincoln Park amusement complex on Route 6 in Dartmouth. The project consists of 70,000 square feet (sf) of retail space and 307 dwelling units, 72 of which will be reserved for persons over the age of 55. This project has been enabled locally through the creation of a "smart growth overlay district" in accordance with Massachusetts General Law Chapter 40R (Chapter 40R). The project will produce a variety of housing options in a village-like setting, with connections to existing transportation opportunities and infrastructure, on a presently underutilized site.

The project site is approximately 40.89 acres in area and generally bounded by State Road (Route 6), American Legion Highway (Route 177) and commercial properties to the north; Reed Road and residential properties to the south; Beeden Road to the west; and commercial and residential properties to the east. Route 6 and Route 177 are under state jurisdiction, while Reed Road and Beeden Road are under local jurisdiction. The project will result in the creation of 9.5 acres of new impervious area (for a total of 29 acres) and reduce the number of existing on-site parking spaces by 2,050 (for a total of 950 spaces). The project entails the temporary alteration

of approximately 4,000 sf of Bordering Vegetated Wetlands (BVWs). The ENF states that the project is anticipated to generate 5,208 vehicle trips per day and generate 76,500 gallons per day (gpd) of wastewater.

The proponent in the EENF has outlined a series of mitigation measures to be undertaken in conjunction with the project including: signalization of the west site drive, creation of a right turn in, right turn out east site drive, funding of design for the reconfiguration of the Route 6 / Route 177 intersection, improvement of sight distances at the intersection of Beeden Road and Reed Road, and wetland enhancement/restoration of BVWs.

This project is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it will generate 3,000 or more new vehicle trips. The project will also create more than five (5) acres of new impervious area and require the construction of a new sewer main ½ or more miles in length, both of which are ENF thresholds under the MEPA regulations. The project will require a Massachusetts Highway Department (MassHighway) State Highway Access Permit for access to Route 6 and a Sewer Extension Permit from the Department of Environmental Protection (MassDEP) for wastewater discharges. A Section 401 Water Quality Certificate may be required from the MassDEP related to site improvements and overall site water quality. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency (U.S. EPA) for stormwater discharges from a construction site of over one acre. The project will require an Order of Conditions from the Dartmouth Conservation Commission (or a Superseding Order of Conditions from the MassDEP if the local Order is appealed) for work within wetland resource areas. A Parking Plan Review from the Dartmouth Planning Board for the retail component and Plan Approval from the overlay district's plan approval authority for the residential component will be required from the Town of Dartmouth.

Because the project will receive financial assistance from the Commonwealth for the project in association with its' 40R designation, MEPA jurisdiction is broad. Therefore, MEPA jurisdiction for this project shall extend to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

The proponent must prepare a Draft and a Final EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

## SCOPE

### General

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.

### Project Description and Permitting

The EIR should include a detailed description of the proposed project (square footage, number of units, types of housing) and anticipated stages of phasing. The EIR should contain a detailed existing and proposed conditions plan including, but not limited to: wetland resource areas, stormwater drainage patterns and management facilities, grading, vehicular and pedestrian circulation routes, and utilities. The EIR should characterize adjacent uses (commercial, residential and open space) and community boundaries, and their relationship to the proposed project.

The EIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards.

### Alternatives

The EIR should analyze the following alternatives:

No-Build Alternative; and

- Preferred Alternative (as guided by the local 40R zoning) as proposed by the proponent.

The EIR should identify the impacts for each of the alternatives on land alteration (impervious area), traffic, drainage, wastewater, habitat, and wetlands in a tabular format. This table, along with a supporting narrative, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives. I strongly encourage the proponent to investigate the implementation of sustainable design measures, to the extent feasible, to further reduce potential environmental impacts associated with the Preferred Alternative. Such measures should be outlined and presented in the EIR.

The EIR should identify and explain any project phasing, including potential impacts on construction sequencing and traffic patterns.

### Land Alteration

The project will alter 4.5 acres of land and introduce 9.5 new acres of impervious area. The EIR should discuss what earth materials, if any, will be imported or exported on site to accommodate the development. The EIR should address the relationship of land alteration and construction to existing groundwater elevations and compliance with applicable MassDEP groundwater performance standards. The EIR should also include a discussion of existing and proposed open space and wildlife habitat.

### Traffic and Transportation

The ENF states that the project is expected to generate 5,208 new vehicle trips. A State Highway Access Permit is required from MassHighway for access to Route 6 from the project site. The project will include four access driveways, one signalized entrance to Route 6, an unsignalized “right turn in, right turn out” intersection at Route 6, and two unsignalized intersections on Beeden Road and Reed Road. The proponent has indicated that it will conduct studies of the intersection of Route 6 at Route 177 and prepare MassHighway 25% design plans and detailed design plans (up to MassHighway 100%/PS&E design) for traffic signal and associated roadway and intersection geometric improvements. MassHighway has indicated that the traffic study included within the ENF generally conforms to the EOEAEOT Guidelines for EIR/EIS Traffic Impact Assessments.

The EIR should include a discussion of potential traffic impacts associated with each alternative studied. Additionally, the EIR should provide an explanation of the 10% internal trip credit, including its source and whether or not this is a conservative or aggressive estimate based upon similar mixed-use projects. The proponent should discuss the status of traffic mitigation improvement design and negotiations or agreements made with the Town of Dartmouth, MassHighway or the Southeastern Regional Planning and Economic Development District (SRPEDD).

The EIR should include a clear commitment to provide a Traffic Signal Warrant Analysis, a Functional Design Report and a set of final plans for the Route 6/Route 177 intersection. The EIR should also address the directive of MassHighway to provide a more aggressive plan for the proposed improvements at the Route 6/Route 177 intersection with a focus on timing of the reconstruction of the intersection with the construction of the main site driveway instead of being dependent upon future MassHighway projects.

The EIR should include conceptual plans for the proposed roadway improvements that should be of sufficient detail to verify the feasibility of constructing such improvements. 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 improvements are proposed. Any mitigation within the state highway layout must conform to MassHighway standards, including but not limited to, provisions for land, median and shoulder widths, and bicycle lanes and sidewalks. Environmental impacts associated with each improvement location should be identified and quantified within the EIR (i.e. stormwater, wetlands etc.).

### *Pedestrian and Bicycle Movement*

The project contains a substantial pedestrian network within the project site to enhance the overall village design. Efforts should be made in the site design to integrate the project site with adjacent properties through the provision of various pedestrian and bicycle amenities. The

EIR should clarify the location of on-site and off-site sidewalks, bicycle paths, bicycle parking/storage areas and crosswalks.

### *Transportation Demand Management*

The ENF included a comprehensive Transportation Demand Management (TDM) plan including the implementation of ridesharing programs, alternative work schedules, pedestrian improvements and bicycle accommodations, a traffic monitoring program and the establishment of truck delivery routes. The proponent should investigate transportation opportunities or options for elderly residents. The proponent should provide a clear commitment to implement and continuously fund any evaluated TDM measures deemed feasible to sustain and increase mode usage. The EIR should describe the timing of their implementation based on the phases of the project.

### Wetlands

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 EIR should conform to this approach by first examining options that avoid impacts to wetland resource areas, their associated buffer zones, riverfront protection areas and 100-year flood plain areas. Where it has been demonstrated that impacts are unavoidable, the EIR should demonstrate that the impacts have been minimized, and that the project will be accomplished in a manner that is consistent with the performance standards of the Wetlands Regulations (310 CMR 10.00).

The EIR should identify and characterize the wetland resource areas and buffer zones present on and immediately adjacent to the project site on a reasonably scaled plan. Wetland areas identified should include those immediately on the project site and those that may be impacted as a result of potential roadway or stormwater management improvements associated with the project. The EIR should identify the significance of all the wetland resources present, including value to public and private water supply, flood control, storm damage prevention, prevention of pollution, and fisheries and wildlife habitat. The EIR should analyze both direct and indirect impacts (i.e., changes in drainage patterns) on wetlands and habitat resulting from the project.

The project, as presented within the Expanded ENF, will temporarily impact approximately 4,000 sf of BVWs. The EIR should characterize these temporary impacts, detail their location within the property, and demonstrate that impacts could not be avoided. If permanent wetland impacts are proposed, they must be described in the EIR. The proponent should determine if additional wetland permits will be necessary (such as a DEP Section 401 Water Quality Certificate) beyond an Order of Conditions from the Dartmouth Conservation Commission. The proponent should demonstrate compliance with applicable wetland performance standards and outline mitigation measures to offset wetland impacts. If compensatory wetlands are required to mitigate wetland impacts, the EIR should identify the

location of proposed compensatory wetlands and compliance with the *Massachusetts Inland Wetland Replication Guidelines*.

The proponent stated at the MEPA site consultation that a boardwalk may be constructed within wetland resource areas and that wetland restoration efforts may be undertaken to improve existing degraded wetland areas. The proponent should provide plans outlining proposed wetland restoration measures, clearly describing location, methodology of restoration, and consistency with Wetlands Protection Act performance standards or other permitting requirements. Finally, the EIR should explain any local wetland requirements, and how compliance with these requirements affects project design.

### Stormwater

The proposed redevelopment of the Lincoln Park amusement complex presents opportunities to effectively manage and mitigate stormwater runoff. Stormwater runoff is of particular concern with this project, as the project will render approximately 29 acres of the 40.89 acre site impervious. Additionally, based upon information at the MEPA site consultation, it appears the groundwater is particularly close to the surface, in some instances presenting itself as groundwater breakthrough. Therefore, the EIR must demonstrate compliance with the MassDEP Stormwater Management Policy standards and include: existing and proposed conditions drainage calculations and conceptual plans, a description of best management practices (BMPs), and groundwater modeling data. It should include a description of the proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The proponent should outline any low-impact design (LID) BMPs that could be implemented into the stormwater management design. If LID is not suitable for the project, the EIR should state why such measures cannot be implemented. The EIR should consider the impact of runoff to adjacent on-site and off-site wetland areas and evaluate how stormwater discharges may affect their functionality. The proponent should investigate the feasibility of groundwater recharge through the use of roof runoff infiltration.

The EIR should present an operation and maintenance plan for the drainage system to ensure its effectiveness. This plan should be consistent with the Stormwater Pollution Prevention Plan required under the NPDES Construction General Permit and should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

The EIR should address impacts of salt and sand associated with parking lot snow removal on the quality and quantity of stormwater runoff and functionality of BMPs. Snow disposal areas should be graphically depicted on a site plan showing relationship to catch basins, wetland areas, or other sensitive receptors.

### Wastewater and Water

The project will require a Sewer Extension Permit from MassDEP and is anticipated to generate approximately 76,500 gpd of wastewater. The project site is adjacent to an existing wastewater pump station operated by the Town of Dartmouth, and existing wastewater and sewer infrastructure is located in Route 6 along the site frontage. The amusement park was once served by a private sewage disposal facility.

The EIR should clarify the size and location of existing water and sewer infrastructure within the project vicinity, and outline proposed infrastructure improvements. The proponent should provide information relating to the abandonment and closure status of the former sewage disposal facility. The EIR should identify how the proposed sewer extension is consistent with the Dartmouth Comprehensive Wastewater Management Plan (CWMP) and confirm sufficient capacity for treatment at Dartmouth's wastewater treatment facility. Finally, the EIR should demonstrate compliance with MassDEP performance standards associated with a Sewer Extension Permit.

### Historic/Archaeological

The Massachusetts Historical Commission (MHC) indicates that subsequent to review of the Inventory of Historic and Archaeological Assets of the Commonwealth, that the former Lincoln Park amusement complex is an inventoried historic property (FLR.907). The EIR should include historical background information and current photographs of any remaining Lincoln Park amusement structures to assist the MHC in determining what affect, if any, the project may have on any significant historic resources.

### Construction Period

The EIR should discuss potential construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. The EIR should outline the proposed methodology for demolition on-site and removal of demolition debris. MassDEP encourages the proponent to incorporate construction and demolition waste recycling activities as a sustainable measure for the project. The EIR should describe how demolition activities will be performed in compliance with both Solid Waste and Air Pollution Control regulations, pursuant to M.G. L. Chapter 40, Section 54.

I encourage the proponent to consider participating in DEP's Clean Construction Equipment Initiative / Diesel Retrofit Program consisting of an engine retrofit program and/or use of low sulfur fuel to reduce exposure to diesel exhaust fumes and particulate emissions during construction. The EIR should identify traffic routes to be used during construction of the

project and provide recommendations on restrictions for construction-related traffic to ensure that nearby residential neighborhoods are not adversely affected.

### Sustainable Design

To the maximum feasible extent, I strongly recommend that the proponent incorporate sustainable design elements into the project design. The EIR should summarize the proponents' efforts to obtain a Leadership in Energy and Environmental Design (LEED) Certification for the buildings. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Optimization of natural day lighting, passive solar gain, and natural cooling;
- Use of energy efficient HVAC and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- Favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- Provision of 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;
- LEED certification; and
- Water conservation and reuse of wastewater and stormwater.

The EIR should include a narrative outlining strategies for waste reduction, water use, and other sustainable design initiatives that may be implemented on site.

### Mitigation

The EIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and a schedule for implementation.

### Comments/Circulation

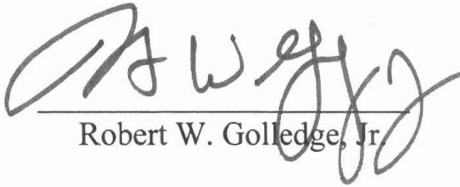
The EIR should contain a copy of this Certificate and a copy of each comment letter received. The EIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The EIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.



The proponent should circulate the EIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the EIR should be made available for review at the Dartmouth Public Library.

September 22, 2006

Date



Robert W. Gollidge, Jr.

Comments Received:

- 09/05/2006 Massachusetts Historical Commission
- 09/12/2006 Massachusetts Department of Environmental Protection – SERO
- 09/12/2006 Executive Office of Transportation

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