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October 17, 2007

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

PROJECT NAME : The Village at Lincoln Park  
PROJECT MUNICIPALITY : Dartmouth  
PROJECT WATERSHED : Buzzards Bay  
EEA NUMBER : 13862  
PROJECT PROPONENT : Midway Realty, LLC (formerly Lincoln Park Realty, LLC)  
DATE NOTICED IN MONITOR : September 10, 2007

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 this project **continues to require** the preparation of an Environmental Impact Report (EIR). The proponent has requested a Phase I Waiver to allow the first phase (Phase I) of the project to proceed, prior to the preparation of a Draft Environmental Impact Report (DEIR) for the project. The Phase I Waiver Request was presented within the Notice of Project Change submittal (NPC). In a Draft Record of Decision (DROD), also issued today, I have proposed to **grant** a Phase I Waiver with conditions allowing the construction of Phase I of The Village at Lincoln Park project to proceed while the DEIR is being prepared.

### Project Description

As originally described in the Environmental Notification Form (ENF) filed in August 2006, 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 overall 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.

### Project Change Description

The NPC does not involve any material change to the overall project versus that reviewed in the August 2006 ENF filing. The Secretary's Certificate on the ENF, issued on September 22, 2006, outlined a scope for a mandatory Environmental Impact Report (EIR). The NPC proposes the construction of a portion of the retail development as a Phase I project, to commence construction in advance of the completion of the MEPA process. Phase I consists of an 1,800 square foot (sf) branch bank, a 7,200 sf (300 seat) restaurant, a 15,500 sf retail building, and supporting infrastructure. Phase II of the project will consist of the construction of a 15,500 sf pharmacy, approximately 10,000 sf of commercial space, an additional 26,600 sf of retail, and a total of 307 dwelling units consisting of a mix of apartments, townhouses, and condominiums.

As presented in the NPC, Phase I will result in the creation of 1.9 new acres of impervious area and 2.7 acres of new land alteration. Additionally, Phase I will require the alteration of approximately 297 sf of Bordering Vegetated Wetland (BVW), generate 2,206 new vehicle trips per day, and result in the construction of 286 new parking spaces. Wastewater generated by Phase I will include approximately 11,410 gallons per day (gpd) to be discharged into the existing municipal sewer system. Phase I will also include the first leg of a proposed water loop connection through the construction of approximately 1,500 linear feet of water main.

### Jurisdiction

This project was subject to MEPA review pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it will require a State agency action and 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. The project requires 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. Based upon information presented in the EENF, a Section 401 Water Quality Certificate may be required from the MassDEP related to site improvements and overall site water quality. The project will need to 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.

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.

### Land

The Phase I portion of the project will create approximately 1.9 acres of new impervious area, with the total amount of impervious area within the Phase I site equaling approximately 4.3 acres. Portions of the Phase I development area were previously paved in association with the former amusement park use. The Phase I development area is immediately adjacent to the site frontage on Route 6 and does not require extensive clearing or disturbance on the bulk of the 40-acre project site. Phase I will require the preparation of a Stormwater Pollution Prevention Plan in accordance with a NPDES CGP, as well as the implementation of erosion and sedimentation control measures for use during and after the construction period.

### Stormwater

The Phase I stormwater management system should be constructed and managed in accordance with the MassDEP Stormwater Management Policy. The NPC indicates that proposed Best Management Practices (BMPs) will include street sweeping, deep-sump catch basins with hoods, and detention basins with sediment traps. Phase I will include the construction of two separate detention basins, with ultimate discharge to a wetland area (BVW "D") in the southern portion of the site. MassDEP has indicated that sufficient information to confirm compliance with the Stormwater Management Policy must be included in the Notice of Intent. This information should include detailed calculations, expanding upon the Executive Summary provided in the NPC. Furthermore, these calculations should ensure that these basins

will be sized to handle flows from Phase II of the project as necessary, given phased nature of the stormwater management system. As noted by the Natural Heritage and Endangered Species Program (NHESP), the Phase I stormwater system must be designed so as to avoid any impacts to water quality or hydrology of a mapped Potential Vernal Pool in southwestern portion of the project site. The proponent should specifically address this concern within the related Notice of Intent for the Phase I portion of the project.

As directed by the Executive Office of Transportation and Public Works (EOTPW), the proponent should incorporate a comprehensive drainage analysis of the state highway culverts to confirm that site drainage can be adequately accommodated on-site under full build-out. The proponent should make every effort possible to redirect, retain, and infiltrate stormwater discharge on-site.

#### Water/Wastewater

Phase I will require a connection to an existing municipal sewer system within Route 6 to convey approximately 11,410 gpd of wastewater. Sufficient capacity is available within the current system to accommodate Phase I flows. Proposed upgrades to an offsite pumping station will occur during the Phase II portion of the development project when average flows increase to a total of 76,500 gpd.

As part of Phase I, the proponent will extend a portion of the existing water supply line located on the south side of Route 6 onto the project site to service the proposed development. This extension will be the first leg of an anticipated loop connection to be made between Route 6 and Reed Road as part of the final project build-out. The Phase I water main extension will be approximately 1,500 linear feet in length.

#### Wetlands

The NPC indicates that approximately 297 sf of BVW will be altered as part of Phase I in order to accommodate the necessary width and turning radii of a portion of the site driveway. A replication area, at a minimum of a 1:1 ratio will be provided adjacent to an existing BVW in an area proximate to the area of disturbance. The proponent will require approval from the Dartmouth Conservation Commission through the issuance of an Order of Conditions for this work. Replication areas should be designed and constructed in accordance with applicable MassDEP guidelines pertaining to inland wetland replication areas.

#### Traffic

The Traffic Impact and Access Study (TIAS) included in the NPC estimates that Phase I of the project is expected to generate approximately 1,518 new vehicle trips on the average weekday, with approximately 91 new vehicle trips during the weekday morning peak hour and 163 new vehicle trips during the weekday evening peak hour. On a Saturday, Phase I of the

project is expected to generate approximately 1,532 new vehicle trips, with approximately 216 new vehicle trips during the Saturday midday peak hour. These trip generation numbers reflect the estimated number of new primary trips to the project site, with credit given for pass-by trips (a 25% reduction). Without consideration for pass-by trips, the project will generate 2,206 vehicle trips on the average weekday and 2,044 vehicle trips on the average Saturday. Given the configuration of Phase I site driveways, all traffic entering or exiting the project site will utilize Route 6.

The proponent has outlined a series of traffic mitigation measures to be put in place prior to the occupancy of the Phase I portion of the project. These mitigation measures include a combination of intersection improvements, signal timing adjustments, striping and signage improvements, as well as a Transportation Demand Management (TDM) program to reduce trip generation.

The proponent has committed to numerous on-site and off-site intersection improvements to mitigation potential impacts associated with Phase I development. These improvements include, but are not limited to:

- Construction of a full access west site entry/exit roadway, designed and constructed to accommodate the future installation of a traffic control signal for future development beyond Phase I. This will include the construction of a left-turn lane both east and westbound while maintaining two through travel lanes.
- Construction of an east site access roadway limited to right-turn only operation (right-turn entering and exiting only). Related improvements to the existing Route 6 median will be made to reduce illegal turning movements at this site driveway. The Executive Office of Transportation and Public Works (EOTPW) has suggested additional mitigation measures may be necessary to eliminate illegal turning movements. The DROD will further address this issue.
- Design and implementation of an optimal traffic and signal timing and phasing plan for the Route 6/Reed Road intersection within one-year of the issuance of the first Certificate of Occupancy (CO) for Phase I of the project, or as required by MassHighway and/or the Town of Dartmouth.
- Geometric, sign and pavement marking improvements to the Route 177 approach to Route 6, as well as the intersection formed by the two roadways. The proponent will also conduct a detailed Traffic Signal Warrant Analysis (TSWA) for this intersection based on the improvement Alternative 3 identified in the SRPEDD report, prepare a Functional Design Report (FDR) and MassHighway 25 Percent design plans for the traffic signal, and associated roadway and intersection geometric improvements. These improvements will be completed prior to the issuance of the first CO for Phase I of the project and are consistent with the improvement plans that have been developed for the planned future improvements to be completed at the Route 6/Route 177, Route 6/Beeden Road and Route 177/Beeden Road intersections.
- Evaluation and reconstruction of the Route 177/Beeden Road intersection entailing both geometric modifications and the replacement and upgrade of signs and pavement markings within the triangular area bounded by Route 6, Beeden Road and Route 177. These improvements will be implemented by the proponent prior to issuance of

the first CO for Phase I of the project or as directed by the Town of Dartmouth and/or MassHighway.

- Placement of STOP-lines and removal or trimming of vegetation within the public right-of-way at the Reed Road/Beeden Road intersection. These improvements will be implemented by the proponent prior to issuance of the first CO for Phase I of the project or as directed by the Town of Dartmouth.

Additional recommendations outlined by EOTPW for the DEIR traffic study should be incorporated by the proponent. This includes a combined analysis of the Phase I and Phase II buildout and the identification of appropriate mitigation measures for area where the project will have an impact on traffic operations. Furthermore, the DEIR traffic study area should be expanded in accordance with the EOTPW comment letter to cover additional intersections to the east of the project site, with capacity analyses and a summary of average and 95<sup>th</sup> percentile vehicle queues for the entire study area.

### Conclusion

Based on a review of the information provided by the proponent and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant further MEPA review. In a separate Draft Record of Decision (DROD) to be issued today, I propose to grant a Phase I Waiver to allow construction of the project to proceed in advance of the completion of the EIR for the Village at Lincoln Park. Notice of the availability of the DROD for additional public review and comment will appear in the October 27, 2007 issue of the Environmental Monitor for fourteen days.

October 17, 2007

Date



Ian A. Bowles

### Comments Received:

10/01/2007	Massachusetts Department of Environmental Protection - SERO
10/05/2007	Division of Fisheries and Wildlife – Natural Heritage and Endangered Species Program
10/10/2007	Executive Office of Transportation and Public Works

IAB/HSJ/hsj