



McKENZIE
ENGINEERING
GROUP, INC.

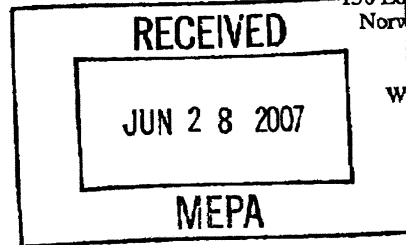
Professional Civil Engineering • Land Planning • Project Management

156 Andover Street Suite 205
Danvers, Massachusetts 01923
Tel: 978.777.8177
Fax: 978.777.8977

150 Longwater Drive Suite 101
Norwell, Massachusetts 02061
Tel: 781.792.3900
Fax: 781.792.0333
Website: www.mckeng.com

June 28, 2007

Secretary Ian A. Bowles
Executive Office of Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114



**RE: Phase One Waiver Request – The Village at Lincoln Park
EOEA No. 13862**

Dear Mr. Bowles:

Pursuant to 301 CMR 11.11, enclosed please find three (3) copies of the Application of Midway Realty, LLC for Phase One Waiver for a portion of the Commercial Component of The Village at Lincoln Park in Dartmouth, Massachusetts. Also enclosed please find a copy of a report prepared by Vanasse & Associates, Inc. entitled "Traffic Impact and Access Study – The Village at Lincoln Park – Phase 1".

Very truly yours

MCKENZIE ENGINEERING GROUP, INC.

Bradley C. McKenzie, P.E.
President

BCM/bad
Encls.

Cc: Midway Realty, LLC
Vanasse & Associates, Inc.
Distribution List

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

PROJECT NAME: The Village at Lincoln Park
PROJECT MUNICIPALITY: Dartmouth
PROJECT WATERSHED: Buzzards Bay
EOEA NUMBER: 13862
PROJECT PROPONENT: Midway Realty, LLC (ENF submitted under
Lincoln Park Realty, LLC)

**APPLICATION OF MIDWAY REALTY, LLC FOR PHASE ONE WAIVER FOR
A PORTION OF THE COMMERCIAL COMPONENT OF THE VILLAGE AT
LINCOLN PARK IN DARTMOUTH, MASSACHUSETTS**
(301 CMR 11.11(4))

“The Village at Lincoln Park” is a multi-phased, mixed-use commercial and residential development subject to mandatory EIR review. Midway Realty, LLC (“Midway”) submits this application pursuant to 301 CMR 11.11(4) for a Phase One Waiver to allow Midway to proceed with development of a portion of the commercial component (Phase One) of The Village at Lincoln Park development prior to completion of the FEIR for the entire project.

INTRODUCTION

The Village at Lincoln Park

The Village at Lincoln Park project is a multi-phased, mixed-use commercial and residential complex proposed on an approximate 41 acre parcel of land of the former “Lincoln Park” amusement park complex located off State Road (Route 6) in Dartmouth, Massachusetts (“the Project”). The site is 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. Refer to Figure 1 for the Project location (attached hereto as Exhibit 1) and Plan 1 - The Village at Lincoln Park Existing Conditions Plan (the “Existing Conditions Plan”) attached hereto as Exhibit 2 for existing site conditions. The site has approximately 20 acres of paved parking lot

as well as dilapidated structures and portions of the old amusement rides. It has remained in the abandoned state for several decades.

The proposed development program consists of Phase 1, a portion of the commercial component in the northern portion of the site along Route 6, and Phase 2, the remaining portion of the commercial component and residential components in the central and southern portions of the site. The overall development scheme is depicted on Plan 2 - The Village at Lincoln Park Proposed Conditions Plan (the "Project Plan") attached hereto as Exhibit 3. Phase One of the Project will include an 1,800 square ft. (s.f.) branch bank and a 7,200 s.f. (300 seat) restaurant and supporting infrastructure. As part of Phase One, the project proponent would also like to perform site preparation work and construct the building pad and infrastructure associated with the 15,500 s.f. retail and 15,500 s.f. pharmacy buildings, with occupancy of these buildings proposed under Phase Two. Phase Two of the Project will consist of the completion of the 15,500 s.f. pharmacy and 15,500 s.f. retail buildings, an additional approximate 26,600 s.f. of retail, and a total of 307 dwelling units consisting of a mix of apartments, townhouses and condominiums.

The Project will be permitted and constructed in accordance with Mass. General Law Chapter 40R (Chapter 40R) which is a program that encourages developments on previously developed sites which have existing transportation and utility infrastructures. The goal of Mass General Laws Chapter 40R is to:

"Encourage smart growth and increased housing production in Massachusetts...that emphasizes mixing land uses, increases the availability of affordable housing by creating a range of housing opportunities in neighborhoods, takes advantage of compact design, and fosters distinctive and attractive communities...makes development decisions predictable, fair and cost effective."

The Town of Dartmouth Town Meeting has established the Lincoln Park Smart Growth Overlay District (attached hereto as Exhibit 4) and the proposed Project has been approved by the Massachusetts Department of Housing and Community Development (DHCD).

There has been no material change in the project plans since the filing of the ENF in August 2006. The Secretaries Certificate on the ENF was issued on September 22, 2006, therefore there has been no significant lapse of time since the certificate was issued.

A Portion of the Commercial Component – Phase One

The commercial component in Phase One of the Project will involve the construction and occupancy of approximately 9,000 square feet of building space located on an approximate 7.6 acre portion of the approximate 41 acre parcel as shown on the Project Plan and located at the northern portion of the site. Phase One will include an 1,800 s.f. branch bank, a 7,200 s.f. (300 seat) restaurant and supporting infrastructure. The project proponent would also like to perform site preparation work and construct the building pad and infrastructure to support the 15,500 s.f. pharmacy and 15,500 s.f. retail buildings also located in the northern portion of the site. Phase One will be supported by infrastructure consisting of two access drives from Route 6 and associated roadway and intersection improvements, a series of parking lots, utility systems and stormwater management facilities. Although a total of 123 parking spaces are required to support the branch bank and restaurant uses proposed for occupancy under Phase One, a total of 420 parking spaces will be constructed under Phase One to support the branch bank, restaurant, pharmacy and retail uses.

The Residential/Mixed Use Component – Phase Two

Phase Two of the Project is the mixed-use portion of the development consisting of the completion of the 15,500 s.f. pharmacy and 15,500 retail buildings, an additional 26,600 s.f. retail, and a total of 307 dwelling units consisting of a mix of apartments, townhouses and condominiums. The northern portion of the site will consist of 63 apartments, some of which will be located over 26,600 s.f. of retail space located in 2 separate buildings, and some will be located in a free standing apartment building to be located toward the northeast corner of the site. The central portion of the site will consist of 172 dwelling units in buildings which typically will have two, three, or four units per

building. These will be non-age restricted, that is, there will be no age requirement for occupancy. The southern portion of the site will contain eighteen buildings, each of which will have four units for a total of 72 units. These units will be sold as condominiums to persons over the age of 55. Phase Two will have an access drive connected to Phase One and separate access connections to Reed Road and Beeden Road. This phase will also be supported by a series of parking lots, utility systems and stormwater management facilities.

Procedural Status and History of MEPA Review

Midway, under Lincoln Park Realty, LLC, submitted an Environmental Notification Form with the Executive Office of Environmental Affairs MEPA Office for the Village at Lincoln Park in August, 2006. On September 22, 2006 the Secretary of EOEPA determined that the project required the preparation of an Environmental Impact Report and issued an ENF Certificate to that effect (attached hereto as Exhibit 5). Midway expects to file a Draft Environmental Impact Report (DEIR) by the end of August, 2007.

Pursuant to the ENF Certificate, the entire project is subject to a mandatory EIR because it will generate 3,000 or more new vehicle trips per day (301 CMR 11.03(6)(a)(6)). The project also will involve the construction of a sewer main of ½ or more miles in length (301 CMR 11.03(5)(b)(3)(c)) and the creation of more than five acres of new impervious area (301 CMR 11.03(1)(b)(2), both of which are ENF thresholds under the MEPA regulations.

Summary

As will be discussed hereafter, Phase One is a severable, stand alone part of the Project. The Town of Dartmouth Town Meeting has already established the Lincoln Park Smart Growth Overlay District and the proposed development has been approved by the Massachusetts Department of Housing and Community Development (DHCD).

The Dartmouth Conservation Commission (DCC) issued a positive Determination of Applicability for the approval of the boundaries of local and state wetland resources for the entire project on December 22, 2004 (attached hereto as Exhibit 5). The entire

development will require site plan approval from the Dartmouth Plan Approval Authority (DPAA), an Order of Conditions from the DCC, 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. The Project must also comply with the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency (US EPA) for stormwater discharges from a construction site of over one acre.

Sufficient and satisfactory infrastructure facilities will exist to support Phase One. The potential environmental impacts from Phase One, taken alone are insignificant and do not trigger any MEPA thresholds. Without the requested MEPA Waiver, the Applicant will suffer substantial, undue and unnecessary hardship.