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January 23, 2009

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

PROJECT NAME : Proposed Access Road
PROJECT MUNICIPALITY : Dartmouth
PROJECT WATERSHED : Buzzards Bay
EOEA NUMBER : 14349
PROJECT PROPONENT : Joseph Delgado
DATE NOTICED IN MONITOR : **December 24, 2008**

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) 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 (ENF), the proposed project consists of the construction of a paved driveway to access an upland area located in the northeast corner of the office building lot. The proposed access road will provide 20-feet of roadway starting from the back of the existing parking lot by Faunce Corner Road and extending 1,040-feet eastward to reach the upland area.

The project is undergoing review pursuant to Sections 11.03(3)(b)(1)(d) of the MEPA regulations because the project requires a State agency action and alters 5,000 or more square feet of bordering vegetated wetlands. The project will require a Section 401 Water Quality Certificate (401 WQC) from the Massachusetts Department of Environmental Protection (MassDEP). The project has received an Order of Conditions (OOC) from the Dartmouth Conservation Commission. The project may have to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a

construction site.

Because the Proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state permits and which may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction exists over wetlands.

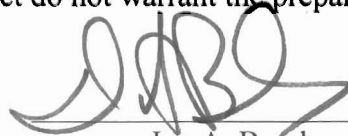
As described in the ENF, the project would affect approximately 6,480 square feet (sf) of Bordering Vegetated Wetlands (BVW). According to MassDEP, the project is considered a limited project under the Wetlands Protection Act (310 CMR 10.00). I note that pursuant to 310 CMR 10.53(3)(e), construction and maintenance of a new roadway or driveway, of minimum legal and practical width acceptable to the planning board, may be permitted where reasonable alternatives means of access from a public way to an upland area of the same owner is unavailable.

The proponent has proposed to restore native non-invasive wetland species in consultation with the OOC. The proponent has developed a two-year management plan with a monitoring program that will be reported to the Dartmouth Conservation Commission.

I am satisfied that the project's impacts to wetland resource areas can be adequately addressed during the MassDEP and local permitting processes. Therefore, 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.

January 23, 2009

Date



Ian A. Bowles

Comments received:

01/13/2009 **Massachusetts Department of Environmental Protection - SERO**

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