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

PROJECT NAME	: Union Crossing Redevelopment
PROJECT MUNICIPALITY	: Lawrence
PROJECT WATERSHED	: Merrimack
EEA NUMBER	: 14371
PROJECT PROPONENT	: East Island Community Works, LLC
DATE NOTICED IN MONITOR	: February 11, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As detailed in the Environmental Notification Form (ENF), the project involves the phased (Phase I-II) redevelopment of 8.5 acres of historic mill property. Phase I consists of the renovation of existing mill buildings 4 and 9 to accommodate residential space, commercial space, warehouse space, a new day care center, and associated parking, utilities, and site features including landscaping, a new stormwater management system and replacing a retaining wall. Phase II consists of the renovation of the Duck Mill and Dye Works buildings to accommodate residential space, commercial space, warehouse space, the creation of a public green space, and a playground.

Because this is a previously developed site, the project will not result in any addition of impervious area, but will include the addition of 0.5 acres of new pervious area. Water consumption and wastewater generation are estimated at 30,180 new gallons per day (gpd), respectively (for a project total of 35,630 gpd, respectively). The proposed project is expected to generate 2,318 new average daily trips (adt) and will include the construction of 200 new parking spaces.

Although the project is not subject to the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol because I have determined that an EIR is not required, the proponent has committed to pursuing certification from the U. S. Green Building Council's Leadership in Energy and Environmental Design (LEED) at the Platinum level under the LEED for Homes rating system for the entire redevelopment project. In addition, the project has made a significant commitment to renewable energy by proposing the incorporation of a solar photovoltaic (PV) and solar hot water system. Other noteworthy green building efficiency measures include multi-split heat pumps and an energy recovery ventilation system. I commend the proponent for these voluntary commitments that will serve to reduce and mitigate the project's GHG emissions.

Jurisdiction and Permitting

The project is undergoing MEPA review pursuant to Section 11.03(6)(b)(14) of the MEPA regulations because it requires a state permit and will result in the generation of 1,000 or more new adt on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location.[1] The project is seeking state funding from a combination of tax credits, funds, bond programs and bills, and grants. The project was issued an Order of Conditions by the Lawrence Conservation Commission. The project will require a National Pollutant Discharge Elimination System Construction General Permit (NPDES CGP) from the United States Environmental Protection Agency (U.S. EPA).

Because the proponent is seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Land / Urban Design

The Union Crossing Redevelopment project will result in the conversion of underutilized manufacturing areas into a mixture of residential, commercial, community and storage uses. The proponent has emphasized the goal of creating a new neighborhood that will encourage pedestrian connections via an elevated pedestrian promenade and the presence of a green space and adjacent playground.

[1] The project does not exceed the MEPA review threshold at Section 11.03(3)(b)(1)(e) for new fill in a regulatory floodway because the project does not require a Permit (Superseding Order of Conditions) from MassDEP.

Critical to the success of this project and its overall integration into the Lawrence neighborhood is the clear definition of public and private spaces. Best urban design practices, including landscaping, streetscape design, and the placement of grassy areas and recreational spaces, should be used throughout the project limits to encourage public use of these open spaces, sidewalks and streets. The connection between the project site and the surrounding neighborhood should be strong and inviting to maximize the opportunities provided by the project's location.

I encourage the proponent to collaborate with the City of Lawrence to further identify opportunities to employ best urban design practices.

Traffic and Transportation

Access to the site is via two driveways off of Island Street. The project is expected to generate 2,318 new adt and to increase the overall number of vehicle trips in the area due to the conversion of the site from limited manufacturing use to predominately residential, commercial, community and storage uses. The project does not require a Massachusetts Highway Department Access Permit. The proponent is proposing landscape and hardscape improvements with the renovation of the associated parking area, utilities and site features to provide improved pedestrian and vehicular access to the site. The renovated parking lot will feature new retaining walls along Island Street, new site driveway ramps, and a restructured parking layout, facilitating the addition of 200 parking spaces. The proponent has indicated that parking resources are limited and the feasibility of shared parking spaces will be assessed.

The proponent has prepared a Traffic Impact and Access Study which states that although the proposed redevelopment will increase traffic along the roadway network within the study area during early morning and evening peak hours, this impact will have minor effect on overall traffic. To mitigate impacts to traffic, the City of Lawrence is proposing a bridge connecting Union Street and Island Street which will afford a secondary means of access/egress from Island Street and the site for pedestrian and vehicular traffic. In addition to the proposed bridge, the proponent has proposed several intersection improvements measures, including the implementation of turn restrictions, signalization, and the coordination of existing and proposed signal parameters to operate in a closed-loop system to regulate traffic flow.

The project proposes an improved pedestrian connection via an elevated pedestrian promenade, improved vehicular circulation, and the build out of the Island Street Edge and 0.5 acres of green space. Streetscape improvements should be designed specifically to enhance the pedestrian experience. The project site is located in close proximity to a Massachusetts Bay Transit Authority (MBTA) Commuter Rail route, and will provide pedestrian connections to existing infrastructure. The project should provide clear and logical sidewalk connections to adjacent uses and facilitate pedestrian flows through and around the site from nearby neighborhoods, public transportation, residences and retail destinations.

Rare Species

As noted in the ENF and the Natural Heritage and Endangered Species Program (NHESP) comment letter, the Proponent has consulted with NHESP regarding potential rare species impacts prior to filing the ENF. In December 2008, NHESP reviewed this project pursuant to the Massachusetts Endangered Species Act (MESA) and Wetlands Protection Act (WPA) and determined that the project, as currently proposed, will not result in a "take" of state-listed species and will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species.

Wetlands

The project will result in impacts to approximately 7,236 square feet (sf) (3,185 cubic feet (cf)) of Bordering Land Subject to Flooding (BLSF). The project's Riverfront Area is associated with historic mill complexes and as such, is exempt from the Massachusetts Riverfront Protection Act. The proponent has already obtained approval under the WPA from the Lawrence Conservation Commission in the form of an Order of Conditions.

The proponent proposes to construct approximately 40,912 cf of compensatory flood storage as mitigation for project impacts to BLSF resource areas. In response to the comments submitted by the Department of Conservation and Recreation (DCR), the proponent recalculated BLSF impacts using a base flood elevation of 34.8 National Geodetic Vertical Datum (NGVD).

As noted in comments from DCR, the project may or may not be characterized as a Substantial Improvement under the State Building Code. If the project is a Substantial Improvement it will need to meet the flood control safety standards of the State Building Code. Otherwise, DCR recommends that the proponent should nevertheless use building designs and practices that minimize risks associated with potential flooding.

Stormwater/Groundwater

According to the ENF, the project will not result in an increase of impervious surface area because the existing project site is predominately covered by impervious surfaces. Stormwater is currently discharged untreated into the groundwater onsite and into the adjacent Merrimac River via an underground pipe system and overland flow.

The proponent proposes a stormwater management system implementing conventional and Low Impact Design (LID) Best Management Practices (BMPs), including a new drainage infrastructure, street sweeping, deep sump hooded catch basins, water quality units, a bioretention area, subsurface infiltration basins, a subsurface detention system (for irrigation purposes) and tree box filters. The vee-notch weir discharge will be eliminated to prevent surface runoff into the Merrimac River and ensure all stormwater is subject to treatment for pollutant removal prior to discharge to groundwater or to the Merrimac River. The proponent should strive to retain stormwater on-site through the use of the proposed stormwater BMPs and

LID techniques and to reduce overall discharges to the Merrimac River. In addition, the project will introduce 0.5 acres of new landscaped green space.

The proponent is subject to the Redevelopment Standard of the Stormwater Management Regulations (SMR) which requires a demonstration that the performance standards have been met to the maximum extent practicable. The ENF states that the stormwater management system has been designed for full compliance with the SMR. I appreciate the proponent's efforts to go above and beyond the Redevelopment Standard, however, as noted in the Massachusetts Department of Environmental Protection's (MassDEP) comment letter, the proposed stormwater management design system does not appear to be in full compliance with Standards 4 and 5. I refer the proponent to MassDEP's comments for additional guidance on evaluating changes to the proposed stormwater management system that will be needed for full compliance with the standards.

Wastewater

The project will generate an additional 30,180 gpd of wastewater, for a site total of 35,630 gpd. Wastewater generated by the project will be discharged to the existing Greater Lawrence Sanitary District (GLSD) sewer line that runs along the northern embankment of the Merrimack River to the GLSD Wastewater Treatment Facility for treatment and disposal. The project is not proposing any new sewer connections and is employing the existing infrastructure. The proponent will be required to file post-construction certification statements with MassDEP.

Water

The ENF estimates increasing the existing potable water supply demand for the Union Crossing Redevelopment project by approximately 30,180 gpd, for a total project water demand of 35,630 gpd to be served by the City of Lawrence. The project will not require a water-related permit from MassDEP.

The final project should be designed to meet the Commonwealth's water conservation standards. In addition, the LEED certification process stresses the incorporation of water efficient practices. I strongly encourage the proponent, as part of its sustainable design efforts, to explore opportunities for implementing water conservation measures in addition to those required by the State Plumbing Code. Specifically, the proponent should commit to employing efficient residential water conservation technologies for the project including water saving devices, low flow toilets, and low flow appliances (dishwashers, washing machines). The proponent has proposed design landscaping features that include 0.5 acres of green space that will serve as a green roof. I encourage the proponent to make water conservation technologies and education an integral role in the development of this LEED certifiable project.

The proponent has proposed temporary storage of stormwater in a subsurface pipe detention system that will be used as an irrigation supply for the proposed 0.5 acres of green space. The proponent should consider implementing an Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. An IMP could involve the use of amended

soils and compost, the planting of native and drought-tolerant species of trees, shrubs, and turf grasses, an automated water efficient irrigation system, and a water management protocol for drought conditions. I ask that the proponent consult with MassDEP, and refer to the Massachusetts Water Resources Commission's *Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, October 2002*, during the final design of the proponent's IMP. I strongly encourage the proponent to work closely with the City of Lawrence and MassDEP to implement mitigation measures for the full-build project that will help to offset the need for additional potable water supply.

Historic Resources

The project site contains historical mill buildings which contribute to the North Canal Historic District in Lawrence. The project proposes to rehabilitate the existing historic mill buildings into a mixed-use development. According to the ENF, the Massachusetts Historical Commission (MHC) determined that the proposed project will have no adverse effect on significant historic or archaeological properties.

Sustainable Design

As indicated above, I commend the proponent for seeking to obtain a LEED Platinum rating under the LEED for Homes rating system. Sustainable design elements include the redevelopment of an existing site in close proximity to transit, a low parking ratio, on-site renewable energy consisting of solar photovoltaics (PV), and re-use of stormwater for irrigation and water conservation measures. This project has an opportunity to be a model for future mixed-use redevelopment projects and I encourage the proponent to continue to explore additional ways to further reduce overall project energy consumption and promote sustainable design goals. I also encourage the proponent to consider MassDEP's recommendations for incorporating recycling practices into the project design.

Hazardous Material

The MassDEP comment letter noted that work will occur within the boundaries of two disposal sites governed by the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, MGL c. 21E. Release Tracking Numbers (RTNs) 3-19584 and 3-12116 have entered into Remedy Operation Status. According to MassDEP's comments, the proponent should have a Licensed Site Professional (LSP) on retainer to determine if any contaminated areas could pose a problem with onsite excavation and construction activities. If soil and/or groundwater contamination is encountered during excavation, a LSP may be needed to manage the contaminated media in compliance with the provisions of the Massachusetts Contingency Plan (MCP). The proponent may need to obtain permits regarding hazardous waste removal and disposal. In addition a "spills contingency plan" addressing potential releases of oil and/or hazardous materials from construction activities, including but not limited to, refueling of machinery and the storage of fuels should be enforced and presented to workers at the site.

Construction Period Impacts

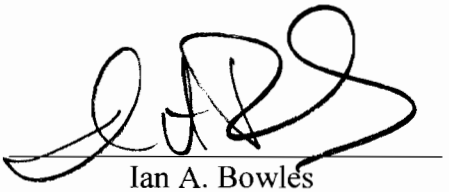
The proponent should prepare an erosion and sedimentation control plan in accordance with the NPDES CGP and any conditions outlined by the City of Lawrence. The proponent should take measures to reduce potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions).

The project must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. The project includes demolition and reconstruction, which will generate a significant amount of construction and demolition (C&D) waste. I encourage the proponent to commit to the incorporation of C&D recycling activities as a sustainable measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. The proponent should work with MassDEP staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. I remind the proponent that off-road equipment engines must use low sulfur diesel (LSD) fuel as of July 2007, as required by a 2004 regulation issued by the U.S. EPA. I encourage the proponent to further mitigate construction period air quality impacts through the use of ultra low sulfur diesel (ULSD) fuel in off-road engines, which contains even lower sulfur content than LSD.

Conclusion

I have determined that the ENF has sufficiently defined the nature and general elements of the project, and proposed measures to avoid and minimize or mitigate environmental impacts. I am satisfied that any outstanding issues can be adequately addressed during permitting. Based on review of the ENF and comments received, and consultation with state agencies, I have determined that that no further MEPA review is required for the proposed Union Crossing Redevelopment.



March 27, 2009
Date

Ian A. Bowles

Comments received:
03/02/2009 Department of Conservation and Recreation
03/03/2009 Natural Heritage and Endangered Species Program
03/06/2009 Massachusetts Department of Environmental Protection - NERO

IAB/PPP/ppp