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April 20, 2007

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

PROJECT NAME: : 10-12 Congress Street
 PROJECT MUNICIPALITY : Beverly
 PROJECT WATERSHED : North Coastal
 EOEA NUMBER : 13990
 PROJECT PROPONENT : Beverly Office Development, LLC
 DATE NOTICED IN MONITOR : March 21, 2007

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 **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project involves the redevelopment of the former 13.8-acre Ventron Corporation ('Ventron') property located on Congress Street and abutting the Danvers River in Beverly. The project includes the demolition and removal of two existing vacant 1-story buildings, and the construction of 72 residential condominium units in two separate 4-story buildings (Building A, Building B), 154 parking spaces (106 underground and 48 surface parking spaces), and related utilities and stormwater management infrastructure. The proponent has committed to constructing 5 surface parking spaces to serve a proposed public access riverwalk/boardwalk within the project site. The residential condominium project's potable water supply and wastewater flow will be served by the City of Beverly. Site access will be provided from three separate locations on Congress Street.

The project is undergoing review pursuant to Section 11.03(b)(1)(a) of the MEPA regulations, because the project will result in the alteration of a coastal bank. The project requires an Order of Conditions from the Beverly Conservation Commission (and hence may require a Superseding Order(s) from the Department of Environmental Protection (MassDEP) if any local Orders were appealed). Because portions of the proposed project are located on filled tidelands, the project is subject to a Chapter 91 License review from MassDEP's Waterways Program. The proponent must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre.

The proponent is not seeking financial assistance from the Commonwealth for the project. As a result, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of the required state permit, including land alteration, wetlands and filled tidelands, and stormwater management.

Wetlands/Coastal Bank

As described in the ENF, the proposed project will involve direct impacts to Coastal Bank (61,400 sf), approximately 21,700 sf of land subject to coastal storm flowage (LSCSF), and 70,950 sf of Riverfront Area, for the repair of an existing seawall, site grading, construction of stormwater management best management practices (BMPs), and the construction of a 12' wide public access riverwalk with decked boardwalk. In their comments, MassDEP has indicated that the proponent will need to evaluate the potential impacts to coastal bank resources, and LSCSF resource areas from the proposed boardwalk construction. The proponent will also need to demonstrate to MassDEP the consistency of the project site's coastal bank resource area delineation with MassDEP's Wetland Policy. The final project design must identify Coastal Beach resource areas located within the project site.

Waterways/Chapter 91

The project will involve land alteration and construction activities within historic filled tidelands. Specifically, the proponent has proposed to repair an existing seawall, and construct a 12" wide public access riverwalk/boardwalk on the filled tidelands portion of the project site. The new public walkway and boardwalk will begin at a point located in the northwest corner of the project site and follows along the Danvers River shoreline boundary of the project site to a proposed sidewalk to be located in the northeast corner of the site, and connecting to the existing sidewalk on Congress Street. According to the comments received from MassDEP's Waterways Regulation Program, the proposed construction and maintenance of the riverwalk/boardwalk for general public access, use and enjoyment will serve to qualify the proposed residential condominium project as water dependent in compliance with MassDEP's regulations governing water-dependant use projects. The proponent will need to provide MassDEP with additional information regarding the final design, maintenance and management of the proposed public riverwalk/boardwalk. The proponent should forward to the MEPA Office a copy of the final design documents for the public riverwalk/boardwalk, approved by MassDEP's Waterways Regulation Program, for the MEPA project file.

Stormwater

According to the proponent, the proposed project's stormwater management plan has been designed in compliance with DEP's Stormwater Management Policy, and incorporates best management practices (BMPs) including deep sump hooded catch basins, trench drains grassed swales and rain gardens. All of the stormwater runoff generated by the project's impervious surface areas will be collected in catch basins, trench drains and yard drains and routed to a grass swale, a wet meadow and rain garden. As currently designed, the rain garden will be constructed with sandy loam material (approximately 4 feet deep) to provide infiltration for all the project-generated stormwater flow. According to the comments received from MassDEP, the 13.8-acre site currently drains to an existing shellfish growing area in the Danvers River. MassDEP has indicated that the stormwater management plan may need to be designed in conformance with MassDEP's Stormwater Management Policy's Critical Area Standard # 6 if drainage from the project site will continue to drain towards the shellfish growing area located south of the project.

MassDEP has also indicated that the proponent will need to provide MassDEP with additional information to demonstrate the consistency of the proposed stormwater management plan with MassDEP's Stormwater Management Policy. Specifically, the proponent will need to provide a detailed description of the TSS removal efficiency of the proposed stormwater management plan. The proposed stormwater management plan will also need to include a source control and pollution prevention plan. The proponent should continue to work closely with MassDEP during the permitting process to address the comments received from MassDEP concerning the proponent's proposed stormwater management plan, and site design.


Construction Period Impacts

Project demolition and construction activities will may create significant impacts including impacts from demolition and earth moving, impacts from erosion and sedimentation, impacts to private property and adjacent land uses, and potential traffic impacts on adjacent roadways. The proponent's demolition activities must comply with MassDEP's Solid Waste Management and Air Pollution Control regulations pursuant to M.G.L. Chapter 40, Section 54, and 310 CMR 16.05, respectively. All demolition and construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. I encourage the proponent to require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel.

According to the information provided by the proponent, the United States Department of Energy (DOE) initiated remediation of the former uranium processing site in 1992 to remove contaminated soils and harbor sediments from isolated upland and near shore areas, respectively. In 1998, DOE issued a certification that the site remediation activities were completed. In 2001, a Class A-2 Response Action Outcome (RAO) was recorded with MassDEP (RTN 3-2887) for the project site indicating that the remediation activities achieved a condition of No Significant Risk. I strongly recommend that the proponent consult with MassDEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to explore what impacts, if any, the proposed project might have on the project site's existing RAO status. The proponent should evaluate the need for retaining a Licensed Site Professional (LSP) to assist in the project's demolition and construction activities. The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions in the event contamination is encountered during project construction.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report.

April 20, 2007
DATE



Ian A. Bowles, Secretary

Comments received:

04/10/07 Massachusetts Department of Environmental Protection – NERO (MassDEP)
04/10/07 MassDEP – Waterways Regulation Program
04/10/07 Massachusetts Division of Marine Fisheries (MassDMF)

#13990 ENF
IAB/NCZ/ncz