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May 25, 2007

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

PROJECT NAME : Amesbury Heights Mixed Use Development
PROJECT MUNICIPALITY : Amesbury
PROJECT WATERSHED : Merrimack
EOEA NUMBER : 14005
PROJECT PROPONENT : Boston North Properties LLC
DATE NOTICED IN MONITOR : April 25, 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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report.

As described in the Environmental Notification Form (ENF), the project involves development of a mixed use project consisting of about 257 housing units (apartments and 17 condominiums), 21,000 square feet of office and retail space, 514 parking spaces, and infrastructure on a 34.2-acre site in Amesbury.

The project is undergoing review pursuant to Section 11.03 (1)(b)2., Section 11.03 (3)(b)(1)b., Section 11.03 (6)(b)13 and Section 11.03 (6)(b)15 of the MEPA regulations, because the project will create five or more acres of impervious area, alter 500 or more linear feet of inland bank, generate 2,000 or more New additional trips per day on roadways providing access to a single location and construct 300 or more New parking spaces at a single location. The project requires an Access Permit from the Massachusetts Highway Department (MHD) for access onto Route 110 and a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the U.S. Environmental Protection Agency (EPA). The project will also require 401 Water Quality Certification and a Sewer Extension/Connection Permit from the Department of Environmental Protection's (MassDEP). The project will require a Chapter 40B Comprehensive Permit from the Town of Amesbury, which is subject to appellate jurisdiction of the Massachusetts Housing Appeals Committee (HAC). The proponent is requesting financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to all aspects of the project that have the potential to cause significant Damage to the Environment as defined in the MEPA statute.

The ENF indicated that the project would generate approximately 2,341 vehicle trips per day. In its comment letter, the Executive Office of Transportation (EOT) has determined that traffic impacts associated with the project will not have a significant impact on the Route 110 (Haverhill Road) corridor. As part of Phase 1 of the project, the proponent has committed to constructing a sidewalk from the site driveway on Route 110 to the intersection of Route 150, as well as improving the Route 110/Route 150 intersection. These improvements will consist of restriping, crosswalks, equipment upgrades, and signal timing and phasing adjustments. In addition, as recommended by EOT, the proponent should implement Transportation Demand Management (TDM) measures aimed at offering alternative modes of travel. I advise the proponent to continue to work with EOT and to consult with the Merrimack Valley Transit Authority to evaluate the feasibility of providing a bus stop for the #51 bus route.

The project would alter 1,170 linear feet of bank, 1,527 square feet of bordering vegetated wetland (BVW), 41,599 square feet of riverfront, and 5,385 square feet of isolated vegetated wetland. I remind the proponent that a MassDEP will require a full replication plan for the inland bank alteration as part of the Notice of Intent (NOI). As currently proposed the proponent proposes to use the eastern end of the intermittent stream channel replication for stormwater management, which cannot be authorized under the wetlands regulations. I strongly encourage the proponent to maximize the retention and infiltration of storm water runoff on site. The proponent should avoid any connections to the State Highway drainage system if possible.

I remind the proponent that MassDEP will require an alternatives analysis as part of the 401 Water Quality Certification process. As part of the certification process, the proponent will need to prepare an alternatives analysis for all wetland impacts to BVW and isolated vegetated wetlands for the entire project. I strongly encourage the proponent to consider designing a narrower road width alternative in the area of the wetland impact. In addition, the proponent will be required to provide drainage information on both phases of the project and develop an alternative stormwater system design to avoid any discharge of stormwater to a wetland resource area, which is not an acceptable practice.

The ENF indicates that the proponent plans to file a certification statement with MassDEP for wastewater flows less than 50,000 gallons per day. However, the proposed project would generate about 52,683 gallons of wastewater per day. Therefore, I advise the proponent that a MassDEP sewer extension/connection permit is required because the entire project would generate more than 50,000 gallons per day.

I note that the project is designed to fulfill an important public policy goal of the Commonwealth (see Executive Order 418), and that there is a clear need for affordable housing in Amesbury. The City of Amesbury's Community and Economic Development office has stated in their comment letter their support for the project and that the proponent has been very responsive to the City of Amesbury's concerns. I strongly encourage the proponent to evaluate sustainable design alternatives such as Low Impact Development (LID) and High-Performance/Green buildings that can serve to avoid or minimize potential environmental

impacts. Such alternatives may also reduce project development and long-term operational costs.

Specifically, I encourage the proponent to consider LID techniques in site design and storm water management plans. The project must comply with DEP's Stormwater Management Guidelines. This review for compliance with DEP's Stormwater guidelines will be part of the variance application variance of the Watershed Protection Act process. The LID techniques can incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers, and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

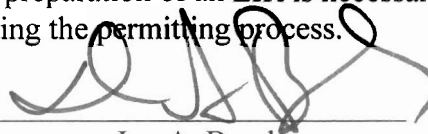
I also strongly encourage the proponent to consider high-performance/green building and other sustainable design measures to avoid and minimize environmental impacts. Such measures may include:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- use of renewable energy;
- ecological landscaping;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- an annual audit program for energy and water use, and waste generation;
- energy-efficient Heating, Ventilation and Air Conditioning (HVAC), lighting systems, and appliances, and use of solar preheating of makeup air;
- use of building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- incorporation of an easily accessible and user-friendly recycling system infrastructure into building design; and
- implementation of a solid waste minimization and recycling plan.

I conclude that no further MEPA review is required. While the project will have some negative environmental impacts, the review of the ENF has served to demonstrate that the potential impacts do not rise to the level where preparation of an EIR is necessary. The proponent can resolve the remaining issues during the permitting process.

May 25, 2007

Date



Ian A. Bowles

Comments Received:

- 05/15/07 Department of Environmental Protection, NERO
- 05/15/07 Executive Office of Transportation, MassHighway
- 05/15/07 Community and Economic Development, City of Amesbury

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