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January 16, 2008

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
NOTICE OF PROJECT CHANGE

PROJECT NAME : J. Michael Ruane Judicial Center/Salem Trial Courts  
PROJECT MUNICIPALITY : Salem  
PROJECT WATERSHED : Salem  
EOEA NUMBER : 13944  
PROJECT PROPONENT : Division of Capital Asset Management (DCAM)  
DATE NOTICED IN MONITOR : N/A

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 change is insignificant and does not warrant the preparation of an Environmental Impact Report (EIR).

An Environmental Notification Form (ENF) was filed for the project in January 2007 and a Certificate on the ENF was issued on February 22, 2007. As originally proposed, the project consists of re-development of a 3.8 acre site in downtown Salem. It includes construction of a 190,000 square foot (sf) consolidated Trial Court Facility by the Division of Capital Asset Management (DCAM). The facility will consolidate Superior Court, District Court, Housing Court, Juvenile Court and the Law Library (Probate and Family Court operations will continue within the existing building). The County Commissioner and Superior Court buildings will be vacated by the courts. The ENF does not identify planned uses for the vacated buildings although it does indicate that restrictions will be placed on the structures to ensure their maintenance and preservation. The ENF indicated that the proponent would fund roadway improvements that would be designed and constructed by MassHighway. These included removal of the loop ramp located in the southeast quadrant of the North Street/Bridge Street interchange and modifications to the North Street/Bridge Street interchange. Land in the southeast quadrant was to be

incorporated into the project site.

The project change consists of the transfer of responsibility of a portion of the North Street roadway improvements from the Massachusetts Highway Department (MassHighway) to the project proponent. MassHighway retains responsibility for the remainder of the North Street project. The ENF included plans that illustrated planned improvements. Transportation issues were identified by many commentors on the ENF and were considered in the review of the ENF. The Certificate on the ENF indicated that that it would be beneficial for DCAM to organize a public meeting, in conjunction with the City, the Massachusetts Bay Transportation Authority (MBTA) and MassHighway, to provide a comprehensive overview of planned projects and provide assurance that these projects will be coordinated and vehicular, pedestrian and bicycle access will be maintained and/or enhanced during construction and in the long-term.

The ENF identified the following potential impacts associated with the project: alteration of 1.9 acres of land, creation of an additional .3 acres of new, impervious surfaces and generation of approximately 1,884 new vehicle trips per day. It includes the vacating of two historic buildings, construction of a new building in a historic district and demolition (or transfer) of three historic buildings. The project did not exceed any MEPA review thresholds for preparation of an Environmental Impact Report (EIR).

Efforts to avoid, minimize and mitigate project impacts include: re-development of an existing site in an urban area with close proximity to transit; design of a high-efficiency, sustainable building that will be certifiable at the Silver level by the U.S. Building Council's Leadership in Environmental and Energy Design (LEED) and will comply with the Massachusetts LEED Plus standard; development of a stormwater management system to address the increase in impervious surfaces; and development of appropriate roadway mitigation and pedestrian infrastructure.

Comment letters received on the NPC do not identify any impacts that would necessitate additional MEPA review and that were not disclosed in the previous review. Commentors continue to raise concerns about impacts on historic resources that are within the purview of the Massachusetts Historical Commission (MHC) review. MHC has indicated that the roadway improvements will be incorporated into its review of the project and the draft Memorandum of Agreement (MOA) between MHC and DCAM. MassHighway and DCAM have solicited public input on the project and the project design has been revised to address some of the issues identified by the public. The ENF identifies four public meetings that were held to solicit input on the roadway improvements. One of these meetings was convened by DCAM specifically to coordinate the improvements with MassHighway. Design changes since the filing of the ENF include: shifting proposed roadway widening from historic sites and districts, reducing the maximum width of widened pavement 50% from 8.6 feet to 4.5 feet, addition of new sidewalks on either side of the west ramps, a reduction in the amount of undeveloped land affected by the project, inclusion of ornamental traffic signal poles and use of textured pavement for median surfaces, traffic islands and crosswalks. I understand that DCAM is planning another public meeting in February with MassHighway and the MBTA to coordinate prior to construction.

The NPC documents that the environmental impacts of the proposed project change are within the envelope of those previously reviewed for this project and the roadway improvements are reduced compared to the design reviewed during the previous MEPA review. The addition of impacts associated with the roadway work would not cause the project to exceed any thresholds for preparation of an EIR. A change in a project is ordinarily insignificant if it results solely in an increase in square footage, linear footage, height, depth or other relevant measures of the physical dimensions of the Project of less than 10% over estimates previously reviewed, provided the increase does not meet or exceed any review thresholds. The continuation of the project by a new proponent shall not by itself constitute a change in the project. Therefore, I find that the proposed project change is insignificant, in accordance with the MEPA regulations at 310 CMR 11.10(6). No further MEPA review is required.

January 16, 2008

Date



Ian A. Bowles

Comments received:

- 1/15/08 Federal Street Neighborhood Association, Inc.
- 1/15/08 Mary Whitney

IAB/CDB/cdb