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March 28, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Commercial and Indoor Sports Facility
PROJECT MUNICIPALITY : Peabody
PROJECT WATERSHED : Proctor Brook
EEA NUMBER : 14090
PROJECT PROPONENT : 194 Turnpike LLC
DATE NOTICED IN MONITOR : February 28, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on the above project **adequately and properly** complies with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the Final EIR, the project includes the construction of a multi-use development in two buildings, totaling 138,000 square feet, that will include retail and office space, a fitness center, restaurant, three basketball courts, and two indoor soccer fields on a 13.3 acre site in Peabody. Parking for 224 vehicles is proposed. In addition, there is a 3.73-acre lot behind the proposed development where approximately 40 residential units with 111 parking spaces are planned in the future. Access to the development will be provided by two driveways. The project is expected to generate 3,298 total vehicle trips on an average weekday.

MEPA Jurisdiction and Required Permits

The project is undergoing review and requires the preparation of a mandatory EIR pursuant to Section 11.03 (6)(a)(6) of the MEPA regulations, because during the course of the ENF review it has been determined that the project will generate more than 3,000 new vehicle trips per day and requires state permits. The project requires an Access Permit from the Massachusetts Highway Department (MassHighway) and a 401 Water Quality Certification (which was not identified originally identified by the proponent) from the Massachusetts Department of Environmental Protection (MassDEP). An alternatives analysis is required as part of the 401 Water Quality Certification process, and information in the EIR on alternatives that consider measures to avoid, minimize, and mitigation wetlands impacts will be considered by MassDEP in permitting.

The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres. An Order of Conditions will be required from the Peabody Conservation Commission, or in the case of appeal, a Superseding Order of Conditions from MassDEP.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land alteration, traffic, wetlands and stormwater.

Review of the FEIR

The FEIR included a detailed description of the project with a summary/history of the project, and it contained existing and proposed site plans. The FEIR described each state agency action required for the project and how the project is compatible with the performance standards.

In response to comments on the Draft EIR the FEIR included a more detailed discussion related to wetlands and stormwater management measures. The Final EIR presented additional narrative and technical analysis where necessary to respond to the substantive comments received during the review of the Draft EIR.

The FEIR included a traffic impact and access study that generally conforms to EOEEA/EOTPW Guidelines for EIR/EIS Traffic Impact Assessments. The proponent has committed to off-site mitigation that includes the removal of the frontage road and extension of the driveway to Route 1 and construction of a right-turn lane from the Countrywide Mortgage office that will extend past Pine Street. In addition, the proponent has committed to a comprehensive Transportation Demand Management (TDM) program. MassHighway has stated in its comment letter that it concurs with the proposed improvements presented in the FEIR and considers them to be adequate.

The FEIR included a stormwater study. MassDEP has stated in its comment letter that the stormwater management system for the sports facilities and commercial center is a complicated system that requires more frequent inspection and maintenance of the pumps to ensure the drainage system will function as designed. MassDEP has suggested that the proponent should install back-up pumps and emergency alarm systems. In addition, MassDEP indicated that the snow storage areas should be relocated to avoid directly introducing contaminants into the drainage system.

The FEIR did not contain any calculations of total suspended solids (TSS) for the drainage system at the housing site for runoff from the driveway and parking areas. The proponent should provide these calculations to MassDEP prior to state permitting.

Summary of FEIR Mitigation

The FEIR included a separate chapter on mitigation measures. This chapter on mitigation provided a proposed generic Section 61 Findings for all state permits. The proposed mitigation chapter contained a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. In the FEIR, the proponent has committed to the following mitigation measures:

Transportation

- the removal of the frontage road along Route 1 southbound north of Pine Street; and
- construction of a right-turn lane from the Countrywide Mortgage office, as well as along the site frontage that will extend past Pine Street.

Transportation Demand Management (TDM)

- coordination with MassRides which leases commuter vans and provides administrative and organizational assistance;
- participation with MassRides in ridesharing program, promotion of transit, and other commuter choice programs;
- encourage tenants to join the regional Transportation Management Agency;
- installation of bicycle racks; and
- connections to Peabody Bike Trails will be explored.

Wetlands

- creation of new wetlands to offset the unavoidable loss of existing wetlands which includes the planting schedule to create a 5,565-square foot wetlands replication area;
- oversight of wetlands replication from a wetlands specialist and reporting to the Peabody Conservation Commission;
- monitoring of wetlands replication will occur in May and September 2008 and May and September 2009; and
- additional monitoring will be scheduled as necessary to ensure successful wetland replication.

Conclusion

I am satisfied that the proponent, through its various submissions under MEPA, has adequately assessed the potential impacts of the project and committed to measures that will avoid, minimize and mitigate these impacts. I am also satisfied that any remaining issues can be addressed through the state and local permitting processes. The proposed project requires no further review under MEPA and may proceed to permitting. The permitting agencies should forward a copy of their final Section 61 Findings to the MEPA Office for completion of the project file.

March 28, 2008

Date



Ian A. Bowles

Comments received:

- 03/18/08 Department of Environmental Protection, Northeast Regional Office
- 03/21/08 Executive Office of Transportation, MassHighway

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