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April 11, 2008

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

PROJECT NAME : Tremont Yard  
PROJECT MUNICIPALITY : Lowell  
PROJECT WATERSHED : Merrimack  
EEA NUMBER : 14201  
PROJECT PROPONENT : Tremont Yard, LLC  
DATE NOTICED IN MONITOR : March 12, 2008

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 consists of the demolition of above-grade structures and preservation/restoration of the former Tremont Powerhouse (aka Tremont Yard) located at 257 Father Morissette Boulevard in Lowell. The project includes the construction of a five-story building (above grade) with a lower level, totaling approximately 54,000 square feet (sf) in area. The five upper floors will consist of class-A office space. The lower level of the structure will be preserved, adaptively reused, and interpreted. The public will be invited into this space by means of a restaurant and other special events. The project consists of a ground lease and adaptive re-use of a structure held under Article 97. The project site is located in local, State, and National historic districts. The proponent has obtained a Memorandum of Agreement (MOA) with the Massachusetts Historical Commission (MHC), the Division of Capital Asset Management (DCAM), the Department of

Conservation and Recreation (DCR), and the City of Lowell regarding the adaptive re-use of the historic powerhouse in a manner consistent with specified mitigation measures.

The existing structure on the property has suffered from years of neglect resulting in substantial and irreversible deterioration. The total site acreage is approximately 0.88 acres and the project will add an additional 0.04 acres of new impervious area, for a total impervious area of 0.26 acres. The 54,229 sf building will be approximately 68-feet in height and is located immediately adjacent to a municipal parking area and Father Morissette Boulevard. The project site contains an easement and tracks for use by National Park Service trolley and is adjacent to portions of the canal system and other industrial, commercial and recreational uses. The project is anticipated to generate 953 new vehicle trips per day, with parking provided through an arrangement with the City of Lowell to use the existing adjacent City parking lot and the nearby Ayotte Parking Garage. Water use is estimated at 5,700 gallons per day (gpd) and wastewater generation is estimated at 5,178 gpd.

### Jurisdiction

The project is undergoing review pursuant to Section 11.03 (1)(b) because the project is receiving MassDevelopment financing and the project includes a land lease from the DCAM for land held in accordance with Article 97. The project will be constructed in a manner consistent with an MOA approved by MHC, DCAM, DCR and the City of Lowell. The project will not require any State permits, but will require approval from the City of Lowell Historic Board and a site plan approval Special Permit from the City of Lowell Planning Board. Approval of the land lease from DCAM was granted within Chapter 26 of the Acts of 2003.

The proponent is seeking financial assistance from the Commonwealth for the project. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

### Land

The project site is contained within a larger parcel of land formerly under the care, custody, and control of DCR. The parking area located to the north of the existing structure was leased by DCAM in 1983 to a private party. The remainder of the parcel, located at 257 Father Morissette Boulevard, has been leased in accordance with the project reviewed herein.

The City of Lowell requires no on-site parking for this project. Through an agreement with the City, parking for the project will be provided at an adjacent parking lot or in a nearby parking garage. No alterations to the adjacent parking area or access to the parking area from Father Morissette Boulevard are required to accommodate the project.

The historic trolley affiliated with the National Park Service utilizes tracks located along the project site's frontage. The project will not interfere with trolley activities and the proponent should strive to limit impact to trolley operation during the construction period.

### Historic Resources

The project site is located within the boundaries of the Downtown Lowell Historic District, a local historic and architectural review district. The site is also listed on the National and State Registers of Historic Places through its inclusion in both the Lowell National Park and Preservation District and the Locks and Canals Historic District. It is also a National Historic Landmark through its inclusion in the Locks and Canals District. The project site is a privately held land holding within the boundaries of the Lowell National Historic Park, operated by the National Park Service. The project must be constructed in accordance with the approved MOA and applicable local historic board approvals. The MOA calls for the creation of a site preservation plan, photographic documentation and recordation, preservation of the historic canal power system features, and the establishment of a Historic Interpretation and Display Plan. I encourage the proponent to continue their collaborative efforts with the MHC, the City of Lowell and the National Park Service to ensure the preservation of the historic project elements.

### Stormwater and Wetlands

The project will include the infiltration of clean roof runoff to recharge groundwater. The project will result in a nominal increase in impervious area, therefore existing on-site stormwater patterns are not expected to change from existing conditions. The proponent should strive to use low impact design (LID) stormwater management techniques such as vegetated swales to control stormwater runoff quality and quantities. Stormwater should be managed and detained on-site.

The redevelopment of the existing structure is not located within wetland resource areas designated in accordance with the Massachusetts Wetlands Protection Act. The project is not located within the 100-year flood plain. The property is adjacent to a portion of the lock and canal system, and as such, the proponent should confirm that construction activities will not occur within regulated wetland resource areas.

### Wastewater/Water

The project will connect to local sewer and water mains. The project is estimated to generate 5,178 gpd of wastewater and use 5,700 gpd of water. Portions of Lowell's sewer system contain Combined Sewer Overflows (CSOs). The proponent should work with the City of Lowell to mitigate potential infrastructure and surcharge/overflow impacts of the project on the overall sewer system. The proponent may be required to provide infiltration and inflow (I/I) mitigation to offset additional flows added to the wastewater system. I encourage the proponent to incorporate water demand reduction measures into the overall project building design.

### Hazardous Materials

The project may contain hazardous materials associated with former site uses. The proponent is reminded that, if oil and/or hazardous material are identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to the Massachusetts Department of Environmental Protection (MassDEP), if necessary. A Licensed Site Professional (LSP) may be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary or prudent if contamination is present. The Bureau of Waste Site Cleanup (BWSC) should be contacted for guidance if questions regarding cleanup arise.

### Construction Period Impacts

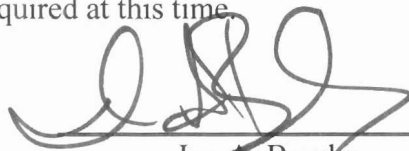
The proponent should take measures to reduce potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions). The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the proponent to incorporate construction waste 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.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time.

April 11, 2008

Date

  
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Ian A. Bowles

### Comments received:

04/01/2008 Northern Middlesex Council of Governments (NMCOG)  
04/01/2008 City of Lowell, Office of the City Manager  
04/10/2008 Massachusetts Historic Commission

IAB/HSJ/hsj