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April 18, 2008

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

PROJECT NAME : True North Commerce Center
PROJECT MUNICIPALITIES : Salisbury
PROJECT WATERSHED : Merrimack River
EOEA NUMBER : 14002
PROJECT PROPONENT : True North, LLC
DATE NOTICED IN MONITOR : March 12, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this 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).

The proposed project, as originally described in the Expanded Environmental Notification Form (EENF), consisted of the construction of 600,000 square feet of industrial space (including light manufacturing, product distribution and office space), and 266 associated parking spaces. Phase I will include the construction of an 18,000 square foot distribution facility; Phase II development will include the remaining 582,000 square feet of industrial space. As described in the EENF, the project was proposed to be located on a 51-acre undeveloped parcel, in the northeast quadrant of the I-95/Route 110 interchange and southeast of the I-495/I-95 interchange. Access to the site would be provided via a full-access driveway on Rabbit Road. The proponent requested and was granted a Waiver to allow Phase I of the project to proceed to state permitting prior to completion of the EIR.

A Notice of Project Change (NPC) was submitted and noticed in the March 12, 2008 *Environmental Monitor* on this project which described a reduction in the proposed build-out

from 600,000 sf to 500,000 sf of industrial space and the addition of a 2.68 acre parcel to the project site. This parcel had been previously developed and is currently used as an overflow paved parking area. On April 11, 2008 a Certificate was issued on the NPC.

Traffic generation associated with project now will result in approximately 3,480 average daily trips (adt), and approximately 344 new parking spaces. Water and sewer infrastructure will extend approximately 0.5 miles. The DEIR estimates that the project's water use will average approximately 23,650 gallons per day and wastewater generation will average approximately 21,500 gallons per day. Approximately 21,300 sf of impacts to Isolated Vegetated Wetlands (IVWs) will occur as a result of the project.

Regulatory Environment

The project is undergoing MEPA review and is subject to a mandatory EIR pursuant to Section 11.03 (1)(a)(2) and Section 11.03(6)(a)(6) of the MEPA regulations because it involves creation of 10 or more acres of impervious area and it will result in generation of 3,000 or more new average daily trips (adt). In addition, the project exceeds ENF review thresholds for wastewater and wetland alterations. The project requires a Vehicular Access Permit from the MassHighway Department (MHD). Other permits required include a 401 Water Quality Certificate and a Sewer Connection/Extension Permit from the Department of Environmental Protection (MassDEP). The project may also require a Water Supply Distribution System Modification Permit from MassDEP. The project requires an Order of Conditions from the Town of Salisbury (and, on appeal only, a Superseding Order from MassDEP). The project may require pre-construction permits pursuant to MassDEP Air Quality Control Regulations. The project will require a National Pollutant Discharge Elimination System (NPDES) Construction Activities Permit from the US Environmental Protection Agency (EPA). The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation, air quality, wastewater, wetlands, water supply, land alteration, and stormwater management.

Review of the DEIR and FEIR Scope

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

While the DEIR adequately addressed the Scope, several substantive issues as detailed in MassDEP's and MassHighway's comment letters, related to wetlands, stormwater management, wastewater and traffic remain, and must be addressed in the Final EIR. The Final EIR must address these in order to be found adequate. Each comment letter should be reprinted in the FEIR. The Final EIR must present additional narrative and technical analysis where necessary to respond to the substantive comments received.

The Final EIR should contain a copy of this Certificate and a copy of each comment received. The Final EIR may incorporate by reference those portions of the DEIR that do not

require further analysis. At a minimum, the proponent should circulate the Final EIR to those parties submitting individual written comments on the DEIR, and to any state agency from which the proponent will seek permits. The proponent should also make a reasonable number of hard copies of the Final EIR available on a first come, first served basis. A copy of the Final EIR should be made available for review at the Salisbury Public Library.

Summary of DEIR Mitigation

The DEIR included a separate chapter on mitigation measures. This chapter on mitigation should also included a draft Section 61 Finding for all state agencies issuing permits for the project. 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 DEIR, the proponent has committed to the following mitigation measures:

Stormwater

- Mitigation will include construction, planting, and monitoring of constructed wetlands, vegetated swales, and rain gardens / bioretention filters.
- Low-Impact Design (LID) stormwater management BMPs will be operated and maintained to adequately treat and maintain runoff associated with the impervious surfaces created.
- The LID features will mitigate runoff impacts at a “local” scale; reduce impacts to wildlife habitat and wetland resource areas; preserve existing site drainage patterns; and reduce runoff volumes and velocities.

Wetland

- Mitigation will include construction, planting, and monitoring of wetland mitigation areas
- The unavoidable impacts will be compensated by providing on-site wetland mitigation at a ratio of 1.5:1.
- Wetland mitigation areas will consist of vegetative communities similar to those found within the impacted wetlands.
- To ensure success of the wetland mitigation areas, a wetland scientist (or other qualified individual) will evaluate the development of the wetland resource areas for two consecutive growing seasons and /or upon the issuance of a Certificate of Compliance (COC).

Temporary BMPs

- Mitigation will include installation, replacement, maintenance, and monitoring of temporary erosion control, temporary settling basins, temporary check dams, and stone entrance / exit pad.
- Qualified personnel will also conduct routine monitoring and subsequent reporting to ensure that the temporary BMPs are functioning as intended to prevent construction activities from potentially causing damage to the environment.

Traffic

- Mitigation will include construction of off-site roadway lane widening / improvements to Rabbit Road and Preparation of Transportation Demand Management Program.
- Limited roadway widening and the construction of 12-foot wide left and right turning lanes will be provided on Rabbit Road and minor traffic light modifications.
- The proponent will employ a Transportation Coordinator to implement a Transportation Demand Management (TDM) Program. It should be noted.

Water/Wastewater

To reduce demand on the water and wastewater infrastructure, the proponent will encourage building lot owners to install cisterns, or other similar devices, to recycle rooftop runoff for use in landscape irrigation.

- Building lot owners will also be encouraged to install low-flow appliances, toilets, and faucets.
- The proponent will limit landscape irrigation during periods of water bans that are administered by local officials

The FEIR should include an update on proposed mitigation measures, to the extent that they have changed or been refined from those presented in the DEIR, including an updated draft Section 61 Finding. The draft Section 61 Finding should contain a clear commitment to implement mitigation measures, an estimate of the individual costs of each measure, and identify the party responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

April 18, 2008

Date



Ian A. Bowles

Comments Received:

04/11/08 Department of Environmental Protection, Northeast Regional Office
 04/16/08 Executive Office of Transportation, MassHighway

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