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May 1, 2009

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

PROJECT NAME: Lafayette Tides  
PROJECT MUNICIPALITY: Marblehead & Salem  
PROJECT WATERSHED: North Coastal  
EEA NUMBER: 13725  
PROJECT PROPONENT: 485 Lafayette Street Acquisitions, LLC  
DATE NOTICED IN MONITOR: March 25, 2009

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 (M.G.L., c. 30, ss. 61-62I) and with its implementing regulations (301 CMR 11.00).

Project Description

As described in the FEIR, the project consists of 45 units of Chapter 40B housing in four buildings with 101 parking spaces on a 4.4-acre site. The development includes a 24-foot wide, 365-foot long paved roadway with five-foot wide sidewalks on both sides, and a cul-de-sac with a 45-foot radius. The project is expected to generate 320 new daily vehicle trips, generate 9,680 gallons per day (gpd) of wastewater, and consume a similar amount of potable water.

A related project on the project site is the Chadwick Lead Mills Remediation project (EEA #13726) which involves the remediation of the site under the Massachusetts Contingency Plan (MCP). On June 8, 2007, I approved a Final Record of Decision for the waiver request filed by the proponent and responsible party (NL Industries) to remediate the project site and restore wetland resource areas. The proponent for the Lafayette Tides project will acquire the site and

construct the residential development once the site has been remediated and a Class A Response Action Outcome (RAO) has been achieved for the property.

### Jurisdiction and Permitting

The project required the preparation of a mandatory EIR pursuant to Section 11.03(3)(a)(5) of the MEPA regulations because it requires a Chapter 91 Waterways License for a new non-water-dependent use occupying one or more acres of tidelands. The project will also require Orders of Conditions from the Salem and Marblehead Conservation Commissions. Because the proponent is seeking a Chapter 91 License for the project, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

### Review of the FEIR

The FEIR provided a detailed project description. It included readable and scaled existing and proposed site plans. The FEIR included plans that depict the final grades of the remediated areas on a site plan of existing conditions. It specifically noted that the remediation project proposes to re-grade portions of the site in accordance with the grades proposed for the residential project. The FEIR included details concerning the pedestrian public access amenities, such as signage and trash receptacles.

The FEIR summarized each state agency action required for the project. No financing for the project is being obtained from Massachusetts Housing Finance Agency. The FEIR discussed the consistency of the project with local and regional growth management and open space plans for Salem and Marblehead and Executive Orders No. 385, 418, and 484.

The FEIR included a plan of reasonable scale that delineated the revised wetland resource areas, and accurately depicted the extent of all Federal Emergency Management Agency (FEMA) flood zones on the site relative to the existing topography and proposed remediation and development. The FEIR considered the change in grades and potential for impacts within Land Subject to Coastal Storm Flowage (LSCSF) to ensure that the project will not change flood patterns that would contribute to increased flood damage in the area. A narrative description of the impacts to the functions of LSCSF and any proposed mitigation was included in the FEIR.

The FEIR considered stormwater runoff from the proposed buildings and the vegetated areas that will be converted to landscaped areas. It contained a stormwater control plan that demonstrated that source controls, pollution prevention measures, erosion and sedimentation controls during construction, and the post-development drainage system will be designed to comply with the Massachusetts Stormwater Management Requirements. Some of the stormwater is proposed to be discharged directly into the Forest River with treatment via a holding tank and sand filter.

The FEIR discussed the proponent's Low Impact Development (LID) drainage techniques that were incorporated into the project. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of

stormwater on-site. The proponent has proposed grasspave, a pervious material, for safety vehicular access around the project site.

### FEIR Mitigation

The FEIR contained a separate chapter on mitigation measures. It included a Draft Section 61 Finding for MassDEP. The FEIR also included a clear commitment to implement mitigation measures, an estimate of the individual cost of each mitigation measure, and identified the proponent as responsible for implementing the mitigation. It provided a schedule for the implementation of the mitigation, based on the construction schedule.

In the FEIR, the proponent committed to the following mitigation measures:

- Install traffic calming measures such as a traffic island, crosswalk, rumble strips, and a pedestrian traffic signal at the site driveway/Lafayette Street intersection, at approximately \$75,000 for the traffic signal and \$100,000 for the roadway improvements.
- Provide a stormwater management system compliant with the Stormwater Management Standards, at approximately \$150,000.
- Construct the Tides Lane roadway, which provides access to the waterfront, at approximately \$90,000.
- Provide public access to the waterfront via the construction of a cul-de-sac, a 10-foot wide stone dust public walkway with benches adjacent to the Forest River with three associated parking spaces and linkage to the bike path, at approximately \$80,000.
- Provide erosion and sedimentation control, at approximately \$10,000.
- Provide public and handicapped access to the beach.
- Reduce dust and noise pollution by providing street sweeping, wheel washing or tracking pads and/or limiting the hours of construction.
- Provide 12 units of affordable housing.
- Reserve fifty-eight percent of the site as green space.


The FEIR discussed the proponent's efforts to obtain Leadership in Energy and Environmental Design (LEED) Certification for the proposed project. The proponent will incorporate elements of the "Massachusetts LEED Plus" standard which mandates certain LEED points for energy performance, achievement of smart growth objectives and water conservation. It will utilize energy efficient heating, ventilation and air conditioning systems, photoluminescent exit signs, programmable thermostats, Energy Star- Qualified equipment and low-flow toilets and faucets or other mechanisms to restrict water flow. The proponent has used grasspavers to provide pervious surfaces for emergency vehicular access. The project will provide underground parking and bicycle storage within the buildings.

### Conclusion

Based upon my review of the FEIR and after consultation with the state agencies, I am satisfied that the FEIR provides sufficient information to allow the state agencies to understand the environmental consequences of the project. Any remaining issues concerning the proposed

mitigation measures can be resolved during the permitting process. The final Section 61 Finding by MassDEP should be forwarded to the MEPA Office in accordance with 301 CMR 11.12.

May 1, 2009  
Date



Ian A. Bowles

Comments received:

Massachusetts Office of Coastal Zone Management, 4/8/09

Massachusetts Department of Environmental Protection/Northeast Regional Office, 4/13/09

McRoberts & Roberts, 4/28/09

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IAB/WTG