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May 25 2007

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

PROJECT NAME : 181 Pelham Street
PROJECT MUNICIPALITY : Methuen
PROJECT WATERSHED : Spickett River
EOEA NUMBER : 14009
PROJECT PROPONENT : Pelham Street Realty, LLC
DATE NOTICED IN MONITOR : April 25, 2007

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 **does not require** the preparation of an Environmental Impact Report (EIR).

The proposed project consists of construction of a convenience store, gas station, carwash, 43 parking spaces, and infrastructure on a 3.44-acre site in Methuen.

The project is undergoing review pursuant to Sections 11.03 (2)(b)1 and 11.03 (2)(b)2 of the MEPA regulations, because the project will alter designated significant habitat and take an endangered or threatened species or species of special concern. The project requires a Conservation and Management Permit from the Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP).

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 rare species, land and stormwater issues.

Rare Species

The NHESP has determined that this project occurs within the habitat of the Blanding's Turtle (*Emydoidea blandingii*). This species is "Threatened" pursuant to the provisions of the Massachusetts Endangered Species Act (M.G.L. c. 131A) and regulations (321 CMR 10.00). NHESP has also determined that the project will result in a "take" of the Blanding's Turtle through the disruption of protected behaviors and through directly harming or killing individuals of this species during construction. NHESP preliminarily finds that the mitigation and net benefit discussed by the proponent for impacts to the Blanding's Turtle appear to meet the performance standards of 312 CMR 10.23. I encourage the proponent to continue to work closely with NHESP during the permitting process.

Stormwater Management

I remind the proponent that the project must comply with DEP's Stormwater Management Guidelines. The Department of Environmental Protection (MassDEP) has stated in their comment letter that there was insufficient information to determine if the project fully complied with the Stormwater Management Policy and standards. However, it is apparent from the Preliminary Drainage Plan that the stormwater system should be redesigned to comply with Standard 4 for total suspended solids (TSS) removal, and it may also be necessary to modify the plan in conformance with the requirement that detention basins be sealed or lined in Areas with Higher Potential Pollutant Load. The proponent should consult and work closely with MassDEP to resolve these issues prior to NHESP's permitting process.

I also remind the proponent that effluent discharged to the sewer system must be permitted by the sewer district, and pre-treatment requirements would need to be met. Alternatively, if the proponent proposes to discharge wash water from the carwash to the ground, a groundwater discharge permit from MassDEP would be required (BRP WP 08). The ENF includes an estimated use of 5,249 gallons of water per day and generation of the same volume of wastewater with no use recycling of water. MassDEP highly recommends, and I concur, that the proponent should recycle wash water to reduce the effluent.

Sustainable Design

I encourage the proponent to consider high performance/green building and other sustainable design measures. Such measures may include:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- green roofs;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- use of energy efficient Heating, Ventilation and Air Conditioning (HVAC) and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;

- implementation of a solid waste minimization and management plan; and
- provision of easily accessible and user-friendly recycling system infrastructure.

The ENF has defined the nature and general elements of the project and proposed measures to avoid and minimize, or mitigate environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permit and review processes. The proposed project requires no further review under MEPA.

May 25, 2007

Date



Ian A. Bowles

Comments Received:

- 05/09/07 Division of Fisheries and Wildlife's Natural Heritage and Endangered Species Program (NHESP).
- 05/15/07 Department of Environmental Protection, NERO

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