

*For Office Use Only*  
**Executive Office of Environmental Affairs**

EOEA No.: 13944  
 MEPA Analyst: D. Buckley  
 Phone: 617-626-1044

# ENF Environmental Notification Form

The information requested on this form must be completed to begin MEPA Review in accordance with the provisions of the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: J. Michael Ruane Judicial Center / Salem Trial Courts	
Street: Federal Street	
Municipality: Salem	Watershed: Salem
Universal Transverse Mercator Coordinates: X344084, Y4709608	Latitude: 42.5231°N Longitude: 70.8982°W
Estimated commencement date: May 2008	Estimated completion date: June 2010
Approximate cost: \$106 million	Status of project design: 10 % complete Conceptual Design :
Proponent: Massachusetts Division of Capital Asset Management	
Street: One Ashburton Place, 15 <sup>th</sup> Floor	
Municipality: Boston	State: MA Zip Code: 02108
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Doug Kelleher	
Firm/Agency: Epsilon Associates, Inc.	Street: 3 Clock Tower Place, Suite 250
Municipality: Maynard	State: MA Zip Code: 01754
Phone: (978) 897-7100	Fax: (978) 897-0099 E-mail: dkelleher@epsilonassociates.com

- Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?  
 Yes  No
- Has this project been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No
- Has any project on this site been filed with MEPA before?  
 Yes (EOEA No. \_\_\_\_\_)  No
- Is this an Expanded ENF (see 301 CMR 11.05(7)) requesting:
- a Single EIR? (see 301 CMR 11.06(8))  Yes  No
  - a Special Review Procedure? (see 301CMR 11.09)  Yes  No
  - a Waiver of mandatory EIR? (see 301 CMR 11.11)  Yes  No
  - a Phase I Waiver? (see 301 CMR 11.11)  Yes  No

Identify any financial assistance or land transfer from an agency of the Commonwealth, including the agency name and the amount of funding or land area (in acres): The project is being undertaken by a state agency.

Are you requesting coordinated review with any other federal, state, regional, or local agency?  
 Yes (Specify \_\_\_\_\_)  No

List Local or Federal Permits and Approvals: The project will require coverage under the NPDES general permit for construction.

Which ENF or EIR review threshold(s) does the project meet or exceed (see 301 CMR 11.03):

- |                                 |                                       |   |
|---------------------------------|---------------------------------------|---|
| <input type="checkbox"/> Land   | <input type="checkbox"/> Rare Species | <input type="checkbox"/> Wetlands, Waterways, & Tidelands                 |
| <input type="checkbox"/> Water  | <input type="checkbox"/> Wastewater   | <input type="checkbox"/> Transportation                                   |
| <input type="checkbox"/> Energy | <input type="checkbox"/> Air          | <input type="checkbox"/> Solid & Hazardous Waste                          |
| <input type="checkbox"/> ACEC   | <input type="checkbox"/> Regulations  | <input checked="" type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
<b>LAND</b>				<input type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input type="checkbox"/> Chapter 91 License <input type="checkbox"/> 401 Water Quality Certification <input type="checkbox"/> MHD or MDC Access Permit <input type="checkbox"/> Water Management Act Permit <input type="checkbox"/> New Source Approval <input type="checkbox"/> DEP or MWRA Sewer Connection/ Extension Permit <input type="checkbox"/> Other Permits <i>(including Legislative Approvals) – Specify:</i>
Total acreage	3.8			
New acres of land altered		Plan A: 1.9 Plan B: 1.3 Plan C: 1.9		
Acres of impervious area	2.5	Plan A: 0.3 Plan B: 0.5 Plan C: 0.3	Plan A: 2.8 Plan B: 3.0 Plan C: 2.8	
Square feet of new bordering vegetated wetlands alteration		0		
Square feet of new other wetland alteration		0		
Acres of new non-water dependent use of tidelands or waterways		0		
<b>STRUCTURES</b>				
Gross square footage	133,317	190,000	323,317	
Number of housing units	21	Plan A: -21 Plan B: -21 Plan C: -21	Plan A: 0 Plan B: 0 Plan C: 0	
Maximum height (in feet)				
Federal Street	62			
Plan A		0	62	
Plan B		+ 10	72	
Plan C		0	62	
Bridge Street	73			
Plan A		0	73	
Plan B		+ 16	89	
Plan C		0	73	
<b>TRANSPORTATION</b>				
Vehicle trips per day	1,423	650*	2,073	
Parking spaces	90	+ 30	120	
<b>WATER/WASTEWATER</b>				
Gallons/day (GPD) of water use	16,054	15,675**	31,729	
GPD water withdrawal	0	0	0	
GPD wastewater generation/ treatment	14,594	14,250**	28,844	
Length of water/sewer mains (in miles)	N/A	< 0.25	< 0.25	

Massachusetts Historical Commission – State Register Review

\* Please see Transportation – Traffic Section on page 15 for an explanation of projected trip generation.

\*\* These water supply and wastewater estimates are based on commercial use (75 gpd per 1000 s.f.) per Title 5. Empirical data provided by DCAM indicate that 11,000 gpd is the expected increase in water usage and 5,675 gpd is

the expected increase in wastewater generation. As required by MEPA, this ENF relies on Title 5 data to be conservative. See Water Supply Section (page 11) and Wastewater Section (page 13) for an explanation of projected water consumption and wastewater generation figures.

**CONSERVATION LAND:** Will the project involve the conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97?

Yes (Specify \_\_\_\_\_)  No

Will it involve the release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction?

Yes (Specify \_\_\_\_\_)  No

**RARE SPECIES:** Does the project site include Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities?

Yes (Specify: )  No

**HISTORICAL /ARCHAEOLOGICAL RESOURCES:** Does the project site include any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes (Specify: County Commissioner's Building, 32 Federal Street; Superior Courthouse, 34 Federal Street; Essex County Registry of Deeds / Probate and Family Court, 36 Federal Street; First Baptist Church, 54 Federal Street; and three properties at 58, 60 and 62 Federal Street)  No

If yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources?

Yes (Specify: Plan A: Relocation and reuse of the First Baptist Church, 54 Federal Street, and the relocation or demolition of the three properties at 58, 60 and 62 Federal Street; Plan B: Relocation or demolition of the three properties at 58, 60 and 62 Federal Street; Plan C: Relocation and reuse of the First Baptist Church, 54 Federal Street)  No

**AREAS OF CRITICAL ENVIRONMENTAL CONCERN:** Is the project in or adjacent to an Area of Critical Environmental Concern?

Yes (Specify \_\_\_\_\_)  No

**PROJECT DESCRIPTION:** The project description should include (a) a description of the project site, (b) a description of both on-site and off-site alternatives and the impacts associated with each alternative, and (c) potential on-site and off-site mitigation measures for each alternative (*You may attach one additional page, if necessary.*)

The proposed Project site is bounded by Bridge Street to the north, Washington Street to the east, Federal Street to the south and North Street to the west (Figure 1, USGS Locus Map). The site is approximately 3.8 acres in size. The majority of the project site, approximately 2.2 acres, is land owned by the Commonwealth. An additional 0.8 acres is held in private ownership, and the remaining 0.8 acres is owned by the City of Salem as part of the North Street / Bridge Street roadway interchange layout. The proposed Project site contains seven buildings.

The County Commissioner's Building at 32 Federal Street, also known as the Old Granite Courthouse, sits at the corner of Washington Street and Federal Street. It is connected to the Superior Court to the west via a two-story addition. The Superior Courthouse at 34 Federal Street sits immediately west of the County Commissioner's Building. These two connected buildings collectively house the Superior Court. The Registry of Deeds and Probate and Family Courthouse building is located at 36 Federal Street. Also located on the proposed project site are four non-court related buildings: the First Baptist Church (set back approximately 100 feet from Federal Street, at 54 Federal Street) and three properties at 58, 60 and 62 Federal Street, all situated at the sidewalk edge near the western limits of the proposed project site.

The four streets surrounding the Project site, Federal, North, Bridge, and Washington streets, are all served by MBTA bus service. On the opposite side of Bridge Street is the MBTA Commuter Rail station

providing train service to points between Salem and Boston to the south and to points between Salem and Newburyport and Rockport to the north. North Street, State Route 114, is a designated state highway.

## Background

In response to deteriorating physical and operating conditions of the Commonwealth's court buildings, the Massachusetts Division of Capital Asset Management (DCAM) initiated a Master Plan for the improvements of Court Facilities in 1998. Chapter 189 of the Acts of 1998 designated Salem for the study of a new courts facility.

In Salem, five court departments (Superior, District, Probate and Family, Juvenile and Housing) are currently located in several buildings, including the County Commissioner's Building/Superior Courthouse at 32-34 Federal Street, the Registry of Deeds/Probate and Family Court Building at 36 Federal Street, and the District Court Building located at 65 Washington Street. With the exception of the Juvenile Court, which occupies leased space at Shetland Park, none of these buildings (including the District Court, built in the 1970s) meets current standards for safety, security and accessibility.

## Alternative Site Evaluations

In an effort to improve court functions in Salem, a study was undertaken to examine options for accommodating court operations in a variety of configurations. The site alternatives analysis was an extensive, iterative process that included state and local officials as well as neighborhood representatives and interest groups. Given the City's strong preference for keeping the courts in the downtown area, the initial site scoping evaluated the two existing Commonwealth-owned court locations on Federal and Washington Streets as well as several additional sites (some with existing structures) in proximity to the current courts complex that could potentially accommodate new facilities.

The preliminary site scoping identified the following three sites in addition to the existing court locations:

- The MBTA commuter parking lot (Bridge Street)
- The Telephone Co. building (10 Federal Street)
- The Church Street parking lot (behind District Court)

It became readily apparent that, of these sites, only the MBTA site (including an adjacent city-owned crescent shaped parcel) offered the combination of capacity, visibility, proximity and access that justified further evaluation. The footprint of the Telephone Co. building was too small to accommodate significant expansion and the Church Street parking lot served a critical need for downtown parking which the City could not afford to lose.

The MBTA parcel across Bridge Street from the main court complex became the focus of the off-site alternatives analysis. Numerous site development possibilities for a new court complex were examined, including joint development possibilities with the MBTA, which was initiating its own studies for the construction of a major parking structure to serve its adjacent commuter rail station. After careful consideration, this site was deemed unsuitable because of a lack of good pedestrian connection between the proposed site and the existing court complex, a private rail spur that runs through the site, building in the flood plain, and security issues raised with a public garage located beneath a court facility and the proximity to a rail line in the wake of September 11, 2001.

Having eliminated nearby off-site alternatives from consideration, DCAM continued to examine the existing court buildings for possible conversion to consolidated facilities which meet current standards and needs. The heightened awareness of security concerns after 9/11 coincided with a move towards

creating consolidated court facilities in keeping with a statewide effort to improve and streamline overall court functions. The intent behind the consolidated facilities is to create regional justice centers which:

- Help to relieve current overcrowded conditions;
- Bring the courts in line with national standards;
- Increase security, and
- Eliminate duplicative administrative and other support services

In Salem, it was determined that the District Court site was far too constrained to accommodate a consolidated court facility by itself and too physically removed from the remainder of the courts complex to be incorporated into a new consolidated facility located across the street. Of the remaining existing buildings, the Registry of Deeds/Probate and Family Court Building was determined to be easily adaptable to current court standards and security requirements and could be combined with the construction of an adjacent or nearby new facility to meet the overall programmatic needs and court functions of a new consolidated facility. However, the Superior Courthouse/County Commissioner's Building proved less adaptable. The existing courthouse consists of two radically different floorplates resulting in a significant lack of accessibility throughout the buildings. In order to provide 100 percent accessibility within the facility, either multiple elevators or major floor structural re-alignments are required, representing prohibitively expensive renovations and compromised program space due to building size and configuration constraints. Moreover, such an accommodation would require significant alteration to the historic fabric of these buildings and would not be prudent or feasible. See Appendix A for table detailing the programmatic needs of a consolidated facility and the space available in the existing court facilities on the Site.

### Proposed Project

The proposed project involves the construction of a new 190,000 square foot consolidated Trial Court Facility. The new facility will consolidate Superior Court, District Court, Housing Court, Juvenile Court and the Law Library (Probate and Family Court operations will continue to be accommodated in the Probate and Family Courthouse building). The new facility will contain eleven courtrooms, with five courtrooms to be located in the adjacent existing Probate and Family Court building. This results in a total of sixteen courtrooms, a net increase of five courtrooms on the site. In accordance with Executive Office for Administration and Finance Bulletin 12: Establishment of Minimum Standards for Sustainable Design and Construction of New Buildings and Major Renovations by Executive Agencies, the new Courthouse will comply with the newly created "Massachusetts LEED Plus" standard. The "Massachusetts LEED Plus" standard requires that a project be able to obtain the basic U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) certification. This project will be LEED Silver certifiable.

As part of the proposed project, the functions currently housed in the Superior Court (County Commissioner's / Superior Court building), including Superior Court and the Law Library, will be relocated to the new courthouse. Following completion of the new courthouse, the County Commissioner's and Superior Court buildings will be vacated and made available for non-court related uses. DCAM is in the process of developing a plan for "mothballing" the County Commissioner's / Superior Court building for the period of time that it will not be occupied. The mothballing plan will include detailed specifications for adequate security, heating, and ventilation to ensure the preservation of the building. DCAM will work with City of Salem officials in identifying appropriate reuse alternatives for the County Commissioner's and Superior Court buildings that are consistent with the city's planning goals and ensure the buildings' future preservation.

All of the alternatives described below would involve removal of the loop ramp located in the southeast quadrant of the North Street/Bridge Street interchange. As part of roadway improvements currently under

construction by the Massachusetts Highway Department, modifications will be made to the North Street/Bridge Street interchange to accommodate the removal of the loop ramp and to increase pedestrian safety at this heavily traveled location. All existing traffic will continue to be accommodated by these minor modifications.

The project may also include renovations to the existing Registry of Deeds / Probate and Family Courthouse at 36 Federal Street, including the 1970s rear addition fronting on Bridge Street. The new courthouse will include limited secured on-site parking. Figure 2 depicts an aerial view of the project site illustrating the existing buildings on the site. Figure 3 is an illustrative Existing Conditions plan.

The following is a summary of the three feasible project alternatives:

The first alternative (**Plan A**) would involve the relocation and reuse of the original 1805 portion of the First Baptist Church at 54 Federal Street. Plan A would also involve either relocating off-site or demolishing the three houses located at 58, 60 and 62 Federal Street. The new Courthouse would be built on the newly assembled site directly abutting the Registry of Deeds / Probate and Family Courthouse. The First Baptist Church would be relocated to the corner of Federal and North streets and incorporated into the construction of the new Courthouse to house the Southern Essex County Law Library, currently located in the Superior Court/County Commissioner's Building. This alternative would allow the new building to be scaled in size so as not to dominate the Federal Street streetscape (see Figure 4). DCAM developed Plan A to meet programmatic needs efficiently and at lower cost than other alternatives discussed below. At the same time, the scale and relationship of buildings in Plan A reflects a strong civic presence, befitting a public building, especially a Courthouse. Plan A is the preferred alternative.

DCAM has concurrently developed **Plan B**, which would not involve using or relocating the First Baptist Church. Under Plan B, the new Courthouse would be constructed between the Church and North Street (see Figure 5). The three houses located at 58, 60 and 62 Federal Street would be either relocated off-site or demolished. Because it does not use the Church property, Plan B requires that the new Courthouse be taller than it would be in Plan A or Plan C (below). The height of the Federal Street frontage would be approximately 72 feet, 10 feet taller than the building in either Plan A or Plan C; and 89 feet, 16 feet taller than the building in either Plan A or Plan C at the rear, Bridge Street elevation. Due to a compressed floorplates resulting from site constraints, this plan is less efficient than Plans A or C and may have additional costs, but remains a feasible alternative and meets the Court's programmatic needs.

Similar in courthouse form to Plan A, a third Alternative (**Plan C**) would relocate and reuse the original 1805 portion of the First Baptist Church but would also retain houses located at 58, 60 and 62 Federal Street in their current locations (see Figure 6). This concept assumes that the three historic houses would create a link between the east and west portions of Federal Street (across North Street, Rte. 114).

As a practical matter, unlike the 1805 First Baptist Church, the three houses cannot be adapted to fit programmatic needs of court uses due to space constraints and cannot be integrated into the new consolidated courts complex. Using these buildings for unrelated functions poses security issues, given their proximity to the new court complex. Perhaps more important than the practical challenges presented by retaining the houses is the negative impact on the civic presence of the new courthouse which would be largely blocked from Federal Street by the houses. Similarly, the relocated First Baptist Church would be compromised by being pushed to the edge of North Street and partially obscured from view.

This alternative is not preferred because of the unacceptable compromises required in both the design and siting of the new courthouse as well as the placement and presence of the relocated First Baptist Church. Both the new courthouse and the relocated church will be diminished by the retention of the

three houses. Without the houses, the relocated church and new courthouse will complete a streetscape that has developed as a prominent institutional block over the last 150 years, as cited in the National Register of Historic Places nomination form for the Federal Street Historic District.

### Mitigation

The proposed project includes benefits to the community and the greater public. In response to the City's desire to keep the courts downtown, DCAM has focused the siting of the new court facility within the immediate vicinity of the existing courthouses. Retaining the courts in downtown Salem not only ensures a continued contribution to Salem's economy and downtown businesses that benefit immensely from their close proximity to the courts, but also maintains Salem's prominence as the judicial center for Essex County. The reuse of the Registry of Deeds / Probate and Family Courthouse ensures the preservation of an historic and architecturally significant local landmark. The relocation and reuse of the First Baptist Church, as envisioned in Plan A and Plan C, also preserves an important historic resource which otherwise faces an uncertain future with a dwindling congregation. DCAM's commitment to working with the City to identify appropriate reuse alternatives for the County Commissioner's / Superior Court building will ensure consistency with the community's planning goals and the preservation of an additional treasured historic property. DCAM's investigation into opportunities for the relocation and reuse off-site of the three properties at 58, 60 and 62 Federal Street by others also provides for the possible retention of three historic properties.

The improvements that will result from the proposed removal of the North Street/Bridge Street interchange loop ramp will greatly improve the pedestrian and vehicular safety of a heavily traveled location that serves as a gateway to the downtown and provides direct pedestrian access to the adjacent MBTA commuter rail station. Lastly, the goal for the project to be LEED Silver certifiable will provide numerous environmental benefits through reuse of a previously developed site and the inclusion of sustainable design techniques and materials.