



Environmental Notification Form

For Office Use Only
Executive Office of Environmental Affairs

EOEA No.: 13725
MEPA Anal: BRIONY ANGLU
Phone: 617-226-1029

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: Lafayette Tides		
Street: 485 Lafayette Street		
Municipality: Marblehead & Salem, MA	Watershed: North Coastal	
Universal Tranverse Mercator Coordinates: 19T 345000 mE, 4706669 mN	Latitude: 42 31' 03" N Longitude: -70 59' 41" W	
Estimated commencement date: 2005	Estimated completion date: 2008	
Approximate cost: \$32,000,000.00	Status of project design: 25 %complete	
Proponent: 485 Lafayette Street Acquisitions, LLC c/o Mark Roberts, Esq., McRoberts, Roberts, Rainer, LLP		
Street 53 State Street		
Municipality: Boston	State: MA	Zip Code: 02109
Name of Contact Person From Whom Copies of this ENF May Be Obtained: Same as above		
Firm/Agency:	Street	
Municipality:	State:	Zip Code
Phone: 617-722-8222	Fax: 617-720-2320	E-mail: mroberts@mcrobertslaw.com

Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?
Project potentially exceeds threshold based Yes No
on DEP determination of site use.

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. 127401) 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): N/A

Are you requesting coordinated review with any other federal, state, regional, or local agency?

Yes DEP Chapter 91 License No

List Local or Federal Permits and Approvals: See Attachment A

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 checked="" 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 type="checkbox"/> Historical & Archaeological Resources |

Summary of Project Size & Environmental Impacts	Existing	Change	Total	State Permits & Approvals
LAND				<input checked="" type="checkbox"/> Order of Conditions <input type="checkbox"/> Superseding Order of Conditions <input checked="" 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 checked="" type="checkbox"/> Other Permits (including Legislative Approvals) – Specify: 1) Mass Housing 2) MHC s.106 Review *includes cul de sac and roadway ** See ENF for Chadwick Lead Mill Remediation which is being filed simultaneously with this filing. ***public water & sewer
	4.4			
New acres of land altered		4.4		
Acres of impervious area	0	0.92*	0.92	
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		
STRUCTURES				
Gross square footage	0	34,026	34,026	
Number of housing units	0	44	44	
Maximum height (in feet)	0	68.5	68.5	
TRANSPORTATION				
Vehicle trips per day	0	320	320	
Parking spaces	0	101	101	
WATER/WASTEWATER				
Gallons/day (GPD) of water use	0	9,680	9,680***	
GPD water withdrawal	0	0	0	
GPD wastewater generation/treatment	0	9,680	9,680***	
Length of water/sewer mains (in miles)	0	0	0	

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-site listed on MHC inventory) No

*PAL, Inc. was hired to conduct a reconnaissance survey (2002) and intensive survey (2005), both of which have been completed, which concluded that site was largely disturbed and with little archaeological or historical value. No further investigations are recommended. Reports by PAL have been provided to Mass Historical Commission. A copy of the report filed with MHC is included in Attachment B.

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

Yes (Specify _____) 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.)

Site Description:

In 1832, an existing grain grist mill was converted to produce white lead (a fine powder) for lead based paints, lead sheets and other lead products. The property was then used for lead production from 1830 through approximately 1910. At it's height of productivity, more than 4,000 tons of white lead were being produced annually. After lead production stopped, the building was used for various forms of storage until the structures burned and were razed in 1968.

A site locus map is included with this application. See Attachment C. The site has a significant shoreline and tremendous open space character (including a bike/walking path) but has a longstanding major lead contamination condition. Thus, the most cost effective, risk managed use for this site is that of a multi-family residential development. KSS is proposing to construct a 44 unit multi-family residential development on a portion of the site, utilizing MGL Chapter 40B. Thirty three (33) units will be sold at market rate and eleven units (11) will be sold to working people as affordable units with a deed restriction. See schematics affixed as Attachment D. The remediation of this and surrounding properties and wetland resource areas is described in the ENF filed simultaneously herewith by Glover Estates, LLC detailing the remediation of the contamination associated with the former Chadwick Lead Mill contamination. KSS will acquire the Site and construct its development once the site has been remediated and a Class A RAO has been filed for the Property.

The applicable MEPA threshold for the remediation project that potentially triggers a Mandatory EIR is the possible disturbance of 1 acre or more acres of land subject to Chapter 91 (301 CMR 11.03(3)(a)5). Hence, we are filing this Expanded ENF to provide the agencies and the public with the full record of studies that have been completed at the

Site. The exact acreage amount under DEP jurisdiction is subject to further interpretation, which will be done as part of the MEPA review and DEP Chapter 91 licensing process following the conclusion of the MEPA review.

The Remediation Project proponent is also making this MEPA filing in parallel with a separate filing by another proponent seeking to develop housing on the Site. While the two projects are separate, we acknowledge that the two parties have coordinated their efforts under the MEPA review for the purpose of giving the state agencies and public the greatest openness and transparency during the public comment period. This will afford everyone seeking to comment on the two projects the fullest opportunity to review the information and technical data submitted by both proponents in making their comments to MEPA.

Historically, the site received three Chapter 91 licenses, the first dating back to 1893 (#1502), followed by licenses in 1898 (#2177) and 1904 (#2848). These licenses were given to the owners of the former lead mill operations on the site at that time allowing them to fill in portions of the site along the Forest River to its mouth with Salem Harbor. Generally speaking, the original river tidal line for which permits were issued to allow filling corresponds to the upland area of the site in Salem from the present Salem boundary line westerly to the edge of the Forest River, which is now comprised of large stone blocks serving as a retaining wall that is approximately 10 to 20 feet high depending on the tidal elevations. This area constitutes the filled tidelands portion of the DEP jurisdiction under Chapter 91. This area is approximately 1.15 acres. Also subject to Chapter 91 jurisdiction are the lands that make up the beach area northerly from the bike trail to the waterline of the harbor. DEP jurisdiction extends from Mean High Water (MHW) line, seaward. This area is approximately 0.39 acres. However, the actual total area of soil disturbance required for the development is less than these acreage amounts, with no development activity occurring on the beach. There is also a portion of land along the beach that is above the MHW line and follows the northerly slope of the bike trail, and is outside of the historic tidelands, which is not subject to Chapter 91. This area is subject to review by the local Conservation Commission. It should be noted, further, that this MEPA Chapter 91 trigger is dependent on how DEP classifies the development activities being performed by 485 Lafayette Street, LLC and the remediation activities being performed by Glover Estates, LLC for purposes of licensing. At this time and for this MEPA filing, we have assumed that an EIR may be required; hence, we have filed this Expanded ENF requesting Single EIR that demonstrates that virtually all technical issues pertaining to MCP remediation activities for which permits are required and having MEPA review have been satisfactorily addressed.

Since the remediation must be completed at the Site before redevelopment can feasibly occur, and the remediation is being performed by another proponent under a separate Expanded ENF, this proponent has communicated with the proponent of the remediation project to assure that this MEPA filing as well as information on the respective projects' activities, timing and outcomes are coordinated.

Solution Alternatives:

Site alternatives are limited.

NO-BUILD: to maintain as unrestricted open space/parkland, the site would have to be cleaned-up to a standard that would not require an Activity and Use Limitation ("AUL") as defined in the Mass. Contingency Plan, 310 CMR 40.0000 on the land and therefore, would be cost prohibitive. Additionally, as the proponent is going to expend substantial sums to acquire the property, and has expended substantial sums in permitting and design, the no build alternative is financially infeasible.

A SINGLE FAMILY SUBDIVISION: While a single family subdivision is technically feasible, given the cost of acquisition and the ongoing responsibilities to maintain the requirements of the expected AUL make the financial viability of such a project questionable. Additionally, given the lack of affordable housing in Marblehead, the proponent has a right to build a multi-family development pursuant to Chapter 40B.

COMMERCIAL USE: as the gateway to Marblehead, the site should not be considered nor be used for commercial purposes as it is situated in an existing residential neighborhood and zoned accordingly.

Mitigation Measures:

Among the public benefits resulting from this project by virtue of removing the existing restrictions (and fencing) are:

- Economic revitalization of a site adjacent to Salem Harbor (contaminated for more than 150 years and dormant for over 40 years);
- Facilitating the remediation of the long-standing, extremely serious contamination (including lands owned by the City of Salem (.39 acres) and the Town of Marblehead (.96 acres);
- Facilitating the preservation/restoration of beachfront and historic filled tidelands;
- Facilitating the restoration of public open space including handicap accessible access to waterfront, shoreline, and bike trail;
- Development of a housing type not readily available in the market;
- Creation of affordable housing;
- Roadway and traffic improvements along Route 114/Lafayette Street (pedestrian traffic light at bike path);
- Water & sewer improvements.