

Commonwealth of Massachusetts
Executive Office of Environmental
Affairs ■ MEPA Office

ENF Environmental
Notification Form

<i>For Office Use Only</i>	
<i>Executive Office of Environmental Affairs</i>	
EOEA No.:	<u>139,33</u>
MEPA Analyst:	<u>Deirdre Buckley</u>
Phone:	617-626- <u>1044</u>

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: <i>Towle Riverwalk Condominiums</i>		
Street: <i>260 Merrimac Street</i>		
Municipality: <i>Newburyport</i>	Watershed: <i>Merrimack River</i>	
Universal Transverse Mercator Coordinates:	Latitude: <i>42°49'05" N</i> Longitude: <i>70°52'50"W</i>	
Estimated commencement date: <i>May 2007</i>	Estimated completion date: <i>November 2008</i>	
Approximate cost: <i>\$15,000,000</i>	Status of project design:	<i>75</i> %complete
Proponent: <i>First Republic Corp. of America, Attn: John Martin</i>		
Street: <i>302 Fifth Avenue</i>		
Municipality: <i>New York</i>	State: <i>NY</i>	Zip Code: <i>10001</i>
Name of Contact Person From Whom Copies of this ENF May Be Obtained: <i>David Ouellette, PE</i>		
Firm/Agency: <i>Port Engineering Assoc., Inc.</i>	Street: <i>1 Harris Street</i>	
Municipality: <i>Newburyport</i>	State: <i>MA</i>	Zip Code: <i>01950</i>
Phone: <i>978-465-8594</i>	Fax: <i>978-465-0313</i>	E-mail: <i>dave@portengineeringinc.com</i>

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. 11427) 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 301 CMR 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 (Specify: Joint review of the EIR (if required) and the DEP-Waterways ch. 91 license application will be requested) No

List Local or Federal Permits and Approvals:

Site Plan Special Permit (city Planning Board), Order of Conditions (city Conservation Commission), NPDES Phase II permit (EPA).

A Notice of Intent filing was submitted to the Newburyport Conservation Commission on June 14, 2006. A June 26, 2006 pre-application consultation with DEP-Waterways has prompted significant re-design of the proposed development, therefore the Notice of Intent plans are to be re-submitted.

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

- Land
- Water
- Energy
- ACEC

- Rare Species
- Wastewater
- Air
- Regulations

- Wetlands, Waterways, & Tidelands
- Transportation
- Solid & Hazardous Waste
- 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 checked="" 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 (including Legislative Approvals) – Specify: _____ _____ _____ _____ _____ _____
Total site acreage	7.6±			
New acres of land altered		2.0±		
Acres of impervious area	3.4±	1.4±	4.8±	
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		1.5±		
STRUCTURES				
Gross square footage	99,000±	41,000±	140,000±	
Number of housing units	0	15	15	
Maximum height (in feet)	87±	0	87±	
TRANSPORTATION				
Vehicle trips per day	1500±	1588±	1588±	
Parking spaces	269	57	326	
WASTEWATER				
Gallons/day (GPD) of water use	6000±	4290±	10,290±	
GPD water withdrawal	N/A	N/A	N/A	
GPD wastewater generation/treatment	6000±	4290±	10,290±	
Length of water/sewer mains (in miles)	0	0.2±	0.2±	

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: *The project falls within Priority Habitat 2 (PH 2) and Estimated Habitat 2 (WH 2) as indicated in the 11th Edition of the Massachusetts Natural Heritage Atlas. Refer to the attached NHESP maps.*) 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 _____) No

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.)

See attachment 1.

LAND SECTION – all proponents must fill out this section

I. Thresholds / Permits

A. Does the project meet or exceed any review thresholds related to land (see 301 CMR 11.03(1))
 ___ Yes X No; if yes, specify each threshold:

II. Impacts and Permits

A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings	<u>0.7</u>	<u>0.3</u>	<u>1.0</u>
Roadways, parking, and other paved areas	<u>2.3</u>	<u>0.8</u>	<u>3.1</u>
Other altered areas (describe) (lawns, landscaped areas, walkways)	<u>4.6</u>	<u>-0.9</u>	<u>3.5</u>
Undeveloped areas	<u>0</u>	<u>0</u>	<u>0</u>

B. Has any part of the project site been in active agricultural use in the last three years?
 ___ Yes X No; if yes, how many acres of land in agricultural use (with agricultural soils) will be converted to nonagricultural use?

C. Is any part of the project site currently or proposed to be in active forestry use?
 ___ Yes X No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a DEM-approved forest management plan:

D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? ___ Yes X No; if yes, describe:

ATTACHMENT 1

Project Description

The Project involves the construction of 15 units of housing on Merrimac Street in Newburyport, MA. The Project Site is located on a 7.6± acre parcel of land currently improved by a historic mill complex, including associated parking. The units of housing will be constructed primarily on a portion of the existing paved parking lot.

The developer of the Project has met numerous times with municipal and state officials during the design phase of the Project in order to maximize public benefits and mitigation measures while at the same time maintaining the financial viability of the Project. The Project will result in the creation of a wider greenspace area along the river as existing paved parking areas will be relocated to areas further upland on the property. Other public benefit and mitigation measures resulting from the Project include the establishment of a recorded conservation restriction preserving an unobstructed view corridor from Merrimac Street to the Merrimack River, the construction of a new public sidewalk from Merrimac Street to the river, a recorded historical preservation restriction on the so-called "1690" house located on the Project Site, the relocation of an existing structure from the Project Site onto the adjacent Cashman Park for use by the City of Newburyport (if so requested by the City), and the creation of a new seating area on a small bluff overlooking and adjacent to the river.

The developer of the Project has considered numerous alternatives in seeking to minimize and mitigate impacts under applicable regulatory requirements. Various alternative layouts were discussed with both state and local officials. Application of the overlay district provisions, particularly the view corridor from Merrimac Street to the river, limit developable portions of the Project Site. Chapter 91 regulations restrict development of housing within 100' of the Project shoreline. Parking needs associated with the existing use of the former mill buildings on the property, underground utility and drainage requirements limit the availability of upland portions of the property. The net result of the applicable regulations is that there are only very limited portions of the property in which development can feasibly occur.

There are two specific conceptual alternatives being considered by the developer of the Project. One alternative concerns the proposed construction of a pedestrian seating area that would be located on a small rise of upland at the northwesterly end of the proposed walkway. We have proposed this area in response to discussions with the Waterways program and with city officials. However, we understand that there may be concerns about the location of such a public amenity so near the river as a result of the proximity to possible rare and endangered species habitat.

The second conceptual alternative being considered by the developer concerns the stormwater drainage system proposed for the Project. An earlier design for the Project relied exclusively on structural stormwater Best Management Practices (BMPs), such as deep-sump catchbasins and Stormceptor water treatment tanks, for the removal of suspended solids from stormwater. The current Project design incorporates Low Impact Development principles into the stormwater management strategy. A wide landscaped island will separate the parking lot of the existing medical office building from the condominiums at the easterly portion of the site. Incorporated into this island is a stormwater forebay and a long, sinuous water-quality swale which will promote the settling of suspended solids and promote vegetative uptake of water-borne pollutants.