



The Commonwealth of Massachusetts

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January 3, 2007

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : 20 Salem Turnpike
PROJECT MUNICIPALITIES : Saugus
PROJECT WATERSHED : North Coastal
EOEA NUMBER : 13909
PROJECT PROPONENT : Rt. 107 Storage LLC
DATE NOTICED IN MONITOR : November 8, 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). I am confident that the proponent can address the remaining issues during the permitting process, and that this process will ensure that impacts are avoided, minimized, or mitigated to the greatest extent feasible.

As described in the Environmental Notification Form (ENF), the proponent proposes to subdivide the 4.1-acre project site, which is located on the Saugus River, into two parcels and construct a 90,600 square feet (sf) self-storage facility consisting of six individual buildings on the 2.7-acre inland parcel. The proponent proposes to create approximately 1.6 acres of new impervious area including site drives and parking for approximately 18 vehicles. The 1.4-acre parcel located adjacent to the Saugus River will maintain the existing auto repair and service use. The project site is located southeast of Salem Turnpike (Route 107), southwest of the Saugus River, northwest of a vegetated swale, and northeast of an auto storage and salvage lot. The entire property lies within the boundary of the Rumney Marshes Area of Critical Environmental Concern (ACEC), which is defined generally as the outer boundary of the 100-year flood elevation surrounding the Saugus and Pines Rivers and estuarine wetlands to the west of North Shore Road (Route 1A). The water bodies and wetlands of the Rumney Marshes ACEC are

classified as Outstanding Resource Waters (ORW) in the Massachusetts Surface Water Quality Standards.

The project is undergoing review pursuant to Section 11.03 (11)(b) and 11.03(3)(b)(5) of the MEPA regulations because the project is located within a designated Area of Critical Environmental Concern (ACEC) and involves a change in use of a new or existing unlicensed non-water dependent use of waterways or tidelands. The project will require a Chapter 91 License and a Section 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP) and a State Highway Access Permit from the Massachusetts Highway Department (MHD). The ENF did not acknowledge that the project requires a 401 Water Quality Certificate (WQC) from MassDEP for activities proposed in the ORWs. The ENF identifies a 404 Permit from the Corps of Engineers, which also necessitates a 401 WQC application. The project will also require Federal Consistency Review from the Massachusetts Coastal Zone Management Office (CZM) and an Order of Conditions from the Saugus Conservation Commission (and hence a Superseding Order from MassDEP if the local Order is appealed). MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, the required Chapter 91 License confers MEPA jurisdiction over issues related to waterways, tidelands, and wetlands. MEPA also has jurisdiction over land alteration, water quality and traffic issues.

The proponent proposes to subdivide the subject property into two parcels, one located along the Saugus River which will maintain its current use, and the other inland which will contain the proposed self-storage facility. The majority of the proposed construction will occur on the inland parcel. However, minor stormwater management improvements are proposed for the parcel along the Saugus River. As currently described, there will be no changes in use or structural alterations on the waterfront parcel, which currently contains an automobile repair business. On that basis, the proponent concluded that no Chapter 91 License would be required pursuant to 310 CMR 9.05(3)(b) for that parcel. That referenced regulation states that existing, unauthorized projects located on authorized, filled private tidelands, which have undergone no structural alterations or changes of use since January 1, 1984, do not require a Chapter 91 License.

In accordance with the anti-segmentation provisions in the MEPA regulations at 11.01(2)(c), the project has been and will be reviewed as one combined 4.1-acre parcel, not two subdivided parcels as described in the ENF. Having established that the project requires a Chapter 91 License, MassDEP will review and evaluate both the inland and waterfront parcels together, thereby ensuring that this non-water-dependent project will be evaluated in accordance with non-water-dependent standards described at 310 CMR 9.51-9.53.

Due to the designated status of the Saugus River as an ORW and an ACEC, I advise the proponent to use the best stormwater management practices as part of this project for compliance

with the Stormwater Management Policy. Specifically, stormwater infrastructure should ensure that oil and chemical runoff from the auto repair business on the waterfront parcel is adequately addressed as a 'Land Use with Higher Potential Pollutant Loads' under MassDEP's Stormwater Management Policy.

Based on the Massachusetts Geographical Information Systems' (MassGIS) maps the Saugus River supports an anadromous fish run. According to the Wetlands Protection regulations (310 CMR 10.35), the riverbank to be altered by the proposed stormwater outfall is considered significant to the protection of marine fisheries, unless the presumption has been overcome and the issuing authority has made a written determination to that effect. Where the bank is significant to the protection of marine fisheries, the Wetlands Performance Standards prohibit projects from adversely impacting the fish run.

The proposed storage buildings would be constructed within the 100-year floodplain. During permitting, the proponent must document first floor elevations are, at a minimum, consistent with the height restrictions above the flood elevation and floodplain standards established by the National Flood Insurance Program and State Building Code. I also recommend that the proponent consider Low Impact Design (LID) techniques in the implementation of the parking design. The proponent should integrate vegetated swales, use of native plant landscaping, and parking lot landscape islands into the design where possible.

Although the review of the ENF has not resolved all of the environmental issues associated with the project, I find that the impacts of the project do not warrant the preparation of an EIR and the proponent can resolve the outstanding issues during the permitting process. During permitting I anticipate that the proponent will develop appropriate mitigation for unavoidable impacts. In particular, I note the need for further consultation with MassDEP, the ACEC Program, CZM, the Massachusetts Water Resources Authority (MWRA) and the U.S. Environmental Protection Agency (EPA).

January 3, 2006

Date



Robert W. Golledge, Jr.

Comments received:

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| 11/27/06 | Department of Environmental Protection's Waterways Regulation Program |
| 11/27/06 | Massachusetts Water Resources Authority |
| 11/27/07 | Massachusetts Coastal Zone Management Office |
| 11/28/06 | Department of Environmental Protection's NERO Office |
| 11/29/06 | DCR's Area of Critical Environmental Concern (ACEC) Program |
| 11/30/06 | Executive Office of Transportation's Massachusetts Highway Department |

Comments received (continued):

11/30/06 U.S. Environmental Protection Agency
12/22/06 Department of Environmental Protection's Waterways Regulation Program

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