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June 23, 2006

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

PROJECT NAME	: Proposed Gas Station/Convenience Store with Drive-Through
PROJECT MUNICIPALITY	: North Andover
PROJECT WATERSHED	: Merrimack
EOEA NUMBER	: 13806
PROJECT PROPONENT	: 1503 Osgood Street LLC
DATE NOTICED IN MONITOR	: May 24, 2006

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 project consists of construction of a gasoline station with ten fueling positions, a 3,800 square foot (sf) convenience store with a donut shop and drive-through window, and thirty parking spaces. The project also involves demolition of two existing houses. The project site is approximately 6.1 acres and includes an intermittent stream and associated bordering vegetated wetlands.

According to the Environmental Notification Form (ENF), water use is estimated at 675 gallons per day (gpd) and will be provided through connections to the municipal system. An on-site septic system is proposed to handle wastewater flows, which are estimated at 675 gpd. Traffic impacts associated with the project are estimated at 1,800 vehicle trips on an average weekday. The proposed project will result in alteration of approximately 0.15 acres of land (including approximately 0.13 acres of new impervious area).

The project as proposed in the ENF is slightly below MEPA review thresholds for traffic. However, the proponent is considering additional development on the site in the future, which could result in a project at full build-out that meets or exceeds MEPA review thresholds. As noted in the ENF, the proponent intends to submit a Notice of Project Change once plans have

been developed for the eastern portion of the site. Based on information obtained during the MEPA site visit, it appears that a significant portion of the site will remain undeveloped due to the existing wetlands resources.

The project is undergoing MEPA review pursuant to Section 11.03(6)(b)13 because it may result in generation of 2,000 or more average daily trips on roadways providing access to a single location. The project requires a State Highway Access Permit from the MassHighway Department (MHD) for access onto Route 125. The project also requires an Order of Conditions from the North Andover Conservation Commission for work in the wetlands buffer zone (and, on appeal only, a Superseding Order from the Department of Environmental Protection (DEP)).

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. In this case, MEPA jurisdiction extends to traffic, wetlands, land, stormwater and drainage.

Traffic

The project site has frontage on Osgood Street (Route 125, Northbound). Proposed access to the site is from a driveway on Route 125 which will form the fourth leg of an existing signalized intersection (Route 125 and the former Lucent Technologies' south driveway). Traffic impacts for the project are estimated at 1,800 vehicle trips on an average weekday.

The ENF included a limited traffic study that generally conforms to the EOEA/EOT Guidelines for Traffic Impact Assessments. The Executive Office of Transportation (EOT) has determined that the proposed project will not have a negative impact on the state highway. However, the proponent will be required, as part of the MHD permit process, to make all necessary changes and updates to signal equipment to accommodate site traffic, and to provide adequate pedestrian and bicycle facilities. The proponent should also make every effort to maximize retention and infiltration of stormwater run-off on-site and avoid connection to the state highway drainage system. The proponent should consult with the MHD District Office during the permit process to address stormwater issues, traffic signal improvements, and Transportation Demand Management (TDM) measures.

Wetlands, Stormwater Management and Construction Activities

As further detailed in the ENF, the proposed stormwater system consists of a series of deep sump, hooded catch basins connecting to manholes and/or stormceptor treatment systems. Three stormceptor systems are proposed. Stormwater collected through the closed drainage system will discharge into two separate underground detention systems, and then to grass-lined conveyance channels and level spreaders. All roof run-off from the gas station canopy and convenience store will discharge into an underground infiltration system. As noted in the ENF, the project is being designed to meet DEP Stormwater Management Policy Standards for Total Suspended Solids (TSS), groundwater recharge, operation and maintenance, and other standards. The proponent should ensure that the proposed project will be designed to meet the DEP Stormwater Management Policy Standard for an Area of Higher Pollutant Load.

The proponent should ensure that appropriate erosion and sedimentation controls are implemented to avoid and minimize adverse impacts to wetlands and surface waters during construction activities. The proponent should also ensure that appropriate measures are implemented to avoid and minimize dust, noise, odor, traffic, and nuisance conditions associated with construction activities.

Sustainable Design

I encourage the proponent to require Leadership in Environmental Design (LEED) Certification for new construction. The incorporation of high performance/green building elements in project design will help reduce the environmental footprint of the final project in terms of energy and water consumption, ambient and indoor air quality, land alteration, and resource consumption. Other sustainable design measures, which can reduce project development and long-term operational costs, may include:

- water conservation and reuse of wastewater and stormwater;
- recycling and reuse of construction and demolition (C&D) materials;
- ecological landscaping;
- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful www.mass.gov/envir/lid and www.lid-stormwater.net);
- 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;
- provision of easily accessible and user-friendly recycling system infrastructure.

I have determined that the ENF has sufficiently defined the nature and general elements of the project and proposed measures to avoid and minimize environmental impacts. I am satisfied that any remaining issues can be adequately addressed during the state and local permitting and review process. The proposed project, as described in the ENF, requires no further review under MEPA. I remind the proponent that any development of the remainder of the project site will require a Notice of Project Change (NPC) in accordance with Section 11.10 of the MEPA regulations.

June 23, 2006
DATE

Stephen R. Pritchard, Secretary

Comments Received:

6/19/06 Executive Office of Transportation, Office of Transportation Planning

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