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July 25, 2007

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

PROJECT NAME: Waterfront Complex at Pickering Wharf  
PROJECT MUNICIPALITY: Salem  
PROJECT WATERSHED: South River/Salem Harbor  
EOEA NUMBER: 14049  
PROJECT PROPONENT: Congress Street Realty Trust  
DATE NOTICED IN MONITOR: June 25, 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 have reviewed the Environmental Notification Form (ENF) submitted on this project, and hereby direct the proponent to submit a Notice of Project Change (NPC). The project as described in the ENF is an extension of and will be physically connected to the Pickering Wharf Hotel and Retail Building project that underwent MEPA review in 2000. The NPC should be submitted for the MEPA file for the hotel project, EOEA #12167.

Project Description

As described in the ENF, the project involves the demolition of an existing two and half story marina services building and parking lot in order to construct a 58,069 square foot (sf) building and related amenities that will include convention/meeting space, hotel rooms, and residences. The project site is located on Congress Street in Salem on the South River. The proposed building will be five stories; however the ENF also mentions the potential for a 70-foot tall building on six floors, which would require a change to the City of Salem's Municipal Harbor Plan. The conference center building is proposed to be connected to the existing hotel via a second floor walkway.

### Jurisdiction

The project is undergoing review pursuant to Section 11.03(3)(b)(5) of the MEPA regulations because it requires state permits and because the proponent proposes a new non-water dependent use on filled tidelands. The project requires a Chapter 91 License from the Department of Environmental Protection (MassDEP); possible Federal Consistency Review from the Office of Coastal Zone Management (CZM); an Order of Conditions from the Salem Conservation Commission; compliance with the Salem Municipal Harbor Plan (MHP); and Site Plan Review and Planned Unit Development Approval from the Salem Planning Board. Pursuant to 301 CMR 11.01(2)(a)(3), because the project requires a Chapter 91 License, MEPA jurisdiction over the project is broad and extends to all aspects of the project with the potential to cause damage to the environment.

### MEPA History

In February 2000, the Pickering Wharf Realty Trust submitted an ENF for the development of a 99 room hotel and retail space at 223-231 Derby Street at the corner of Congress Street in Salem. The project also involved a minor relocation of an existing bank on the site at 19 Congress Street. The existing marina services building that will be demolished to allow the site to accommodate the conference center is located at 23 Congress Street. The hotel and the proposed conference center share the same access drive.

The MEPA project file indicates that during the local permitting of the hotel project, the Salem Planning Board conditioned its approval of the hotel on the proponent's commitment to building the currently proposed conference center as Phase 2 of the Pickering Wharf complex. In addition, the Order of Conditions issued by the Salem Conservation Commission states that the Order does not include approval of Phase 2 and that an additional Notice of Intent is required for the current project. In a Certificate dated March 24, 2000 the Secretary of Environmental Affairs determined that no further review was required on the hotel project. The hotel is currently fully constructed and in operation.

### Review of the ENF

Because the proposed Waterfront Complex is considered Phase 2 of a project previously reviewed by MEPA, the proponent should file an NPC on the Pickering Wharf hotel. The NPC should address the cumulative impacts of the proposed conference center project and the hotel. The project potentially requires changes to the City of Salem's MHP, which is currently under revision. I advise the proponent to allow the MHP process to be completed before submitting the NPC, as the project must comply with applicable provisions of the updated and approved MHP. In addition, based on comments submitted on the ENF, I find that the project would benefit from consultation with staff from MassDEP's Waterways Program and CZM.

The NPC should respond in full to detailed comments submitted on the current ENF from MassDEP, CZM and the public. In particular, the NPC should outline the project's compliance with the Chapter 91 waterways regulations, wetlands impacts (Land Subject to Coastal Storm Flowage), and proposed stormwater management. The proponent should also provide information

on traffic, parking, water, wastewater, historic resources and construction period impacts. The NPC should be circulated in compliance with 301 CMR 11.10(7), and to those who provided comments on the ENF for EOEA #12167 and the current ENF.

July 25, 2007  
Date

  
Ian A. Bowles

Comments received:

7/5/2007	R. Eric Rumpf
7/11/2007	Peg Harrington
7/12/2007	Tamsin M. Cameron
7/12/2007	Joshua Gray, Hank Zbyszynski & David Saia, Trustees, Pickering Wharf Condo Association
7/12/2007	Doreen M. Howell
7/13/2007	John D. Keenan, State Representative, 7 <sup>th</sup> Essex District
7/13/2007	Office of Coastal Zone Management
7/13/2007	Susan R. McNeil
7/13/2007	Jeffery S. Miner
7/13/2007	Taylor Cahill
7/13/2007	Patrick Cahill
7/13/2007	Vanessa Cahill
7/13/2007	Richard J. Horgan, III
7/13/2007	Marjorie O'Malley
7/13/2007	Donald Riggan
7/13/2007	Thomas K. Egan
7/13/2007	Rebecca A. May
7/13/2007	Thomas O. Egan
7/13/2007	Danigayle Harris
7/13/2007	Tom Herron
7/13/2007	Sylvia Cahill
7/13/2007	D. Timothy Wing
7/13/2007	Donna Crotty
7/13/2007	Michael and Colleen Collins
7/13/2007	Dirk Isbrandsten, Capt.'s Waterfront Grill and Club
7/13/2007	Mira Riggan
7/13/2007	Kimberley Driscoll, Mayor, City of Salem
7/16/2007	Department of Environmental Management, Northeast Regional Office
7/16/2007	Barbara Warren
7/16/2007	Patricia H. Zaido, The Salem Partnership
7/17/2007	Steve Falvey, New England Regional Council of Carpenters
7/19/2007	Steve Falvey, New England Regional Council of Carpenters

Not dated: Kristen Beals  
Jason Drapeau  
Valerie Drapeau  
John Tremblay  
Janice E. Young  
G. Thomas Martinson  
Dean H. Steeger  
Bruce B. Alexander  
William R. Cunningham  
Stephen J. Larkin  
Suzanne Herron  
Kathryn Sartwell  
Dorothy (last name unreadable)  
Albert & Kimberley Lane

IAB/BA/ba