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August 9, 2006

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

PROJECT NAME: : 240 & 242 Elliott Street  
PROJECT MUNICIPALITY : Beverly  
PROJECT WATERSHED : North Coastal  
EOEA NUMBER : 13829  
PROJECT PROPONENT : Bass River JDS, LLC  
DATE NOTICED IN MONITOR : July 10, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 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).

As described in the Environmental Notification Form (ENF), the project involves the redevelopment of a 2.38-acre portion of a previously developed (EOEA #12323) commercially-zoned parcel of property located on Elliott Street (Route 62) and abutting the eastern side of the Bass River in Beverly.

The project includes the construction of a new 1-story (4,500 sf) retail/restaurant building with drive-through operations, 45 surface parking spaces, and related stormwater management best management practices (BMPs). A separate existing 1-story (1,800 sf) retail building (#240 Elliott Street) located within the project site will remain as part of the proposed redevelopment project. Two existing buildings (#242 Elliott Street – 950 sf, storage building – 864 sf) will be demolished and removed from the project site. The proponent has also proposed to construct a 10ft wide public walkway along the Bass River shoreline boundary of the project site.

The project is undergoing review pursuant to Section 11.03(b)(5) of the MEPA regulations, because the project will result in expansion of an existing non-water dependent use of tidelands. The project requires an Order of Conditions from the Beverly Conservation Commission (and hence may require a Superseding Order(s) from DEP if any local Orders were appealed).

Portions of the proposed project located on filled tidelands including; a 450 sf concrete dumpster pad, four surface parking spaces and the proposed 10' wide public walkway, are subject to a Chapter 91 License review from DEP. The proponent must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction generally is limited to those aspects of the project that are within the subject matter of the required state permit, including land alteration, wetlands, and stormwater management.

### Land Alteration/Wetlands

In their comments, DEP has indicated that the proponent will need to avoid development within areas of existing vegetative cover, especially seaward of the proposed public walkway, to meet the riverfront protection standards in the wetlands regulations. The final project design should demonstrate the proponent's efforts to preserve and/or extend the existing vegetative cover within the project site to the maximum extent feasible.

### Stormwater

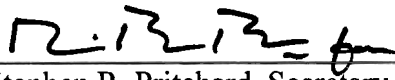
According to the proponent, the proposed project's stormwater management plan has been designed in compliance with DEP's Stormwater Management Policy, and incorporates best management practices (BMPs) including four deep sump catch basins, one deep sump double catch basin, six manholes, a Vortechnic water quality treatment unit, and reinforced concrete piping (RCP). The site has been graded to direct nearly all of the stormwater runoff generated by the impervious surfaces to be collected by these catch basins. The stormwater runoff will then be conveyed to the Vortechnic Water Quality Device, and then discharged into the Bass River via a storm water drain to be located at the toe of the coastal bank immediately adjacent to the high water line in the southwestern corner of the project site.

In their comments, DEP has indicated that the project site abuts a section of the Bass River that has been determined to be degraded from pollutants containing pathogens, and is listed as a Category 5 waterbody in the *Massachusetts Year 2006 Integrated List of Waters*. DEP has requested that the project's stormwater management plan restrict or regulate stormwater runoff from the project site to minimize impacts to the Bass River that might contribute to its impairment.

I ask that the proponent work closely with the City of Beverly to ensure that the stormwater management plan is in conformance with the City of Gloucester's National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater management permit program. The proponent should continue to work closely with DEP during the permitting process to address the comments received from DEP concerning the proponent's proposed stormwater management plan, and site design.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report.

August 9, 2006  
DATE

  
Stephen R. Pritchard, Secretary

Comments received:

07/31/06      **Massachusetts Department of Environmental Protection – NERO**

#13829 ENF  
SRP/NCZ/ncz