



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

IAN A. BOWLES
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

September 21, 2007

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

PROJECT NAME : Proposed Commercial Building
PROJECT MUNICIPALITY : North Andover
PROJECT WATERSHED : Merrimack River
EOEA NUMBER : 14066
PROJECT PROPONENT : GFM General Contracting Corporation
DATE NOTICED IN MONITOR : July 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (MEPA)(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). As part of the ENF submittal, the proponent requested a Full Waiver from its mandatory EIR review threshold. In a separate Decision also issued today, I have proposed to grant a Waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR) for the project. This Certificate sets forth the issues that must be addressed by the proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period. The Certificate on the ENF is contingent upon the granting of a Full Waiver in the Final Record of Decision (FROD). If a Full Waiver is not granted in the FROD, then the Secretary will reissue the Certificate on the ENF with an EIR scope.

Project Description

As described in the Environmental Notification Form (ENF), the proponent proposes to construct a two-story 21,031 square foot (sf) commercial office and retail building on a 2.03-acre development parcel located on Turnpike Street (Rt. 114) in North Andover.

The project includes approximately 5,550 sf of retail space and 4,100 sf of convenience market space on the 1st floor, approximately 11,400 sf of medical office space to be located on the second floor, 23 below-ground parking spaces and 96 surface parking spaces. The main site access will be located on Route 114. Two additional secondary site drives will be located on Berry Street. Using the Institute of Traffic Engineers Trip Generation land use code (LUC) 814 for Specialty Retail, LUC 710 for Medical Office, and LUC 851 for convenience market, the proposed project is estimated to generate approximately 3,544 vehicle trips on the average weekday. As described in the ENF, the project's potable water supply needs (2,300 gallons per day, (gpd) and wastewater flows (2,300 gpd) will be served by the Town of North Attleborough.

MEPA Jurisdiction

The project is subject to MEPA review and exceeds the mandatory EIR threshold at Section 11.03 (6)(a)(6) of the MEPA regulations, because the project will generate 3000 or more (3,544 vtd) new vehicle trips per day. The project will require a Curb Cut Permit from the Massachusetts Highway Department (MHD). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre. The proposed project was issued an Order of Conditions from the North Andover Conservation Commission on July 3, 2007 for impacts to wetland resource areas and buffer zones. MEPA jurisdiction is limited to the subject matter of the state permit required, including: traffic and land alteration.

Waiver Request

In accordance with Section 11.05 (7) of the MEPA regulations, the proponent has submitted an ENF with a request that I grant a full waiver of the EIR. The need for a Full Waiver request was discussed at the MEPA public consultation session for the project held on August 2, 2007. The ENF and supporting documentation received an extended comment period pursuant to Section 11.06(8) of the MEPA regulations. Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment. Section 11.11(3) provides that, in the case of the waiver of a mandatory EIR review threshold, the Secretary shall at a minimum base the finding required in accordance with Section 11.11(1)(b) on a determination that: a) the Project is likely to cause no Damage to the Environment; and b) ample and unconstrained infrastructure facilities and services exist to support the Project or those aspects of the Project within subject matter jurisdiction.

Traffic

In their comments, MassHighway has concurred with the proponent's traffic analysis indicating that the majority of vehicles trips generated by the project will be a result of pass-by traffic. According to MassHighway, the project's traffic impacts to the state highway system within the project area will be minimal. Any remaining issues pertaining to project design and traffic mitigation can be addressed during permitting. I find that the information submitted by the proponent regarding the project's vehicle trip generation impacts is sufficient. I find that the ENF meets the standards for a full waiver of an EIR.

Stormwater

As described in the ENF and additional information provided by the proponent to the MEPA Office, the project design incorporates the use of a significant amount of fill soils to raise the existing project site an average of five feet. According to the proponent, the project has been designed to meet MassDEP's Stormwater Management Policy standards and practices and will include deep sump hooded catch basins, Stormceptor water quality units and infiltration beds. The proponent anticipates that any system overflow from a 100-year storm event will be routed directly to the wetland resource area (intermittent stream/drainage channel) located along the eastern portion of the project site. I ask that the proponent consult with MassDEP regarding the use of particular Stormceptor water quality units and infiltration systems for fill soils. The proponent should strive to ensure that stormwater is retained and infiltrated on-site. The project's stormwater management plan should include a maintenance program for the drainage system to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, responsible parties, and back-up systems. The proponent should investigate all feasible methods of avoiding, reducing, or minimizing the amount of impervious surfaces associated with the project.

Construction Period

The proponent should analyze construction-period impacts, including temporary impacts to air quality, wetlands, erosion and sedimentation impacts, the extent of any blasting and/or earth movement (quantities and time periods) and impacts on wildlife resources. The proponent should consult with MassDEP and others to determine whether the project will require a federal NPDES permit for construction activities, and how the proponent will meet any performance standards associated with a required NPDES permit. The project will need to comply with MassDEP standards and regulations regarding construction emissions. Because the proponent has committed to resolve and improve the existing and proposed conditions regarding wetland impacts, no issues remain that require review in an EIR. I anticipate that the issues raised by MassDEP regarding the quantification and mitigation of the proposed project's impacts to BVW resource areas will be thoroughly addressed during MassDEP's project review and permitting process.

I have also issued today a Draft Record of Decision (DROD) proposing to grant a Waiver from the requirement to prepare an EIR for the project. The DROD will be published in the next edition of the Environmental Monitor in accordance with 301 CMR 11.15(2), which begins the public comment period. The public comment period lasts for 14 days. Based on written comments received concerning the DROD, I shall issue a Final Record of Decision or a Scope within seven days after the close of the public comment period, in accordance with 301 CMR 11.15(6). If the Full Waiver is not approved based on comments received on the DROD, then this Certificate on the ENF will be re-issued with a Scope for an EIR. Based on a review of the information provided by the proponent, a review of the comment letters, and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be handled by the permitting agencies.

September 21, 2007
Date



Ian A. Bowles, Secretary

Comments received:

- 08/15/07 Natural Heritage and Endangered Species Program (NHESP)
- 09/11/07 Massachusetts Highway Department (MassHighway)

ENF #14066
IAB/NCZ/ncz