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December 15, 2006

DRAFT RECORD OF DECISION

PROJECT NAME : Ambulatory Care Center/Medical Office Building
(formerly reviewed as 100 Endicott Street Parking
Improvements Project)

PROJECT MUNICIPALITY : Danvers

PROJECT WATERSHED : North Shore Coastal

EOEA NUMBER : 13198

PROJECT PROPONENT : Partners HealthCare System, Inc., LLC

DATE NOTICED IN MONITOR : November 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and Section 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed this project and hereby **propose to grant a waiver** from the categorical requirement to prepare an Environmental Impact Report (EIR). In a separate Certificate to be issued on December 15, 2006, I have set forth the outstanding issues related to the project that can be addressed by permitting agencies.

Background/Project History

Reviewed by MEPA in March 2004, the project originally involved the renovation and reuse of Osram Sylvania Corporation's existing 300,000 square feet (sf) office/light manufacturing building by Nordic Properties to accommodate approximately 300,000 sf of commercial office space, rehabilitation of an existing driveway and parking area and the construction of approximately 438 new additional surface parking spaces. The commercial office space reuse project was located on a 49-acre portion (Lot 1) of a 59-acre parcel of property located on Endicott Street and east of the Route 128/Endicott Street interchange in Danvers. The proposed additional parking spaces were required to bring the project into conformance with the design standards of the Town of Danvers Zoning Bylaw that requires parking ratio of four parking spaces per 1,000 sf of office space.

The original property owner, Osram Sylvania Corporation, retained ownership of the 10-acre Lot 2 development parcel abutting the northeastern corner of the project site and Endicott Street. The Certificate on the ENF required that a Notice of Project Change (NPC) be filed with the MEPA Office for any development proposal that may be proposed for Lot 2 prior to March 2009 to discuss both the full impacts of the proposed 100 Endicott Street reuse and expansion project, as well as the potential cumulative infrastructure impacts and site planning issues arising out of the full build-out (allowable as-of-right under current local zoning) of the Lot 2 development parcel.

Notice of Project Change (1st NPC) – Brightview at Danvers

In September 2006 a Notice of Project Change (NPC) was submitted to the MEPA Office for the proposed development of the Brightview at Danvers (Brightview) assisted living facility including a 160-unit assisted living facility with 137 new surface parking spaces and related utilities and stormwater management infrastructure on the 10-acre Lot 2 development parcel located on Endicott Street and abutting Lot 1 in Danvers. The Brightview project's potable water supply needs and wastewater flows (24,000 gallons per day (gpd)) will be served by the Town of Danvers' municipal water supply and sewer systems respectively. I note the Brightview project proponent has set aside a parking reserve area along the project site's southern boundary that could accommodate an additional 20 surface parking spaces. The Brightview project resulted in the additional alteration of approximately 6.72 acres of land area, the creation of approximately 3.25 acres of new impervious surface area and the alteration of approximately 1,842 sf of wetlands resource area.

Notice of Project Change (2nd NPC) – Ambulatory Care Center/Medical Office Building

Partners HealthCare System, Inc. (Partners) is proposing to construct a 120,000 sf ambulatory care center, 90,000 sf of medical space and 150 new additional surface parking spaces on a portion of Lot 1 located on Endicott Street and east of the Route 128/Endicott Street interchange in Danvers. The project also involves the demolition of approximately 150,000 of an existing 308,000 sf office building previously reviewed by the MEPA Office (February 2004). According to the proponent, approximately 157,000 sf of the existing office building will remain and will continue to be used as office space by the Osram Sylvania Corporation.

Jurisdiction

The Ambulatory Care Center project will require a 401 Water Quality Certification from MassDEP and an Order of Conditions from the Danvers Conservation Commission (and hence a Superseding Order from MassDEP if the local Order is appealed). The project will also require a revised state highway access permit from the Massachusetts Highway Department (MassHighway). The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre from the U.S. Environmental Protection Agency.

The proposed project change is also undergoing review and requires preparation of an EIR pursuant to section 11.03 (6)(a)(6) of the MEPA regulations because the project will generate 3,000 or more new vehicle trips per day (vtd) (3,018 new vtd) on roadways providing access to a single location. The proponent for the Ambulatory Care Center project is seeking state financial assistance for the proposed project. MEPA jurisdiction therefore extends to those all aspects of the project that have the potential to produce significant damage to the environment (wetlands, water quality, water, wastewater, and traffic).

Waiver Request

The NPC submitted on the project was noticed in the November 8, 2006 Environmental Monitor.

Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about benefits in excess of those that could be achieved in the absence of a waiver.

Findings

Based upon the information submitted by the proponent and after consultation with the relevant state agencies, I find that:

1. The Ambulatory Care Center project will create approximately 2.0 new acres of impervious area and the full-build project will create approximately 7.0 acres of impervious area. The stormwater management system for the Ambulatory Care Center and the full-build project must be designed in accordance with MassDEP's Stormwater Management Policy. I ask that the proponent work closely with MassDEP and the Town of Danvers to limit the impact of development through the use of Best Management Practices (BMPs) related to stormwater management, including an investigation into the feasibility of Low Impact Design (LID) stormwater management techniques. As I have indicated in the Certificate on the NPC, the proponent should continue to examine methods of avoiding or minimizing encroachment into wetland buffer zones including, but not limited to, relocating all or a portion of the proposed new surface parking area, reducing the total number of proposed surface parking spaces or reducing the size of each proposed parking space.

The proponent will recharge groundwater and infiltrate roof runoff to the extent practicable, manage peak stormwater flows, and improve water quality in a post development state. The proponent will prepare a stormwater pollution prevention plan in conjunction with its NPDES construction general permit. This stormwater pollution prevention plan must include ongoing operation and maintenance of the stormwater management facilities. As a condition of my granting the proponent's Waiver request, I am requiring the proponent to prepare an alternative parking plan for MassDEP that includes a reduction in the size of individual parking spaces and incorporates pervious materials.

2. The Ambulatory Care Center project will require approximately 4,455 gpd of potable water supply. The full-build project will require approximately 28,455 gpd of potable water supply. According to the comments received from the Town of Danvers, the proponent will be required to replace the western portion of the existing 8" water main from Sylvan Street to Route 128 to ensure adequate fire flows within the project area. The proponent must also comply with the Town of Danvers' Water Use Management Plan and will be required to incorporate water conservation and water use efficiency elements in the project design to achieve a 2:1 reduction in the project's potable water supply demand.
3. The Ambulatory Care Center project will require approximately 4,350 gpd of new wastewater flows. The full-build project will require approximately 24,000 gpd of new wastewater flows. The project may require a sewer extension/connection permit from MassDEP and will be required to demonstrate to MassDEP that there is adequate municipal sewer capacity for the proposed project.
4. Accordingly, the full-build project is expected to generate approximately 3,400 new vtd on local project area roadways. Access to the project site will be provided from Endicott Street via four separate signalized site drives (Driveway #1- #4). I note that Driveway #2 is not proposed for signalization. The proponent has committed to a number of traffic mitigation measures for the proposed project including:
 - Construction of a new Driveway #4 (entrance only) located across from the Route 128 northbound ramps.
 - Construction of a 100-foot right-turn lane along the eastbound Endicott Street approach to Driveway #4,
 - Construction of a three-lane westbound approach at the Endicott Street/Endicott Plaza/Driveway #3 intersection,
 - modifications to the roadway geometry associated with the Endicott Street/Driveway #2 intersection,
 - Implementation of a comprehensive Transportation Demand Management (TDM) program,
 - Provide a "fair share" contribution to the Water Street corridor improvements based on recommendations contained in the Water Street Corridor Study commissioned by the Danvers Traffic Advisory Committee, and

- Installation of a closed-loop traffic signal coordination system to include the following intersections:

Endicott Street/Route 128 southbound ramps;
 Endicott Street/Route 128 northbound ramps;
 Endicott Street/Endicott Plaza/site Driveway #2; and
 Endicott Street/Hutchinson Drive/site Driveway #1

The proponent will work with the Town of Danvers, MassHighway and the MBTA to provide supplemental data requested in the NPC comment letters related to traffic impacts and mitigation, and opportunities for accommodating existing MBTA bus routes at the project site prior to commencement of project construction.

5. Additional review in the form of an EIR is not likely to serve to minimize or avoid further damage to the environment. The presently disturbed nature of the site, the adequacy of infrastructure and agreements regarding traffic, water supply and wastewater, and the mitigation proposed by the proponent in the NPC results in a situation where it appears the damage to the environment has been minimized or mitigated.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. Therefore, I propose to grant the waiver requested for the Ambulatory Care Center/Medical Office Building project, subject to the above findings. This Draft Record of Decision (DROD) shall be published in the next issue of the Environmental Monitor for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver. Should, based on the comments received on the DROD, I determine not to grant the full EIR waiver, a revised Certificate on the NPC will be issued to the proponent outlining a scope for the preparation of an EIR.

December 15, 2006

Date

 Robert W. Gollledge, Jr.

RWG/NCZ/ncz

Comments received:

12/11/06	Town of Danvers
12/12/06	Massachusetts Department of Environmental Protection – NERO
12/13/06	Massachusetts Highway Department (MHD)

EOEA #13198 2nd NPC Ambulatory Care Center/100 Endicott Street Parking Improvements