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October 20, 2017

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

PROJECT NAME : 0 Farm Avenue and 0 Forest Street
PROJECT MUNICIPALITY : Peabody
PROJECT WATERSHED : North Coastal Basin
EEA NUMBER : 15763
PROJECT PROPONENT : Farm Avenue Two Lots LLC, as Trustee of Farm Avenue
Two Lots Realty Trust
DATE NOTICED IN MONITOR : September 20, 2017

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) 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).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of a wetland crossing to an upland area on a site off Farm Avenue in Peabody. The crossing consists of an approximately 600-foot long, 24-foot wide road from the parcel at the front of the site through a system of wetlands to access the upland area at the rear of the site. The access roadway will be constructed within a 60-foot wide access, construction, and maintenance easement which connects the front parcel to the rear parcel. The Proponent has not identified the proposed use for the rear upland area; however, it is likely the Proponent will construct a gravel yard that will support its commercial property service business and include a one-story 30-foot by 120-foot building. The building would provide space for a small office and equipment storage and potentially provide space for similar uses by others. Any proposed development will include associated parking spaces, utilities, a stormwater management system, and landscaping. Vehicular access is proposed from the existing driveway off Farm Avenue. It will be served by municipal water and sewer facilities located in Farm Avenue.

Project Site

The 3.7-acre project site is proximate to the intersection of Farm Avenue and Forest Street. It is comprised of two non-contiguous parcels of land owned by the Proponent; a 0.49-acre parcel fronts Farm Avenue (0 Farm Avenue) and a 2.57-acre rear landlocked parcel which is adjacent, but has no access, to Interstate 95 (I-95) (0 Forest Street). The rear parcel became isolated when I-95 was constructed. The project site includes 0.62 acres of the 25 Farm Avenue parcel, owned by a separate entity, which is located within a 60-foot wide access, construction, and maintenance easement. According to the ENF, this easement was appropriated by the Commonwealth through an eminent domain taking in 1971 for the I-95 corridor realignment¹ and includes the right to enter upon the land within the easement to construct a roadway and utilities. This easement will allow access from the 0 Farm Avenue parcel, which is not developable, to the landlocked parcel. The project site is currently vacant, mostly wooded, with some areas of clearing on the rear parcel, and includes areas of Bordering Vegetated Wetlands (BVW) and Isolated Vegetated Wetlands (IVW).

Environmental Impacts and Mitigation

Potential environmental impacts associated with the project include alteration of 3.3 acres of land; creation of 0.4 acres of impervious area; and alteration of wetland resource areas including 3,365 square feet (sf) of BVW and 10,540 sf of IVW. Measures to avoid, minimize and mitigate impacts include replication of BVW and IVW at a ratio greater than 1:1; implementation and maintenance of a stormwater management system; and use of erosion and sedimentation control best management practices (BMPs) during construction.

Permits and Jurisdiction

The project is undergoing MEPA review pursuant to 310 CMR Section 11.03(3)(b)(1)(d) of the MEPA regulations because it requires a State Agency Action and includes alteration of 5,000 or more sf of BVW. The project requires a Section 401 Water Quality Certification (WQC) from the Massachusetts Department of Environmental Protection (MassDEP).

The Peabody Conservation Commission issued an Order of Conditions on January 11, 2017 that was not appealed. The project requires a Clean Water Act (CWA) Section 404 General Permit from the U.S. Army Corps of Engineers and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA).

Because the Proponent is not seeking Financial Assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required State Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands.

Review of the ENF

The ENF includes a description of the project, existing and proposed conditions plans, and an analysis of alternatives to access the rear parcel. It identifies environmental resources, proposed impacts

¹ Instrument, page 14, recorded at the Essex South Registry of Deeds in Book 5777, Page 309.

and measures to avoid, minimize, and mitigate environmental impacts. The Proponent provided supplemental information during the MEPA review period to address questions raised at the MEPA site visit including an analysis of alternatives for the rear parcel. For the purpose of clarity, references to the ENF in this Certificate include this supplemental information.

The ENF considers three access alternatives including: access via 252 Forest Street; access via 25 Farm Avenue; and access via the easement (Preferred Alternative). The Proponent rents property at 252 Forest Street and sought to purchase permanent, unrestricted access to the project site via Forest Street within upland areas. However, the property owners were unwilling to provide a permanent easement and would only allow temporary access. Because the Proponent intends to develop the landlocked parcel, the Proponent wants a permanent solution. The Proponent has procured temporary access for project construction to minimize the operation of equipment within wetland resource areas for the Preferred Alternative. The Proponent sought to obtain an easement and/or shared driveway from the owners of 25 Farm Avenue. This alternative was infeasible because the property owner would not consider it. The ENF indicates that the Preferred Alternative is the only viable option. The Proponent will minimize impacts through the use of retaining walls near wetland resource areas.

The Proponent also analyzed potential uses for the rear parcel to determine additional project impacts associated with traffic trips, water use, and wastewater generation. The project site is located within the Designated Development District which has a wide range of allowable uses. The analysis indicates that it is unlikely that development of the rear parcel for a variety of uses would exceed additional MEPA review thresholds.

Wetlands and Stormwater

The Peabody Conservation Commission has reviewed the project for consistency with the Limited Project provisions of the Wetlands Protection Act (WPA), the Wetlands Regulations (310 CMR 10.00) and associated performance standards, including stormwater management standards (SMS). Based on its review, an Order of Conditions was issued for the project. MassDEP will review the project for consistency with the 401 WQC regulations (314 CMR 9.00). MassDEP may require additional information regarding practicable avoidance and minimization of alteration to wetlands and project mitigation.

The project proposes permanent alteration of 3,365 sf of BVW and 10,540 sf of IVW associated with the construction of the 600-foot long 24-foot wide access road, and grading activities within IVW only on the rear parcel. The Proponent will replicate wetland resource areas at a minimum 1:1 ratio including 4,233 sf of BVW and 10,475 sf of IVW. The project will also include 10,540 sf of enhanced habitat area through the use of vegetated biofiltration swales. Replication of BVW and portions of IVW will occur on the front parcel (Farm Avenue) rendering it almost entirely undevelopable. Replication of IVW will also occur on the rear parcel.

The ENF includes a Wetland Replication Plan that describes the conversion of existing upland area to wetlands. The ENF's site plans depict the location of the wetland alteration and proposed locations for wetland replication. The ENF describes the project's compliance with the performance standards for BVW specified in 310 CMR 10.55(4)(b).

The ENF indicates that the project will fully comply with the SMS and provide collection, treatment, detention, and recharge of stormwater runoff. The system will be designed to ensure that post-development peak flow rates will be less than pre-development rates.

Construction Period

The project must comply with the Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54. All construction activities should be undertaken in compliance with the conditions of all State and local permits. The ENF includes a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the requirements associated with the NPDES CGP. Erosion and sedimentation control measures should be implemented, inspected, and maintained throughout the construction period, and repairs to these measures should be made in a timely and effective fashion. I encourage the Proponent to use contractors that have installed after-engine emissions controls that are EPA-certified, or their equivalent, on all of the off-road diesel vehicles/equipment. The ENF indicates that equipment will be turned off when not in use. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD).

Conclusion

The ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Based on the information in the ENF and after consultation with State Agencies, I find that no further MEPA review is required at this time.



October 20, 2017
Date

Matthew A. Beaton

Comments Received:

None

MAB/PPP/ppp