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August 24, 2012

FINAL RECORD OF DECISION

PROJECT NAME : Salem Intermodal Station
PROJECT MUNICIPALITY : Salem
PROJECT WATERSHED : North Coast
EEA NUMBER : 14920
PROJECT PROPONENT : Massachusetts Bay Transportation Authority
DATE NOTICED IN MONITOR : August 8, 2012

Pursuant to the Massachusetts Environmental Policy Act (M.G.L.c.30, ss. 61-62I) and Section 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF) and hereby **grant a waiver** from the categorical requirement to prepare an Environmental Impact Report (EIR).

Project Description

As described in the EENF, the project consists of the construction of a new five-story, 231,141-square foot (sf), 715-space parking garage to replace an existing 344-space surface parking lot. The project includes: a nine-car high-level commuter rail platform; an at-grade bus platform; a taxi lane; a kiss-and-ride drop-off/pick-up area; pedestrian sidewalks, a pedestrian bridge leading from the Bridge/Washington Street intersection to elevators; and stairs down to the commuter rail platform. It will provide new public open space with opportunities to enjoy passive recreation and enhanced views of the Salem waterfront and rehabilitate the exterior of the existing Salem Signal Tower. The project site contains approximately 5.74 acres.

State Permits and Jurisdiction

The project required a mandatory EIR and is undergoing review pursuant to 301 CMR 11.03 (3)(a)(5) of the MEPA regulations because it is being undertaken by a State Agency and include the construction of a new non-water-dependent structure occupying one or more acres of

waterways or tidelands, which requires a Chapter 91 Waterways License from the Massachusetts Department of Environmental Protection (MassDEP). It will also require a Vehicular Access Permit and Traffic Signal Permits from the Massachusetts Department of Transportation (MassDOT). The project may require Federal Consistency Review by the Massachusetts Office of Coastal Zone Management (MCZM). It will require an Order of Conditions from the Salem Conservation Commission, and, on appeal only, a Superseding Order of Conditions from MassDEP. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from a construction site and for dewatering (if required).

Because the project is being undertaken by a State Agency, MEPA jurisdiction is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment, as defined in the MEPA regulations.

Summary of Potential Environmental Impacts

According to the documentation provided in the EENF, the project's impacts to wetland resource areas are estimated to affect the following: 248,294 sf of Land Subject to Coastal Storm Flowage (LSCSF) (temporary); and 83,640 sf of buffer zone. Because a Chapter 91 Waterways License is required, Riverfront Areas are exempted from review under the wetlands regulations. The entire project site of 5.74 acres is classified as formerly filled tidelands. There is no increase in the peak rate of runoff from the site. The project will generate approximately 380 new vehicle trips to the site on a daily basis. It will consume approximately 3,640 gallons per day of potable water and generate approximately 4,222 gpd of wastewater. The MBTA estimates that the project will generate approximately 1,008 tons per year of carbon dioxide (CO₂) in its Greenhouse (GHG) analysis. The estimated change in noise levels from the proposed project is estimated at approximately 3 decibels (dB), which is imperceptible to the human ear. The proposed project will adversely impact the archaeological site of the former Salem Roundhouse, which the Massachusetts Historical Commission (MHC) states is eligible for listing in the National and State Registers of Historic Places. The temporary environmental impacts from construction of the project include: noise, air quality (dust), and water quality (runoff).

Summary of Proposed Mitigation Measures

On-site impervious areas will be reduced by 0.65 acres. Stormwater runoff from driveways and drop-off areas will be collected in deep sump hooded catch basins, which flow to water quality units. The MBTA will implement a comprehensive source control program that will include pavement sweeping, catch basin cleaning, and maintenance of dumpsters, compactors, and the loading area.

Low-flow toilets and metering faucets will control water use and prevent waste. To the greatest extent practicable, the MBTA will incorporate native groundcover, which, once established, will not require irrigation.

The proposed site grading will generally match existing conditions when addressing the tidal flood zone. To avoid, minimize, and mitigate potential impacts to wetlands adjacent to the

project area, the MBTA has incorporated construction-period sedimentation and erosion controls into the project design. The MBTA will implement post-construction structural and non-structural Best Management Practices (BMPs) to treat stormwater runoff and significantly improve the quality of stormwater discharges. The MBTA will expand the amount of landscaped green space.

At the Bridge Street/Route 114 Ramps, the MBTA has proposed to revise the traffic signal cycle time and phase split modification, to provide signal coordination with the Bridge Street/MBTA driveway and Bridge/Washington Streets, and to reduce the westbound left storage lane from 200 to 160 feet. The MBTA will provide a phase split modification at the Bridge/Washington Street signalized intersection. It has committed to design and construct a new traffic signal at the Bridge Street/MBTA driveway.

For air quality, the MBTA will implement a construction retrofit program of equipment with emission control technologies such as oxidation catalysts and particulate filters. To reduce GHG emissions, the MBTA will implement the following mitigation measures:

- Use of fluorescent lighting, reduced operation of perimeter lighting, and associated reductions in lighting intensity;
- Use of astronomical clock timers or light sensors as appropriate to limit the operation of exterior and perimeter lighting during summer periods when more daylight is available;
- A review in the final project design of the use of advanced elevators (machine room-less, permanent magnet gearless with efficient drives);
- A review of light emitting diode (LED) lighting in the final project design;
- Installing solar (photo voltaic (PV)) panels if funding is available, or the pursuit of a third party to install PV panels and purchasing the power generated (a power purchase agreement);
- Continued purchase of electricity from certified renewable energy sources, per MBTA policy;
- Using natural draft ventilation for stairwell shafts;
- Providing improved Americans with Disability Act (ADA)-compliant access, car share service, kiss-and-ride access, electric vehicle charging stations, and bicycle racks to promote greater use of and ridership from the Salem Intermodal Station; and
- Implementing traffic signalization improvements with LED lights.

The MBTA should consider installing pay stations within the parking garage to reduce idling at the vehicle exits.

To ensure compliance with state and local noise regulations during construction, the MBTA will seek to incorporate into the construction documents, the following mitigation measures:

- Mufflers on noise-generating equipment will be properly maintained;
- The smallest appropriate and available equipment will be used for each construction task;
- Contracts will include language requiring contractors to properly maintain equipment;

- Back-up alarms on equipment will be adjusted to the lowest possible volume to reduce noise without compromising safety;
- When feasible, equipment not in use will be turned off;
- Construction operations and techniques will be replaced with less noisy ones when feasible (e.g., welding instead of riveting, and mixing concrete off-site);
- Noisy equipment on-site will be located as far as feasible from sensitive receptors;
- Engine housing panels on all operating equipment will be kept closed;
- Electrical equipment will be used as soon as feasible to reduce the use of portable generators; and
- Temporary noise barriers will be constructed, as necessary, around the site or specific equipment to shield the neighborhood from construction noise.

The MBTA will rehabilitate the exterior of the Signal Tower. Its Construction Management Plan will include measures to protect the Signal Tower from construction-related activities. The MBTA will mitigate the adverse impacts to the Salem Roundhouse archaeological site by conducting a data recovery program. This data recovery program will consist of the machine stripping, mapping, recording, and targeting the excavation of the roundhouse foundation remains, turntable pit foundation remains, and the surrounding yard areas within the delineated site area. A public education component consisting of the production of brochures, educational curriculum, and/or interpretive signage will be developed in consultation with MHC, the Salem Historical Commission, and Historic Salem Incorporated.

The MBTA will maintain public safety and access to the commuter rail station throughout the construction period. It will designate a truck route for access to the project site. Construction personnel will not be permitted to park personal vehicles in the adjacent neighborhood. The construction contractors will implement dust control measures, such as wetting agents, truck covers, the use of ultra low-sulfur diesel fuel, vehicle tracking pads, and street sweeping.

Waiver Request

The MBTA filed an EENF with the MEPA Office on June 15, 2012, that was subsequently noticed in the June 20, 2012, Environmental Monitor. Upon review of the EENF, it was determined that the cumulative impact of the project exceeded a mandatory EIR threshold for the construction of a new non-water dependent structure occupying one or more acres of waterways or tidelands, which requires a Chapter 91 Waterways License from MassDEP. In the EENF, the MBTA requested a full waiver from the preparation of a mandatory EIR. An extended review period of 37 days was held for the project in accordance with 301 CMR 11.11. The waiver request was discussed at the MEPA site visit for the project which was held on June 28, 2012.

Standards for All Waivers

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the

provision or requirement would:

- (a) Result in an undue hardship for the proponent, unless based on delay in compliance by the proponent; and,
- (b) Not serve to avoid or minimize Damage to the Environment.

Determinations for an EIR Waiver

The MEPA regulations at 301 CMR 11.11(3) state that, in the case of a waiver of a mandatory EIR review threshold, I shall at a minimum base the finding required in accordance with 301 CMR 11.11(1)(b) stated above 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 those aspects of the project within subject matter jurisdiction.

Findings

Based upon the information submitted by the MBTA and after consulting the relevant state agencies, I find that the waiver request has merit and that the MBTA has demonstrated that the proposed project meets the standards for all waivers at 301 CMR 11.11(1). I find that strict compliance with the requirement to prepare a mandatory EIR for the project would result in an undue hardship for the MBTA. By replacing the existing 344-space surface parking lot/commuter rail platforms with an appropriately-sized 715-space parking garage and nine-car high-level commuter rail platform, the project will provide additional parking to meet commuter rail demand and additional passenger accessibility, safety, and comfort.

I also find that compliance with the requirement to prepare an EIR for the project would not serve to avoid or minimize Damage to the Environment. In accordance with 301 CMR 11.11(3), this finding is based on my determination that:

1. The project is not likely to cause Damage to the Environment:
 - The project will not result in significant environmental impacts. The project site consists of a previously developed parcel containing a paved surface parking lot. Impacts to wetland resources (approximately 248,294 sf of Land Subject to Coastal Storm Flowage (LSCSF), previously developed Riverfront Area, and 83,640 sf of Buffer Zone) will occur as a result of project activities. The property is separated from the North River by active freight tracks and an existing seawall. While the freight tracks are owned by the MBTA, the MBTA does not have control over the tracks. The project requires a Chapter 91 Waterways License for the construction of a new non-water-dependent infrastructure facility of 3.15 acres on a 5.74 acre site. However, these impacts will be mitigated and permitted through the Chapter 91 Licensing process. The proposed project will reduce the amount of affected tidelands by approximately 0.65 acres as compared to the

existing surface parking area. Finally, the mitigation for the proposed project will enhance the function and value of approximately 5.74 acres of previously filled Commonwealth Tidelands.

- The MBTA will be required to obtain permits from MassDEP (a Chapter 91 Waterways License), the U.S. Environmental Protection Agency (a National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges and for potential dewatering), and the Salem Conservation Commission (an Order of Conditions). It is anticipated that each of these permits will include conditions to ensure compliance with applicable regulations and standards.
- The proposed project will significantly improve the quality and quantity of stormwater flowing from the 5.74-acre site of formerly filled tidelands.

2. Ample and unconstrained infrastructure facilities and services exist to support those aspects of the project within subject matter jurisdiction:

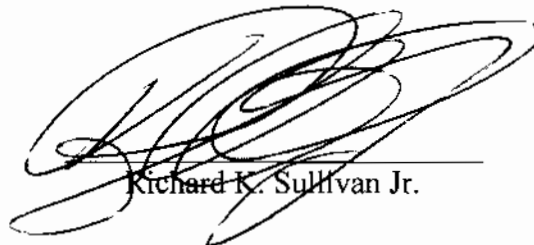
- The project does not require any new infrastructure facilities/services. Commuter rail trains and MBTA buses already operate on the project site. The existing access driveway will be utilized for access, and it will be improved by new roadway geometrics and signalization. Adjacent traffic intersection signals will be adjusted and coordinated with the proposed signal at the site driveway and Bridge Street. The project will result in critical upgrades to existing infrastructure that will help to ensure protection of environmental resources, public health, and safety while increasing public parking and pedestrian and bicycle access for commuter rail service.
- The planned widening and associated improvements at Bridge Street is currently under design by MassDOT. The Bridge Street project will cause a loss of existing on-street parking in this area. Therefore, the Salem Intermodal Station project should be designed, permitted, and constructed prior to the Bridge Street project.

Conclusion

Based on these findings, I have determined that this waiver request has merit, and issued a Draft Record of Decision (DROD), which was published in the Environmental Monitor on August 8, 2012, in accordance with 301 CMR 11.15(2), which began the public comment period. The public comment period lasted for 14 days and ended on August 22, 2012. Based on the written comments received concerning the DROD and consultation with the permitting agencies, I hereby grant the waiver requested for this project, subject to the above findings, and conditions, if applicable.

August 24, 2012

Date



Richard K. Sullivan Jr.

