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February 22, 2007

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

PROJECT NAME	: J. Michael Ruane Judicial Center/Salem Trial Courts
PROJECT MUNICIPALITY	: Salem
PROJECT WATERSHED	: North Coastal
EOEA NUMBER	: 13944
PROJECT PROPONENT	: Massachusetts Division of Capital Asset Management
DATE NOTICED IN MONITOR	: January 9, 2007

Pursuant to the Massachusetts Environmental Policy Act (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).

Project Description

The project consists of re-development of a 3.8 acre site in downtown Salem. It includes construction of a 190,000 square foot (sf) consolidated Trial Court Facility by the Division of Capital Asset Management (DCAM). The facility will consolidate Superior Court, District Court, Housing Court, Juvenile Court and the Law Library (Probate and Family Court operations will continue within the existing building). The County Commissioner and Superior Court buildings will be vacated by the courts. The ENF does not identify planned uses for the vacated buildings although it does indicate that restrictions will be placed on the structures to ensure their maintenance and preservation. The project proposal includes removal of the loop ramp located in the southeast quadrant of the North Street/Bridge Street interchange.

The ENF identifies and describes three on-site alternatives considered by DCAM, which are summarized below. The ENF identifies Plan A as the Preferred Alternative.

Plan A: relocation and reuse of the 1805 portion of the Baptist Church, demolition or relocation off site of the wood-frame houses and construction of a new building on the northwest corner of the parcel. The Registry of Deeds/Probate building would be renovated and reused.

Plan B: relocation off-site or demolition of the three houses and retention of the Baptist Church. Construction of a larger building to accommodate the court functions that would be included in the Church building under Plan A.

Plan C: relocation and reuse of the Baptist Church and retention of the houses in their current location.

The site is bounded by Bridge Street and the Massachusetts Bay Transportation Authority (MBTA) train station and parking lot to the north, Washington Street to the east, Federal Street to the south and North Street to the west. The site is located within two historic districts, including the Federal Street Historic District which is listed in the State and National Registers of Historic Places and the Essex County Court Building Complex. Existing buildings on the site include the 1841 County Commissioner's Building (also known as the Old Essex County Courthouse), the 1862/1889 Superior Courthouse and the 1090 Clarence Blackall courthouse (the Registry of Deeds and Probate and Family Courthouse), the 1805 First Baptist Church, and three historic wood-frame properties at 58, 60 and 62 Federal Street. Approximately 2.2 acres of the site is owned by the Commonwealth, .8 acres is owned by private owners and .8 acres is owned by the City of Salem.

Impacts associated with the Preferred Alternative include alteration of 1.9 acres of land, creation of an additional .3 acres of new, impervious surfaces and generation of approximately 1,884 new vehicle trips per day.¹ It includes the vacating of two historic buildings, construction of a new building in a historic district and demolition (or transfer) of three historic buildings.

Efforts to avoid, minimize and mitigate project impacts include: re-development of an existing site in an urban area with close proximity to transit; design of a high-efficiency, sustainable building that will comply with the Massachusetts LEED Plus standard (and could be certified at the Silver level by the U.S. Building Council's Leadership in Environmental and Energy Design (LEED)); development of a stormwater management system to address the increase in impervious surfaces; and development of appropriate roadway mitigation and pedestrian infrastructure.

Permitting and Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03 (10)(b) because it consists of demolition of all or any exterior part of any Historic Structure listed in or located in

¹ This estimate is based on additional information submitted by the proponent on February 7, 2007 and includes a higher trip generation associated with the re-use of the court buildings.

any Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth and it requires a transfer of state land. The project requires review by the Massachusetts Historical Commission (MHC) and will include a land transfer by the Division of Capital Asset Management (DCAM).²

Because the project involves state funding and a transfer of state land, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment. These include historic resources, open space, transportation, stormwater and wastewater.

Based on a review of the comment letters, it is clear that the City of Salem and the community strongly support the retention of court uses at this site. In addition, most commentors have complimented DCAM on the open, public process that has been conducted to date. Senate Majority Leader Frederick E. Berry, Representative John D. Keenan, Mayor Kim Driscoll and many other commentors, including the Essex National Heritage Area and the Salem Partnership, strongly support the Preferred Alternative as proposed while identifying outstanding issues that must be addressed by DCAM and the City. Other commentors, including MHC, Historic Salem, the Federal Street Neighborhood Association and the Alliance of Salem Neighborhoods advocate for additional analysis of alternatives and express stronger concern with unresolved issues. Identification of other uses for the County Commissioner and Superior Court buildings, prior to vacancy of the building by the courts, has been identified as a particular concern. Other issues that have been identified are related to the provision of adequate roadway mitigation and safe pedestrian and bicycle access and coordination with ongoing projects in the vicinity. DCAM has stated that it will coordinate with the Massachusetts Highway Department (MHD) and the MBTA regarding roadway reconstruction, mitigation and the proposed parking garage. DCAM has also committed to work closely with the City and the community, including the abutting neighborhood, to develop a design appropriate to its context within designated historic districts. The City has indicated it will coordinate with state agencies regarding adaptive reuse of the court buildings and to continue developing plans to address roadway mitigation and parking.

Based on a review of the ENF, the additional materials submitted by the proponent on February 7, 2007, consultation with public agencies, and review of public comment letters, I have determined that no additional MEPA review is warranted. The proponent can address the development and/or refinement of appropriate mitigation for historic and environmental impacts through subsequent state and local review and permitting processes. I encourage the proponent to work cooperatively with MHC during the consultation process to further analyze its alternative development scenarios and develop appropriate mitigation for impacts. I expect DCAM to continue to collaborate with the City and the community on all aspects of the project. In particular, it would be beneficial for DCAM to organize a public meeting, in conjunction with the City, the MBTA and MassHighway, to provide a comprehensive overview of planned projects and provide assurance that these projects will be coordinated and vehicular, pedestrian and bicycle access will be maintained and enhanced during the construction period and over the long-term.

² The land transfer consists of disposition of the Superior Court and County Commissioner's building by DCAM.

Historic Resources

MHC has indicated that Plan A and Plan B will have an "adverse effect" on the Baptist Church and on the properties at 58, 60 and 62 Federal Street through the demolition of all or part State Register properties. In addition, MHC indicates that all three project alternatives – with no imminent plan for state reuse or disposition and transfer of the facilities with adequate restrictions – will have an adverse effect on the County Commissioner's Building and the Superior Court. MHC further notes that the project may have indirect impacts through the design and construction of the new facility on the character and setting of the Essex County Courthouse Complex Historic District and Federal Street Historic District. MHC has requested the development of an EIR to further analyze potential re-use of the historic resources on the site, further planning for the reuse of the vacated court buildings and further details on design of the new building and its potential impact on affected historic districts.

I believe these issues will be addressed appropriately through the MHC consultation process. DCAM has indicated that it will review project alternatives in more detail during the historic review process. To ensure the preservation of the building during any vacancy, DCAM will develop a plan to provide adequate security, heating and ventilation and will attach historic preservation restrictions to the property prior to any transfer. In addition, DCAM and the City have expressed their commitment to identify appropriate uses for the vacated buildings consistent with the City's planning goals. I urge DCAM to accelerate the identification of appropriate uses for the vacated buildings to minimize the amount of time they may be vacated and to address comments by MHC and many others on this issue.

Transportation and Traffic

The proponent has completed a traffic study and developed mitigation to minimize traffic impacts. The ENF and traffic study describe mitigation that, in concert with improvements planned by MassHighway for North Street and Bridge Street, will improve traffic conditions and avoid exacerbating any existing problems. The project is located in close proximity to transit and the proponent has identified measures to improve pedestrian access and safety. The project includes installation of a signal at Federal Street, North Street and the ramps to Bridge Street and includes signalized pedestrian crosswalks at Federal Street and North Street. A new sidewalk will be constructed along the North Street and Bridge Street edges of the site to ensure adequate pedestrian circulation throughout the site. The reconstruction of Bridge Street by MassHighway will include a signal at the MBTA Drive/Bridge Street intersection and a signalized crosswalk.

DCAM has committed to continue consulting with the City and the community on the development of traffic mitigation and pedestrian access. Comment letters from the Salem City Council and Stanley Schwartz identify alternatives to proposed improvements that appear worthy of additional analysis although they could not be implemented solely by DCAM and would require support from MassHighway and/or the City of Salem. I encourage DCAM, MassHighway and the City to consider the feasibility and advisability of these alternatives as plans are developed and refined. To further minimize traffic impacts and parking associated with the project, I expect that DCAM will work with the MBTA on strategies to increase use of mass transit by employees and visitors to the site.

Construction Period Impacts

Because this project is located in a dense urban environment, I urge the proponent to consult with MassDEP regarding the development of a construction equipment retrofit program and use of on-road low sulfur diesel fuel in off-road construction equipment. These measures can reduce exposure to diesel exhaust fumes and particulate emissions for workers and abutters.

The review of the ENF has served to adequately disclose the potential environmental impacts associated with this project. Based on the information in the EENF and after consultation with relevant public agencies, I find that outstanding issues can be addressed adequately through state and local review. No further MEPA review is required.

February 22, 2007

Date



Ian A. Bowles

Comments Received:

1/25/07	Massachusetts Historical Commission
2/1/07	Frederick E. Berry, Senate Majority Leader
2/6/07	Representative John D. Keenan
2/8/07	Mayor Kimberly Driscoll, City of Salem
2/5/07	City of Salem/Engineering Division
1/26/07	City of Salem/City Council
1/29/07	Salem Historical Commission – no position
2/12/07	Salem Historical Commission (second letter)
2/8/07	Alliance of Salem Neighborhoods
2/10/07	Essex National Heritage Area
1/27/07	Federal Street Neighborhood Association
2/1/07	Historic Salem Incorporated
1/23/07	The Salem Partnership
1/26/07	Jane Curtis Arlander
1/28/07	Elizabeth M. Burns
1/12/07	David J. Goggin, A.S.
1/26/07	Ana M. Gordon
2/8/07	Darrow A. Lebovici
1/21/07	Richard Luecke and Perry McIntosh
1/29/07	Mickey Northcutt
1/24/07	Richard Pabich
2/5/07	Stanley H. Szwartz

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