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October 24, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY & ENVIRONMENTAL AFFAIRS  
ON THE  
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Meadow Walk at Lynnfield  
PROJECT MUNICIPALITY : Lynnfield and Wakefield  
PROJECT WATERSHED : North Coastal  
EOEA NUMBER : 14096  
PROJECT PROPONENT : PHF-ND Colonial, LLC  
DATE NOTICED IN MONITOR : September 10, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project consists of the construction of a mixed-use development on a 203-acre parcel in Lynnfield and Wakefield. It will include 395,000 square foot (sf) of retail space, 80,000 sf of office space, and 220-residential units. The housing will consist of 180 rental apartments (including 45 affordable units). In addition, six acres of land will be purchased by the Lynnfield Initiative for Elders (LIFE) for development of 40 units of moderate income housing for seniors. The project includes retention of the northern half of the golf course as a 9-hole golf course and construction of a new club house. The remainder of the golf course (including the existing club house) and the conference center will be demolished. The project includes improvements to the access drives, construction of an internal roadway system, construction of 3,438 parking spaces and installation/expansion of associated infrastructure and utilities, including a stormwater

management system. The project is being developed under M.G.L. Chapter 40R Smart Growth Zoning and Housing Production legislation. According to the EENF, potential environmental impacts include the creation of 55 acres of impervious surfaces, alteration of 1,700 square feet (sf) of Bordering Vegetated Wetlands (BVW), generation of approximately 19,079 average daily vehicle trips (adt) on a weekday, use of 122,010 gallons per day (gpd) of water and generation of 122,010 gpd of wastewater.

As described in the EENF, the site is bounded by Interstate 95 (I-95)/Route 128 and the Saugus River to the south, Audubon Road in Wakefield to the west, Walnut Street in Lynnfield to the east and Reedy Meadow to the north. The site contains an 18-hole golf course including a clubhouse and maintenance buildings, a 54,000 sf conference center, a 55,000 sf Boston Sports Club, 181,400 sf Sheraton Hotel and 975 parking spaces. The site has immediate highway access from I-95/Route 128 via Exit 42 (Pleasure Island Road) and Exit 43 (Walnut Street). The Saugus River provides habitat for the passage of the American eel (*Anguilla rostrata*), riffle habitat for spawning rainbow smelt (*Osmerus mordax*) and habitat for the passage, spawning and juvenile development of river herring (*Alosa pseudoharengus* and *Alosa aestivalis*). Reedy Meadow is a 540-acre freshwater marsh that has been designated by the National Park Service (NPS) as a National Natural Landmark. According to the 12<sup>th</sup> Edition of the Massachusetts Natural Heritage Atlas, the project is located within Priority and Estimated Habitats of Rare Species, including habitat for the American Bittern (*Botaurus lentiginosus*), the Common Moorhen (*Gallinula chloropus*) and the King Rail (*Rallus elegans*).

#### MEPA Jurisdiction and Required Permits

The project is undergoing review and requires preparation of an EIR pursuant to sections 11.03 (1)(a)(1), (1)(a)(2), (6)(a)(6) and (6)(a)(7) of the MEPA regulations, because the project requires state permits and will alter more than 50 acres of land, create more than 10 acres of new impervious surfaces, generate 3,000 or more new adt on roadways providing access to a single location and construct 1,000 or more new parking spaces at a single location. The project requires a Sewer Connection/Extension Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). It requires an Access Permit from the Massachusetts Highway Department (MassHighway). The project may require a Conservation and Management Permit from the NHESP and it may require review by the Massachusetts Water Resources Authority (MWRA). Also, the project requires Orders of Conditions from the local conservation commissions in Lynnfield and Wakefield. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land alteration, traffic/transportation, air quality, wetlands, drainage, rare species and wastewater.

Request for a Single EIR

In accordance with Section 11.05 (7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. The Expanded ENF received an extended comment period pursuant to Section 11.06 (8) of the MEPA regulations. The EENF included a detailed project description, a description of existing conditions and resource areas, a summary of site planning to date, an alternatives analysis, traffic study, the stormwater management plan, a greenhouse gas analysis and other information to assist reviewers in understanding the project, its potential environmental impacts and identification of measures to avoid, minimize and mitigate these impacts.

Comments from the Executive Office of Transportation and Public Works (EOT) identify additional traffic analysis that will be required and indicate that remaining traffic and transportation issues can be addressed through a Single EIR. Comments from other state agencies, including MassDEP, MWRA, NHESP and DMF identify significant outstanding issues that must be adequately addressed through MEPA review including identification of a feasible approach for wastewater management, detailed information on wetland impacts and alternatives that avoid these impacts and revisions to the site plan and stormwater management plan to improve protection of wetland resource areas and wildlife. Comments from the Town of Lynnfield and the Town of Wakefield identify the extensive amount of planning and review conducted as part of the 40R process and express strong support for the project and the ability of the project proponent to work constructively to address any outstanding issues. Comments from MassAudubon and the Saugus River Watershed Council identify issues consistent with those raised by state agencies and specifically request that a Draft and Final EIR be required, in particular to develop adequate baseline information regarding water quality and environmental resources.

I am aware of the extensive amount of planning and analysis that the proponent has completed on the local level, which is reflected in the EENF, and agree with many commentators that this project has the potential to be a good model for sustainable development; however, I am not confident that the outstanding issues that have been identified by state agencies and others can be adequately addressed through a Single EIR. Therefore, I am requiring development of a Draft and Final EIR. I note that the MEPA regulations do provide sufficient flexibility to streamline the review in the future. If the Draft EIR provides a complete and stand-alone description and analysis of the project, project alternatives and environmental impacts, and adequately addresses mitigation, the regulations allow the Draft EIR to be reviewed as a Final EIR. The proponent has expressed its intention to thoroughly address outstanding issues and to coordinate and consult closely with state agencies and other stakeholders prior to filing the EIR.

## SCOPE

### General

The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate.

### Project Description

The Single EIR should include a thorough description of the entire project and all project elements and construction phases. The EIR should include an existing conditions plan illustrating resources and abutting land uses (including water supply) for the entire project area and a proposed conditions plan (or plans) illustrating proposed elevations, structures, access roads, stormwater management systems, and sewage connections associated with each phase of the project. The EIR should also include a site circulation plan illustrating how motor vehicles, pedestrians and cyclists will be accommodated on the site for each phase of the project. Plans must be provided for the entire site at a reasonable scale (e.g. 40 or 60 scale).

### Project Permitting and Consistency

The EIR should briefly describe each state permit required for the project and each phase of the project and should demonstrate that the project meets applicable performance standards. In accordance with section 11.01 (3)(a) of the MEPA regulations, the EIR should discuss the consistency of the project with any applicable local or regional land use plans. The EIR should also address the requirements of Executive Order 385 (Planning for Growth) and the project's consistency with the Commonwealth's Sustainable Development Principles.

### Alternatives Analysis

In addition to the Preferred Alternative for the proposed mixed-use project, the EIR should discuss an alternative site layout or layouts that will minimize impacts to wetlands, rare species and fisheries. Comment letters from NHESP, DMF, Mass Audubon and the Saugus River Watershed Council identify the need to maximize the amount of undisturbed buffer zone between project elements and Reedy Meadow and the Saugus River and further minimize the creation of impervious surfaces. Such an alternative may also create a more compact site plan and provide opportunities for improving pedestrian and bicycle access between the residential uses and commercial uses on the site. The EIR should identify any constraints to providing greater integration between these uses on the site.

### Greenhouse Gases

I applaud the proponent's inclusion of a quantitative greenhouse gas (GHG) analysis that identifies the project's total emissions of carbon dioxide (CO<sub>2</sub>) and will support EEA efforts to identify and collect data on GHG emissions associated with various types of projects. The analysis identifies GHG emissions associated with stationary source and transportation emissions. Because the project was filed prior to the introduction of the final EEA GHG Emissions Policy and Protocol, the proponent was only required to conduct a qualitative analysis of emissions. The analysis calculates total CO<sub>2</sub> emissions by adding transportation emissions with direct and indirect stationary emissions (from on-site sources and energy use). Transportation emissions were developed through the mesoscale analysis and stationary source emissions were developed using the EQUEST model. The stationary source analysis compared the 2012 Build (a building constructed with typical building materials) and a 2012 Build with Improvements alternative that includes measures to reduce emissions through use of improved building materials and rooftop equipment. The GHG analysis indicates that the 2012 Build Condition will contribute a total of 185,044 tons per year (tpy) of CO<sub>2</sub> and the 2012 Build with Improvements will contribute 183,305 tpy for a total reduction of 739 tpy.

The measures identified in the EENF for reducing GHG emissions offset less than 1% of the GHG emissions generated by the project. The mixed use nature of the project will contribute to significant reductions in transportation emissions over the long run; however, the size and scale of this project provide additional opportunities for the proponent to further reduce GHG emissions. I strongly encourage the proponent to consider constructing buildings that are consistent with the Massachusetts Leadership in Energy and Environmental Design (LEED) Plus standard for new buildings, incorporate renewable energy technology (e.g solar, fuel cells, geothermal and combined heat and power) into the project design and further incorporate Low Impact Development (LID) techniques into the site design. In addition, efforts to encourage source reduction and recycling through building design and operations could have a significant impact on GHG emissions. Finally, the proponent should strengthen the Transportation Demand Management (TDM) program. These efforts can minimize the long term environmental impacts of this project while reducing operating costs. I encourage the proponent to consult with EEA staff regarding the development of a more aggressive approach for reducing GHG emissions.

### Land Alteration

The project will create an additional 37 acres of new impervious surfaces for a total of 55 acres on the site. It should describe the amount of excavation and fill and include a blasting plan. It should assess the impacts from earth moving and blasting on wetlands and rare species and evaluate alternatives road and building layouts to minimize impacts. The blasting plan should identify blasting locations and provide more information on technical specifications and/or operations to avoid perchlorate contamination. The EIR investigate all feasible methods of avoiding, minimizing or mitigating impacts to land.

The EIR should evaluate alternatives that minimize the amount of impervious surfaces associated with the project. Specifically, the EIR should evaluate the feasibility of reducing overall parking ratios, and/or of providing structured parking as part of the proposed project. The EENF indicates that 103 acres of the site will be deeded to the Town of Lynnfield as open space and conservation land. This area includes the northern half of the golf course, which will be redesigned as a 9-hole golf course. A conservation restriction (CR) will be placed on 58 acres including Reedy Meadow and an associated buffer zone. The EIR should clearly identify, in the text and on project plans, the area of the project site that will remain as open space and as conservation land. It should identify who will hold the CR and include a draft of the CR language.

### Transportation

As noted previously, the project is estimated to generate approximately 19,079 unadjusted average daily vehicle trips (adt) using appropriate Institute for Traffic Engineers (ITE) land use codes and 15,079 adt when adjusted for internal shared trips and pass-by trips. According to the comments received from the Executive Office of Transportation (EOT) the traffic study included in the EENF appears to conform to the EEA/EOT Guidelines for EIR/EIS Traffic Impact Assessment. The EENF indicates that the traffic analysis is fairly conservative because it does not take credit for the reduction in trips associated with removal of the conference center and a reduced golf course and analysis provided in the EENF (based on a study of 3 similar mixed-use projects) indicates that ITE trip generation estimates may overestimate traffic generation associated with a mixed-use development by 50% and greater. The EENF identifies significant issues with existing traffic capacity, identifies roadway improvements planned by others to alleviate existing conditions and identifies roadway improvements planned by the project proponent to mitigate its contribution to increased traffic volume and address longstanding congestion issues. In addition, the proponent identifies a TDM program developed to minimize single occupancy vehicle (sov) trips.

The proponent should provide a detailed response to the comments provided by EOT and provide a revised traffic analysis that includes the locations and movements identified in its comment letter (i.e. Route 1/Salem Street, Route 128/Walnut Street and Salem Street/Audubon Road). The EIR should more clearly define the details and schedule for implementation of the MassHighway improvements in relation to this project and identify how construction can be coordinated to minimize construction period impacts. The proponent should continue its coordination with Lynnfield, Wakefield and EOT during preparation of the EIR.

The EIR should include conceptual designs for the internal roadway improvements, as well as off-site improvements and discuss the suitability of any proposed signalization improvements and any roadway widening. It should discuss right-of-way (ROW) implications associated with widening and describe how such ROW's would be acquired. In addition, it should identify any wetlands and/or drainage impacts associated with off-site roadway improvements. The EIR should include any conceptual plans for roadway improvements with sufficient detail to verify the feasibility of constructing such improvements. The plans should

show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvements are proposed.

The project will include construction of 2,456 new parking spaces for a total of 3,438 spaces. The EIR should identify the parking ratios associated with each aspect of the project, explain how the number of parking spaces was determined and describe how shared parking has been incorporated into the project. The EIR should demonstrate that the parking supply is the minimum necessary to accommodate project demand. It should include an assessment of parking supply and use associated with the three mixed use projects identified in the traffic analysis and provide a comparison. The EIR should identify additional alternatives for minimizing the creation of impervious surfaces associated with the parking supply including use of structured parking, locating parking under buildings and use of pervious pavement for residential parking or overflow parking.

### Air Quality

In accordance with the State Implementation Plan (SIP) for ozone attainment, the proponent must conduct an indirect source review analysis because this project contains non-residential uses that generate 6,000 or more new trips per day. Comments from EOT indicate that the analysis has been conducted in accordance with DEP Guidelines for Performing Mesoscale Analysis of Indirect Sources. Because this analysis demonstrates that hydrocarbon emissions for the 2012 Build scenario (206 kilograms per year (kpd)) are greater than the 2012 No Build scenario (199.5 kpd), the proponent is required to provide appropriate mitigation including the development of a Transportation Demand Management (TDM) program. The proposed mitigation package analyzed for the Build with Mitigation scenario includes roadway improvements and demonstrates a reduction of 1 kpd, respectively from the Build scenario.

The EENF identifies a TDM program which consists primarily of identification of an on-site transportation coordinator and facilitation of bicycle and pedestrian access by providing bicycle racks and creating sidewalks within the site. Although the text in the EENF identifies pedestrian access as a major emphasis, the site layout and project plans do not reflect this priority. The EIR should include a plan that identifies existing modes including transit, walking and bicycling, within the project area and on-site, analyze existing and future conditions and provide infrastructure improvements and incentives to increase use of these modes. These improvements and incentives (e.g. bus shelters, bus turnouts, taxi areas, pedestrian/bike paths) should be clearly described and illustrated on plans. The EIR should present a strengthened Transportation Demand Management (TDM) program to further mitigate emissions of criteria pollutants and GHG and consider provision of a shuttle bus service to the Andersen Regional Transportation Center (ARTC). The EIR should describe any monitoring necessary to ensure the success of the program. Walk Boston provided thoughtful and detailed comments on the site plan and traffic flow. I encourage the proponent to consult with them regarding efforts to improve the walkability of the site.

### Wetlands and Drainage

As noted previously, the project will require a 401 Water Quality Certificate from MassDEP and Orders of Conditions from the Lynnfield and Wakefield Conservation Commission. Wetland alterations are associated with the expansion of the secondary access drive. The project will alter 400 feet of bank, 1,700 sf of BVW, 2,150 sf of land under water, 16,000 sf of bordering land subject to flooding (BLSF) and 600 feet of riverfront area. In addition, it includes work and/or permanent structures within 429,700 sf of buffer zone. The stormwater management plan includes the use of rain gardens, vegetated swales and a dispersed system that is intended to maintain and mimic existing hydrologic functions.

The EIR should include plans that illustrate most recently approved delineation of all applicable resource area boundaries including riverfront areas, buffer zones, 100-year flood elevations, priority and/or estimated habitat, wetland replication areas, water supply and waterways. The EIR should quantify the project's estimated impact on each resource area, including impacts associated with the proposed stormwater outfalls and with proposed water transportation. It should describe the nature of all impacts that cannot be avoided including grading, clearing and construction-related disturbances and whether they are temporary or permanent in nature. The EIR should confirm that all feasible methods to reduce impervious surfaces, including parking supply/design and narrow roadway widths, have been explored.

Comments on the EENF identify concerns with the accuracy of the analysis of the stormwater management system and identify several issues that should be addressed in the EIR. The EIR should include a revised stormwater management plan that adequately addresses the stormwater comments and demonstrate that source controls, pollution prevention measures, erosion and sediment controls and the drainage system will comply with the MassDEP Stormwater Management Policy and standards for water quality and quantity both during construction and post-development. The EIR should identify the quantity and quality of flows and design a system that can approximate current rates. The rates of stormwater runoff should be analyzed for the 10, 25, and 100-year storm events. Also, it should identify how it is consistent with the City of Lynnfield's NPDES Phase II Stormwater Management Plan (SMP). The EIR should include an operations and management plan to ensure the long-term effectiveness of the stormwater management system. The locations of detention basins, distances from wetland resource areas and the expected quality of the effluent from the basins should be identified. A copy of the Stormwater Pollution Prevention Plan (SWPPP) should be included in the EIR.

The EIR should analyze impacts associated with the proposed stormwater discharges to Reedy Meadow and the Saugus River, including impacts on water quality and temperature. It should indicate whether the project includes a discharge to Hawkes Pond, which is an Outstanding Resource Water (ORW) and demonstrate that the critical areas standard can be met. In addition, the EIR should further consider how Low Impact Development (LID) techniques, such as disconnecting runoff flow pathways and minimizing clearing and grading, can be incorporated into the project design.



The EIR should include an assessment of wildlife and fisheries habitat including evaluation of existing hydrology studies, fish monitoring programs and water quality analysis conducted by others. As noted previously, the EIR should include analysis of an alternative site plan that will minimize impacts to wetlands, rare species and fisheries (as outlined in comments below). The EIR should provide more detail on proposed road widening and fill in Reedy Meadow and other wetland impacts including an analysis of alternatives that could avoid minimize and mitigate wetlands impact. It should include additional detailed information on how undeveloped areas, including wetland buffers, will be enhanced, managed and protected. It must include a detailed wetlands restoration plan (and identify it on project plans) and demonstrate that it will meet regulatory standards and adequately mitigate the loss of BVW and flood storage.

### Rare Species and Wildlife Habitat

As noticed previously, the site contains habitat for rare species and important fisheries. Comments from Mass Audubon indicate that the Reedy Meadow has been designated as an Important Birds Area (IBA) due to its outstanding habitat value for a wide variety of birds. NHESP comments indicate that wetlands provide necessary cover and food resources for survival of rare species. It indicates that these species are sensitive to auditory and visual disruptions, particularly in spring and summer during breeding and nesting. In addition, alterations to marsh hydrology and water quality can impact the habitat necessary for successful nesting and feeding and allow establishment of non-native invasive plant species. These comments also identify significant concern with the project as proposed, including grading and construction activities and creation of impervious surfaces within a significant length of the buffer zone to wetlands. In addition, they note a significant decrease in the peak runoff rate and peak volume at four of the six stormwater design points and auditory disturbance posed by blasting and on-site rock crushing activities during construction. NHESP indicates that the proponent should consult with it regarding protocols for field surveys of state-listed marsh birds, that the proposed development within the mapped Priority Habitat adjacent to Reedy Meadow should be reduced and that the stormwater management plan should be revised to more closely match the existing pre- and post-development rates.

Comments from DMF describe efforts by its agency, the Saugus River Watershed Council and the Lynn Water and Sewer Commission to restore eels and river herring to Reedy Meadow. A key element of this effort is to reduce stormwater pollution and improve degraded habitat. DMF comments identify the need for more information on impacts to Reedy Meadow and mitigation for those impacts consistent with comments from other resource agencies. In addition, these comments indicate that in-water silt producing work should be prohibited from February 15 through June 30 and that adequate fish passage should be maintained until October 15<sup>th</sup> to protect migration of eels.

The EIR should include the results of field surveys conducted consistent with NHEPS protocols, address how the project can contribute towards improved habitat and address DMF and NHESP comments on mitigation.

### Water Supply

The EENF indicates that the project will use approximately 122,010 gpd of water. Water service will be provided by Wakefield and Lynnfield, both of which are members of the MWRA water service area. The proponent has indicated that water conservation measures will be incorporated into the project design as part of an overall effort to construct sustainable buildings. The EIR should describe proposed water conservation measures and analyze their potential to reduce total water demand (and associated wastewater generation). As noted previously, if on-site discharge is proposed, the proponent should evaluate re-use of gray water.

The site contains irrigation wells associated with the existing golf course. These wells may be retained and used for irrigation of landscaping. The EIR should identify which wells will be retained and estimate the associated amount of water withdrawal.

### Wastewater

As described in the EENF, the project will increase wastewater flow by 73,770 gpd for a total of 122,010 gpd of wastewater flow. Most of the wastewater from the site is discharged to Wakefield's municipal wastewater collection system for ultimate treatment and discharge at Deer Island. A small portion of its wastewater is treated through an on-site septic system. The EENF proposes to discharge increased wastewater flows to the Wakefield municipal collection system. It indicates that preliminary geotechnical investigation indicate that groundwater discharge is a possibility if discharge to the municipal system is not permitted.

Because Lynnfield is not a member of the MWRA sewer service area, this discharge was allowed through the development of an agreement between Wakefield, Lynnfield and the Department of Conservation and Recreation (DCR). Comments from the MWRA indicate that this agreement does not contemplate the magnitude of flows currently proposed or the nature of the proposed development. Also, these comments identify significant concern with the addition of wastewater to the MWRA system from the re-development related to the severe constraints of the system downstream of the connection with Wakefield due to wet weather inflow. These constraints have resulted in surcharging and overflow of the system in downstream communities such as Melrose. MWRA indicates that the project does not appear to comply with the conditions identified in its policy for admitting new communities to the MWRA system or approving sewer service to other locations outside of the MWRA sewer service area. These conditions include the following: a) any expansion of the system shall strive for no negative impact on the existing sewer system communities and b) the proposed flows will not result in surcharging or other overflows in the MWRA transport system.

The EIR should include additional analysis of options for wastewater collection, treatment and discharge including on-site groundwater discharge, discharge to the Wakefield collection system and discharge to the Saugus collection system. For each alternative, the EIR should identify preliminary design of the infrastructure, associated constraints and measures to mitigate associated impacts.

The EIR should include adequate technical information and analysis to demonstrate the feasibility of a groundwater discharge system and ensure that consistency with regulatory standards can be addressed during MEPA review, including adequate separation between leaching fields and wetland resource areas and stormwater infiltration beds. The EIR should identify potential sites for the treatment facility and leaching fields, include a hydrogeologic report, a wastewater time of travel study, demonstrate that representative sampling of the site has been conducted, include a map of test pit and boring locations and include soil logs. Design of an on-site system creates the potential for re-use of gray water and the proponent should consider its incorporation into the project design (consistent with MassDEP's January 3, 2000 *Interim Guidelines on Reclaimed Water (Revised)*). The proponent should consult with MassDEP to develop a protocol for the groundwater report and the report should be developed consistent with this protocol.

For the sewer collection system alternatives, the EIR must include documentation from the municipality that the proposed alternative is feasible and that adequate capacity is available to accommodate the proposed project's additional wastewater flows. It should identify whether a Comprehensive Wastewater Management Plan (CWMP) has been completed by the municipality and whether any associated MEPA filings, such as a Notice of Project Change (NPC), are required consistent with review of the CWMP. It should identify specific measures to reduce extraneous clean water (infiltration and inflow (I/I)) from the system and identify the ratio for establishing the amount of I/I reductions. For the Wakefield alternative, it must demonstrate that the standards identified by the MWRA can be achieved. Because water needs will be met by the MWRA, it does not appear that discharge of wastewater to the MWRA system would constitute an interbasin transfer; however, the EIR should clarify this issue.

### Contaminated Soils

Comments from MassDEP indicate that there is an identified contamination site on the property (Release Tracking Number 3-26555). These comments indicate that the site is classified under the Massachusetts Contingency Plan (MCP)/21E regulations as Response Action Outcome (RAO) Class B-1 which indicates that no Activity and Use Limitation is necessary because No Significant Risk exists at the site.

The EIR should provide additional information regarding the contamination site, identify it on project plans, and assess whether project changes (including stormwater discharge and/or an on-site wastewater discharge to groundwater) could result in migration of contaminants.

Construction Period

The project has potentially significant construction impacts, including extensive earth moving and likely blasting. The EIR should evaluate construction period impacts, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways. The EENF indicates that the proponent will seek to engage a contractor that is participating in the MassDEP Diesel Retrofit Program to minimize construction related air quality impacts. I encourage the proponent to require participation in its bid documents, including the use of diesel oxidation catalysts or diesel particulate filters and use of on-road ultra low sulfur diesel (ULSD) fuel.

Mitigation

The EIR should include a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that includes a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included.

Response to Comments

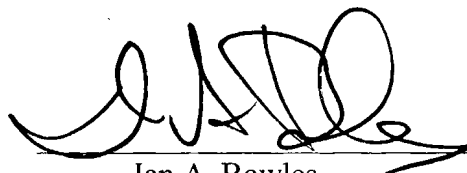
The EIR should contain a copy of this Certificate and a copy of each comment received. The EIR should respond to the comments received to the extent that the comments are within MEPA jurisdiction. I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The EIR should present any additional narrative or analysis necessary to respond to the comments received.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Lynnfield and Wakefield officials. A copy of the EIR should be made available for review at the Lynnfield and Wakefield public library.

October 24, 2007

Date



Ian A. Bowles

## Comments Received:

10/10/07 Department of Environmental Protection/Northeast Regional Office  
(MassDEP/NERO)  
10/15/07 MassDEP/NERO (comment addendum)  
10/10/07 Division of Marine Fisheries (DMF)  
10/09/07 Division of Fisheries and Wildlife/Natural Heritage and Endangered Species  
Program (DFW/NHESP)  
10/10/07 Executive Office of Transportation (EOT)  
10/10/07 Town of Lynnfield/Board of Selectmen  
10/5/07 Town of Wakefield/Board of Selectmen  
10/3/07 Lynnfield Initiatives for Elders, Inc. (LIFE)  
10/10/07 MassAudubon  
10/10/07 Saugus River Watershed Council  
10/10/07 Walk Boston  
10/8/07 Lawrence Soucie

IAB/CDB/cdb