



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
 100 Cambridge Street, Suite 900
 Boston, MA 02114

Deval L. Patrick
 GOVERNOR

Timothy P. Murray
 LIEUTENANT GOVERNOR

Ian A. Bowles
 SECRETARY

Tel: (617) 626-1000
 Fax: (617) 626-1181
<http://www.mass.gov/envir>

December 3, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
 ON THE
 FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : BJ's Planned Unit Development
 (formerly BJ's Wholesale Club)
 PROJECT MUNICIPALITY : Revere
 PROJECT WATERSHED : North Coastal
 EOEА NUMBER : 13717
 PROJECT PROPONENT : **BJ's Wholesale Club** and Rumney Marshview LLC
 DATE NOTICED IN MONITOR : October 27, 2007

As Secretary of Energy and Environmental Affairs (EOEEA), I hereby determine that the Final Environmental Impact Report (EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The project may proceed to permitting.

Project Description

As described in the Final EIR, the proposed project consists of construction of a 124,850¹ square foot (sf) BJ's Wholesale Club building, a gas station and a 281-unit housing development (in 3 buildings) on a 19.85 acre site in Revere. This \$65 million project will include access drives, 1,018 parking spaces and utility infrastructure. The site (consisting of three parcels) is located on Ward Street and is bounded to the west by an apartment building and the City of Revere Department of Public Works (DPW) facility, to the north by Rumney Marsh (an Area of Critical Environmental Concern (ACEC)) and Diamond Creek, to the east by Broadway (Route 107) and to the south by a US Postal Service (USPS) facility and multi-family housing. The site contains

¹ This is a small increase in the building program. Previous filings identified the development as 121,635 sf.

several drainage ditches and wetlands areas and, in the southeastern area, an auto salvage facility. The project will eliminate the junkyard from the site.

Approximately 196,087 (or 4.5 acres) of coastal floodplain (defined as the 100-year flood elevation, or elevation 9 NGVD datum) will be filled to an elevation of 12 to 14 feet to construct the gas station (including 2 20,000 gallon underground storage tanks and 6 dispensers) and paved parking area.

Permits and Jurisdiction

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(2) and 11.03 (6)(a)(6) because it requires a state permit and will create more than 10 acres of impervious area and generate more than 3,000 new average daily trips (adt). The project may require an Access Permit from the Department of Conservation and Recreation (DCR) and a Sewer Connection Permit from the Department of Environmental Protection (MassDEP). The project requires an Access Permit from the Massachusetts Highway Department (MassHighway). Also, it requires an Order of Conditions from the Revere Conservation Commission. An Order of Conditions was issued by the Revere Conservation Commission. This Order was appealed by MassDEP and therefore requires a Superseding Order of Conditions from MassDEP. The proponent is not seeking financial assistance from the Commonwealth for the project, therefore MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. These include traffic, wetlands, drainage, water quality, wastewater and contaminated soils.

Procedural History

A Certificate on the ENF was issued on February 24, 2006 that established the Scope of the Draft EIR for the proposed BJ's warehouse project. The ENF filing referenced a conceptual housing development, containing 180 units, on the southeastern portion of the site.

A Draft EIR/Notice of Project Change (NPC) was filed in April 2007. It described changes to the project since the ENF filing, proposed a 281-unit housing development and proposed re-location of uses on the site. The BJ's Warehouse building and associated parking was proposed to be constructed on the southeastern portion of the site and the housing was re-located to the northern part of the site adjacent to an existing apartment building to the west of the drainage ditch. The June 1, 2007 Certificate on the Draft EIR/NPC indicated that it was not sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy. It required the submittal of a Supplemental Draft EIR and directed the proponent to include a revised alternatives analysis.

The Supplemental Draft EIR was filed in July 2007 and was determined to adequately and properly comply with MEPA and its implementing regulations. The September 14, 2007 Certificate established the Scope for the Final EIR.

Review of the Final EIR

The Final EIR includes consideration and analysis of alternatives that further avoid or minimize wetland resource impacts and creation of impervious surfaces and considers re-location of the fueling facility. It analyzes how impervious surfaces can be reduced further and commits to improvements to the stormwater management system. Also, it addresses outstanding issues related to wastewater and transportation. Although the Final EIR proposes improvements to the mitigation plan, it does not propose any significant changes to the overall project design or programming, such as removal of the fueling station from the project.

The Final EIR indicates that outlet structures will be added to the three pocket wetlands and the proponent is committed to maintain these to ensure that the wetland vegetation is maintained during extended dry periods. Also, the Final EIR indicates that there are opportunities to reduce the total amount of parking to minimize impervious surfaces. It indicates that 46 spaces identified for BJ's use could be eliminated permanently and another 57 parking spaces identified for residential use could be banked and only constructed if warranted by demand. The proponent will need to seek approval for these changes from the City of Revere through the submission of revised site plans. The Final EIR proposes to increase the salt marsh restoration proposed for the northeast section from 25,377 sf to 28,017 sf. Also, the Final EIR indicates that the underground fuel storage tanks could be located outside of the ACEC boundary toward the center of the parking area although the fuel dispensers would remain within the ACEC.

The reduction in parking could reduce impervious surface by up to 29,231 sf, including 17,006 sf within the ACEC. It could reduce the amount of fill in the ACEC by 3,463 cubic yards (cy) and preserve an additional 615 cy of flood storage capacity. Together, the reduction in impervious surfaces and the inclusion of outlet control structures will reduce peak discharge by 14% (compared to rip-rap spillways) from the initially proposed peak discharge rates.

The proponent continues to assert that the filling of coastal floodplain will not cause an adverse impact to the ACEC's flood control value as a whole, the project will eliminate an existing source of pollution by remediating the junkyard site and it will introduce a stormwater management system that incorporates Best Management Practices in accordance with the Stormwater Management Policy.

MassDEP, the ACEC Program and the Saugus River Watershed Council comments continue to express concern with the filling and elimination of coastal floodplain, increase of peak discharge rates into Rumney Marsh, and inclusion of the fueling station. The ACEC Program and the Saugus River Watershed Council continue to assert that the project cannot meet the standard of "no adverse effect" identified in the Massachusetts Wetlands Protection Act Regulations for work within ACECs. MassDEP comments indicate that there are still outstanding issues that will need to be addressed in permitting with respect to the projects siting within "...a sensitive and dynamic coastal environment where the standards for resource protection are higher, such that the environmental footprint of the project needs to be minimized to the greatest extent." Further, MassDEP comments continue to urge the proponent to reconsider alternatives for the fueling facility because of the high risk of fires and explosions associated with fueling stations.

Also, the Saugus River Watershed Council and the ACEC Program are not satisfied that the project has proposed sufficient mitigation for the filling of coastal floodplain. I urge the proponent to continue consultation with state agencies and the Saugus River Watershed Council to support off-site salt restoration mitigation and encourage MassDEP to consider support of these projects during project permitting. While acknowledging the challenges associated with funding off-site wetlands mitigation projects, reasonable options exist to support projects through financial contributions.

The Draft EIR included a traffic analysis prepared in conformance with the EEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The Final EIR provides updates to this analysis and elaborates on mitigation measures, including roadway improvements. The traffic analysis indicates that the project will generate approximately 7,810 new adt on a weekday and 9,628 adt on a Saturday. The traffic study identifies areas where the project will have an impact on traffic operations and presents accident data, capacity analyses and a summary of average and 95th percentile vehicle queues for each intersection within the study area. The analysis indicates that capacity at area rotaries is significantly constrained under existing conditions, and will be more constrained under No-Build and Build conditions, and that vehicle crash rates exceed MassHighway District 4 averages. It also identifies capacity issues at several intersections, in particular during the Saturday peak hour. In addition to roadway improvements, the project will include implementation of a Transportation Demand Management (TDM) Program to minimize impacts and a traffic monitoring plan. The TDM Program includes pedestrian and bicycle improvements on and off-site.

As required, the proponent consulted with EOT regarding the Route 60 Charger Street intersection and signal interconnection with Sigourney Street. The Final EIR clearly identifies mitigation associated with these intersections. EOT comments indicate that it is satisfied with the proponent's commitment to implement the TDM program and encourage the proponent to continue consultation with the City of Revere, MBTA, MassRides and the local TMA to minimize vehicle trips to the facility.

Also, the Final EIR includes a parking analysis that identifies the amount of parking for each land use, analyzes parking demand and identifies parking ratios. It indicates that the parking ratio for the BJ's is 1 space per 235 gross square feet (gsf) and represents a lowered parking supply of 93 spaces compared to City of Revere standard parking ratio for retail use (1 space per 200 sf). The ratio for the residential project is 1.5 spaces per one-bedroom units and 1.75 spaces per two-bedroom units. As noted previously, the proponent can seek a reduction in parking that takes advantage of the project's mixed-use nature and its close proximity to transit.

The project will generate a total of 61,790 gallons per day (gpd) of wastewater consisting of 2,500 gpd associated with BJ's and 59,290 gpd associated with the residential project. The Final EIR identifies specific projects the City of Revere will implement with funds provided by the proponent through payment of the sewer impact fee. MassDEP comments indicate that total infiltration/inflow (I/I) removal from the wastewater system would be 25,000 gpd for BJs and 592,000 gpd for the residential development and that the projects identified are suitable for adequately eliminating I/I from the sewer system. Additional review and documentation of the projects will be required during project permitting.

A preliminary risk characterization report, consistent with the Massachusetts Contingency Plan (MCP) has been completed for the site and is included in the Final EIR. The site contains two Release Tracking Numbers (3-27174 for the BJs site and RTN 3-27175 for the residential area). The Final EIR indicates that an Activity and Use Limitation (AUL) will likely be filed for both the commercial and residential areas of the site. Remediation of these sites will proceed consistent with the requirements of the MCP.

Mitigation

The Final EIR includes a revised mitigation package, including revised Section 61 Findings for use by the state permitting agencies. The Final EIR indicates that the proponent is committed to the following measures to avoid, minimize and mitigate impacts:

- construction of a white roof to minimize energy demand of the building;
- implementation of a 28,017 sf salt marsh restoration project on land adjacent to the project site that is owned by DCR;
- on-site restoration activities including cleanup and restoration of salt marsh and its buffer zone, restoration of coastal bank, and restoration of land adjacent to the drainage ditch between the residential and retail buildings;
- design and construction of a stormwater management system, consistent with the MassDEP Stormwater Management Policy, that will provide 80% TSS removal through a combination of pocket wetlands (that will be maintained and include outlet control structures), a grassy “biofilter” swale, hooded deep sump catch basins, underground detention basins and filtering chambers, shutoff and containment capabilities;
- permanent plaques on catch basins to identify that stormwater discharges to the ACEC;
- development of a Spill Prevention and Contingency Plan for the fueling facility;
- inclusion of double-wall fiberglass tanks, triple-walled underground piping, line leak detector, overfill and spill prevention, dispenser safety valves, emergency pump shutoffs and a monitoring system in fueling station design;
- payment of a sewer impact fee, in the amount of approximately \$750,000, to the City of Revere that will be used for I/I mitigation;
- specific I/I projects that will be funded through the sewer impact fee include removal of a stormwater connection from a private parking lot to a sewer main in Ward Street and relining of sewer pipes, including 850 linear feet (lf) under Route 1A from Green Street to Route 16, 263 lf under the MBTA tracks from Ocean Avenue to Porter Avenue and 303 lf under Route 1 from Asti Avenue to Washington Avenue;
- conversion of the one-way eastbound section of Ward Street to two-way between Graves Road and Route 107;
- design and implementation of a comprehensive upgrade of the signs and pavement markings approaching and within Copeland Circle;
- design and implementation of a traffic signal timing and phasing plan and interconnection and coordination of the signals at the intersection of Route 60/Sigourney Street/Northgate Shopping Center Driveway and Route 60/Charger Street intersections;

- update the traffic signal equipment to include an emergency vehicle pre-emption system, video detection and provide pedestrian and bicycle accommodation improvements at the Route 60/Sigourney Street/Northgate Shopping Center Driveway;
- widen the Route 60 approaches to Charger Street to provide three travel lanes, update the traffic signal equipment to include an emergency vehicle pre-emption system and video detection, replace traffic signal poles and span wire assembly and provide pedestrian and bicycle accommodation improvements at the Route 60/Sigourney Street/Northgate Shopping Center Driveway;
- installation of a STOP-line on the Patriot Parkway approach to the Route 60 Eastbound/Patriot Parkway intersection;
- installation and upgrading of signs and pavement markings, an alternating flashing yellow beacon on the Route 107 southbound approach, provision of wheelchair ramps and crosswalks for crossing Route 60 and installation of pedestrian crossing warning signs at Brown Circle;
- provide to MassHighway and the City of Revere conceptual plans associated with long-term roadway improvement alternatives at Brown Circle;
- installation of all-way STOP-sign control at the Ward Street/McCoba Street intersection;
- restriping of the Charger Street northbound approach to provide a through travel lane and a right-turn lane at the Charter Street/Ward Street intersection;
- design and implementation of an optimal traffic signal timing and phasing plan including the installation of an emergency vehicle pre-emption system at the Route 60/Revere Street intersection;
- design and implementation of an optimal traffic signal timing, phasing and coordination plan, including installation of an emergency vehicle pre-emption system, and review and upgrading of all signs and pavement markings at Bell Circle;
- installation of double-yellow centerline pavement markings along Everett Street, for a minimum distance of 100 feet from the intersection with Bell Circle, and installation of a stop sign at the Everett Street/Bell Circle intersection;
- implementation of a Transportation Demand Management (TDM) Program including designation of an on-site transportation coordinator, accommodations for bicyclists and pedestrians, reservation of an area of the site for a dedicated bus stop to accommodate future extension of MBTA bus service;
- pedestrian safety and access improvements at Copeland, Brown and Bell Circles including the construction of wheelchair ramps, installation of crosswalks, replacement of pedestrian traffic signal equipment and installation of pedestrian crossing warning signs;
- improved pedestrian access from the project site to Route 60, Route 107 and Ward Street and intersecting roadways through new or upgraded sidewalks and pedestrian crossings; and
- bicycle access and safety improvements including provision of on-site bicycle racks, inclusion of bicycle detection and associated signs and pavement markings at proposed and modified traffic signals and design of roadway and intersection improvements to accommodate shared use.

In addition, the Final EIR indicates that the proponent may implement the following mitigation measures:

- dependent upon approval of revised site design plans, reduction of 46 parking spaces associated with BJ's, banking of 57 spaces associated with the residential buildings that will only be constructed if warranted by demand and replacement of asphalt with gravel for the access road to the cellular tower;
- relocation of the fuel tanks from the coastal floodplain/ACEC; and
- participation in the Massachusetts Diesel Retrofit Program to minimize construction period air quality impacts dependent upon costs of participation identified in construction bids;

Based on a review of the Final EIR, public comments and consultation with public agencies, I find that no further MEPA review is required. While I share the concerns expressed by commentors regarding the size and location of this project and its potential impact on the Rumney Marshes, the proponent has analyzed and evaluated project impacts and alternatives as required by the MEPA scoping documents, including a Draft EIR, a Supplemental Draft EIR and a Final EIR. The proponent has identified and committed to measures to minimize and mitigate project related environmental impacts. Although the project will remediate and eliminate pollution associated with the existing auto salvage operation, and the project presented in the Final EIR represents a marked improvement over the project presented in the Draft EIR, I remain concerned about the suitability of project components for this site, in particular the fueling facility. I note that the reductions in parking and impervious surfaces are dependent upon approvals from the City of Revere. The proponent indicates that it will submit revised site plans to the Site Plan Review Committee for approval. I expect the proponent will work diligently to gain approval for these changes and encourage the City to accept them. In addition, I urge the proponent to make a firm commitment to the Diesel Retrofit Program because of the significant reductions in construction period air quality emissions that it provides.

December 3, 2007

Date



Ian A. Bowles

Comments Received:

11/26/07	Department of Environmental Protection (MassDEP)/Northeast Regional Office (NERO)
11/26/07	Department of Conservation and Recreation (DCR)
11/27/07	Executive Office of Transportation and Public Works (EOT)
11/26/07	Saugus River Watershed Council

IAB/CDB/cdb