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

PROJECT NAME: One North Shore Road  
PROJECT MUNICIPALITY: Revere  
PROJECT WATERSHED: North Coastal  
EOEA NUMBER: 13728R  
PROJECT PROPONENT: Jay Epsimos  
DATE NOTICED IN MONITOR: February 6, 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). This project has the potential to enhance an existing waterfront site, improve public access and reduce pollution associated with stormwater runoff; however, design changes and additional information is needed to demonstrate that the project will improve conditions and can meet regulatory standards and guidelines, particularly with regards to the reconstruction/repair of the existing seawall.

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the redevelopment of a 2.4 acre site located at 71 North Shore Road (Route 1A) in Revere. It includes the construction of 65 residential units in a 10-story building. The project includes associated parking (on the first two floors of the building), walkways, landscaping, seawall reconstruction/repair and associated utilities including an improved stormwater management system.

The site is bounded by Whitin Avenue extension to the south, a marina to the west, the Saugus River to the north and North Shore Road (Route 1A) to the east. It is adjacent to the Rumney Marsh Area of Critical Environmental Concern (ACEC). The site includes .94 acres of historically filled tidelands and is classified by the Natural Heritage and Endangered Species Program (NHESP) as Priority Habitat and Estimated Habitat for the Common Tern (*Sterna hirundo*). The project requires work within several wetlands resource areas including Riverfront Area, Barrier Beach, Coastal Bank, Land Subject to Coastal Storm Flowage and Land Containing Shellfish. The site contains a 2-story building (containing 12 apartments and a restaurant and banquet hall), a swimming pool, surface parking and a seawall (composed of demolition rubble, large cut granite stones and concrete).

An ENF was filed for this project on January 26, 2006 and then withdrawn to address issues regarding the unauthorized fill of tidelands and reconstruction/repair of the seawall.

### Jurisdiction and Permitting

The project is undergoing MEPA review pursuant to Section 11.03 (3)(b)(5) because it requires a state permit and consists of non-water dependent use of tidelands. The project requires a Chapter 91 license and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). It requires an Access Permit from the Massachusetts Highway Department (MassHighway) and a Construction/Highway Access Permit from the Department of Conservation and Recreation (DCR). It may require Federal Consistency Review by Coastal Zone Management (CZM) and it requires a Category 2, Section 404 Permit from the U.S. Army Corps of Engineers (ACOE). Also, it requires an Amended Order of Conditions from the Revere Conservation Commission.

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 cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction extends to land alteration, tidelands, wetlands, stormwater, rare species/wildlife habitat, wastewater and traffic/transportation.

## **SCOPE**

### General

As modified by this Certificate, the proponent should prepare the EIR in accordance with the general guidelines for outline and content found in Section 11.07 of the MEPA regulations. The EIR should include a detailed project description including any project phasing. The EIR should include existing and proposed site plans at a readable scale. It should fully describe the extent and frequency of existing activity at the site. Any credit taken for existing traffic, water use and wastewater generation should be based on recent activity levels (e.g. within the last three years).

### Permitting and Consistency

The EIR should include a brief description of each state permit or agency action required or potentially required, and should demonstrate that the project will meet applicable performance standards. In accordance with Executive Order No. 385, "Planning for Growth" and Section 11.03(3)(a) of the MEPA regulations, the EIR should discuss the consistency of the project with local and regional growth management plans. The EIR should also discuss the consistency of project design with any applicable state policies. The proponent should provide an update on the local and federal permitting process for the project.

### Alternatives Analysis

The EIR must include an alternatives analysis to identify an alternative that can minimize environmental impacts and meet regulatory standards, particularly with regards to removal of unauthorized fill on the site and design of the seawall reconstruction/repair. The alternatives analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the proponent plans to avoid, minimize or mitigate Damage to the Environment to the maximum extent feasible. An effective repair/reconstruction will improve significantly the riverfront area in this location, provide better public access and decrease the potential erosion and shoreline destabilization.

The EIR should analyze an alternative that removes unauthorized fill from the site and reconstructs the seawall to minimize impacts on coastal resources. The section should describe any changes to the project design required by such an alternative. The EIR should fully explain any trade-offs inherent in the alternatives analysis, such as increased impacts on some resources to avoid impacts to other resources. The alternatives analysis should be designed to meet MassDEP and/or ACOE requirements for alternatives analyses that will be required as part of subsequent permitting processes.

### Chapter 91/Tidelands

Comments from MassDEP Waterways Regulation Program (WRP) indicate that this is a nonwater-dependent project pursuant to 310 CMR 9.12, that the site consists of only private tidelands and that the project must meet the dimensional and use standards for nonwater-dependent projects at 310 CMR 9.51 and 9.52. The EIR should demonstrate (through text and plans) that the project complies with regulatory standards. MassDEP and other commentors have noted issues with several aspects of the project design including: reconstruction/repair of the seawall, the location of pool and patio within 100 feet of the shoreline and the Water Dependent Use Zone (WDUZ), and restrictions on access to the public walkway.

The site includes approximately 4,900 sf of unauthorized fill that has been in place for approximately 34 to 38 years. The seawall is dilapidated, includes a near vertical profile in some sections and is undermined in other sections (concrete deck sections overhanging the riprap without support). According to comments from EPA, previous repairs to the riprap have failed and resulted in the migration of stone materials into the mudflat.

The ENF indicates that the proponent will repair the existing rip-rap revetment by cutting and filling to create the required slope, and then adding a sloping face of riprap on top of the existing structure to achieve the 1:1.5 slope required in License 5475 (the most recent license issued for the revetment). The current proposal relies on the placement of toe stones seaward of the existing toe of the slope, resulting in 1,100 sf of additional permanent fill. All of the comment letters, including comments from CZM, MassDEP WRP, DMF and EPA, have expressed concern with the addition of fill proposed within the Saugus River. As noted previously, the EIR must include an alternative proposal for reconstruction/repair of the seawall to avoid, minimize and mitigate project impacts and ensure consistency with regulatory standards.

The EIR should include a detailed description of the fill material on the site. In developing an alternative for review in the EIR, the proponent should consult with permitting agencies and consider excavation of the upper section of the existing structure, construction of a new rip rap structure that extends no further seaward than the current footprint, and removal of stone material and restoration of the intertidal area. The alternative should avoid the addition of any fill within the Saugus River.

A public walkway and open space with benches are proposed along the waterfront portion of the site. The plans submitted with the ENF do not show a connection to the property to the west and propose gated access from the property site to the waterfront. In addition, the proponent has proposed that access be prohibited from dusk to dawn. The EIR should include greater detail about the proposed landscaping, signage, and other open space amenities to ensure that the layout of this area encourages public use. Comments from MassDEP indicate that, placement of gates along walkways is not permitted because the subsequent operation and maintenance of a gate can lead to noncompliance with public access requirements. The proponent should consult with DEP and DCR regarding public access and efforts to address concerns regarding public safety.

#### Wetlands and Drainage

The existing site is almost entirely impervious and the majority of stormwater runoff flows overland, uncontrolled and untreated, into the Saugus River. The project will decrease the amount of impervious surface on the project site by 14,600 sf and includes a proposed stormwater management system that, if properly designed, constructed and maintained, will minimize stormwater impacts. The proposed stormwater management system includes: collection and treatment of runoff, addition of a drainage channel and water quality swale acting as a level spreader, and treatment to achieve a 80% total suspended solids (TSS) removal. As noted previously, the project will require an Amended Order of Conditions from the Revere Conservation Commission, a 401 Water Quality Certificate from MassDEP and a Category 2, Section 404 Permit from the ACOE. Alternatives analysis will be required to demonstrate consistency with applicable regulations and the analysis included in the EIR should be developed to address these permitting requirements.

The EIR should include plans that clearly delineate all applicable resource area

boundaries on the project site. The proponent should address the significance of wetland resources on the site and demonstrate how alteration of resource areas has been avoided, minimized and/or mitigated. It should address permitting requirements and demonstrate consistency with applicable regulations.

Comments from CZM indicate that the site, while fully developed, is located on a Barrier Beach as defined by the Wetlands Protection Act regulations.<sup>1</sup> The EIR should either demonstrate why the barrier beach resource area is not significant to the interests enumerated in the regulations (storm damage prevention and flood control, protection of marine fisheries and wildlife habitat, and protection of land containing shellfish), or that the project meets the performance standards for this resource area. If the project cannot meet the performance standards, the EIR should demonstrate why the standards cannot be met and include an alternative proposal that does meet the performance standards.

The EIR should provide a stormwater management plan to demonstrate that it will reduce environmental impacts associated with the site and the project. It should provide drainage calculations and pre- and post-construction run-off rates. The EIR should include details concerning the assumptions used in designing the stormwater system and sufficient information to demonstrate that the system meets MassDEP's Stormwater Management Policy. It should include an Operations and Management Plan to ensure its long-term effectiveness. Because of its proximity to the ACEC and shellfish habitat, the EIR should address whether the stormwater management system can be designed to meet the standards for critical areas (Standard 6).

#### Rare Species and Wildlife Habitat

Although the project is located within an area designated as rare species habitat, previous correspondence (dated December 5, 2006) from NHESP indicates that they do not have concerns relating to rare species and NHESP did not comment on the ENF. DMF has noted that the project will affect intertidal mudflat, shellfish habitat, anadromous fish habitat and essential habitat for spawning and juvenile development of winter flounder and tomcod. Design and construction of the seawall should consider minimization of impacts on this habitat. The EIR should note whether an Essential Fish Habitat assessment will be conducted as part of the federal permitting process.

#### Water and Wastewater

According to the ENF, the project will require 15,125 gpd of water and will generate 13,750 gpd of wastewater. These estimates assume 15,312 gpd of existing wastewater discharge and 13,920 gpd of water use. The EIR should include calculations used to develop estimates. Any credit assumed for existing wastewater generation or water use should be based on recent activity levels. Water and wastewater needs will be met through connection to the municipal

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<sup>1</sup> CZM acknowledges that the 1982 Barrier Beach Inventory Project map, and associated GIS layer, depicting this barrier beach (Rv-1) does not include this site within the hatched delineation of the barrier beach. However, the maps indicate that the "seaward and landward margins of all barrier beach units extend to mean low water and include contiguous marsh and/or tidal flats."

system. The EIR should include confirmation from the City of Revere that capacity is available to serve the project and to support proposed infrastructure improvements.

The EIR should identify mitigation for water and wastewater impacts. The proponent should commit to a strong water conservation program. A reduction in water use will also reduce the volume of wastewater generated. The EIR should contain specific information on conservation measures that will be employed to reduce the project's water use.

The ENF indicates that the proponent will inspect and, if necessary replace, the 8-inch sewer line from the site, under Route 1A to the Lynnway and will replace the 12-inch sewer in the Lynnway with a 15-inch sewer from a manhole in the Lynnway south of the General Edwards Bridge to the sewer pump station suction piping. In addition, the on-site sewer system will include a storage tank with a check valve and isolation valve to minimize impacts on the municipal system during periods of heavy surcharge conditions.

Comments from MassDEP note that the use of holding tanks is generally discouraged as a solution to capacity issues, except as temporary solutions to address surcharging problems. MassDEP comments also note that the City of Revere implements a program to remove extraneous clean water (e.g., infiltration/ inflow (I/I)) from the system and ensure that the wastewater flows from new projects are offset by the removal of I/I. According to MassDEP, the City is using a 10:1 ratio for I/I removal to new wastewater flow added. The EIR should assess how proposed mitigation will assist the City in meeting these goals and identify additional measures if necessary to meet identified goals.

#### Traffic and Transportation

The ENF indicates that the project will result in a net reduction in average daily vehicle trips (adt) from an existing 1,820 adt on a weekday (and 2,313 adt on a Saturday) to 381 adt on a weekday and 369 adt on a Saturday. Transit access is available in close proximity to the project site. As noted previously, estimates of existing traffic generation should be based on recent activity levels. The EIR should demonstrate how traffic estimates have been developed.

Traffic generation associated with this residential development will be relatively low and MassHighway has indicated that the project will have minimal impacts on traffic conditions; however, DCR comments identify several issues related to traffic generation and impacts on transportation including the impact of the project on operation of the General Edwards bridge.

The EIR should include updated traffic counts and an assessment of traffic conditions in the immediate area (including Route 1A and the Lynnway) to assist DCR and other commentors to better understand the potential impacts of this project on the existing roadway system. Recent traffic analysis (e.g. within the last three years) developed during MEPA review of other projects in the area, should be presented in the EIR.

The EIR should include an analysis of existing circulation patterns and provide a plan illustrating how drivers, pedestrians and cyclists will access the site in the future. The EIR

should include conceptual plans for any changes to access, including signage and pavement markings. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to areas where improvement are proposed.

The EIR should fully address DCR comments related to traffic and transportation and provide additional analysis or information as necessary to address these concerns.

The ENF indicates that the proponent will implement Transportation Demand Management (TDM) measures to reduce site trip generation and encourage the use of alternative modes such as transit, walking, and bicycling. The EIR should summarize these measures and, in particular, identify how the project can be designed to maximize use of existing transit service in the project area.

### Sustainable Development

The proponent should evaluate sustainable design alternatives that can serve to avoid or minimize potential environmental impacts. Such alternatives may also reduce project development and long-term operational costs. The EIR should discuss sustainable design alternatives evaluated by the proponent and describe measures proposed to avoid and minimize environmental impacts. Such measures may include:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- use of renewable energy;
- ecological landscaping;
- optimization of natural day lighting, passive solar gain, and natural cooling;
- an annual audit program for energy and water use, and waste generation;
- energy-efficient Heating, Ventilation and Air Conditioning (HVAC), lighting systems, and appliances, and use of solar preheating of makeup air;
- use of building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- incorporation of an easily accessible and user-friendly recycling system infrastructure into building design; and
- implementation of a solid waste minimization and recycling plan.

### Construction Period Impacts

The EIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities and propose feasible measures to avoid or eliminate these impacts. The EIR should demonstrate that construction on the seawall revetment will be conducted outside of fish run and spawning periods for species such as smelt and alewife. Also, the EIR should describe measures that will be taken to prevent sediment transport and erosion during repairs to the seawall.

The project includes demolition and reconstruction, which will generate a significant amount of construction and demolition (C&D) waste. MassDEP encourages the project proponent to incorporate C&D recycling activities as a sustainable measure for the project. Demolition activities must comply with both Solid Waste and Air Quality Control regulations.

In addition, because the project will be located in a dense, urban area in proximity to existing residences, the proponent should consider participation in the MassDEP Diesel Retrofit Program to minimize air quality impacts associated with the construction period. This can include the addition of after-engine emission controls such as oxidation catalysts or particulate filters and use of on-road low sulfur diesel (LSD) fuel in off-road construction equipment. Additional information on diesel emission mitigation is available on the DEP Web site: <http://www.state.ma.us/dep/brp/mf/files/diesel.pdf>.

### Mitigation

The EIR should contain a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that include 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. The EIR should provide a schedule for the implementation of the mitigation, based on the construction phases of the project.

### 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 subject matter jurisdiction. The EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

### 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 Revere and Lynn officials. A copy of the EIR should be made available for review at the Revere and Lynn Public Library.

March 8, 2007

Date



Ian A. Bowles



Comments received:

2/26/07 Coastal Zone Management (CZM)  
2/26/07 Department of Environmental Protection Northeast Regional Office  
(MassDEP/NERO)  
2/26/07 MassDEP/Waterways Regulation Program  
2/26/07 Department of Conservation and Recreation (DCR)  
2/26/07 DCR/Areas of Critical Environmental Concern Program (ACEC)  
2/26/07 Division of Marine Fisheries  
2/22/07 Executive Office of Transportation  
2/22/07 U.S. Environmental Protection Agency  
2/26/07 Saugus River Watershed Council  
2/25/07 Elaine Hurley

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