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March 14, 2008

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

PROJECT NAME : Boulderwood Subdivision  
PROJECT MUNICIPALITY : Peabody & Lynn  
PROJECT WATERSHED : North Coastal  
EEA NUMBER : 14181  
PROJECT PROPONENT : David Solimine, Jr., Trustee of the MJ II Realty Trust  
DATE NOTICED IN MONITOR : February 6, 2008

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). In a Draft Record of Decision (ROD) issued today, I hereby propose to grant a waiver from the requirement to prepare a mandatory EIR. The Draft ROD will be published in the March 26, 2008 issue of the *Environmental Monitor* and subject to a 14-day public comment period, after which I will issue a Final ROD with a determination regarding the waiver request. If I deny the waiver request, I will reissue this certificate with a scope.

Project Description

As outlined in the Expanded Environmental Notification Form (EENF) and in supplemental materials provided by the Proponent, the project proposes to construct 110 single-family homes with parking for 220 vehicles on a 58.6-acre site located southerly of Bartholomew Street in Peabody and northerly of Sunset Road and Den Quarry Road in Lynn. The site is divided by an existing 240 to 250-foot wide parcel of land owned by New England Power Company.

### Jurisdiction and Project Review

The project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(1)(a)2 of the MEPA Review Thresholds because the project will create ten or more acres of impervious area and it requires a state permits. The project is also subject to ENF MEPA Review Thresholds pursuant to Section 11.03(5)(b)3c and 11.03(6)(b)14 because it require construction of ½ or more miles in length of new sewer mains will generate 1,00 or more new average daily traffic on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location. The project requires a Sewer Extension/Connection Permit and a BRPWS32 Distribution Modification Permit from the Department of Environmental Protection (MassDEP). MassDEP has issued a Superseding Order of Conditions for this project, DEP File #55-0609, dated June 14, 2007. The project also requires a National Pollution Discharge Elimination System (NPDES) General Permit for Stormwater Discharge from the US Environmental Protection Agency (EPA).

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project within the subject matter of required or potentially required permits with the potential to cause Damage to the Environment. In this case, MEPA jurisdiction on this project extends to land alteration, wastewater, water, wetlands and stormwater.

### Request for a Waiver of Mandatory EIR

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an EENF with a request that I allow the proponent a waiver of the mandatory EIR, rather than the usual process of a Draft and Final EIR. The EENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request and I hereby find that the EENF meets the regulatory standards.

### **Review of the EENF**

The Proponent has conducted an analysis of project alternatives. A summary of the alternatives analysis was included with the EENF. The proposed project and preferred alternative is a 110-lot residential subdivision, with access from Bartholomew Street in Peabody and Sunset Road in Lynn, Massachusetts

### Wastewater

The site will be served by sewer connections from the City of Peabody's sewer distribution system. The proponent will bear all costs associated with installing the infrastructure necessary to connect to the local system. The project requires a sewer extension/connection permit from MassDEP for a 1.35-mile sewer. The proponent is committing funding for infiltration and inflow removal at a rate of two gallons to be removed for every

gallon added. As explained in the EENF, funding would be provided to eliminate 96,000 gallons per day (gpd) of wastewater from the Peabody sewer system, based on and estimated 47,000 gpd of daily wastewater flow.

In accordance with the revised sewer extension and connection regulations in 314 CMR 7.00, which went into effect on January 12, 2007, the proponent is now required to file a certification statement with MassDEP for a wastewater discharge which is greater than 15,000 gallons per day and less than 50,000 gallons per day. I advise the proponent to review the additional information on the changes in the sewer extension and connection regulations available on the MassDEP website: <http://www.mass.gov/dep/water/laws/sewerfax.pdf>.

### Wetlands

MassDEP has issued a Superseding Order of Conditions (SOC) for this project, DEP File #55-0609, dated June 14, 2007. MassDEP has stated in their comment letter that they do not require additional information on wetlands because the work proposed is within the buffer zone to wetlands resources.

### Stormwater Management and Construction Activities

During the site visit for the project the proponent indicated that the project is being designed to comply with MassDEP's Stormwater Management Policy. In addition, MassDEP stated in their comment letter that the stormwater management system has been designed for compliance with MassDEP's Stormwater Management Policy.

The proponent should ensure that appropriate erosion and sedimentation controls are implemented to avoid and minimize adverse impacts to wetlands and surface waters during construction activities. The proponent should also ensure that appropriate measures are implemented to avoid and minimize dust, noise, odor, traffic, and nuisance conditions associated with construction activities. The proponent should ensure that effective mechanisms are in place for long-term operation and maintenance of the project's stormwater management system.

### Water

The site will be served by extended water from the City of Peabody's water distribution system. The proponent will bear all costs associated with installing the infrastructure necessary to connect to the local system. Approximately 1.8 miles of new water mains is proposed.

The proponent is required by the City of Peabody to provide water system improvements, including water main replacement, an upgrade to the water booster system, and a new water storage tank. The storage tank requires a MassDEP BRPWS32 Distribution Modification Permit, as indicated in the EENF.

MassDEP has indicated that the City of Peabody acknowledges that it is necessary to implement an Enhanced Water Conservation Plan, because it has exceeded the performance criteria in its 2003 Water Management Act permit. Accordingly, the proponent has committed to provide funding to replace 100 medium-sized water meters, prior to obtaining a release certificate for the 75th lot in the subdivision.

### Sustainable Design

I encourage the proponent to explore, and implement to the extent feasible, sustainable design elements that can provide environmental benefits as well as economic benefits for the proponent and future building users. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Leadership in Energy and Environmental Design (LEED) certification;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful [www.mass.gov/envir/lid](http://www.mass.gov/envir/lid) and [www.lid-stormwater.net](http://www.lid-stormwater.net) );
- optimization of natural day lighting, passive solar gain, and natural cooling;
- use of energy efficient Heating, Ventilation, and Air Conditioning (HVAC) and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- provision of easily accessible and user-friendly recycling system infrastructure.

### Transportation

The proposed project is expected to generate approximately 1,053 average trips per day and will provide approximately 220 on-site parking spaces which exceed ENF MEPA Review Thresholds. The project, however, does not require any Access Permit from the Massachusetts Highway Department. Therefore, MEPA does not have subject matter jurisdiction over transportation.

The EENF contains a Traffic Impact and Access Study prepared based upon a larger 123-lot subdivision plan, not the final preferred 110-lot plan. The results of this analysis indicated that 72% of the traffic would use the Bartholomew Street access in Peabody and 28% of the traffic would use Sunset Road to Cannon Rock Road to Den Quarry Road in Lynn. The standard capacity analysis for the Bartholomew Street and Gedney Drive access in Peabody, as well as the Cannon Rock Road and Den Quarry Road access in Lynn all operate at a level-of-service "A" for all movements in both the AM and PM peak hours. The results of the analysis indicated that sufficient capacity is available to accommodate all turning movements to and from the proposed project.

Conclusion

Based on a review of the information provided by the Proponent and after consultation with the relevant public agencies, I find that the potential impacts of this project do not warrant further MEPA review. Outstanding issues may be addressed during the permitting process.

March 14, 2008

Date



Ian A. Bowles

## Comments Received:

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|----------|---|
| 02/15/08 | State Representative Robert F. Fennell                            |
| 02/08/08 | Mr. Bernard F. Kallelis   |
| 02/29/08 | Lynn Business Partnership, Inc.                                   |
| 02/29/08 | Lynn Area Chamber of Commerce                                     |
| 03/05/08 | City of Peabody Department of Public Services                     |
| 03/07/08 | Response to Mr. Bernard F. Kallelis's comments from the Proponent |
| 03/07/08 | Department of Environmental Protection, NERO                      |
| 03/07/08 | Lynn Water & Sewer Commission                                     |

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