



# The Commonwealth of Massachusetts

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March 20, 2006

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

PROJECT NAME : Wilmington Mixed-Use Retail Project  
PROJECT MUNICIPALITY : Wilmington  
PROJECT WATERSHED : Ipswich  
EOEA NUMBER : 13731  
PROJECT PROPONENT : Wilmington Main Realty Limited Partnership  
DATE NOTICED IN MONITOR : February 8, 2006

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).

As described in the Expanded Environmental Notification Form (EENF), the project involves the redevelopment of the former Wilmington Ford auto dealership property, and includes the development of a mixed-use retail shopping center on a 11.5-acre site located on the west side of Route 38 (Main Street) in Wilmington. The proponent proposes to subdivide the project site to create two separate lots (Lot A – 7.54 acres, Lot B – 4.0 acres. Lot B is developed and contains an active Subaru auto dealership. The proposed re-development project will be located within Lot A, and will include the construction of approximately 78,200 sf of retail space in five separate buildings (‘Main Retail Building’ 55,679 sf, a separate 4,900 sf restaurant, two general retail buildings 7,500 sf and 7,000 sf, a 1,800 sf coffee shop with drive-thru window, and a 1,200 sf luncheonette restaurant, 361 surface parking spaces and related infrastructure. According to the EENF, the project is estimated to generate approximately 6,000 vehicle trips on the average weekday. According to the proponent, under the current project proposal, the Subaru auto dealership will remain on Lot B.

The project is undergoing review and requires preparation of an EIR pursuant to sections 11.03 (6)(a)(6) of the MEPA regulations, because the project requires state permits and will result in the generation of 3,000 or more new vehicle trips per day (5,802 vtd total).

The project also requires a Sewer Connection/Extension Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Wilmington Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). The project must comply with the National Pollution Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre.

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, stormwater, and traffic.

### **Single EIR Request**

The proponent filed an Expanded Environmental Impact Notification Form (EENF), in connection with a request to prepare a Single EIR (rather than the ordinary Draft and Final EIR) in accordance with section 11.06(8). That section sets forth the following standards for an EENF, which is required for a Single EIR:

1. describe and analyze all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the scope;
2. provide a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and
3. demonstrate that the planning and design of the project uses all feasible means to avoid potential environmental impacts.

The EENF did not provide sufficient baseline data or alternatives analysis in a number of areas, including stormwater, water supply, wastewater, and traffic. I am therefore requiring the preparation of a Draft and Final Environmental Impact Report (DEIR, FEIR). The scope for the DEIR is outlined in detail below.

### **SCOPE**

#### **General:**

The DEIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The DEIR should contain a copy of this Certificate and a copy of each comment received. The proponent should circulate the DEIR to those parties who commented on the EENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations.

**Project Description and Permitting:**

The DEIR should include a description of the proposed project, including as much information as possible on lighting, grading, landscaping, and buffers between the site and adjacent uses. The DEIR should also include existing and proposed grading plans. The DEIR should briefly describe each state permit required for the project, and should demonstrate that the project meets any applicable performance standards. In accordance with section 11.01 (3)(a) of the MEPA regulations, the DEIR should also discuss the consistency of the project with any applicable local or regional land use plans.

**Alternatives:**

In addition to the Preferred Alternative for the proposed mixed-use project, the DEIR should discuss alternative building configurations on the site that might result in fewer impacts, particularly to impervious surface area, parking, and stormwater. Specifically, the DEIR should evaluate the feasibility of reducing overall parking ratios.

While I acknowledge the potential difficulties of incorporating Low Impact Development (LID) techniques in site design and stormwater management plans for sites characterized by high groundwater, I strongly encourage the proponent to identify opportunities to incorporate LID in the project's site design and stormwater best management practices (BMPs) to reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are the use of landscaping features and naturally vegetated areas in site design, which encourage the detention, infiltration and filtration of stormwater on-site, and the in-basin recharge of groundwater resources. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

**Stormwater:**

The proposed project creates approximately 6 acres (80%) of impervious surfaces area within the project site. The DEIR should investigate all feasible methods of avoiding, reducing, or minimizing impervious surfaces associated with the project. The DEIR should include a detailed description of the project's proposed drainage system design, including a discussion of the alternatives considered along with their impacts. The DEIR should identify the quantity and quality of flows.

The rates of stormwater runoff should be analyzed for the 10, 25, and 100-year storm events. The proposed drainage system should control storm flows at existing levels. The DEIR should discuss the consistency of the drainage plan with DEP's Stormwater Management Policy, guidelines, and Wilmington's Stormwater Program. The DEIR should identify any stormwater discharge points, and describe any drainage impacts associated with required off-site roadway improvements. The DEIR should indicate and discuss where the Route 38, Bridge Lane, Dewey Avenue, Hobson Avenue, and Brand Avenue drainage systems discharge in this area. It should also be demonstrated that the proposed drainage system would control storm flows at existing levels. The proponent should respond to DEP's comments pertaining to the project's stormwater management plan.

### **Water Supply:**

#### Town of Wilmington's Comprehensive Water Resources Management Plan (CWWMP)

Consistent with my position on similar projects located in the Ipswich River basin (EOEA #12514), local water withdrawals by communities located in the Ipswich River basin, including the Town of Wilmington, are causing severe stresses on the ecosystem of the Ipswich River basin. Restoring the water balance in the Ipswich River basin will require a combination of reducing the demand for portable water supply through water conservation, reducing the amount of wastewater exported out of the basin for treatment, improved stormwater management and groundwater recharge, and supplementing or replacing existing water supplies.

The Town of Wilmington is nearing completion of its development of a Comprehensive Wastewater Management Plan/Environmental Impact Report (CWMP/EIR) to address the short-term and long-term issues relating to the Town's wastewater treatment and disposal needs, and drinking water supply needs. The Town of Wilmington's CWRMP calls for the construction of a water supply connection to the Massachusetts Water Resources Authority (MWRA) to purchase approximately 1.75 million gallons per day (mgd) of MWRA water supplies to replace the loss of supply from the Maple Meadow Brook Aquifer (MMBA) water supply wells, a wastewater management plan that maximizes the use of on-site subsurface wastewater disposal systems, increased impervious surface area and stormwater management, and a commitment to the full range of effective local water conservation measures that reduce demand on water supplies to the maximum practicable extent.

The DEIR should demonstrate that the use of the Town of Wilmington's municipal water supply sources to serve the project's potable water demand (10,500 gpd) is feasible. At a minimum, the DEIR should demonstrate that:

- the municipal water supply has sufficient capacity to accommodate the proposed project's additional water supply demand; and,

- the proponent has secured permission from the Town of Wilmington to obtain the necessary potable water supply.

DEP has recommended that the proponent commit to employing efficient water conservation technologies for the project including: water saving devices; low flow toilets; and low flow appliances (dishwashers, washing machines). The proponent should consult with DEP to ensure that the final project design meets the Commonwealth's water conservation standards, including those standards pertaining to lawn and landscape conservation. I encourage the proponent to also consider developing an Irrigation Management Plan (IMP) to further reduce the project's irrigation water demand. The proponent's IMP should include the use of: xeroscaping, amended soils and compost; the planting of native and drought-tolerant species of trees, shrubs, and turf grasses; an automated water efficient irrigation system; and a water management protocol for drought conditions. The proponent should consult with DEP in the final design of the project's landscape plan.

#### **Wastewater:**

As described in the EENF, the proposed mixed-use retail project will generate approximately 9,000 gpd of wastewater flow. The proponent proposes to discharge the project's wastewater flow to the Town of Wilmington's municipal wastewater collection system, to be conveyed out of the Ipswich River Basin to the Massachusetts Water Resources Authority's (MWRA's) Deer Island Wastewater Treatment Facility. The SEIR should demonstrate that the proposed discharge of the project's wastewater to Wilmington's municipal wastewater collection system is feasible. At a minimum, the DEIR should demonstrate that:

1. the Town of Wilmington's municipal wastewater collection and conveyance system has sufficient design capacity to accommodate the proposed project's additional wastewater flows, and that the proponent has secured permission from the Town of Wilmington to direct the proposed project's wastewater flows off-site to said facility for treatment.

In their comments, DEP has recommended that the proponent identify opportunities to eliminate approximately 36,000 gallons (4:1) of infiltration and inflow (I/I) from the Town of Wilmington's sewers to mitigate the wastewater flows generated by the project. DEP has indicated that the proponent will need to provide additional information to DEP regarding the proponent's commitment to I/I reduction efforts in Wilmington.

As I have indicated in my recent review other sewer extension projects located in Wilmington (EOEA #8844, Brookfield Estates, June 23, 2003, Yentile Estates, June 2004), the proponent's proposed mitigation will need to identify specific I/I activities, their location within the Wilmington's proposed sewer service area, and a projected schedule for their completion.

The DEIR should include a description of the proponent's efforts to coordinate with the Town of Wilmington to identify appropriate I/I mitigation projects within the Town of Wilmington that will help to offset the potential municipal water withdrawal and sewerage impacts from the proposed Mixed Use Retail Development project and future project.

**Traffic:**

According to the comments received from the Massachusetts Highway Department (MHD), the EENF included a traffic study that appears to conform to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. As described in the EENF, the proponent has consulted with MHD and the Town of Wilmington, and has identified and committed to a number of traffic improvements, listed below, related to site access and traffic circulation to mitigate the project's impacts to traffic.

- Construction of upgrades and improvements to the project site's proposed access drive to include two entry and two exit lanes at the Route 38 intersection separated by a landscaped center island,
- Construction of a driveway connection from the Lot A project site to the adjacent Lot B,
- Construction of a new right turn only exit drive onto Route 38 to be located in the southeastern corner of Lot A,
- Installation of a new signalization at the Route 38/Lot A parcel site drive intersection,
- Re-timing of existing signalization located at Richmond Street/Route 38 intersection, Wilmington Plaza/Route 38 intersection, and the Clark Street/Route 38 intersection with proposed new signalization at the Route 38/Lot A parcel site drive intersection,
- Removal of existing signalization at the Wilmington Plaza 'Middle Driveway'/Subaru Dealership Site Drive/Route 38 intersection,
- Implementation of a transportation demand management (TDM) program.

The proponent should commit to updating and interconnecting all the existing signals located along Route 38 between Richmond Street and Church Street into one functioning traffic control system. The DEIR should include conceptual plans for the proposed traffic and roadway improvements, and should identify proposed lane widths, layout lines and right-of-way jurisdictions. The DEIR should respond to MHD's comments. I strongly encourage the proponent to consult with the MHD's Public/Private Development Office, MHD's District 4 Office, and the Town of Wilmington on transportation issues during the preparation of the SEIR.

Parking

The DEIR should describe how the number of parking spaces needed was determined. The DEIR must identify the parking supply recommended by land use category by the Institute of Traffic Engineers (ITE) Parking Generation for comparative purposes.

The DEIR should demonstrate that the parking supply is the minimum necessary to accommodate project demand without unduly encouraging employee commuting by single occupant vehicles. I am concerned that the project, as proposed, requires too many parking spaces (approximately 4.6 spaces per 1,000 gross lease area (gla) of retail space) when public transit and a strong Transportation Demand Management (TDM) program could reduce parking demand. I ask the proponent to seek permission from the City of Haverhill to build fewer parking spaces or provide a "land bank" of parking spaces to be utilized only if the development program needs them. The DEIR should discuss the impacts of excess parking upon the proposed TDM program, and the feasibility of a Preferred Alternative with fewer parking spaces.

#### Transportation Demand Management (TDM) plan

As described in the EENF, the proponent has proposed a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons. The proponent's proposed TDM plan incorporates a number of measures for reducing project generated vehicle trip generation including;

- the implementation of an employee ride-matching program (carpooling and vanpooling);
- the implementation of an "Guaranteed Ride Home" program for employees;
- the use of staggered employee work hours; and
- the development of on-site amenities including employee direct deposit banking, and secured bicycle storage racks.

All project tenants and businesses should be required to participate in the proposed TDM plan. The DEIR should include appropriate commitments to implement feasible TDM measures and/or commit to a trip reduction performance standard. The DEIR should describe any monitoring necessary to ensure the success of the program. (I recognize the challenges inherent in developing a successful TDM program at a suburban retail site, but remind the proponent of its obligation to develop the maximum mitigation feasible for traffic impacts. TDM can and should constitute a portion of the transportation mitigation program.)

#### Transit

The DEIR should provide an inventory of public transit and bus services in the project area that connect to the local commuter rail station. The proponent should work with local officials to identify bus connections and potential shuttle bus services from activity nodes and residential areas to the project site.

#### Pedestrian and Bicycle Facilities

The DEIR should describe the internal vehicular and pedestrian circulation plan for the project site at the completion of the proposed project. The DEIR should show on a reasonable scaled map of the project site, where the proponent proposes new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage in a map of the area. The proponent should discuss the feasibility of providing a sidewalk along Route 38 and the proposed development driveways.

I strongly encourage the proponent to consult with WalkBoston, and to continue to work closely with the Town of Wilmington, Route 38 business owners, and MHD, to evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the Route 38 corridor in response to the regional and local traffic concerns that may arise out of the proposed mixed-use retail development project.

**Hazardous Waste Remediation:**

According to the information contained in the EENF, and additional information provided by the proponent during the MEPA Scoping session held for this project on February 22, 2006, Lot A contains one site where a release of hazardous waste material to soil or groundwater has been reported (RTN 3-3958). This release site (Class C RAO) continues to undergo groundwater monitoring and evaluation by the proponent's Licensed Site Professional (LSP). I strongly recommend that the proponent consult with DEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to explore what impacts, if any, the proposed project might have on this hazardous waste release site, and to evaluate the proponent's need for retaining a Licensed Site Professional (LSP) to assist in the project's construction, and to coordinate the project's construction activities with the other ongoing groundwater treatment projects in the area.. The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions in the event contamination is encountered during project construction.

**Visual/Aesthetics and Historic Resources:**

The DEIR should discuss the aesthetics of the project, provide building profiles, and include a conceptual-level landscaping plan.

**Comments:**

The DEIR 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 DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.



**Mitigation/Section 61:**

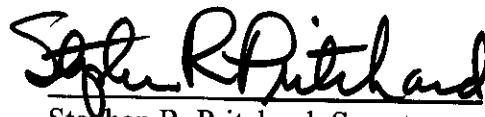
The DEIR should include a separate chapter on mitigation measures. The DEIR should include conceptual plans for any proposed improvements to stormwater management, wastewater management including I/I removal, and pedestrian access with sufficient detail to verify the feasibility of constructing such improvements. The DEIR 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 DEIR should state whether land takings are necessary to implement proposed improvements and should identify the party responsible for such takings. Any proposed mitigation within the state highway layout must conform to MHD standards, including but not limited to, lane, median and shoulder widths, bicycle lanes and sidewalks. This chapter on mitigation should include a Draft Section 61 Finding for all state permits. The Draft Section 61 Finding should contain 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. I urge the proponent to participate in any discussions and studies, which evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within this project area.

**Circulation:**

The DEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to officials from the Town of Wilmington. A copy of the DEIR should be made available for public review at the Wilmington Public Library.

March 20, 2006

Date



Stephen R. Pritchard, Secretary

**Comments received:**

03/09/06	Town of Wilmington – Department of Planning & Conservation
03/09/06	Massachusetts Highway Department (MHD)
03/10/06	EA Engineering, Science, and Technology, Inc.
03/13/06	Department of Environmental Protection (NERO)
03/14/06	Town of Wilmington – Department of Planning & Conservation

EOEA #13731 EENF  
SRP/NCZ/ncz