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May 16, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : 720-770 Broadway
PROJECT MUNICIPALITY : Saugus
PROJECT WATERSHED : North Coastal
EEA NUMBER : 14041
PROJECT PROPONENT : Northbound LLC
DATE NOTICED IN MONITOR : April 9, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Supplemental Draft Environmental Impact Report (SDEIR) 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). On October 17, 2007, I issued a Certificate on the Draft Environmental Impact Report (DEIR) that required a Supplemental DEIR (SDEIR) to address concerns regarding wetlands, stormwater, traffic, and land alteration issues. The proponent requested that the DEIR and SDEIR be reviewed as a Final EIR. The SDEIR adequately addressed those items outlined in the Scope on the SDEIR. Since the substantive issues outlined in the DEIR Certificate have been resolved, I am allowing the DEIR and SDEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2).

As described in the SDEIR, the project includes the construction of two, single-story retail buildings on two adjacent parcels of land (Parcels A and B), with approximately 606 total parking spaces, associated utilities, and site improvements on Route 1 in Saugus. The total gross

square footage of retail space within the two buildings is approximately 137,107 square feet (sf). The 17.34-acre project site is presently unoccupied and undeveloped though it has previously been occupied by a landscape construction company. The project site was subject to a MEPA filing in 1985 (EOEA No. 5447) for a proposed 93,000 sf office building. This project never commenced and a separate review under MEPA was conducted for the currently proposed project.

The SDEIR presented minor changes to the Preferred Alternative (referred to as the "current site plan" in the SDEIR). The project will alter approximately 15 acres of land and create approximately 10.18 acres of new impervious area. Considerable amounts of site grading, blasting and earth materials processing will be necessary to achieve proposed building and parking area grades. Impact to Bordering Vegetated Wetlands (BVWs) has been eliminated under the current site plan. Approximately 16,580 sf of locally-jurisdictional Isolated Vegetated Wetlands (IVWs) have previously been altered and will be replicated in the form of 30,935 sf of BVW on Parcel A (720 Broadway). The 4,600 sf of BVW replication previously proposed on Parcel B (770 Broadway) has been eliminated from the development program, as all direct BVW impact has been avoided under the new Preferred Alternative. It has been estimated that the project will generate approximately 8,340 vehicle trips on an average weekday. Two new curb cuts, as well as a modified curb cut, will be constructed along Route 1 along the site frontage. The project will connect to water and sewer mains presently in place near the project site.

The project is undergoing review pursuant to Section 11.03 (1)(a)(2) and Section 11.03 (6)(a)(6) because the project requires a state permit and will involve creation of ten or more acres of impervious area and the generation of 3,000 or more new average daily trips on roadways providing access to a single location. The project will require a Highway Access Permit from the Massachusetts Highway Department (MassHighway) for access onto Route 1 and modifications to the state highway layout. The project will require a Surface Water Discharge Permit under the National Pollutant Discharge Elimination System (NPDES) program from the United States Environmental Protection Agency (U.S. EPA). The project will also require an Order of Conditions from the Saugus Conservation Commission, and in the case of an appeal, a Superseding Order of Conditions from the Massachusetts Department of Environmental Protection (MassDEP). Finally, the project will require a Site Plan Review Special Permit and Hillside Protection Special Permit from the Town of Saugus.

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, stormwater, transportation, and wetlands.

Review of the SDEIR

General / Alternatives Analysis

The SDEIR included a summary of changes made to the project since the filing of the DEIR, most notably, the elimination of direct BVW alteration and the modification of the southerly driveway to an exit-only turning movement. A summary of permits that have been issued, and those still pending, was provided. The SDEIR provided a detailed and complete alternatives analysis, and clarified discrepancies in the DEIR, allowing for a sufficient comparison of the previous design alternatives. This alternatives analysis included a comparison of potential environmental impacts associated with four different alternatives including a no-build alternative, the Expanded Environmental Notification Form (EENF) alternative, the DEIR "original" alternative, and the DEIR reduced build/Preferred Alternative. This analysis assisted in the confirmation that the proponent has sought a design that minimizes, avoids and/or mitigates damage to the environment.

Land

The SDEIR addressed the phasing of blasting, materials processing areas on-site, and the requirement to adhere to MassDEP blasting policies. Perchlorate will not be used in the blasting process. The vast majority of rock materials will be exported off-site. However, 30,000 cubic yards (cy) of the 310,000 cy to be excavated will be used on-site, and approximately 3,750 cy of soil will be used on site as loam. The SDEIR has estimated 9,476 total truck trips, an average of 19 truck trips per day, over the course of two years to complete the rock materials exportation process.

All blasting activities occurring within 250 feet of Route 1 will require a permit from MassHighway. The proponent will be required to submit a site plan, sequence and schedule of blasting rounds, detailed blast information, and the proposed location of seismographs to the MassHighway District Office and the Geotechnical Section for review prior to commencement of blasting. If it is determined by MassHighway, the State Police or the Saugus Fire Chief that traffic be stopped on Route 1 during blasting, the proponent should prepare a Traffic Management Plan (TMP) for review and approval. Steps should be taken to minimize overall traffic delays through advance warning of blasting activities to motorists and limiting blasting activities to off-peak traffic hours.

Wetlands

The SDEIR has put forth a Preferred Alternative that has eliminated the alteration of 2,662 sf of BVW and the associated BVW wetland replication area. The SDEIR confirmed that a Section 401 Water Quality Certificate (WQC) will not be required from MassDEP for the proposed wetland impacts. Previous work on-site included the fill of approximately 16,580 sf of locally-jurisdictional IVW. Mitigation in the form of high-quality BVW replication adjacent to

an existing BVW at a $\pm 1.9:1$ ratio is proposed. The SDEIR included information regarding consistency of wetland hydrology and wetland replication areas with MassDEP guidelines.

Wetland replication of BVW should be conducted in accordance with the Order of Conditions issued by the Saugus Conservation Commission. The SDEIR has noted the presence of invasive plant species near the replication area. A vigorous monitoring program should be established to ensure that a viable wetland replication area is established, and the spread of invasive species limited. Monitoring surveys at the end of the first two growing seasons will be required to verify compliance under 310 CMR 10.55(4)(b)(6).

Stormwater

The SDEIR included supporting documentation to demonstrate compliance with the MassDEP Stormwater Management Policy (SMP) in effect at the time of the wetlands' Notice of Intent filings. This information included calculation sheets for peak rates of runoff, water quality volumes, infiltration volumes, and total suspended solids (TSS) removal rates. The SDEIR also clarified the types of Best Management Practices (BMPs) to be used on site and their ability to comply with the SMP. The SDEIR adequately addressed concerns from MassDEP regarding the ability of the BMPs to provide sufficient removal of TSS to comply with the water quality standard (Standard 4). Snow storage disposal areas were identified and stormwater management system Operations and Maintenance Plan was provided. MassDEP has recommended that the proponent use signage on-site to redirect snow disposal operations away from wetland resource areas. Furthermore, I encourage the proponent to include biofiltration and/or tree box filters in recessed planting islands among the parking spaces to capture a portion of the parking lot runoff, and reduce heat island effects during the summer months.

Transportation / Traffic

A revised traffic study was included in the SDEIR to address the comments posed by the Executive Office of Transportation and Public Works (EOTPW). This traffic study generally conforms to the EOEEA/EOT Guidelines for Traffic Impact Assessment. The proponent revised the traffic study to include the build-with-mitigation conditions of the Shoppes at Saugus (EEA No. 14011), in order to allow for a complete assessment of the full project impact on the Route 1 corridor. The SDEIR included a Traffic Demand Management (TDM) program to reduce single occupancy vehicle trips that will be considered by the proponent. I encourage the proponent to commit to specific TDM measures, as recommended by MassDEP, to further reduce air quality and traffic impacts associated with this project. The SDEIR contained draft Section 61 findings for use by MassHighway during the Highway Access permit approval process.

The SDEIR outlined additional measures to mitigate potential traffic impacts associated with the project. These measures include:

- Modification of the southern driveway turning movements to exit-only;
- Installation of a traffic control signal at the Route 1/Lynn Fells Parkway intersection, should the developers of the Shoppes at Saugus not complete the work in a timely manner;
- A fair share contribution to MassHighway in the amount of \$65,000 should the aforementioned signal be installed by others prior to site occupancy.

EOTPW has noted that MassHighway regulations do not provide for acceptance of payment; therefore the proponent should meet with the Public/Private Development Unit to discuss an alternative means of mitigation.

Construction Period

The SDEIR outlined a construction sequencing plan, including provisions to mitigate impacts to Route 1 should blasting be required. The SDEIR included a commitment by the proponent to participate in MassDEP's Clean Construction Equipment Initiative. The proponent should take measures to reduce potential construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions). The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. I encourage the proponent to incorporate construction waste recycling activities as a sustainable measure for the project. The proponent should consult with MassDEP for appropriate standards and guidelines for managing construction waste.

Sustainable Design

The SDEIR outlined potential energy efficient equipment and sustainable design elements that may be used on-site, a solid waste reduction plan, and water conservation measures. I encourage the proponent to consider designing the buildings using applicable green building rating systems, such as Leadership in Energy and Environmental Design (LEED), Energy Star, or Green Globes. As tenants are determined for the buildings, additional sustainable design measures should be revisited and investigated.

Mitigation and Section 61 Findings

The SDEIR included draft Section 61 Findings for the MassHighway permit. EOTPW has noted that MassHighway regulations do not provide for acceptance of payment as proposed in the draft Section 61 Findings included in the SDEIR. Therefore, Section 61 Findings may

need to be revised to address this issue. MassHighway should forward copies of the final Section 61 Findings to the MEPA Office for completion of the project file.

The proponent has committed to a range of mitigation measures including, but not limited to:

Wetlands: Historic IVW filing will be mitigated by replicating 30,935 sf of on-site BVW replication.

- Wastewater: \$300,000 upgrade to the nearby Town of Saugus-owned sewer pump station.
- Water: Extension of the 12-inch municipal water main from the nearby iParty store to create a closed loop, additional stubs for future use, and allowing for fire protection for the adjacent trailer park. Relocation of the existing dilapidated water main outside the Route 1 high speed lane.

Traffic / Transportation: Modification of the southern driveway turning movements to exit only. Installation of a traffic control signal at the Route 1/Lynn Fells Parkway intersection, should the developers of the Shoppes at Saugus not complete the work in a timely manner. A fair share contribution to MassHighway in the amount of \$65,000 should the aforementioned signal be installed by others prior to site occupancy.

Air Quality: Participation in MassDEP's Clean Construction Equipment Initiative, and strict enforcement of Massachusetts Idling Regulations (310 CMR 7.11). A TDM program will be implemented on-site to reduce single occupancy vehicle trips.

I am satisfied that the DEIR and SDEIR adequately assessed potential project impacts and committed to measures that will avoid, minimize and mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. The proposed project requires no further review under MEPA and may proceed to state permitting.

May 16, 2008

Date



Ian A. Bowles

Comments received:

05/09/2008 Massachusetts Department of Environmental Protection – NERO
05/12/2008 Executive Office of Transportation and Public Works

IAB/HSJ/hsj