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June 1, 2007

DRAFT RECORD OF DECISION

PROJECT NAME : Shops at Saugus
PROJECT MUNICIPALITY : 334-352 Broadway (Route 1) - Saugus
PROJECT WATERSHED : North Coastal
EOEA NUMBER : 14011
PROJECT PROPONENT : Shops at Saugus, LLC/Town of Saugus
DATE NOTICED IN MONITOR : April 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (MEPA)(G. L. c. 30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and propose to grant a waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (EENF), the proposed project consists of the construction of an approximately 98,517 square foot (sf) shopping center. The project includes retail, restaurant and professional office space. It will require the transfer of 3.82 acres of undeveloped Department of Conservation and Recreation (DCR) land, which was originally proposed for the extension of the Lynn Fells Parkway between Route 1 and Walnut Street. The proposed roadway extension was never built. Another 4.5 acres of the remainder of the DCR land from the limit of the first transfer to the intersection with Walnut Street and Central Street would also be transferred to the Town of Saugus and would remain as open space. The existing site has been cleared of all buildings. It had contained a 2,000 seat function hall and about 6,390 sf of specialty retail space. The project site is comprised of 14.14 acres, which includes the DCR land.

Jurisdiction

The project will require an Access Permit from DCR for proposed improvements to the Lynn Fells Parkway. It will also need to obtain an Access Permit for Route 1 from the Massachusetts Highway Department (MassHighway). The project requires several 8M Permits from the Massachusetts Water Resources Authority (MWRA) for the relocation of the existing 36-inch water main within the DCR roadway right-of-way (ROW) and other improvements to the water distribution system. It will need to obtain a real estate transfer from the Division of Capital Asset Management (DCAM). In Chapter 242 of the Acts of 2006, the Legislature authorized DCAM to convey the above lands to the proponent and the Town of Saugus. The proponent must now comply with the EOEEA Article 97 Land Disposition Policy. The project will need to comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will require an Order of Conditions from the Saugus Conservation Commission (SCC) for impacts to wetland resource areas and buffer zones. Because the proponent is seeking a land transfer from the Commonwealth for the project, MEPA jurisdiction extends to all aspects of the project that may have significant environmental impacts.

Waiver Request

On April 13, 2007, the proponent requested a waiver from the requirement for the preparation of an EIR in the EENF. A supplemental letter providing more information regarding the waiver request was sent to the ENF distribution list on May 17, 2007.

Criteria for Waiver

Section 11.11 of the MEPA regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about benefits in excess of those that could be achieved in the absence of a waiver.

Findings

Based upon the information submitted by the proponent and after consultation with MassHighway, DCR, and the MWRA, I find that:

1. The proponent has committed to purchase approximately 8.45 (+) acres of land in exchange for the 3.82 acres of Article 97 land that was owned by DCR. The proponent has identified a

2.95 acre parcel at 481 Broadway (Route 1 Southbound), which is adjacent to DCR's Camp Nihan. It is also negotiating to purchase an approximately 5.5-acre parcel that is located within the Rumney Marsh area. DCR is supportive of the purchase by the proponent of these two parcels. DCR's Urban Parks Trust Fund will receive the difference between the full and fair market value of the state parcel minus the full and fair market value of the parcels obtained by the proponent. The proponent has also placed approximately 2 acres of land at the project site, which is directly adjacent to the Sanders Drive neighborhood, in a conservation restriction. This action will prevent further development. The proponent will also construct an earth berm to buffer the Sanders Drive neighborhood and provide for landscaping in the area of the berm. As part of the DCR land transfer legislation, the Town of Saugus will receive approximately 4.5 acres of land that will remain as open space.

2. The proponent will relocate, at its sole expense (approximately \$800,000), the MWRA 36-inch water main that is located within the parcel of land to a 40-foot wide easement. It will also provide for a water main extension along the northbound side of Route 1 to the Town of Saugus.

3. The project will provide a traffic signal and the necessary geometric improvements at the intersection of Route 1 Northbound On- and Off-Ramps/Lynn Fells Parkway (approximately \$250,000). These geometric improvements include a modification of the pavement markings for the Lynn Fells Parkway westbound approach to create an exclusive left-turn lane at the Route 1 Northbound On-Ramp overpass. As part of its project to improve traffic flow to and from the Route 1/Walnut Street interchange, MassHighway will complete signalization and geometric improvements at this location prior to the construction of the proponent's project. The proponent has reduced the number of curb cuts from the site from four to two curb cuts. It will reconstruct about 1,000 linear feet of sidewalk and a grass strip along its Route 1 frontage. The proponent will provide a deceleration /acceleration lane along its frontage.

4. The proponent has committed to provide a minimum of approximately 100,098 gpd of Infiltration/Inflow removal to the Saugus municipal wastewater system (ratio of 6:1).

5. The project will impact approximately 2,000 sf of degraded Riverfront Area to the Saugus River. The proponent will restore the Riverfront Area.

6. The proponent has committed to comply with MassDEP's Stormwater Management Policy (SMP). The stormwater management at the project site is consistent with the Town of Saugus's stormwater program and its NPDES Phase II Stormwater General Permit (approximately \$300,000).

As a condition of the DROD, I require that the proponent submit the final land conveyance package to the MEPA Office for notice in the Environmental Monitor.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established in Section 11.11. MassHighway, DCR, and the MWRA have sufficient permitting authority to ensure that the proponent complies with the findings of this Certificate. Therefore, I propose to grant the waiver requested for this shopping center project, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the Environmental Monitor for a fourteen-day comment period on June 11, 2007, after which I shall reconsider, modify, or confirm the waiver.

June 1, 2007

Date

Ian A. Bowles

Comments received:

Engineering Alliance, 4/27/07
DCR, 4/30/07
Engineering Alliance, 5/1/07
MWRA, 5/3/07
Regency Centers, 5/9/07
DCR, 5/14/07
Hayes Engineering, 5/14/07
MassDEP/NERO, 5/14/07
TEC, 5/15/07
MWRA, 5/15/07
Engineering Alliance, 5/17/07
Hayes Engineering, 5/21/07
Gregg Tyler, 5/22/07
Engineering Alliance, 5/23/07
Gregg Tyler, 5/24/07
Engineering Alliance, 5/24/07
Saugus River Watershed Council, 5/25/07
DCR, 5/25/07
EOT, 5/25/07
DCR, 5/29/07
Engineering Alliance, 5/30/07

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