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July 18, 2007

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

PROJECT NAME : 720-770 Broadway  
PROJECT MUNICIPALITY : Saugus  
PROJECT WATERSHED : North Coastal  
EOEEA NUMBER : 14041  
PROJECT PROPONENT : Northbound LLC  
DATE NOTICED IN MONITOR : June 11, 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 a mandatory Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project includes the construction of two, single-story retail buildings on two adjacent parcels of land (Parcels A and B), with approximately 620 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 138,418 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 will be conducted for the currently proposed project.

The project will alter 15.11 acres of land and create 11.44 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. Approximately 4,550 sf of Bordering Vegetated Wetlands (BVWs) and 16,580 sf of locally-jurisdictional Isolated Vegetated Wetlands (IVWs) will be altered under the Preferred Alternative. The proponent will create wetland replication areas in the amount of 30,935 sf on Parcel A (720 Broadway) and 4,600 sf on Parcel B (770 Broadway). It has been estimated that the project will generate approximately 8,354 new vehicle trips per day and 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.

#### Single EIR/Waiver Request

In accordance with Section 11.05(7) of the MEPA regulations, the proponent has submitted an Expanded ENF with a request that I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than require the usual two-step Draft and Final EIR process. The Expanded ENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have reviewed the proponent's request for a Single EIR in accordance with Section 11.06(8) of the MEPA regulations, and I find that the Expanded ENF does not meet the criteria for the preparation of a Single EIR in lieu of separate Draft and Final EIRs. While the Expanded ENF contained a detailed traffic impact and access study, the EENF did not contain sufficient information regarding project alternatives, earth removal/land alteration, and stormwater management measures in order to determine that all feasible means to avoid potential impacts to the environment have been undertaken. Therefore, the proponent must prepare a Draft and a Final EIR in fulfillment of the requirements of Section 11.03 of the MEPA regulations.

This Certificate lays out a narrow Scope for the Draft EIR (DEIR) that requests more information about certain aspects of the project. Should the DEIR result the substantive issues

outlined below, I will consider the procedural options available to me at 301 CMR 11.08 (8)(b)(2), as they may relate to the Scope for the Final EIR.

## SCOPE

### Project Description and Permitting

The DEIR should provide a thorough description of the project. The DEIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The DEIR should include an update on which of these required permits the proponent has been issued, and which have been applied for to date. The DEIR should clarify the location of water main improvements and sewer pump station upgrades along the Route 1 corridor and within the project site.

### Alternatives

The DEIR should evaluate the following alternatives:

- A No-Build Alternative;
- a Reduced or No BVW-Impact Alternative; and
- the Preferred Alternative

The DEIR should identify the impacts for each of the alternatives on land alteration (impervious area), stormwater, transportation, and wetlands in a tabular format. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

The DEIR should identify and explain any project phasing, including potential impacts on construction sequencing and drainage patterns. It should discuss how this project is compatible with Executive Order 385 – Planning for Growth, by discussing its consistency with local land use plans and applicable regional plans.

### Land

The project will require substantial amounts of earth removal, ledge blasting, and regrading under the Preferred Alternative. In some instances grades may be altered in excess of 30 feet from existing conditions. The DEIR should provide a conceptual cut and fill analysis and demonstrate that under the Preferred Alternative, that impacts to land have been avoided, minimized, or mitigated. The DEIR should estimate the anticipated amount of earth materials that will be exported from the site. Furthermore, the DEIR should detail anticipated areas of blasting, materials processing areas, estimated traffic trips associated with removing earth

materials from the project site, and erosion and dust control measures to be implemented during the excavation/blasting process. Additionally, the DEIR should describe the amount and type of soils that may need to be imported to facilitate the wetlands replication process on-site.

I strongly encourage the proponent to investigate ways to modify the Preferred Alternative to reduce the amount of impervious areas that will be introduced to this predominately vegetated site. Conversion of vegetated surfaces to impervious pavement and rooftops will alter the existing stormwater patterns. At the MEPA scoping session it was revealed that the Preferred Alternative includes parking spaces in excess of the minimum required by the Town of Saugus Zoning Bylaw. I encourage the proponent to evaluate within the Reduced or No BVW-Impact Alternative a reduction in parking spaces to achieve reduced impervious area, land impact, and potentially reduce or eliminate alteration of BVW on Parcel B.

### Wetlands

According to the EENF, the project will result in the alteration of locally-jurisdictional IVWs and state and locally-jurisdictional BVWs. The DEIR should clarify and provide supporting documentation as to whether or not a Section 401 Water Quality Certificate (WQC) is required for the project. If a WQC is required, the DEIR should include alternatives that consider additional measures to avoid, minimize, and mitigate wetland impacts.

The DEIR should demonstrate that all wetland impacts have been avoided, and where unavoidable impacts occur, impacts are minimized and mitigated. The DEIR should include an alternative that reduces or eliminates alteration of BVW through modified site design, a reduction in parking spaces or building area, or other measures. The DEIR should demonstrate that the project will be accomplished in a manner that is consistent with the Performance Standards of the Wetlands Regulations (310 CMR 10.00). The DEIR should provide an accurate measurement of each wetland resource area that will be affected by the project. Furthermore, the DEIR should discuss the influence of local wetland bylaw requirements on project design. Proposed activities, including construction mitigation, erosion and sedimentation control, phased construction, and drainage discharges or overland flow into wetland areas, should be evaluated. The DEIR should address the significance of the wetland resources on site, including public and private water supply; riverfront areas; flood control; storm damage prevention; fisheries; shellfish; and wildlife habitat.

Mitigation for wetland alteration includes the replication of wetland resource areas on-site, adjacent to existing wetlands. The DEIR should include hydrologic data to support the wetland replication plans, as well as a discussion of consistency with MassDEP's Inland Wetland Replication Guidelines (dated March 2002). Finally, the DEIR should explain how existing areas of Phragmites in wetland resource areas will be removed as part of the wetlands replication process.

### Stormwater

The project will substantially increase the amount of impervious area on the project site; 13.78 acres of the 17.34-acre project site will be impervious under the Preferred Alternative (approximately 80%). As noted previously, the DEIR should include an evaluation of alternatives that take advantage of opportunities to reduce impervious areas.

The DEIR should demonstrate that source controls, pollution prevention measures, erosion and sedimentation controls during construction, and the post-development drainage system for the project are designed in compliance with the MassDEP's Stormwater Management Policy (SMP) and standards for water quality and quantity impacts and with the Town of Saugus' Stormwater Program. Calculations, stormwater system design plans at a readable scale, best management practice (BMP) designs, and supporting information should supplement the information provided in the EENF to affirm that the stormwater system design provides adequate protection for wetland resources in conformance with the SMP and the town's NPDES Storm Water General Permit. The DEIR should discuss the feasibility of maximizing stormwater infiltration and identify the quantity and quality of flows, particularly in relation to the capture of excess stormwater flows from the Route 1 corridor. Finally, the DEIR should address the comments made by MassDEP in regards to the use of certain types of particle separators and their approval under the Strategic Envirotechnology Partnership (STEP).

The DEIR should discuss the opportunities to incorporate low impact development (LID) stormwater runoff controls into the project. The DEIR should address how and why LID techniques suggested in the MassDEP comment letter may or may not be integrated into the overall site design and stormwater management system. 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. 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/>. Additional LID related website resources were also cited in the MassDEP comment letter. If LID techniques are not included in the Preferred Alternative, the DEIR should discuss why such techniques were not feasible or applied to the project site.

The DEIR should present an operation and maintenance plan for the drainage system to ensure its effectiveness. This plan should be consistent with the Stormwater Pollution Prevention Plan required under the NPDES Construction General Permit and should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

### Transportation / Traffic

The project is expected to generate approximately 8,350 vehicle trips on an average weekday and 11,290 vehicle trips on an average Saturday. Access to the project site will be provided by three driveways on Route 1. A permit from MassHighway will be required for access to Route 1 for the project. The Executive Office of Transportation and Public Works (EOT) has stated that the traffic study included in the EENF generally conforms to the EOEEA/EOT Guidelines for Traffic Impact Assessment. This traffic study analyzed existing traffic conditions and the impacts of the proposed project on the Route 1 corridor. The traffic study also included a proposed transportation demand management (TDM) program, comprised of an employee ridesharing/ride-matching program which will be implemented by an onsite transportation coordinator.

The EOT comment letter on the EENF indicates that a determination of the full impact of the project cannot be made based upon the traffic study within the EENF, as the capacity analysis does not appear to include the build-with-mitigations conditions of the Shops at Saugus (EOEEA No. 14011). The DEIR should include a revised traffic study to address this concern. The developers of the Shops at Saugus have committed to installing a traffic control signal at the Route 1/Lynn Fells Parkway intersection. In accordance with EOT's request, the DEIR should include: a firm commitment to any additional work required within the Route 1 corridor to address the 720-770 Broadway project's impact, coordination with the Shops at Saugus developers to incorporate the additional measures into the construction plans, development of a joint agreement to fund the construction of the intersection and documentation of all communication with the developer including the outcome of these discussions. The DEIR should include plans, at a readable scale, detailing traffic improvements (i.e. turning lanes, etc.) proposed as mitigation for the project. Furthermore, the DEIR should discuss project signage that will enhance internal circulation patterns and clarify delivery routes.

### *Air Quality*

In accordance with MassDEP's request, the DEIR should include a mesoscale analysis to determine whether, and to what extent, the proposed project will increase the amount of volatile organic compounds (VOCs) and nitrogen oxides (NOx) in the project area. The mesoscale analysis will also be used to determine if the project will be consistent with the Massachusetts State Implementation Plan (SIP). Emission increases due to the project must be mitigated and any subsequent environmental impact analysis should include the project proponent's commitment to implement said mitigation measures.

As directed by MassDEP, the DEIR should include an analysis of all roadway segments affected by the project, specifically the area within a 0.3 to 16 km radius of the project; the exact geographical area depends on local conditions and the impact of the project on area travel patterns. The area should be large enough to include all roadway links that could experience a 10% potential increase in traffic and which currently operate at or, will be degraded to, a Level of Service (LOS) D or lower. Of particular interest to this project is Route 1 and site entrance/exit considerations. The DEIR should identify the proposed boundaries of each of the

project alternatives, including the Existing condition in the Base Year, and the No-Build, Build conditions in the project completion and project design years as appropriate. The analysis should be conducted in accordance with the guidance and recommendations provided in the MassDEP comment letter on the EENF, including a discussion of Transportation Demand Management (TDM) measures. The DEIR should also address compliance with the Massachusetts Idling Regulation (310 CMR 7.11) and the applicability of and/or compliance with the Massachusetts Rideshare Regulation (310 CMR 7.16).

### Construction Period

The DEIR should discuss potential excavation and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. 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.

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through participation in the MassDEP Diesel Retrofit Program. As requested by MassDEP, the proponent should work with its staff to implement construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as oxidation catalysts or diesel particulate filters. Additional information is available on the MassDEP website: <http://www.state.ma.us/dep/brp/mf/files/diesel.pdf>. In addition, I encourage the proponent to require its contractor(s) to use ultra low sulfur diesel fuel (ULSD) in their off-road construction equipment in conjunction with after-engine emission controls. If the proponent intends to participate in this initiative, a commitment should be outlined in the DEIR.

### Sustainable Design

To the maximum feasible extent, the proponent should incorporate sustainable design elements into the project design. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Optimization of natural day lighting, passive solar gain, and natural cooling;
- Use of energy efficient 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 into building design;
- Development of a solid waste reduction plan;
- Development of an annual audit program for energy consumption, waste streams, and use of renewable resources;

- LEED certification;
- Feasibility of “green roofs” to reduce stormwater runoff; and
- Water conservation and reuse of wastewater and stormwater.

The DEIR should include a narrative describing policies regarding waste reduction, water use, and other sustainable design initiatives that may be implemented on site.

### Mitigation

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

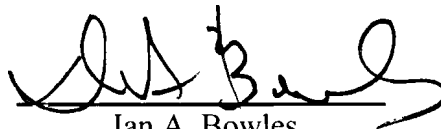
### Comments/Circulation

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. The DEIR should respond fully to each substantive comment received to the extent that it is within MEPA jurisdiction. The DEIR should present additional technical analyses and/or narrative as necessary to respond to the concerns raised.

The proponent should circulate the DEIR to those parties who commented on the ENF, 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. A copy of the DEIR should be made available for review at the Saugus Public Library.

July 18, 2007

Date



Ian A. Bowles

### Comments received:

07/11/2007 Massachusetts Department of Environmental Protection – NERO  
07/11/2007 Executive Office of Transportation and Public Works

IAB/HSJ/hsj