



# *The Commonwealth of Massachusetts*

*Executive Office of Environmental Affairs*

*100 Cambridge Street, Suite 900*

*Boston, MA 02114-2524*

MITT ROMNEY  
GOVERNOR

KERRY HEALEY  
LIEUTENANT GOVERNOR

ROBERT W. GOLLEDGE, JR.  
SECRETARY

Tel. (617) 626-1000  
Fax. (617) 626-1181  
<http://www.mass.gov/envir>

September 1, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS  
ON THE  
DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Chelsea Commons (formerly Parkway Plaza  
Redevelopment)  
PROJECT MUNICIPALITY : Chelsea  
PROJECT WATERSHED : Boston Harbor/Mystic  
EOEA NUMBER : 13294  
PROJECT PROPONENT : Parkway Plaza Venture II, LLC  
DATE NOTICED IN MONITOR : July 25, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) 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). The proponent may prepare and submit for review a Final Environmental Impact Report (FEIR).

The Executive Office of Environmental Affairs (EOEA) is supportive of this project because it consists of redevelopment and clean-up of a brownfield site in close proximity to transit. It will contain a mixed use development, including retail and middle income housing, important to the City of Chelsea. Important mitigation, including clean-up of the area constructed for the Home Depot, construction of a River Walk and roadway and signal improvements, have been completed. In recognition of the value of the project and its consistency with applicable criteria, a Phase I waiver was granted (and later amended to include the apartment building) providing flexibility identified by the project proponent as important to ensure the project's completion. I am allowing the proponent to submit a FEIR, but I note that significant issues must be addressed within that filing. In particular, the FEIR must address specific commitments to wastewater mitigation and include a full and complete description of the project's stormwater management system.

As described in the Expanded Environmental Notification Form (EENF) and updated in the Notice of Project Change (NPC) and the DEIR, the project includes redevelopment and expansion of an existing shopping center, located on a 36-acre site located south of Route 16 (Revere Beach Parkway) and east of Route 1. The project is proposed in three phases.<sup>1</sup>

- Phase I – reconstruction of an existing 199,380 sf shopping center to accommodate a 152,200 sf Home Depot store, including a 17,020 sf of outdoor garden retail space. Phase I of the project has been completed.
- Phase II – construction of a 248-unit apartment building with a 69,000 sf footprint on a 4-acre site. Phase II of the project is in the permitting process.
- Phase III – 60,000 sf of retail and restaurant space.

The 36-acre parcel is located in the southeast quadrant of the intersection of Route 1 and the Route 16/Revere Beach Parkway in Chelsea. Prior to redevelopment, it consisted of existing and abandoned uses located within two strip malls and on individual pads. It contains parking areas, roadways, forested upland area and BVW along Mill Cree. The site was formerly a brickyard and landfill and is contaminated and undergoing clean-up consistent with the Department of Environmental Protection (DEP) Chapter 21E program – the Massachusetts Contingency Plan (MCP). The site is adjacent to American eel and rainbow smelt migratory habitat within Mill Creek and Chelsea Creek. Although land adjacent to Mill Creek is heavily developed and Mill Creek is degraded, it supports spawning grounds for smelt, a federally listed species of special concern.

#### MEPA Jurisdiction and Permitting Requirements

The project is undergoing review and requires the preparation of a mandatory EIR pursuant to Section 11.03 (6)(a)(6) of the MEPA regulations, because it will generate more than 3,000 new average daily trips on roadways providing access to a single location. The project requires Access Permits from both the Massachusetts Highway Department (MHD) and the Department of Conservation and Recreation (DCR) because the site abuts the state highway layouts of Route 1 and Route 16. The project requires a Chapter 91 License and a Sewer Extension/Connection Permit from DEP. It may require a Direct Sewer Connection Permit from the Massachusetts Water Resources Authority (MWRA). The project may require federal consistency review by the Office of Coastal Zone Management (CZM). Also, the project requires an Order of Conditions from the Chelsea Conservation Commission and the Revere Conservation Commission.

---

<sup>1</sup> The project was previously proposed in two phases. Phase I included development of the Home Depot and Phase II included development of 100,00 sf of retail and restaurant space.

The proponent is not seeking Commonwealth financial assistance to construct the project. Therefore, MEPA jurisdiction is limited to those aspects of the project within the subject matter of required or potentially required permits that have the potential to cause significant Damage to the Environment. In this case, MEPA jurisdiction covers traffic, wetlands, stormwater, wastewater and hazardous waste.

### Procedural History

In accordance with Section 11.05 (7) of the MEPA regulations, the proponent submitted an EENF with a request that it be allowed to fulfill its EIR obligations under MEPA with a Single EIR, instead of the two-step DEIR and FEIR process. In addition, the proponent submitted a request for a Phase I Waiver to allow Phase I of the project to proceed prior to the completion of the EIR. The request for a Single EIR was denied and a Scope was issued for the DEIR on July 30, 2004. On August 23, 2004, the Secretary issued a Final Record of Decision (ROD), granting the Phase I Waiver request for construction of the Home Depot store.

Subsequently, an NPC was filed describing changes to the project and its phasing. Phase II (previously 100,000 sf of retail development) was revised to substitute 40,000 sf of retail development with a 248-unit apartment building. The remaining 60,000 sf of retail and restaurant uses was identified as Phase III. The NPC included a request to amend the previously issued Phase I Waiver by including the apartment building (Phase II). The Secretary issued a Certificate on the NPC on November 7, 2005 and a ROD granting the amended waiver request on December 9, 2005. While allowing the project to proceed, these documents reconfirmed the previously issued scope and the requirement to file an EIR for the entire project.

### Review of the DEIR

The DEIR includes a description of the project and its project elements. It includes project plans, identification of environmental impacts, a traffic analysis, an air quality analysis, a stormwater management report and 21-E compliance reports.

Comments from MHD indicate that the traffic analysis is consistent with the EOEA/Executive Office of Transportation (EOT) Guidelines for EIR/EIS Traffic Impact Assessments and that proposed mitigation, for the most part, is adequate. MHD identifies the need for additional roadway mitigation at the Webster Street/Route 1 intersection and the need to strengthen the Transportation Demand Management (TDM) Program. The Metropolitan Area Planning Council (MAPC) identifies similar concerns and notes the opportunity for shared parking on the site to minimize vehicle trips and impervious surfaces.

The DEIR includes a section on wetlands impacts and associated mitigation, including a

stormwater management plan and drainage report to mitigate the large volume of stormwater that will be generated by the site. The DEIR does not clearly identify wetlands impacts associated with each phase of the project, it does not include a site planning analysis to explore how impervious surfaces and wetlands impacts could be further avoided and minimized, nor does it identify the amount of impervious surfaces that will be created for each phase and whether impervious surfaces are increased or decreased overall. Plans submitted with the DEIR were not legible and did not facilitate an effective review of the project's consistency with the DEP Stormwater Management Policy. EPA comments also indicate that a better overview of the stormwater management system is warranted and will enable reviewers to determine whether construction associated with Phase I of the project is consistent with permitted plans.

The DEIR includes an analysis of wastewater generation associated with each phase of the project and indicates that the proponent is consulting with the City of Chelsea regarding wastewater mitigation. No specific mitigation is identified in the DEIR. DEP and MWRA comments express significant concern with the omission of this mitigation. DEP comments underscore that a specific and adequate commitment to mitigation should be identified during the MEPA process and is necessary for DEP to fulfill its requirement to issue Section 61 Findings for the Sewer Connection Permit.

I have fully examined the record before me, including but not limited to the Scope issued on July 30, 2004 and the Certificate on the NPC issued on November 7, 2005; the DEIR filed in response; and the comments entered into the record. I am concerned that the DEIR does not adequately address many of the issues previously identified by DEP; however, an EIR may be determined adequate even if certain aspects of the Project or issues require additional description or analysis in a final EIR, provided that the EIR is generally responsive to the Scope. Although the proponent must address many significant issues in the FEIR, I find that the DEIR does meet the regulatory standard for adequacy. I urge the proponent to consult with DEP prior to filing the FEIR and ensure that the FEIR clearly address DEP's concerns. The Scope included below summarizes the issues that should be addressed.

### **Scope for the FEIR**

#### **Project Description and Permitting**

The FEIR should provide a thorough and complete description of the project and project elements for each phase. It should clearly identify the amount of impervious surfaces associated with each phase of the project and compare it with conditions prior to site redevelopment. It should clearly identify open space and walkways on a reasonably scaled site plan and identify which elements are associated with which phase of the project. In addition, it should identify how open spaces will be protected in perpetuity.

The plans included with the DEIR were problematic. The FEIR should include a complete set of full size project plans at a reasonable scale (no greater than 50 scale) for the entire project site. These should include an existing conditions plan illustrating resources and their buffer zones and abutting land uses for the entire project area and proposed conditions plans illustrating proposed elevations, structures, access roads, stormwater management systems, sewage connections and their location relative to resource areas.

### Traffic and Transportation

The site will be accessed via three existing driveways located along Webster Avenue, Stockton Street, and Route 16. The proposed project will add a high volume of traffic to area roadways. At full-build, the project is expected to generate approximately 14,738 adt on a weekday and 19,723 adt on a Saturday. The project will include approximately 1,392 parking spaces. According to the traffic study contained in the DEIR, several intersections will experience significant congestion and delay under future build conditions, particularly along Webster Avenue, Broadway and at the Parkway Plaza site driveway. The DEIR contains a transportation analysis that conforms to the *EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment*.

The proponent agreed to implement traffic mitigation measures at several intersections in conjunction with the construction of the Home Depot store. These improvements were intended to mitigate impacts associated with Phase II as well. These include the following improvements:

- modification of signal phasing, installation of new traffic signal controllers and other equipment at Broadway and its intersection with Webster Avenue, Stockton Street and Route 16 eastbound ramps;
- geometric improvements at the Webster Avenue/Parkway Plaza Driveway; and
- reconstruction of Stockton Street, including crosswalks and sidewalks to the site drive.

MHD indicates that it has serious concerns regarding the impact of the full built-out of the project. The traffic analysis indicates that queues associated with the Build scenario at the intersection of the Route 1 off-ramp and Webster Street are almost double the No-Build queues. The previously proposed mitigation does not adequately mitigate these impacts. MHD indicates that the proponent should consult with it and develop additional mitigation including adjustment of the ramp geometry to facilitate truck movements and measures to ensure pedestrian safety. The FEIR should include revised analysis of the Build with Mitigation at this location and conceptual plans for the proposed roadway improvements that should be of sufficient detail, (i.e. at least 80-scale) to verify the feasibility of constructing such improvements.

The project proponent previously identified a TDM Program to reduce site trip generation and encourage use of alternative transportation. The TDM measures consist of: linking the project to area sidewalks and construction of the River Walk to encourage walking; the provision of bike racks to encourage bicycling; truck delivery restrictions; reduced rate MBTA passes for use by employees; advertising of transit service; reduced-rate home delivery services and reduced-rate Home Depot truck rental. MHD and MAPC comments suggest that the TDM program should be strengthened and, as noted below, the project's air quality impacts justify implementation of all feasible TDM measures. The FEIR should address these comments.

Based on previous filings, it appears that approximately 1,392 parking spaces will be provided at full build-out of the site. As was noted in the traffic analysis and by the proponent in the NPC filing, 25% of Chelsea residents use public transit, approximately 32% of households in Chelsea do not have a car and the site is in close proximity to public transit, shopping, banking and entertainment. Plans indicate that the parking provided for Phase III exceeds that required by zoning. Based on this information, it appears there are opportunities for significantly reducing parking to minimize site related trip generation and impervious surfaces. This opportunity is noted in comments provided by MAPC and the Mystic River Watershed Association (MRWA). The FEIR should identify the total amount of parking provided for each phase of the development, identify the parking ratio and evaluate its consistency with zoning requirements. The FEIR should propose measures to reduce the amount of impervious surfaces associated with parking areas.

### Air Quality

As required, the DEIR includes an indirect source review analysis (mesoscale analysis). This analysis indicates that the total emissions of Volatile Organic Compounds (VOC) and Nitrous Oxides (NO<sub>x</sub>) associated with the 2009-Build case are larger than the 2009 No-Build case by 2.2 kilograms per day (kg/day) and 4.7 kd/day respectively. Proposed roadway improvements only mitigate a small percentage of the increase in emissions. As a result, the proponent is required to implement all feasible TDM measures to minimize site generated vehicle trips and associated air emissions.

In addition, a microscale analysis of carbon monoxide (CO) concentrations at sensitive receptors located within the project area was required. Four intersections with the worst level-of-service and traffic impacts associated with the project were studied for the microscale air quality analysis. This analysis indicates that the project will be in compliance with the National Ambient Air Quality Standards (NAAQS) for ozone. No additional analysis of air quality issues is required.

### Wetlands and Stormwater

The project includes work within the 100-foot buffer zone to Bordering Vegetated

Wetlands (BVW), Land Subject to Coastal Storm Flowage (LSCSF) and the 25-foot Riverfront Area. Alterations are associated with the creation of parking lots, walkways and stormwater management structures. The site is currently developed and it appears that impervious surfaces will be approximately equal to or greater than pre-development conditions. An area adjacent to the site is slated dredging and restoration (Locke Street Salt Marsh (Mill Creek) Restoration/EOEA #13214).

Phase I of the project included modifications to an existing outfall located behind the Home Depot and construction of a new stormwater outfall located downstream, both of which were permitted and completed. Based on a review of the Order of Conditions issued by the Chelsea Conservation Commission on July 20, 2004, it appears that Phase I of the project included alteration of approximately 2,565 sf of Riverfront Area. The Order of Conditions from the Revere Conservation Commission issued on July 27, 2004 identifies alteration to BVW and Riverfront Area but it does not quantify impacts. Construction of the new stormwater outfall associated with Phase III of the development will alter 400 sf of Riverfront Area and requires an amended Chapter 91 permit from DEP because it will be located within historically filled tidelands.

The FEIR includes a stormwater management plan and addresses its consistency with the DEP Stormwater Management Policy; however, it does not include a comprehensive description of the entire system for all three phases of the project. The proposed stormwater management system consists of deep sump hooded catch basins, subsurface piping, and Vortech oil/particle separator systems. Additional information regarding the overall system was obtained through review of previous filings and through conversations with the consultant and project proponent. Under the proposed conditions, stormwater runoff from the majority of the site will be conveyed through the system and discharged to the Mill Creek via two new outlet control structures (one of which was constructed as part of Phase I) and three existing structures.

DEP comments indicate that adequacy of the stormwater management system for compliance with the Stormwater Management Policy could not be evaluated using the reduced plans provided in Appendix F. EPA comments also note the challenge associated with reviewing the plans and determining whether what was constructed complies with permitted plans.

EPA comments indicate that some of the riprap associated with the Phase I stormwater management structure appears to have been placed below the High Tide Line along the bank of Mill Creek and that some dislodged stones have fallen into the tidal mudflat and salt marsh. It appears that the completed work requires an Army Corps of Engineers (ACOE) permit. The FEIR should provide an update on this issue. In addition, several commentors express concern with existing and potential erosion. The Division of Marine Fisheries (DMF) suggest that a fully planted buffer strip be created along Mill Creek, including trees and shrubs to provide shade to support habitat for spawning fish and serve as a buffer against erosion and flooding.

The FEIR should clearly identify work proposed and completed for the outfalls and associated wetlands impacts for each phase of the project. It should identify feasible methods of reducing impervious surfaces at the site, including reduced parking ratios, more compact site layouts, or use of permeable pavement. Particular consideration should be given to minimizing impervious surfaces within the buffer zone to wetlands.

The FEIR should include stormwater or infrastructure plans, for each phase of the project, at a readable scale that show the locations, elevations, sizing, and best management practice designs for the proposed stormwater management system. Modifications to existing outfalls as well as design of new outfalls (and associated restoration plans) should be described. The amount and location of wetland impacts associated with each phase of the project should be identified. The FEIR should address other DEP comments on stormwater in detail.

#### Wastewater

The EIR indicates that the entire project will generate 65,219 gallons per day (gpd) of wastewater consisting of 14,874 gpd associated with Phase I, 38,465 gpd associated with Phase II and 11,880 gpd associated with Phase III. It identifies 15,282 gpd of sewer flow as associated with existing uses on the site. DEP and MWRA both identified the need to provide specific mitigation in previous comments on the project; however, the EIR does not include a commitment to specific mitigation.

The FEIR must identify the specific measures that will be implemented to achieve the 4:1 Infiltration/Inflow removal requirement to offset the impacts of increased flows on the existing wastewater infrastructure. DEP comments note that the proponent should review the City of Chelsea plans for sewer separation work to identify an appropriate commitment. In addition, DEP indicates that additional information and/or data should be provided to support exemptions from permitting requirements based on sewage generated by existing facilities. Prior to the filing of the FEIR, the proponent should consult with DEP and the MWRA, as well as the City of Chelsea, regarding total sewage generation associated with the project and proposed mitigation.

#### Hazardous Waste

The DEIR includes an update on the remediation status of the project and efforts to comply with the soil and groundwater remediation standards of the MCP. The DEIR indicates that clean-up of the Home Depot is proceeding consistent with regulatory requirements and that a condition of No Significant Risk has been obtained for Phase I of the project. Compliance reports identify three outstanding issues that must be addressed and evaluate remedial technologies for each: 1) high levels of lead at soil gas probe GP-11, 2) subsurface methane gas and 3) contaminated sediments within Mill Creek. Although the DEIR is intended to address all phases of the



development, the Phase III report indicates that strategies for addressing these issues will be developed when more information is available regarding proposed uses. In particular, I note that the area of high lead levels is located within an area identified on project plans as open space. In addition, the DEIR does not provide any meaningful information regarding the Public Involvement Plan (PIP).

The FEIR should provide additional, updated information on compliance with the MCP Program including recommendations for addressing the issues mentioned above as the project is built out. The FEIR should include a description of the PIP and the proponent's efforts to ensure the community is informed about the status of clean-up and provided opportunities for meaningful participation.

### Construction Period Impacts

The Scope for the DEIR indicated that demolition debris should be handled in accordance with DEP's policy regarding the recycling of asphalt, brick and concrete. The DEIR does not identify strategies for managing demolition debris. The FEIR should identify its C&D recycling activities, including the provision of additional data such as estimates for the amount and types of C&D waste generated and recycled or reused.

In addition, it is unclear from the Response to Comments whether the proponent is considering participation in the DEP Diesel Retrofit Program as a way to mitigate adverse construction-period impacts from diesel emissions. This program is an effective way to minimize construction period impacts and, given the air quality impacts associated with this project and its close proximity to residential areas, I strongly encourage the proponent to participate in this program.

### Mitigation and Section 61

The FEIR should include a separate chapter on mitigation that includes a summary of all mitigation measures to which the proponent has committed. The FEIR should also include updated Section 61 Findings (including detailed mitigation commitments for the Sewer Connection and amended Chapter 91 permit) for use by the state permitting agencies.

### Response to Comments

The FEIR should include a copy of each of the comment letters listed below. The FEIR must present additional narrative and/or quantitative analysis necessary to respond to the comments received.

### Circulation

The FEIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of “comments received” below, and to Chelsea and Revere officials. A copy of the FEIR should be made available for review at the Chelsea and Revere public libraries.

September 1, 2006

DATE



Robert W. Golledge, Jr.

Comments Received:

8/25/06	Department of Environmental Protection/Northeast Region (DEP NERO)
8/25/06	Division of Marine Fisheries
8/25/06	Executive Office of Transportation
8/22/06	Massachusetts Water Resources Authority
8/23/06	U.S. Environmental Protection Agency – Region 1
8/25/06	Metropolitan Area Planning Council
8/25/06	Mystic River Watershed Association

RWG/CDB/cdb