



# The Commonwealth of Massachusetts

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September 1, 2006

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

PROJECT NAME : The Residences at Martins Brook and Edgewood Office Park

PROJECT MUNICIPALITY : North Reading and Wilmington

PROJECT WATERSHED: : Ipswich

EOEA NUMBER : 13842

PROJECT PROPONENT : Lincoln Property Southwest, Inc. & The Gutierrez Company

DATE NOTICED IN MONITOR : July 25, 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).

### Project Description

As described in the Expanded Environmental Notification Form (ENF), the proposed project involves the demolition of the former J.T. Berry Rehabilitation Center in order to construct 1,103,100 square feet of residential and office space on an 87-acre parcel in North Reading and Wilmington. The Expanded ENF plan includes 406 apartment units with 745 spaces in Phase I, and 605,000 square feet of office space with 2,300 parking spaces in Phase II. This is one of the first major projects to be proposed under the new Chapter 40R process, a local zoning tool designed to encourage development consistent with smart growth principles.

This project is subject to a mandatory EIR pursuant to Sections 11.03(1)(a)(1), 11.03(1)(a)(2), 11.03(6)(a)(6), 11.03(6)(a)(7), 11.03 (10)(b)(1), 11.03 (5)(b)(4)(c)(ii) and 11.03 (3)(b)(d) of the MEPA regulations because the project directly alters 50 or more acres of land; creates ten or

more acres of impervious area; generates 3,000 or more new vehicle trips; construction of 1,000 or more New parking spaces at a single location; demolition of all or any exterior part of any Historic Structure listed in the State Register of Historic Places or the Inventory of Historic and Archeological Assets of the Commonwealth; New discharge to groundwater of 50,000 or more gpd of sewage within any other area; and includes the alteration of 5,000 or more square feet of bordering or isolated vegetated wetlands.

The project will require a Groundwater Discharge Permit from the Department of Environmental Protection (DEP) and a Land Transfer (site disposition) from the Division of Capital Asset Management (DCAM). The proponent is also in the process of drafting a Memorandum of Agreement (MOA) with the Massachusetts Historical Commission (MHC). It must also comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required state agency actions and that have the potential to cause significant Damage to the Environment as defined by the MEPA statute. In this case, MEPA jurisdiction extends to issues of land alteration, wastewater, wetlands/drainage, traffic/air quality, and historic/ archaeological impacts.

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 receive a Phase I Waiver. The Expanded ENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I have received several comments expressing concern with the Phase 1 Waiver request, particularly relating to water use and discharge and the overall size of the development for which the waiver is requested. The issues raised by commenters have merit, and will be addressed through the MEPA review process. After carefully considering the Expanded ENF, comments received, and the recommendations of the state agencies, I have determined that the proposed project appears to meet the regulatory requirements for a Phase 1 Waiver, subject to conditions described below, and contained within the Draft Record of Decision (DROD). I will publish a DROD after September 1, 2006. Pursuant to the conditions contained in the DROD, the Phase 1 Waiver is contingent upon resolution of the water balance issues (such as wastewater, stormwater recharge, and water conservation issues), and wellhead protection issues which will also be identified as part of the Groundwater Discharge Permit from DEP.

## SCOPE

As modified by this scope, the EIR should conform to Section 11.07 of the MEPA regulations for outline and content. The Draft EIR should resolve the remaining issues outlined below for the entire project including Phase I and Phase II. It should address the substantive comments listed at the end of this Certificate, and it should include a copy of this Certificate and all comment letters.

### Project Description:

The EIR should provide a detailed project description of the entire project with a summary/history of the project. It should include existing and proposed site plans. The EIR should identify and describe the project phasing. The EIR should include a conceptual-level landscaping plan and building elevations from all sides. It should identify any proposed lighting impacts on adjacent residential structures.

### Permitting and Consistency:

The EIR should include a brief description of each state permit or state agency action required for the entire project. The EIR should demonstrate that the project design would meet any applicable performance standards. The EIR should also discuss the consistency of project design with any applicable state policies.

The EIR should describe the local permitting process, and fully explain any design implications or constraints imposed by local requirements. In accordance with Executive Order 385 (Planning for Growth) and section 11.01 (3)(a) of the MEPA regulations, the EIR should also discuss the consistency of the project with the local and regional growth management and open space plans.

### Alternatives Analysis:

The EIR should expand on the alternatives analysis included in the Expanded ENF. The purpose of the alternatives analysis is to consider what effect changing the parameters of a project will have on the environment, keeping in mind that the objective of the MEPA review process is to avoid or minimize damage to the environment to the greatest extent feasible. In addition to the proposed alternative, the EIR should analyze the no-build alternative to establish baseline conditions. The EIR should also examine alternative site layouts, in an effort to arrive at a site layout that minimizes overall impacts. In particular, the EIR should consider alternatives that reduce the amount of impervious surface and reduce the amount of land alteration associated with the entire project.

### Comments:

The EIR should contain substantive responses to the comments received for all comments within

MEPA jurisdiction. The EIR should present additional narrative and/or analysis where necessary to respond to the concerns raised.

### Land Alteration

Portions of the project site are heavily disturbed. Nonetheless, the project will result in additional land alteration and creation of substantial new impervious surfaces. The EIR should evaluate methods of reducing impervious coverage. The EIR should also detail any proposed landscaping, and evaluate methods of minimizing impacts associated with maintenance of landscaped areas.

### Wastewater:

The EIR should include estimates of wastewater generation from the project, and should evaluate the environmental impacts of project-related generation of wastewater. The EIR should describe any infrastructure improvements necessary to accommodate projected wastewater flows, and should document the proponent's plans for reduction of Inflow/Infiltration into the municipal system. The EIR should investigate feasible methods of reducing wastewater generation, including development of a water conservation program.

The town of North Reading is in the process of completing a Comprehensive Water Resources Management Plan (CWRMP), and this capacity will be key to meeting long-term wastewater management needs. The EIR should include details on the institutional arrangements and agreements being made among the proponents and the towns as part of this project for the wastewater discharge on site.

The potential impacts to the gravel pit operations (areas previously mined, currently mined and to be mined in the future), which are located to the northwest of the project site must be evaluated in the EIR. Specifically, the assessment should be done to show how the watertable beneath the gravelling operations will be impacted by the groundwater mounding associated with the proposed discharge, especially at full buildout (i.e., total design flow, including the municipal wastewater discharge proposed on site).

The EIR should provide a large scaled groundwater map showing the mounded watertable at full buildout superimposed on the topography of the site and the surrounding areas (especially the gravel pits). This will allow for the visual identification of areas that could be potentially impacted by emerging groundwater. This data also will be evaluated in addition to the submitted hydrogeologic evaluation report during the groundwater discharge permitting process.

### Water Supply:

The project is located within the town of North Reading's Water Resources Protection Overlay

District. The town's Water Resource Protection District bylaw states that if more than 15 percent of a parcel is rendered impervious through construction or paving, then artificial recharge of stormwater to the aquifer must be provided in a manner that does not degrade groundwater quality. The EIR should demonstrate that groundwater recharge would be accomplished in a manner that does not result in degradation of the groundwater, and the EIR should demonstrate that the project will meet the Critical Area Standard 6 in the Stormwater Management Policy.

The public water supply in the town of North Reading is from the Ipswich River Basin and the town of Andover. Ipswich River Basin is a highly stressed basin according to the Massachusetts Water Resources Commission (MWRC) list of stressed basins in Massachusetts, (December 13, 2001). The Phase I residential development will use 63,000 gallons of water per day, 52.5 percent of the total water demand, which is estimated at 120,000 gpd. The EIR should contain a water conservation plan for the project that is in conformance with the Ipswich River Watersheds Regional Water Conservation Plan, 2002. This plan provides guidelines and minimum standards for water conservation programs in the watershed, including a goal to reduce water use from 1999 levels by at least 15 percent throughout the watershed. In addition, the EIR should prepare a water conservation plan with conservation measures and management techniques that support the town of North Reading's conservation commitments and the Performance Standards of the Water Resources Commission.

In addition, the proponent should commit to using the most efficient residential water technologies. Any outdoor water use should be subject to the same outside water use restrictions that apply to all customers of the public water system. The proponent should consult the Lawn and Landscape Water Conservation, An Addendum to the Water Conservation Standards for the Commonwealth of Massachusetts, a policy statement adopted by the Massachusetts Water Resources Commission in October 2002, and the Guide to Lawn and Landscape Water Conservation, Massachusetts Water Resources Commission, May 2002, when designing the finished landscaping.

#### Wetlands:

The EIR should include a reasonably scaled map that delineates wetland boundaries and buffer zones on the site, and should include the appropriate overlays of each site layout described in the alternatives analysis. The plans should also note any applicable local wetlands and/or buffer zone requirements. The EIR should explain the significance of each wetland area on the site to the interests enumerated in the Wetlands Protection Act. The EIR should also include plans depicting and quantifying wetlands replication areas and information on how altered wetland functions will be restored.

#### Stormwater:

The EIR should also analyze indirect impacts to wetlands from receipt of drainage and

stormwater runoff from the site. The EIR should discuss the consistency of the stormwater management plan with DEP guidelines, and should include a schematic drainage plan. The EIR should also address the detailed issues raised in DEP comment letter. Municipalities such as North Reading also are required to prepare and implement Stormwater Management Programs for compliance with the NPDES Phase II Stormwater General Permit. The EIR should demonstrate that source controls, pollution prevention measures, erosion and sediment controls during construction, and the post-development drainage system will be designed to comply with the Massachusetts Stormwater Management Policy and standards for water quality and quantity impacts and with the town of North Reading's Storm Water Program. Calculations including peak runoff rates for the 2, 10, 100 year storms, water quality volume, total suspended solids removal, stormwater recharge based on soil hydrologic group and total impervious area, stormwater system design plans at a readable scale, best management practice (BMP) designs, and supporting information should supplement the information provided in the Expanded ENF to affirm that the stormwater system design provides adequate protection for wetland resources in conformance with the Policy and the town's NPDES Storm Water General Permit.

The project site is within the highly stressed Ipswich River Basin, according to the Water Resources Commission's Stressed Basins in Massachusetts report, which emphasizes the need for recharge of groundwater in medium and highly stressed basins. Therefore, the EIR should address how the stormwater will be managed to conform to the objectives for stormwater management recommended in the Ipswich River Watershed Management Plan, 2002, which estimated that there has been a 29 percent reduction in streamflow in the upper Ipswich Watershed is attributable to imperviousness/land use change. The plan establishes the following steps: "1) all new development within the watershed will minimize impervious surfaces and will provide for infiltration/recharge of at least 150 percent of the natural recharge rate, (i.e., 1.5: 1 mitigation), 2) all re-development within the watershed will provide for infiltration/recharge of at least 100 percent of the natural recharge rate, and 3) towns within the watershed will design stormwater remediation projects to increase infiltration/recharge. The first two objectives can be accomplished either on-site or by off-site mitigation projects as long as the mitigation occurs in the Ipswich River watershed."

The EIR should distinguish between extended detention basins and infiltration basins, and information on the basin designs, depths to groundwater in the vicinity of the basins, and soils information in the recharge basins. Information on the water quality and recharge volumes proposed for compliance with Stormwater Management Policy should also be included in the EIR. Because the site is within the Zone II of public water supplies, the proponent must include data and soil logs with the stormwater section to show that the stormwater system design adheres to the site criteria, listed in the Stormwater Management: Volume 2, Stormwater Technical Handbook for infiltration basins to ensure adequate pollution removal (p.3.F-7). Infiltration of stormwater in stressed basins also is a requirement in the NPDES Phase II Stormwater Permit. Accordingly, the infiltration system design for this project should conform to the NPDES permit requirements of the town of North Reading.

### Archaeology:

The site contains several significant ancient Native American archaeological sites. The proponents have consulted with MHC and have taken into account MHC's comments and recommendations. The proponents have determined that avoidance and preservation of the archaeological sites are not feasible. MHC has determined that the implementation of the project as proposed would have an "adverse effect" (950 CMR 71.05 (a)) on the archaeological sites and recommended that a program of archaeological data recovery be conducted to assist to mitigate project related impacts on these archaeological sites. The data recovery program would involve the excavation and analysis of a sample of each site, the permanent curation of the data, and the reporting and dissemination of the results. The EIR should detail the mitigation. The proponent should continue to work closely with MHC. A draft Memorandum of Agreement (MOA), which outlines the proposed mitigation, has been submitted to MHC. The MOA must be finalized prior to the issuance of a State Archaeologist's field investigation permit to implement the program of archaeological data recovery. A copy of the final MOA should be included in the EIR.

### Transportation

The proponent has prepared a traffic study for the Expanded ENF submittal. The EIR should include this study for consideration as part of the MEPA process, modified as necessary to generally conform to EOEAE/OTC Guidelines for EIR/EIS Traffic Impact Assessment (I will allow the proponent some flexibility in format so long as the study allows for an understanding of the traffic impacts of the project). It should identify appropriate mitigation measures for areas where the project will produce impacts on local and regional traffic operations, especially where delay increases at intersections. The trip generation rates must be fully explained in the EIR.

The EIR should present capacity analyses and a summary of average and 95<sup>th</sup> percentile vehicle queues for each intersection within the study area. The EIR should present a merge and diverge analysis for each ramp junction at the Route 93 ramps intersection with Route 62. Any proposed traffic signal along the Boston & Providence Turnpike must include a traffic signal warrant analysis according to the Manual of Uniform Traffic Control Devices standards. At a minimum the traffic study should analyze the following state highway and local roadway locations:

- The Route 62/Woburn Street intersection
- The Route 62/I-93 northbound ramps intersection,
- The Route 62/I-93 southbound ramps intersection,
- The Route 62/site drive intersection,
- The Route 62/North Street intersection
- The Route 62/Route 28 intersection, and
- The Route 28/North Street intersection.

The EIR should include conceptual plans for the proposed roadway improvements, preferably 80-

scale. Any proposed mitigation within the state highway layout must conform to Massachusetts Highway Department's (MHD) standards, including provisions to lane, median and shoulder widths.

MHD has identified the intersection of Salem and Woburn Street in Wilmington to access I-93 at a LOS F under existing and future conditions operates. The traffic generated by the project degrades the operations at the intersection, even if it is operating at a LOS F. Therefore, the developer bears responsibility for mitigating that impact.

The EIR must address the cumulative impact of both phases of the project. The EIR should also provide an update of the local permitting processes for the proposed project. The EIR should also discuss the proponent's coordination efforts with North Reading and Wilmington officials as they address local traffic concerns within this area. It should provide the most current information on the proposed construction dates for any roadway improvements in the area.

#### Transportation Demand Management:

The EIR should outline the proponent's Transportation Demand Management (TDM) Program. The TDM should include specific measures that have been successful in reducing trip generation for similar sites. TDM measures to consider include: providing public transportation to residence of the project and a guaranteed ride home for employees of the Edgewood Office Park (Phase II) component of the project who rideshare; offering flextime to employees and direct deposit; providing an ATM; and coordinating its TDM services with other nearby employers.

#### Public Transit:

The EIR should identify any bus or train routes and stops in the area and work with the Massachusetts Bay Transportation Authority (MBTA) regarding future transit to the site. The proponent should begin discussions with the local transit operator regarding the feasibility of establishing transit service to the site or access to the existing service.

#### Pedestrian and Bicycle Facilities:

The EIR should show where sidewalks currently exist in a map of the project site and where the proponent proposes sidewalks. The EIR should identify how these sidewalks would connect to other sidewalks and proposed crosswalks. It should identify the proposed bicycle facility improvements included with this project. Bicycle parking/storage areas should be identified on a plan.

#### Recycling Issues:

The EIR should incorporate construction and demolition (C&D) recycling activities as a



sustainable measure for the project. The proponent is also advised that demolition activities must comply with both Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. Chapter 40, Section 54. It appears that significant portions of the demolition project contain asbestos, the proponent is advised that asbestos and asbestos-containing waste material are a special waste as defined in the Solid Waste Management regulations (310 CMR 19.061) and require special permitting. The demolition activity also must conform to current Massachusetts Air Pollution Control Regulations governing nuisance conditions at 310 CMR 7.01, 7.09 and 7.10.

#### Hazardous Substances:

The EIR should disclose whether any known or suspected contamination exists on or adjacent the site, and include a status update on any site remediation pursuant to the Massachusetts Contingency Plan. DEP has record of a release of #6 fuel oil to the soil and groundwater occurring at this site; Release Tracking Number 3-3557. The project proponent is advised that removing contaminated soil, pumping contaminated groundwater, or working in contaminated media must be done under the provisions of MGL c.21E/21C and OSHA.

#### Construction:

The EIR should present a discussion on potential construction period impacts (including but not limited to noise, dust, blasting, wetlands, and traffic maintenance) and analyze feasible measures that can avoid or eliminate these impacts.

#### Sustainable Design:

This project presents a good opportunity to successfully incorporate cost-effective sustainable design elements and construction practices into the project. These elements can minimize environmental impacts and reduce operating costs. I strongly encourage the proponent to consider incorporating elements, such as those noted below, into its project design:

- water conservation and reuse of wastewater and stormwater
- renewable energy technologies to meet energy needs
- optimization of natural day lighting, passive solar gain, and natural cooling
- energy efficient HVAC and lighting systems, appliances and other equipment, and solar preheating of air
- building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy
- 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.

Mitigation:

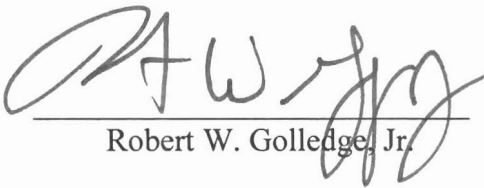
The EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include a proposed Section 61 Finding for all state permits. The proposed Section 61 Finding should contain a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation should also be included.

Circulation:

The EIR 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 both North Reading and Wilmington officials. A copy of the EIR should be made available for public review at both the North Reading and Wilmington Public Libraries.

September 1, 2006

Date



Robert W. Golledge, Jr.

## Comments received:

08/04/06	Massachusetts Historical Commission
08/14/06	State Representative Bradley H. Jones, Jr.
08/23/06	Division of Capital Asset Management
08/23/06	Town of North Reading, Conservation Commission
08/23/06	Town of North Reading, Board of Appeals
08/25/06	Department of Environmental Protection, Central Regional Office
08/25/06	Suzanne Sullivan, Headwater Stream Team (1st comment)
08/25/06	Water Supply Advisory Committee
08/25/06	Ipswich River Watershed Association
08/25/06	Town of Wilmington, Planning and Conservation Department
08/28/06	Metropolitan Area Planning Council
08/31/06	Suzanne Sullivan, Headwater Stream Team (2nd comment)
09/01/06	Ipswich River Watershed Association (2 <sup>nd</sup> comment)
08/11/06	Town of North Reading, Board of Selectmen

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