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November 7, 2005

DRAFT RECORD OF DECISION

PROJECT NAME : Parkway Plaza Redevelopment
PROJECT MUNICIPALITY : Chelsea
PROJECT WATERSHED : Boston Harbor/Mystic
EOEA NUMBER : 13294
PROJECT PROPONENT : Parkway Plaza Venture, LLC c/o
Eastern Development
DATE NOTICED IN MONITOR : October 8, 2005

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) and request for a Phase I waiver submitted on this project. I propose to grant a Phase 1 Waiver, allowing the first phase of the project to proceed to the state permitting agencies prior to completion of the Final Environmental Impact Report (EIR) for the entire project.

Project Change Description

As originally described in the Expanded Environmental Notification Form (Expanded ENF), the project involved the 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, in two phases:

- Phase I - reconstruction of an existing 199,380 square foot (sf) shopping center to accommodate a 135,200 sf Home Depot store, and the addition of a 17,020 sf of outdoor garden retail center (currently under construction); and
- Phase II - construction of 100,000 sf of additional retail space.

As described in the Notice of Project Change (NPC), the proponent has proposed to replace 40,000 sf of the Phase II retail space with a 250-unit, four-story apartment building. Therefore, Phase II now consists of apartment building and 60,000 sf of retail space.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, this finding shall be based on one or more of the following circumstances: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Findings

Based on information submitted by the proponent and after consultation with the relevant state agencies, I find that strict compliance with the requirement to complete the EIR prior to initiating construction of the proposed apartment building would a) result in undue hardship to the proponent; and b) not

serve to minimize or avoid damage to the environment. Specifically, I find that:

- 1) The potential environmental impacts of Phase I, which now includes the Home Depot store currently under construction, and the proposed apartment building, are insignificant. The combined new average daily trips to be generated by both components of the project, approximately 2,952 vehicle trips, is below the threshold requiring a mandatory EIR at 301 CMR 11.03(6)(a)(6). Moreover, the proponent has committed to implement traffic mitigation measures at several local intersections and at the intersection of Broadway and the Route 16 eastbound ramps, in conjunction with the construction of the Home Depot store. These improvements, which include traffic signal upgrades, signal timing modifications, changes in roadway geometry, and construction of sidewalks, should also serve to mitigate the impacts of the additional traffic generated with the housing component of the project.
- 2) Ample and unconstrained infrastructure and services exist to support Phase I. The NPC included a letter of support from the City of Chelsea indicating that adequate water and wastewater capacity and infrastructure exist to support the entire project.
- 3) The project is severable, such that Phase I does not require the implementation of any other future phases. Once Phase I is complete, neither of the Phase I components of the project would rely on the construction of the final phase of the project or preclude any mitigation measures to be implemented in conjunction with the final phase of the project.
- 4) The agency actions on Phase I, specifically the Chapter 91 License, Sewer Connection Permit, Indirect Access Permit (from the Massachusetts Department), and Direct Access Permit (from the Department of Conservation and Recreation), will contain conditions that ensure due compliance with MEPA.

Based on these findings, it is my judgment that the waiver request has merit and meets the tests established at 310 CMR 11.11 of the MEPA regulations. Therefore, I propose to grant the Phase I waiver. This Draft Record of Decision shall be published

in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

November 7, 2005

Date

Stephen R. Pritchard

SRP/RB/rb