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May 30, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY & ENVIRONMENTAL AFFAIRS
ON THE
FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Meadow Walk at Lynnfield
PROJECT MUNICIPALITY : Lynnfield and Wakefield
PROJECT WATERSHED : North Coastal
EOEA NUMBER : 14096
PROJECT PROPONENT : PHF-ND Colonial, LLC
DATE NOTICED IN MONITOR : April 23, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.08 of the MEPA regulations (301 CMR 11.00), I hereby determine that the Final Environmental Impact Report (EIR) **adequately and properly complies** with MEPA and its implementing regulations.

Project Description

As described in the Expanded Environmental Notification Form (EENF) and updated in the Draft and Final EIR, the project consists of the construction of a mixed-use development on a 203-acre parcel in Lynnfield and Wakefield. It will include 395,000 square foot (sf) of retail space, 80,000 sf of office space, and 228-residential units. The housing will consist of 180 rental apartments (including 45 affordable units). In addition, six acres of land will be purchased by the Lynnfield Initiative for Elders (LIFE) for development of 48 units of moderate income housing for seniors.¹ The project includes retention of the northern half of the golf course as a 9-hole golf

¹ The Final EIR indicates that the LIFE project may add 8 units to the elderly housing community for a total of 228

course and construction of a new club house. The remainder of the golf course (including the existing club house) and the conference center will be demolished. The project includes improvements to the access drives, construction of an internal roadway system, construction of 2,718 additional parking spaces and installation/expansion of associated infrastructure and utilities, including a stormwater management system. The project is being developed under M.G.L. Chapter 40R Smart Growth Zoning and Housing Production legislation.

According to the EENF, potential environmental impacts include the creation of 38.2 acres of new impervious surfaces, alteration of 1,700 square feet (sf) of Bordering Vegetated Wetlands (BVW), alteration of 400 linear feet (lf) of bank, alteration of 2,150 sf of Land Under Water (LUW), 16,000 sf of Bordering Land Subject to Flooding (BLSF) and 600 feet of Riverfront Area (RA), and generation of approximately 19,079 average daily vehicle trips (adt) on a weekday, use of an additional 77,550 gallons per day (gpd) of water and generation of an additional 77,550 gpd of wastewater.

As described in the EENF, the site is bounded by Interstate 95 (I-95)/Route 128 and the Saugus River to the south, Audubon Road in Wakefield to the west, Walnut Street in Lynnfield to the east and Reedy Meadow to the north. The site contains an 18-hole golf course including a clubhouse and maintenance buildings, a 54,000 sf conference center, a 55,000 sf Boston Sports Club, 181,400 sf Sheraton Hotel and 975 parking spaces. The site has immediate highway access from I-95/Route 128 via Exit 42 (Pleasure Island Road) and Exit 43 (Walnut Street). The Saugus River provides habitat for the passage of the American eel (*Anguilla rostrata*), riffle habitat for spawning rainbow smelt (*Osmerus mordax*) and habitat for the passage, spawning and juvenile development of river herring (*Alosa pseudoharengus* and *Alosa aestivalis*). Reedy Meadow is a 540-acre freshwater marsh that has been designated by the National Park Service (NPS) as a National Natural Landmark. According to the 12th Edition of the Massachusetts Natural Heritage Atlas, the project is located within Priority and Estimated Habitats of Rare Species, including habitat for the American Bittern (*Botaurus lentiginosus*), the Common Moorhen (*Gallinula chloropus*) and the King Rail (*Rallus elegans*).

MEPA Jurisdiction and Required Permits

The project is undergoing review and requires preparation of an EIR pursuant to sections 11.03 (1)(a)(1), (1)(a)(2), (6)(a)(6) and (6)(a)(7) of the MEPA regulations, because the project requires state permits and will alter more than 50 acres of land, create more than 10 acres of new impervious surfaces, generate 3,000 or more new adt on roadways providing access to a single location and construct 1,000 or more new parking spaces at a single location. The project requires a Sewer Connection/Extension Permit and a 401 Water Quality Certificate from the Department of Environmental Protection (MassDEP). It requires an Access Permit from the Massachusetts Highway Department (MassHighway). The project requires the amendment of a sewer agreement with the Massachusetts Water Resources Authority (MWRA). Also, the project requires Orders of Conditions from the local conservation commissions in Lynnfield and

residential units and 48 units of senior housing.

Wakefield. The project must comply with the United States Environmental Policy Act (EPA) National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres.²

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 alteration, traffic/transportation, air quality, wetlands, drainage, rare species and wastewater.

Review of the Final EIR

The proponent was permitted to prepare the Final EIR as a Response to Comments document because agreement was reached on most of the most of the major issues identified in the Certificate on the EENF and outstanding issues were limited to demonstration of compliance with the revised stormwater standards and specification of mitigation commitments. The Final EIR includes a revised Stormwater Management Plan (SMP), additional information on mitigation commitments and draft Section 61 Findings for all state agency permits. It provides a response to each comment letter provided on the Draft EIR and provides revised plans and additional information as requested or indicates where and how these issues will be addressed.

The Final EIR provides more detailed information regarding the widening of the Saugus River crossing including the design of proposed improvements, construction sequencing and mitigation. It indicates that the proponent will avoid work from February 15 through June 30 and intends to complete all in water work by September 1 to ensure adequate fish passage for the migration of eels. It identifies when water flow may be interrupted and describes the bypass flow system that will be constructed to maintain flow and adequate fish passage.

The Final EIR indicates that the SMP is consistent with the revised stormwater management standards that have been incorporated into the Wetlands Protection Act Regulations (310 CMR 10.05(6)(k)) and the Water Quality Certification Regulations (314 CMR 9.06(6)(a)). It also notes that a detailed Stormwater Pollution Prevention Plan (SWPPP) for construction activities will be developed and include more detailed information regarding use of sedimentation basins, temporary drainage swales, stabilization of slopes and stockpiled soils as well as a phasing plan.

The Final EIR directly addresses the issues raised by MassDEP on the SMP. Comments from MassDEP on the Final EIR identify a number of design issues that need to be addressed to ensure consistency with the revised stormwater standards and indicate that there are several discrepancies between the SMP and the Notice of Intent (NOI) plans. The proponent will need to address these issues during review of the 401 Water Quality Certificate to ensure that the design

² NHESP comments indicate that the project will not result in a "take" of a rare species; therefore, a Conservation and Management Permit is not required.

is consistent with the stormwater standards. Comments from the Saugus River Watershed Council indicate that it is satisfied with the Final EIR and proposed mitigation.

The Final EIR provides copies of the agreements developed with the MWRA (draft agreement) and the towns of Wakefield and Lynnfield regarding discharge of its wastewater to the Wakefield municipal system and how downstream capacity issues will be addressed. The proponent has committed to fund a study of infiltration and inflow (I/I) sources on the project site, provide funds to identify and remove I/I in Wakefield (on-site and off-site) and to redirect sewer flows in Melrose to relieve surcharge and overflow conditions. In addition, the Final EIR indicates that a Sewer Connection Permit application has been filed with MassDEP. Comments from MassDEP indicate that the proponent will need to identify specific I/I mitigation projects as a special condition in the MassDEP sewer connection permit.

Comments from the Executive Office of Transportation (EOT) indicate that the proponent has adequately analyzed the project's impacts, identified adequate mitigation measures to address impacts on the state highway system and indicate that no additional review is warranted. Comments on the Draft EIR from MassDEP, Saugus River Watershed Council and Walk Boston supported the establishment of a shuttle service as an effective approach to reducing vehicle emissions. The Final EIR indicates that the proponent will consider contributing up to \$25,000 to initiate operation of shuttle service to the Oak Grove Rapid Transit Station or the Anderson Regional Transportation Center dependent upon the interest of tenants and residents.

Mitigation

The Final EIR includes an updated and revised section on mitigation measures including revised Draft Section 61 Findings for state permits. The Final EIR indicates that the proponent is committed to the following measures to avoid, minimize and mitigate project impacts:

- restoration and re-vegetation of a 25-foot buffer around Reedy Meadow (with the exception of the widened roadway);
- maintenance of a 150-foot buffer on the east side of the Saugus River and provision of public access, benches and interpretive information adjacent to the canal;
- provision of a water quality swale and additional plantings on the Wakefield side of the Saugus River;
- re-design of the Saugus River crossing to include a 20-foot wide, single span, precast concrete arch that will provide a natural river bottom to enhance fisheries habitat;
- development of a construction management plan to limit disturbance to river flow and fish passage;
- construction of a replacement wetland as mitigation for direct alteration of wetland resource areas;
- placement of a conservation restriction (CR) on 114 acres of the site, including the newly established buffer zones;

- \$25,000 to fund a feasibility study to address the practicality of raising the summer water levels in Reedy Meadow for the benefit of state-listed marsh birds;
- construction of a multi-use path on the project site within the buffer to Reedy Meadow;
- design and construction of a SMP consistent with MassDEP stormwater standards which includes multiple low impact development techniques including 2.3 acres of porous pavement, permeable pavers, vegetated swales, naturalized detention basins and drought tolerant native plantings;
- prohibition on the use of perchlorate-containing blasting agents will not be used during construction;
- offset of wastewater flow on a 4:1 basis including identification and removal of I/I in Wakefield (on-site and off-site);
- redirection of sewer flows in Melrose to relieve surcharge and overflow conditions;
- incorporation of measures to reduce GHG emissions including use of highly-reflective roofing materials for 75% of flat roofs in the commercial and office buildings, maximize interior daylighting through floor plates, increased perimeter and use of skylights and light wells in commercial and office areas, window glazing to balance and optimize daylighting, heat loss and solar heat gain performance in all project buildings, use of high-efficiency HVAC systems in commercial and office areas, elimination of refrigerants in HVAC systems, incorporation of motion sensors, lighting and climate control in all public areas, recycling of 80% of construction and demolition materials from the site, use of efficient, directed exterior lighting for all buildings, provide construction and design guidelines to support sustainable design for tenant build-out, conservation and resource protection measures identified above and transportation-related measures identified below;
- geometric improvements, traffic signal installation and/or traffic signal coordination are proposed at the Audubon Road/Colonial Golf Club Driveway intersection, the Audubon Road/I-95 southbound ramps intersection, the Walnut Street/Salem Street/I-95 northbound ramps intersection, and the Walnut Street/I-95 southbound ramps/Colonial Golf Club Driveway intersection;
- interim mitigation measures for the Salem Street/Pleasure Island Road, Salem Street/I-95 northbound ramps and Salem Street/Montrose Avenue intersections in the event that MassHighway improvements are not completed prior to occupancy of the site;
- implementation of a TDM program including: an on-site Transportation coordinator, bicycle and pedestrian accommodations, a shuttle service for senior citizens, the provision of ZIP Car service, employer-based TDM measures and a commitment to provide up to \$25,000 in start-up funds to support a shuttle service to the Oak Grove Rapid Transit Station or the Anderson Regional Transportation Center based on demand;
- consideration of use of a contractor that is participating in the MassDEP Diesel Retrofit Program to minimize construction related air quality impacts.

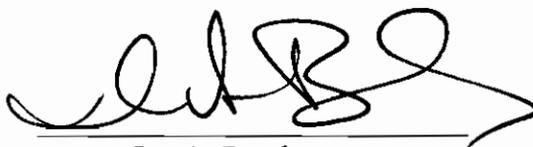
In addition, the NHESP letter on the Draft EIR identifies specific commitments the proponent has made to avoid a “take”. These include:

- provide a draft recordable CR, showing the boundaries of the CR area, the boundary of the golf course play area within the CR area and a monumentation and signage scheme that will be approved by NHESP prior to the start of work;
- provide a revised planting plan that will be approved by NHESP prior to construction;
- incorporate information regarding the CR area and the Reedy Meadow area into the Operation and Maintenance Plans (O&M) for the golf course and development including the requirements to notify grounds crews of the presence of these restricted areas, to inspect the boundaries at least twice annually and to maintain signage and bounds;
- provide draft O&M plans to NHESP for review and approval prior to January 1, 2009; and
- development of a NHESP-approved escrow agreement for the \$25,000 feasibility funds.

Based on consultation with state agencies, comment letters and a review of the Final EIR, I hereby find that the Final EIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting.

May 30, 2008

Date



Ian A. Bowles

Comments Received:

5/23/08 Department of Environmental Protection/Northeast Regional Office
(MassDEP/NERO)
5/22/08 Executive Office of Transportation (EOT)
5/23/08 Saugus River Watershed Council

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