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September 14, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
 ON THE  
 SUPPLEMENTAL DRAFT ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : BJ's Planned Unit Development  
 (formerly BJ's Wholesale Club)  
 PROJECT MUNICIPALITY : Revere  
 PROJECT WATERSHED : North Coastal  
 EOE A NUMBER : 13717  
 PROJECT PROPONENT : BJ's Wholesale Club and Rumney Marshview LLC  
 DATE NOTICED IN MONITOR : August 8, 2007

As Secretary of Energy and Environmental Affairs (EOEEA), I hereby determine that the Supplemental Draft Environmental Impact Report (EIR) 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).

Project Description

As described in the Supplemental Draft EIR and the Notice of Project Change (NPC), the proposed project consists of construction of a 124,850<sup>1</sup> square foot (sf) BJ's Wholesale Club building, a gas station and a 281-unit housing development (in 3 buildings) on a 19.85 acre site in Revere. This \$65 million project will include associated access drives, parking spaces and utility infrastructure. The site (consisting of three parcels) is located on Ward Street and is bounded to the west by an apartment building and the City of Revere Department of Public Works (DPW) facility, to the north by Rumney Marsh (an Area of Critical Environmental Concern (ACEC)) and Diamond Creek, to the east by Broadway (Route 107) and to the south by a US Postal Service (USPS) facility and multi-family housing. The site contains several drainage ditches and wetlands areas and, in the southeastern area, an auto salvage facility. The project will eliminate the junkyard from the site.

<sup>1</sup> This is a small increase in the building program. Previous filings identified the development as 121,635 sf.

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(2) and 11.03 (6)(a)(6) because it requires a state permit and will create more than 10 acres of impervious area and generate more than 3,000 new average daily trips (adt). The project may require an Access Permit from the Department of Conservation and Recreation (DCR) and a Sewer Connection Permit from the Department of Environmental Protection (MassDEP). The project requires an Access Permit from the Massachusetts Highway Department (MassHighway). Also, it requires an Order of Conditions from the Revere Conservation Commission. An Order of Conditions was issued by the Revere Conservation Commission. This Order was appealed by MassDEP and therefore requires a Superseding Order of Conditions from MassDEP. The proponent is not seeking financial assistance from the Commonwealth for the project, therefore MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. These include traffic, wetlands, drainage, water quality, wastewater and contaminated soils.

### Procedural History

A Certificate on the ENF was issued on February 24, 2006 that established the Scope of the Draft EIR for the proposed BJ's warehouse project. The ENF filing referenced a conceptual housing development, containing 180 units, on the southeastern portion of the site.

A Draft EIR/Notice of Project Change (NPC) was filed in April 2007. It described changes to the project since the ENF filing, proposed a 281-unit housing development and proposed re-location of uses on the site. The BJ's Warehouse building and associated parking was proposed to be constructed on the southeastern portion of the site and the housing was re-located to the northern part of the site adjacent to an existing apartment building to the west of the drainage ditch. The June 1, 2007 Certificate on the Draft EIR/NPC indicated that it was not sufficiently responsive to the requirements of the MEPA regulations and the Scope to meet the regulatory standard for adequacy. It required the submittal of a Supplemental Draft EIR and directed the proponent to include a revised alternatives analysis.

### Review of the Supplemental Draft EIR

The Supplemental Draft EIR includes an analysis of project alternatives that further avoid or minimize wetland resource impacts and creation of impervious surfaces and considers re-location of the fueling facility. It includes consideration of sustainable design alternatives such as Low Impact Development (LID) techniques in site design and stormwater management and includes a revised stormwater management plan that addresses the siting of the project within a critical area and the higher potential pollutant loads associated with the proposed use. Additional information is provided on impacts to the ACEC and proposed mitigation, including salt marsh restoration and provision of open space. Also, it addresses the wastewater issues identified in the Scope.

Approximately 196,087 (or 4.5 acres) of coastal floodplain (defined as the 100-year flood elevation, or elevation 9 NGVD datum) will be filled to an elevation of 12 to 14 feet to construct a

gas station (including 2 20,000 gallon underground storage tanks and 6 dispensers) and a paved parking area. The gas station design includes protection to minimize potential impacts including the following: double-wall fiberglass tanks, triple-walled underground piping, line leak detector, overfill and spill prevention, dispenser safety valves, emergency pump shutoffs and a monitoring system.

According to the proponent, the filling of coastal floodplain will not cause an adverse impact to the ACEC's flood control value as a whole, the project will eliminate an existing source of pollution by remediating the junkyard site and it will introduce a stormwater management system that incorporates Best Management Practices in accordance with the Stormwater Management Policy.

As noted previously, the Supplemental Draft EIR includes an analysis of several measures to minimize impervious surfaces and associated impacts and to minimize proposed filling of the coastal floodplain. These include structured parking, underground parking, a reduced parking supply (including consideration of shared or banked parking that would only be built if warranted by demand), porous pavement, a green roof and other LID techniques. It considers alternative locations for the gas station within the site and its elimination from the project.

The Supplemental Draft EIR identifies aspects of the project that the proponent considers to be integral to its development program, including the building size, parking supply and inclusion of a fueling facility. Also, it identifies multiple constraints presented by the site, including a high groundwater table, poor infiltration rates, wetland resource areas (salt marsh and LSCSF) and its location within the Rumney Marshes ACEC. The Supplemental Draft EIR asserts that the environmental benefits of the alternative layouts are minimal and that the alternatives identified are either: economically infeasible, inconsistent with BJ's customer model, present a fire hazard and/or are prohibited by local zoning (in the case of relocating the gas station). The Supplemental Draft EIR indicates that BJs will consider incorporating a green roof into future proposed developments but can only commit to the incorporation of a white roof for this project. The Supplemental Draft EIR does not identify available strategies for requesting a reduced parking supply through the local permitting process.

The Supplemental Draft EIR indicates that the project will include 26,000 sf of salt marsh restoration in the northeast section of the site, restoration of 335 linear feet of coastal bank and restoration of areas adjacent to the drainage ditch. It identifies the portion of the site that is dedicated to open space on a project plan and indicates that it will be passive open space intended to provide views of the marsh.

Comments from MassDEP, the ACEC Program and the Saugus River Watershed Council identify continued concern with the project as proposed and identify inconsistencies between the proposed project, the Wetlands Protection Act and the EEA 2002 Rumney Marshes Salt Marsh Restoration Plan. The ACEC Program indicates that the project is not consistent with upholding the values and benefits of the ACEC, that coastal wetland resource areas within the ACEC are presumed to be significant to the interests of the Wetlands Protection Act (310 CMR 10.24 (5)(a)) and that the performance standard for coastal areas within an ACEC is raised to one of no adverse effect on the interests of the Wetlands Protection Act (310 CMR 10.24 (5)(b) and 10.25 (4)). These regulations are intended to ensure that development along the coastline is located, designed,

built and maintained in a manner that protects the public interests in the coastal resources subject to protection under the WPA. In addition, the ACEC regulations (301 CMR 12.00) direct EEA agencies to take actions, administer programs and revise regulations in order to preserve, restore and enhance the natural and cultural resources of ACECs.

The Supplemental Draft EIR includes a revised Stormwater Management Plan that addresses MassDEP comments regarding best management practices for critical areas. MassDEP comments acknowledge that the stormwater management plan has been redesigned with more appropriate best management practices. The system is designed to provide 80% TSS removal through a combination of pocket wetlands, a grassy "biofilter" swale, hooded deep sump catch basins, underground detention basins and filtering chambers, shutoff and containment capabilities. In addition, permanent plaques on catch basins to identify the stormwater discharge to the ACEC also are proposed. Post-development peak hour rates for watersheds not flowing directly to waters subject to tidal action have been reduced from the pre-development condition. Post-development peak hour rates for watersheds flowing directly to waters subject to tidal action increase by over 50% and, in some cases, increase by 100%. The Supplemental Draft EIR includes a stormwater operations and management plan.

Also, MassDEP comments stress that the cumulative effect of filling throughout the floodplain would have an effect on flooding in the region, and that it remains concerned that an increase in localized flooding potential on roads and property nearby has not been evaluated adequately. The Saugus River Watershed Council comments indicate that the doubling of peak runoff rates for watershed areas totaling almost 15 acres will have a negative impact on flood storage capacity in the region which will be exacerbated by the filling of the coastal floodplain.

As required by MassDEP, the proponent has reassessed its wastewater flows and indicates that a Sewer Connection Permit is required. The project will generate a total of 61,790 gallons per day (gpd) of wastewater. The Supplemental Draft EIR includes additional information on the number of bedrooms and square footage used to develop the estimate and demonstrate that the estimates were calculated in accordance with standard MassDEP methodology. The Supplemental Draft EIR indicates that the proponent will conduct a camera inspection of the existing sewer system to identify Infiltration/Inflow (I/I) mitigation opportunities and it will contribute a \$750,000 sewer impact mitigation fee that will be used for I/I mitigation. In addition, the proponent will create a connection between two existing water lines to create a loop in the City's water system near the project site. It indicates that the Final EIR will include confirmation from the City of Revere that existing and proposed infrastructure is sufficient to support increased wastewater flows.

The Supplemental Draft EIR includes a revised mitigation package, including revised Section 61 Findings for use by the state permitting agencies. It includes an estimate of the individual costs of the proposed mitigation, identification of the parties responsible for implementing the mitigation and a schedule for implementation based on the construction phases of the project.

I have reviewed the June 1, 2007 Certificate on the Draft EIR/NPC; the Supplemental Draft EIR filed in response; and the comments entered into the record. Based on this record, I find that the Supplemental Draft EIR is sufficiently responsive to the requirements of the MEPA

regulations and the Scope to meet the regulatory standard for adequacy. Although I disagree with the proponent's conclusions regarding the impacts of the proposed project, the Supplemental Draft EIR has analyzed and evaluated project impacts and alternatives as required by the Scope and identifies efforts to minimize (through revision of its stormwater management plan) and mitigate (through salt marsh restoration) project impacts. Although the project will remediate and eliminate pollution associated with the existing auto salvage operation, I remain concerned that the Preferred Alternative will have significantly impact the Rumney Marshes ACEC and will result in otherwise avoidable impacts by: 1) filling and eliminating existing floodplain, 2) increasing peak discharge rates into Rumney Marsh and 3) locating a fueling station and underground storage tanks within the floodplain and ACEC. Seemingly feasible and reasonable alternatives such as requesting relief from zoning regulations to provide shared parking at this mixed use development have been rejected. I urge the proponent to reconsider the feasibility of design changes and mitigation measures that could further avoid and minimize project impacts.

### **Issues for the Final EIR**

#### Wetlands

As noted previously, the project proponent should further consider a range of measures to avoid, minimize and mitigate project impacts. I urge the proponent to prioritize avoidance of impacts by reconsidering measures to minimize impervious surfaces, to reduce fill within the coastal floodplain and to re-locate or eliminate the fueling facility. The nature and scale of impacts suggest additional mitigation would be appropriate as well. The proponent should review salt marsh restoration projects identified in the 2002 Rumney Marshes Restoration Plan and consider supporting one of these projects. In addition, the proponent should consider additional investment in the proposed open space. The addition of open space and open space amenities, including benches and walkways, would significantly improve the proposed open space and provide a valuable amenity to future residents of the site. The proponent should indicate whether open space will be protected in perpetuity, through a conservation restriction or other preservation vehicle. All public access areas should include clearly marked access points and visible signage.

The Final EIR should carefully review and respond to the comment letters provided on the project including MassDEP comments regarding design of the pocket wetlands, elimination of snow storage areas within the buffer zone to salt marsh and the capacity of the drainage ditch adjacent to Rte 107 to support the additional volume of flood storage lost during the 10, 25, and 100-year storm events. The Final EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

#### Traffic/Transportation

The Draft EIR includes a traffic analysis prepared in conformance with the EEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments as required. This analysis indicates that the project will generate approximately 7,604 new adt and will construct 1,021 parking spaces. EOT has indicated that it concurs with the methodology used to calculate trip generation (including a 50% dual-purpose trip rate for the fueling facility and a 5% pass-by/diverted link trip rate). The

traffic analysis indicates that capacity at area rotaries is significantly constrained under existing conditions, and will be more constrained under No-Build and Build conditions, and that vehicle crash rates exceed MassHighway District 4 averages. It also identifies capacity issues at several intersections, in particular during the Saturday peak hour.

The Draft EIR identified roadway improvement measures (and includes conceptual plans for the proposed roadway improvements) as well as a Transportation Demand Management (TDM) Program to minimize impacts. Improvements are proposed for Copeland Circle, Brown Circle, Bell Circle, Route 60 at Sigourney Street and the Northgate Shopping Center Driveway, Route 60 and Charger Street, Ward Street at McCoba Street, Charger Street and Ward Street and Route 60 at Revere Street. These improvements include signage and pavement marking installation and traffic signal timing and phasing adjustments. In addition, the proponent proposes to convert the one-way eastbound section of Ward Street to two-way to minimize the addition of traffic to Brown Circle by enabling vehicles traveling on Route 107 southbound to access the site via Ward Street. The proponent will institute a traffic monitoring program to evaluate the project's impacts and effectiveness of the TDM Program.

Comments from EOT indicate that the trip generation summary should be updated to include the unadjusted number of vehicle trips during an average Saturday. In addition, EOT notes that the proposed widening of the Route 60 Charger Street intersection and signal interconnection with Sigourney Street may require updated signal equipment at both of these intersections. The proponent should consult with EOT regarding the scope of proposed changes prior to filing the Final EIR. The Final EIR should address EOT's comment regarding the importance of providing pedestrian and bicycle connections and safety throughout the corridor. The Final EIR should identify permits necessary to convert Ward Street to two-way traffic and indicate whether it will result in any direct or indirect wetland impacts.

The Draft EIR did not identify the amount of parking for each land use, provide an analysis of parking demand or identify parking ratios. The Supplemental Draft EIR identifies the total number of parking spaces associated with the project and with each of the land uses. It appears that the parking ratio for the BJ's is 4.8 spaces per 1,000 sf. The Final EIR should identify parking associated with each of the uses, identify parking ratios and identify how the ratios were developed. The mixed use nature of this development and the project's proximity to multiple transit routes, provides an opportunity to reduce the total amount of parking to minimize impervious surfaces and encourage transit use while providing adequate parking for those arriving by car. The Final EIR should evaluate opportunities for minimizing parking supply, including the use of banked parking (that will only be used if required by demand), shared parking and/or compact parking spaces. I note that the mixed-use nature of the development and its close proximity to transit should minimize the amount of vehicle trips to the site and, therefore, the amount of parking required.

### Air Quality

The Draft EIR included a mesoscale air quality analysis to quantify the project's impact. This analysis indicates that the project will increase hydrocarbon emissions compared to the 2012 No-Build Alternative. Volatile organic compounds (VOC) emissions will increase by an estimated 2.1 kg/day above the 2012 No-Build case, and Nitrous oxide (NOx) emissions will

increase by 4.4 kg/day. Proposed mitigation will only provide minimal improvements. As a result of the increase, the proponent is required to develop a TDM Program to mitigate project impacts. The proposed TDM Program includes several traffic reduction strategies, including a ridesharing program and identification of a transportation coordinator responsible for the Program's implementation. The Draft EIR indicates that the proponent will consult with the Massachusetts Bay Transportation Authority (MBTA) regarding the potential for extending transit service to the site. The Draft EIR indicates that, if transit service can be extended, the site will include bus shelters and bus turnouts. The proponent should consider incorporating transit pass subsidies for residents and employees into its TDM Program to increase its effectiveness. Also, the Final EIR should clarify whether the project is subject to the Rideshare Regulation.

Because the project will take place in a densely developed area and is directly adjacent to residential buildings, the proponent is committed to participate in DEP's Clean Air Construction Initiative. The Final EIR should identify how the proponent will fulfill this commitment and confirm that verified EPA retrofit devices will be used.

### Wastewater

The Final EIR should provide additional information on specific projects that will be funded with the sewer impact fee and demonstrate that the volume of I/I to be removed is at the current rate of 10 gallons of wastewater removed for every gallon of new wastewater flow added to the City's sewer system. I remind the proponent that the Final EIR should include confirmation from the City that adequate capacity exists and adequate mitigation is planned to support this project.

### Contaminated Soils

A preliminary risk characterization, consistent with the Massachusetts Contingency Plan (MCP) has been completed for the site, which contains two Release Tracking Numbers (3-14137 and 3-17964). The Draft EIR indicates that an ecological risk characterization will be completed, and that there are two options available to fulfill the MCP requirements: achieving a Class A-1 Response Action Outcome (RAO) or establishment of an Activity and Use Limitation (AUL) to achieve a Class A-3 RAO or a Class B-2 RAO. The Draft EIR indicates that achieving a Class A-1 RAO is unlikely because contaminants are not confined within a discrete area on the site. It is likely that an AUL will be established for the site.

The Final EIR should include a copy of the risk characterization report, the ecological risk characterization and further describe required remediation activities. Enough information should be provided within the Final EIR to evaluate whether an impervious cover will be required on all or part of the site to prevent migration of contaminated sediments. This information is important to evaluate the extent of existing contamination and whether certain LID techniques are feasible.

Mitigation

The Final EIR should include a revised mitigation package, including revised Section 61 Findings for use by the state permitting agencies. It should include an updated estimate of the individual costs of the proposed mitigation, identification of the parties responsible for implementing the mitigation and a schedule for implementation based on the construction phases of the project.

Response to Comments

The Final EIR should contain a copy of this Certificate and a copy of each comment received. The Final EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction.

Circulation

The Final EIR 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 Revere officials. A copy of the Final EIR should be made available for review at the Revere Public Library.

September 14, 2007

Date



Ian A. Bowles

## Comments Received:

9/7/07	Department of Environmental Protection (MassDEP)/Northeast Regional Office (NERO)
9/7/07	Department of Conservation and Recreation (DCR)
9/7/07	Saugus River Watershed Council

IAB/CDB/cdb