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September 26, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Parcel 24
PROJECT MUNICIPALITY : Boston (Chinatown)
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 14303
PROJECT PROPONENT : Parcel 24, LLC
DATE NOTICED IN MONITOR : August 27, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I determine that this project does not require the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the proposed project is a mixed-use development containing approximately 325 residential units, 5,500 square feet (sf) of commercial/retail space, 6,000 sf designated for community uses, and a maximum of 175 underground parking spaces on a vacant ±65,422-square foot parcel bounded by Hudson Street on the west, Kneeland Street on the north, Albany Street Extension on the east, and a point near Tai Tung Street on the south. The parcel was formerly occupied by a highway on-ramp that was demolished as part of the Central Artery/Tunnel Project. The residential units will be comprised of a combination of market rate and affordable condominiums and affordable rental units. Proposed building heights will range from 20 stories (225 feet) along Kneeland Street to four stories (50 feet) at the southern end of Hudson Street. The project will also provide approximately 13,430 sf of new open space, as well as streetscape and other site improvements.

MEPA Jurisdiction and Permitting Requirements

The project is undergoing review pursuant to 301 C.M.R. 11.03(6)(b)(13) of the MEPA regulations because it generate more than 2,000 vehicle trips (on an unadjusted basis) on roadways providing access to a single location. The project requires a Sewer Connection Permit from the Massachusetts Department of Environmental Protection (MassDEP), and a Temporary Construction Dewatering Permit and, possibly, a Sewer Use Discharge Permit from the Massachusetts Water Resources Authority (MWRA). The project also requires a Long-Term Ground Lease from the Massachusetts Turnpike Authority. The project will undergo extensive review by the City of Boston, including Article 80 Large Project Review by the Boston Redevelopment Authority (BRA). Because the project site is greater than one acre, the project must obtain a National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from the U.S. Environmental Protection Agency (USEPA). Because the project involves a land transfer from an agency of the Commonwealth, MEPA jurisdiction is broad in scope and extends all aspects of the project with the potential to cause damage to the environment, as defined in the MEPA regulations.

Review of the ENF

Wastewater

The ENF states that there is sufficient capacity in the existing collection system to accommodate the estimated 67,405 gallons per day (gpd) of new wastewater flow from the Parcel 24 project. Wastewater generated by the project will discharge into the Boston Water and Sewer Commission (BWSC) sewer system, which flows into the MWRA system and ultimately to the Deer Island Wastewater Treatment Facility.

As the proponent was advised by the Boston Water and Sewer Commission (BWSC) in correspondence dated April 4, 2008, MassDEP, in cooperation with MWRA and its member communities (including Boston), are implementing a coordinated approach to flow control in the MWRA regional wastewater system, particularly the removal of extraneous clean water (e.g., infiltration/ inflow (I/I)) in the system. In this regard, MassDEP has been routinely requiring proponents proposing to add significant new wastewater flow, such as the Parcel 24 project, to assist in the I/I reduction effort to ensure that the additional wastewater flows are offset by the removal of I/I.

Currently, MassDEP is using a minimum 4:1 ratio for I/I removal to new wastewater flow added. This ratio may be increased if specific flow constrictions/overflows already exist in the sewershed to which the new flow is added. The proponent has committed to work with the BWSC to address this issue. Assuming that a 4:1 ratio is utilized, the proponent must remove, or cause to be removed, 269,620 gpd of I/I. The proponent should also note BWSC's detailed comments regarding the project's water use and wastewater generation.

Historic Resources

This project site is near the historic area of Chinatown, which meets the criteria for listing in the National Register of Historic Places, as well as the designated Leather District Historic District. The Massachusetts Historical Commission (MHC), in consultation with the City of Boston Landmarks Commission, must review and approve the design of any new construction on parcels associated with the CA/T Project to ensure that the design will meet the Joint Development Guidelines that were adopted for the CA/T Project. MHC has determined that this project will have an "adverse affect" on historic properties because it will exceed height limits set forth in the Joint Development Guidelines by approximately 25 feet. However, MHC notes that the proposed building massing is appropriate and sensitive to its historic context and, as such, the project is responsive to the intentions of the guidelines with regard to the use of building materials, colors, massing and variations in scale. Therefore, the "adverse effect" would be minimized. MHC recommends that a Memorandum of Agreement be developed to mitigate the "adverse effect" of the project with the Federal Highway Administration (FHWA) as the lead federal agency, in compliance with Section 106 of the National Historic Preservation Act.

I acknowledge receipt of comments submitted by Ropes & Gray on behalf of the owners of 75 Kneeland Street, which is adjacent to the project, and their concerns regarding: the project's height, density, and consistency with zoning; potential impacts on historic resources; parking sufficiency; groundwater and structural impacts; and infrastructure impacts. I expect that these issues will be thoroughly considered during the City of Boston's review of the project, and I encourage the proponent to address the abuttor's concerns during the local review process.

Construction Period

The proponent should note MassDEP's detailed comments regarding work within contaminated soils or groundwater, air quality during the constriction period, and recycling of construction materials.

Conclusion

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served to adequately disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report.

September 26, 2008

Date



Ian A. Bowles

EEA #14303

ENF Certificate

9/26/08

Comments received:

9/16/08	Boston Water and Sewer Commission
9/16/08	Ropes & Gray
9/16/08	Massachusetts Historical Commission
9/18/08	Department of Environmental Protection Northeast Regional Office
9/23/08	Parcel 24, LLC
9/24/08	City of Boston Environment Department

IAB/RB/rb