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December 15, 2006

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

PROJECT NAME : Suffolk University Residential Hall at 20 Somerset Street
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 13902
PROJECT PROPONENT : Suffolk University
DATE NOTICED IN MONITOR : November 8, 2006

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

The project consists of re-development of an existing site, includes a commitment to design a high-efficiency, sustainable building and will improve stormwater management. Its proposed use as a dormitory (while raising significant concerns for abutters and Beacon Hill residents about the advisability of this use) and the absence of parking will minimize traffic generation. Overall, the impacts of this building will be relatively small compared to other buildings of a similar scale. The project will impact historic resources and open space, including the Garden of Peace; however, I believe subsequent state and local review processes can further minimize impacts and ensure adequate mitigation is developed.

I have reviewed approximately 50 comment letters on this project, the vast majority of which indicate opposition to the redevelopment of the site as a dormitory. While these comments include concerns about historic resources and open space, the clear and overarching concern is that increasing student housing on Beacon Hill will have a detrimental impact on the

neighborhood and, while addressing a goal to increase student housing within the City of Boston, it will conflict with equally important neighborhood preservation goals. Commenters note that the project is not consistent with zoning. They emphasize that this project should be presented, and its impacts evaluated and balanced, within the context of an updated master plan that clearly identifies the University's current goals and objectives for student enrollment and associated facilities and provides a broad exploration of alternatives to meet these needs.

Comments from the Garden of Peace argue that the proposed use will conflict with the contemplative nature of this memorial. While I am sympathetic to this concern and respect and appreciate the purpose and beauty of the Garden of Peace, I do not believe that the environmental review process is the appropriate venue to address these or the neighborhood concerns. The City of Boston's review and approval process, through the Boston Redevelopment Authority (BRA), is designed to address large-scale institutional master planning and urban design issues, including the consistency of plans and project's with neighborhood goals, in addition to environmental and transportation impacts. I expect that the City will address the significant concerns expressed by commenters and, if warranted, require additional planning to address the University's long-term goals and needs. MEPA review is intended to provide information and analysis of significant environmental issues. MEPA does not serve as an appeal agency for local decisions and further MEPA review would not address the central issue raised by commenters.

Project Description

This project consists of the demolition of an existing building and construction of a 550-bed dormitory, 200-seat dining hall and 47,000 square foot (sf) student center at 20 Somerset Street in Boston. The building will include 23 stories.¹ The purpose of the project is to increase the availability of on-campus housing for undergraduate students at Suffolk University and to provide a consolidated student center. The project will include the construction of a stormwater management system and improvements to the plaza area surrounding the proposed student center and residence hall to provide better connections with Ashburton Place and the 100 Cambridge Street/Saltonstall State Office Building. In addition, the proponent has indicated that the building is being designed to be certified at the Silver level by the Leadership in Environment and Energy Design (LEED). Construction is projected to take approximately 26 months.

The 13,282 square foot (sf) site includes the headquarters of the former Metropolitan District Commission (MDC) and a small electrical substation. The site is bounded by Cambridge Street to the north, Somerset Street to the east, Ashburton Place on the south, and Bowdoin Street on the west. It is adjacent to office, residential, institutional, judiciary and retail uses. These include the 100 Cambridge Street/Saltonstall State Office Building and the Bowdoin Street Condominiums to the north, the McCormack Building to the west, the John Adams Courthouse and One Center Plaza to the east, and Suffolk University facilities to the south. The

¹ The height of the building is referred to throughout the EENF as 236 feet based on the elevation of the entry level (83) and the top of the highest occupied floor (267). If the measurement is based on the distance between the elevation of the entry level and the top of the mechanicals (350), the height is 267 feet. If the height is measured from the elevation of the MDC building entrance (70) to the highest occupied floor or to the mechanicals the height is 249 feet and 280 feet respectively.

former MDC building is included in the Inventory of Historic and Archaeological Assets of the Commonwealth and MHC has determined that the building is eligible for listing in the National Register of Historic Places. The Garden of Peace, an urban park designed as a memorial to homicide victims, is located immediately to the north of the project site.

Permitting and Jurisdiction

The project is undergoing MEPA review pursuant to Section 11.03 (10)(b) because it consists of demolition of all or any exterior part of any Historic Structure listed in or located in any Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth and it requires a transfer of state land. The project requires a land transfer by the Division of Capital Asset Management (DCAM)² and review by the Massachusetts Historical Commission (MHC).

The project is undergoing review by the BRA pursuant to Article 80, Section 80B (Large Project Review) and Article 80 Section 80D (Institutional Master Plan (IMP) Review). In addition, the project will be required to develop a Transportation and Access Plan Agreement (TAPA) and a Construction Management Plan (CMP) for review and approval by the Boston Transportation Department (BTD).

Because the project involves a transfer of state land, MEPA jurisdiction extends to all aspects of the project that may cause significant Damage to the Environment. These include historic resources, open space, transportation, stormwater and wastewater.

Review of the EENF

Consistent with MEPA regulations, the EENF provides a description of the project and project alternatives explored by the proponent, identifies review thresholds the project may meet or exceed and any agency actions it may require, presents the proponent's initial assessment of potential environmental impacts and proposes mitigation measures. In accordance with Section 11.05 (7) of the MEPA regulations, the proponent submitted an Expanded ENF (EENF) with a request that, if an EIR were required for the project, I allow the proponent to fulfill its EIR obligations under MEPA with a Single EIR, rather than the usual process of a Draft and Final EIR. The EENF received an extended comment period pursuant to Section 11.06 (8) of the MEPA regulations. Because of this request, additional information above and beyond what is normally required for an ENF was submitted for review including traffic, wind, shadow and daylighting analysis. In addition, the proponent submitted a letter on December 8, 2006 providing written responses to issues raised at the November 27, 2006 site visit.

MEPA thresholds identify categories of projects or aspects thereof of a nature, size or location that are likely, directly or indirectly, to cause Damage to the Environment. Generally, the review thresholds determine whether additional MEPA review is required in the form of an EIR. The information provided in the EENF is sufficient to determine that the project does not approach or exceed any mandatory EIR thresholds and that environmental impacts can be

² DCAM and the proponent have entered into a Purchase and Sale Agreement but the transfer has not been completed.

addressed through other review and permitting or are not significant enough to warrant additional review in the form of an EIR.

Historic Resources

As noted previously, the project is listed on the MHC Inventory of Historic and Archaeological Assets of the Commonwealth. The EENF indicates measures the proponent has proposed to mitigate impacts to historic resources and provides an updated on its consultations with the Boston Landmarks Commission (BLC) and MHC. The BLC entered into an MOA with the proponent on December 12 that includes a number of measures to minimize and mitigate impacts to historic resources (most of which were also referenced in the EENF). The agreement includes demolition of the MDC building and replication of its north and east facades (twenty feet to the north of their original location at the property line of the parcel) using salvaged material. Other measures identified in the EENF and/or the MOA include:

- development of a building design to complement the historic MDC building through use of brick, architectural detailing and shape and spacing of window patterns;
- photographic documentation of the MDC building prior to demolition;
- development of a preservation plan for Suffolk University property and buildings;
- an interpretive exhibit/display regarding the history of the MDC; and
- participation by the BLC in design review.

MHC comments indicate that demolition of the historic MDC building will have an adverse effect on historic resources. MHC requests a review of alternatives to evaluate whether the demolition can be avoided prior to evaluating what mitigation measures can effectively address the impact. A comment letter from DCAM asserts that adaptive reuse of the building has been thoroughly evaluated and that it is not feasible.

I encourage the proponent to work cooperatively with MHC during the consultation process to analyze alternative development scenarios that could avoid an adverse impact and, if not possible, to develop appropriate mitigation. In particular, the proponent could consider a reduced build program and/or redesign that could retain the existing structure in place and potentially obviate the need to retain materials and rebuild the facades in a new location. Limiting the footprint of the project would have the additional benefit of maintaining a buffer between the building and the adjacent open space.

Open Space

As noted previously, the project is adjacent to several open space resources consisting of the Garden of Peace, the Roemer Plaza and the Saltonstall Building plaza that are enjoyed and valued by residents, workers and students. The Garden is of particular importance to the families and friends of homicide victims. The EENF indicates that the building will cast new shadow on the Garden of Peace and the open space plaza between the McCormack Building and the Saltonstall State Office Building at 9:00 am during the vernal equinox and at noon during the vernal equinox, autumnal equinox and the summer solstice.³ While this analysis provides a

³ The shadow study summarized in the EENF evaluated net new shadow at 3 times of day (9:00 am, 12:00 pm and

snapshot of shadow impacts, more detailed analysis would accurately identify the extent and duration of shadow impacts, particularly during high use periods and growing seasons.

The proponent has indicated that the building has been designed to minimize impacts on the Garden by orienting the entrance and the bulk of the increased density away from the Garden and adjacent to the McCormack Building. I encourage the proponent and DCAM to conduct additional analysis to evaluate the building's impact and /or consider a reduced build alternative that will further minimize impacts. While improvements to Roemer Plaza and pedestrian connections may be beneficial in terms of providing access and additional landscaping, new wind and shadow impacts may further erode the quality, use and enjoyment of this open space. Because the EENF does not include analysis of an alternative consistent with zoning or other reduced build alternative, it is not clear to what extent these alternatives could further minimize impacts while meeting the University's goals for housing. In addition, the EENF does not offer any mitigation for construction period impacts or long-term impacts. DCAM should require that additional information be made public on the design and extent of the improvements planned for the open space plazas and should require additional mitigation as a condition of the final land transfer.

Transportation and Traffic

Many commenters have indicated that the vehicle trip generation identified for this project appears low. The EENF indicates that the project will generate an average of 56 average daily vehicle trips (adt) and 4,282 walk/transit/bike trips per day. The traffic generation numbers are based on a single survey of the 345-bed Nathan R. Miller Residence Hall at 10 Somerset Street.⁴ The conclusions regarding traffic generation are consistent with those of other dormitories reviewed through the MEPA process (including EOE A #11390 and #13513) and, while it appears that this underestimates traffic generation, a more conservative estimate would be unlikely to exceed the ENF threshold for traffic generation of 2,000 adt or even approach the mandatory EIR threshold for traffic generation of 3,000 adt. This conclusion is based on the fact that most students will not own cars, no parking is provided as part of the project and students will be prohibited from obtaining parking permits.

Commenters have expressed significant concern about an increase in pedestrian trip generation and assert that these trips are underestimated. BTD is reviewing the project and will review and approve the proposed TAPA and the CMP. I expect that as part of this review, BTD will consider whether the project proponent should contribute to structural improvements of intersections and sidewalks to accommodate increased pedestrian flows and protect pedestrian safety, particularly along Somerset Street, on Derne Street and at the intersection of Ashburton Place, Bowdoin Street and Derne Street. In addition, I expect that BTD will consider whether changes to circulation patterns are warranted.

3:00 pm) and four times of the year (vernal equinox, autumnal equinox, summer solstice and winter solstice). In addition, it studied the 6:00 time period during the autumnal equinox and summer solstice.

⁴ The Institute of Traffic Engineers (ITE) guidebook, the standard reference for generating adt for MEPA review, does not include trip estimates for dormitories.

Stormwater

The site, which consists entirely of impervious surfaces, does not include a stormwater collection system. The EENF indicates that the project includes development of a stormwater management system. Stormwater will be collected and treated through hooded catch basins and a separate stormwater line will be installed to connect with an existing stormdrain on Somerset Street. As proposed, the project does not incorporate any infiltration of stormwater. The Boston Water and Sewer Commission (BWSC) comment letter identifies information and analysis that will need to be provided in subsequent reviews and indicates that infiltration should be considered for this site.

Wastewater

The project will result in the generation of approximately 60,510 gpd of wastewater that will be conveyed to the Massachusetts Water Resources Authority (MWRA) Deer Island treatment plant for treatment and discharge. The EENF indicates that there is sufficient capacity in the existing collection system to accommodate the increased flow. Comments from BWSC and MWRA indicate that the proponent will need to verify that hydraulic capacity is available. In addition, MassDEP, MWRA and BWSC indicate that the proponent will be expected to participate in efforts to offset increased wastewater flows through the removal of extraneous clean water (e.g. infiltration/inflow (I/I)) from the system.

Construction Period Impacts

The EENF included a draft CMP for review that proposes measures to alleviate dust, noise, and odor nuisance conditions associated with construction. MassDEP comments indicate that the proponent is required to comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. In addition, MassDEP urges the project proponent to make a commitment to recycle construction and demolition waste. The CMP indicates that a six-foot high fence will be installed around the perimeter of the project. Additional construction period mitigation is warranted to protect the Garden of Peace from construction impacts including noise, dust and debris and I expect that the City and/or DCAM will require consultation with the Garden of Peace regarding appropriate mitigation.

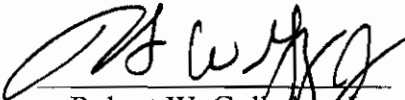
Because this project is located in a dense urban environment, I urge the proponent to consult with MassDEP regarding the development of a construction equipment retrofit program and use of on-road low sulfur diesel fuel in off-road construction equipment. These measures can reduce exposure to diesel exhaust fumes and particulate emissions for workers and abutters.

Conclusion

The review of the EENF has served to adequately disclose the potential environmental impacts associated with this project. Based on the information in the EENF and after consultation with relevant public agencies, I find that outstanding issues can be addressed adequately through state and local review. No further MEPA review is required.

December 15, 2006

Date



Robert W. Gollidge, Jr.

Comments Received:

12/8/06	Department of Environmental Protection/Northeast Regional Office (MassDEP/NERO)
12/13/06	Executive Office for Administration and Finance/Division of Capital Asset Management (DCAM)
12/7/06	Massachusetts Historical Commission
12/7/06	Massachusetts Water Resources Authority (MWRA)
12/7/06	Representative Martha M. Walz
11/20/06	Boston Water and Sewer Commission
12/8/06	Beacon Hill Civic Association
12/4/06	Board of Trustees of Bowdoin Place Condominiums
12/8/06	Garden of Peace
12/8/06	Suffolk University Task Force
11/28/06	Cheryl B. and J. Tinker Aldridge
12/4/06	Bernard Borman
11/18/06	Leah Katherine H. and John D. Brigham
12/3/06	Eric M. Wolf and Mary Lou Cocci
12/8/06	John and Deborah Connors
12/5/06	Dr. Karin A. Dumbaugh
11/18/06	Kate Enroth
11/22/06	Michael Feeley
11/20/06	Virginia Garbers
11/16/06	Richard and Sarah Gorman
12/5/06	Paul Greenfield
12/3/06	Margaret Jacobson-Sive
12/6/06	Jane Kelley
11/29/06	Judy and Bill Lauch
12/6/06	Billie Lawrence
11/21/06	William T. Loomis
11/28/06	Jamy Buchanan Madeja
12/6/06	Nancy Marttila
11/20/06	William T. and Lyn D. Orth

12/1/06	Elisabeth T. Peterson
12/10/06	Edward C. Pinkus
12/8/06	Darryl Pomicter
11/29/06	Eleanor W. Riley
11/20/06	Andrea C. Schmidt
11/22/06	G. Michael Schmidt
11/24/06	Cynthia and Kenneth R. Scott
11/28/06	Robert S. Sherman
11/21/06	Frederick A. Stahl
11/28/06	Frederick A. Stahl (second letter)
11/28/06	Frederick A. Stahl (third letter)
11/28/06	Sandra C. Steele
12/2/06	Lise Lange Striar
12/2/06	Myles D. Striar
11/25/06	Jeffrey & Paula Stookey
12/4/06	Peter Thomson
12/1/06	Nancie and Christopher Weir
11/18/06	Barry and LeAnna Wiley

RWG/CDB/cdb