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December 19, 2007

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

PROJECT NAME : 175 Wyman Street Redevelopment
PROJECT MUNICIPALITY : Waltham
PROJECT WATERSHED : Stony Brook
EOEA NUMBER : 14134
PROJECT PROPONENT : 175 Wyman, LLC
DATE NOTICED IN MONITOR : November 12, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project involves the redevelopment of an existing commercial office complex located on a 26.3-acre site located on Wyman Street and directly east of the Interstate I-95/Route 128 in Waltham. The site is currently comprised of an existing 335,000 sf office building and 890 surface parking spaces, and is abutted by the Cambridge Reservoir and Interstate I-95/Route 128 to the west, existing commercial office buildings to the north and south, and a residential subdivision neighborhood to the east. The project includes the demolition of an existing two-story 335,000 sf office building and surface parking spaces and the construction of 335,000 sf of new commercial office space in three separate buildings (Building A-B – 175,000 sf, 260 structured parking spaces, Building C – 87,000 sf, 65 structured parking spaces, Building D – 87,000 sf, 65 structured parking spaces), a 4-story parking garage to accommodate 400 structured parking spaces, and 885 surface parking spaces (1,675 total structured and surface parking spaces) and associated infrastructure. The project will generate approximately 3,380 vehicle trips per day (vtd).

Vehicle access to the site will be provided via three existing site driveways located along the project site's Wyman Street frontage. As described in the EENF, this project will consume approximately 28,000 gallons per day (gpd) of water and will generate approximately 25,125 gpd of wastewater flow. The proponent proposes to discharge the wastewater generated from the project to the City of Waltham's municipal sewer collection system for treatment by the Massachusetts Water Resources Authority's (MWRA) Deer Island Wastewater Treatment Facility (WWTF).

Permits and Jurisdiction

The project is subject to review and mandatory preparation of an EIR pursuant to Section 11.03 (6)(a)(6) of the MEPA regulations because it requires state permits and will generate 3,000 or more new average daily trips (adt) providing access to a single location. The project is also subject to review pursuant to Section 11.03 (6)(b)(15) of the MEPA regulations because it will result in the construction of 300 or more new parking spaces at a single location. The project requires an Order of Conditions from the Waltham Conservation Commission and an access permit, curb cut permit and signal permit from the Massachusetts Highway Department (MHD). The project also requires a Fossil Fuel Emission Permit and a Groundwater Discharge Permit from the Department of Environmental Protection (MassDEP). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre and for a Construction Site Dewatering Discharge Permit from the U.S. Environmental Protection Agency. Using the Institute of Traffic Engineers Trip Generation land use codes 710 for General Office Building, the project is estimated to generate a total of approximately 3,380 vehicle trips on the average weekday. An air quality mesoscale analysis for ozone will be needed for this project to assess the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips.

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 cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. These include traffic, air quality, wetlands, and drainage.

Procedural

Single EIR Request

The proponent filed an Expanded Environmental Impact Notification Form (EENF), in connection with a request to prepare a Single EIR (rather than the ordinary Draft and Final EIR) in accordance with section 11.06(8).

That section sets forth the following standards for an EENF, which is required for a Single

EIR:

1. describe and analyze all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the scope;
2. provide a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and,
3. demonstrate that the planning and design of the project uses all feasible means to avoid potential environmental impacts.

The EENF received an extended public comment period pursuant to Section 11.06(1) of the MEPA regulations. I find that the EENF provides adequate information about baseline conditions, potential impacts of the project and mitigation options that can address these impacts. Based on a review of the EENF and comments submitted on it, I hereby find that the EENF meets the regulatory requirements and I am permitting the proponent to file a Single EIR in fulfillment of Section 11.03 of the MEPA regulations. The following Scope is intended to identify additional analysis and information necessary to complete MEPA review and ensure that impacts are fully analyzed and adequate mitigation proposed.

SCOPE

Project Description and Permitting

This section should provide updates to the project description and discuss project phasing, if appropriate. The Single EIR should provide updates on the status of each state permit or agency action required, or potentially required, for the project, and the project's ability to meet applicable performance standards. The Single EIR should include an update on the local permitting process, particularly with respect to any state highway issues discussed.

Alternatives Analysis

The proponent may carry forward its Preferred Alternative into the Single EIR. Additional project alternatives are not required; however, I note the comments received from the Charles River Watershed Association (CRWA) that identify numerous design and operational improvements that could significantly improve the project's stormwater management plan. In the spirit of the proponent's commitment to achieve LEED Certification, I strongly encourage the proponent to respond to CRWA's comments and to explore additional opportunities to further reduce the project's impacts to water resource within the project area. The proponent should also update its traffic analysis in accordance with this Scope.

Traffic

The transportation analysis included in the Expanded ENF generally conforms to the Guidelines for EIR/EIS Traffic Impact Assessment as required. The analysis indicates that the proposed project will generate 3,380 vehicle trips per day (vtd). According to the proponent, the transportation analysis demonstrates that upon project completion, all project area intersections will operate at acceptable levels of service with the exception of the signalized South Site Driveway - Wyman Street/I-95 northbound ramp intersection, the Wyman Street/Lincoln Street intersection, and the Smith Street/Trepelo Road intersection. As described in the EENF, MHD's Winter Street Bridge Project, currently under construction, will result in a significant amount of additional non-project generated vehicle traffic being re-routed from the Totten Pond Road/Third Avenue/Wyman Street intersection to the Wyman Street corridor including the signalized South Site Driveway/Wyman Street/I-95 northbound ramp intersection. I understand the proponent has continued to consult with the City of Waltham and MHD to incorporate the future traffic conditions resulting from the Winter Street Bridge Project in the final design for the proposed 175 Wyman Street Redevelopment project. The Single EIR should include an update summary of the proponent's consultations with the City of Waltham and MHD.

The project also includes a number of proposed roadway improvements to the signalized South Site Driveway - Wyman Street/I-95 northbound ramp intersection as mitigation for the proposed project's impacts to traffic. Specifically, the proponent has committed to widening this intersection's east-bound approach to provide an exclusive left-turn lane, a through lane, and a channelized right-turn lane. The intersection's west-bound approach will also be widened to provide an exclusive left-turn lane, and a shared through/right-turn lane. The proponent's traffic mitigation plan also includes timing modifications to the existing traffic signal at the Wyman Street Site Driveway/I-95 northbound ramp intersection. In their comments, MHD has indicated that the Wyman Street Site Driveway South /I-95 northbound ramp intersection is located within the within the state highway layout and is under MHD's jurisdiction. MHD has requested that the Single EIR include conceptual 80-scale plans depicting the proposed roadway modifications. These conceptual plans should include clearly marked lane widths and offsets, layout lines and jurisdictions, and land uses of properties abutting the proposed improvement area. All proposed mitigation located within the state highway layout must conform to MHD Standards. The Single EIR should respond to MHD's comments. Incorporation of good transportation access can eliminate the number of new vehicle trips generated and minimize parking needs. The Single EIR should provide an updated site circulation plan that clearly demonstrates how cars, trucks, bicycles, and pedestrians will circulate safely through the site.

Transportation Demand Management (TDM) Plan

As described in the EENF, the proponent has proposed a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons.

The proponent's proposed TDM plan incorporates a number of measures for reducing project generated vehicle trips including:

- the appointment of an on-site TDM Coordinator (TDMC);
- the construction of on-site pedestrian and bicycle amenities;
- membership and active participation in the Route 128 Business Council; and,
- relocate and construct a new MBTA (Route #70 and/or #170) bus stop shelter on the west side of Wyman Street and directly across from the project's northern site drive and sidewalk.

The TDM plan should describe any monitoring necessary to ensure the success of the program. The Single EIR should demonstrate the proponent's commitment to implement, monitor, and continuously fund the proposed TDM plan. All project tenants and businesses should be required to participate in the proposed TDM plan. The Single EIR should continue to evaluate additional feasible TDM measures to further reduce vehicle trips to and from the site. The proponent should consult with MetroWest and the local transit authority before filing the Single EIR to discuss coordination of this project with existing transit and/or shuttle services to promote transit use by employees and patrons. The proponent should provide a report on this consultation in the Single EIR.

Transit

The Single EIR should demonstrate the support of the MBTA for any proposed transit amenities including the proposed relocation of the existing MBTA bus stop on Wyman Street. The proponent should continue discussions with the Massachusetts Bay Transit Authority (MBTA), the 128 Business Council Transportation Management Association (TMA), and other transit providers, including representatives from the Alewife Shuttle and the Waltham Center/Winter Street Shuttle, to identify opportunities for providing existing MBTA bus service (Routes #70 and #170), and Shuttle service to and/or within the project site. The Single EIR should include an update of the proponent's discussions with MBTA and others for providing existing MBTA bus service to the project site. The proponent should propose mitigation for proposed project impacts on existing bus services.

Pedestrian and Bicycle Facilities

The Single EIR should describe the internal vehicular and pedestrian circulation plans for the project site. The Single EIR should show on a reasonable scaled map of the project site, where the proponent proposes new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage in a map of the area. The proponent should discuss the feasibility of providing a sidewalk along Waltham Street and along the proposed three site driveways. I strongly encourage the proponent to consult with WalkBoston, and to continue to work closely with the City of Waltham and MHD, to evaluate the feasibility of constructing any additional traffic, transit, pedestrian, and bicycle improvements within the project area in response to the regional and local traffic concerns that may arise out of the proposed mixed-use office/retail development project.

Parking

The EENF proposes an increase in parking from the existing 890 spaces to 1,675 spaces. The Single EIR should indicate how the parking supply was developed and demonstrate that the parking supply is the minimum necessary to accommodate project demand without encouraging additional single occupant vehicle trips. Implementation of transportation demand measures and provision of good bicycle and pedestrian access can further reduce the amount of parking needed. If the parking supply is greater than the amount required under local zoning, the FEIR should explain why, and discuss the impacts of excess parking upon the proposed Transportation Demand Management (TDM) program. The Single EIR should evaluate a smaller parking supply to further reduce the amount of impervious surfaces on the site.

GHG Emissions(GHG)

To address growing concern about the impacts of climate change and support development of solutions, the Executive Office of Energy and Environmental Affairs (EEA) recently developed a Greenhouse Gas (GHG) Policy. This Policy requires those project proposals filed with the MEPA Office on or after November 1, 2007 to conduct a quantitative analysis of greenhouse gas emissions and associated mitigation measures. The EEA Greenhouse Gas Emissions Policy and Protocol Policy is available on-line at <http://www.mass.gov/envir/mepa/pdf/misc/GHG%20Policy%20FINAL.pdf>.

Because the project was filed before November 1, 2007, when the GHG Policy and Protocol became effective, the project is not required to quantify GHG emissions and the benefits of potential mitigation. However, the project is required to identify and describe all project-related GHG emissions and discuss proposed measures to mitigate for those emissions. In a separate section of the Single EIR, the proponent should assess the greenhouse gas emissions associated with the commercial office development project and identify measures to avoid, minimize and mitigate these emissions. I encourage the proponent to voluntarily provide a quantitative analysis pursuant to the final policy.

Wetlands

As described in the EENF, the project, as currently designed, includes a limited amount of new building construction and parking area improvements within the buffer zone of bordering vegetated wetlands (BVW) abutting the site's southern boundary. I note that all of the wetland resources areas abutting the project site drain to the Stony Brook Reservoir, which is part of the City of Cambridge's water supply, an Outstanding Resource Water (ORW) of the Commonwealth. The Single EIR should quantify the amount of wetland buffer impact associated with the project.

Stormwater

As described in the EENF, the proposed project site is located within the Charles River Basin Watershed and immediately east of the City of Cambridge Reservoir. The Cambridge Reservoir forms part of the water supply system for the City of Cambridge. The wetlands and waterways located within the project area and adjacent to the project site are connected to Chester Brook, a tributary of the Stony Brook Reservoir, which is part of the City of Cambridge's water supply, an Outstanding Resource Water (ORW) of the Commonwealth.

The project will be re-developed consistent with MassDEP's Stormwater Management guidelines and the Town of Waltham's stormwater requirements. As described in the EENF, the proposed stormwater management plan will include the use of best management practices (BMPs), deep sump catch basins with water quality treatment units, and the use of a stormwater detention basin and subsurface recharge chambers to provide for the on-site infiltration of surface stormwater and roof runoff. Even though the project is a redevelopment project, the proponent's stormwater management plan will achieve a Total Suspended Solids (TSS) removal rate of in excess of 80 percent. The proponent has explained how the proponent would improve its TSS projections. As currently designed, the proponent's stormwater management plan will direct stormwater flow from the western half of the project site to new on-site detention basin prior to discharge to an existing MHD water quality basin located west of the project site on the west side of Wyman Street and in the I95/Winter Street ramp right-of-way. Stormwater from the eastern half of the project site will be collected on-site via new stormwater BMPs and conveyed to new on-site underground storage facilities prior to discharge to bordering vegetated wetlands (BVW) located along the project site's southern boundary. This BVW area is connected to the Chester Brook drainage system and the Charles River.

According to MassDEP, runoff from the sub-basin including the project site is considered to pose a significant contamination risk to that water supply. MassDEP has requested that the Single EIR should include a detailed description of the proposed project's stormwater management plan. It should be demonstrated that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with MassDEP's Stormwater Management Policy (SMP), and the revisions, which will be incorporated into the wetlands and 401 Water Quality Certification regulations on January 2, 2008. The Single EIR also should explain how water quality and quantity impacts would be controlled in compliance with the stormwater standards, particularly as they may apply to the protection and control of pollutant discharges to surface waters designated as ORWs.

The Proponent should use the MassDEP Stormwater Management Handbook when addressing this issue. The Single EIR should demonstrate that the design of the drainage system is consistent with this policy's standards for water quality, recharge to groundwater, and peak runoff impacts, and with the Waltham Storm Water Program and its National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Construction General Permit (CGP).

A Storm Water Pollution Prevention Plan (SWPPP) must be developed by the proponent as a requirement of the CGP prior to construction. In the alternative, the Single EIR should explain why the proponent is proposing a drainage system design not recommended by MassDEP. If the proponent ties into an existing municipal stormwater system or the MHD system, the Single EIR should clarify the permits required and if there will be a recharge deficit on-site. In addition, a maintenance program for the proposed drainage system will be needed to ensure its effectiveness. This maintenance program should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems. The Single EIR should investigate feasible methods of reducing the project's impervious surfaces to increase the points of infiltration within the project site.

I encourage the proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (LID) techniques in the project's site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit <http://www.mass.gov/envir/lid/>. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: <http://www.epa.gov/owow/nps/lid/>.

Water and Wastewater

The project will require 28,000 gpd of potable water supply and will generate approximately 25,125 gpd of wastewater flow. Both water and wastewater needs will be met through existing municipal systems, administered by the City of Waltham. The proponent is required to file a certification statement with MassDEP for a wastewater discharge which is greater than 15,000 gallons per day and less than 50,000 gallons per day. The Single EIR should demonstrate that the proposed methods for serving the project's water supply needs and the discharge and treatment of the project's total combined wastewater flow are feasible. At a minimum, the Single EIR should demonstrate that the proponent has secured permission from the City of Waltham to receive the proposed project's water supply flows and discharge its wastewater flows.

According to comments received from MassDEP, the City of Waltham is a member of the Massachusetts Water Resources Authority's (MWRA) Regional Sewer System. Wastewater flows in the MWRA Regional Sewer system continue to be a major concern for MassDEP and EPA.

As a member community to the MWRA's sewer system, the City of Waltham is required to assist in the ongoing coordinated efforts of MassDEP and MWRA in reducing infiltration and inflow (I/I) to ensure that the additional wastewater flows proposed by the proponent will be offset by the removal of I/I flows. I concur with MassDEP's comments on the project's proposed wastewater management plan and adopt them as my own. I strongly encourage the proponent to work closely with MassDEP and the City of Waltham to implement mitigation measures for this project that will help to offset the additional wastewater flows generated by the project. The proponent should include in the Single EIR as a separate chapter, an exploration of I/I activities to be implemented by the proponent that will result in the minimum removal of approximately 100,500 gpd (minimum 4:1 removal ratio) of I/I. Based on the information and analysis provided in the Single EIR, I reserve the right to require further analysis of the project's proposed methods of wastewater management, and any mitigation for wastewater impacts deemed necessary.

M.G.L. c. 21E/Hazardous Wastes

As described in the EENF, the project site contains an area where a release of trichloroethene (TCE) to soil or groundwater has been reported (RTN 3-13311, 1995). A groundwater containment and treatment system (GCTS) has been installed and continues to operate as part of an Immediate Response Action (IRA) pursuant to the Massachusetts Contingency Plan, 310 CMR 40.0000. The Single EIR should present an update summary of the remediation efforts undertaken at the site to date and a description of how the project proponent proposes to continue to comply with the remediation requirements under the MCP. I strongly recommend that the proponent consult with MassDEP's Bureau of Waste Site Cleanup (BWSC) in the final design of this project to explore what impacts, if any, the proposed project might have on these hazardous waste release sites, and to evaluate the proponent's need for retaining a Licensed Site Professional (LSP) to assist in the project's construction. The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions in the event contamination is encountered during project construction.

Sustainable Design

According to the proponent's statements made during the MEPA Consultation Session held for this project on November 27, 2007, the proponent has committed to incorporating sustainable green building and development practices into the design and development of the proposed project to achieve certification pursuant to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System. The Single EIR should include a discussion of the proponent's LEED Certification efforts.

Construction Period Impacts

The proposed project includes demolition of an existing 335,000 sf office building. The Single EIR should evaluate construction period impacts, including erosion and sedimentation, air quality and solid waste disposal and commit to measures to minimize construction impacts. MassDEP has noted that demolition and construction activities must comply with both Solid Waste and Air Quality control regulations. The proponent should carefully review MassDEP's comments and demonstrate the project's consistency with the applicable Solid Waste and Air Quality control regulations. I ask that the proponent participate in MassDEP's Clean Air Construction Initiative (CACI) and the MassDEP Diesel Retrofit Program to mitigate the construction-period impacts of diesel emissions to the maximum extent feasible. The CACI program helps proponents identify appropriate mitigation for minimizing air pollution from construction vehicles such as retrofit of construction equipment with particulate filters and oxidation catalysts and/or use of on-road low sulfur diesel (LSD) fuel. The proponent should consult with MassDEP during the preparation of the Single EIR to develop appropriate construction-period diesel emission mitigation, which could include the installation of after-engine emission controls such as diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs). For more information on these technologies, see: <http://www.epa.gov/otaq/retrofit/verif-list.htm>.

Mitigation

The Single EIR should include a separate chapter on mitigation measures. This chapter should include a Draft Section 61 Finding (in the form of an updated letter of commitment for the MHD access permit) for all state permits that includes a clear commitment to mitigation, an estimate of the individual costs of the proposed mitigation, and the identification of the parties responsible for implementing the mitigation. A schedule for the implementation of mitigation, based on the construction phases of the project, should also be included. The Single EIR should include conceptual plans for the proposed roadway improvements of sufficient detail to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to proposed improvements. Any proposed mitigation located within the state highway layout must conform with MHD standards including provisions for lane, median and shoulder widths and bicycle lanes and sidewalks.

Response to Comments

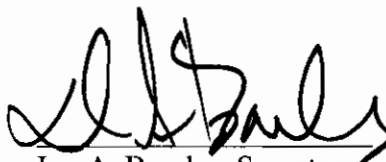
The Single EIR should respond to the comments received to the extent that the comments are within the subject matter of this scope. Each comment letter should be reprinted in the Single EIR. I defer to the proponent as it develops the format for this section, but the Response to Comments section should provide clear answers to questions raised.

Circulation

The Single EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below, to any state agencies from which the proponent will be seeking state permits and approvals, and to Waltham officials. A copy of the Single EIR should be made available for public review at the Waltham Public Library.

Based on the review of the Expanded ENF and the comments received, I am satisfied that the Expanded ENF meets the standard for adequacy contained in Section 11.06 of the MEPA regulations.

December 19, 2007
Date



Ian A. Bowles, Secretary

Comments received:

12/05/07	Metropolitan Area Planning Council (MAPC)
12/05/07	Charles River Watershed Association
12/04/07	Massachusetts Water Resources Authority
12/10/07	Massachusetts Highway Department (MHD)
12/11/07	Ingeborg Uhlir
12/12/07	Massachusetts Department of Environmental Protection (MassDEP) – NERO

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