



The Commonwealth of Massachusetts

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December 29, 2005

DRAFT RECORD OF DECISION

PROJECT NAME : Canal Place
PROJECT MUNICIPALITY : Canal Street - Boston
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 13674
PROJECT PROPONENT : Trinity Canal LLC
DATE NOTICED IN MONITOR : November 22, 2005

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (G.L.c.30, ss. 61-62H) and Section 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed this project and propose to grant a waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the construction of 388,000 square feet (sf) of mixed-use space in a 10-story building. The proposed building would contain 248 condominium units (approximately 292,000 sf), 7,000 sf is dedicated to the MBTA, 35,000 sf of ground floor retail/restaurant space, and 121 parking spaces on levels two and three for the proposed residences (about 55,000 sf). The project would supply about 33 units of affordable housing. The site contains 1.15 acres of land above the North Station Green/Orange Line Station. The site contains a one-story structure of 5,250 sf, which is proposed to be demolished.

Using the Institute of Traffic Engineers Handbook land-use-codes 230 and 820, the project is estimated to generate approximately 4,864 unadjusted vehicle trips each weekday. However, the proponent has estimated that the project would generate about 1,126 vehicle trips (using the 25-percent pass-by rate for retail) when the proponent utilizes Boston Transportation Department's (BTD) trip generation factors.

The project will consume approximately 44,000 gallons per

day (gpd) of water, and generate about 40,000 gpd of wastewater. The proponent proposes to receive water and wastewater service from the Boston Water and Sewer Commission (BWSC).

Categorical Inclusion

The project is included for the preparation of a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it generates 3,000 or more new vehicle trips.

Jurisdiction

The project will require a Ground Lease from the MBTA. It may require a Sewer Connection/Extension Permit, a Fossil Fuel Emission Permit, a Notice Regarding Asbestos Removal, and a Notice Regarding Demolition and Construction from the Department of Environmental Protection (DEP). The project may require approval by the Executive Office of Transportation (EOT) pursuant to MGL Chapter 40, Section 54A for construction on former railroad property. The Massachusetts Historical Commission (MHC) has indicated that the proposed demolition of the building at 89-115 Canal Street will have an "adverse effect" on the National Register district listing. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. Because the proponent is seeking a Ground Lease from the MBTA, there is broad scope jurisdiction, extending to all aspects of the project that may have significant environmental impacts.

Waiver Request

On November 15, 2005, the proponent requested a waiver from the requirement for the preparation of an EIR. A Transportation Study was prepared and submitted with the Expanded ENF. The waiver request was discussed at the consultation/scoping session, which was held on December 8, 2005.

Criteria for Waiver

Section 11.11 of the MEPA Regulations provides that a waiver may be granted upon a finding that strict compliance with the regulations will result in undue hardship and will not serve to minimize or avoid damage to the environment. In the case of categorically included projects, this finding shall be based on one or more of the following circumstances: 1) the project is likely to cause no damage to the environment; and 2) ample and unconstrained infrastructure exists to support the project. The terms agreed to as a condition of the waiver will bring about

benefits in excess of those that could be achieved in the absence of a waiver.

Findings

Based upon the information submitted by the proponent and after consultation with permitting agencies, I find that:

1. The proponent has estimated that the project will generate approximately 1,126 vehicle trips, 934 transit trips, and 3,620 walking trips. These vehicle trips have been factored into roadway designs for the project area post the Central Artery/Tunnel (CAT) project. The proponent will limit parking to 0.5 parking spaces per residential unit. The project is located on top of and adjacent to public transportation and is expected to generate relatively high levels of walking, transit, and bicycle trips, as demonstrated above. There is ample and unconstrained infrastructure (roads, transit, parking, sidewalks, bike facilities, stormwater, water, and wastewater) in the area to support the project. The proponent will provide approximately 124 secure bicycle storage spaces.
2. The proponent will contribute approximately \$300,000 to the Boston Crossroads Initiative, focusing on Causeway Street; \$50,000 to support a traffic study of the Bulfinch Triangle neighborhood; \$50,000 to support the development of a YMCA; and \$12,000 to the Bulfinch Triangle Streetscape Improvements Initiative. It will install new sidewalks and crosswalk pavement markings around project site. The proponent will provide a wider sidewalk along Canal Street. I note that the MBTA is developing a Master Lease Agreement with the proponent to address how the project will interact with MBTA systems and to ensure that it is responsive to the surrounding community needs. The MBTA should ensure that the design issues associated with pedestrian access are satisfactorily addressed by the proponent, as part of the proponent's Transportation Access Plan Agreement (TAPA) process with the Boston Transportation Department.
3. The proponent will prepare a TAPA with a parking demand management plan and a Construction Management Plan for the Boston Transportation Department (approximately \$15,000). It will implement a Transportation Demand Management (TDM) Program that will include the following measures: tenant and resident orientation packets; participating in the Artery Business Committee's Transportation Management Association (TMA); a ride-matching service; one parking space for a car-sharing service (\$75,000); and charge market parking rates. The proponent will

encourage commercial tenants to subsidize transit passes to employees.

4. The proponent will work to provide a 4:1 Infiltration/Inflow (I/I) removal ratio to the wastewater system as recommended by DEP.
5. The proponent will install a groundwater monitoring well on-site for the Boston Groundwater Trust (\$10,000).
6. The proponent has committed to complete the MHC consultation process.
7. The proponent will strive to include sustainable building design elements in the project.
8. The project is consistent with Executive Order 385 "Planning for Growth", the Metropolitan Area Planning Council's (MAPC) MetroPlan 2000, MA Smart Growth Principles, MA Transit-Oriented Development (TOD) Principles, and meets the guidelines established in the Bulfinch Triangle Design and Development Guidelines established by the City of Boston with participation from neighbors and regulatory agencies for this site.

Based on these findings, it is my judgement that the waiver request has merit and meets the tests established in Section 11.11. The permitting agencies have sufficient permitting authority to ensure that the proponent complies with the findings of this Certificate. Therefore, I propose to grant the waiver requested for this project, subject to the above findings. This Draft Record of Decision shall be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

December 29, 2005

DATE

Stephen R. Pritchard

cc: David Murphy, DEP/Boston
Sharon Stone, DEP/SERO

Comments received:

Howard/Stein-Hudson Associates, 12/7/05
Epsilon Associates, 12/7/05
Massachusetts Turnpike Authority, 12/7/05
MBTA, 12/8/05
Downtown North Association, 12/8/05

WalkBoston, 12/12/05
Downtown North Association, 12/12/05
BED, 12/15/05
Downtown North Association, 12/20/05
MHC, 12/19/05
BRA, 12/20/05
Epsilon Associates, 12/21/05
MAPC, 12/22/05
BWSC, 12/22/05
DEP/NERO, 12/22/05
Epsilon Associates, 12/23/05
Epsilon Associates, 12/28/05

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