



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TRANSPORTATION
MASSACHUSETTS HIGHWAY DEPARTMENT

EOT

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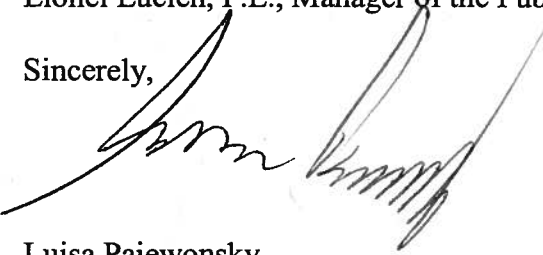
January 23, 2009

Jason Denoncourt
The Gutierrez Company
One Wall Street
Burlington Office Park
Burlington, MA 01803

Dear Mr. Denoncourt:

Please find attached the Massachusetts Highway Department's amended M.G.L. Chapter 30, Section 61 Finding for the 1400 Technology Park project (EOEEA #7075) in Billerica. All unaffected portions of the original finding of March 7, 1997 and the amended findings of September 17, 1999 and January 23, 2001 remain in full force and effect. MassHighway has reviewed the project as part of the state environmental review process and concludes that the committed on and off-site improvements satisfy its requirements for the issuance of a permit. The amended finding will be incorporated into the Massachusetts Highway Department permits issued for this project. If you have any questions regarding this amended finding, please call J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (617) 973-7341.

Sincerely,



Luisa Paiewonsky
Commissioner

LP/djm

cc David Mohler, Deputy Secretary for Planning, EOT
Frank Tramontozzi, P.E., Chief Engineer
Alicia McDevitt, MEPA Director, EOEEA
Neil Boudreau, State Traffic Engineer
Kevin Walsh, Director, Environmental Services
Patricia Leavenworth, P.E., District 4 Director
Stanley Wood, P.E., Highway Design Engineer, Highway Design
Thomas Gray, Director, Right of Way Bureau
Marie Rose, P.E., Director, Project Management
Public/Private Development Unit files (*2 COPIES*)
Planning Board, Town of Billerica
Metropolitan Area Planning Council
Boston Region Metropolitan Planning Organization
Kay Carson, Director, MassRides

MASSACHUSETTS HIGHWAY DEPARTMENT
FINDING PURSUANT TO
M.G.L. CHAPTER 30, SECTION 61

This finding amends and supersedes the specified paragraphs of a Section 61 Finding issued for this project by MassHighway on March 7, 1997 and the amended Section 61 Findings respectively issued by MassHighway for this project on September 17, 1999 and January 23, 2001.

PROJECT NAME: 1400 Technology Park
PROJECT LOCATION: Billerica, Massachusetts
PROJECT PROPONENT: The Gutierrez Company
EOEEA NUMBER: 7075

I. Project Description

[REPLACE THE FIRST PARAGRAPH OF THE 03/07/1997 FINDING WITH THE FOLLOWING]:

Full-build development of the proposed project involves the construction and occupancy of 964,000 square feet of office and light industrial space, a 217-seat restaurant, and a 200-room hotel in the Town of Billerica, Massachusetts. The mixed-use project will be located on a ±50-acre parcel in the southwest quadrant of the Route 3/Concord Road interchange. The project is estimated to have a cost of approximately \$40 million.

II. MEPA History

[ADD THE FOLLOWING PARAGRAPH TO THIS SECTION OF THE 09/17/99 FINDING]:

In March 2008, the proponent filed a Notice of Project Change (NPC) which analyzed the impacts of the additional development of a 94,000 square foot, four-story office building. On March 21, 2008, the Secretary of Environmental Affairs issued a certificate stating that the project change will not significantly increase the environmental consequences of the project and that no further MEPA review is necessary.

III. Overall Project Traffic Impacts

[REPLACE THIS PARAGRAPH OF THE 03/07/1997 FINDING WITH THE FOLLOWING]:

Full-build occupancy of the office and light industrial space project is expected to generate an additional 6,575 vehicle-trips¹ to and from the site during an average weekday, including 865 vehicle-trips during the weekday AM peak hour and 910 vehicle-trips during the

¹ Technical terms used in this Finding are as defined in the Transportation Research Board Highway Capacity Manual (2000).

weekday PM peak hour. MassHighway has assessed the impacts of this anticipated traffic load on the surrounding regional roadway network based upon information set forth in the DEIR, FEIR, and NPCs.

V. Other Mitigation Measures

[REPLACE THIS SECTION OF THE 03/07/1997 FINDING WITH THE FOLLOWING]:

Trip Generation Reduction Measures

a) The proponent will work with MassRides, a service of the Executive Office of Transportation and Public Works, the local Transportation Management Association, the Town of Billerica, and other area employers to implement a Transportation Demand Management program that includes the following:

- Encouraging the use of high occupancy vehicle modes, such as carpools and vanpools;
- Implementing ride-matching services, guaranteed ride home programs, and preferential parking for carpools and vanpools;
- Providing bicycle and pedestrian amenities;
- Providing on-site commuter employee relocation assistance program, transit service information, and on-site sale of passes;
- Shifting travel to less-congested travel periods through strategies such as flexible and staggered work hours;
- Eliminating the need for single occupant vehicle (SOV) trips through teleworking, bicycling, and walking; and
- Providing an on-site transportation coordinator who will submit progress reports on the implementation of the TDM program to the MassHighway District 4 and Boston offices once per year following initial occupancy of the site.

b) The proponent will work with the Town of Billerica to provide stationary dynamic speed placards at key locations in adjacent neighborhoods to deter speeding.

c) The proponent will work with the Technology Park's tenants to promote the use of the existing Ring Road as a means of accessing the Route 3 interchange. Of specific note, the proponent will review the need for the three-way STOP sign currently located along the Ring Road. If the three-way STOP sign is no longer warranted, or if it is found to be inconsistent with traffic needs, the applicant will revise the intersection layout to encourage the use of the Ring Road as a by-pass and thereby reduce traffic on the Concord Road corridor.

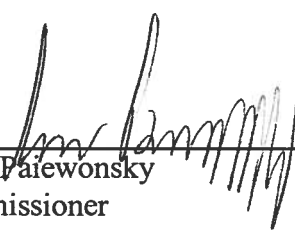
d) The proponent will work with the Town of Billerica and other employers within the Technology Park to erect signage at the Ring Road.

FINDINGS

For the reasons stated above, MassHighway hereby finds that, with implementation of the mitigation measures described above, all practicable means and measures will be taken to avoid or minimize adverse traffic and related impacts to the environment resulting from the 1400 Technology Park project. Appropriate conditions consistent with this amended Section 61 Finding will be included in the access permits issued by MassHighway in order to describe more fully and ensure implementation of these measures.

January 21, 2009

DATE



Luisa Palewonsky
Commissioner