



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Chestnut Hill Square
PROJECT MUNICIPALITY : 200 Boylston Street (Route 9) - Newton
PROJECT WATERSHED : Charles River
EOEA NUMBER : 12928
PROJECT PROPONENT : New England Development
DATE NOTICED IN MONITOR : December 6, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on the above project **adequately and properly** complies with the Massachusetts Environmental Policy Act (G. L., c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

As described in the FEIR, the proposed project has been revised to consist of the construction of approximately 679,000 square feet (sf) of mixed-use space with parking for 1,351 vehicles. The project has been revised to include 226 condominiums with a range of approximately 850 to 3,300 sf (about 448,000 sf), 191,000 sf of retail and restaurant space, and a 40,000 sf life-style supermarket. Thirty-four of the condominium units will be affordable. The project site contains approximately 11.43 acres. The existing commercial, office, supermarket, and residential uses on the site will be demolished by the proponent.

This project requires a mandatory EIR. It will require an Access and Traffic Signal Permits from the Massachusetts Highway Department (MassHighway). The project will require Access and Traffic Signal Permits from the Department of Conservation and Recreation (DCR) to make the Hammond Pond Parkway improvements, which are proposed by the proponent. It may need a Construction Dewatering Permit, a Fossil Fuel Utilization Permit, and a Major Sewer Connection 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. MEPA jurisdiction extends to land

alteration, traffic, air quality, and wastewater issues that may have significant environmental impacts.

Access to the project will be provided from six driveways, three of which will be on Route 9 and three on Florence Street. The primary site driveway will function as a one-way entrance-only driveway and will intersect on the south side of Route 9, opposite The Mall at Chestnut Hill driveway. The driveway will form the fourth leg of the intersection and will be placed under a fully actuated traffic signal control. The driveway at the site's center point on Route 9 will intersect with the south side of Route 9, east of David & Company, and will function as a one-way, right-turn, exit only driveway. The eastern Route 9 driveway will intersect with the south side of Route 9, west of the Milton's and Barnes & Noble retail stores, and will be designed to function as a right-turn only facility (right-turns in/out). The new Florence Street driveways will provide primary access to up to 70 residential units. The existing driveway that serves the Capital Grille and intersects the north side of Florence Street will be retained as part of the project. Using the Institute of Traffic Engineers' Trip Generation land use codes (230, 820, and 850), the project is estimated to generate approximately 10,968 new daily vehicle trips with about 15,410 new trips for Saturday.

The proposed project will be connected to existing municipal water and sewer service. It will consume about 137,163 gallons per day (gpd) of water and will generate about 102,969 gpd of wastewater flow.

Review of the FEIR:

The FEIR provided a detailed project description with a summary/history of the project. It included existing and proposed site plans. The proponent has not identified any project phasing. The FEIR provided a comparative analysis (Table II.3-1) that shows the differences between the environmental impacts associated with each of the alternatives identified for each of the scoped items requiring discussion and potential mitigation. The FEIR discussed the access alternatives that limit the number of access points and/or signals along Route 9, as requested by MassHighway. The proponent has included only one median break on Route 9 at the proposed project site as its new Preferred Alternative. One median break at this location provided adequate access to the project site with minimum impacts to Route 9. The proponent has worked with MassHighway to develop this alternative.

The proponent has redone its traffic analysis in the FEIR at impacted intersections to reflect any revisions to the project's site access for its Preferred Alternative. The FEIR has determined that left hand turns from Route 9 eastbound into The Mall at Chestnut Hill from the proposed median break would not improve traffic flow or safety on Route 9. The current Preferred Alternative does not allow for left hand turns from Route 9 eastbound (except for emergency vehicles). The traffic study LOS has been revised along with the proponent's overall mitigation package in the FEIR. The FEIR has included an LOS analysis for Route 9/Elliott/

Woodward Streets. The FEIR has identified that the right-of-way (ROW) width for Route 9 is sufficient for the proposed traffic improvements along Route 9 with the proponent's transfer of land along Route 9. The FEIR provided mitigation at the intersections of Heath/Florence Streets/Hammond Pond Parkway and at the Horace James Circle, as requested by DCR.

The proponent has developed a comprehensive review of signage on Routes 9 and the Hammond Pond Parkway to ensure that the traffic routes are clearly marked to the project site. It is coordinating its TDM program with the Route 128 Business Council. The proponent has designed its project to limit its generation of traffic along Florence Street by limiting access from this portion of the project to only 70 residential units.

The proponent will provide several parking spaces for a shared car service such as Zip Car in the parking garage. The proponent does not plan on charging retail customers for parking. However, valet parking services will be charged fees. Residential units will be provided with one parking spacer per unit. Additional parking may be made available to the residences for an additional fee.

The FEIR provided construction and design plans for the proponent's pedestrian overpass above Route 9. The proponent will continue to work with Newton officials to establish a pedestrian and bicycle route from Langley Road and Newton Center to the project site. The FEIR proposed pedestrian connections mid-parcel to provide access/easements to pedestrians from abutting parcels. Bicyclists will reach the site via the Hammond Pond Parkway and Heath/Florence Streets and from Langley Road from Newton Center.

The proponent has committed to working with MassDEP regarding its Clean Air Construction Initiative.

The proponent will develop an Emergency Response/Spill Plan prior to occupancy. Snow will be removed from the project site as needed and the proponent may use seasonal snow melting equipment.

The proponent has proposed wastewater mitigation with the Town of Brookline and the City of Newton. According to MassDEP's comment letter, the proponent will be required to implement an Inflow/Infiltration (I/I) removal ratio of 4:1 or 367,876 gpd.

The FEIR identified that the proponent is proposing approximately \$2 million in improvements to the Hammond Pond Parkway as mitigation. The FEIR reported on the proponent's efforts to address the concerns listed in the MHC comment letter of February 23, 2006. It provided MHC and DCR with the following materials: photographic simulations that show the existing and proposed conditions of the Parkway at the north and south approaches to the Route 9 interchange, and the design specifications for the proposed traffic signals, traffic control boxes and pedestrian crosswalks. The FEIR included a mitigation package of traffic

improvements that appear to address DCR's concerns.

The FEIR described the proponent's efforts to incorporate sustainable design elements into the project design elements and construction practices in Chapter V, Section 5.0. The proponent has expanded on its efforts to incorporate sustainable design measures to meet LEED Certification. The FEIR identified that a cistern collection system would not be appropriate at the project site because of the underlying bedrock and soils on the site.

Summary of FEIR Mitigation:

The FEIR included a separate chapter on mitigation measures. The Proposed Section 61 Findings for MassHighway, MassDEP, and DCR were included in Appendices J, G, and I respectively. Exhibit A from its November 15th submission letter and the supplemental memorandum of January 5, 2007, provided a clear commitment to mitigation and an estimate of the individual costs of the proposed mitigation. The mitigation measures would be provided by the proponent prior to project occupancy.

In the FEIR, the proponent committed to implement the following mitigation measures, costing approximately \$13,635,126:

- Add an additional travel lane in the eastbound and westbound directions on Route 9 from before Langley Road to just beyond the Hammond Pond Parkway; approximately \$5,800,000.
- Provide traffic signalization and a median break with two left-turn lanes on Route 9 Westbound at the The Mall at Chestnut Hill drive and at the Capital Grille Drive with associated geometric improvements; approximately \$660,000.
- Install/modify a traffic control signal at the Route 9 eastbound and westbound off-ramps and on-ramps at Hammond Pond Parkway, remove U-turn access, and construct associated geometric modifications to the Parkway; approximately \$2,850,000.
- Install traffic control signals at the Route 9 intersection with Parker Street, approximately \$660,000
- Improve signs and pavement markings at the Langley Road/Jackson Street intersection, approximately \$2,000.
- Install a traffic signal system at the intersection of the Hammond Pond Parkway at Heath Street, approximately \$400,000.
- Upgrade/replace the existing traffic signal equipment at the intersection of Route 9/Elliot /Woodward Streets, approximately \$80,000.
- Upgrade/replace/install signs and pavement markings within and approaching the Horace James Circle, approximately \$90,000.
- Optimize existing traffic signal timing, phasing, and coordination at Route 9/Tully Street, approximately \$10,000.

- Optimize existing traffic signal timing, phasing, and coordination at Route 9/Hammond Street, approximately \$10,000.
- Optimize existing traffic signal timing, phasing, and coordination at Hammond Street/Heath Street, approximately \$10,000.
- Transfer land to MassHighway for proposed widening of Route 9, approximately \$106,626.
- Establish a Transportation Demand management (TDM) Program, approximately \$50,000 annually.
- Install an emergency vehicle pre-emption system (OPTICOM), approximately \$175,000.
- Participate in the design and construction of pedestrian bridge across Route 9 from the project site to The Mall at Chestnut Hill, approximately \$1,500,000.
- Provide a shuttle bus service to the Green Line, approximately \$100,000.
- Construct new MBTA bus shelter at the project site, approximately \$150,000.
- Provide Infiltration/Inflow (I/I) removal, approximately \$686,000.
- Contribute to the cost of installing a new water main in Route 9, approximately \$200,000.
- Inspect the Heath/Florence Street sewer line with CCTV, approximately \$17,500.
- Inspect the Louise/Lyon Road outfall drain to outlet at Arlington Street in Brookline with CCTV, approximately \$18,000.
- Install a permanent sewer flow meter in Heath/Florence Street sewer at the Newton/Brookline municipal line, approximately \$30,000.
- Conduct a Heath/Florence Street sanitary sewer grease study, approximately \$30,000.
- Install a traffic control signal at Hammond Pond Parkway/lower Chestnut Hill Mall intersection, remove U-turn access, and construct associated geometric improvements, approximately \$300,000.

The proponent will need to provide details about the type and frequency of shuttle service, the number of years that the proponent would guarantee a subsidy, and the types of incentives that would be offered to target markets that would encourage continued use of the shuttle service for MassHighway's Section 61 Finding. I recommend that the proponent commit to operating the shuttle service more frequently than what was proposed in the FEIR, in order to justify the taking of a 10 percent reduction of vehicle trips for transit use during the peak hours. The proponent should also provide specific details regarding the other Transportation Demand Management (TDM) measures that proponent is incorporating into the project for MassHighway's Section 61 Finding. It should consider implementing the sidewalk improvements recommended by WalkBoston. MHD should request that the proponent provide the estimated total cost of constructing the pedestrian bridge above Route 9 in its Section 61 Finding along with the proponent's commitment to provide \$1.5 million.

The proponent may have to revise its proposed Section 61 Findings for MHD and DCR if the Town of Brookline is successful in dead-ending/closing Heath Street at the Newton city line.


The Conservation Law Foundation's (CLF) comment letter on the FEIR indicated that in its opinion the proposed additional lanes on Route 9 violate the 1990 Memorandum of Understanding (MOU) on the Central Artery/Tunnel Project. In this 1990 MOU the state committed that "no expansion of the radial roadways to and from Boston shall be undertaken within the Route 128 radius." CLF now requests a Supplemental EIR to address the expansion of Route 9 capacity, which it believes violates the 1990 MOU. The proponent, in a written response based on consultation with MHD regarding the CLF comment letter, represents that MHD does not consider Route 9 to be a radial roadway. Comments from the Executive Office of Transportation state that MHD considers the additional lanes on Route 9 as localized access management improvements in the vicinity of the project site. Based on subsequent consultation with MHD, I am satisfied that the issue can be adequately addressed in the permitting process.

The traffic improvements proposed for the Hammond Pond Parkway have minimized the adverse effect (the reconfiguration of the turf medians and the widening of the historic roadway), as determined by Massachusetts Historical Commission (MHC) and DCR. DCR has agreed with the traffic design issues in concept. The proponent and DCR need to resolve several design issues involving pedestrian and bicycle connectivity, traffic signals, and traffic calming measures. MHC will develop a Memorandum of Agreement (MOA) with the proponent and DCR that accepts the traffic improvements as the preferred design.

The proponent should conduct an informational meeting to inform neighbors of its proposed blasting specifications for the project site.

No further MEPA review is required for completion of the above project. The proponent must finalize its permitting requirements with the state agencies as indicated above.

January 12, 2007
DATE


Ian A. Bowles

cc: Nancy Baker, MassDEP/NERO
Senator Cynthia Stone Creem
Representative Ruth B. Balsler
Representative Michael F. Rush
Michael Kruse, Newton Planning Director
Jeff Levine, Brookline Planning Director

Comments received:

Samuel Itkin, 11/29/06
New England Development, 11/30/06
MHC, 11/30/06
Samuel Itkin, 12/2/06
Karen L. Grout, 12/4/06
Samuel Itkin, 12/5/06
Karen L. Grout, 12/5/06
New England Development, 12/5/06
Boris & Galina Perlin, 12/8/06
Evelyn Bazer, 12/11/06
Irving E. Levy, 12/12/06
Jane Barber, 12/12/06
Joshua Safer, 12/13/06
Ana Zarina Asuaje Solon, 12/13/06
Ana Zarina Asuaje Solon, 12/14/06
Chris Dippel, 12/18/06
Althea H. Buonato, 12/18/06
Mark A. Lyons & Bettejayne Lyons, 12/18/06
Lawrence L. Asquith, 12/20/06
Ellen Donohue-Saltman, 12/20/06
Marialyce Leivian, 12/20/06
Joy Benjamin, 12/21/06
Lucie Chansky, 12/22/06
MassDEP/NERO, 12/22/06
Barbara Gershen-Swartz & Bruce David Swartz, 12/24/06
Bernice D. Wilner, 12/24/06
Bernice D. Wilner, 12/26/06
Louise Corman, 12/26/06
Lee Bardin, 12/27/06
Melvin I. Klayman, 12/27/06
Allan & Ann Sutherland, 12/27/06
The Towers of Chestnut Hill Form Letters (119 letters), 12/28/06
Gordon F. Bloom, 12/29/06
Lee Rachel Jurman, 12/31/06
Gerald K. Lazar, 12/31/06
Marian Lazar, 1/1/07
Lee Rachel Jurman, 1/1/07
Aaron Siegal, 1/2/07
Diane L. Kuebler, 1/2/07
Bambi Good, 1/2/07

Ronna J. Perlmutter, 1/2/07
Petition from residents of condominium units on Hammond Pond Parkway (84 signatures),
1/2/07
Elaine & Enrico Schwimmer, 1/3/07
R. Lisle Baker, Newton Alderman, 1/3/07
Michael I. Good, 1/3/07
Barbara Sird, 1/3/07
Bambi Good, 1/3/07
John E, Pauline B. & Sue A. Woodward, 1/3/07
Chestnut Hill Association, 1/3/07
Hampton Place, 1/3/07
Susan Morley & Toby Dewey, 1/4/07
Elaine Greenberg, 1/4/07
Kimberly C. Smith, 1/4/07
Brookline Board of Selectmen, 1/4/07
MHC, 1/4/07
Janice S. Kahn, 1/4/07
Marcy and Larry Fischer, 1/4/07
Ira Krepchin, 1/4/07
Edie Raskin, 1/4/07
Chestnut Hill Association, 1/4/07
Samuel Itkin, 1/4/07
Elaine K. Greenberg, 1/4/07
Irene & Morton Silin, 1/4/07
Louise Corman, 1/5/07
DCR, 1/5/07
Doris Hanna & Peter Lysaght, 1/5/07
Marjorie Katz, Heath wood Lane Condominium Assoc., 1/5/07
Anthony T. Andreadis, 1/5/07
Goulston & Storrs, 1/5/07
Samuel Itkin, 1/5/07
Conservation Law Foundation, 1/5/07
Conservation Law Foundation, 1/5/07
Brookline GreenSpace Alliance, 1/5/07
Srdjan S. Nedeljkovic, 1/5/07
MAPC, 1/5/07
C. David Hilburn, 1/5/07
Goulston & Storrs, 1/5/07
Rackemann, Sawyer & Brewster, 1/5/07
Michael C. Martin, 1/5/07
Albert M. Fortier, Jr., 1/5/07
Rita & Norman Bartczak, 1/5/07

Amy M. Witkin, 1/5/07
Newton Dept. of Planning & Development, 1/5/07
Adam Peller, 1/7/07
Sean Roche, 1/8/07
Charles River Watershed Association, 1/8/07
Debbie Mikels, 1/8/07
WalkBoston, 1/8/07
Linda S. George & Barbara Karlin, 1/8/07
Seth Levenson, 1/8/07
Brookline Conservation Commission, 1/8/07
Goulston & Storrs, 1/9/07
EOT, 1/10/07
Newton Mayor, David B. Cohen, 1/11/07

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