The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR
TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR
IAN A. BOWLES
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
http://www.mass.gov/envir

January 30, 2008

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

PROJECT NAME	: Northwest Park Redevelopment
PROJECT MUNICIPALITY	: Middlesex Turnpike - Burlington
PROJECT WATERSHED	: Boston Harbor
EOEA NUMBER	: 14000
PROJECT PROPONENT	: Nordblom Company
DATE NOTICED IN MONITOR	: **December 24, 2007**

As Secretary of Energy & Environmental Affairs, I hereby determine that the Final Environmental 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).

Project Description

As described in the FEIR, the proposed project consists of the redevelopment of Northwest Park into approximately 3.28 million square feet (sf) of mixed-use development. The Mixed-Use Phase or Area A includes approximately 1.28 million sf of space. It is comprised of approximately 300 residential units, 600,000 sf of retail/restaurant space, an approximately 200-room hotel, 260,000 sf of general office space, and additional open space. Area A is approximately 48 acres. The Office Phase or Area B includes approximately 2 million sf of general office space. Area B is approximately 79 acres. Both Areas A and B will be constructed simultaneously. The existing project site contains approximately 1.34 million sf of existing office space with some commercial uses with parking for 4,830 cars in surface lots. These buildings will be demolished or reconfigured to make way for the proposed project. The site is adjacent to Route 3 and close to I-95 (Route 128). It is comprised of approximately 127 acres between Route 3 and the Middlesex Turnpike.

The project requires a mandatory EIR. It will require an Indirect Access Permit, a permit

to blast within 250 feet of a State Highway Layout, and Traffic Signal Permits from the Massachusetts Highway Department (MassHighway). The project may require a Construction Dewatering Permit, a Notice of Construction & Demolition, a Notice Regarding Demolition and Construction, a Modification Permit for the water distribution system, a Cross Connection Permit, and a Sewer Extension/Connection Permit from the Department of Environmental Protection (MassDEP). It may need to obtain a Construction Dewatering Permit from the Massachusetts Water Resources Authority (MWRA). The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site and an NPDES Remediation General Permit. It may require a Programmatic General Permit from the U.S. Army Corps of Engineers. An Order of Conditions will be required from the Burlington Conservation Commission for impacts to wetland resource areas and buffer zones. MEPA jurisdiction extends to land alteration, traffic, air quality, wetlands, stormwater, blasting, water, and wastewater issues that may have significant environmental impacts.

Using the unadjusted Institute of Traffic Engineers Trip Generation land use codes (220, 310, 710, and 820), the proponent has estimated that the project will generate approximately 39,735 average weekday (unadjusted) vehicle trips and approximately 36,930 Saturday trips. The proponent has estimated that the project would generate about 20,830 net new vehicle trips on a weekday and 22,890 trips on Saturday when adjustments are made for shared, pass-by, diverted link, and existing vehicle trips. Access to the project site from the regional highway system would be provided from Second, Third, and Fourth Avenues to the Middlesex Turnpike and to I-95 and to Route 62 and its interchange with Route 3. The proponent has estimated that the project will require between 9,630 and 11,630 shared parking spaces in structured and surface facilities.

The proposed project will be connected to existing municipal water and sewer service. It will consume approximately 412,459 gallons per day (gpd) of water (daily design flow) and will generate approximately 375,000 gpd of wastewater flow (Title 5).

Review of the FEIR

The FEIR included a detailed description of the project with a summary/history of the project. It described each state agency action required for the project. The FEIR demonstrated how the project is consistent with the applicable performance standards. It contained sufficient information to allow the permitting agencies to understand the environmental consequences related to the project.

The proponent believes that the Preferred Alternative (3.28 million sf) has been designed to maximize the site layout and the sustainable design/Low Impact Development (LID) opportunities. These LID opportunities will minimize water, wastewater, stormwater and

wetland impacts.

A full Roadway Segment Analysis (RSA) for the Middlesex Turnpike between Middlesex Commons to Burlington Mall Road (BMR) was conducted by the proponent. The proponent has proposed some traffic signal coordination/interconnection, and it is providing two through travel lanes in either direction with left/right turning lanes along the Middlesex Turnpike. The RSA included access management along the corridor. The proponent provided supplemental material on January 24th explaining the RSA charts (Figures 3.1a and 3.1b.

The FEIR provided a breakdown of parking needs by land use category/use, time of day, and employee/customer/ resident/visitor category to demonstrate the need for the proposed parking spaces. It described how the number of parking spaces needed was determined. Parking at the site has decreased from the DEIR's 12,040 spaces in parking garages and surface lots or 3.67 spaces per 1,000 sf of space. The proponent has stated that Area A requires a minimum of 3,630 spaces, which includes a 10 percent reduction due to internal capture rates between office and retail uses. Area B requires a minimum of 5,600 spaces based on the assumption that there is no shared parking. According to the proponent, the project will require a minimum of 9,230 parking spaces. The proponent is proposing to provide between 9,630 and 11,630 spaces, which is slightly more than the minimum Urban Land Institute-suggested minimum, but less than the typical market number of 14,465 spaces as required by zoning. The 9,630 parking spaces are 2.9 spaces per 1,000 sf of space, and the 11,630 spaces are 3.6 spaces per 1,000 sf of space. The proponent is not proposing to charge fees for parking. During final project design, all valet parking stations will be identified, with parking for the valets located in the most remote areas of structured parking or surface lots. The taxi-parking areas will be identified during final design, and the proponent will contact Zip Car or a similar service to determine if it is willing to expand into the suburban areas in the future.

The FEIR showed in Figure 3.2 where traffic calming measures are being proposed. The proponent will provide pedestrian connections and signage to the Burlington Mall, and Figure 3.3 displayed these connections. The FEIR stated that the proponent would provide approximately one bicycle parking space for every three residential unit (100 spaces); bicycle racks at each office building sufficient to park four bicycles (76 spaces); for retail uses, one bicycle parking space provided for each 100 automobile parking spaces (24 spaces); and ten bicycle parking spaces for hotel employees. The proponent will supply a total of 210 bicycle parking spaces. It will also provide additional bicycle spaces as demand dictates beyond the initial bicycle parking program. Figure 1.7 showed where bicycle parking areas would be located on the project site. There are no private shuttle bus routes within the area operating to the Anderson Transportation Center or other transit centers. The proponent has committed to contribute $25,000 to facilitate the expansion of the B-line transit service and to work with future businesses that locate within the project site for future contributions.

The FEIR presented a comprehensive Transportation Demand Management (TDM) Program.

The FEIR provided the 2016 No-Build baseline information for CO2 emissions. The proponent provided additional sustainable design principles and TDM measures to offset the potential increase in CO2 emissions in the 2016 Build scenarios. The proponent will finalize a landscape plan that will include diverse plantings to help minimize pollutant impacts on residences at the site. The FEIR listed the mitigation measures to reduce GHG emissions.

Adequate compensatory flood storage has been provided within the bank and wetland mitigation area on the western side of the site and also within the proposed green space area directly north of Fourth Avenue to mitigate and balance the flood plain storage on the site. The FEIR provided an evaluation of the subsurface conditions where stormwater infiltration is proposed. It evaluated the potential for irrigation wells in both Areas A and B. The proponent proposed to use sand with a non-sodium chloride deicing or anti-caking agent. .

The proponent will need to eliminate approximately 1.3 million gallons of Infiltration/Inflow (I/I). In the FEIR, the proponent has identified four potential areas for I/I removal. It has considered the installation of High Efficiency Toilets throughout the project to reduce water demand. The FEIR determined that the 24-inch sewer within the Middlesex Turnpike has sufficient available capacity to handle the proposed wastewater from the project. The FEIR has addressed this I/I issue and has worked closely with the Massachusetts Water Resources Authority (MWRA), MassDEP, and the Town of Burlington.

The FEIR discussed the consistency of the project with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit from the U.S. Environmental Protection Agency for stormwater discharges from construction sites. It included a discussion of best management practices employed to meet the NPDES requirements. The FEIR considered additional Low Impact Development (LID) measures that may minimize the volume of stormwater runoff to be treated and controlled by maintaining the existing hydrologic functions. LID techniques were incorporated into the drainage plan early in the project design phase. The FEIR considered other LID tools to reduce the amount of impervious areas. The proponent is considering pervious pavement if allowed by Town of Burlington, bioretention cells (rain gardens), and rainwater harvesting. It included a draft Erosion and Sedimentation Control Manual in Appendix C. The site contractor will utilize this draft manual to prepare a Pollution Prevention Plan. The stormwater management plan for this project and the Town of Burlington's stormwater program are compatible according to the Town of Burlington. The FEIR outlined the monitoring program of groundwater levels.

The FEIR addressed MassDEP's concerns regarding conformance to the Critical Area Standard 6. It identified measures to contain stormwater runoff in the event of an emergency spill. The snow management plan for the project was displayed in Figure 4.4, and it showed the locations on-site where snow will be plowed and stored.

The FEIR outlined how this proponent will coordinate its construction program with other nearby projects. The number of truck trips required to handle the filling operation and the truck routes for fill removal will be determined by the construction phasing of the project and evaluated with Burlington safety officials. The proponent will develop a Blast Design Plan, which will describe any blasting proposed at the project site. The Blast Design Plan will identify the proponent's plans to deal with blasting and the notification process to adjacent land owners and local officials.

The FEIR included renderings of the proposed buildings. The proponent has incorporated native plants and low water using landscape materials.

The FEIR identified how construction activities will be coordinated with the ongoing remedial activities at MCP sites at the project site. A comprehensive groundwater monitoring plan capable of monitoring contaminant concentrations in overburden, shallow bedrock, and deep bedrock groundwater will be undertaken during construction and blasting activities.

The proponent has incorporated sustainable design elements into the project design. The FEIR summarized the proponents' efforts to ensure that this project includes Leadership in Energy and Environmental Design (LEED) Certified buildings or the equivalent.

FEIR Mitigation

The FEIR included a separate chapter on mitigation measures. Draft Section 61 Findings for MassHighway and MassDEP were included in Appendix H. The mitigation chapter and the Draft Section 61 Findings contained clear commitments to mitigation, estimates 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 was also included, which described the phasing of the mitigation.

In the FEIR, the proponent has committed to the following mitigation measures:

- Provide a minimum increase of 10 percent above the existing infiltration volume of groundwater into the surrounding aquifer.
- Implement a General Environmental Management Plan to mange existing environmental conditions in the project area in accordance with the requirements of the Massachusetts

Contingency Plan (MCP) and the requirements o the Town of Burlington, approximately $650,000.

- Provide approximately 1.38 million gpd of I/I removal for project's added wastewater flows to the municipal system, between $1 and $2.2 million. It has identified four potential areas for I/I removal: Wheeler Road, Meadow Road, the Sandy Brook Area, and the Peach Orchard Area.
- Fund the Town of Burlington for a Town Sewer Study to identify wastewater I/I projects up to $300,000.
- Provide an independent sewer study, approximately $50,000.
- Utilize ultra-low sulfur diesel fuel in construction vehicles.
- If requested by the Burlington Conservation Commission, replace up to 7,500 sf of BVW, provide 370 feet of bank mitigation and maintain the same floodplain volume, approximately $150,000.
- Fund a Regional Transportation Master Plan for the area to identify and address long-term transportation improvements, approximately $150,000.
- Designate 10 percent of the housing units as affordable units to comply with the Commonwealth's affordable housing policies, approximately $1.5 million..
- Install a fully-actuated traffic signal at the Middlesex Turnpike/Third Avenue intersection, make geometric improvements, and coordinate the new signal with the next three signals along the Turnpike to the north, approximately $600,000.
- Modify traffic signal phasing and timings at the Middlesex Turnpike/Second Avenue/ Burlington Mall Road (BMR) intersection and make geometric improvements with accommodations for pedestrians and bicycles, approximately $1.2 million.
- Install a fully-actuated traffic signal at the South Avenue/Second Avenue intersection, coordinate the new signal with the signal at Middlesex Turnpike/Second Avenue/BMR, and make geometric improvements with accommodations for pedestrians and bicycles, approximately $400,000.
- Design signal timing modifications and geometric improvements with pedestrian accommodations at Middlesex Turnpike/Fourth Avenue, approximately $250,000.
- Provide signal phasing and lane reconfigurations at Route 62/Network Drive, approximately $10,000 (provided by the Tri –Town Commission).
- Provide 100 percent design plans for the full buildout of the interchange and widen the northbound Middlesex Turnpike approach to provide a 4-lane cross-section and turn lane between Wheeler Road to a point past the I-95 northbound ramps at the Middlesex Turnpike/I-95 Northbound Ramps/Wheeler Road intersection, approximately $750,000.
- Provide 100 percent design plans for the full buildout of the interchange and install queue detection on the southbound off-ramps and coordinate with the traffic signal system along the Middlesex Turnpike at the Middlesex Turnpike/Route 128/I-95 Southbound interchange, approximately $275,000.
- Design and construct the continuation of the right-hand lane through the weaving section

on the Route 128/I-95 Southbound frontage road between the Middlesex Turnpike on-ramp and the Route 3 Northbound on-ramp and other geometric improvements, approximately $100,000.

- Provide signal timing modifications after the occupancy of each 300,000 sf by the proponent at the following intersections: Route 62/Route 3 Southbound Ramps; Route 62/Route 3 Northbound Ramps/Crosby Drive; Route 62/Middlesex Turnpike; Middlesex Turnpike/Terrace Hall Avenue; and Middlesex Turnpike/South Avenue/Burlington Mall Driveway ($5,000 per visit per intersection).
- Modify the signal timing at the BMR/Marriott Driveway prior to the occupancy of any portion of Area A or 300,000 sf of Area B, approximately $5,000.
- Evaluate and utilize bio-retention cells, permeable pavement, and rainwater harvesting.
- Provide a mix of sand and a non-sodium chloride de-icing material for the maintenance of parking and roadways in winter.
- Provide one bicycle parking space for three residential units (100 spaces)(suitable for long- and short-term parking), one bicycle parking space for every 100 automobile spaces for retail uses (24 spaces), one bicycle parking space for every 100 automobile spaces for office uses (76 spaces), no bicycle parking accommodations provided for guests of the hotel, but the project will include approximately 10 bicycle parking spaces for hotel employees. This equates to a total of approximately 210 bicycle parking spaces project-wide.
- Construct up to three miles of sidewalks and a one mile of a shared-use (bicycle/pedestrian) path on the project site and provide short- and long-term bicycle parking facilities throughout the project, approximately $250,000.
- Provide street sweeping within the project site.
- Install a stormwater management system with water quality treatment units, between $700,000 and $1 million.
- Install water-efficient appliances and fixtures (low flush toilets and faucet aerators).
- Utilize low-demand irrigation plantings.
- Provide the following to reduce GHG emissions, where applicable and feasible: highly reflective, light-colored roofing materials; high-efficiency HVAC systems with limited refrigerants; potential use of peak shaving or load shifting energy strategies; maximize interior day lighting by the use of skylights and light wells; incorporate window glazing to balance day lighting, heat loss, and solar heat gain; incorporate significant insulation to minimize heat and cooling losses; install energy motion sensors for lighting and building climate control where feasible.
- Provide a TDM program with an on-site coordinator, flexible working hours, direct deposit of payroll, a guaranteed ride home, preferential parking, and commuter information.
- Provide preferential parking spaces for a car-sharing service (subject to an agreement with a willing car-sharing service such as Zip Car).

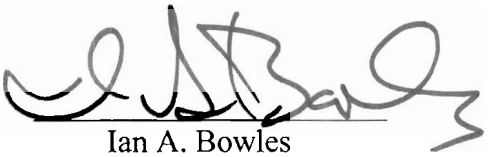
- Encourage tenants to provide a subsidy to employees who purchase monthly or multiple trip transit passes.
- Contribute $25,000 to expand the B-Line transit service to the project site and work with future tenants for future contributions.
- Implement a Construction Management Plan (includes traffic).
- Evaluate the application of the LEED-Neighborhood Development (ND) Green Building Rating System.

The proponent has suggested that it will contribute 22 percent of the estimated traffic to travel through the Middlesex Turnpike/Route 128/I-95 northbound and southbound ramps. It has estimated that it will cost approximately $3.5 million to construct the needed improvements, which were identified in the FEIR. At the northbound ramps, the proponent has identified that the northbound on- and off-ramps should provide additional queuing and operational enhancements ($700,000) and that the northbound Middlesex Turnpike beneath the Route 128 overpass should be widened and provided with signal timing modifications ($550,000). At the southbound ramps, the proponent has identified that the southbound on- and off-ramps should be provided with additional queuing and operational enhancements to the signal system ($600,000) and that the northbound Middlesex Turnpike approach should be widened and provided with signal timing modifications ($500,000). A 22 percent share of $3.5 million would be approximately $700,000. However, the proponent has committed to fund $1.1 million in interim improvements at these interchanges. The proponent will prepare full design plans for the Route 128/I-95/Middlesex Turnpike interchange. It will provide queue detection along the Route 128/I-95 off-ramps. The proponent will upgrade the Route 128/I-95 Northbound ramps at the Middlesex Turnpike intersection by widening the Middlesex Turnpike to provide an additional northbound approach lane between Wheeler Road and the Route 128/I-95 overpass, adding a left-turn lane into Wheeler Road, and modifying some of the signal phasing and timing beyond what are currently in place.

The proponent has revised its mitigation commitments to implement upon occupancy of up to 300,000 sf of net new building space its Phase 1 schedule of improvements as outlined in Table 3.6 in the FEIR. It will implement prior to site occupancy beyond the above 300,000 sf of net new building space the Phase 2 improvements consistent with Figure 3.35 included in the DEIR. These measures involve upgrades to the Route 128 northbound ramps and any necessary improvements under Route 128 that are needed to support the widening of the ramps and to provide sufficient capacity along the Middlesex Turnpike. MassHighway believes that the above improvements will adequately mitigate the impacts of the project, and as other developments with impacts at this location are proposed, MassHighway will work to implement the improvements. The proponent has also committed to altering the merge configuration on Route 3 northbound and the weave on the I-95 southbound frontage road between the Middlesex Turnpike and Route 3.

Prior to the issuance of the Section 61 Finding by MassHighway, the proponent should provide documentation showing each phase of development with the associated transportation impacts and the required mitigation commitments. This information should clarify the timing of the mitigation implementation. The proponent should provide conceptual plans that show the proposed lane widths and offsets, layout lines and jurisdictions, and land uses (including access drives) adjacent to areas where improvements are proposed. MassHighway will require the proponent to monitor the improvements. This above documentation should be supplied as an Addendum to the proponent's Draft Section 61 for MassHighway, which should be submitted to the MEPA Office by the proponent. I will publish the notice of availability of the proponent's draft Section 61 finding for MassHighway in the Environmental Monitor for a thirty day comment period. The draft Section 61 Finding should also be sent to the list of commenters below.

I note that the proponent has agreed to a substantial package of mitigation commitments. The specific details of these mitigation measures will be resolved within the state permitting process and Section 61 Findings for each agency. The proponent must finalize its permitting requirements with the state agencies as indicated above; agencies must forward final Section 61 Findings to the MEPA Office.



January 30, 2008
DATE

Ian A. Bowles

Comments received:

VHB, 12/31/07
VHB, 1/16/08
VHB, 1/23/08
VHB, 1/23/08
Anne Rowe, 1/23/08
MassDEP/NERO, 1/23/08
VHB, 1/24/08
EOT, 1/28/08

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