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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE NOTICE OF PROJECT CHANGE

PROJECT NAME	: Naval Air Station Redevelopment Project
PROJECT MUNICIPALITY	: Abington, Rockland and Weymouth
PROJECT WATERSHED	: Weymouth and Weir, North and South Rivers, and Taunton
EOEA NUMBER	: 11085R
PROJECT PROPONENT	: South Shore Tri-Town Development Corporation (SSTTDC) and LNR South Shore LLC
DATE NOTICED IN MONITOR	: December 15, 2005

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it requires the preparation of a revised Scope for an Environmental Impact Report (EIR). I also hereby determine that the NPC incorporates sufficient information to grant the requested Phase I waiver, pursuant to the Special Review Procedure, subject to conditions described below.

I applaud the proponent for presenting a revised project that that demonstrates a strong commitment to a transit-oriented, smart-growth redevelopment of the South Weymouth Naval Air Station. I would also like to commend the Citizens Advisory Committee (CAC) for their invaluable role in the progress reflected in the NPC. The NPC illustrates a project proposal that is responsive to the direction of previous MEPA Certificates, and it is clear that the proponent's extensive planning efforts and consultation and coordination with the towns of Abington, Rockland, and Weymouth, the CAC, regional interests, and state and federal agencies, have resulted in a project that has the potential to establish a new standard for environmentally responsible development. I will look forward to reviewing in the Draft EIR a detailed discussion of how the specific application of contemporary principles of planning and development – currently presented in the NPC largely in thematic terms – will characterize the individual elements and overall nature of the redevelopment.

I recognize that the potential benefits of the proposed redevelopment are significant to the Commonwealth's environmental, housing, and economic interests. I also recognize, however, the potential impacts the project could have to environmental resources and the quality of life in the host communities. In particular, potential impacts to local and regional roadways have been identified as a major concern by many of the public comment letters I have received, especially as they relate to the initial phase of development. Commentors have also expressed concern with the potential impacts associated with construction and occupation of both the initial and overall development to wildlife habitat, water quality, and other critical resources. I have carefully conditioned the Phase I waiver to ensure that impacts are appropriately minimized and mitigated, and I will expect the Draft EIR to provide, for the overall redevelopment program, a full analysis of alternatives and measures to avoid, minimize or mitigate impacts to the natural and human environment.

Project History

The proposed project, which involves the redevelopment of the South Weymouth Naval Air Station, was the subject of an Environmental Notification Form (ENF) filed with the MEPA Office in July 2000, a Phase I Report (May 2002) and a Phase I Status Update (June 2003). A Special Review Procedure was established for the project (October 11, 2000) which enabled the creation of a Citizen's Advisory Committee (CAC), allowed for a phased approach to the project and coordinated MEPA/National Environmental Policy Act (NEPA) review of transportation elements. The Secretary's Certificate on the Phase I Report granted a waiver allowing Phase I to proceed, under certain conditions, prior to completion of the EIR for the entire project. Since the filing of the Phase I Report, the proposed redevelopment, including the Phase I portion, has been redesigned. The proponent submitted a Notice of Project Change (December 15, 2005) that describes project changes and requests that the Phase I waiver granted in 2002 be continued.

Project Description and Proposed Changes

The proposed project, referred to as *The Village Center Plan* in the NPC, consists of up to 2,850 residential units, 2 million square feet (sf) of commercial/industrial space, 9-13 playing fields, an 18-hole golf course, and institutional space (including sites for a school and civic/community facilities). The project also involves associated infrastructure development including an on-site wastewater treatment facility, and water supply infrastructure, road construction and other transportation improvements, and a multi-modal transportation center based on expansion of the existing commuter rail station in South Weymouth. The project is proposed for implementation in 3-4¹ phases over a 12-year period.

The proposed project has been redesigned since the filing of the Phase I Report resulting in a new *Village Center Master Plan* for redevelopment of the base, which was approved through town vote in May-July 2005 by the Towns of Abington, Rockland and Weymouth. The NPC describes proposed changes in the master plan including a move

¹ The *Village Center Master Plan* identifies three phases. However, there may be four phases since the project proposed under the MEPA Phase I waiver request consists of a portion of the Master Plan's "Phase I".

towards a more compact, transit-oriented, mixed-use development that is more aligned with smart growth and sustainable design principles. Significant changes in the master plan include an increase in residential units proposed (from 700 to 2,855), as well as an increase in water use, wastewater generation and impervious area. Traffic impacts have been reduced and are now estimated at 20,000 vehicle trips per day (a decrease of approximately 30,000 from the previous plan), and commercial and other non-residential development has been reduced from 2.8 million square feet (sf) to 2 million sf. The proposed Route 3 Connector Road has been eliminated and a new East-West Parkway is proposed with local road connections to Route 3. The NPC also proposes a temporary access road prior to the second phase of the *Village Center Master Plan*².

Based on the new master plan proposed in the NPC, the project will result in an increase in potable water use from 525,000 gallons per day (gpd) to 1.4 million gallons per day (mgd), and an increase in irrigation water from 522,000 gpd to 650,000 gpd. Wastewater generation will increase from 420,000 gpd to 1.3 mgd. Site uses in the previous plan included 2.5 million square feet (sf) of Office/Research and Development (R&D) and 300,000 sf of retail space. The new master plan includes 1.5 million sf of office/R&D/Light industrial space and up to 500,000 sf of retail, hotel, civic and other uses.

The overall project site acreage has decreased by 64 acres (from 1450 to 1,386) due to deducting some U.S. Coast Guard land that will not be transferred from the Navy. Land alteration is estimated at 675 acres (a decrease of 30 acres from the previous proposal). The total amount of impervious area for the project will increase by 120 acres (from 230 to 350 acres³). Wetlands impacts, which were not determined in the 2002 Phase I Report, are estimated at approximately 37,000 sf (on-site) and 30,000 sf (off-site). The project includes approximately 4 miles of sewer mains and 6 miles of water mains on-site and 6-8 miles of water mains construction off-site.

Jurisdiction

The proposed project exceeds a number of thresholds for a mandatory EIR review, including thresholds pertaining to land alteration, creation of impervious area, vehicle trip generation and parking spaces, water supply, and wetlands. The project is also undergoing MEPA review because of potential impacts to rare species, and historical and archaeological resources, and because of impacts associated with wastewater generation.

The project is undergoing MEPA review and requires the preparation of a mandatory EIR pursuant to: Sections 11.03(1)(a)(1) of the MEPA regulations because it will result in alteration of 50 or more acres of land; 11.03(1)(a)(2) because it involves creation of 10 acres or more of impervious area; 11.03(3)(a)(2) because involves an alteration requiring a variance in accordance with the Wetlands Protection Act; 11.03(4)(a)(3) because it involves construction of new water mains ten or more miles in length; 11.03(4)(a)(2) because it

² This temporary access road is not covered under the MEPA Phase I waiver and cannot be commenced until the EIR process for the entire project is complete.

³ The "previously reviewed" impervious area was incorrectly stated in the NPC, which indicated a decrease of 257 acres (from 607 to 350 acres).

involves a new interbasin transfer of water of 1,000,000 or more gpd; 11.03(4)(a)(3) because it involves construction of 10 or more miles of new water mains; 11.03(6)(6) because it involves generation of 3,000 or more new vehicle trips per day on roadways providing access to a single location; 11.03(6)(6) because it involves construction of 1,000 or more parking spaces. The project is also undergoing review pursuant to 11.03(2)(b)(2) because it will involve a "taking" of an endangered or threatened species or species of special concern; 11.03(5)(b)(1) because it involves construction of a new wastewater treatment facility with a capacity of 100,000 or more gpd, and 11.03(5)(b)(3)(c) because it involves ½ mile or more of new sewer mains; and 11.03(3)(b)(1)(d) because it involves alteration of 5,000 square feet or more of bordering vegetated wetlands (BVW) (the project may involve alteration of one or more acres of BVW, a mandatory EIR threshold pursuant to 11.03(3)(a)(1)(a)).

The project requires a wide range of state, federal and local permits including a MassHighway Access Permit, Interbasin Transfer Act (ITA) Permit, Water Management Act (WMA) Permit, Sewer Extension Permit, Conservation and Management Permit, 401 Water Quality Certification, Chapter 91 License, Orders of Conditions, and a Wetlands Protection Act Variance. The project involves funding from the Commonwealth of Massachusetts. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project with the potential to cause Damage to the Environment as defined in the MEPA regulations.

PHASE I WAIVER REQUEST

On December 15 2005, the proponent requested that I grant a waiver to allow Phase I of the project to proceed in advance of completion of the EIR. The waiver request was submitted with the NPC and it was discussed at the consultation/scoping session that was held on January 12, 2006. The Certificate on the Phase I Report (August 9, 2002) allowed a limited portion of the project (Phase I) to proceed, under certain conditions, prior to completion of the full EIR for the project. The proponent has requested that I allow the waiver to be continued and applied to the currently proposed Phase I of the project⁴. As proposed in the NPC, Phase I consists of the construction of 500 residential units and 150,000 sf of commercial development as well as associated infrastructure improvements. The previous Phase I proposed in the 2002 Phase I Report consisted of 300 residential units, 300,000 sf of commercial development and 12 recreational fields. According to the NPC, vehicle trip generation, water supply needs and wastewater generation associated with the currently proposed Phase I will be less than that proposed in the 2002 Phase I Report. Land alteration impacts are reduced due to the removal of recreation fields from the Phase I plan. However, the amount of impervious area will increase and the proposed Phase I includes development of approximately 30 acres of grassland, which will have an adverse impact on state-listed grassland birds.

Impacts associated with Phase I of the project include alteration of approximately 57 acres of land, creation of 32 acres of new impervious area, and generation of 4,344 vehicle trips per day. Phase I involves work in the wetlands buffer zone but will not result in alteration of wetlands resource areas. Water supply needs are estimated at 117,908 gpd for

⁴ Phase I, as referred to in this Certificate, and as proposed in the NPC, is a smaller scale development compared with the proponent's "Phase I" that is described in the *Village Center Master Plan*

potable water and up to 37,000 gpd for irrigation. Wastewater flows are estimated at an average of 87,850 gpd.

Criteria for a Phase I Waiver

Section 11.11 of the MEPA Regulations provides that the Secretary may waive any provision or requirement of 301 CMR 11.00 not specifically required by MEPA, and may impose appropriate and relevant conditions or restrictions, provided that the Secretary finds that strict compliance with the provision or requirement would: a) result in undue hardship to the proponent, unless based on delay in compliance by the proponent; and b) not serve to minimize or avoid damage to the environment.

In the case of a partial waiver of a mandatory EIR review threshold that would allow the proponent to proceed to Phase I of the project prior to preparing an EIR, the finding required under Section 11.11(1)(b) shall be based on a determination that: 1) the potential environmental impacts of Phase I are insignificant; 2) ample and unconstrained infrastructure and services exist to support Phase I; 3) the project is severable, such that Phase I does not require the implementation of any other future phase or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and 4) the agency action on Phase I will contain terms, such as a condition or restriction in a permit to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project. I expect the proponent to consult with the CAC in the review of Phase I materials developed pursuant to the conditions of this waiver.

Based upon the information submitted by the proponent and comments received, and after consultation with relevant state agencies, I find that:

1. The proponent provided a detailed evaluation of project impacts as well as a description of baseline conditions and proposed mitigation measures in the 2002 Phase I Report, which informed the Secretary's decision to grant a conditional Phase I waiver. The proposed Phase I project involves some changes from the "Stage 1" project proposed in the 2002 Phase I Report. Although the NPC (December 2005) is not based on a comparable level of detail for some of the project changes, substantial information was provided in the 2002 Report that is relevant to MEPA review of the proposed Phase I and has been valuable in my consideration of the proponent's request for a Phase I waiver. The proponent has also provided additional information in the NPC and during the review process, including commitments to mitigation of project impacts. Commitments include mitigation for impacts associated with rare species habitat, stormwater, traffic, and construction. The Division of Fisheries and Wildlife, Natural Heritage and Endangered Species Program (NHESP), Executive Office of Transportation (EOT), and the Department of Environmental Protection (DEP) have determined that the NPC provides sufficient information to grant the Phase I waiver, subject to conditions as further detailed below and in agency comment letters.

The potential impacts of Phase I, although not insubstantial, can be adequately avoided or minimized and mitigated. This Phase I waiver is conditional upon the proponent's compliance with the conditions specified below.

As conditions of this waiver:

Rare Species

- The proponent must obtain a Conservation and Management Permit from NHESP prior to implementation of Phase I;
- The proponent should continue consultations with NHESP, and provide NHESP with project plans, a permit application, information on open space boundaries and wetlands crossing structures, and other information as further detailed in the NHESP comment letter;
- The proponent must develop a Grassland Management Plan to be approved by NHESP as part of the permit process for Phase I;
- The proponent must make a significant commitment to on-site and off-site grassland mitigation as required by NHESP and as described in its comment letter;
- The proponent must ensure that NHESP-approved legal mechanisms are in place to protect open space habitat areas in perpetuity.

Transportation

- The proposed improvements to five Route 18 intersections (intersections of Route 18 with Route 139, West Street/Middle Street, Park Avenue, Columbian Street, and Pond Street/Pleasant Street) must be completed before Phase I occupancy or an NPC that describes an adequate Interim Traffic Mitigation Plan must be filed (two of the above intersections, Route 18/139 and Route 18/Pond/Pleasant Street, have been substantially completed);
- Building permits for vertical construction must not be issued until MHD has issued contracts for construction of improvements to the remaining three intersections on Route 18;
- The proponent must develop and implement a Transportation Demand Management (TDM) program for Phase I as proposed in the NPC (December 15, 2005) and the Phase I Report (May 2002). The proponent must consult with the MassHighway Department (MHD) to finalize details of the TDM program;
- The proposed shuttle bus service to the South Weymouth commuter rail station must be made available to residents as well as the commercial component of the Phase I development. To the maximum extent feasible, measures to improve interim access to the commuter rail station must be in place before Phase I occupancy begins;
- The proponent must implement a traffic monitoring study during Phase I to inform the design of a traffic impact analysis for the full build-out and consult with EOT and MHD regarding the study results. The proponent must obtain EOT and MHD approval of the Phase I traffic monitoring study protocol.
- The proponent must develop and implement a Phase I Construction Management Plan (CMP), including a construction traffic plan, to be developed in consultation with the towns of Weymouth, Abington and Rockland, and MHD, prior to construction of Phase I.

Stormwater

- The stormwater management system must be designed to meet or exceed DEP Stormwater Management Policy standards, and incorporate Low Impact Development (LID) techniques to the maximum extent feasible;
- If an Order of Conditions for Phase I is appealed and a Superseding Order is required from DEP, the proponent must submit a Notice of Project Change, which should include a detailed stormwater management plan for Phase I.

Water Supply

- The proponent must conduct an evaluation of the existing water supply infrastructure that will be used for Phase I and submit the evaluation report to DEP. The proponent must provide DEP with documentation and analysis that demonstrates the adequacy of existing infrastructure to provide safe drinking water for the Phase I development.
- The proponent must consult with DEP, EPA and the Navy regarding the proposed location and use of irrigation wells for Phase I in order to identify and address any potential conflicts or incompatibilities between proposed wells and contaminated sites or remediation activities.

2. Ample and unconstrained infrastructure facilities and services exist to support Phase I of the project. The Town of Weymouth has committed to provide up to 150,000 gpd of water for Phase I and to accept up to 120,000 gpd of wastewater for treatment through the town's system to the MWRA system. DEP has supported the proponent's request for a Phase I waiver and has concurred that there is adequate capacity in the Weymouth municipal system to meet the Phase I water supply and wastewater needs. EOT has determined that the proponent has provided an adequate traffic impact analysis for Phase I and that traffic impacts associated with Phase I will be adequately mitigated by completion of the proposed Route 18 intersection improvements and TDM program, as conditioned above.

3. The project is severable, such that Phase I does not require the implementation of any future phase of the project. Municipal water and sewer services are available and the Phase I development will use existing infrastructure. Phase I is not dependent on infrastructure development or proposed mitigation associated with any future phase. Phase I does not restrict the means by which potential environmental impacts from any other phase of the project may be avoided and minimized or mitigated. Phase I will result in alteration of approximately 57 acres of land in the northwest quadrant of the 1,386-acre site. Therefore, flexibility will be retained during the master planning process to consider a range of site planning approaches for the remainder of the project site. The EIR for the entire project will consider alternative levels of development and site configurations, open space and habitat conservation plans, and project design elements that may serve to avoid and minimize, or mitigate environmental impacts from any other phase of the project.

4. State agency actions on Phase I will contain conditions that ensure due compliance with MEPA prior to commencement of any other phase of the project. The Phase I portion of the project requires a Sewer Extension/Connection Permit from DEP, a Conservation and Management Permit from NHESP, and a State Highway Access Permit from MHD. Phase I also requires an Order of Conditions from the South Shore Tri-Town Development Corporation (SSTTDC) Conservation Commission/Agent (to be established) for work in the buffer zone associated with construction of the new access road. If the Order of Conditions is appealed, a Superseding Order will be required from DEP.

The proponent has committed to integrate sustainable design principles as part of the Phase I development and to develop a set of sustainable design guidelines for the entire project. I commend the proponent for its commitment to sustainable design and the measures proposed for Phase I, which include water conservation, promoting pedestrian and bicycle access, recycling and reuse of construction and demolition debris, and Low Impact Development (LID) techniques. I expect the proponent will continue to evaluate and implement measures to minimize impervious area and other environmental impacts as Phase I project design proceeds. I strongly encourage the proponent to consider Leadership in Energy and Environmental Design (LEED) certification for the Phase I development. I expect the Draft EIR to contain a more fully developed set of Sustainable Design Guidelines for the entire project, which will in turn be made applicable to all project elements within Phase I.

Providing the conditions of this waiver are met, I am satisfied that Phase I of this project will be implemented in a manner that avoids, minimizes and mitigates impacts to the maximum extent feasible. I am also satisfied that remaining issues can be adequately addressed during the state and local permit and review process. Based on these findings, I determine that the waiver request has merit and hereby grant the Phase I waiver requested for this project. State agencies should forward a copy of Section 61 Findings for Phase I permits to the MEPA Office for the project files.

SCOPE

The proponent should prepare a Draft EIR (DEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this Scope. I received many thoughtful and comprehensive comments on this project, and appreciate the effort of the CAC, residents, community groups, environmental organizations, elected officials and public agencies to assist me in developing a revised Scope for the EIR. The comment letters should assist the proponent also in refining project design and furthering the project goals of smart growth and sustainable development.

The DEIR should include a copy of this Certificate as well as previous Certificates issued for the project. A Project Summary in clear non-technical language should be included in the DEIR. This section of the document should summarize all phases of the project, alternatives analyzed, the type and extent of potential impacts, and mitigation measures that

the proponent is committed to. It should also include a list of permits required and a timetable and cost estimate for the project.

The DEIR should include a description of all aspects of the project and a schedule for construction and other development activities. The DEIR should include maps and plans at a reasonable scale that clearly locate and delineate project elements, surface water and wetlands resource areas, open space (including active and passive recreation and permanently protected habitat areas), adjacent land uses, and Zone IIs and other water protection districts on or adjacent to the project site. All maps and site plans should be clearly labeled and include a scale and legend to facilitate review and comment.

The DEIR should identify any permits or approvals required and provide an update on the permitting process. Any changes to the proposed project since the NPC filing should be summarized in the DEIR.

ALTERNATIVES/PROJECT PHASING

Infrastructure Impacts Alternatives

The DEIR should include alternatives analyses for transportation, water supply, wastewater and stormwater infrastructure as further detailed below and in the relevant section of this Certificate. The DEIR should provide a rationale for the selection of preferred infrastructure alternatives and the elimination of others from future consideration. In evaluating different levels of development as part of the alternatives analysis, the DEIR should describe the corresponding infrastructure needs to support such development and present timelines for implementation.

Transportation alternatives in the DEIR should include the following:

- The no-build alternative, for baseline purposes;
- The Route 18 improvements alternative, which should define the level of development supportable by the proposed improvements, including widening of Route 18 and completion of the five intersection improvements;
- The transit improvements alternatives, which should identify the level of development supportable by proposed improvements to rail access, regional bus services, and shuttle bus services within the site and from other regional locations.
- The East-West Parkway alternatives. The Parkway alternatives analyses should identify the level of development supportable by the proposed Parkway and associated local roadway improvements. The DEIR should also include an analysis of alternative access routes to the proposed Parkway as further detailed in the transportation section below.

Site Planning Alternatives

The purpose of the site planning alternative is to ensure that the wetlands, aquifers, wildlife habitat and other critical resources are protected, and to explore the opportunities for compact mixed-use development planning that maximizes sustainable development practices. By reducing the footprint of buildings and paved areas, the proponent can reduce impacts to vegetation, surface and groundwater, and can encourage pedestrian and transit access that will serve as a state-wide model. The project as proposed includes 350 acres of impervious area, an increase of 120 acres compared with existing conditions on the base. The alternatives analysis should address measures to minimize impervious areas. The alternatives analysis should also evaluate how different programmatic elements can be arranged on the site to maximize the potential for pedestrian-friendly, transit-oriented development.

The DEIR should present at least one reduced scale Master Plan alternative. The purpose of the reduced scale alternative is to identify opportunities to avoid and minimize environmental impacts, and to provide examples of different levels of development and different site configurations that can guide future planning and development of the site. In developing a reduced-build alternative, the proponent may consider alternatives that eliminate certain project components and reduce the overall level of development. The proponent may also consider alternative layouts and other design changes that reduce the overall footprint of various project components. I refer the proponent to the sustainable design section of this Certificate for additional recommendations on measures to reduce environmental impacts. As further detailed in the rare species section below, the proponent will need to redesign components of the master plan in order for a Conservation and Management Permit to be considered.

TRANSPORTATION

The project as proposed in the NPC is expected to generate 20,000 vehicle trips per day on an average weekday. The DEIR should include a transportation study prepared in conformance with the EOEAEOT Guidelines for EIR/EIS Traffic Impact Assessments and should identify appropriate mitigation for intersections where the project will have an impact on traffic operations. Trip generation rates and transportation analysis should be updated from the original studies to reflect the current development plan. The DEIR should provide a detailed analysis of impacts, for each phase of the project, on the transportation system on and off the site. The DEIR should clearly describe how phases of the redevelopment project will be coordinated to ensure there is adequate infrastructure capacity on and off-site.

Figure 3 of the NPC identifies intersection locations proposed by the proponent and by the CAC for inclusion in the traffic study area. MHD has determined that this study area is adequate. However, as further detailed in its comment letter, MHD is conducting travel modeling in the study area and may require that additional locations are included in the traffic study. The proponent should consult with MHD regarding the outcome of modeling studies and to identify any additional locations that may be required.

In addition to consultations with state agencies, and in order to define an appropriate study area for the project, the proponent should consult with town engineers, public works directors, town planners, and other local experts to determine the expected distribution of trips to and from the site and identify intersections to be evaluated in the DEIR. Mayor Madden of the Town of Weymouth has specifically requested that eight Weymouth intersections are included in the traffic study. I refer the proponent to the comment letter from the Town of Weymouth, MAPC and other commenters for recommendations on intersections to be included in the traffic study. The proponent should consult with EOT and MHD to finalize details of the traffic study and identify the complete list of intersections to be studied. The DEIR should provide an update on consultations at the state and local levels, and clarify any changes in the study area as compared to that proposed in the NPC.

The proponent should coordinate with EOT and MHD regarding the agency's Route 3 improvements project. The DEIR should provide an update on the timeline for the Route 3 improvements in the context for the proposed project and its various phases. The DEIR should identify any dependencies the project may have on the Route 3 improvements to provide adequate capacity for the increased traffic that will be generated by the redevelopment of the site.

The DEIR should include clear commitments to traffic mitigation and provide a timeline for implementation of mitigation measures based on the phasing of the project. The DEIR traffic study should present capacity analyses and a summary of average and 95th percentile vehicle queues for each intersection within the study area. The DEIR should include weave, merge, diverge, ramp and road segment analyses where applicable. Any proposed traffic signal must include a traffic signal warrant analysis according to the Manual of Uniform Traffic Control Devices (MUTCD).

Proposed Improvements

The NPC describes site access and roadway improvements proposed to address the traffic impacts associated with redevelopment of the site. These improvements include Route 18 widening and intersection improvements, an East-West Parkway, and a temporary access road, and opening Trotter Road to provide access between the project site and Route 18 and the commuter rail station. These improvements will require significant investments and are likely to be phased in over time to accommodate various stages of development. The DEIR should include conceptual plans for improvements as further detailed in the EOT comment letter. The DEIR should identify all land takings and permits to implement proposed improvements and identify the party responsible for funding.

The DEIR should include an analysis of alternatives to the East-West Parkway and access to Route 18. The alternatives analysis should evaluate access schemes that will accommodate different levels of development, and evaluate alternatives with respect to permits, design requirements, access connections, and funding sources. The alternatives analysis should evaluate impacts associated with specific infrastructure elements as well cumulative impacts of each access scheme. As noted in its comment letter, EOT and MHD

will continue to work with the proponent to evaluate alternatives for Route 18 and the Parkway to maximize access and improve traffic operations and safety conditions in the vicinity of the project.

The proponent should work closely with the appropriate state and federal agencies on permitting issues. The DEIR should provide an update on the state and federal permit process and include a list of all permits required. As further detailed in the EOT letter, MHD may not be the proponent for the Route 18 widening and East-West Parkway. The proponent should work closely with the EOT and MHD to ensure the project meets the criteria for federal funding and to identify the best way to fund, program, permit and expedite proposed transportation improvements.

The proposed East-West Parkway alignment involves a crossing that may adversely impact the Old Swamp River (an Outstanding Resource Water (ORW)) and is located in an area that includes endangered species habitat and a capped Rubble Disposal Area. The DEIR should discuss how the proposed crossing in this area will comply with the new US Army Corps of Engineers Stream Crossing Guidelines and the wildlife accommodation guidelines in MHD's Project Design and Development Guidebook. The DEIR should evaluate wetlands impacts associated with infrastructure improvements as further detailed in the EOT comment letter. The DEIR should discuss potential impacts and regulatory requirements with regard to the Rubble Disposal Area and proposed Parkway, and discuss future maintenance responsibilities. The DEIR should address future ownership of the Parkway upon termination of the SSTDC.

The DEIR should provide a detailed description and analysis of impacts for the temporary access road referred to in the NPC. The proposed alignment of the temporary access road should be identified on site plans. The DEIR should evaluate impacts associated with the temporary access road, including potential impacts to wetlands and vernal pools and rare species habitat. The DEIR should describe proposed measures to avoid and minimize, or mitigate impacts. The DEIR should discuss the proposed timeframe and uses for the temporary access road, and identify any permits required. The alternatives analysis for the East-West Parkway and the proposed temporary access road should compare the relative wetland and rare species habitat impacts of each potential route, the no-build and other transportation alternatives.

The DEIR should provide information on funding sources and timeline for transportation improvements. The DEIR should describe how the various improvements (including those identified in the MAPC letter) will be coordinated to ensure a functioning multi-modal transit system for all phases of the project. The DEIR should discuss the National Environmental Policy Act (NEPA) process for the proposed Parkway, Route 18 widening, and other transportation improvements related to the proposed project.

Parking

The availability of parking is an important factor in influencing travel behavior. The DEIR should include a parking needs assessment. The DEIR should quantify the number of

employee, residential, institutional, commercial, visitor spaces as well as parking associated with recreational facilities and the on-site multi-modal transit center. The DEIR should include the number of surface and structured parking for each type of user. The DEIR should address strategies to mitigate traffic impacts through parking supply and constraints, transit subsidies and other measures. The DEIR should also address the use of pervious surfaces and other Low Impact Development (LID) techniques to offset potential increases in impervious area typically associated with parking facilities.

Transportation Demand Management (TDM)

The proponent has committed, in the Phase I Report and the NPC, to a number of TDM measures including establishing a Transportation Management Association and a TDM program, use of a clean fuel transit system, upgrades to the South Weymouth commuter rail station and an on-site multi-modal transit system.

The DEIR should provide a detailed TDM program and implementation plan with a focus on making transit an integral part of site planning and make the project more consistent with smart growth principles. The DEIR should evaluate projected ridership and describe incentives proposed to encourage transit use as further detailed in the EOT letter. The DEIR should set a specific target for reducing auto trips to and from the site (MAPC has recommended 50 percent for the project including the construction period) and commit to a flexible mitigation program to achieve this target. The DEIR should include a monitoring and evaluation plan for the TDM program that identifies specific qualitative and quantitative measures for each element of the program as well as overall goals that will be used to measure the program's success as part of an annual monitoring plan. I encourage the proponent to work jointly with the Office of Transportation Planning, MHD and the CAC to establish the goals of the TDM program. The TDM program should include proposed measures to comply with the anti-idling provisions of the Massachusetts Air Quality Control regulations at 310 CMR 7.11 as recommended by DEP in its comment letter.

To promote alternatives to auto travel, the EIR should describe the full range of measures that are proposed to enhance pedestrian and bicycle access, both within the site and to connect to adjacent areas. The DEIR should demonstrate appropriate sizing and location of sidewalks and other pedestrian and bicycle facilities to accommodate the project needs. I refer the proponent to the state's Pedestrian Transportation Plan and Bicycle Transportation Plan for ideas and resources that should be reflected in project design.

On-Site Multi-modal Transit Center

The DEIR should describe in detail the proposed multi-modal transit center and how it will be integrated with the existing commuter rail station. The DEIR should include a well-developed schematic design for the proposed transit center area. The proponent should work closely with MBTA to identify upgrades needed at the existing station and to ensure connectivity with the proposed transit center. The proponent should coordinate closely with the MBTA in order to ensure that adequate transit capacity will be made available to fully realize the benefits of what is being designed as a transit-oriented development. I encourage

the proponent to coordinate with the MBTA as early as possible in preparation of the DEIR. The DEIR should include an update on consultations with MBTA. The DEIR should clarify if the proposed site for the transit center is zoned open space and if any zoning change and/or approval pursuant to the EOE Article 97 Land Disposition Policy is required. The DEIR should describe and quantify impacts associated with the transit center, including potential wildlife habitat impacts.

The DEIR should include an analysis of existing ridership for the South Weymouth commuter rail station and evaluate the capacity of the Old Colony rail line. The DEIR should also include an estimate of projected ridership and demonstrate how any impacts to the existing transit system will be mitigated.

The DEIR should evaluate potential mitigation measures to enhance project integration within the regional transportation system, including:

- Intermodal connections to the Greenbush and Middleboro lines;
- Expansion of MBTA bus services to the site and other bus transit options to points off the site in the surrounding communities;
- Off-site bike routes to allow safe passage for cyclists to access trails on the site.

The DEIR should identify and analyze the full range of alternative measures that could be incorporated into the project to maximize use of transit. Existing and future transit facilities that will serve the project, including shuttle buses within the project site boundaries and to other locations, should be described, including their capacity, frequency of service and destinations.

The DEIR and any future filings for the proposed development should include an update on the local permitting process with respect to state highway issues. I encourage the proponent to consult with MHD before state highway issues are discussed in local meetings or hearings. I also encourage the proponent to continue working with the Office Transportation Planning, MHD District 4 and 5 Offices, and the Environmental, Highway Design, Planning and Traffic Operations divisions during preparation of the DEIR and any future filings.

RARE SPECIES AND WILDLIFE HABITAT

Rare Species

The project site has been documented to provide habitat for five state-listed rare species; the Grasshopper Sparrow, Upland Sandpiper, Eastern Box Turtle, Spotted Turtle, and Mocha Emerald dragonfly. The Northern Harrier is also reported to occur on-site, although it does not appear to breed here. These species are protected pursuant to the Massachusetts Endangered Species Act (MESA) and the Wetlands Protection Act. The project, as proposed in the NPC, will adversely affect habitat of the Eastern Box Turtle, Spotted Turtle, Grasshopper Sparrow, and Upland Sandpiper and should be modified in order to meet the standards for a Conservation and Management Permit. Rare species impacts are

primarily associated with the proposed East-West Parkway, housing on the eastern portion of the site, the golf course, and development immediately to the north of the golf course.

The DEIR should fully describe all wetlands and uplands habitat associated with state-listed rare species, both on and off-site in areas affected by the project. The DEIR should provide a revised project plan that will reduce impacts to state-listed rare species and their habitats and a detailed mitigation plan addressing the concerns and recommendations of NHESP as further detailed in its comment letter. The DEIR should demonstrate how the proposed project will meet the standards for a Conservation and Management Permit under the Massachusetts Endangered Species Act (MESA). The DEIR should clearly describe the impacts of project alternatives to rare species, including the acreage of habitat impacted, and changes in habitat connectivity, viability and functionality. The DEIR rare species analysis should address impacts associated with off-site transportation improvements, including connections from the proposed East-West Parkway to local roads.

NHESP will only consider permitting the Parkway if all viable alternatives have been evaluated, and if there are no viable alternatives, the Parkway design should meet the standards for "insignificant impact". As further detailed by NHESP in its comment letter, the proposed housing in the eastern portion of the site will need to be eliminated to meet the standard of "insignificant impact" and the project will also need to provide permanent protection for the remaining habitat on the site, and a habitat management and population monitoring program. The DEIR should include a detailed evaluation of viable alternatives to the proposed Parkway that have less impacts to rare species. The Parkway alternatives analysis should include an evaluation of alternative road routes, and designs that minimize road width and overall land alteration to the greatest extent practicable.

The proposed golf course and a portion of the proposed housing immediately north of the golf course will adversely affect state-listed grassland bird habitat. The DEIR should include an evaluation of alternative golf course layouts. The DEIR should include detailed plans for the proposed layout of the golf course that minimizes impacts to existing grassland. The DEIR should describe proposed grassland management plans and provide details of proposed grassland restoration on existing runway areas, including location, acreage and restoration plans. The DEIR should include details of on-site and off-site grassland habitat mitigation plans. The proponent should continue consultations with NHESP during project design and provide an update on consultations in the DEIR.

Wildlife Habitat

Because this project is subject to broad scope jurisdiction, the evaluation of environmental impacts must extend beyond rare species to include the full range of wildlife on the site and other potentially affected areas. The DEIR should include a complete description of the site's natural communities, and it should show how the overall site planning will protect wildlife corridors and avoid or minimize fragmentation and degradation of habitat. The DEIR should also discuss how site planning and setbacks will ensure adequate adjoining upland habitat for wetland-dependant species. The DEIR should provide

sufficient detail in text and graphics to clearly demonstrate how the proposed project meets the four major ecological goals identified in the NPC.

The DEIR should report fully on the results of wildlife studies undertaken in relation to rare species and the NHESP permit process. The DEIR should also summarize and synthesize all other wildlife studies carried out by the U.S. Navy and other parties.

WETLANDS

The NPC indicates that the project as proposed will result in impacts to approximately 37,000 sf of bordering and isolated vegetated wetlands on-site and that a further 0.7 acres (30,800 sf) of wetlands impacts are associated with proposed roadway alignments east of the project site. The DEIR should identify and quantify all wetlands impacts (individual and cumulative) associated with the project, on-site and off-site. The DEIR should clarify total impacts to bordering and isolated vegetated wetlands on and off-site. Wetlands impacts for individual project elements (e.g. the East-West Parkway, the multi-modal transit center, off-site infrastructure improvements etc.) should be described and located on site plans. The DEIR should clearly identify resource areas under state and federal jurisdiction, including federal functions and values. The DEIR should identify and quantify all wetland impacts on and off-site, and identify provisions in the Wetlands Regulations that the proponent intends to use to justify proposed impacts. The DEIR should provide information to demonstrate how the project will meet Chapter 91 License requirements pertaining to crossing of the Old Swamp River.

The project as proposed would require a variance from the WPA. However, DEP has indicated, as further detailed in its comment letter, that economic redevelopment projects have not qualified for a variance from the WPA. The DEIR should present project plans that reduce wetlands impacts and avoid the need for a Variance.

Based on the NPC, it appears that some wetlands alteration may be proposed as "limited projects". The DEP comment letter outlines the circumstances (which include "limited projects") in which more than 5,000 sf of BVW impacts can be legally authorized by a Conservation Commission. As further detailed in the DEP comment letter, there are two "limited project" provisions for roadway construction that cannot be used if there is an impact to specified habitat of rare species. The proponent may have difficulty justifying that the project is consistent with the "limited project" provision of 310 CMR 10.53 (3)(e) pertaining to construction and maintenance of a new roadway. The DEIR should discuss if the second "limited project" provision (310 CMR 10.53(3)(f)) relating to maintenance and improvement of existing public roadways could be used to improve any existing roadways within the project site.

The DEIR should clearly delineate and map all wetlands resource areas by type, including off-site wetlands that will be adversely affected by the project. The resource maps should include information on wetlands that are subject to federal, state and local jurisdiction. The DEIR should include an overlay map(s) that depicts the proposed development in relation to existing wetlands resource areas and clearly locates areas of

impact. Each of the project alternatives should be superimposed on the resource map so that all areas of proposed wetland alteration and buffer zone impact are identified.

Site plans and/or resource maps should be accompanied by a narrative description of each wetland resource area that identifies the significance of its resource values, including public and private water supplies, flood control, storm damage prevention, prevention of pollution and protection of fisheries and wildlife habitat. The DEIR should fully describe and quantify all impacts to wetlands resource areas, including impacts associated with road crossings of Old Swamp River and the temporary construction road. The DEIR should identify Bordering Land Subject to Flooding and the 100-year floodplain, and locate and quantify any impacts to these areas. The DEIR should also identify and quantify impacts to the wetlands buffer zone. The DEIR should identify the location and amount of Riverfront Area impacts and describe how the proponent intends to meet the performance standards for working in this Resource Area. The DEIR should include clear commitments to implement mitigation measures as well as detailed wetlands replication and restoration plans, and a discussion of how compliance with applicable performance standards will be achieved.

As further detailed in the comment letter from the Division of Marine Fisheries, the project site is bordered by two brooks, Old Swamp River and French Stream. These brooks feed into downstream river systems and estuaries that serve as important migratory pathways and habitat for anadromous fish species and winter flounder, and contain highly productive shellfish resources.

The DEIR should describe potential impacts to river systems and estuaries resulting from stormwater discharges and land use practices proposed for the project site. The DEIR should describe changes in nutrient loading to Old Swamp River and French's Stream as a result of the project, and describe any monitoring system proposed to evaluate impacts to water quality. The DEIR should evaluate alternatives that avoid stormwater and wastewater discharges to surface water, and should describe measures to avoid potential adverse impacts from sediment and pollutant loading. I encourage the proponent to incorporate work to restore degraded wetlands and waterbodies on the site as part of the redevelopment effort, including but not limited to, the daylighting of French's Stream. The NPC indicates that an evaluation of stream restoration potential will be conducted. The DEIR should include the results of evaluation and site-specific plans for proposed stream restoration.

The DEIR should clarify local jurisdiction for wetlands impacts associated with different project elements, and identify whether an Order of Conditions is required from SSTTDC and/or the Towns of Weymouth, Abington and Rockland for each project element. The DEIR should clarify whether all wetlands delineations, including isolated vegetated wetlands in the Town of Rockland, have been approved by the Towns. The DEIR should also clarify which components of the project require a Variance and Superseding Order of Conditions from DEP.

STORMWATER

The DEIR should provide a drainage analysis and a detailed description of the proposed stormwater management system, and demonstrate how the project will meet DEP's Stormwater Management Policy and applicable standards. The DEIR should describe existing conditions and discuss changes to site topography, hydrology and drainage patterns as a result of the proposed land alteration and impervious area. The DEIR should demonstrate how the project is being designed to avoid and minimize any adverse impacts to site hydrology and wetland resources on and adjacent to the project site. Specific LID measures that will be incorporated in the project should be described. The DEIR should identify the size and location of stormwater system features on site plans. The layout of the stormwater system should be presented in the context of existing natural resources and proposed development areas to facilitate assessment of potential impacts and adequacy of the system. The DEIR should discuss ownership and long-term management of the stormwater system and include an operations and maintenance plan. The DEIR should include a stormwater pollution plan that details Best Management Practices (BMPs), pollutant elimination targets, and maintenance schedules and protocols.

Stormwater issues are also a key concern in the study of infrastructure and site planning alternatives (described above). The DEIR should discuss stormwater management in relation to the project phases, different levels of development, and alternative site layouts. The DEIR should identify any stormwater management constraints associated with project alternatives and/or opportunities to enhance use of Low Impact Development (LID) techniques. The DEIR should discuss the timing of stormwater infrastructure development as it relates to proposed project phases.

OPEN SPACE

The NPC indicates that approximately 800 acres of wildlife habitat on the project site will be permanently protected. The DEIR should clarify the amount and type of open space and the extent to which habitat will be protected. The NPC is unclear as to the total amount of area that will remain undeveloped. The DEIR should clarify the total amount of land alteration for all project elements including recreational (active and passive) and landscaped areas, and the golf course. The DEIR should fully describe proposed mechanisms for permanent protection of wildlife habitat and other open space areas. The location and acreage of different types of open space, including areas to be placed under permanent protection should be identified on site plans. A number of comment letters have expressed concern regarding the reliance on zoning as an adequate mechanism to protect open space and wildlife habitat, given that these areas could potentially be developed for stormwater infrastructure and landscaped areas. The DEIR should include information on the proposed allowed and restricted uses within open space areas, and provide drafts of any Conservation Restrictions proposed, as well as information on ownership and long-term management.

The DEIR should provide detailed plans for the proposed trail network and describe how the trails will be designed to avoid and minimize wetlands and other habitat impacts.

The DEIR should demonstrate how the trails network will serve as a complementary use consistent with rare species and wildlife habitat protection goals of the project.

The DEIR should include a Turf Management Plan and Integrated Pest Management (IPM) Plan, which will avoid or minimize application of fertilizers, pesticides and other chemical controls for the entire project. The DEIR should disclose fertilizers, herbicides, and pesticides proposed for use and include appropriate Material Safety Data Sheets (MSDS). The DEIR should discuss circumstances, timing, and quantities of chemical controls proposed for use, and provide a risk assessment of potential impacts to rare species and water quality. The DEIR should explain any monitoring proposed, and development of action thresholds.

WATER SUPPLY

Water use for the proposed project is estimated at 1.4 million gallons per day for potable use and up to 650,000 gpd for irrigation, for a total of approximately 2 million gpd, approximately twice the volume proposed in the previous plan that underwent MEPA review in 2002. The main reason for the increase, according to the NPC, is the inclusion of water-intensive biomedical manufacturing in the current master plan, which is expected to consume approximately half of the project's total estimated water demand.

The two most viable options for long-term water use identified in the NPC are the MWRA and the Aquaria desalination facility. The DEIR should include a full alternatives analysis for both MWRA and Aquaria (treating each as equally viable options) and for any other feasible alternatives. The DEIR should also discuss the feasibility of obtaining water from the Town of Braintree and include this option in the alternatives analysis if it appears feasible. The NPC indicates that several other alternatives identified are not considered viable options at this point in time. These include: the Braintree Electric Light Department (BELD); Hull wind generation project; Old Oaken Bucket property in Scituate, the Cohasset water supply; and on-site wells. The proponent should continue to track the progress of supply alternatives, and the DEIR should provide an update on the status of the Town of Braintree, BELD, Hull, Cohasset, and Scituate options, and in the event any are considered feasible, these options should be included in the alternatives analysis.

The NPC indicates that on-site wells are no longer being considered for potable water since DEP recommends that this be considered a fall-back option due to potential contamination threats as well as vernal pool and streamflow impacts.

The alternatives analysis for water supply sources should include the following analysis and additional information as further detailed in the comment letter from MAPC :

- A delineation of the alternative system connections between the base and both the MWRA and Aquaria water supply from Brockton;
- A comparative analysis of the environmental impacts of the alternative interconnection alignments from both the MWRA and Aquaria;
- A comparative analysis of the impacts of the proposed 1.4 mgd withdrawal from both of the proposed donor watersheds; and

- An assessment of costs and water quality compatibility.

The DEIR should include water use and wastewater generation rates for each project element and chart those rates against available infrastructure as part of the alternatives analysis. The DEIR should describe impacts and mitigation measures associated with upgrades to existing infrastructure and development of new infrastructure on and off-site.

I expect the DEIR to include a comprehensive Water Conservation Plan that addresses the proposed biomedical development as well as residential, irrigation and water use associated with other project elements. I strongly encourage the proponent to consult with the Commonwealth's Office of Technical Assistance (OTA) regarding potential water conservation measures for the biomedical facilities, which may include recovery and recycling of cooling tower and reject water, as well as water-efficient process design. The DEIR should include specific measures that will be taken to achieve the goal of an average rate of 65 gpd for residential water consumption.

The DEIR should provide detailed information with regard to the project's water supply permit requirements and the application of the Water Management Act. The proposed project requires approval under the Interbasin Transfer Act (ITA). The Water Resources Commission will use the EIR as the ITA application and the DEIR should therefore include the information required for review under ITA. The DEIR should include a Water Supply Business Plan to demonstrate that the water system will have the financial, technical and managerial capacity to meet its regulatory requirements under the Safe Drinking Water Act and the Massachusetts Drinking Water Regulations. The DEIR should also include an evaluation of any existing water supply infrastructure that will be incorporated into the project.

The MWRA has indicated in its comment letter that it has adequate water resource capacity to supply the project, and that the project will need to meet a number of criteria and obtain various approvals, including approval by the Legislature and the Governor, in order to qualify for extension of services. The DEIR should provide an update on the approval process, and include information to demonstrate that the project meets criteria of MWRA's Operating Policy #10 regarding the Admission of New Communities to the MWRA Water Supply System. These criteria include a thorough analysis of alternative water supply options and a demonstration that no local sources are available to satisfy long-term demand. The DEIR should include an update on consultations with MWRA regarding connection to the MWRA system.

The DEIR should clarify responsibilities and obligations of the proponent (SSTDC and LNR South Shore LLC) and with regard to system maintenance and repair, and discuss long-term ownership and management issues.

Irrigation

As further detailed in the DEP comment letter, Test Well 1-01, which is located near the proposed wastewater treatment facility and the golf course, will not be approved as a

public water supply, though it could potentially be used for irrigation purposes. The NPC indicates that an on-site well is proposed for golf course irrigation during the first 4-5 years and that most of the project's irrigation needs will eventually be met using reclaimed wastewater for irrigation. The DEIR should confirm if Well 1-01 is being proposed for irrigation and identify the number of other wells proposed. The DEIR should provide information on proposed water withdrawal volumes and timeframe, and clarify if Well 1-01 is being proposed to supply the 200,000 gpd that the NPC indicates is required for the initial grow-in period of the golf course. The DEIR should identify the source and volume of water for irrigation of open spaces other than the golf course.

The DEIR should clearly identify on site plans the location, and proposed withdrawal volumes, of all wells proposed. The DEIR should include an analysis of the impacts of proposed withdrawals on streamflow, vernal pools and other wetlands resource areas, as well as impacts to off-site water supplies such as the Weymouth Reservoir and privately owned wells. The DEIR should demonstrate the consistency of the proposed irrigation system with DEP regulations and should discuss potential conflicts or interactions with any contaminated sites or remediation activities on the base.

The DEIR should provide a detailed description of the project's irrigation system(s) and describe a management plan to minimize water required for the golf course and recreational fields. The DEIR should clarify the timeline for development of the reclaimed water source as it relates to different stages of development and irrigation needs. The DEIR should indicate the amount of water savings expected due to use of reclaimed water for irrigation.

WASTEWATER

The DEIR should provide an analysis of alternative locations for the Wastewater Treatment Plant (WWTP) and discuss why the proponent has selected the preferred alternative and why others have been eliminated from further consideration. The alternatives analysis should describe different levels of capacity of the WWTP that would be required to support different levels of development. The DEIR should provide hydrologic analysis for the site and demonstrate how the proposed WWTP will be designed to use the natural hydrologic flow the site to maximize recharge to the receiving basin.

The DEIR should provide detailed plans for the proposed wastewater treatment plant (WWTP) and clearly locate all components of the proposed facility on site plans. The DEIR should include an analysis of potential impacts of the WWTP including but not limited to flooding, water quality, changes in groundwater levels, and potential interactions with environmental clean-up and existing contamination.

The wastewater discharge options under consideration by the proponent include constructed wetlands, surface waters, groundwater, or a combination of these options. The NPC proposes that during low flows, wastewater will be discharged to French's stream or other surface or ground water. The Water Resources Commission has determined that if the source of the water is an out-of-basin source, e.g. MWRA, such a discharge is considered

a secondary discharge and is non-jurisdictional under the Interbasin Transfer Act. However, many comment letters expressed concern about potential increased sediment and pollutant loading, and habitat degradation, which could result from discharge to surface waters. A number of comment letters also highlighted existing water quality issues in French's Stream and flooding that affects downstream properties. The DEIR should include Total Maximum Daily Load analyses for any surface water to which the proponent intends to discharge wastewater. The DEIR should demonstrate how the project is being designed to avoid negative impacts to French's Stream. The DEIR should include an analysis to address the following:

- Subsurface discharge location(s) and impacts on down-gradient surface and groundwater;
- Impacts of wastewater discharge during periods of low irrigation demand;
- Mitigation measures to prevent flooding hazards downstream of the discharge; and
- Measures for re-establishing natural flow regimes in French's Stream and Old Swamp River, including downstream flood control and habitat value of restored streams.

The DEIR should clarify whether any long-term use of the Weymouth sewer system is proposed, and discuss the plans and timeframes for re-routing Phase I development to tie into the proposed WWTP. If any long-term use of the Weymouth system is planned, the DEIR should provide information on any upgrades to the system that may be required.

The DEIR should include a detailed description of all mitigation proposed to offset wastewater impacts. Mitigation should include measures to reduce excessive infiltration from existing sewer infrastructure on the site that may be used as part of the project. The DEIR should describe how the project will eliminate any illegal inflow sources from the existing sewer system and identify and eliminate any illegal sewage connections to the existing storm drain system. Section 61 findings should include commitments to support and comply with the inflow/infiltration programs of the Towns of Weymouth, Abington and/or Rockland as appropriate.

CONSTRUCTION AND DEMOLITION (C&D)

The proponent has committed to developing CMPs, including traffic management plans, in cooperation with the Towns of Weymouth, Abington and Rockland, and to establish a Memorandum of Agreement (MOA) with each town. The DEIR should provide an update on status of MOAs with the three towns and clarify if separate MOAs are being developed for each phase of the project.

The DEIR should include a draft construction management plan (CMP) describing project activities and their schedule and sequencing, site access and truck routing, and Best Management Practices (BMPs) that will be used to avoid and minimize adverse environmental impacts. The CMP should address potential impacts and mitigation relating to land disturbance, wetlands and rare species impacts, noise, dust, odor, vehicle emissions, construction and demolition debris, and construction-related traffic. The CMP should describe the proponent's plans for recycling of construction and demolition (C&D) materials. I strongly encourage the proponent to incorporate recycling of C&D materials to the

maximum extent feasible for all phases of the project. The CMP should address construction vehicle monitoring and how results will be used to modify the CMP as needed to meet automobile trip reduction goals.

AIR QUALITY

The project exceeds DEP's trip generation threshold and therefore requires a mesoscale analysis. The DEIR should include an indirect source review analysis (mesoscale analysis) to ensure consistency with the provisions of the State Implementation Plan (SIP) for ozone attainment. The DEIR should estimate the total emissions of Volatile Organic Compounds (VOCs) associated with all project vehicle trips. If the mesoscale vehicle emissions from the preferred alternative prove greater than the no-build preferred alternative, the DEIR should evaluate all reasonable and feasible reduction/mitigation measures, include appropriate commitments, and estimate quantitative emission reductions. (When discussing commitments, the proponent may reference the transit and TDM sections to the extent that those commitments and mesoscale air quality mitigation overlap).

The proponent should also perform a microscale analysis of carbon monoxide (CO) concentrations at sensitive receptors located within the project area. Sensitive receptors are defined as those areas within which the public is likely to have frequent or prolonged access. The microscale analysis should estimate the ambient concentrations of CO that will be found within the project area and should encompass the area adjacent to and within approximately 0.3km of the proposed facility and existing roadways impacted by the project.

Prior to undertaking the mesoscale and microscale analysis the proponent should consult with the DEP's Air Quality Program for confirmation of the study areas, selection of sensitive receptors, and methodology. The DEIR should provide an update on consultations with DEP and address the issue of whether or not the project requires a federal conformity analysis.

In addition to transportation impacts, the air quality analysis and mitigation measures in the DEIR should address air quality impacts associated with energy use of the proposed development. The proponent should consider sustainable design and other measures that reduce energy consumption from buildings and other project elements. Such measures can also serve to reduce emissions of air pollutants and greenhouse gases, thereby reducing overall project impacts. The proponent should refer to the Sustainable Design section of this Certificate for additional recommendations.

SOLID WASTE

The DEIR should respond to DEP's comments on the Phase I Report regarding development of an integrated strategy to minimize or mitigate solid waste impacts. The DEIR should include a solid waste management plan (SWMP) that gives priority to source reduction and recycling measures. The SWMP should address the construction and demolition period as well as future phases of the proposed redevelopment. I encourage the proponent to consult with DEP regarding the development of the SWMP.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

An archaeological survey in 2002 by PAL, Inc. for the proposed Route 3 Connector determined that limited portions were archaeologically sensitive. The proponent should consult with the Massachusetts Historical Commission (MHC) regarding subsequent changes in transportation and access improvements for the project, and potential impacts on historical and archaeological resources. The proponent should also consult with local historical commissions where potential impacts may occur. The DEIR should provide an update on consultations including any additional archaeological surveys that may be necessary, and describe measures proposed to avoid and minimize, or mitigate any adverse impacts to significant archaeological resources.

AGRICULTURAL SOILS

The provisions of Executive Order #193 apply to this project because of the state funding involved and presence of state-important and prime agricultural soils. As a result, loss of agricultural land should be mitigated. The proponent should consult with the Department of Agricultural Resources (DAR) regarding the feasibility of preserving agricultural resources, mitigation measures, and proposed agricultural use at the site.

SITE CONTAMINATION AND CLEAN-UP

The DEIR should include a discussion of contaminated sites on the base including the status of remediation activities and responsibilities for clean-up. While I am not requiring a detailed analysis of base clean-up issues, the DEIR should provide sufficient detail to demonstrate that proposed site uses are consistent with the level of clean-up and any Activity and Use Limitations (AULs) that may be established or proposed. The DEIR should identify any potential conflicts between site design alternatives and remediation activities, and demonstrate that future development activities will not impede on-going clean-up work.

The DEIR should include a map showing the locations of contaminated sites under study or remediation, and AUL locations, in the context of the proposed project. The DEIR should include information on the types of AULs established and/or proposed.

CUMULATIVE IMPACTS

The cumulative impacts analysis should include all phases of the project and describe potential conflicts or incompatibilities among land uses proposed, and any measures being proposed as mitigation. The analysis should include, but not be limited to, a consideration of the types of facilities proposed and their proximity to residential areas. The DEIR should also discuss how the project is being designed to encourage complementary site uses and how this will minimize environmental impacts including on and off-site traffic impacts.

I encourage the proponent to work closely with the Towns of Abington, Rockland and Weymouth to identify other projects under development in the vicinity of the site in order to

address potential cumulative impacts and opportunities to coordinate mitigation of impacts. The DEIR should include a summary and chart that clearly identifies overall cumulative impacts for the entire project as well as sub-totals of impacts for project elements and project phases (including but not limited to: traffic; land alteration; impervious area; water quantity and quality; wastewater; wetlands, grassland and other wildlife habitat alteration). The DEIR should quantify impacts where possible and provide qualitative descriptions otherwise (e.g. with regard to discussion of habitat connectivity). The DEIR should discuss interactions of project components, including potential impacts associated with the on-site arrangement and proximity of project elements (e.g. truck routes and residential development; interactions with on-going clean-up activities, on-site activities in relation to habitat protection, and other land use compatibility issues).

SMART GROWTH AND SUSTAINABLE DESIGN

The proponent has committed to incorporating sustainable design principles in the proposed redevelopment project and, since the filing of the 2002 Phase I Report, has made substantial progress towards the goal of a smart growth development. There are many elements of the proposed project that enhance its capacity to become a model of Smart Growth. These include: access to commuter rail, a mixture of uses, on-site wastewater treatment to promote recharge, and other project elements. I commend the proponent for its efforts in this regard and expect that a fully developed set of sustainable design guidelines will be included in the DEIR. I encourage the proponent to contact the EOEPA Policy Office for assistance in identifying resources and models to support sustainable project design and to consult with the EPA Office of Smart Growth as suggested in its comment letter.

Executive Order #385 (planning for Growth) requires as part of MEPA review that the proponent fully consider local and regional growth management plans. The EIR should analyze the consistency of the project alternatives with the regional policy plans of the Metropolitan Area Planning Council and the Old Colony Planning Council, the four affected communities, and the Vision 2020 Report. The DEIR should expressly address any inconsistencies between project alternatives and the goals of these plans.

The DEIR should evaluate sustainable design alternatives as mitigation measures for project impacts, including those related to air quality, water resources, wetlands, rare species and wildlife habitat. In considering air quality, the analysis in the DEIR should address, in addition to transportation, the air quality impacts associated with energy use of the proposed *Village Center Master Plan*. I strongly encourage the proponent to require Leadership in Environmental Design (LEED) Certification for new construction (commercial development), as well as LEED for Homes and Energy Star Certification for the residential component of the project. The incorporation of high performance/green building elements in project design will help reduce the environmental footprint of the final project in terms of energy and water consumption, ambient and indoor air quality, habitat alteration, and resource consumption.

In addition to LEED and EnergyStar Certification, I encourage the proponent to consider the following in development of the sustainable design guidelines:

Energy Efficiency and Renewable Energy: including but not limited to use of highly efficient fixtures and HVAC equipment, daylighting, combined heat and power systems, purchase of renewable energy credits, and use of on-site renewable energy.

Site Design: including but not limited to use of Low Impact Development (LID) techniques, solar orientation, and inclusion of open space, green roofs, access for pedestrians and cyclists, habitat conservation and/or restoration, and reduction of light pollution.

Open Space/Landscape Management: including but not limited to legal mechanisms for permanent protection of habitat; ecological landscaping including use of native plants; use of Integrated Pest Management (IPM) and other measures to minimize use of pesticides, fertilizers and other chemical controls.

Water Efficiency: including but not limited to: efficient irrigation systems, reduced irrigation needs through use of native plants and site design (including minimization of lawns), efficient fixtures such as sinks, toilets and showers, stormwater and wastewater reuse.

Resource Conservation: including but not limited to development of infrastructure for recycling collection and storage, use of materials containing recycled content, sourcing of regionally harvested and produced materials, separation and recycling of construction and demolition debris, use of renewable materials and certified wood.

Indoor Environmental Quality: including but not limited to use of low VOC emitting products (such as adhesives, sealants, paints, coatings, carpet, composite wood), thermal and ventilation comfort, day-lighting and views.

Air Quality and Transportation: participation in the Massachusetts Clean air Construction Initiative's (CACI) Voluntary Diesel Retrofit Program; measures to promote compliance with regulations on vehicle idling; clean fuel options for construction vehicles and public transit vehicles; provision of facilities to encourage cyclists, pedestrians, use of public transit and car-pooling.

Monitoring and Evaluation: implementation of a monitoring and evaluation plan to ensure long-term success of the project and achievement of smart growth and sustainability goals.

The DEIR should describe the controls that will be in place, such as SSTDTC's development regulations and other standards, to ensure that the smart growth goals of the Village Center Plan will be met as the project is built out. The DEIR should describe how the proposed sustainable design guidelines will be implemented and the mechanism by which these guidelines will be adopted to ensure long-term application and effectiveness.

MITIGATION AND SECTION 61

The DEIR should include a detailed description of all feasible measures to avoid, minimize and mitigate adverse effects on the environment which will be incorporated as part of the project. The DEIR should include a summary of commitments to mitigate adverse environmental impacts. The mitigation summary should identify parties responsible for implementation and include a schedule and cost estimate for mitigation measures. The DEIR should include proposed Section 61 Findings for all state permits that describes mitigation measures to be implemented, contains a clear commitment to mitigation and a schedule for implementation, and identifies parties responsible for funding and implementing the mitigation measures.

COMMENTS

The DEIR should include copies of all comment letters received on the NPC and respond to the comments received to the extent they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or direct narrative response. The DEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

CIRCULATION

The DEIR should be circulated to all who submitted commented on the NPC as listed below, to the Towns of Abington, Rockland and Weymouth, to the CAC, to those who commented on the ENF and the Phase I Report, to any agency from which the proponent may require a permit or approval, and to others as required by Section 11.16 of the MEPA regulations. A copy of the DEIR should also be made available for public review at the Abington, Rockland and Weymouth Public Libraries.

February 10, 2006

DATE



Stephen R. Pritchard, Secretary