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March 14, 2008

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

PROJECT NAME	: 175 Wyman Street Redevelopment
PROJECT MUNICIPALITY	: Waltham
PROJECT WATERSHED	: Stony Brook
EOEA NUMBER	: 14134
PROJECT PROPONENT	: 175 Wyman, LLC
DATE NOTICED IN MONITOR	: February 6, 2008

As Secretary of Energy and Environmental Affairs, I hereby determine that the Single Environmental Impact Report (SEIR) submitted on the above project **does not adequately and properly comply** with the Massachusetts Environmental Policy Act (G.L., c.30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent has presented a significant amount of valuable information in the SEIR regarding the potential impacts of the project and the measures proposed to minimize and mitigate them. I also note and applaud the proponent's engagement with the greenhouse gas policy, and its commitment to achieve Leadership in Energy and Environmental Design certification. However, the SEIR is not adequately responsive to the stormwater elements of the scope previously issued for the Single EIR. I must therefore require the filing of a Supplemental EIR, the limited scope for which essentially reiterates the scope previously issued for the Single EIR as it relates to stormwater.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project involves the redevelopment of an existing commercial office complex located on a 26.3-acre site located

on Wyman Street and directly east of the Interstate I-95/Route 128 in Waltham. The site is currently comprised of an existing 335,000 sf office building and 890 surface parking spaces, and is abutted by the Cambridge Reservoir and Interstate I-95/Route 128 to the west, existing commercial office buildings to the north and south, and a residential subdivision neighborhood to the east. The project includes the demolition of an existing two-story 335,000 sf office building and surface parking spaces and the construction of 335,000 sf of new commercial office space in three separate buildings (Building A-B – 175,000 sf, 260 structured parking spaces, Building C – 87,000 sf, 65 structured parking spaces, Building D – 87,000 sf, 65 structured parking spaces), a 4-story parking garage to accommodate 400 structured parking spaces, and 885 surface parking spaces (1,675 total structured and surface parking spaces) and associated infrastructure. The project will generate approximately 3,380 vehicle trips per day (vtd). Vehicle access to the site will be provided via three existing site driveways located the along the project site's Wyman Street frontage. As described in the EENF, this project will consume approximately 28,000 gallons per day (gpd) of water and will generate approximately 25,125 gpd of wastewater flow. The proponent proposes to discharge the wastewater generated from the project to the City of Waltham's municipal sewer collection system for treatment by the Massachusetts Water Resources Authority's (MWRA) Deer Island Wastewater Treatment Facility (WWTF).

Permits and Jurisdiction

The project is subject to review and mandatory preparation of an EIR pursuant to Section 11.03 (6)(a)(6) of the MEPA regulations because it requires state permits and will generate 3,000 or more new average daily trips (adt) providing access to a single location. The project is also subject to review pursuant to Section 11.03 (6)(b)(15) of the MEPA regulations because it will result in the construction of 300 or more new parking spaces at a single location. The project requires an Order of Conditions from the Waltham Conservation Commission and an access permit, curb cut permit and signal permit from the Massachusetts Highway Department (MHD). The project requires a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) for stormwater discharges from a construction site of over one acre from the U.S. Environmental Protection Agency. The project will also require MassDEP's review and approval of a Stormwater Pollution Prevention Plan for Construction or Industrial General Permits Discharging to Outstanding Resource Waters (ORWs) (BRP WM 09). Using the Institute of Traffic Engineers Trip Generation land use codes 710 for General Office Building, the project is estimated to generate a total of approximately 3,380 vehicle trips on the average weekday. An air quality mesoscale analysis for ozone will be needed for this project to assess the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may cause significant Damage to the Environment and that are within the subject matter of required or potentially required state permits. These include traffic, air quality, wetlands, and drainage.

Review of the SEIR

Traffic

The transportation analysis included in the Expanded ENF generally conforms to the Guidelines for EIR/EIS Traffic Impact Assessment as required. The analysis indicates that the proposed project will generate 3,380 vehicle trips per day (vtd). According to the proponent, the transportation analysis demonstrates that upon project completion, all project area intersections will operate at acceptable levels of service with the exception of the signalized South Site Driveway - Wyman Street/I-95/Route 128 northbound ramp intersection, the Wyman Street/Lincoln Street intersection, and the Smith Street/Trepelo Road intersection. As described in the EENF, MHD's Winter Street Bridge Project, currently under construction, will result in a significant amount of additional non-project generated vehicle traffic being re-routed from the Totten Pond Road/Third Avenue/Wyman Street intersection to the Wyman Street corridor including the signalized South Site Driveway/Wyman Street/I-95 northbound ramp intersection. I understand the proponent has continued to consult with the City of Waltham and MHD to incorporate the future traffic conditions resulting from the Winter Street Bridge Project in the final design for the proposed 175 Wyman Street Redevelopment project.

I note that the proponent's traffic analysis incorporated the anticipated background traffic-related growth from five current development projects located in the proposed project area that will result in the generation of approximately 46,000 new additional vtd. In their comments, MAPC has identified an additional five proposed development projects to be located along Route 128 north of the proposed 175 Wyman Street project that will generate an additional 41,000 vtd on Route 128/I95. I anticipate that MHD's permitting process will consider the vehicle trips to be generated by these additional development projects in their review of the proponent's traffic analysis and traffic mitigation commitments.

The project also includes a number of proposed roadway improvements to the signalized South Site Driveway - Wyman Street/I-95 northbound ramp intersection as mitigation for the proposed project's impacts to traffic. Specifically, the proponent has committed to widening this intersection's east-bound approach to provide an exclusive left-turn lane, a through lane, and a channelized right-turn lane. The intersection's west-bound approach will also be widened to provide an exclusive left-turn lane, and a shared through/right-turn lane. The proponent's traffic mitigation plan also includes timing modifications to the existing traffic signal at the Wyman Street Site Driveway/I-95 northbound ramp intersection. In their comments, MHD has indicated that the Wyman Street Site Driveway South /I-95 northbound ramp intersection is located within the within the state highway layout and is under MHD's jurisdiction. The SEIR contains a conceptual site plan depicting the proposed roadway modifications including marked lane widths and offsets, layout lines and land uses of properties abutting the proposed improvement area.

Transportation Demand Management (TDM) Plan

As described in the SEIR, the proponent has proposed a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons. The proponent's proposed TDM plan incorporates a number of measures for reducing project generated vehicle trips including:

- the appointment of an on-site TDM Coordinator (TDMC);
- membership and active participation in the Route 128 Business Council;
- relocate and construct a new MBTA (Route #70 and/or #170) bus stop shelter on the west side of Wyman Street and directly across from the project's northern site drive and sidewalk;
- the development of on-site amenities including an on-site cafeteria and cafe, and secured bicycle storage racks; and,
- the implementation of an employee ride-matching program (carpooling and vanpooling).

I ask that the project proponent also commit to requiring all project tenants to participate in the proposed TDM plan. The TDM will need to include a commitment to conduct any monitoring necessary to ensure the success of the program.

Transit

The Single EIR should demonstrate the support of the MBTA for any proposed transit amenities including the proposed relocation of the existing MBTA bus stop on Wyman Street. The proponent should continue discussions with the Massachusetts Bay Transit Authority (MBTA), the 128 Business Council Transportation Management Association (TMA), and other transit providers, including representatives from the Alewife Shuttle and the Waltham Center/ Winter Street Shuttle, to identify opportunities for providing existing MBTA bus service (Routes #70 and #170), and Shuttle service to and/or within the project site.

Pedestrian and Bicycle Facilities

The SEIR includes a detailed site plan of the proposed internal vehicular and pedestrian circulation plan for the project site illustrating where the proponent proposes new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage in a map of the area. According to the comments received from MassHighway, the City of Waltham, and the Metropolitan area Planning Council, the proponent should commit to constructing sidewalks along the project site's Wyman Street frontage, and along the 2 other proposed site drives connecting to Wyman Street to promote pedestrian and bicycle access to the site. The City of Waltham has suggested that the proponent consider incorporating dedicated shower and locker facilities in close proximity to proposed bicycle racks to enhance bicycle commuting to the project site.

The proponent has provided additional information to the MEPA Office describing the proponent's commitment to construct sidewalks along the project site's Wyman Street frontage. The proponent should continue to evaluate the feasibility of constructing any additional traffic, transit, pedestrian, and bicycle improvements within the project area in response to the regional

and local traffic concerns that may arise out of the proposed mixed-use office/retail development project.

Parking

Parking for the project is proposed to include a total of approximately 1,675 on-site parking spaces based on 5.0 spaces per 1,000 sf of gross leasable area (gla). According to the proponent, under the City of Waltham's Parking Zoning Ordinance, the minimum number of parking spaces required for the proposed mixed use development project is 1,116 spaces based on 3.0 spaces per 1,000 sf of gross leasable area. According to the proponent, the proposed parking plan was designed in response to a prospective new tenant's demand for 5 parking spaces per 1,000 sf of office space. I am concerned that the project, as proposed, requires too many parking spaces when public transit and a strong Transportation Demand Management (TDM) program could reduce overall parking demand. I ask that the proponent give serious consideration to building fewer parking spaces or provide a "land bank" of parking spaces to be utilized only if the development program requires them.

GHG Emissions (GHG)

To address growing concern about the impacts of climate change and support development of solutions, the Executive Office of Energy and Environmental Affairs (EEA) recently developed a Greenhouse Gas (GHG) Policy that requires project proposals filed with the MEPA Office on or after November 1, 2007 to conduct a quantitative analysis of greenhouse gas emissions and associated mitigation measures. The EEA Greenhouse Gas Emissions Policy and Protocol Policy is available on-line at http://www.mass.gov/envir/mepa/pdffiles/misc/GHG%20Policy%20FINAL.pdf. Because the project was filed before November 1, 2007, when the GHG Policy and Protocol became effective, the project is not required to quantify GHG emissions and the benefits of potential mitigation.

The SEIR includes the proponent's voluntary GHG analysis of the direct, indirect and transportation greenhouse gas emissions for the 175 Wyman Street Redevelopment project. The proponent's GHG analysis also identified mitigation measures related to site planning, building design and transportation to avoid, minimize and mitigate these emissions. According to the information provided in the SEIR document, under the proposed 2012 Build scenario, the project will result in the generation of a total of approximately 32,347.5 tons per year (tpy) of direct and indirect (stationary sources) and transportation (mobile sources) emissions of CO_2.

The proponent's preferred project alternative incorporates the proponent's commitments for mitigation measures related to sustainable site planning and building design and transportation (Build With Improvements) scenario which are expected to generation of a total of approximately 31,924.8 tpy and reduce the project's total CO_2 emissions by 1.3% approximately 422.7 tpy).

According to the comments received from MassDEP, the proponent's GHG analysis did not provide sufficient information to demonstrate that the preferred (Build With Improvements) alternative would achieve significant reductions in GHG emissions with the proposed building design improvements and selection of building materials. MassDEP has indicated that greater reductions in CO_2 emissions could be achieved. I strongly encourage the proponent to respond to MassDEP's comments and consult with MassDEP to identify additional opportunities to reduce the proposed project's CO_2 emissions.

Wetlands

The project site is located within the Charles River Basin Watershed and immediately east of the City of Cambridge Reservoir. The Cambridge Reservoir forms part of the water supply system for the City of Cambridge. The wetlands and waterways located within the project area and adjacent to the project site are connected to Chester Brook, a tributary of the Charles River. The wetland resource areas abutting the project site's southern boundary drain to the west branch of Chester Brook which flows to the Charles River below the Stony Brook Reservoir. The Stony Brook Reservoir, which is part of the City of Cambridge's water supply, an Outstanding Resource Water (ORW) of the Commonwealth. As described in the SEIR, the project design includes a limited amount of proposed building construction and parking area improvements within the buffer zone of bordering vegetated wetlands (BVW) abutting the site's southern boundary. According to the proponent, the proposed project design will result in a decrease of approximately .21 acres of impervious area within the 100-foot wetland buffer.

Stormwater

As described in the SEIR, the project will be re-developed consistent with MassDEP's Stormwater Management guidelines and the Town of Waltham's stormwater requirements. The proposed stormwater management plan will include the use of best management practices (BMPs), deep sump catch basins with water quality treatment units, and the use of a stormwater detention basin and subsurface recharge chambers to provide for the on-site infiltration of surface stormwater and roof runoff. Even though the project is a redevelopment project, the proponent's stormwater management plan will achieve a Total Suspended Solids (TSS) removal rate of in excess of 80 percent.

Stormwater flows from the eastern portion of the project site (8.6 acres) will be collected and conveyed to on-site concrete leaching galleys as recharge to groundwater. This wetland area drains to the west branch of Chester Brook, and flow to the Charles River below the Stony Brook Reservoir. Stormwater flows from the western half (approximately 18.5 acres) of the project site will be collected in new on-site water quality basins and conveyed to MHD's existing water quality basin located west of the project site on the west side of Wyman Street and in the I95/Winter Street ramp right-of-way. Stormwater overflow will be discharged to the wetland

resource area located along the project site's southern boundary. According to MassDEP, the proponent's stormwater management plan, as currently designed, does not appear to comply with MassDEP's Stormwater Management Policy (SMP) and a number of standards associated with critical areas such as Outstanding Resource Waters (ORW), pollution prevention, erosion control and best management practices to control pollutants of concern such as phosphorous. The proponent will need to demonstrate to MassDEP that the proposed project's stormwater management plan has been designed in compliance with MassDEP's Stormwater Management Policy (SMP), and the revisions, which will be incorporated into the wetlands and 401 Water Quality Certification regulations on January 2, 2008.

I note MassDEP's comments regarding Low Impact Development (LID), and strongly encourage the proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including LID techniques in the project's site design and stormwater management plans. LID techniques incorporate stormwater best management practices (BMPs) and can reduce impacts to land and water resources by conserving natural systems and hydrologic functions. The primary tools of LID are landscaping features and naturally vegetated areas, which encourage detention, infiltration and filtration of stormwater on-site. Other tools include water conservation and use of pervious surfaces. Clustering of buildings is an example of how LID can preserve open space and minimize land disturbance. LID can also protect natural resources by incorporating wetlands, stream buffers and mature forests as project design features. For more information on LID, visit http://www.mass.gov/envir/lid/. Other LID resources include the national LID manual (Low Impact Development Design Strategies: An Integrated Design Approach), which can be found on the EPA website at: http://www.epa.gov/owow/nps/lid/.

Water and Wastewater

The project will require 28,000 gpd of potable water supply and will generate approximately 25,125 gpd of wastewater flow. Both water and wastewater needs will be met through existing municipal systems, administered by the City of Waltham. The proponent is required to file a certification statement with MassDEP for a wastewater discharge which is greater than 15,000 gallons per day and less than 50,000 gallons per day. According to the information provided in the SEIR, the City of Waltham has the capacity to serve the project's water supply and wastewater flow needs. The Secretary's Certificate on EENF noted that the City of Waltham is a member of the Massachusetts Water Resources Authority's (MWRA) Regional Sewer System.

As a member community to the MWRA's sewer system, the City of Waltham is required to assist in the ongoing coordinated efforts of MassDEP and MWRA in reducing infiltration and inflow (I/I) to ensure that the additional wastewater flows proposed by the proponent will be offset by the removal of I/I flows. I concur with MassDEP's comments on the project's proposed wastewater management plan and adopt them as my own. The Secretary's Certificate in the EENF required the proponent to include as a separate chapter in the Single EIR, an exploration of I/I activities to be implemented by the proponent that will result in the minimum removal of

approximately 100,500 gpd (minimum 4:1 removal ratio) of I/I. As described in the SEIR document, in compliance with the City of Waltham's Infiltration and Inflow Mitigation Ordinance, the proponent has participated in the City of Waltham's Warrendale outlet I/I removal program to remove approximately 100,500 gpd of I/I to offset by 4:1 the proposed project's additional wastewater flows. The proponent must forward to the MEPA Office a copy of those documents that describe the proponent's I/I commitments and accomplishments for the project file.

Hazardous Wastes

As previously described in the EENF, the project site contains an area where a release of trichloroethene (TCE) to groundwater was reported (RTN 3-13311) in 1995. A groundwater containment and treatment system (GCTS) was installed by a prior property owner in 1997 and continues to operate as part of an Immediate Response Action (IRA) pursuant to the Massachusetts Contingency Plan, 310 CMR 40.0000. The SEIR contains an update summary of the remediation efforts undertaken at the site to date and a description of how the project proponent proposes to continue to comply with the remediation requirements under the MCP during and post project construction. According to the proponent, Hewlett-Packard (HP) will continue to be responsible for the response actions pertaining to RTN 3-13311 during and following project construction. As described in the SEIR, the proposed redevelopment project design has incorporated the ongoing GCTS and associated recovery well monitoring activities. The proponent should ensure that the project contractors and sub-contractors maintain an emergency response plan for performing appropriate response actions in the event contamination is encountered during project construction.

Sustainable Design

According to the proponent's statements made during the MEPA Consultation Session held for this project on November 27, 2007, the proponent has committed to incorporating sustainable green building and development practices into the design and development of the proposed project to achieve a Silver Level certification pursuant to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

Summary of SEIR Mitigation

The SEIR included mitigation measures and draft Section 61 Findings. The draft Section 61 Findings contained a clear commitment to implement mitigation measures and estimated the costs of specific mitigation measures, and identified the parties responsible and schedule for implementing the mitigation. The proponent committed to the following mitigation measures in the SEIR:

- Construct geometric and traffic signal modifications at the Wyman Street/South Site

Drive/Route 128 Northbound On and Off Ramps intersection;

- Construct a new MBTA sheltered bus stop on Wyman Street at the northern-most site driveway;
  Construct a crosswalk across Wyman Street at the northern-most site drive to connect the project's internal pedestrian walkways to the proposed relocation site for the MBTA sheltered bus stop;
  Construct a sidewalk along the project site's Wyman Street frontage and along the north side of the project site to connect the proposed buildings to Wyman Street;
- Contribute to the 128 Business Council's shuttle bus services including the Waltham 128 Council Connection and the Alewife Shuttle so as to add the 175 Wyman Street project site to these existing shuttle routes;
- Contribute to the City of Waltham's I/I program to remove approximately 100,500 gpd of I/I flow; and,
- Provide a TDM Program that includes a transportation coordinator, participating in the MassRides (ridesharing) Program, preferential parking space for ridesharing, bicycle racks, sidewalks, transit incentives, and a requirement for tenant participation in the proponent's proposed TDM program.

Construction Period

The proponent should evaluate construction period impacts, including impacts from earth moving, impacts to vegetation, potential impacts from erosion and sedimentation, traffic impacts on adjacent roadways, and impacts to adjacent land uses, and analyze feasible measures to avoid or eliminate these impacts.

In their comments, MassDEP has indicated that the proposed demolition and removal of existing buildings must comply with both DEP's Solid Waste and Air Quality Control regulations. I encourage the proponent to consult with MassDEP and coordinate demolition and construction activities with town officials and abutting property owners. I also encourage the proponent to adapt the project design, infrastructure and contractual requirements as necessary to incorporate waste reduction, recycling and recycled products. I refer the proponent to the MassDEP comment letter for additional guidance on developing a successful waste management program and use of recycled materials.

I encourage the proponent to integrate recycling at the planning and design stage to enable the project's management and occupants to establish and maintain an effective waste diversion program. The proponent should continue discussions with MassHighway to determine adequate mitigation improvements to address the impacts from the project at this location. The proponent should continue discussions with MassDEP to ensure compliance with MassDEP's Stormwater Management Policy, and to identify additional opportunities to reduce the project's mobile and stationary sources of CO2 emissions. The proponent will need to submit a revised letter of commitment to MassHighway. I ask the proponent to provide electronic copies of its draft Section 61 Findings to MassHighway and MassDEP. MassDEP and MHD should forward

copies of the Section 61 Findings, once issued, to the MEPA Office for completion of the project files.

Scope for the Supplemental Environmental Impact Report

Project Permitting

The Supplemental EIR should include a detailed discussion of each state permit and approval necessary for the project, and should demonstrate that the project design meets applicable regulatory and performance standards.

Stormwater

According to MassDEP, runoff from the sub-basin including the project site is considered to pose a significant contamination risk to that water supply. The Supplemental EIR should include a detailed description of the proposed project's stormwater management plan. The Supplemental EIR should demonstrate that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with MassDEP's Stormwater Management Policy (SMP), and the recent revisions, which have been incorporated into the wetlands and 401 Water Quality Certification regulations. The Supplemental EIR also should explain how water quality and quantity impacts would be controlled in compliance with the stormwater standards, particularly as they may apply to the protection and control of pollutant discharges to surface waters designated as ORWs. The Proponent should use the MassDEP Stormwater Management Handbook when addressing this issue. The Supplemental EIR should demonstrate that the design of the drainage system is consistent with all applicable stormwater management standards for water quality, recharge to groundwater, and peak runoff impacts, and with the Waltham Storm Water Program and its National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit (CGP) standards.

As noted elsewhere in this Certificate, the project will also require MassDEP's review and approval of a Stormwater Pollution Prevention Plan for Construction or Industrial General Permits Discharging to Outstanding Resource Waters (ORWs) (BRP WM 09).

Comments

In order to ensure that the issues raised by commenters are addressed, the Supplemental EIR should include a response to those comments that are within the scope of this Certificate. This directive is not intended to, and shall not be construed to enlarge the scope of the Supplemental EIR beyond what has been expressly identified in the initial scoping certificate or this certificate. I recommend that the Town use either an indexed response to comments format, or else direct narrative response.

Mitigation/Section 61

The Supplemental Single EIR should include a separate chapter on mitigation measures. This chapter on mitigation should include Draft Section 61 Findings for all state agency actions. The Draft Section 61 Findings should contain a clear commitment to mitigation, an estimate 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 should also be included.

Distribution

The Supplemental EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should also be sent to the list of "comments received" below and to the municipal officials for the City of Waltham. A copy of the Supplemental EIR should be made available for public review at the public libraries for the City of Waltham.

March 14, 2008
Date

Ian A. Bowles, Secretary

Comments received:

03/03/08	City of Cambridge, Water Department
03/11/08	Metropolitan Area Planning Council (MAPC)
03/10/08	Charles River Watershed Association (CRWA)
03/12/08	City of Waltham, Planning Department
03/11/08	Mayor Jeannette A. McCarthy, City of Waltham
03/07/08	Massachusetts Highway Department (MHD)
03/11/08	Ingeborg Uhlir
03/11/08	Massachusetts Department of Environmental Protection (MassDEP) – NERO
03/12/08	John G. Crowe Associates, Inc.

SEIR #14134
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