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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Assembly Square Mixed-Use Redevelopment
PROJECT MUNICIPALITY : Somerville
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 13989
PROJECT PROPONENT : Federal Realty Investment Trust
DATE NOTICED IN MONITOR : March 7, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I determine that the above referenced project **requires** the filing of a mandatory Environmental Impact Report (EIR). By a separate Draft Record of Decision (DROD), I propose to grant a Phase I Waiver allowing the first phase of the project, as described in the Expanded Environmental Notification Form (ENF), to proceed to permitting prior to completion of the EIR.¹

Project Description

This project consists of a \$1.3 billion dollar mixed-use redevelopment on a 50.2 acre site within Assembly Square in Somerville. The proposed redevelopment includes approximately 2,100 residential units, 1.75 million square feet (sf) of office space and 852,000 sf of retail space (including a 340,000 sf IKEA home furnishings store, a restaurant and a cinema) and a 200-room hotel. Residential and smaller scale retail and restaurant uses will be located on the waterfront

¹ In the event the DROD is not finalized, the Certificate on the EENF will be revised accordingly to incorporate Phase I into the Scope for the EIR.



portion of the site. Office uses are proposed within the central part of the site. The proposal relocates the IKEA store proposed as part of the IKEA at Assembly Square project (EOEA #12672) from a waterfront location to the southern end of the site near the Orange Line tracks and closer to Interstate-93. The project will include the re-construction and extension of Assembly Square Drive and construction of an internal street network designed to provide walkable blocks with an active pedestrian environment. It includes the construction of 9,174 parking spaces consisting of structured, on-street and surface parking. It will require the removal and demolition of several existing industrial buildings and the reconfiguration of existing parking lots.

The project will be constructed in several phases. The first phase consists of the construction of the IKEA store and a 7,000 square foot restaurant on a 19.5 acre parcel. The EENF does not describe subsequent phases although it does indicate that these phases will be built out in completed sections over 10 to 15 years and that each phase will include appropriate mitigation. The EENF indicates that the project is based on four key principles that are consistent with the City's long-standing goals for the Assembly Square District: improved access to the Mystic River, transit-oriented planning, mixed-use development, and pedestrian oriented public places and streets. The project includes a commitment to expand parkland along the Mystic River Reservation, to provide for its long-term maintenance and to construct bicycle and pedestrian paths along the River and to the River from adjacent neighborhoods. It includes a \$15 million contribution towards the design and construction of an Orange Line station at the southern end of the site.²

The site consists of 50.2 acres, made up of approximately 20 separate parcels, within Assembly Square. It is bounded by the Mystic River to the north, the Orange Line tracks and Draw 7 Park to the east, Assembly Square Drive (also referred to as Sturtevant Street) and the existing Home Depot, Assembly Square Marketplace and other businesses to the south and the west, and by Route 28 and Interstate-93 to the west and northwest. It includes direct access to Route 28 via an existing access drive. The site includes retail/entertainment, industrial and commercial uses as well as vacant lots and surface parking lots. The site is in close proximity to two Somerville neighborhoods, the Ten Hills area and East Somerville. The entire project site has been altered over time and it contains 26.1 acres of impervious area. The site has been regulated under the Massachusetts Contingency Plan (MCP) and remediation has been completed or is ongoing at multiple parcels within the project area. Access to the Mystic River Reservation and Draw 7 Park are limited due to poor site conditions and a lack of connectivity to adjacent parks. Two buildings on the site are listed in the Inventory of Historic and Archaeological Assets of the Commonwealth. The site contains several wetland resource areas associated with the Mystic River including Inland Bank, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), Bordering Land Subject to Flooding (BLSF), and Riverfront Area. Also, it contains Commonwealth and private filled tidelands.

MEPA Review of Previous Redevelopment Proposals

The redevelopment of this site has long been a priority for the City and its development has been guided by multiple planning efforts. Several proposals for redevelopment of the site have undergone MEPA review including, but not limited to, IKEA at Assembly Square (EOEA #

²The Massachusetts Bay Transportation Authority (MBTA) will manage design and construction of the Orange Line Station. If the project is subject to MEPA review, it will undergo an independent review.

2672) and the New Main Street Development (EOEA #13649). IKEA at Assembly Square included the construction of a 277,000 sf IKEA abutting the Mystic River Reservation, 29,000 sf of additional retail, 204,000 sf of office space and 27,500 sf of restaurant space. The Final EIR was found to adequately and properly comply with MEPA and its implementing regulations and state permits were issued for the project. Administrative and judicial appeals were filed against state and local permits and approvals, including an appeal of the Chapter 91 License, which is under review. An ENF was filed for the New Main Street Development (EOEA #13649), by the same project proponent, Federal Realty Investment Trust (FRIT), in 2005. This proposal included the construction of four mixed-use buildings containing 42,000 sf of ground level retail, 60,000 sf of office space and 239 residential units. The project was proposed adjacent to the westerly edge of the IKEA at Assembly Square site and included construction of a roadway that is the basis for the currently proposed Assembly Square Drive.

Since the filing of the previous proposals, FRIT has acquired additional parcels within Assembly Square and expanded its redevelopment plans. It has collaborated with the City, IKEA and the Mystic View Task Force (MVTF) on a long-term vision for redevelopment that includes the re-located IKEA. These efforts have led to a legal settlement between the project proponent, IKEA and the Mystic View Task Force, a copy of which was provided in the April 7, 2007 letter. This agreement establishes goals and mitigation commitments for the revitalization of the Assembly Square area as a transit-oriented, mixed-use development. Because the current project proposal entails a significantly expanded project site and a significant increase in office, residential and retail use, and associated impacts, the proponent filed a new ENF for the project.

I commend the project proponent, IKEA, the City of Somerville and the Mystic View Task Force for their significant efforts to reach agreement on goals for redevelopment of the site. Comment letters reflect overwhelming support for this long-term vision and a strong interest in ensuring the vision is realized through careful design and planning.

Permits and Jurisdiction

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03 (1)(a)(2), (3)(a)(5) and (6)(a)(6) because it requires a state permit and will create more than 10 acres of new, impervious area, alter more than one acre of tidelands for non-water dependent use and generate 3,000 or more new average daily vehicle trips (adt) providing access to a single location. The project requires a Chapter 91 License, a 401 Water Quality Certificate and a Sewer Connection Permit from the Department of Environmental Protection (MassDEP). It requires land dispositions and approval/review of roadway improvements on state parkways from the Department of Conservation and Recreation (DCR), review by the Massachusetts Historical Commission (MHC) and an 8M Permit from the Massachusetts Water Resources Authority (MWRA). It requires consent to construct on former railroad property from the Executive Office of Transportation (EOT). It requires a Non Point Source Discharge Elimination System (NPDES) permit for Stormwater Discharge and a NPDES Remediation General Permit (RGP) from the U. S. Environmental Protection Agency (EPA). It requires a Category II Programmatic General Permit under Section 10 and Section 404 from the U. S. Army Corps of Engineers (ACOE). Also, it requires a Land Disposition Agreement with the Somerville Redevelopment Authority (SRA) and an Order of Conditions from the Somerville Conservation Commission.

Phase I of the project requires a Chapter 91 License, a Sewer Connection Permit, an 8M Permit from the Massachusetts Water Resources Authority (MWRA) and consent to construct on former railroad property. It requires a NPDES Permit for Stormwater Discharge and a NPDES RGP. Also it requires a Land Disposition Agreement with the SRA and an Order of Conditions. Mitigation associated with Phase I requires construction easements and a permanent drainage easement from DCR.

Because the proponent may seek financial assistance from the Commonwealth for the project, MEPA jurisdiction is broad in scope and extends to all aspects of the project that may cause significant Damage to the Environment. These include traffic/transportation, tidelands, wetlands, drainage, water quality, wastewater, water use, contaminated soils and historic resources.

Phase I Waiver Request and Criteria

The proponent has requested a Phase I Waiver to allow Phase I to proceed prior to the completion of the EIR for the entire project. 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, this finding shall be based on one or more of the following circumstances: 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 phases; and 4) the agency action on Phase I will contain conditions that ensure due compliance with MEPA.

Based on a review of the EENF, additional information provided by the proponent, consultation with state agencies and review of comment letters, I propose to grant a Phase I Waiver for this project. This decision is detailed in the DROD, also issued today, which will be published in the next issue of the *Environmental Monitor* for a fourteen-day comment period, after which I shall reconsider, modify, or confirm the waiver.

SCOPE

General

The EIR should follow the general guidance for outline and content contained in section 11.07 of the MEPA regulations, as modified by this Certificate. The EIR should include a description of the proposed project and include as much information as possible on lighting, grading and landscaping.

Project Description

The EIR should include a thorough description of the entire project and all project elements and construction phases, including Phase I. It should describe the context of this proposal within the long-term redevelopment of the site identified in the settlement agreement with the MVTF and address any redevelopment plans for abutting uses (such as the Marketplace parking lot and the Assembly Square cinema). The EIR should include an existing conditions plan illustrating resources and abutting land uses for the entire project area and a proposed conditions plan (or plans) illustrating proposed elevations, structures, access roads, stormwater management systems, and sewage connections associated with each phase of the project. The EIR should also include a site circulation plan illustrating how motor vehicles, pedestrians and cyclists will be accommodated on the site for each phase of the project. The site circulation plan should delineate paths and connections to and along the waterfront. Plans must be provided for the entire site at a reasonable scale (e.g. 40 or 60 scale).

Project Permitting and Consistency

The EIR should briefly describe each state permit required for the project and each phase of the project and should demonstrate that the project meets applicable performance standards. It should provide an update on Phase I including status of the project and completion of permitting requirements and other mitigation. In accordance with section 11.01 (3)(a) of the MEPA regulations, the EIR should discuss the consistency of the project with any applicable local or regional land use plans. The EIR should also address the requirements of Executive Order 385 (Planning for Growth) and the project's consistency with the Commonwealth's Sustainable Development Principles and the Mystic River Master Plan. It should describe the project's consistency with local land use plans and with the long-term vision outlined in the settlement agreement with the MVTF.

Alternatives Analysis

The EIR should include an alternatives analysis, including an alternative site layout that will further minimize impacts to environmental resources and sensitive receptors while maximizing the public benefits, including open space and access to the waterfront, of the project. For each alternative, the EIR should quantify the amount of land altered, the amount of earth work involved in meeting final grades and the amount of impervious surfaces created. The EIR should investigate all feasible methods of avoiding, reducing, or minimizing impacts to land.

In particular, I encourage the proponent to evaluate all measures to increase the long-term sustainability and energy efficiency of the site. Because the project is at a conceptual design stage, there are ample opportunities to incorporate renewable energy technology, energy efficiency and Low Impact Development (LID) techniques into the site design and individual building design. I strongly encourage the proponent to develop an alternative that includes a significant investment in renewable energy technology (e.g solar, fuel cells, geothermal and combined heat and power). At a minimum, new buildings should be designed consistent with the Massachusetts Leadership in Energy and Environmental Design (LEED) Plus standard for new buildings. These efforts can minimize the long term environmental impacts of this project while reducing operating costs. In fact, a comprehensive study of sustainable building design indicates that the average cost premium

of \$3 to \$5 dollars per sf associated with this approach results in direct operational savings of approximately \$15 - \$20 sf over 20 years. I encourage the proponent to consult with EOEA staff regarding the development of a sustainable design strategy for the project.

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/>.

Traffic and Transportation

The Expanded ENF indicates that the project will generate approximately 44,900 unadjusted adt at full build-out. The project requires review and approval of roadway improvements by DCR and will impact state roadways including I-93. The proponent may seek state funding for transportation improvements. The settlement agreement reached with MVTF places a cap on total vehicle trips and parking for the Assembly Square Area. Vehicle trips are capped at 55,000 per day and parking is capped at 7,650 (not including parking associated with IKEA). In addition, the settlement agreement includes requirements for creation and funding of an Assembly Square Transportation Management Association (TMA). The project includes reconstruction of Assembly Square Drive as the primary access drive through the site extending from the southern end at Mystic Avenue to the western end at Route 28. It will be a landscaped four-lane roadway designed to safely accommodate vehicles, pedestrians and bicyclists. A new street network will be developed to provide access to the remainder of the site and improve connections to the waterfront. Off-site improvements will include modified signals and intersections as well as a U-turn underpass ramp extending from Mystic Avenue northbound to Mystic Avenue southbound just south of Route 28. The project proponent and IKEA are contributing a total of \$15 million (\$5 million from IKEA and \$10 million from FRIT) towards the design and construction of a new MBTA station on the Orange Line. The station will be accessed via Foley Street and Main Street.

The Expanded ENF includes a traffic analysis prepared in conformance with the Executive Office of Environmental Affairs (EOEA)/EOT Guidelines for EIR/EIS Traffic Impact Assessments. An expanded and updated traffic analysis should be included in the EIR. It should compare impacts for the various alternatives and identify trip generation and level-of-service analysis for each phase of the project (including any trips generated by the proposed Orange Line Station). It should identify appropriate mitigation measures for areas where the project will have an impact on traffic operations. The proponent should provide a clear commitment to implement and fund mitigation measures and should describe the timing of their implementation based on the phases of the project. The EIR should present capacity analyses and a summary of the average and 95th percentile vehicle queues for each intersection within the study area and for each phase of the development. Any proposed traffic signal must include a traffic signal warrant analysis

according to the Manual of Uniform Traffic Control devices (MUTCD). The traffic study should also include weave, merge, diverge, ramp and road segment analyses where applicable. The traffic study should incorporate traffic impacts associated with the IKEA project (actual counts should be provided if the store is open prior to the filing of the EIR) and updated traffic data (traffic counts should be no more than 3 years old). At a minimum, the traffic study should analyze the following state highway and local roadway locations:

- Wellington Circle
- Route I-93/Route 28 (Fellsway)/Mystic Avenue Interchange
- Route 28 (Fellsway)/Route 38 (Mystic Avenue)
- Route 28 (Fellsway)/Assembly Square Drive
- Route 28 (Fellsway)/Middlesex Avenue
- Route 28 (McGrath Highway)/Broadway
- Route 38 (Mystic Avenue)/Temple Road
- Route 38 (Mystic Avenue)/Shore Drive
- Lombardi Street/Broadway
- Lombardi Street/Assembly Square Drive at Mystic Avenue NB
- New Road at Mystic Avenue NB
- Foley Street at Middlesex Avenue
- Mystic Avenue NB at Mystic Avenue U-Turn
- Sullivan Square

Also, any intersection that will experience an increase attributable to the project of 10% or more over existing traffic volumes and that currently operates at level of service (LOS) D or worse should be included. The proponent should consult with the City of Medford, City of Somerville, City of Boston, MassHighway and DCR to identify the specific roadway locations to be studied within Wellington Circle and Sullivan Square. EOT comments express concern that traffic may impact significantly the weave, merge and diverge sections along the Mystic Avenue eastbound segment, between Route 28 and Mount Vernon Street (I-93 underpass). The traffic analysis should address this concern.

The EIR should specify the volume of truck trips associated with the development during construction and at full build out and identify impacts to DCR parkland. The EIR should discuss proposed truck routes and whether delivery hours will be limited to minimize impacts to traffic congestion and residences.

The EIR should include conceptual plans for the proposed roadway improvements and design alternatives, that should be of sufficient detail (e.g. 80 scale) to verify the feasibility of constructing such improvements. The conceptual plans should clearly show proposed lane widths and offsets, layout lines and jurisdictions, and the land uses (including access drives) adjacent to

areas where improvements are proposed. It should identify any required land takings. Any mitigation within the state parkway layout must conform with DCR standards and the Historic Parkway Guidelines, including but not limited to, provisions for lane, median and shoulder widths and bicycle lanes and sidewalks. The proponent should be prepared to fund the design and construction of the improvements and should identify its commitment in the EIR.

The EENF indicates that MassHighway has identified redesign of the I-93 interchange with Route 28 (Fellsway) and Route 38 (Mystic Avenue) as a long-term improvement project. The EIR should address the status of proposed improvements and, if appropriate, identify design alternatives under consideration.

The project includes construction of 9,174 parking spaces, including 7,650 spaces in structured parking and the remainder as surface/on-street parking. The EIR should include a parking needs assessment and demonstrate that the parking supply is appropriate for a mixed-use development planned in conjunction with high quality transit access. It should explain the nature of the on-site parking (i.e. commercial/visitor, underground/surface, long-term/short-term), identify turnover rates for employees and others and include an analysis of parking supply, demand and pricing in the project area. It should address whether parking will be provided for the Orange Line Station and how it will be managed. The EIR should maximize opportunities for shared parking and consider a pricing strategy that will discourage vehicle trips and encourage transit use.

The redevelopment of Assembly Square offers significant opportunities to improve pedestrian and bicycle access to and within the site. The EIR should evaluate pedestrian and bicycle trip generation and distribution, identify intersections and other areas where mitigation may be required to ensure safe access and commit to appropriate mitigation measures. It should identify how the project will improve and support connectivity to the site, within the site, and along the Mystic River Reservation. The EIR should consider bicycle and pedestrian connections identified in the Mystic River Reservation Master Plan and those identified in the settlement agreement. Plans submitted with the EIR should provide details on proposed pedestrian and biking infrastructure including design standards for plantings, street furniture, signage, sidewalk/crosswalk widths, paving, bike lanes, bike racks and employer shower facilities.

The settlement agreement identifies a commitment to fund, in the amount of \$150,000, the design and construction of water transportation infrastructure. The EIR should address any plans for expansion of water transportation in this area, address its consistency with Chapter 91 and identify impacts to wetland resource areas.

Air Quality

In accordance with the State Implementation Plan (SIP) for ozone attainment, the proponent must conduct an indirect source review analysis because this is a non-residential project generating 6,000 or more new trips per day. This analysis should be conducted in accordance with DEP Guidelines for Performing Mesoscale Analysis of Indirect Sources. The proponent should consult with DEP for guidance and for confirmation of the appropriate study areas. If hydrocarbon emissions are greater than the No Build scenario, the proponent is required to provide appropriate mitigation including the development of a Transportation Demand Management

(TDM) program.

The EENF describes a commitment to develop an aggressive TDM program, including the formation and funding of a Transportation Management Association (TMA). The EIR should provide a full description of the program including traffic monitoring requirements. It should include specific measures that have been successful in reducing trip generation for retail projects. The EIR should identify existing modes including transit, walking and bicycling, analyze existing and future conditions and provide infrastructure improvements and incentives to increase use of these modes. These improvements and incentives (including bus shelters, bus turnouts, taxi areas, pedestrian/bike paths) should be clearly described and illustrated on plans. The EIR should describe plans to improve transit access in the short-term, including the proposed shuttle service from the Orange Line (at Wellington Station or Sullivan Station) to the site.

Construction of the Orange Line Station provides the most important opportunity to minimize the long-term traffic impacts of the proposed project by offering convenient access to high-quality transit for residents, employees and shoppers. This project includes a \$15 million commitment to construction of an Orange Line Station at Assembly Square. This contribution is projected to cover the state's local share of the design and construction of the station, and combined with the \$25 million authorized for the project in the federal budget, will support the project's implementation. As noted previously, MBTA will be the project proponent for design and construction of the Orange Line. If the project is subject to MEPA review, it will undergo separate MEPA review in addition to public review required as part of the state and federal design and funding process. Comments from the MBTA indicate that it is committed to ensuring that the station design is developed in full coordination with the project proponent as well as stakeholders from the City of Somerville, the adjacent neighborhood organizations and residents. The EIR should include an update on the Orange Line Station, including the status of funding and plans illustrating proposed alternatives.

Traffic analysis included in the EENF is based on completion of the station by 2018. Many commentors have expressed disappointment with the timeframe for this major mitigation measure. The project proponent has indicated that it will be a strong advocate for acceleration of the Orange Line Station. I urge the developer to work closely with EOT and the MBTA to explore how this critical commitment could be accelerated. The proponent should work constructively with IKEA and other businesses to explore opportunities for maximizing proximity to the Orange Line Station. In addition, the EIR should discuss how planning will be coordinated with Phase 2 of the Urban Ring project to further maximize transit trips to and from the site.

The settlement agreement with MVTf requires the proponent to fund a health impact study to assess the impact of transportation related fine particulate matter on area neighborhoods. The results of this study (or preliminary findings if it is not complete) should be included in the EIR.

Chapter 91

The project provides an important opportunity to expand and enliven the Assembly Square waterfront. The project includes approximately 15.8 acres of non-water dependent use of public and private tidelands. The Expanded ENF includes a general description of uses and structures and their consistency with Chapter 91. It indicates that public access to the waterfront,

improvements to existing waterfront parks, including connectivity along the Mystic River and provision of high quality public open space will be a priority in the planning for this area. The EIR should describe and illustrate how the project will achieve consistency with the Chapter 91 regulations and associated dimensional and use requirements including requirements for open space, water dependent activities, building heights and setbacks, and prohibition of non-water dependent uses within the Water Dependent Use Zone (WDUZ).

The EIR should describe how the site design and building layout will support public access and identify proposed water dependent activities. The EIR should address the percentage of land devoted to different types of open space (i.e. parks and plazas) on a project-wide basis and identify phasing for the open space. It should identify the net increase of publicly accessible open space and provide details on proposed open space, including a plan for the proposed 2 acres of parkland that will be created adjacent to the Mystic River Reservation. The proponent should consider incorporating additional open space into the site design as requested by many commentors. The EIR should identify who will own and maintain the open space and identify legal mechanisms necessary to ensure it is protected in perpetuity. The EIR should include a shadow impact analysis to identify impacts on proposed open spaces and major pedestrian ways. The EIR should demonstrate how access to the Mystic River Reservation and Draw 7 Park will be improved from the site and from adjacent neighborhoods.

Article 97 Land

The project also provides an important opportunity to improve the quality of parkland in this area and its long-term maintenance. The project will have short and long-term impacts on parkland including construction period impacts associated with the installation of storm drain lines and construction of access roads and buildings adjacent to the Mystic River Reservation. It includes a proposed 2.46-acre land transfer from DCR to the project proponent consisting of the boat storage area associated with the Winter Hill Yacht Club. It will require temporary construction permits/easements and permanent drainage easements from DCR for construction of the storm drain lines associated with the proposed stormwater and wastewater mitigation projects. Any transfers of state parkland will require Article 97 legislation and compliance with the Division of Capital Asset Management's (DCAM) disposition process.

The EIR must describe all impacts to parkland (including those associated with the stormwater and wastewater mitigation) and describe how these impacts will be mitigated. It should include an analysis of the project's consistency with the EOEA Article 97 Policy and address the requirements for an alternatives analysis and compensatory parkland. DCR recently initiated a comprehensive Master Plan for the Mystic River Reservation. This plan should help guide the development of mitigation for impacts to DCR parkland. DCR comments indicate that enhancements to the Mystic River Reservation and Draw 7 Park are priorities. DCR comments recommend the development of a formal agreement between the proponent and DCR for park enhancements, long-term maintenance and stewardship of this parkland. The proponent should consult with DCR prior to the filing of the EIR regarding the status of the Mystic River Master Plan and to address priorities for mitigation.

Wetlands and Drainage

The project, as currently proposed, includes alteration of coastal bank and inland bank and work within the Riverfront Area and 100-foot buffer zone. Wetland alterations are associated with the construction of access drives and construction of stormwater outfalls. As noted previously, the project will require a 401 Water Quality Certificate from MassDEP and an Order of Conditions from the Somerville Conservation Commission.

The EIR should include plans that clearly delineate all applicable resource area boundaries including riverfront areas, buffer zones, 100-year flood elevations, priority and/or estimated habitat, wetland replication areas and waterways. The EIR should quantify the project's estimated impact on each resource area, including impacts associated with the proposed stormwater outfalls and with proposed water transportation. It should describe the nature of all impacts that cannot be avoided including grading, clearing and construction-related disturbances and whether they are temporary or permanent in nature. The EIR should confirm that all feasible methods to reduce impervious surfaces, including reduced parking ratios and narrow roadway widths, have been explored.

The EIR should include a stormwater management plan that demonstrates that source controls, pollution prevention measures, erosion and sediment controls and the drainage system will comply with the MassDEP Stormwater Management Policy and standards for water quality and quantity both during construction and post-development. Also, it should identify how it is consistent with the City of Somerville's NPDES Phase II Stormwater Management Plan (SMP). The EIR should include an operations and management plan to ensure the long-term effectiveness of the stormwater management system. The locations of detention basins, distances from wetland resource areas and the expected quality of the effluent from the basins should be identified. A copy of the Stormwater Pollution Prevention Plan (SWPPP) should be included in the EIR.

The EIR should analyze impacts associated with the proposed stormwater discharges to the Mystic River including the impacts on water quality and temperature. It should address comments from the City of Somerville regarding how flows will be managed during high tides and/or severe storm events and the need for erosion control. The proponent should carefully review and address all MassDEP comments regarding wetland impacts and drainage.

Contaminated Soils

As noted previously, this project is planned on a brownfields site and presents an opportunity for its revitalization. The Expanded ENF identifies 12 Release Tracking Number (RTN) associated with the site. It indicates that two sites are subject to Activity and Use Limitations (AUL) (100 Foley Street and 74 Foley Street) and that they contain residual oil and hazardous materials. Also, the Expanded ENF indicates that Phase I and Phase II Site Assessments have been completed and a Phase III evaluation of remedial actions has been provided to MassDEP for review. The EIR should identify hazardous waste sites and provide an update on their status consistent with the Massachusetts Contingency Plan (MCP). It should include the Phase III analysis and identify consistency between remediation efforts and proposed uses (e.g. residences, parks, etc.). The EIR should address the MassDEP comment that the utilities be constructed in "clean corridors."

Water Use

The ENF indicates that the project will require an additional 1,014,604 gpd of water. Water will be supplied by the MWRA through the municipal distribution system. The Expanded ENF indicates that a looped water distribution system will be created on the site. The EIR should identify infrastructure improvements and demonstrate that adequate hydraulic capacity will be provided to serve the project.

The proponent has indicated that water conservation measures will be incorporated into the project design as part of an overall effort to construct sustainable buildings. The EIR should describe proposed water conservation measures (e.g. efficient heating and cooling, low-flow plumbing, stormwater retention for irrigation needs) and analyze their potential to reduce total water demand (and associated wastewater generation).

Wastewater

The EENF indicates that the project will generate an additional 919,249 gpd of wastewater and will have a peak flow of approximately 3.73 million gpd. The project will include replacement of all existing sewers on the project site. The new infrastructure will provide 5.1 million gpd of capacity. Without appropriate mitigation this project could exacerbate the frequency, duration and volume of combined sewer overflows (CSO) to the Mystic River.

The EIR should identify any impacts to the MWRA Somerville Marginal CSO Treatment Facility conveyance pipe and outfalls. It should address all comments from DEP and MWRA regarding wastewater, including the comment from the MWRA indicating that the infrastructure appears to be oversized for the proposed development.

The project proponent has committed to removing extraneous flow (Infiltration and Inflow (I/I)) on a 4:1 basis (i.e. 3.7 million gpd). MWRA and MassDEP comments indicate that the removal of I/I is critical to avoid any surcharging of the system and increases in CSO discharge to the Mystic River. The Expanded ENF indicates that the combined flow reduction from the proposed Ten Hills stormwater project and the on-site reduction associated with Phase I is approximately 284,800 gpd. It does not identify specific projects to meet the I/I commitment for the entire project. The EIR must identify how the proponent will offset the overall increases in flow.

Historic Resources

The project includes demolition of two buildings that are listed in the Inventory of Historic and Archaeological Assets of the Commonwealth. These include the 1925 East Somerville Locomotive Shop and the 1941 Sears Roebuck and Company Warehouse. The project is subject to review by MHC. Comments from MHC indicate that it will consult with the Somerville Historic Preservation Commission concerning potential impacts. The EIR should provide historical information, identify impacts and provide photos of the structures in the EIR to assist MHC in its review.

Construction Period Impacts

The EIR should include a discussion of construction phasing, evaluate potential impacts associated with construction activities and propose feasible measures to avoid or eliminate these impacts. It should address impacts from erosion and sedimentation of contaminated soils and address how dewatering will be managed. It should address the impacts of truck traffic on adjacent roadways and land uses, including the Mystic River Reservation. The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions, which may occur during the construction activities.

Because of this project's location in close proximity to dense, urban neighborhoods, I expect the proponent will participate in DEP's Clean Air Construction Initiative to minimize the air quality impacts of construction vehicles. The EIR should include a commitment to participate in this program and describe the specific measures that will be employed including retrofitting of construction equipment with EPA certified emission control devices and use of on-road Low Sulfur Diesel Fuel (LSD).

Mitigation

The EIR should include a separate chapter on mitigation measures. It should include a Draft Section 61 Finding for all state permits that includes 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, based on the construction phases of the project, should also be included.

Response to Comments

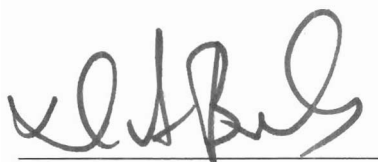
The EIR should contain a copy of this Certificate and a copy of each comment received. The EIR should respond to the comments received, to the extent that the comments are within MEPA subject matter jurisdiction. The EIR should present additional narrative and/or technical analysis as necessary to respond to the concerns raised.

Circulation

The EIR should be circulated in compliance with Section 11.16 of the MEPA regulations and copies should be sent to any state agencies from which the proponent will seek permits or approvals, to the list of "comments received" below, and to Somerville officials. Copies should also be sent to officials in Boston, Cambridge, Medford and Everett. A copy of the EIR should be made available for review at the Somerville, Boston, Cambridge, Medford and Everett public library.

April 13, 2007

Date



Ian A. Bowles

Comments Received:

4/6/07 Department of Conservation and Recreation (DCR)
4/6/07 Department of Environmental Protection/Northeast Regional Office
(MassDEP/NERO)
4/10/07 Executive Office of Transportation (EOT)
4/6/07 Massachusetts Historical Commission (MHC)
3/3/07 Massachusetts Bay Transportation Authority (MBTA)
4/9/07 Massachusetts Water Resources Authority (MWRA)
4/5/07 United States Environmental Protection Agency (EPA)
4/6/07 Senator Jarrett T. Barrios
4/6/07 Senator Patricia D. Jehlen
4/6/07 Representative Denise Provost
4/6/07 Somerville Mayor Joseph A. Curtatone
4/5/07 Somerville Redevelopment Authority (SRA)
4/6/07 City of Somerville/Office of Strategic Planning & Community Development
4/6/07 Alderman William Roche, City of Somerville
4/6/07 Alderman Dennis Sullivan, City of Somerville
4/6/07 Maureen Bastardi /City of Somerville School Committee
4/4/07 Councilor Salvatore LaMattina, City of Boston
4/6/07 Councilor Sam Yoon, City of Boston
4/4/07 Charlestown Waterfront Coalition
4/6/07 Conservation Law Foundation (CLF)
4/6/07 East Somerville Neighbors for Change
4/6/07 Metropolitan Area Planning Council (MAPC)
4/6/07 Mystic River Watershed Association (MRWA)
4/4/07 National Association of Industrial and Office Properties (NAIOP)
4/6/07 Somerville Bike Committee
4/6/07 Somerville Chamber of Commerce
4/6/07 Blatman, BoBrowski & Mead, LLC
3/29/07 Thomas Bent
3/29/07 Thomas & Roseanne Bent
4/6/07 Fred Berman
4/6/07 Jane Fair Bestor
4/6/07 Ronald Bonney
4/5/07 David Dahlbacka
4/6/07 Carrie Dancy
4/5/07 Dudley
4/5/07 Susan Fendell
4/6/07 Lisa Gimbel
4/5/07 Avi Green
4/6/07 Stephen Kaiser
4/6/07 Todd Kaplan
4/6/07 Enid Kumin
4/6/07 Meridith Levy
4/6/07 Ayala Livny
4/4/07 Lynn McWhood (2 letters)

4/6/07	Alan Moore
4/5/07	Bob Nesson
4/6/07	Lawrence Paoella
4/5/07	Marjorie Polster
4/6/07	Barry Rafkind
4/6/07	Ellin Reisner (2 letters)
4/5/07	Eric Schwarz
4/6/07	William Shelton
4/4/07	Michael Trembicki
4/6/07	William White
4/5/07	Paula Woolley

IAB/CDB/cdb