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April 14, 2006

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

PROJECT NAME: Green Street Development & Route 117 Connector  
PROJECT MUNICIPALITY: Waltham  
PROJECT WATERSHED: Stony Brook  
EOEA NUMBER: 13071  
PROJECT PROPONENT: Sam Park and Company  
DATE NOTICED IN MONITOR: February 22, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly** complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). However, for the Final Environmental Impact Report (FEIR) to be found adequate, I am requiring the proponent to provide additional information in the FEIR specifically pertaining to wetlands, stormwater, traffic, construction impacts, and mitigation. This information is necessary to ensure that the requirements of 301 CMR 11.07 are met, that the aspects and issues of the project have been clearly described, that the proponent has committed to a set of mitigation measures that will allow the state agencies to satisfy their Section 61 obligations, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency action.

**Project Description:**

The project involves the phased (Phase I, Phase II) development of approximately 640,000 square feet (sf) of office space in two eight-story buildings, 2133 enclosed parking spaces, and associated infrastructure within a former 9.4-acre auto salvage yard and gravel mining site located on Green Street on the west side of the Interstate I-95/Route 20 Rotary in Waltham. The project also includes the construction of traffic mitigation roadway improvements

### Phase I

Phase I involves the construction of 280,000 sf of office space in one eight-story building (Building 1), and a total of 930 parking spaces with 290 spaces beneath Building 1, 504 parking spaces in a separate central parking garage (Building A), and approximately 136 surface parking spaces on a portion of the 9.4 acre-site located on Green Street on the west side of the Interstate I-95/Route 20 Rotary in Waltham. Phase I also includes a number of proposed traffic mitigation roadway improvements within the project area.

### Phase II

The Phase II portion of the Green Street Mixed-use project will include the construction of 360,000 sf of additional office space, and involve the construction of 270,000 sf of office space in a separate eight-story building ('Building 2'), and the proposed 90,000 sf expansion of Building 1 that will include accommodation of additional structured parking spaces. Phase II also includes the construction of associated utilities and stormwater management infrastructure, and traffic mitigation roadway improvements.

This project will consume approximately 62,000 gallons per day (gpd) of water and will generate approximately 48,000 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). The project site is located within the Stony Brook Watershed. Stony Brook conveys water from the Hobbs Brook Reservoir to the Stony Brook Reservoir and forms part of the water supply system for the City of Cambridge. The wetlands and waterways located within the project site are classified as Outstanding Resource Waters (ORW).

The project is undergoing review and requires preparation of an EIR pursuant to sections 11.03 (1)(b)(2) of the MEPA regulations because the project requires state permits and will involve the creation of more than 5 acres (5.08 acres total) of new impervious surfaces. The project as currently designed also requires a Groundwater Discharge Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Waltham Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). Because the proposed project will generate more than 3,000 new vehicle trips per day (5,320 total), and requires a Highway Access Permit from the Massachusetts Highway Department (MHD), it will require the preparation of an EIR pursuant to Sections 11.03 (6)(a)(6), and (6)(a)(7) of the MEPA regulations. The project also requires a Construction Dewatering Permit, a Fossil Fuel Emission Permit and a Groundwater Discharge Permit from DEP. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over five acres and requires a Construction Site Dewatering Discharge Permit from the U.S. Environmental Protection Agency. Using the Institute of Traffic Engineers Trip Generation land use codes 750 for Office Park, the project is estimated to generate a total of approximately 5,520 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.

**Project History:**Phase I Waiver Request

As part of the Expanded Environmental Notification Form (EENF) submittal to MEPA (July 2003), the proponent requested a Phase I Waiver to construct the 280,000 sf office building, approximately 933 enclosed parking spaces, municipal water and sewer connections, a stormwater management water quality detention basin, a comprehensive erosion and sedimentation control program, and proposed Phase I traffic mitigation roadway improvements. Phase I work will result in the creation of approximately 1.0 acre of new impervious surface area, and the generation of approximately 2,725 new vehicle trips per day. The Phase I roadway improvement work will involve construction activities within the Riverfront Area and will impact approximately 8,600 sf of Riverfront Area, 2,500 sf of Bordering Land Subject to Flooding, 300 sf of land under water, and 40 linear feet (lf) of inland bank. Phase I work will not impact any wetland resource areas located within the project site. Phase I will require a Groundwater Discharge Permit from DEP, and an Order of Conditions from the Waltham Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed).

The proponent's Phase I Waiver request was granted in a separate MEPA Certificate issued in October 2003. The Certificate on the Phase I Waiver required the proponent to complete the implementation of the proposed Phase I traffic mitigation roadway improvements prior to or during the construction of the Phase I project activities, as one of a number of conditions of the approval of the Phase I waiver request including:

- the City of Waltham's commitment to pursue and fund the Phase II project improvements without state transportation funds or federal funds using state obligation authority;
- the City of Waltham's commitment for all project-related right-of-way acquisitions;
- the City of Waltham's commitment not to proceed with the Phase II portion of the project until the proposed Phase II roadway improvements have been completed, and
- the proponent's commitment to develop and implement an infiltration/inflow (I/I) mitigation program for this project that will result in the minimum removal of approximately 192,000 gpd (minimum 4:1 removal ratio) of I/I to offset the need for additional water withdrawals.

Notice of Project Change

The proponent has filed a Notice of Project Change (NPC) with the DEIR, and is proposing a change in use for the Green Street Development project from 640,000 sf of office space to a 570,000 sf mixed-use office and retail space development. As currently proposed, Phase I will involve the construction of 245,000 sf of office space in a seven-story building ('Building B') with 933 underground parking spaces, a 3-story central parking garage ('Building A') with approximately 504 parking spaces, approximately 136 surface parking spaces, and related utilities and stormwater management infrastructure, and associated traffic mitigation roadway improvements. The Phase II portion of the Green Street Mixed-Use project will now include the construction of an additional 115,000 sf of office space, 180,000 sf of retail space, and approximately 30,000 sf service and storage space, and 448 underground parking spaces to be located in a separate seven-story building ('Building C').

Phase II will also include the construction of a 2-story expansion of Building A to accommodate a total of 1,691 structured parking spaces, and approximately 75,000 sf of ground floor retail space, associated stormwater management infrastructure and utilities, and traffic mitigation roadway improvements. The proposed project change will result in increases to impervious surface area (approximately 1.5 acres), water supply demand (approximately 9,100 gpd), wastewater flows (approximately 7,050 gpd), parking (33 spaces), and traffic (approximately 2,622 vtd).

**Wetlands:**

The proponent has proposed to locate a stormwater detention basin within the 200-foot Riverfront Area, and within close proximity to the Stony Brook water body. As currently designed, the project will result in the alteration of approximately 10,200 sf of bordering land subject to flooding (BLSF). In their comments, DEP has requested that the proponent identify opportunities for re-locating the stormwater detention basin outside of the Riverfront Area. In the alternative, the FEIR should describe the proponent's commitment to provide compensatory flood storage area for the flood storage area eliminated by the proposed project. The FEIR should demonstrate how the proponent proposes to provide adequate flood storage compensation during and at the completion of each of the proposed project construction phases. The FEIR should respond to DEP's comments.

**Stormwater:**

According to DEP's comments, the FEIR should include additional detailed information describing the proponent's proposed stormwater management plan. The FEIR should demonstrate that the design of the drainage system is consistent with this DEP's Stormwater Management Policy's 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) Phase II Stormwater General Permit. The proponent should use the DEP Stormwater Management Handbook when addressing this issue. In the alternative, the FEIR should explain why the proponent is proposing a drainage system design not recommended by DEP. The FEIR should include a detailed description of the proponent's plan to implement best management practices (BMPs), described in the Hobbs Brook and Stony Brook Watersheds Highway Drainage and Improvement Project (EOEA # 8263), to address the stormwater runoff generated from portions of the Route I-95/Route 20 interchange. The FEIR should include a detailed description of the proponent's proposed maintenance program, and should outline the actual maintenance operations, sweeping schedule, responsible parties, and back-up systems.

The proponent has committed to the development of a stormwater management plan for the 296-acre watershed sub-basin located within the project area above the culvert outfall (WA-17) serving as the watershed for the City of Cambridge's public water supply. According to the proponent, the stormwater management plan will include the identification of all existing buildings, parking lots, and utilities, and will identify and prioritize the type of best management practices (BMPs) that could be implemented to improve the quality of water entering the Cambridge Water Supply system.

In their comments, the City of Cambridge's Water Department has indicated that the proponent has completed the relocation and upgrading of the existing U.S. Geological Survey's (USGS) water quality monitoring station located at the WA-17 culvert outfall.

I encourage the proponent to continue to evaluate opportunities for incorporating sustainable design alternatives including Low Impact Development (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/>.

**Wastewater:**

The City of Waltham is a member of the Massachusetts Water Resources Authority's (MWRA) Regional Sewer System. Wastewater flows in the MWRA Regional Sewer system continue to be a major concern for DEP and the US Environmental Protection Agency (EPA). As a member community to the MWRA's sewer system, the City of Waltham is required to assist in the ongoing coordinated efforts of DEP 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. The proponent has committed to participate in the City of Waltham's ongoing I/I removal program activities. According to the information provided in the DEIR, the proponent has identified and committed to three I/I projects, located within the City of Waltham's Waverly Oaks Trunk Sewer System, that will result in the removal of a minimum of approximately 220,000 gpd (4:1) of I/I. According to DEP, the proponent's proposed I/I removal projects will need to be completed before the project's wastewater flows can be discharged to the City's sewer system.

**Traffic:**

According to MHD, the DEIR included a traffic study that appears to conform to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. Using the Institute of Traffic Engineers Trip Generation Land Use Codes (LUC) 710 for General Office Building and 820 for Shopping Center, the project, as currently proposed, is estimated to generate approximately 7,942 new vehicle trips on the average weekday. The unadjusted and adjusted trip generation rates, diverted-linked trips, and pass-by trips must be fully explained in the FEIR. I note that the proponent has committed to expand the traffic study area to include a number of roadway intersections located within the Town of Weston along portions of Route 20 and Route 117.

The FEIR should include an update of the proponent's study of these intersections. The FEIR should respond to the comments received from the Town of Weston.

The Green Street Mixed-Use Development project's new vehicle trips will impact traffic operations along the Route 117 (Main Street) and Route 20 (Weston Street) corridors, and will thus require a concerted effort by the proponent to reduce single employee and customer vehicle trips. The proponent continues to work closely with MHD and the City of Waltham to successfully resolve design issues for the traffic mitigation roadway improvements proposed for both the Phase I and Phase II ('overall traffic mitigation plan') as a condition of MHD's support of the Phase I Waiver Request. The proponent has identified and committed to Phase I and Phase II traffic mitigation roadway improvements, listed below, to mitigate the project's impacts to traffic. According to the information provided in the DEIR, and the comments received from MHD, the proponent has committed to implement the overall traffic mitigation plan prior to the start of the Phase II development program. MHD has requested that the proponent also commit to the realignment and signalization of the Green Street/Bear Hill Road intersection as part of the Phase I Roadway Improvements plan. The proponent will need to obtain MHD's approval for the proposed overall traffic mitigation plan.

#### Phase I Roadway Improvements

- a connector road between Route 117 and the Route 20 Rotary (Route 117 Connector);
- traffic signalization at the Route 117/Route 117 Connector Road intersection,
- traffic signalization at the Route 20 eastbound with the Route 20 Rotary;
- modifications to the Route 20 Rotary, and
- improvements at the Route 20/Stowe Street intersection.

#### Phase II Roadway Improvements

- construction of a northbound bridge over Route 95 connecting to Route 117 Connector (Route 95 Bridge),
- installation of traffic signalization on both ends of the proposed Route 95 bridge, and
- geometric improvements and new traffic signals at the Route 20 westbound/Route 20 Rotary and at the Route 117 Connector Road.

As described in the DEIR, private funding will be used for the commercial development portion of the Green Street Development project. A combination of private financing, District Improvement Financing (DIF), and/or federal grants will be used for the project's traffic mitigation/roadway improvements including right-of-way acquisition, and design and construction of the City of Waltham's roadway improvements. As I have noted above, MEPA's approval of the proponent's Phase I Waiver request was conditioned on the City of Waltham's commitment to; 1) pursue and fund the Phase II traffic mitigation/roadway improvements without state transportation funds or federal funds using state obligation authority, 2) the City of Waltham's commitment for all project-related right-of-way acquisitions, and 3) the City of Waltham's commitment not to proceed with the Phase II portion of the project until the proposed Phase II roadway improvements have been completed.

According to the comments received from the Mayor's Office in the City of Waltham on the DEIR, the City of Waltham does not support the use of DIF to finance the proposed traffic mitigation/roadway improvements as currently proposed, and has requested that the proponent revise the overall mitigation plan for the Green Street Mixed-use Development Project. As a result, I must remind the proponent that the project construction activities granted as part of the Phase I Waiver request may not proceed until such time as the proponent can provide additional information to MHD to satisfactorily demonstrate that: 1) the City of Waltham has agreed to the commitments for the traffic mitigation roadway improvements described in the Phase I Waiver and in the DEIR; or 2) the proponent has developed an alternative financing plan for the design and construction of the proposed Phase I and Phase II traffic mitigation roadway improvements. I anticipate that MHD's review and approval of any alternative mitigation financing plan proposed by the proponent will contain conditions or restrictions necessary to ensure compliance with MEPA and 301 CMR 11.00 prior to the commencement of the proponent's Phase I Waiver activities, thus, will consider MHD's approval of the proponent's alternative financing plan as satisfaction of the relevant conditions contained in the October 7, 2003 Final Record of Decision.

The FEIR must demonstrate a clear commitment to complete the Phase I and Phase II traffic mitigation roadway improvements (overall mitigation plan) prior to initiating the Phase II development plan. The FEIR should respond to the comments received from the Metropolitan Area Planning Council (MAPC) regarding the use of federal funding and alternative financing for the proposed traffic mitigation roadway improvements.

#### Transportation Demand Management (TDM) Plan

As described in the DEIR, 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 trip generation including:

- the appointment of an Employee Transportation Coordinator (ETC);
- the implementation of an employee ride-matching program (carpooling and vanpooling) program;
- the implementation of a "Guaranteed Ride Home" program for employees;
- the use of staggered employee work hours;
- provide on-site MBTA (Route #70 and/or #170) transit amenities including bus shelters and bus stops, and posting of transit schedules on-site;
- provide designated preferential parking for carpoolers; and
- the development of on-site amenities including employee direct deposit banking, and secured bicycle storage racks.

All Green Street Development project tenants and businesses should be required to participate in the proposed TDM plan. The TDM plan should describe any monitoring necessary to ensure the success of the program. The FEIR should demonstrate the proponent's commitment to implement, monitor, and continuously fund the proposed TDM plan.

### Transit

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 the project site. I strongly encourage the proponent to identify opportunities to incorporate transit amenities including bus shelters and bus within the project site or nearby. The FEIR should respond to the Executive Office of Transportation's (EOT) comments. The FEIR should demonstrate the support of the MBTA for any proposed transit amenities. The FEIR should include an update of the proponent's discussions with MBTA and others for providing existing MBTA bus service to the project site. The proponent should propose mitigation for proposed project impacts on existing bus services.

### Pedestrian and Bicycle Facilities

The FEIR should describe the internal vehicular and pedestrian circulation plan for the project site at the completion of the proposed project. The FEIR should show on a reasonable scaled map of the project site, where the proponent proposes new sidewalks, pedestrian crossings and vehicle/pedestrian safety signage in a map of the area. The proponent should discuss the feasibility of providing a sidewalk along Green Street and along the proposed Green Street development driveways. I strongly encourage the proponent to consult with WalkBoston, and to continue to work closely with the City of Waltham and MHD, to evaluate the feasibility of 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

The FEIR should describe how the number of parking spaces needed was determined. If the parking supply is greater than the amount required under local zoning, the FEIR should explain why, and discuss the impacts of excess parking upon the proposed Transportation Demand Management (TDM) program, and the feasibility of an alternative with fewer spaces. The proponent should show the overall vehicular and pedestrian internal circulation patterns for the project site, both at the completion of Phase I, and upon completion of the full-build scenario (Phases I and II).

### **Wayside Rail Trail:**

The project site contains a portion of the abandoned Massachusetts Bay Transportation Authority (MBTA) railroad right-of-way that crosses along the northern boundary of the project site, and contains an abandoned railroad bridge over I-95/Route 128 that has the potential for incorporation in the proposed Wayside Rail Trail. The proposed Wayside Rail Trail (25.5 miles) will serve as an important segment of the 104-mile Massachusetts Central Rail Trail (MCRT) that has been proposed as the first cross-state, public inter-modal (bike/hike) trail connecting Boston to Northampton.



The Wayside Trail segment will extend from Belmont to Berlin, and pass through parts of Belmont, Waltham, Watertown, Weston, Wayland, Stow, Sudbury, Marlborough, Hudson, Bolton, and Berlin. According to the comments received from MassBike and others, the City of Waltham is currently developing the segment of the Wayside Rail Trail located adjacent to the project site.

The FEIR should report on the proponent's efforts to work closely with representatives of the Mass Wayside Rail Trail, MCRT, and the City of Waltham to incorporate the eventual extension of the proposed Wayside Rail Trail segment within the project area and to accommodate future trail users safely across Interstate 95/Route 128 within or in close proximity to the existing abandoned MBTA Railroad right-of-way. The proponent should respond to MassBike's comments regarding the project's impacts to pedestrian and bicycling amenities within the project area.

### **Sustainable Design:**

A new development of the size of the proposed project presents a host of opportunities for incorporating sustainable design elements and sustainable construction into project design, consistent with the goals of Executive Order 385. Sustainable design elements, over the course of the project design life, can both prevent Damage to the Environment and reduce operating costs to the proponent. To the extent feasible, the proponent should incorporate sustainable design elements into the project design. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Optimization of natural day lighting, passive solar gain, and natural cooling;
- Use of energy efficient heating, ventilation and air conditioning (HVAC), and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- Favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- Provision of easily accessible and user-friendly recycling system infrastructure into building design;
- Development of a solid waste reduction plan;
- Development of an annual audit program for energy consumption, waste streams, and use of renewable resources;
- Leadership in Energy and Environmental Design (LEED) certification; and
- Water conservation and reuse of wastewater and stormwater.

### **Construction Period Impacts:**

According to the proponent, the proposed mixed-use development project will involve night time construction to minimize disruption to traffic. The FEIR should include a construction mitigation plan to satisfactorily address the project's potential impacts to nearby residential neighborhoods from construction noise and dust.

I encourage the proponent to consult with the City of Waltham, and to meet with local residents from Livingstone Lane, Dorchester Street, Florence Road and Virginia Road during the design of the proponent's construction mitigation plan. I ask that the proponent require its contractors to use On-Road Low Sulfur Diesel (LSD) fuel in their off-road construction equipment that can increase the removal of particulate matter (PM) by approximately 25% beyond that which can be removed by retrofitting diesel-powered equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. The proponent should also commit to specific TDM measures that can be implemented during construction.

**Mitigation/Section 61:**

The FEIR should contain a separate chapter on proposed Phase I and Phase II traffic mitigation roadway improvements plan, and a Draft Section 61 Finding for all state permits that describes a clear commitment to completing the Phase I and Phase II traffic mitigation roadway improvements (overall mitigation plan) prior to initiating the Phase II development plan. The traffic mitigation roadway improvement plan should state whether land takings are necessary to implement proposed improvements and must clearly identify the party(s) responsible for such takings. The Draft Section 61 Finding should contain a clear commitment to any/all 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 all roadway mitigation, approved by MHD, must also be included.

**Comments:**

The FEIR should respond to the comments received to the extent that the comments are within MEPA jurisdiction. I recommend that the proponent use either an indexed response to comments format, or else direct narrative response. The FEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

**Circulation:**

The FEIR 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 City of Waltham and Town of Weston officials. A copy of the FEIR should be made available for public review at the Waltham and Weston Public Libraries.

April 14, 2006  
Date

  
Stephen R. Pritchard, Secretary

Comments received:

03/07/06	Town of Weston, Acting Town Manager
03/08/06	City of Waltham, Mayor's Office
03/22/06	Ingeborg Uhlir
03/23/06	Mary Ellen and William M. Whyte
03/23/06	Lois Butler
03/23/06	Arthur Uhlir, Jr.
03/24/06	Town of Weston, Planning Board
03/24/06	Roland O. Peterson
03/27/06	Town of Weston
03/27/06	MassBike
03/27/06	John S. Allen
03/31/06	Massachusetts Highway Department (MHD)
03/27/06	Department of Environmental Protection – NERO
03/30/06	Metropolitan Area Planning Council (MAPC)

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