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May 25, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : 120 Kingston Street
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 13999
PROJECT PROPONENT : Hudson Group North America LLC
DATE NOTICED IN MONITOR : April 11, 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 hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

I have received a number of comment letters that express concerns with the redevelopment of the 120 Kingston Street site as currently proposed. These comments include concerns about the project's impacts on historic resources, neighborhood character, and open space including the new Chinatown Park and the Rose Kennedy Greenway. Commenters have noted that the proposed 29-story (325-foot tall) building does not comply with the City of Boston's Zoning Code for building height (100 feet), and is not consistent with the character of the surrounding Chinatown District neighborhood and the Chinatown Community Plan.

Many of these issues are the province not of MEPA but of the City of Boston's zoning and project review and approval process. However, as discussed in thoughtful letters from WalkBoston, the Mayor's Completion Task Force, and others, the proposed site design is not fully sensitive to Greenway design principles and efforts by the Massachusetts Turnpike Authority to enhance the design of the new Chinatown Park. While the project site presents the significant challenge of reconciling historic preservation, public access and transportation issues, it must not do so at the expense of the public's extraordinary interest in this urban parkway. I appreciate the proponent's engagement in the public process, and I expect that the Boston Redevelopment Authority's review will ensure that these issues are appropriately addressed.

Project Description

As described in the Environmental Notification Form (ENF), the project involves the demolition of a portion of the existing Auchmuty Building, and the construction of 180 new residential condominium units (356,000 sf) in a 30-story (325 ft height) building to be located on a .33 acre triangular-shaped site located on the corner of Kingston Street and Essex Street in Boston ('120 Kingston Street project').

According to the proponent's statements made during the April 25, 2007 MEPA consultation session held for this project, the project also involves the proposed construction of a 52-unit apartment building (approximately 50,000 sf) on a separate 6,400 sf parcel of property located west of the 120 Kingston Street project site between Oxford Street and Ping On Street ('Ping On Street project'). The Ping On Street project has been proposed as affordable housing mitigation resulting from the proposed 120 Kingston Street project. The Ping On Street project will be constructed concomitantly with the 120 Kingston Street project. The anti-segmentation provisions of the MEPA Regulations require the review of the related development parcels, as a "common plan or undertaking". The proponent has submitted additional information to the MEPA Office describing the full impacts of the 120 Kingston Street project, as well as the potential cumulative infrastructure impacts and site planning issues arising out of the construction of the Ping On Street project ('full-build project').

120 Kingston Street

As currently proposed, the 120 Kingston Street project will involve the demolition of portions of the existing Auchmuty Building, identified as a historically significant 19th century industrial loft building located within the Textile District Historic District and listed on the State and National Register of Historic Places. The proponent proposes to preserve approximately 60% of the existing Auchmuty Building including two three-window bays (54 lf) of the Auchmuty Building's Essex Street façade, and three three-window bays (70 lf) of the Auchmuty Building's Kingston Street façade. The 120 Kingston Street project site abuts the new Rose Kennedy Greenway and the Chinatown Park, built atop the Central Artery tunnel, to the east and south.

Upon completion of the proposed demolition activities, the proponent proposes to construct 180 new residential condominium units (270,230 sf) in a 30-story building, approximately 4,700 sf of street-level retail space, five floors (2nd – 6th) of structured parking (138 parking spaces total) and one level of below-grade parking (18 parking spaces), and associated infrastructure improvements. The 120 Kingston Street project will consume a total of approximately 37,450 gallons per day (gpd) of water and will generate approximately 34,040 gpd of wastewater flow. Vehicular Access to the building's parking garage is proposed at the east end of Essex Street. Garage egress and service vehicle access will be located at the south end of the Kingston Street side of the building.

Ping On Street

The Ping On Street project includes the proposed construction of a 52-unit apartment building (approximately 50,000 sf) on a 6,400 sf parcel of property located west of the Kingston Street project site between Oxford Street and Ping On Street in Boston. According to the proponent, all of the residential units included in the Ping On Street project will be affordable and available for purchase by persons who meet the HUD Affordability Requirement. The Ping On Street project has been proposed in lieu of a traditional on-site affordable housing element within the 120 Kingston Street development project. The Ping On Street project will consume a total of approximately 7,240 gallons per day (gpd) of water and will generate approximately 6,580 gpd of wastewater flow. As currently proposed, the Ping On Street project does not include on-site parking or vehicular access. Service, deliveries, and trash removal will be provided curbside from the rear of the building on Ping On Street.

Using the Institute of Traffic Engineers Trip Generation Land Use Codes 230 for Residential Condominium/Townhouse and 820 for Shopping Center, and 220 for Apartment, the full-build project is estimated to generate a total of approximately 1,613 unadjusted vehicle trips on the average weekday. The proponent has estimated that the full-build project would generate approximately 444 vehicle trips (using the 25-percent pass-by rate for retail) when the proponent utilizes the modal splits for auto use, transit, and walking.

The project is undergoing review pursuant to 301 C.M.R. 11.03 (10)(b)(1), of the MEPA regulations, because it involves the demolition of an exterior portion of an Historic Structure (Auchmuty Building – 120 Kingston Street) listed in or located in an Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth. The project will require a Construction Dewatering Permit, a Fossil Fuel Emission Permit and a Sewer Compliance Certificate from the Department of Environmental Protection (MassDEP), and review by the Massachusetts Historical Commission (MHC). The 120 Kingston Street project requires review and approval by the Boston Redevelopment Authority (BRA) in accordance with Article 80, Section 80B (Large Project Review) of the Boston Zoning Code. The Ping On Street project will undergo review and approval by the BRA in accordance with Article 80, Section 80E (Small Project Review) of the Boston Zoning Code.

I note that the BRA's Article 80 development review of the proposed project will require the proponent to prepare a Draft Project Impact Report (DPIR) to identify potential construction and post-construction impacts and mitigation measures including but not limited to traffic, wind, shadow, stormwater, water, and sewer. The proponent should forward a copy of the DPIR to the MEPA Office for the project file.

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required state permits and that have potential to cause significant environmental impacts, including traffic, historic, and wastewater.

Traffic

According to the information provided in the ENF, and the additional information provided by the proponent subsequent to the MEPA Consultation Session held for this project, the 120 Kingston Street project is estimated to generate a total of approximately 1,263 new vehicle trips on the average weekday. The Ping On Street project is estimated to generate a total of approximately 350 new vehicle trips on the average weekday.

As noted elsewhere in this Certificate, the BRA's Article 80 development review process will require the proponent to prepare a Draft Project Impact Report (DPIR) that will include a Transportation Access Plan Agreement (TAPA), and a Construction Management Plan (CMP) for the proposed project in conformance with the Boston Transportation Department (BTD) requirements. The TAP will study and analyze the project's impact on the traffic and the transportation network in the project area. According to the proponent, the TAP will also contain a detailed description of the proponent's commitment to implement Transportation Demand Management (TDM) measures to mitigate the 120 Kingston Street project's traffic impacts. The TAPA should include a study of the cumulative construction and post-construction traffic impacts anticipated from the development of the proponent's 120 Kingston Street project and the Ping On Street project.

Pedestrian Circulation

Many commenters have identified the importance of providing a direct pedestrian connection/access from the new 120 Kingston Street building to the new Chinatown Park and the Rose Kennedy Greenway area and the major pedestrian circulation corridors from South Station and Downtown Crossing. In their comments, the Massachusetts Turnpike Authority (MTA) has described the new Chinatown Park as a major component of the Central Corridor public open space (Rose Fitzgerald Kennedy Greenway) created by the removal of the Central Artery structures.

The Chinatown Park was specifically designed to accommodate and complement the anticipated public open space improvements to be constructed as an integral component of any proposed private development project to be located adjacent to the Rose Kennedy Greenway area. The primary entrances to the new 120 Kingston Street building's ground floor lobby and retail area are located at street level along Essex Street (north side) and Kingston Street (west side). The design for the building's east side includes a grade separated terrace along the project site's border with the Chinatown Park and Rose Kennedy Greenway area. As currently designed, the grade separated terrace does not provide for a user friendly pedestrian connection between the 120 Kingston Street building and the Chinatown Park and Rose Kennedy Greenway.

I note that according to the comments received from the Mayor's Central Artery Completion Task Force, all new developments located within 100 feet of a public park are subject to review by the Boston Parks Department. Commenters has asked that the proponent's design alternatives also consider provisions for handicap accessibility, security, café support space, and 24-hour open pedestrian circulation. I expect that as part of the Article 80 development review process, the BRA will request that the proponent consult with MTA, the Boston Parks Department, WalkBoston, and others to identify design alternatives to better address the project's public interface and integration with the adjacent Rose Kennedy Greenway area and the new Chinatown Park space.

Historical Resources

In their comments, the Massachusetts Historical Commission (MassHistoric) indicated that the Auchmuty Building is listed in the State and National Registers of Historic Places as a contributing building in the Textile District Historic District. The project site is also within close proximity to the Leather District Historic District, and numerous properties included in MassHistoric's Inventory of Historic and Archaeological Assets. A number of commenters have noted that the Auchmuty Building is currently pending designation as a Boston Landmark by the Boston Landmarks Commission. According to MassHistoric, the proposed demolition of the Auchmuty Building will have an adverse effect on the Auchmuty Building and the Textile District Historic District. As currently designed, the proponent's 120 Kingston Street project may also result in additional adverse shadow impacts to adjacent historic properties located in the project area. MHC requests a review of alternatives to evaluate whether the demolition can be avoided prior to evaluating what mitigation measures can effectively address the impact. I encourage the proponent to work cooperatively with MassHistoric during the consultation process to analyze alternative development scenarios that could avoid an adverse impact and, if not possible, to develop appropriate mitigation. As noted elsewhere in this Certificate, the BRA's Article 80 development review process will require the proponent to identify and mitigate potential direct and indirect project impacts, including the potential adverse effects posed by the project on historic resources.

Stormwater/Drainage

The 120 Kingston Street and the Ping On Street project sites are located within the City of Boston's Groundwater Conservation Overlay District (GCOD). As currently proposed, the project plans do not appear to include any on-site infiltration of stormwater. The ENF indicates that stormwater from the 120 Kingston Street site will be collected and treated through new and existing hooded catch basins. Existing stormwater structures will be retrofitted with oil/gas traps.

In their comments, the Massachusetts Water Resources Authority (MWRA) and the Boston Water and Sewer Commission (BWSC) have indicated that the proponent will be required to comply with the City's GCOD zoning code (Article 32) and to demonstrate that the proposed projects will not adversely affect groundwater levels. The proponent must fully investigate methods for retaining stormwater on site for each project site. The proponent will need to include the incorporation of a stormwater infiltration/groundwater recharge system for each proposed development project. The proponent will need to construct separate sewer and storm drain lines from the proposed 120 Kingston Street project site and the Ping On Street project site to BWSC's existing combined sewer infrastructure located in roadway right-of-ways abutting the project sites.

Wastewater

The wastewater flows from the 120 Kingston Street project (34,040 gpd) will be discharged to the Boston Water and Sewer Commission's (BWSC's) combined sewer system located within the Kingston Street and Essex Street right-of-ways, and conveyed to the Massachusetts Water Resources Authority (MWRA) Deer Island treatment plant for treatment and discharge. The ENF indicates that there is sufficient capacity in the existing BWSC combined sewers to accommodate the increased wastewater flows resulting from the 120 Kingston Street. The ENF does not provide information regarding the discharge of wastewater flows (6,580 gpd) from the Ping On Street project. The proponent will need to demonstrate that BWSC's combined sewer system has the hydraulic capacity to accommodate the combined wastewater flows (40,620 gpd) from the 120 Kingston Street project and the Ping On Street project.

In addition, MassDEP, MWRA and BWSC indicate that the City of Boston is a member community to the MWRA's sewer system and 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. The proponent will be required to offset the full-build projects' new additional wastewater flows through the removal of approximately 162,480 gpd (4:1) of I/I from the City's sewer collection and conveyance system. According to MWRA, the proponent's proposed development projects should not be allowed to increase combined sewer flow volumes, activations or surcharges to the City's sewer system.

I strongly encourage the proponent to work closely with BWSC, MassDEP and others to identify I/I activities to be implemented by the proponent that will result in the minimum removal of approximately 162,480 gpd of I/I.

Open Space

As noted previously, the project site is located adjacent to several open space resource areas including the new Chinatown Park and the Rose Kennedy Greenway that will be enjoyed and valued by project area residents, workers and visitors. The ENF does not include an analysis of the project's potential wind, shadow and solar glare impacts on these open space areas or the surrounding Chinatown District neighborhood. The BRA's Article 80 development review process will require the proponent to prepare detailed studies and analyses to evaluate the 120 Kingston Street project's potential wind and shadow impacts to the quality, use and enjoyment of these valuable open space areas, and the surrounding neighborhood. I ask that the BRA require the proponent to include in the DPIR an alternatives analysis, consistent with zoning or other reduced build alternative, which describes how design alternatives could further minimize the project's potential direct and indirect impacts, particularly to adjacent open space areas.

Construction Period Impacts


The proponent will be required to develop a Construction Management Plan (CMP) for review and approval by the Boston Transportation Department (BTD) that will contain measures to alleviate dust, noise, and odor nuisance conditions associated with the 120 Kingston Street project construction. The proponent's CMP should also include measures to alleviate construction impacts and conditions associated with the Ping On Street project construction activities. I note that additional construction mitigation may be warranted to protect the new Chinatown Park and the Rose Kennedy Greenway from construction impacts including noise, dust and debris. I ask that the proponent consult with the Chinatown Park and the Rose Kennedy Greenway regarding appropriate construction mitigation measures.

The proponent's demolition activities must comply with MassDEP's Solid Waste Management and Air Pollution Control regulations pursuant to M.G.L. Chapter 40, Section 54, and 310 CMR 16.05, respectively. All demolition and 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. MassDEP comments indicate that the proponent is required to comply with MassDEP's Solid Waste and Air Quality Control regulations during construction. MassDEP recommends that the proponent make a commitment to recycle construction and demolition waste.

I encourage the proponent to require its contractors to retrofit diesel-powered equipment with emissions controls, such as particulate filters or traps, and use low-sulfur diesel fuel. These measures can reduce exposure to diesel exhaust fumes and particulate emissions for workers and abutters.

Based on the information provided by the proponent and consultation with relevant public agencies, I conclude that no further MEPA review is required. The review of the ENF has served adequately to disclose potential impacts and mitigation, and to demonstrate that project impacts do not warrant the preparation of an Environmental Impact Report.

May 25, 2007
Date



Ian A. Bowles, Secretary

Comments received:

04/24/07	David Robyn Seeley, Chinatown Park Community, CoChair
04/26/07	Linda Weinstein
04/26/07	Massachusetts Bay Transportation Authority (MBTA)
04/27/07	Allison Buff
04/27/07	Peter J. Portney
04/27/07	Edward Berman, Kathleen McDonough
04/30/07	Anderson & Kreiger LLP
05/01/07	Boston Water and Sewer Commission
05/01/07	WalkBoston
05/01/07	Onnelly T. Parslow
05/01/07	Massachusetts Department of Environmental Protection (MassDEP) - NERO
05/01/07	Massachusetts Water Resources Authority (MWRA)
05/01/07	Massachusetts Historical Society (MassHistoric)
05/01/07	Daylor Consulting Group Inc.
05/02/07	Gilbert Ho
05/09/07	City of Boston, Environment Department
05/23/07	Massachusetts Turnpike Authority (MTA)

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