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July 11, 2008

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

PROJECT NAME : Modern Theatre Project
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Charles River
EOEA NUMBER : 14254
PROJECT PROPONENT : Suffolk University
DATE NOTICED IN MONITOR : **June 11, 2008**

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.06 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).

Project Description

The project consists of construction of a 10-story Suffolk University student residential hall and a cultural center that will include a 185-seat theater and gallery space. The project includes restoration of the historic facade of the Modern Theatre along Washington Street and its return along Harlem Place. The remainder of the building will be demolished. The project will add 48 feet to the building height for a total height of 129 feet and add 32,500 square feet (sf) of floor area for a total of 60,000 sf. It will provide housing for 199 students. The building will not include a garage or provide any parking. The project includes sidewalk repair and lighting improvements along the Washington Street frontage.

The 4,762 sf site includes the seven-story dilapidated Modern Theatre building. The building is located at 523-525 Washington Street and is a contributing structure within the Washington Street Theatre District which is listed in the State Register of Historic Places.

According to the Environmental Notification Form (ENF), the building has been vacant for approximately 20 years and is in a state of extreme disrepair. The site is bounded to the north by the 10 West Street Residence Hall (which is owned by Suffolk University), to the west and the south by the Opera House and Harlem Place and to the east by Washington Street.

MEPA Jurisdiction and Permitting

The project is undergoing MEPA review pursuant to Section 11.03 (10)(b)(1) because it may receive state funding, consists of a land transfer and includes demolition of all or any exterior part of any Historic Structure listed in or located in any Historic District listed in the State Register of Historic Places. The proponent will seek funding for the project from the Massachusetts Health and Educational Facilities Authority (HEFA). The Boston Redevelopment Authority (BRA), acting as a municipal redevelopment agency, will transfer the land to Suffolk University. Also, the project requires a Temporary Construction Site Dewatering Discharge Permit from the Massachusetts Water Resources Authority (MWRA).

The proponent is seeking Institutional Master Plan (IMP) approval under Article 80D of the Boston Zoning Code for a 10-year Master Plan that includes the Modern Theatre Project and a new academic building at 20 Somerset Street.¹ Also, this project is undergoing Article 80B Large Project Review by the BRA.

Because the proponent is seeking financial assistance from the Commonwealth for the project and the project requires a land transfer, MEPA jurisdiction is broad and extends to all of the potential environmental impacts of the project.

Environmental Impacts

Potential environmental impacts are associated with the demolition of a historic structure, use of 14,975 gallons per day (gpd) of water and generation of 13,615 gpd of wastewater. Efforts to avoid, minimize and mitigate impacts include redevelopment of an existing site in close proximity to public transportation, restoration and reconstruction of the Modern Theatre façade, and certification of the building by the US Green Building Council's Leadership in Energy and Environmental Design (LEED) at the Silver Level.

I note that this project will meet several longstanding goals of the City of Boston including revitalization of Washington Street, restoration of its historic theatres and increasing the amount of student housing provided by universities and colleges.

Review of the ENF

The ENF includes a project description, project plans and a discussion of alternatives. The residential portion of the building will be connected to and share an entrance with the 10

¹ A previous proposal for a student dormitory at 20 Somerset Street was reviewed by MEPA (EEA #13902).

West Street Residence Hall. The first two floors of the building will contain the theater and its lobby will serve as an art gallery.

The ENF indicates complete restoration of the building is not feasible due to the building's deteriorated physical and structural conditions and cites findings from a 2002 Modern Theatre Study Report to support this assertion. To minimize impacts to historic resources, the proponent will restore the façade of the building and its return along Harlem Place. The ENF identifies measures to ensure an accurate restoration by dismantling the façade, recording the location of each piece and restoring each component off-site prior to reinstallation. Comments from the Massachusetts Historical Commission (MHC) indicate that the project will have an "adverse effect" on the Modern Theatre because it will demolish the historic property with the exception of the façade and its return along Harlem Place. MHC comments indicate that it will enter into a Memorandum of Agreement (MOA) with the proponent to identify measures to avoid and minimize impacts to historic resources.

Wastewater and stormwater will be discharged through an existing 28-inch by 42-inch combined sewer in Washington Street. Comments from the Boston Water and Sewer Commission (BWSC) and the Massachusetts Water Resources Authority (MWRA) indicate that the proponent should include measures to offset the increase in peak sanitary flow by reducing extraneous clean water (infiltration/inflow (I/I)) on a 4:1 basis of I/I removal to new wastewater added. In addition, the BWSC indicates that, prior to approving the discharge of stormwater to the BWSC system, the proponent should evaluate methods to retain stormwater on-site.

Conclusion

The review of the ENF has served to adequately disclose the potential impacts associated with this project. Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required. Outstanding issues regarding historic resources can be addressed through the MHC consultation process.

July 11, 2008

Date



Ian A. Bowles

Comments Received:

7/1/08	Massachusetts Historical Commission (MHC)
7/8/08	Massachusetts Water Resources Authority (MWRA)
6/26/08	Boston Water and Sewer Commission (BWSC)
7/7/08	City of Boston/Environment Department

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