



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

IAN A. BOWLES
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

July 25, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE

PROJECT NAME : Residences at Acorn Park
PROJECT MUNICIPALITY : Belmont and Cambridge
PROJECT WATERSHED : Boston Harbor and Mystic River
EEA NUMBER : 12376R
PROJECT PROPONENT : AP Cambridge Park II, LLC
DATE NOTICED IN MONITOR : June 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62H) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** the preparation of a Supplemental Environmental Impact Report (EIR).

A Certificate on the Final EIR (FEIR) was issued on October 2, 2003 with a determination that the FEIR adequately and properly complied with MEPA. The project reviewed at that time consisted of the development of a four-story 245,000 square foot office/research and development (R&D) building and a 164,100 gsf three-level parking garage. The project included 793 parking spaces (including 103 surface parking spaces), and associated infrastructure on a 15.6-acre site.

As described in the NPC, the proponent is no longer proposing to construct the office/R&D project. The proposed project consists of a residential development with 299 rental units, which is being developed pursuant to M.G.L. Chapter 40B. The project includes five buildings, a total of 337,884 gross square feet (gsf) containing 20 studio units, 156 one-bedroom units, 107 two-bedroom units and 16 three-bedroom units. Twenty per cent of the units will be maintained as affordable housing in accordance with Chapter 40B. The NPC proposes one level of underground parking beneath each of the five buildings totaling approximately 87,471 square



feet (sf). The project will provide a total of 462 parking spaces (250 below ground and 212 at grade). Proposed infrastructure development associated with the project includes installation of an on-site 50,000-gallon subsurface wastewater holding tank to minimize impacts on existing sewer surcharge problems that occur in the area during significant storm events. The project will connect to the municipal sewage system in either Belmont or Cambridge. If the Town of Belmont alternative is selected, approximately 1.86 miles of new sewer mains will be constructed. The City of Cambridge sewer system alternative would require 0.45 miles of new sewer mains.

The proposed project change results in increased impacts to Bordering Land Subject to Flooding (BLSF) and increased water demand and wastewater generation. Impacts related to transportation and land alteration are less than what was proposed in the FEIR. According to the NPC, the total amount of land alteration (including impervious area) for the proposed project is approximately 7.1 acres (an increase of 0.1 acres from the FEIR). Impervious area will decrease by 0.1 acres (from 4.4 to 4.3 acres). Overall building space is reduced by 71,216 gsf compared to the FEIR-proposed project.

The project site abuts the Alewife Brook Reservation, which is under the stewardship of the Department of Conservation and Recreation (DCR). As noted by a number of commenters, the project site contains ecologically sensitive habitat and is the subject of a proposed House Bill appropriation that could potentially result in the purchase of the land by the Commonwealth. However, at this time, the site is privately owned and the proponent proposes to place a Conservation Restriction (CR) on 7.95 acres of the project site (an increase of 0.15 acres from the FEIR proposal). The proponent has committed to habitat enhancement measures for CR areas. I encourage the proponent to consult with the Department of Conservation and Recreation (DCR), MassAudubon, the Mystic River Watershed Association, and the local communities regarding the most appropriate delineation and management plans for the CR, and to design the project in a manner that protects ecologically sensitive habitat to the maximum extent feasible.

Traffic impacts associated with the project are estimated at 1,856 new vehicle trips per day, a decrease of 656 trips compared with the project described in the FEIR. The proposed project will result in additional impacts to Bordering Land Subject to Flooding (BLSF) compared with the Office/R&D proposal. According to the NPC, the project will impact 19,204 cubic feet (cf), an increase of 10,693 cf compared with the project described in the FEIR. The proposed increase in water use is 5,255 gallons per day (gpd) for a total demand of 25,465 gpd. Wastewater generation will increase by 32,555 gpd to 50,930 gpd (based on 200 per cent of average water meter readings to account for maximum daily flow, in accordance with Title V regulations).

The project requires a State Highway Access Permit from the MassHighway Department for access to Route 2 via Frontage Road and a Sewer Extension/Connection Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project requires an Order of Conditions from the Town of Belmont and the City of Cambridge (and, on appeal only, a Superseding Order from MassDEP). Based on information provided by the proponent, it appears that a Chapter 91 License from MassDEP would not be required. The proponent should

consult with MassDEP and provide additional information as needed to clarify whether a Chapter 91 License is required.

The proposed project will not receive financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to all aspects of the project, within the subject matter of permits required, that have the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to land alteration, wastewater, transportation, wetlands, and possibly waterways (if a Chapter 91 License is required).

As noted by the Executive Office of Transportation (EOT) in its comment letter, the proponent is committed to a comprehensive mitigation package, which will include the upgrade of the traffic signal at the intersection of Frontage Road at Acorn Park Drive. EOT believes that the existing infrastructure can accommodate the proposed project and recommends that no further MEPA review be required based on traffic issues. The proponent should ensure that adequate and safe accommodations are in place for pedestrian and bicyclists as requested by EOT in its comment letter. The proponent should maximize the retention and infiltration of storm water runoff on-site to the maximum extent feasible. Connections to the State Highway drainage system should be avoided to the extent possible. The Town of Arlington, in its comment letter, expresses concerns regarding intersection mitigation and coordination on design of Massachusetts Avenue improvements. The proponent should consult with the Town and MassHighway on these issues. I also encourage the proponent to consider additional Transportation Demand Management (TDM) measures recommended by the City of Cambridge in its comment letter, and the comments of the Cambridge Bicycle Committee. I expect that traffic mitigation measures will be finalized during the MassHighway permit process.

Although I am not requiring a Supplemental EIR, I note that limited information was provided in the NPC with regard to existing sewer surcharge conditions, proposed stormwater management controls and compensatory storage plans for BLSF impacts. The proponent has committed to manage stormwater in accordance with the MassDEP Stormwater Management Policy. The proponent has also committed to provide a total of 52,694 sf (31,011 cubic feet) of compensatory flood storage (1.63:1 ratio) for the loss of flood storage. The proponent should provide additional information during permitting to confirm that the project meets the performance standards in the wetlands regulations for compensatory flood storage and the MassDEP Stormwater Management Policy standards. MassDEP will also require additional documentation regarding surcharging conditions and wastewater mitigation, including alternatives to solve the sewer capacity problem.

As noted in the MassDEP comment letter, the Infiltration/Inflow (I/I) rate for the project will be established during permitting, based on the selected community's I/I removal ratio. MassDEP will follow through with the proponent's commitment to I/I removal, water conservation, and water demand/wastewater impact awareness program in the proposed Section 61 Findings for the office/R&D project (FEIR, page 4-2). The project may obtain water supply from either the Town of Belmont or the City of Cambridge. As noted in the Cambridge comment letter, the water supply infrastructure in the project area is in poor condition and the proponent should consult with the City to discuss additional analysis that will be required if the Cambridge supply alternative is selected. As noted in the City of Cambridge comment letter, the proponent

should provide additional detail on the sewerage holding tank to the Public Works Department. If discharge to the Cambridge municipal system is proposed, the proponent should consult with the City regarding reconstruction and relocation of the existing sanitary pump station.

The proponent should ensure that effective measures are in place during construction to avoid and minimize potential impacts to wetland resource areas. I concur with MassDEP's recommendation that the project mitigate construction-period impacts, including diesel emissions, to the maximum extent feasible due to the density of development and close proximity to public facilities. The proponent should work with MassDEP to implement construction period mitigation as further detailed in its comment letter. I encourage the proponent to incorporate construction and demolition (C&D) recycling, and other solid waste source reduction and recycling measures as recommended by MassDEP.

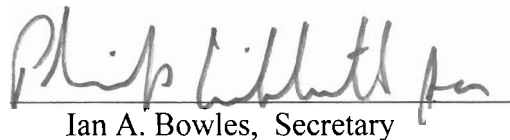
I strongly encourage the proponent to incorporate high performance/green building and other sustainable design measures as part of the project. Sustainable design can provide environmental and economic benefits for the proponent and future building owners and occupants. The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Leadership in Energy and Environmental Design (LEED) certification for Homes and Energy Star certification;
- water conservation and reuse of wastewater and stormwater;
- ecological landscaping;
- green roofs;
- use of Low Impact Development (LID) techniques (the proponent may find the following web sites useful www.mass.gov/envir/lid and www.lid-stormwater.net);
- 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;
- implementation of a solid waste minimization and management plan; and
- provision of easily accessible and user-friendly recycling system infrastructure.

I am satisfied that any outstanding issues can be resolved during the state and local permit and review processes, and that the project change, as proposed in the NPC, does not warrant further MEPA review. I remind the state permitting agencies to forward copies of the final Section 61 Findings to the MEPA Office for the project record.

July 25, 2007

DATE


Ian A. Bowles, Secretary

Comments received:

6/21/07 Stephen H. Kaiser
7/12/07 State Representative William N. Brownsberger
7/13/07 City of Cambridge
7/13/07 Town of Belmont
7/14/07 Cambridge Bicycle Committee
7/16/07 MassAudubon
7/16/07 Elsie Fiore
7/16/07 Belmont Citizen's Forum
7/16/07 Mystic River Watershed Association
7/16/07 Town of Arlington, Office of the Board of Selectmen
7/17/07 Department of Environmental Protection
7/20/07 Executive Office of Transportation, Office of Transportation Planning

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