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April 3, 2020

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

PROJECT NAME : 2 Harbor Street Project/Raymond L. Flynn Marine  
Park Master Plan  
PROJECT MUNICIPALITY : Boston  
PROJECT WATERSHED : Boston Harbor  
EEA NUMBER : 8161  
PROJECT PROPONENT : ICCNE LLC  
DATE NOTICED IN MONITOR : February 10, 2020

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Sections 11.03, 11.06 and 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Expanded Notice of Project Change (NPC) and hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR). The Proponent submitted an NPC with a request that I waive the requirement for the preparation of a mandatory EIR, or if a waiver of the EIR requirement is not granted, that I allow a Single EIR to be prepared in lieu of a Draft and Final EIR process pursuant to Section 11.06(8) of the MEPA regulations. I am declining the request for a full waiver of the EIR process and the request for a Single EIR. The Proponent must submit a Draft EIR (DEIR) in accordance with the Scope provided in this Certificate.

Project Description

As described in the NPC, the project consists of the construction of a 10-story, 380,800-square foot (sf) building with office and research and development (R&D) uses and an

underground parking garage with 220 spaces. The project also includes construction of 105 surface parking spaces, an approximately 27, 000-sf public plaza, a stormwater management system and water and sewer infrastructure. An existing building will be demolished. Vehicular access to the site will be provided by a modified curb cut on Northern Avenue and a new entrance from Harbor Street.

The site is located within the Raymond L. Flynn Marine Park (RLFMP)<sup>1</sup> which is owned by the Boston Economic Development and Industrial Corporation (EDIC). The RLFMP has been established and managed as a Marine Industrial Park (MIP), as defined in the Chapter 91 (c.91) Waterways Regulations (310 CMR 9.00), in recognition of its use for predominately maritime purposes and the presence of marine infrastructure and land area necessary for water-dependent industrial (WDI) uses. In accordance with the MIP Master c. 91 License (Master License) issued by the Massachusetts Department of Environmental Protection (MassDEP), two-thirds of the tideland area within the RLFMP is reserved exclusively for WDI use.<sup>2</sup> An update of the Master Plan for the RLFMP is currently being undertaken by the Boston Planning and Development Agency (BPDA). A Draft Master Plan Update (DMPU) was submitted as an NPC for MEPA review in 2017 and a Certificate on the NPC was issued on January 19, 2018 that included a Scope for further information and analysis to be provided in the Final Master Plan (FMPU). The FMPU has not yet been submitted for MEPA review. As stated in the Certificate on the DMPU, the current Master Plan, which completed MEPA review in 2000, remains in effect. This project is being reviewed at this stage because, while it is located in the DMPU planning area, it is not subject to the Master License and is intended to be consistent with the DMPU. As indicated below, this project should nonetheless analyze its environmental impacts cumulatively in light of future planned projects in the surrounding area and in a manner consistent with the City of Boston's (City) planning efforts to be set forth in the FMPU.

### Project Site

The 4.36-acre project site is comprised of two parcels, identified as Parcels T and T-1 in the Master Plan. The site is bordered to the north by Northern Avenue, to the east by Harbor Street, to the west by the Massachusetts Port Authority (Massport) Haul Road and to the south by commercial buildings along Harbor Street and Channel Street. An abandoned warehouse building occupies 71,570 sf of the eastern portion of the site. The site is located in the western end of the RLFMP, with industrial uses associated with the marine park generally located to the east and mixed-uses to the north and west. The Interstate-90 (I-90)/Massachusetts Turnpike passes through a tunnel under the eastern part of the site.

The entire site lies on filled tidelands. A 9,400-sf section along the eastern edge of the site is not landlocked, and, therefore, subject to c. 91 licensing requirements under within the jurisdiction of the Waterways Regulations; however, the project does not include any activities requiring a license within these jurisdictional tidelands. The remainder of the site is located on landlocked tidelands exempt from c. 91 licensing but subject to a Public Benefits Determination by the EEA Secretary under M.G.L. c. 91, s. 18B and 301 CMR 13.00. As shown on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) (number 25025C0081J, effective date March 16, 2016), the entire project site is located within the 100-

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<sup>1</sup> The RLFMP was formerly known as the Boston Marine Industrial Park (BMIP).

<sup>2</sup> Chapter 91 License No. 10233 was issued by MassDEP on March 16, 2005.

year floodplain (Zone AE) with a Base Flood Elevation (BFE) of 10 ft North American Vertical Datum of 1988 (NAVD 88). The site is entirely covered by impervious surfaces.

The site is located within the South Boston Naval Annex/Boston Army Supply Base area (MHC# BOS.RT), which is included in the Massachusetts Historical Commission's (MHC) Inventory of Historic and Archaeological Assets of the Commonwealth (Inventory) and eligible for listing in the National Register of Historic Places. The existing building on the site, known as the Boston Army Supply Base Building 19 (MHC# BOS.12936) is also listed in the Inventory. In response to previous proposals to demolish Building 19, MHC issued a Determination of No Adverse Effect in 2005 and the Boston Landmarks Commission granted approval for its demolition in 2008 due to the building's lack of significance.

### Environmental Impacts and Mitigation

Potential environmental impacts of the project include generation of 3,884 average daily trips (adt); construction of 325 parking spaces with the attendant potential for traffic generation and emissions; alteration of approximately of 4.36 acres of the 100-year floodplain; use of approximately 31,416 gallons per day (gpd) of water; and generation of approximately 28,560 gpd of wastewater. Greenhouse Gas (GHG) emissions and other air pollutants are associated with the burning of fossil fuels for on-site energy use and automobile travel by employees and visitors to the site.

The project will minimize and mitigate transportation-related impacts through implementation of Transportation Demand Management (TDM) measures such as encouraging use of public transit and other alternate modes of travel. It will decrease impervious area by 0.63 acres by converting paved areas to landscaped open space, and will provide approximately 74,000 sf of public open space, including a public plaza and widened sidewalks. The project design includes a stormwater management system with Best Management Practices (BMPs) to improve water quality, reduce flow rates and infiltrate stormwater. The project will employ measures to conserve water and contribute to Infiltration/Inflow (I/I) reduction to preserve sewer capacity. The project will mitigate GHG emissions by incorporating energy efficiency measures into the building design and incorporate climate change resiliency measures.

### Permitting and Jurisdiction

The project is undergoing MEPA review and subject to preparation of a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it requires State Agency Actions and will generate 3,000 or more new adt on roadways providing access to a single location. The project requires a Non-Vehicular Access Permit from the Massachusetts Department of Transportation (MassDOT) and a Construction Dewatering Permit and Sewer Use and Discharge Permit from the Massachusetts Water Resources Authority (MWRA). It requires a Public Benefit Determination and is subject to the MEPA GHG Emissions Policy and Protocol.

The project requires an Order of Conditions from the Boston Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). It requires Article 80 Large Project Review Approval by the BPDA and a Transportation Access Plan Agreement (TAPA) and Construction Management Plan approval from the Boston Transportation Department (BTD). The project may require a determination of no hazard to air

navigation related to construction cranes from the Federal Aviation Administration (FAA). It will require a National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit from the United States Environmental Protection Agency (EPA).

The project requires a land transfer in the form of a ground lease from the BPDA/EDIC. The BPDA was created as an authority under G.L. c. 121B, s. 4, and was merged with the EDIC in 1993 to undertake City-wide development activities. BPDA/EDIC therefore appears to be an Agency within the meaning of 301 CMR 11.02 that will undertake a Land Transfer of the entire project site. MEPA jurisdiction for this project is broad and extends to those aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

#### Waiver Request and Single EIR Request

The Proponent requested a waiver from the requirement to prepare an EIR, or alternatively, to prepare a Single EIR in lieu of Draft and Final EIRs. The NPC was submitted as an Expanded NPC and subjected to an extended comment period as required for a project seeking a waiver or Single EIR review. It included supporting documentation in support of the EIR waiver and Single EIR requests, including a review of the waiver criteria and transportation and GHG analyses.

#### *Waiver Criteria*

The MEPA regulations at 301 CMR 11.11(1) state that I may waive any provision or requirement in 301 CMR 11.00 not specifically required by MEPA and may impose appropriate and relevant conditions or restrictions, provided that I find that strict compliance with the provision or requirement would:

- (a) Result in an undue hardship for the Proponent, unless based on delay in compliance by the Proponent; and,
- (b) Not serve to avoid or minimize Damage to the Environment.

The MEPA regulations at 301 CMR 11.11(3) state that, in the case of a waiver of a mandatory EIR review threshold, I shall at a minimum base the finding required in accordance with 301 CMR 11.11(1)(b) stated above on a determination that:

- (a) The project is likely to cause no Damage to the Environment; and,
- (b) Ample and unconstrained infrastructure facilities and services exist to support those aspects of the project within subject matter jurisdiction.

#### *Single EIR*

A Single EIR may be allowed, provided that the NPC: a) describes and analyzes all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the Scope; b) provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and, c) demonstrates that the planning and design of the Project use all feasible means to avoid potential

environmental impacts.

According to the NPC, preparation of a DEIR and FEIR would result in a hardship because it would delay implementation of the project's benefits and would not serve to avoid or minimize Damage to the Environment because the Proponent has committed to implement mitigation measures.

### Review of the NPC

The NPC described the existing conditions within the project area and the proposed project and its programmatic and physical elements. It included existing and proposed conditions plans and described potential environmental impacts and mitigation measures. The NPC identified the project's potential impacts on transportation, GHG emissions, water and sewer use and drainage. It included a transportation analysis, a GHG analysis, a review of the project's public benefits and draft Section 61 Findings. The Proponent distributed additional information on March 6, 2020, including additional details on climate change resiliency, stormwater management and site access, and a supplemental alternatives analysis.

### *Alternatives Analysis*

The Proponent provided a supplemental Alternatives Analysis that compared the Preferred Alternative to No Build, 1999 Master Plan and 2017 Draft Master Plan alternatives. All alternatives would be comparable with respect to impervious area and would be equally subject to restrictions on constructing a building over the I-90 tunnel. The No Build Alternative would demolish the abandoned warehouse and maintain the site's current use for limited parking and trailer storage. The 1999 Master Plan Alternative would add approximately 17,000 sf to the existing building (95,144 sf total) for WDI uses consistent with the site's location within the RLFMP. It would generate 472 adt and 19,029 gpd of wastewater. The 2017 Draft Master Plan Alternative reflects the buildout of the site in accordance with a conceptual 2.0 Floor Area Ratio (FAR) planning scenario outlined in the DMPU. This alternative would include the same uses as the Preferred Alternative in a 404,856-sf building and generate 4,120 adt and 30,365 gpd of wastewater.

The Preferred Alternative will reduce impervious area as compared to existing conditions, construct a stormwater management system to protect water quality, provide open space and pedestrian and bicycle facilities and reserve 32,000 sf of interior space for WDI use. The project is not consistent with the WDI use of the site as contemplated in the current Master Plan; however, the proposed use and potential mitigation measures are intended to be consistent with updates the City has indicated it will include in the FMP.

### *Consistency with Raymond L. Flynn Marine Park Master Plan*

The City is in the process of updating the Master Plan for the RLFMP. The update is intended to reflect current conditions, which include: changes in the demand for port-related uses, including a decline in "over-the-dock" industries; the need for significant investment to maintain and improve WDI infrastructure such as drydocks and berthing facilities and strong demand for general industrial space in the RLFMP. The DMPU outlined a strategy for attracting development for general industrial and commercial uses at the RLFMP, in a manner compatible

with WDI uses, in order to generate revenue that could be used to upgrade WDI infrastructure. The DMPU proposed changes to the regulations and policies that encourage WDI use as part of its implementation strategy. The Certificate on the DMPU directed MassDEP and the Office of Coastal Zone Management (CZM) to convene a stakeholder process to inform development of the FMP and evaluate proposed changes to the c. 91 regulations and policies. A summary memo was prepared by CZM and MassDEP after completion of the stakeholder process, and was used to supplement the Scope for the FMPU in the DMPU Certificate as stated in the Notice that I issued and published in the Environmental Monitor on February 10, 2020.

According to the NPC, the project is consistent with the goals expressed in the DMPU because it will provide on-site space for WDI use, is compatible with industrial uses in the RLFMP and will generate revenue to fund needed transportation and utility infrastructure improvements in the RLFMP. Under the terms of the current Master License, MassDEP permitted 32,000 sf of general (nonwater-dependent) industrial use on Parcels D & E in the RLFMP if an equivalent square footage reserved for WDI use is provided at the project site. The NPC included a commitment to provide the required WDI space on the upper floors of the proposed building, as well as access to loading bays and freight elevators, but did not identify a specific location within the proposed building. The NPC did not describe the amount of revenue to be generated by the project to support operations in the RLFMP. I expect that the DEIR will provide more details regarding the planned design of the 32,000 sf WDI uses at the project site. In turn, I expect that the project and its impacts, including transportation and water and sewer use, will be incorporated into the City's FMPU and its discussion of infrastructure needs.

### *Traffic and Transportation*

The NPC included a transportation study generally consistent with the EEA/Massachusetts Department of Transportation (MassDOT) *Transportation Impact Assessment (TIA) Guidelines* issued in March 2014. It described existing and proposed roadway, pedestrian, and bicycle conditions, public transit capacity and infrastructure, roadway and intersection volumes and roadway safety issues. However, the analysis used a five-year planning horizon rather than the seven-year horizon required under the TIA Guidelines. A revised analysis using the seven-year horizon should be included in the DEIR.

Analyses of transit and vehicular operations were provided for the weekday morning and evening peak hours for Existing 2019, No Build 2024, and Build 2024 scenarios. The TIA identified potential pedestrian and bicycle accommodations, roadway improvements, transit service and TDM measures, which will be implemented to minimize impacts to the transportation network. The TIA analyzed the transportation impacts of the project in a study area including the following 11 intersections:

- D Street at Congress Street (signalized);
- Northern Avenue at D Street (signalized);
- Northern Avenue at Congress Street (unsignalized);
- Northern Avenue at Massport Haul Road (unsignalized);
- Northern Avenue at Channel Street/Proposed Site Driveway (unsignalized);
- Northern Avenue at Harbor Street (unsignalized);
- Massport Haul Road at Pumphouse Road (unsignalized);

- Summer Street at Pumphouse Road (signalized);
- Summer Street at Drydock Avenue/Pappas Way (signalized);
- Drydock Avenue at Harbor Street/Terminal Street (unsignalized); and,
- Harbor Street at Channel Street (unsignalized).

Vehicular access to a drop-off area at the north side of the building and a 35-space surface parking lot will be provided from Northern Avenue. The loading dock, parking garage and 70-space surface parking lot will be accessed from a curb cut on Harbor Street. Vehicles may also access the site driveway on Harbor Street from Massport Haul Road via Channel Street.

### *Trip Generation*

The project's trip generation was estimated using trip rates published by the Institute of Transportation Engineers (ITE) *Trip Generation Handbook*. Based on the ITE trip generation rates for land use code (LUC) 710 (Office), the project would generate 3,884 adt on an average weekday.<sup>3</sup> The analysis converted the estimated adt to average person trips using vehicle occupancy rates based on census data. The person trips were then assigned a travel mode based on Census Transportation Planning Products Program data prepared by the American Association of State Highway and Transportation Officials (AASHTO). For this census block, 49 percent of the trips are by vehicle, 43 percent are by transit and eight percent are by walking and bicycling.

As adjusted for mode share, the project will generate 2,188 transit trips, 408 trips by walking/bicycling, and 2,198 vehicle trips on a daily basis. In the morning peak hour, the project will generate 215 transit trips, 40 trips by walking/bicycling and 216 vehicle trips. During the afternoon peak hour, the project will generate 231 transit trips, 43 walking/bicycling trips and 231 vehicle trips.

Traffic volumes for the Existing 2019 condition were established using turning movement counts (TMC) and automatic traffic recorder (ATR) counts collected in June and October, 2019. Counts of pedestrians and bicyclists were collected at the same time as the TMCs. The No Build 2024 scenario incorporated a one percent annual growth rate in vehicle trips and additional trips generated by twelve development projects either planned or approved in the study area. The Build 2024 condition includes the addition of project-generated trips to the No Build 2024 scenario.

### *Traffic Operations*

The TIA provided an evaluation of the impact of project-generated vehicular traffic on roadways in the study area, including an intersection capacity analysis of peak hour traffic operations at study area intersections. The analysis designated intersections with a Level-of-Service (LOS), which reflects the overall operations of an intersection, including traffic speed, delay, and capacity. For urban intersections, LOS D reflects an acceptable level of operations. According to the analysis, operations at the intersections of Summer Street at Drydock Avenue

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<sup>3</sup> According to the NPC, ITE trip generation rates for lab/R&D uses are lower than the rate for office use; therefore, trip generation based on only office use was used to provide a more conservative analysis of impacts.

and Pappas Way, Congress Street at D Street, Northern Avenue at Massport Haul Road, and Drydock Avenue at Harbor Street and Terminal Street will decrease from LOS D or better to LOS E or LOS F under Future No Build 2024 conditions, and will continue to do operate at those LOS under Build 2024 conditions with increases in overall delay. Operations at the intersection of Northern Avenue at Channel Street/Proposed Site Driveway will be significantly impacted by the project, decreasing in the morning peak hour from LOS C under No Build 2024 conditions to LOS E under Build 2024 conditions. The Proponent has proposed to provide \$400,000 to the City to help implement transportation improvements in the area. As detailed in the Scope, the DEIR should include a revised analysis of the project's impacts. The Proponent should consult with MassDOT, Massport and the City and identify specific potential mitigation measures that are related to the impacts flowing from this project and designed to be implemented concurrently with project construction.

### *Bicycle and Pedestrian Facilities*

The NPC reviewed pedestrian and bicycle facilities in the study area and the current level of use of these facilities. Sidewalks and crosswalks with pedestrian signals are generally present along roadways and at intersections. The highest pedestrian counts were observed at the intersection Northern Avenue at D Street, where 390 pedestrians were counted in the morning peak hour and 850 pedestrians in the evening peak hour. On the section of Northern Avenue adjacent to the project site, peak pedestrian use occurred on the north side of the road during the evening peak period (295 pedestrians).

Bicycle markings are present along segments of Northern Avenue, Congress Street, Summer Street, Drydock Avenue and Harbor Street. Dedicated bicycle lanes are present on both sides of Northern Avenue east of the site. On the section of Northern Avenue adjacent to the site, up to 49 bicyclists were observed traveling in the eastbound direction in the morning peak period and up to 37 bicyclists were observed traveling westbound in the evening peak period.

The project will bicycle and pedestrian facilities, including a pedestrian plaza, enhanced streetscapes with wider sidewalks, landscaping and lighting, 114 secure bicycle parking spaces for tenants of the building, four short-term bicycle spaces, and on-site lockers and showers for those who commute to the site by walking or bicycling. According to the NPC, the City is conducting an engineering design study to improve multimodal access on Northern Avenue and Tide Street, including an evaluation of enhanced bicycle accommodations on Northern Avenue. The Proponent has indicated a willingness to coordinate with the City to help implement these measures, which may potentially encourage walking and bicycling to the site.

### *Public Transportation*

The site is located in proximity to public transportation service provided by the Massachusetts Bay Transportation Authority (MBTA). The Silver Line SL1, SL2 and SL3 routes pass through Silver Line Way Station, which is located opposite the site on the west side of Massport Haul Road. The SL2 and Bus Route 4 have stops on Northern Avenue adjacent to the site. Bus Routes 4 and 7 also have stops on Summer Street south of the project site. A ferry terminal with service to Lovejoy Wharf is located at Fan Pier, which is within walking distance west of the site.



The NPC included a review of transit conditions based on the MBTA's Passenger Comfort metric and reliability data. The Passenger Comfort metric is calculated by the MBTA for bus routes and reflects the percentage of a passenger's travel time that occurs in comfortable conditions, which are defined as 140 percent or less of seated capacity during peak periods and 125 percent or less at other times. According to the NPC, the MBTA's Service Delivery Policy establishes a minimum goal of 92 percent of travel time per passenger under comfortable conditions and a target goal of 96 percent. The MBTA's data from 2018 indicates that passengers on Bus Route 4 travel under comfortable conditions 100 percent of the time; however, passenger conditions on Bus Route 7 falls below the 92 percent minimum. According to the NPC, data to measure Passenger Comfort is not available for the Silver Line. Bus Route 4, SL1 and SL2 meet the MBTA's reliability standards. The NPC did not include an evaluation of the reliability of Bus Route 7 or SL3.

According to the NPC, most of the transit trips generated by the project will be on the three Silver Line routes. The NPC acknowledged the crowded conditions experienced by passengers on the Silver Line but did not provide an analysis of future conditions. As noted by MassDOT, the analysis of future transit conditions did not include added ridership from other proposed projects in the area and the mitigation measures that those projects may undertake. As described in the Scope, the DEIR must include a revised analysis of the project's impacts on the transit system, taking into account future developments and associated mitigation measures that may be taken.

#### *Transportation Demand Management (TDM)*

The TIA included a TDM program that will be implemented to promote alternative modes of travel by employees and visitors to the site. The proposed TDM measures include:

- A Transportation Coordinator who will oversee parking and delivery operations, promote the use of alternative transportation measures, and develop an orientation packet to inform residents, visitors and employees about transportation options;
- Join the Seaport Transportation Management Agency (TMA);
- Provide real-time transit information, including schedules, maps and fare information, in the building lobby;
- Establish a website to encourage use of alternative commuting modes and provide ride matching services;
- Provide 114 secure bicycle parking spaces for building employees and staff and four short-term public bicycle parking spaces;
- Encourage tenants to establish a Blue Bikes bike share corporate membership;
- Work with the City to install a Blue Bikes station near the project site;
- Encourage building tenants to offer carshare corporate memberships;
- Provide on-site lockers and showers for employees;
- Provide a transit pass subsidy to building staff and encourage tenants to offer transit subsidies to their employees;
- Construct between five to 25 percent of the automobile parking spaces with electric vehicle (EV) charging spaces; and
- Charge market rates for on-site parking.

The Proponent should consult with the TMA and MassDOT for assistance in implementing the TDM program.

### *Climate Change*

The NPC provided an analysis of stationary- and mobile-source GHG emissions and identified measures to mitigate the project's GHG impacts. It reviewed existing and future storm and flooding conditions and described design features to improve resiliency to the effects of climate change.

### *Adaptation and Resiliency*

Supplemental information provided by the Proponent during the review period described project design features that will make the site more resilient under future climate conditions. The site elevation will be raised by four feet to elevation 14 ft NAVD 88 (20.5 ft Boston City Base (BCB)), which corresponds to the City's 2070 Sea Level Rise Design Flood Elevation, and critical equipment will be located at elevation 15 ft NAVD 88 or higher. Design measures to address extreme heat events and urban heat island effects include a reduction in impervious surfaces, vegetated open space, planting street trees and the use of reflective roof materials. The landscape design will include native plants resistant to drought and installation of a high-efficiency irrigation system. The project includes a stormwater management system to reduce peak flows and increase infiltration of runoff during severe rain events.

### *Greenhouse Gas (GHG) Emissions*

The NPC included a GHG analysis based on the MEPA Greenhouse Gas Policy and Protocol ("the Policy"). The Policy requires projects to quantify carbon dioxide (CO<sub>2</sub>) emissions and identify measures to avoid, minimize and mitigate such emissions. The analysis quantified the direct and indirect CO<sub>2</sub> emissions associated with the project's energy use (stationary sources) and transportation-related emissions (mobile sources). The NPC outlined and committed to mitigation measures to reduce GHG emissions.

The stationary source GHG analysis evaluated CO<sub>2</sub> emissions for the Base Case and the Proposed Case. The Base Case was designed to meet the minimum energy requirements of the 9<sup>th</sup> Edition of the Massachusetts Building Code (the Base Code). The City has adopted the Massachusetts Stretch Energy Code (SC). Therefore, the project will be required to meet the applicable version of the SC in effect at the time of construction. The SC increases the energy efficiency code requirements for new construction (both residential and commercial) and for major residential renovations or additions in municipalities that adopt it. The current SC requires a reduction in energy use of 10 percent compared to that achieved by complying with the baseline energy provisions of the State Building Code. The Proposed Case included additional energy-efficiency measures proposed in the Preferred Alternative.

The GHG analysis used eQuest modeling software to quantify emissions from the project's stationary sources. The project's overall stationary source CO<sub>2</sub> emissions were estimated at 5,159 tons per year (tpy) under the Base Case scenario. The mitigation measures included in the Proposed Case will reduce GHG emissions to 3,665 tpy, a reduction of 1,494 tpy (approximately 29 percent). The estimates of GHG emissions were calculated using the CO<sub>2</sub>

emission factors of 682 pounds per megawatt-hour for grid electricity published by the Independent System Operator- New England (ISO-NE) in the *2016 ISO New England Electric Generator Air Emissions Report* and 117 pounds per million British Thermal Units (MMBtu) estimated by the Energy Information Administration. As noted by the Department of Energy Resources (DOER), the modeled reduction of GHG emissions in the Proposed Case is almost entirely due to reduced space heating associated with the use of heat recovery ventilation in the proposed laboratory space. The building envelope in the Proposed Case is designed to achieve Base Code requirements and does not offer significant energy efficiency benefits.

The NPC included an evaluation of alternatives for electrification of heating and cooling systems in the entire building and in only the office space. According to the NPC, electrification of the entire building is not feasible due to large ventilation and space cooling loads in the potential laboratory space that exceed the capabilities of electric air source units. In addition, the use of an electric variable refrigerant flow (VRF) for space heating and cooling in the office space only would not be economically feasible. The NPC reviewed three alternatives for rooftop solar photovoltaic (PV) systems on the second and ninth floor rooftops of the building. The Proponent has committed to reserving 3,300 sf of the ninth-floor rooftop for a future solar PV system that could generate approximately 58 Megawatt-hours per year (MWh/yr).

As detailed in the Scope, the DEIR should include additional information and analysis identified in DOER's comment letter, including a more detailed description of the ventilation system under the Base Case and Proposed Case designs, a presentation of the range of assumptions for air flow rates for lab space, potential mitigation measures under alternative energy use conditions and opportunities for maximizing rooftop PV systems.

#### *Mobile Source GHG Emissions*

The NPC analyzed the project's mobile-source CO<sub>2</sub> emissions using the EPA's MOVES emissions model and data from the traffic study. The MOVES model calculates emissions factors for vehicles expressed in a volume per distance travelled. Total emissions of vehicles are estimated by applying Vehicle Miles Travelled (VMT) data to vehicles in the study area and emissions from idling vehicles. The analysis calculated GHG emissions under the Existing 2019, No Build 2024 and Build 2024 scenarios. Regional GHG emissions from mobile sources are expected to increase from 6,002 tpy under No Build 2024 conditions to 6,542 tpy under Build 2024 conditions, representing an increase of 541 tpy (9 percent) due to project-related vehicle trips. The TDM measures to be implemented by the project were incorporated into the Build 2024 scenario.

#### *Stormwater*

The project will reduce impervious area from 4.36 acres under existing conditions to 3.73 acres by converting some paved areas to landscaped open space. Runoff from the site discharges to Boston Harbor through connections to storm drains owned by Massport and MassDOT and a privately-owned drain. Supplemental information provided by the Proponent indicated that under proposed conditions, stormwater from the site will be conveyed to a drainage system in Northern Avenue.

The project includes construction of a stormwater management system that will meet the SMS and BWSC's requirements. The reduction in impervious area will allow greater infiltration of runoff and groundwater recharge. Supplemental information provided by the Proponent during the review period provided additional details about the proposed stormwater management system. Surface runoff will be collected and treated using BMPs, including deep-sump catch basins and subsurface infiltration systems. The stormwater management system will be designed to comply with BWSC requirements to infiltrate the first 1.25 inches of rainfall over the site will remove 80 percent of the Total Suspended Solids (TSS) in runoff prior to discharge to the offsite drainage system. The project will be required to develop a Stormwater Pollution Prevention Plan (SWPP) in accordance with its NPDES CGP to manage stormwater during the construction period.

#### *Water and Wastewater*

The project will use 31,416 gpd of water and generate 28,560 gpd of wastewater. Water and sewer service will be provided by the BWSC through water and sewer mains located in Northern Avenue and Harbor Street. According to the NPC, adequate capacity exists in the BWSC systems to provide service to the site.

The project will include measures to conserve water, such as ultra-low flow plumbing fixtures and appliances, sensor-operated faucets and toilets, the selection of drought-resistant plants for landscaping and drip irrigation and/or moisture sensor systems. The project will be required to mitigate its contribution of flow into the BWSC sanitary system. MassDEP regulations at 314 CMR 12.04(2)(d) specify that communities with combined sewer overflows (CSOs), such as Boston, must require projects generating 15,000 gpd or more of new wastewater flow to remove four gallons of infiltration and inflow (I/I) for each gallon of wastewater. The Proponent should consult with BWSC to identify appropriate I/I mitigation for this project. The DEIR should include commitments to I/I removal, including mitigation projects or monetary contribution by the Proponent and to use oil/gas separators in the parking garage drainage system. As noted by the MWRA, groundwater discharges into the sanitary system are prohibited.

#### *Public Benefit Determination*

The project site is comprised of tidelands subject to the provisions of *An Act Relative to Licensing Requirements for Certain Tidelands* (2007 Mass. Acts ch. 168) and the Public Benefit Determination regulations (301 CMR 13.00). Consistent with Section 8 of the legislation, I must conduct a Public Benefits Review as part of the EIR review of projects located on landlocked tidelands that entail new use or modification of an existing use. I will issue a Public Benefits Determination (PBD) within 30 days of the issuance of a Certificate on the FEIR.

Section 3 of this legislation requires that any project that is subject to MEPA review and proposes a new use or structure or modification of an existing use or structure within landlocked tidelands address the project's impacts on tidelands and groundwater, including "*an explanation of the project's impact on the public's right to access, use and enjoy tidelands that are protected by chapter 91, and identify measures to avoid, minimize or mitigate any adverse impacts on such rights set forth herein.*"

While the traditional public interests in fishing, fowling and waterfront access are inherently lacking in the case of landlocked tidelands, the NPC stated that the Proponent will redevelop this site to include following public benefits:

- Open space that is publicly accessible;
- Bicycle and pedestrian facilities within the project site and along its perimeter;
- Contribution to transportation improvements in the area;
- Stormwater management measures to improve water quality; and
- Enhancement of an underutilized parcel.

The DEIR should provide an updated Public Benefits Determination analysis if there are any changes to the project or its public benefits.

### *Construction Period*

The NPC reviewed potential impacts and proposed mitigation measures associated with construction of the project, including mitigation measures likely to be included in the Construction Management Plan (CMP) and Transportation Access Plan Agreement (TAPA) to be filed with the City. The DEIR reviewed measures that will be implemented during the construction period to minimize the project's impacts associated with noise, air emissions, fugitive dust and construction waste. As described in the Scope, the DEIR should include a revised analysis of construction impacts and mitigation measures, including any measures to avoid impacts to the I-90 tunnel, manage excavated soils including contaminated material, sedimentation and erosion, and access to the site by trucks and other construction vehicles.

### Conclusion

Based on a review of the NPC, consultation with State Agencies, and public comments, I have determined that the Proponent must submit a DEIR for the project. I have declined to grant the Waiver or Single EIR requests because the NPC has not sufficiently demonstrated that the project is consistent with the criteria for an EIR Waiver or Single EIR.

According to the NPC, preparation of a DEIR and FEIR would result in a hardship because it would delay implementation of the project's benefits and would not serve to avoid or minimize Damage to the Environment because the Proponent has committed to implement mitigation measures. Comments from MassDOT and DOER have identified additional analyses necessary to document the project's impacts and determine appropriate mitigation measures.

According to the NPC, the project is not expected to have significant environmental impacts. In support of this view, the NPC included a comparison of the project's impacts to a conceptual build-out scenario described in the DMPU that would result in a larger building on the site with greater transportation impacts. The conceptual build-out scenario was for planning purposes and the DMPU did not analyze the impacts of a project constructed on the project site in a manner consistent with that buildout scenario. As noted earlier, the FMPU has not completed MEPA review, and the Certificate on the DMPU indicated that any development projects proposed in the RLFMP prior to completion of the FMPU would be subject to the

existing Master Plan. As documented in the Alternatives Analysis, the project has greater impacts than either the No Build or 1999 Master Plan alternatives.

Although I decline to grant the Waiver and Single EIR request, I anticipate that the Proponent can demonstrate, through subsequent review documents, that environmental impacts can be adequately avoided, minimized and mitigated. State Agencies have identified, and will continue to address, concerns and information necessary to support project permitting. In addition, concurrent State and local review may further support efficient permitting of the project.

The DEIR should be prepared in accordance with the Scope below. I encourage the Proponent to continue dialogue with State Agencies and the City prior to and throughout the preparation of the DEIR to address concerns.

## SCOPE

### General

The DEIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Scope. It should clearly demonstrate that the Proponent has sought to avoid, minimize and mitigate Damage to the Environment to the maximum extent feasible.

### Project Description and Permitting

The DEIR should describe the project, identify any changes to the project since the filing of the NPC and provide an update on the specific types of laboratory and office space likely to be located within the proposed building. It should include updated site plans, if applicable, for existing and post-development conditions at a legible scale. Conceptual plans of the site should be provided at a legible scale and clearly identify the proposed building, parking facilities, public areas, impervious areas, pedestrian and bicycle accommodations, and stormwater and utility infrastructure.

The DEIR should identify and describe State, federal and local permitting and review requirements associated with the project and provide an update on the status of each of these pending actions. It should include a description and analysis of applicable statutory and regulatory standards and requirements, and a discussion of the project's consistency with those standards. The DEIR should include a supplemental analysis of construction impacts and mitigation measures, including any measures to avoid impacts to the I-90 tunnel, manage excavated soils including contaminated material, minimize sedimentation and erosion, and direct access to the site by trucks and other construction vehicles.

According to Massport, the proposed building height exceeds the maximum structure height for the site as shown on the Logan Airspace Map by four to seven feet. This map was prepared by Massport to help ensure that structures near the airport do not exceed heights that would compromise air travel safety, reduce the efficiency of the airport and shift the noise burden as flights are directed to other runways. The DEIR should address how the project

conforms to the Logan Airspace Map and describe any changes in the height or orientation of the proposed building.

#### Consistency with the RLFMP

The DEIR should include a discussion of the project in the context of current planning efforts to develop the FMPU based on the DMPU and consultation with the City and CZM. It should analyze its environmental impacts cumulatively in light of future planned projects in the surrounding area and in a manner consistent with the City's planning efforts to be set forth in the FMPU. The DEIR should demonstrate how the project will be designed and operated to support WDI uses, including associated truck traffic, within the RLFMP.

In the NPC, the Proponent acknowledged that the project must be designed to accommodate industrial uses in the rest of the RLFMP and provide economic and operational support for WDI uses. The DEIR should include a discussion that explicitly describes how the project will achieve these goals. It should evaluate the feasibility of locating all or a portion of the WDI use space on the ground floor and show other potential locations within the building for the 32,000 sf of WDI space and its relationship to accessory facilities such as freight elevators and loading docks. As recommended by CZM, the Proponent should consult with potential users of such a space early in the design and permitting of the project.

The Proponent should consult with the City regarding potential financial contributions associated with the project that would benefit the RLFMP and describe the results of this consultation in the DEIR. The summary memo by CZM and MassDEP requested that the City include a non-exclusive list of necessary maritime and transportation infrastructure improvements necessary in the FMP. The Proponent should consult with the City about these measures and the DEIR should include a list of potential improvements that the increased rents resulting from this project and other mitigation, such as the proposed \$400,000 transportation mitigation, may contribute to.

Additional analyses of the project's transportation impacts and mitigation are required below. The DEIR should describe how proposed mitigation measures will be specifically designed to accommodate and/or support truck traffic between the RLFMP and regional roadway system.

#### Transportation

The DEIR should provide the information and analyses identified in MassDOT's comment letter in order to fully document the project's transportation impacts and to identify appropriate mitigation measures. The traffic and transit analyses should be prepared for a seven-year planning horizon as required by the EEA/MassDOT *TIA Guidelines*. If necessary, the study area should be expanded to include intersections where mitigation measures are proposed, such as the intersection of Massport Haul Road at Channel Street.

The transit analysis should be revised to incorporate projected background increases in transit riders plus added ridership expected from specific planned or approved projects within or near the study area, including the Seaport Square development (EEA#14255) and the L Street Redevelopment (EEA#15692). As noted by MassDOT, transit mitigation measures associated

with these projects includes funding to the MBTA to add additional service to the Silver Line or to the Bus Route #7. The DEIR should provide an analysis of a No Build scenario that includes the impacts and mitigation to be implemented by these projects, such as transit operational or infrastructure improvements. Project-generated transit trips should be added to the No Build scenario so that the analysis can determine the impacts of the future ridership demand on the transit network. In addition, the analysis should estimate the proportion of project-generated transit trips that will be taken on the Silver Line and the Bus Routes #4 and #7 and analyze any possible mitigation measures that may be needed to address these impacts.

The DEIR should include a comprehensive analysis of potential mitigation measures to address the project's impacts on transit service. Based on the transit analysis, the Proponent should consult with the City, MassDOT and the MBTA to identify the level of transit improvements required along with a schedule of implementation to improve both passenger comfort and reliability of the Silver Line. These improvements could be of capital and/or operational nature, and should be consistent with or not preclude those identified by other parties within or near the study area. The revised transit analysis should demonstrate that the proposed improvements will maintain or improve transit performance compared to the No Build condition. MassDOT has been working with the City on its South Boston Seaport Strategic Transit Plan (SBSSTP), which will identify the transit needs of the Seaport District. The DEIR should also evaluate the following potential transit improvements which are being evaluated in preparation of the SBSSTP:

- A northbound bus queue jump lane on the Massport Haul Road between Silver Line Way and Northern Avenue;
- An acceleration lane for SL1 and SL3 exiting Silver Line Way in the southbound direction on the Massport Haul Road; and,
- A queue jump westbound (inbound) on Northern Avenue from Harbor Street to Massport Haul Road with a shared bus/truck left turn lane for the southbound Massport Haul Road movement.

MassDOT also recommended that the DEIR include an analysis of a potential pedestrian connection over or across Massport Haul Road between the site and Silver Line Way to the west. Massport has stressed that multi-modal roadway improvements in the area must be designed to accommodate trucks serving industrial uses in other parts of the RLFMP. The Proponent should coordinate with Massport as well as MassDOT, MBTA and the City to identify and design appropriate mitigation measures that address the project's impacts to the transportation system that also improve or do not negatively impact freight traffic through the area.

The NPC described transportation parameters that could be monitored to evaluate the post-construction transportation impacts of the project and the performance of the TDM measures. The DEIR should detail a proposed monitoring plan, including capacity analyses of those intersections where transit improvements are proposed; a summary of TDM plan implementation including an analysis of the effectiveness of each TDM measure; and a transit survey and ridership count, which would identify the modes, origins, and destinations of transit usage among the employees and visitors to the project site, broken down by trip type and transit mode choice. The results of the monitoring plan should be compiled in an annual report and provided to MassDOT, MBTA and Massport. The annual report should also identify measures



to be taken in the successive year to remediate any identified deficiency in transit, bicycle, and pedestrian access to the site, or if roadway congestion or transit usage should exceed estimates in the transportation study.

### Climate Change

#### *Greenhouse Gas Emissions*

The DEIR should address the issues raised in DOER's comment letter. It should confirm the area of conditioned spaces used in modeling the proposed building's energy use. The DEIR should provide a detailed description of the ventilation systems modeled in the Base Case and Proposed Case. It should demonstrate that the baseline ventilation system meets all the requirements of ASHRAE 90.1 Section 6.5.6.1 and 6.5.7.3. The DEIR should elaborate on what specific changes are being made to the proposed HVAC system design from these ASHRAE baseline requirements, and if any changes are being proposed beyond the 10 percent efficiency improvements already required by the SC. The description of the Proposed Case should clearly demonstrate that the proposed ventilation system will result in a 70 percent reduction in heating end use. The DEIR should include detailed input assumptions for the ventilation system (such as design supply air flow rates, percentage of outside at full design rate, hours of operation per year). It should confirm that these inputs are the same for both the Base Case and Proposed Case. The DEIR should include alternative input assumptions for the ventilation system with lower design air flow rates and other parameters in order to capture the range of potential lab scenarios (wet/dry) and/or lab/office mix. If such alternative assumptions show that the proposed mitigation will fall below the current estimate of 21 percent, the DEIR should analyze any other potential opportunities for efficiencies that would yield further reductions, such as building envelope improvements and the configuration of lab and office space on each floor to provide conditions for a feasible VRF system. The DEIR should explain how the proposed mitigation strategies are consistent with the City's requirements or goals relative to GHG reductions for new development projects.

The DEIR should include a commitment by the Proponent to install all components of the ventilation system, or, if the building will be provided to a tenant as a "core and shell", explain how the tenant will be obligated to construct and maintain mitigation measures identified in the NPC. In addition, the DEIR should confirm, based on consultation with MassSave, the level of incentive for scenarios being analyzed; estimate Alternative Energy Credits (AECs) under electrification scenario; and evaluate further opportunities for rooftop PV.

#### *Resilience and Adaptation*

The DEIR should review the projected climate change scenarios that were used as the basis for the design of resiliency features incorporated into the project. The project includes elevating the site to minimize impacts from sea level rise. As noted by CZM, the proposed fill and site grading may redirect any coastal floodwater around the site, increasing the volume and velocity of the water flowing onto adjacent roadways and properties. The DEIR should include an analysis of these potential impacts and consider alternatives, including the reduction of fill and smooth surface areas, such as paved parking lots, which may increase the velocity of coastal floodwater flowing across the project site. The DEIR should also include a discussion of how the

proposed project complies with and/or advances the potential district-scale flood control infrastructure identified in the City's Coastal Resilience Solutions for South Boston.

The DEIR should review additional resiliency measures for the project, including sizing the stormwater management system to accommodate flows from larger storms, evaluating the need for backup generators and fuel supplies and use of light-colored pavement to reduce the urban heat island effect.

### Air Quality

In accordance with the State Implementation Plan (SIP) for ozone attainment, the Proponent must conduct an indirect source review analysis. This analysis should be conducted in accordance with MassDEP *Guidelines for Performing Mesoscale Analysis of Indirect Sources*. The Proponent should consult with MassDEP for guidance and for confirmation of the appropriate study areas. The purpose of the analysis is to determine whether and to what extent the project will increase the amount of volatile organic compounds (VOC) and nitrogen oxides (NO<sub>x</sub>) emitted in the project area and to determine consistency with the SIP. The analysis should model emissions under No Build and Build conditions. If VOC emissions are greater than the No Build scenario, mitigation measures must be provided, including a TDM Program.

### Public Benefits Determination

If necessary, the DEIR should include a revised Public Benefits Determination to reflect any changed or additional mitigation measures.

### Mitigation and Draft Section 61 Findings

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each permit or other approval to be issued by State Agencies. The DEIR should contain clear commitments to implement these mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and a schedule for implementation.

### Responses to Comments

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. It should include a separate chapter that fully and specifically responds to each NPC comment letter without merely referencing a chapter of the DEIR. Failure to provide substantive responses may result in a supplemental review. In order to ensure that the issues raised by commenters are addressed, the DEIR should include direct responses to comments. This directive is not intended to, and shall not be construed to, enlarge the Scope of the DEIR beyond what has been expressly identified in this certificate.

### Circulation

The Proponent should circulate the DEIR to those parties who commented on the NPC, to any State Agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. Per 301 CMR 11.16(5), the Proponent may

circulate copies of the DEIR to commenters in CD-ROM format or by directing commenters to a project website address. However, the Proponent must make a reasonable number of hard copies available to accommodate those without convenient access to a computer and distribute these upon request on a first-come, first-served basis. The Proponent should send correspondence accompanying the CD-ROM or website address indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. The DEIR submitted to the MEPA office should include a digital copy of the complete document. A copy of the DEIR should be made available for review through the South Boston branch of the Boston Public Library.<sup>4</sup>

April 3, 2020

Date

*K. Theoharides*

Kathleen A. Theoharides

Comments received:

03/20/2020	Massachusetts Port Authority (Massport)
03/26/2020	Boston Harbor Now (BHN)
03/27/2020	Massachusetts Water Resources Authority (MWRA)
03/27/2020	Massachusetts Department of Transportation (MassDOT)
03/27/2020	Department of Energy Resources (DOER)
03/27/2020	Office of Coastal Zone Management (CZM)
04/02/2020	Massachusetts Department of Environmental Protection (MassDEP)/ Waterways Regulation Program

KAT/AJS/ajs

<sup>4</sup> Requirements for hard copy distribution or mailings will be suspended during the Commonwealth's COVID-19 response. Please consult the MEPA website for further details on interim procedures during this emergency period: <https://www.mass.gov/orgs/massachusetts-environmental-policy-act-office>



Are you on board?

15 State Street, Suite 1100  
Boston, MA 02109  
617.223.8671  
[bostonharbornow.org](http://bostonharbornow.org)

March 26, 2020

Via email: [alex.strysky@state.ma.us](mailto:alex.strysky@state.ma.us)

Ms. Kathleen A. Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114

Attn: Alex Strysky

Re: EEA #8161 – Raymond L. Flynn Marine Park Master Plan Update  
2 Harbor Street (Parcels T and T-1 of the RFLMP)

Dear Mr. Strysky,

On behalf of Boston Harbor Now, thank you for the opportunity to comment on the Notice of Project Change (NPC) submitted by ICCNE LLC regarding the proposed redevelopment of 2 Harbor Street in Boston's Raymond L. Flynn Marine Park (RFLMP) in South Boston. The project will involve the construction of a new 10-story building containing 381,000 square feet of laboratory, research and development, office and supporting uses. A member of our team had the opportunity to participate in the site visit on February 24<sup>th</sup>, and we submit the following comments based upon the NPC and the site visit, as well as the supplemental information provided by the project proponent to the MEPA office.

Consistency with Raymond L. Flynn Marine Park Master Plan/Imagine Boston

The mission of the RFLMP is to serve as a protected area for industrial business and Boston-based jobs, which is bolstered by state regulations that require the majority of uses to be maritime industrial in nature. The Boston Planning & Development Agency's "Imagine Boston 2030" plan similarly identified this area as a vital waterfront job center capable of generating significant job growth in general and maritime industrial sectors. As an organization, we are supportive of maintaining a vibrant working port, including prioritizing areas which support and create water-dependent industrial uses where appropriate, as well as supporting uses in close

proximity. In keeping with the mission of this area, we support the proponent's plan to provide 32,000 square feet of upper-floor space dedicated to water-dependent industrial uses along with loading bays, truck access and staging areas, and materials handling facilities, such as freight elevators, sufficient to meet the needs of these types of uses. Indeed, this provision of space for water-dependent uses is mandated by a written determination by the Massachusetts Department of Environmental Protection that transferred such development from another parcel in the RFLMP (as noted in the proponent's NPC filing, page 1-17). We are encouraged that this is in the plan for the building from the start.

### Transportation Infrastructure

As noted, the project is located in the Raymond L. Flynn Marine Park, in a part of South Boston that is experiencing rapid development and the associated transportation congestion that come with such an expansion. As a result, the area is currently under study by the Boston Planning & Development Agency and the Boston Transportation Department to devise a plan to better meet commuter needs in the Seaport. We are pleased to see that the proponent is pursuing a vibrant Transportation Demand Management strategy, including efforts to encourage the use of public transportation, bikes, and walking to/from the site. We would encourage the proponent to be cognizant of the project's impact and potential interference with Massport's Haul Road, which is near to the project site. Similarly, any public realm improvements that are envisioned for the site should be designed to minimize conflict with freight traffic and to separate users from the Haul Road.

In addition to efforts to reduce the traffic impacts of the project, the proponent has committed \$400,000 to transportation mitigation as part of the Article 80 process. As strong proponents of water transportation, we would encourage using some of these funds to explore an expansion of ferry service to the area. Currently, there is a pilot program operated by Bay State Cruise Company, managed by the Massachusetts Convention Center Authority, and funded by major employers in the Seaport, providing ferry service between the Fan Pier dock and Lovejoy Wharf, which is meeting expectations. The sponsors are considering potential expansion of that service. Mitigation funding could work in conjunction with the City's plans to reduce traffic on the roadways and expand and support a vibrant water transportation system in the City.

Thank you for your consideration of these comments.

Sincerely,


A handwritten signature in black ink, appearing to read 'Aaron Toffler', written in a cursive style.

Aaron Toffler  
Policy Director  
Boston Harbor Now



**THE COMMONWEALTH OF MASSACHUSETTS**  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
OFFICE OF COASTAL ZONE MANAGEMENT  
251 Causeway Street, Suite 800, Boston, MA 02114-2136  
(617) 626-1200 FAX: (617) 626-1240

## MEMORANDUM

TO: Kathleen A. Theoharides, Secretary, EEA  
ATTN: Alex Strycky, MEPA Office  
FROM: Lisa Berry Engler, Director, CZM   
DATE: March 20, 2020  
RE: EEA #8161, Raymond L. Flynn Marine Park Master Plan Update Revised NPC –  
2 Harbor Street, South Boston

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Notice of Project Change (NPC), noticed in the *Environmental Monitor* dated February 10, 2020, and supplemental information dated March 6, 2020 and offers the following comments.

### Project Description

With this NPC, ICCNE LLC proposes to construct a new 10-story, 380,800-square-foot (SF) building of laboratory and office space and other supporting uses with 325 surface and below-grade parking spaces on Parcels T and T-1 (collectively, 2 Harbor Street) in the Raymond L. Flynn Marine Park (RLFMP) in South Boston. The majority of the site, not quantified in the NPC, is land subject to coastal storm flowage (LSCSF); approximately 9,400 SF of the site are filled Commonwealth tidelands, while the remainder is landlock tidelands, as defined at 310 CMR 9.02. No structures are proposed on the filled Commonwealth tidelands and, as a result, no c. 91 license is required. A public benefit review will be conducted as the project requires the filing of a mandatory Environmental Impact Report (EIR). The proposed project will generate 3,884 new and unadjusted trips per day and require a non-vehicular access permit from MassDOT and a construction dewatering permit and sewer use discharge permit from Massachusetts Water Resources Authority.

### Project Comments

#### *Consistency with Raymond L. Flynn Marine Park Master Plan*

This NPC has been filed under EEA #8161 for which a separate NPC for the draft RLFMP Master Plan Update (DMPU) was filed in 2017; the Secretary's Certificate on the NPC was issued on January 19, 2018 directing CZM and MassDEP to conduct a public process to evaluate proposed changes to the c. 91 regulations and policies. A summary memo that serves as a supplement to the Scope for the Final Master Plan Update (FMPU), as described in the Secretary's Certificate, was noticed in the *Environmental Monitor* on February 10, 2020. The Secretary's Certificate notes that until the final master plan concludes MEPA review and a new or amended c. 91 authorization for the RLFMP is issued, the existing master plan and related authorizations remain in effect. Through the development of the existing master plan and subsequent c. 91 authorization, CZM, MassDEP, and the Economic Development & Industrial Corporation (d/b/a Boston Planning & Development Agency) developed a methodology for calculating the ground-floor equivalent area for multistory



structures. Under the existing master c. 91 license for the RLFMP, 32,000 SF of general industrial use is allowed on Parcels D & E in exchange for 32,000 SF of water-dependent industrial use on Parcel T, irrespective of its location on landlocked tidelands. Prior to filing the EIR for the project, the proponent should consult with MassDEP to clarify the methodology for calculating the requirement for 32,000 SF water-dependent industrial use.

In addition, the NPC does not indicate the location of the space reserved for the water-dependent industrial use or potential users. Typically, such users have specific space and infrastructure requirements that inform the design of structures, such as specialized wastewater and refrigeration systems, loading docks, and site circulation, and a preference for the ground or lower floors in a building. To ensure that the water-dependent industrial space is appropriately located and designed, the proponent should consult with potential users of such a space early in the design and permitting of the project.

The NPC states, “[n]o single source of funds...is available and able to pay for the significant infrastructure upgrades that are needed in the RLFMP. [2 Harbor Street] is intended to be an engine to fund needed transportation and utility infrastructure improvements.” The DMPU proposed that additional general industrial and commercial development is necessary to fund these necessary improvements and the summary memo on the public process pursuant to the Secretary’s Certificate in 2018 directed the BPDA to identify a non-exclusive list of necessary maritime and transportation infrastructure improvements necessary in the FMPU. As the 2 Harbor Street project proposes to proceed prior to the development and filing of the FMPU, the EIR should include a list of potential improvements that the increased rents resulting from this project and other mitigation, such as the proposed \$400,000 transportation mitigation, may be able to fund, in part or in whole with the EIR for the 2 Harbor Street project.

#### *Climate Resilience*

The NPC includes a brief discussion of the proposed project’s resilience to coastal flooding and the impacts of climate, which include increasing the grade of the project site from the street level to the BPDA’s 2070 Sea Level Rise Design Flood Elevation (EL 14 NAVD88). The proposed fill and site grading may redirect any coastal floodwater around the site, increasing the volume and velocity of the water flowing onto adjacent roadways and properties. The proponent should analyze the potential impacts of the proposed fill and site grading and consider alternatives, including the reduction of fill and smooth surface areas, such as paved parking lots, which may increase the velocity of coastal floodwater flowing across the project site. The EIR should also include a discussion of how the proposed project complies with and/or advances the potential district-scale flood control infrastructure identified in the City of Boston’s *Coastal Resilience Solutions for South Boston*.

#### **Federal Consistency**

The proposed project may be subject to CZM federal consistency review. For further information on this process, please contact Robert Boeri, Project Review Coordinator, at 617-626-1050 or visit the CZM website at [www.mass.gov/czm/fcr](http://www.mass.gov/czm/fcr).

LBE/ts/elh

cc: Daniel Padien, Program Chief, MassDEP Waterways Regulation Program  
Richard McGuinness, Deputy Director for Climate Change and Environmental Planning,  
BPDA  
Andrew Hargens, Chief Development Officer, Massport





Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

### Memorandum

To: Alex Strycky, MEPA

From: Daniel Padien, MassDEP/Boston

Re: Comments from the Chapter 91 Waterways Regulation Program — EOEEA # 8161  
Notice of Project Change, 2 Harbor Street, Boston

Date: April 2, 2020

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The Department of Environmental Protection Waterways Regulation Program (the “WRP”) has reviewed the Notice of Project Change (NPC) submitted for the planned redevelopment of 2 Harbor Street, also known as Parcel T and T1 within the Raymond L. Flynn Marine Industrial Park in South Boston, as it relates to the geographic jurisdiction of M.G.L. Chapter 91 and the Massachusetts Waterways Regulations at 310 CMR 9.00 (collectively “Chapter 91”).

#### Chapter 91 Jurisdiction:

As described in the NPC, the project site is located within Filled Commonwealth Tidelands because it is located on former submerged lands owned in fee by a political subdivision of the Commonwealth. However, these filled tidelands are entirely separated from flowed tidelands of Boston Harbor by one or more public ways in existence on January 1, 1984 and are located greater than 250 feet from existing mean high water. Furthermore, we note that the project site is not located within the Designated Port Area. Accordingly, the filled tidelands are landlocked pursuant to Chapter 168 or the Acts of 2007 and the Massachusetts Waterways Regulations and not subject to the permitting or licensing requirements of Chapter 91.

However, as the proponent summarized on page 1-17 of the NPC, in March 2006, the Boston Redevelopment Authority / Economic Development Industrial Corporation (BRA/EDIC) requested and the Department allow the transfer of approximately 32,000 SF of the future build-out of required Water-Dependent Industrial uses from BMIP Parcels D and E to BMIP Parcel T.

In December 2013 to the Department, BRA/EDIC Director Peter Mead acknowledged the terms of the 2006 Minor Project Modification decision and reiterated the BRA/EDIC's commitment to transfer not less than 32,000 SF of water dependent industrial uses to Parcel T. We note the NPC describes the program as including approximately 32,000 SF on the ground floor for water-dependent marine industrial uses, consistent with this regulatory history. NPC Figure 1-14 depicts the anticipated ground floor layout including approximately 32,000 SF of "tenant" space to accommodate the required water dependent marine industrial use. The space is undivided and proximate to the loading dock to accommodate such uses. The Department does not object to the location or concept design for the planned 32,000 SF of water-dependent use.

### Conclusion

Based on the information provided in the NPC, the project appears to meet the obligations made in 2006 and reaffirmed in 2013 by the BRA/EDIC with regards to water dependent industrial uses. While no Waterways license is required for the redevelopment of 2 Harbor Street, the Department intends to work with the City, as necessary, to ensure the project is able to accommodate the required 32,000 SF of water dependent marine industrial uses.

If you have any questions about these comments or require any additional information, please do not hesitate to call me at 617-292-5615 or contact me by email at [Daniel.Padien@mass.gov](mailto:Daniel.Padien@mass.gov).



COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF  
ENERGY AND ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENERGY RESOURCES**  
100 CAMBRIDGE ST., SUITE 1020  
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**Charles D. Baker**  
Governor

**Karyn E. Polito**  
Lt. Governor

**Kathleen A. Theoharides**  
Secretary

**Patrick Woodcock**  
Commissioner

19 March 2020

Kathleen Theoharides, Secretary  
Executive Office of Energy & Environmental Affairs  
100 Cambridge Street  
Boston, Massachusetts 02114  
Attn: MEPA Unit

RE: Raymond L. Flynn Marine Park Master Plan – 2 Harbor St., Boston, EEA #8161

Cc: Maggie McCarey, Director of Energy Efficiency, Department of Energy Resources  
Patrick Woodcock, Commissioner, Department of Energy Resources

Dear Secretary Theoharides:

We've reviewed the Notice of Project Change (NPC) for the above project. The proposed project consists of two buildings with a total of 380,800-sf laboratory/office space. About 40% of the building's area is office use and 60% of the building's area is planned to laboratory use.

The project has been responsive to conduct recommended evaluations including analyzing opportunities for electrification. Key findings are:

- The proposed mitigation appears to be almost entirely attributable to ventilation improvements. However, the specifics of the improvements being proposed, and whether these improvements are above code requirements, require additional clarification.
- The project seeks to retain flexibility to accommodate future, to-be-determined varieties of lab/office uses and scenarios. However, the current-mitigation strategies are ventilation-dependent. The project needs to demonstrate that the currently-reported Mitigation Level of 21% can be repeated using non ventilation-dependent strategies.

Our detailed review follows.

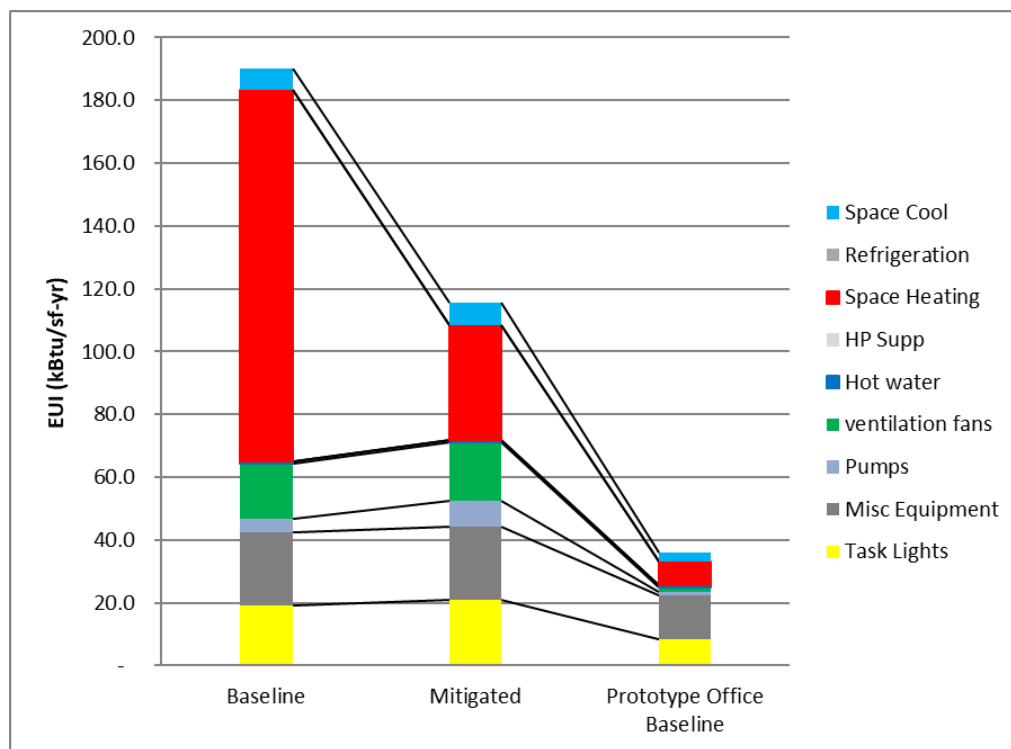
## Reported Building Energy Use

The reported Baseline and Mitigated energy use for the proposed lab/office is presented in the illustration below. For perspective, the figure also shows energy use for an office (with no lab) prototype built to the same code and climate zone baseline.

The space heating end use for the Baseline lab/office is 118 kBtu/sf-yr while the Mitigated space heating end use is 36 kKBtu/sf-yr, which is about a **70% reduction**. (For perspective, an office building with no lab has a heating end use of 7 kBtu/sf-yr.)

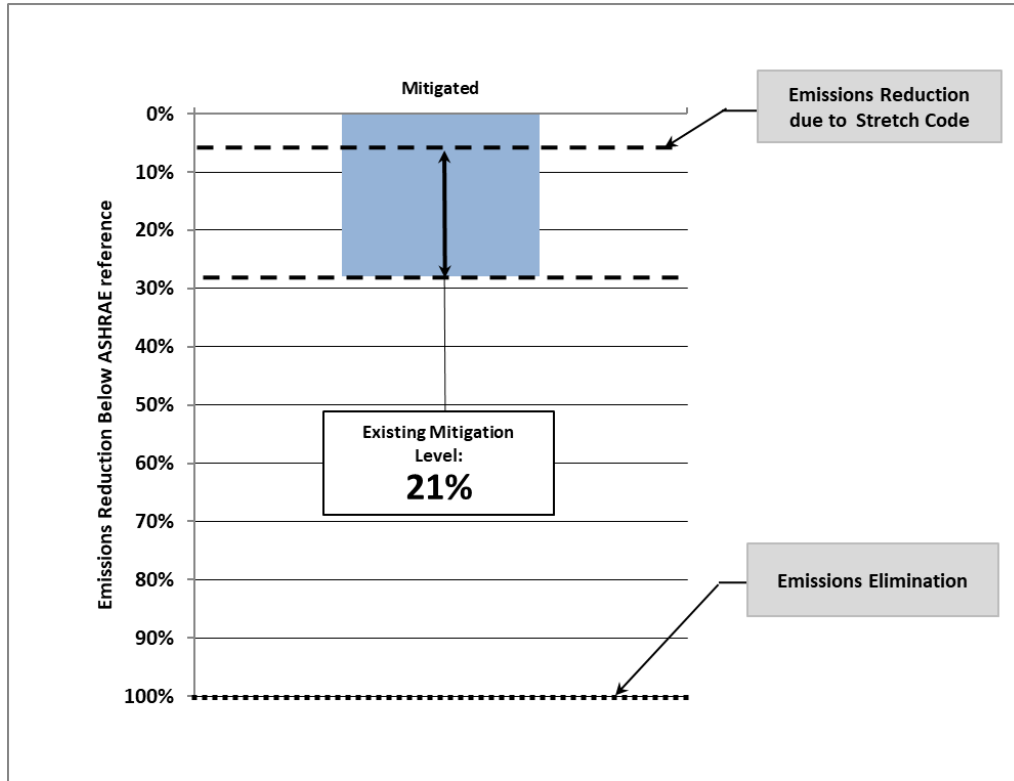
As all other end uses (cooling, ventilation, etc) are virtually unchanged between the Baseline and Mitigated, it appears that nearly all project mitigation is associated with the reported 70% reduction in heating end use. Further, because the project is proposing no above-code envelope performance improvement and only a marginal improvement to heating system efficiency (90% baseline to 92% proposed, a 2% improvement), it appears that nearly all project mitigation is associated with laboratory ventilation system improvements.

Accordingly, the project appears to be pursuing a **laboratory-dependent** mitigation strategy.



### Laboratory-Dependent Mitigation Level

The currently-proposed mitigation strategy yields a 21% Greenhouse Gas Mitigation Level, as illustrated below.



As noted above, nearly all mitigation is associated with improvements to laboratory ventilation. However, because the project seeks to retain flexibility to accommodate future, to-be-determined varieties of lab/office uses with different ventilation requirements, the project will need to demonstrate that the reported Mitigation Level of 21% can be repeated using strategies which are not laboratory ventilation dependent.

To do this, the project will have to develop a scenario with no laboratory-related ventilation and investigate mitigation measures which will deliver 21% Mitigation Level. Non laboratory-related ventilation mitigation measures should include some combination of improved envelope and efficient electrification of heating.

### Clarifications Needed: Laboratory Ventilation

To fully assess the laboratory-dependent ventilation as a mitigation measure, it's important that the project clarify the following:

- A detailed description of the code-required ventilation system that would be required in the baseline model. This system would result in a heating end use of 118 kBtu/sf-yr.

- A detailed description of the specific improvements being proposed to the ventilation system for the mitigation scenario which would result in a 70% reduction in heating end use
  - If the proposed building is “core and shell”, provide confirmation that the proponent will be providing all the ventilation improvements.
- Confirmation that the scheduling and other operating assumptions are the same in both baseline and mitigated models.

### **Building Envelope Mitigation**

A key GHG mitigation strategy is building envelope improvement. Key strategies include:

- Limiting or eliminating use of glass “curtain wall” and spandrel assemblies;
- Maximizing framed, insulated wall sections;
- Maintaining window aperture areas to code-prescribed levels;
- Careful considerations of thermal bridges;
- Reducing air infiltration.

The project is committing to code-minimum level vertical envelope performance. The project should consider above-code envelope performance as a mitigation measure in future submissions.

As stated above, when evaluating above-code envelope performance scenarios, we recommend the assessment be made without laboratory ventilation, ensuring anticipating a potential future building use with limited to no laboratory users. This helps ensure that the project is undertaking all feasible mitigation measures under a wide-range of potential uses consistent with the project’s stated goal of ensuring flexibility of various future uses.

### **Efficient Electrification**

Electrification of space and service water heating is an effective strategy for GHG mitigation. Electrification entails swapping from gas-fueled equipment to electric heat pumps and VRF systems.

We commend the project for analyzing efficient electrification alternatives. The proponent reviewed two alternatives: a fully electrified alternative where both the lab and office portions of the buildings would be built with electrified heating; and an alternative where only the office portion is electrified. The proponent also analyzed the opportunity for ground-source heat pumps (e.g. “geothermal”) estimating that the site had the opportunity for 18 ground source wells that could accommodate a 450-ton system.

Similar to above, we recommend that the efficient electrification scenarios be reassessed using a scenario with no laboratory ventilation.

### **Financial Incentives**

High performance and electrified buildings can receive significant incentives from MassSave® under their performance-based programs.

Efficient electric space heating could also potentially qualify for Alternative Energy Credits which may be able to provide an income stream for the buildings.

### **Solar PV**

We recommend that as much roof as possible be made permanently solar ready for PV systems to be installed during initial construction, or, at some time in the future.

The project has currently analyzed three opportunities for PV as follows:

	Area (sf)	Capacity (kWh/yr)	GHG Reduction (tpy)
Site #1	884	15	6
Site #2	3,990	68	27
Site #3	3,330	58	23
Total	8,204	141	56

Therefore, the project should set aside all three sites for PV and analyze further opportunities for rooftop PV.

### **Clarifications Required**

The following requires clarification in the next submission:

- The proponent states a building size of 380,800-sf (Section 1.4.1), while the energy model models a building that is 484,300-sf (Table 3-5). Please clarify this inconsistency.

### **Recommendations**

We recommend the following:

1. Develop alternative scenarios which can deliver 21% Mitigation Level that do not depend upon laboratory ventilation improvements. Scenarios should include improved envelope and efficient electrification and should have ventilation levels consistent with office without laboratory.
2. Provide the following:
  - a. Detailed description of the code-required ventilation system that would be required in the Baseline model. This system would result in a heating end use of 118 kBtu/sf-yr.

- b. Detailed description of the specific improvements being proposed to the ventilation system for the mitigation scenario which would result in a 70% reduction in heating end use.
  - c. If the proposed building is “core and shell”, confirm that the proponent will be providing all the ventilation improvements.
3. Meet with MassSave® and confirm level of incentive for scenarios being analyzed.
  4. Estimate Alternative Energy Credits (AECs) under electrification scenario.
  5. Evaluate further opportunities for rooftop PV.

Sincerely,



Paul F. Ormond, P.E.  
Energy Efficiency Engineer  
Massachusetts Department of Energy Resources



Brendan Place  
Clean Energy Engineer  
Massachusetts Department of Energy Resources





Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO



March 27, 2020

Kathleen Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge Street, Suite 900  
Boston, MA 02114-2150

RE: Boston: 2 Harbor Street – NPC  
(EEA #8161)

ATTN: MEPA Unit  
Alex Strysky

Dear Secretary Theoharides:

On behalf of the Massachusetts Department of Transportation, I am submitting comments regarding the Notice of Project Change for the 2 Harbor Street project in Boston, as prepared by the Office of Transportation Planning. If you have any questions regarding these comments, please contact J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (857) 368-8862.

Sincerely,

David J. Mohler  
Executive Director  
Office of Transportation Planning

DJM/jll

cc: Jonathan Gulliver, Administrator, Highway Division  
Patricia Leavenworth, P.E., Chief Engineer, Highway Division  
John McInerney, P.E., District 6 Highway Director  
Neil Boudreau, Assistant Administrator of Traffic and Highway Safety  
Boston Planning and Development Agency  
Boston Region MPO



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Stephanie Pollack, MassDOT Secretary & CEO



TO: David J. Mohler, Executive Director  
Office of Transportation Planning

FROM: J. Lionel Lucien, P.E, Manager  
Public/Private Development Unit

DATE: March 27, 2020

RE: Boston: 2 Harbor Street – NPC  
EEA # 8161

The Public/Private Development Unit has reviewed the Notice of Project Change (NPC) for the 2 Harbor Street project in South Boston. ICCNE (“Proponent”) proposes to redevelop two parcels (designated as T and T-1) owned by the Economic Development & Industrial Corporation of Boston (EDIC) in the Raymond L. Flynn Marine Park (RLFMP). The project would include a new building totaling approximately 380,000 square feet (sf) of laboratory, office, and other supporting uses. Based on information included in the NPC, the project is expected to generate approximately 3,884 unadjusted vehicle trips on an average weekday and exceed the thresholds for the preparation of an Environmental Impact Report (EIR). The Proponent has requested a waiver of the mandatory EIR, and if not granted, that the preparation of a Single EIR be allowed for the project.

The 2 Harbor Street project is part of the larger RLFMP project that has a long MEPA history dating back to 1978. The City of Boston, proponent of the RLFMP project, filed a Final Master Plan for the Marine Park in 1999, which identified a mix of uses to support industrial and marine businesses in Boston. The Final Master Plan received a MEPA Certificate in 1999 finding that it complied with MEPA. The City of Boston subsequently filed a NPC for a Draft Master Plan Update (DMPU) in 2017 that outlined a strategy to fund and improve the RLFMP’s infrastructure and further support industrial and marine businesses by encouraging more types and density of uses within the park. The DMPU received a MEPA Certificate in January 19, 2018 finding that it adequately and properly complied with MEPA and requiring the preparation of a Final Master Plan Update (FMPU). Since the City has yet to establish a timeline to complete the FMPU, the Proponent of the 2 Harbor project has filed this NPC to advance with the construction of the project.

The project will be located on two parcels totaling approximately 4.36 acres and will provide approximately 325 surface and in-ground parking spaces. The project site forms the southeast quadrant of the roundabout intersection of Northern Avenue and the Massport Haul Road. It is bordered to the north by Northern Avenue, to the east by Harbor Street, to the south by 12 Channel Street and Channel Street itself, and to the west by the Massport Haul Road. The Ted Williams Tunnel (I-90) passes beneath the northwest portion of the site within a subsurface easement; therefore, a Non-Vehicular Access Permit will be required from MassDOT. We also note that portions of the development site are subject to a highway easement and a drainage easement in favor of MassDOT. MassDOT’s highway easement

provides that any use of the land may not interfere with the highway as documented by MassDOT's approval. The Proponent has been in contact with MassDOT regarding the review of the design of the project and the process to be followed to obtain MassDOT's approval. We recommend that this process be continued for the purpose of satisfying MassDOT's requirements.

The NPC includes a transportation study prepared in conformance with the latest *MassDOT/EOEEA Guidelines for Transportation Impact Assessments* (TIA). The study includes an assessment of the transportation conditions in the project study area for the existing and future conditions. The NPC has evaluated the transportation impacts of the proposed project based on the adjusted trip generation estimates along with future transportation demands due to projected traffic and transit growth, independent of the proposed development. The proposed mitigation program is a multimodal approach consisting of highway, transit, bicycle, and pedestrian improvements. The Proponent has also committed to a transportation demand management (TDM) program to reduce automobile trips and to work with the City of Boston and MassDOT to implement a monitoring program. However, there are some outstanding issues regarding the transit analysis and mitigation program that need to be further addressed. Therefore, MassDOT is not in favor of the mandatory EIR waiver but would support the request to prepare a SEIR. The following comments or issues should be addressed in the SEIR.

### Trip Generation

According to the NPC, the project is expected to generate 2,198 net vehicle trips, 408 new pedestrian/bicycle trips, and 2,188 new transit trips on an average weekday. During the weekday AM peak hour, the project is estimated to generate 216 vehicle trips (186 entering, 30 exiting), 40 pedestrian/bicycle trips (34 entering, 6 exiting), and 215 transit trips (185 entering, 30 exiting). During the weekday PM peak hour, the project is expected to generate 231 vehicle trips (37 entering and 194 exiting), 43 pedestrian/bicycle trips (7 entering, 36 exiting) and 231 transit trips (34 entering, 197 exiting). These trip generation estimates take into account mode share for this area of Boston.

We generally concur with the mode share used, as it seems consistent for this section of Boston and the City of Boston Transportation guidelines.

### Traffic Operations

The NPC transportation study includes a comprehensive traffic analysis of the study area. Most of these intersections are expected to operate at LOS D or better except for the Summer Street at Drydock Avenue and Pappas Way signalized intersection and at several movements at unsignalized intersections within the study area. In all cases, the proposed development is slightly worsening already congested conditions for these movements. The Proponent should work with the City of Boston to identify where minor geometric or traffic control improvements would improve traffic operating conditions.

We note however, that a five-year horizon is used to carry the traffic analysis for the project, when the most recent MassDOT/EEA TIA Guidelines requires a 7-year horizon to conduct a transportation study. The SEIR should be updated accordingly and include a revised traffic and transit analysis.

### Transit Operations

The MBTA currently operates extensive transit within the study area via Bus Routes #4 and #7, and the Silver Line (SL1, SL2, and SL3) that provides access to South Station and points north of Boston. The TIA includes transit analysis of existing service provided by the Silver Line and the various bus routes with the study area. Consistent with the MBTA's Service Delivery Policy (SDP), the analysis used as metrics passenger comfort (the percentage of passenger travel time experienced in comfortable conditions) and reliability (the percentage of on-time weekday reliability of bus service). These metrics were used to evaluate existing and future conditions on the Silver Line and the Bus Routes #4 and #7.

According to the Existing analysis, Bus Route #4 currently operates within acceptable standards while Bus Route #7 falls below the minimum and target standards for passenger comfort metric. For the Silver Line, the NPC indicates that comfort data were not widely available to make a definitive assessment of passenger crowding although the Proponent has noted as a concern crowding on the Silver Line based on observations. With respect to reliability, Route #4 currently operates below standard, and SL1 and SL2 operate within acceptable standards. No information is provided for Route #7 and SL3.

For the Future No-Build conditions, without improvements, the transit network is expected to continue to experience similar operating conditions. However, the NPC did not provide an analysis of future No-Build conditions. This analysis should incorporate background-generated transit riders plus ridership projections for several specific planned or approved projects within or near the study area. As examples, both the Seaport Square development (EEA#14255) and the L Street Redevelopment (EEA#15692) are expected to add a significant number of riders in the network, but these projects also have committed to transit mitigation in the form of funding to the MBTA to add additional service to the Silver Line or to the Bus Route #7. The SEIR should include a No-Build analysis that takes into account the impacts of these projects as well as the mitigation proposed by these projects in order to adequately reflect future conditions.

The NPC includes an analysis of future build conditions for the bus routes based on the change in future passenger levels (background-generated riders and Project-generated riders); however, the Project-generated riders should be added to background-generated riders and other approved project-specific riders to determine the impacts of the future ridership demand on the transit network. The SEIR should then provide a revised transit analysis to incorporate these additional transit trips. In addition, the analysis should estimate the Project-projected ridership split between the Silver Line and the Bus Routes #4 and #7. Last, the Future Build conditions should take into consideration any transit operational or infrastructure improvement provided by others in the study area of the project.

The Boston Planning and Development Agency (BPDA) working with several agencies, including MassDOT and the MBTA, is leading an effort to develop a South Boston Seaport Strategic Transit Plan to determine the transit needs of the Seaport District. The study team has identified a number of potential strategies that are currently being explored. Through consultation with the City and the MBTA for this project, the following mitigation measures were identified for consideration and further study.

- Haul Road
  - Design and analyze a northbound bus queue jump lane between Silver Line Way and Northern Avenue. This would preserve the reliability of the SL2 due to future congestion associated with added growth in the district.
  - Design and analyze an acceleration lane for SL1 and SL3 exiting Silver Line Way in the southbound direction on the Haul Road. This is a safety improvement that would allow buses to accelerate and merge into traffic going toward the Ted Williams Tunnel.
- Northern Avenue
  - Explore queue jump westbound (inbound) from Harbor Street to Haul Road with a shared bus/truck left turn lane for the southbound Haul Road movement. This would preserve the reliability of the SL2 due to future congestion associated with added growth in the district.

The SEIR should include a comprehensive discussion of these mitigation measures to address the project's transit impacts on the Silver Line. Based on the transit analysis, the Proponent should consult with the City of Boston, MassDOT and the MBTA to identify the level of transit improvements required along with a schedule of implementation to improve both passenger comfort and reliability of the Silver Line. These improvements could be of capital and/or operational nature, and should be consistent with or not preclude those identified by other parties within or near the study area. The SEIR should present a summary of the transit analysis to demonstrate that the proposed improvements would maintain or improve MBTA Service Standards compared to future No-Build conditions.

### Pedestrian Access

The TIA provides a comprehensive inventory of all existing, planned, and recently built services, facilities, and routes for accessing the site. As indicated in the NPC, the 2 Harbor project is located within an area that already includes excellent pedestrian accommodations with a robust network of sidewalks and crosswalks at all study area intersections. Most intersections are equipped with the latest technology in terms of pedestrian countdown timers. As part of this NPC, the Proponent has committed to provide a large pedestrian plaza at the corner of Northern Avenue and Massport Haul Road to open the space for daily use. The sidewalks along Northern Avenue and Harbor Street will be reconstructed to create a more-pedestrian friendly environment. The SEIR should include an analysis of the following improvements that would provide for safe and efficient circulation while improving transit operations for Silver Line buses:

- Evaluate the feasibility of a pedestrian bridge over the Haul Road with either:
  - Permanent connection to Parcel K 2nd level “amenity deck”
  - Connection to future development project on Massport Parcel H with temporary access to ground level as an interim condition at the southwest corner Silver Line Way/Haul Road
- Provide a 10-foot sidewalk along the 2 Harbor Campus

The proposed pedestrian bridge design should not preclude a future at-grade pedestrian crossing across the Haul Road from campus. The Proponent should continue working with the City to identify areas of improvement for future implementation.

### Bicycle Access

The TIA also includes a detailed inventory of the bicycle network including on-street bike lanes, cycle tracks, and multi-use pathways. The Proponent has committed to work with the City to enhance bicycle infrastructure and to expand bike sharing programs. The Proponent has committed to install a new BlueBikes station near the site.

### Transportation Demand Management (TDM) and Monitoring Studies

In the NPC, the Proponent commits to implement a comprehensive TDM program, which would include arrangements for on-site shared car parking, transit subsidies for its on-site employees through the MBTA’s Perq program, preferential parking for carpools and vanpools, secure bicycle parking in project parking garages, outdoor bicycle racks in front of building entrances, shower facilities, and incentives for tenants to join the Seaport TMA. In addition, the Proponent should expand the TDM to measures that have so far proven successful in reducing vehicle trip generation in the Seaport District.

The Proponent should commit to providing MassDOT and the MBTA with a thorough annual report consisting of a traffic monitoring study, including capacity analyses of those intersections where transit improvements are proposed; a summary of TDM plan implementation including an analysis of the effectiveness of each TDM measure; and a transit survey and ridership count, which would identify the modes, origins, and destinations of transit usage among the employees and visitors to the project site, broken down by trip type and transit mode choice. The annual report should also identify measures to be taken in the successive year to remediate any identified deficiency in transit, bicycle, and pedestrian access to the site, or if roadway congestion or transit usage should exceed estimates in the transportation study.

The Proponent should consult with the Public/Private Development Unit, the Highway Division District 6 Office, and the MBTA during the preparation of the SEIR. The SEIR should include a letter of commitment to implement the resulting mitigation measures. The letter would be the basis for MassDOT to issue a Section 61 Finding for the project. If you have any questions regarding these comments, please contact me (857) 368-8862.



Massachusetts Port Authority  
One Harborside Drive, Suite 200S  
East Boston, MA 02128-2909  
Telephone: 617-568-5000  
www.massport.com

March 20, 2020

Secretary Kathleen A. Theoharides  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: MEPA Office  
Alex Strycky, EEA #8161  
100 Cambridge Street, Suite 900  
Boston MA 02114

**Re: 2 Harbor Street/South Boston Innovation Campus Notice of Project Change (NPC) #8161**

Dear Secretary Theoharides:

The Massachusetts Port Authority (Massport) is pleased to have the opportunity to review and provide comments on the NPC filed by ICCNE LLC (the Proponent) related to the proposed South Boston Innovation Campus development at 2 Harbor Street in the Raymond L. Flynn Marine Park in South Boston. As outlined in the NPC, this project will construct a new 10-story building containing 381,000 square feet of laboratory, office, and other supporting uses on a 4.36 acre site. The NPC states that the project is expected to generate 3,884 daily auto trips (2,198 adjusted) including 216 morning peak hour auto trips and 231 evening peak hour auto trips and that the project will include 325 parking spaces.

As an abutting landowner, Massport has been actively involved in the design and construction of infrastructure and development projects near this project site and we appreciate the opportunity to comment on this filing. Having recently met with the proponent and other area stakeholders, Massport believes that there are still questions and concerns regarding critical transportation infrastructure and truck routes and building heights that need to be fully addressed through the MEPA process. We have detailed these questions and concerns in this letter.

**Transportation Infrastructure and Protection of Truck Routes.** As is noted in the NPC, the Project is located in the Marine Park, accessed by a dedicated freight network that provides primary connections to the interstate highway system, including Northern Avenue, Fid Kennedy, and Massport Haul Road. This site's transportation impacts have the potential to shape access into the Marine Park at both the Northern/Haul Road/Fid Kennedy and Summer Street/Drydock gateways. To ensure current and future truck access and operational efficiency, the Project's design and operations must avoid adverse impacts to truck mobility along these routes.

The project Proponent has committed \$400,000 to transportation mitigation as part of this Article 80 process. There have been several productive conversations with the Proponent, the City of Boston, and the MBTA to discuss ideas for this mitigation funding. This conversation included initial discussions about how this development could participate in long-envisioned measures to improve the broader transportation network surrounding the site, including potential transit improvements



proposed by the City of Boston at Massport Haul Road, truck route network enhancements at Fid Kennedy/Haul Road, or intersection improvements at the Northern Avenue rotary.

The NPC outlines some possible improvements, however, it does not outline what or how the \$400,000 in transportation improvements will be implemented. Because of this, Massport recommends a continued process with agency partners to define the network priorities in order to balance the needs of all modes – including truck access and the need for improved transit. Massport also commits to working and participating expeditiously in these conversations so progress and general consensus can be reached in a timely manner. Many of the intersections noted above require review of impacts and tradeoffs comprehensively across modes and locations.

We look forward to productive discussions between the development team, the City of Boston, Massport, and the MBTA on what transportation investments will be implemented as part of this project. We also recommend that as part of this Project's continuing MEPA review, additional analysis be included related to:

- The design of potential multi-modal improvements at the Northern Avenue/Massport Haul Road Rotary including analysis of signalization and improvements to the geometry of the Fid Kennedy leg of the intersection to improve truck mobility to Massport Haul Road.
- Analysis of freight impacts from the development's proposed Silver Line Way pedestrian crossing and curb cut, including sightlines, safety considerations, transit implications, and operational delays for freight. Massport originally granted use of this curb cut for a truck intensive industrial use. Given the site's change in use, Massport is currently evaluating the continuation of that curb cut.
- The future proposed intersection connecting Summer Street, Drydock Avenue, and Pappas Way.
- Potential strategies to minimize impacts on the Congress Street/D Street intersection.

**Public Realm Activation along Truck Route.** Similarly, we note that this project has proposed public realm activation along the portion of the site adjacent to Northern Avenue and Massport Haul Road. During recent meetings, this public realm activation was described with potential for significant events hosted with users like Harpoon and the Music Pavilion. Given the industrial nature of this location, Massport recommends that public realm improvements are designed to minimize conflict with freight traffic and to safely separate users from the primary truck route on Massport Haul Road.

**Building Heights.** In coordination with the Federal Aviation Administration (FAA), Massport has prepared and widely circulated the Logan Airspace Map that defines the critical airspace around Boston Logan International Airport to protect the flight corridors in and out of the Airport (see attached map). Created by Massport, with input from airlines, pilots, city officials, and the FAA, the map helps guide developers and regulatory authorities to safely build to maximum structure heights without compromising air travel safety. The map aids developers in their planning and assists the

FAA in its review of individual projects to determine if they present a potential hazard to air navigation.

During prior meetings, the proponent stated that the FAA has signed off on the planned building heights. We have reviewed the proponent's filing and the FAA determination and find that the proponent has filed for heights greater than heights depicted on the Logan Airspace Map. Based on our review, the building will exceed surfaces depicted on the Logan Airspace map from 4 feet to 7 feet. The Logan Airspace Map protects not only for FAA surfaces but also for surfaces that protect airline engine-inoperative procedures and cumulative impacts of individual projects. We ask that the Proponent refile with FAA a reduced building height that is consistent with the Logan Airspace Map. Over time, the loss of Logan airspace will result in safety implications for pilots, reduce the efficiency of the airport, and shift the noise burden as impacted runways become restricted to pilots based on their safety/operational needs.

Thank you again for your consideration of our comments. We look forward to continued collaboration as the South Boston Innovation Campus Project proceeds. Please feel free to contact me at (617) 568-3705 or at [jbarerra@massport.com](mailto:jbarerra@massport.com) if you wish to discuss any of our comments.

Sincerely,

**Massachusetts Port Authority**

A handwritten signature in black ink that reads "Stewart Dalzell" followed by the word "for" written in a smaller, cursive script.

Joel Barrera  
Director, Strategic & Business Planning

Enclosures

CC: M. Meyran, A. Hargens, H. Morrison, S. Dalzell, F. Leo /Massport  
ICCNE LLC  
MA CZM  
Mass DEP



# MASSACHUSETTS WATER RESOURCES AUTHORITY

Charlestown Navy Yard  
100 First Avenue, Building 39  
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Frederick A. Laskey  
Executive Director

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March 27, 2020

Kathleen A. Theoharides, Secretary  
Executive Office of Energy and Environmental Affairs  
100 Cambridge St, Suite 900  
Attn: MEPA Office, Alex Strycky  
Boston, MA 02114

Subject: EOEEA #8161 – Notice of Project Change  
Raymond L. Flynn Marine Park Master Plan, South Boston, MA

Dear Secretary Theoharides,

The Massachusetts Water Resources Authority (MWRA) appreciates the opportunity to comment on the Notice of Project Change (NPC) submitted by ICCNE LLC (the Proponent) for Raymond L. Flynn Marine Park Master Plan (the Master Plan) in South Boston, Massachusetts. Work associated with this NPC (the Project) involves the construction of a 10-story structure containing a combination of laboratory, office and research and development space on two parcels, designated as parcels T and T-1, respectively, within the Raymond L. Flynn Marine Park (RLFMP). The Project will include below-grade parking and 32,000 square feet (sf) of water-dependent industrial uses.

MWRA submitted comments on a previous NPC for the Project on January 9, 2018. Comments on this NPC continue to relate to wastewater issues and the need for Infiltration/Inflow (I/I) Removal as well as Toxic Reduction and Control (TRAC) discharge permitting.

## Wastewater

This NPC reports that the Project is estimated to generate approximately 28,560 gallons per day (gpd) of wastewater, a reduction of 1,805 gpd from the previously reviewed Project flow of 30,365 gpd. In previous comments, MWRA noted that certain individual development projects within the Master Plan may not exceed MEPA filling thresholds or may generate wastewater levels that do not exceed the 15,000 gpd MassDEP threshold. MWRA urged the Boston Planning and Development Agency (BPDA) to evaluate the potential full impact of Master Plan wastewater flows and to plan for effective I/I mitigation actions within the same wastewater subsystem, in compliance with MassDEP regulation and BWSC I/I policy. The current NPC states that because the Project will increase wastewater flow by more than 15,000 gpd, it will be required to contribute an inflow and infiltration (I/I) mitigation fee to BWSC. It also notes that the specific fee amount will be finalized

during the BWSC site plan review process based on the building program at the time. MWRA asks that the Master Plan's cumulative wastewater flows be evaluated and considered during this process.

### TRAC Discharge Permitting

The MWRA prohibits the discharge of stormwater and groundwater to the sanitary sewer system, pursuant to 360 CMR. 10.023(1) except in a combined sewer area when permitted by the Authority and the local community. The Project site has access to a storm drain and it is not located in a combined sewer area. Therefore, the discharge of groundwater to the sanitary sewer system associated with the construction of the Project is prohibited.

A Sewer Use Discharge Permit is required prior to discharging any laboratory wastewater, research and development wastewater, and/or marine industrial process wastewater associated with the Project into the MWRA sanitary sewer system. For assistance in obtaining this permit, a representative from the proposed laboratory, research and development, or marine industrial space should contact George Riley, Industrial Coordinator, in the TRAC Department at (617) 305-5656.

Any gas/oil separators in parking garages associated with the Project must comply with 360 CMR. 10.016 and State Plumbing Code. Installation of the proposed gas/oil separator(s) may not be back filled until inspected and approved by the MWRA and the Local Plumbing Inspector. For assistance in obtaining an inspection, the Proponent should contact John Feeney, Source Coordinator, in the TRAC Department at (617) 305-5631.

On behalf of the MWRA, thank you for the opportunity to provide comments on this Project. Please do not hesitate to contact me at (617) 788-4958 with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'Beth Card', with a horizontal line extending to the left.

Beth Card  
Director  
Environmental and Regulatory Affairs

cc: John Viola, DEP