



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

DEVAL L. PATRICK
GOVERNOR
TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR
IAN A. BOWLES
SECRETARY

August 8, 2008

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

FINAL RECORD OF DECISION

PROJECT NAME : Ambulatory Care Center/Medical Offices
PROJECT LOCATION : 620 Washington Street - Winchester
PROJECT WATERSHED : Boston Harbor
EOEA NUMBER : 14264
PROJECT PROPONENT : Winchester Hospital
DATE NOTICED IN MONITOR : July 23, 2008

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, s. 61-62H) and Sections 11.11 of the MEPA regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (ENF) and hereby **grant** a waiver that will allow the proponent to proceed with Phase I of the project prior to preparing a mandatory Environmental Impact Report (EIR) for the entire project.

Project Description

As described in the Expanded ENF, the proposed project entails the construction of a 239,000-square foot (sf) outpatient ambulatory care center and medical offices with 956 parking spaces. The project would be constructed in three phases. The 2005 Phase includes the partial demolition and renovation of the existing Winn Watch building (65,650 sf) for use as a 39,335-sf oncology treatment facility and the construction of a 2,000-sf linear accelerator vault. The oncology treatment facility and the linear accelerator vault have been completed and are operating. The 2005 Phase remaining includes the demolition of portions of the Winn Watch building and the rehabilitation of three Massachusetts Water Resources Authority (MWRA) sewer lines which traverse the property. This is the subject of the proponent's Phase I Waiver request. The 2010 Phase includes the construction of an approximately 100,000-sf new ambulatory care center, medical offices, and 4,000-sf of ancillary retail space with a 506-space parking garage. The proponent will retain 52 surface parking spaces. The 2015 Phase includes the construction of approximately 99,500-sf of additional ambulatory care and medical office space with an additional 406 new structured parking spaces. The proponent would remove eight more surface parking spaces. The project site contains about 11.05 acres.

Access to the proposed site is from two existing driveways connecting to Washington Street. Eventually these two driveways will be consolidated into one signalized driveway at

Washington Street. The proponent has provided two methods for estimating the number of trips generated by the project. It has estimated that the project will generate approximately 3,740 new trips to the site, which is based on data from the proponent's existing operations.

The proposed project will be connected to existing municipal water and sewer service. It will consume approximately 20,078 gallons per day (gpd) of water and will generate 18,254 gpd of wastewater flow.

MEPA Jurisdiction

The project is subject to a mandatory EIR pursuant to Section 11.03(6)(a)(6) of the MEPA regulations because it generates 3,000 or more new vehicle trips. It may require a Construction Dewatering Permit, a Fossil Fuel Emission Permit, and an Air Quality Permit for an emergency generator from the Department of Environmental Protection (MassDEP). The project will need to obtain one or more 8(m) Permits from the Massachusetts Water Resources Authority (MWRA). The Massachusetts Historical Commission (MHC) has evaluated the projects' impacts and the proponent will enter into a Memorandum of Agreement with MHC and the Winchester Historical Commission. The project will require Construction Approval from the Massachusetts Department of Public Health. It must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site. The project will require Orders of Conditions from the Winchester Conservation Commission for work within each of the phases. Because the proponent is seeking financial assistance from the Commonwealth for the project from the Massachusetts Health and Educational Facilities Authority (MHEFA), MEPA jurisdiction extends to any aspects of the project that may have significant environmental impacts.

Waiver Request

On June 2, 2008, the proponent requested a waiver that will allow the proponent to proceed with Phase I of the project prior to preparing a mandatory EIR for the entire project. An Expanded ENF was submitted in conjunction with this request that identifies the environmental impacts for the project and describes measures to be undertaken by the proponent to avoid, minimize and mitigate project impacts. The waiver request was discussed at the site consultation/scoping meeting that was held on June 30, 2008. As proposed, Phase I (2005 Phase) of the project includes the demolition of portions of the Winn Watch building and the rehabilitation of three MWRA sewer lines that traverse the project site.

Standards for All Waivers

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.

Determinations for a Phase I Waiver

The MEPA regulations at 301 CMR 11.11(4) state that, in the case of a partial waiver of a mandatory EIR review threshold that will allow the proponent to proceed with Phase I of the project prior to preparing an EIR, I shall base the finding required in accordance with 301 CMR 11.11(1)(b) on a determination that:

- (a) the potential environmental impacts of Phase I, taken alone, are insignificant;
- (b) ample and unconstrained infrastructure facilities and services exist to support Phase I;
- (c) the project is severable, such that Phase I does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and
- (d) the agency action(s) on Phase I will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

Findings

Based upon the information submitted by the proponent and after consultation with the state permitting agencies, I find that the Waiver Request has merit and that the proponent has demonstrated that the proposed project meets the standards for all waivers at 301 CMR 11.11(1). The proponent did not submit any information in response to the Green House Gas (GHG) Emissions Policy in the Expanded ENF, and the project is subject to this policy. When a proponent is seeking a Waiver, the proponent should quantify emissions, analyze proposed mitigation, and submit this information in the Expanded ENF in accordance with 301 CMR 11.05(7). However, since the Phase I (2005 Phase) Waiver is limited to MWRA sewer line work and building demolition, I considered this Phase I Waiver request. The proponent will be required to provide the GHG information in the DEIR. I find that strict compliance with the requirement to submit a mandatory EIR prior to completion of Phase I of the project would result in an undue hardship for the proponent and would not serve to avoid or minimize Damage to the Environment. In accordance with 301 CMR 11.11(4), the latter finding is based on my determination that:

- (a) the potential environmental impacts of Phase I, taken alone, are insignificant;
 - The proponent will be working closely with the MWRA and MHC in achieving a positive outcome for sewer rehabilitation and historic preservation, respectively. Considered by themselves, neither the proposed sewer line rehabilitation nor building demolition requires the preparation of an EIR.

(b) ample and unconstrained infrastructure facilities and services exist to support Phase I;

- No new infrastructure is required to serve Phase I of the project. There is no new building construction and therefore no services are required to support the Phase I project.

(c) the project is severable, such that Phase I does not require the implementation of any other future phase of the project or restrict the means by which potential environmental impacts from any other phase of the project may be avoided, minimized or mitigated; and

- The development of Phase I is severable from the remainder of the 620 Washington Street redevelopment project because the proponent is proceeding with the MWRA sewer line rehabilitation and demolition work at the risk of the remainder of the project not being constructed. There is no aspect of the Phase I Waiver Request that is contingent upon future phases of the project, and, as a practical matter, the Phase I Waiver facilitates the completion of the 2005 Phase.

(d) the agency action(s) on Phase I will contain terms such as a condition or restriction, so as to ensure due compliance with MEPA and 301 CMR 11.00 prior to commencement of any other phase of the project.

- The development of final plans for the MWRA sewer rehabilitation work will be done in strict accordance with existing MWRA protocol and requirements. No work will be initiated until the requirements for an 8(m) Permit are met. The proponent is merely requesting that the Secretary allow this aspect of the project site preparation to move forward in advance of the completion of the MEPA review process. The MWRA has agreed to work with the proponent in advance of completion of the MEPA review process to facilitate this sewer rehabilitation work.
- Prior to the demolition of any part of the inventoried property on the site, a Memorandum of Agreement (MOA) will be developed in consultation with the MHC. The proponent has consulted with all necessary and applicable parties with regard to the planned preservation of certain portions of the Winn Watch building and expects to continue these deliberations with MHC and the Winchester Historical Commission, as necessary, to resolve any remaining issues and execute the MOA.


Conclusion

I have determined that this waiver request has merit, and have issued a Draft Record of Decision (DROD), which was published in the Environmental Monitor on July 23, 2008, in

accordance with 301 CMR 11.15(2), which began the public comment period. The public comment period lasted for 14 days and ended on August 6, 2008. Based on written comments received concerning the DROD and consultation with the permitting agencies, I hereby **grant** the waiver requested for this project, which will allow the proponent to proceed with Phase I of the project prior to preparing a mandatory EIR for the entire project, subject to the above findings.

August 8, 2008

DATE



Ian A. Bowles

Comments Received:

Winchester Hospital, 7/29/08

14264frod
IAB/WTG/wg