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August 16, 2006

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CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE FINAL ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Legacy Place
PROJECT MUNICIPALITY : Dedham
PROJECT WATERSHED : Charles River
EOEA NUMBER : 13677
PROJECT PROPONENT : **WS Development Association**
DATE NOTICED IN MONITOR : July 10, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (Final EIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

MEPA review is a non-adjudicatory information gathering process, which does not itself result in any formal decision approving or disapproving a project. Section 11.08(8) of the MEPA Regulations requires me to find a Final EIR adequate even if certain aspects of the project or issues require additional analysis of technical issues, so long as I find that "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during MEPA review, that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency taking Agency Action on the Project." After examining the record before me, I find that there is enough information on alternatives, impacts, and mitigation to meet that standard. The proponent can resolve the remaining issues during the state permitting process.

As described in the Final EIR, the proposed project consists of the construction of 734,000 square feet (sf) of mixed uses, including 532,000 sf of retail/restaurant space and a grocery store; a 91,685 sf cinema complex; an 85,240 sf office building; and a parking deck with 3,000 spaces on a

47-acre site in Dedham. This project has been enlarged from 676,000 sf since the submission of the Environmental Notification Form (ENF). The existing cinema and other buildings on the site will be demolished. Access to the site will be via Route 1A and Enterprise Drive. Based on the information provided in the Final EIR, the project is expected to generate an additional 13,471 new vehicle trips, for a total of 25,900 vehicle trips on an average weekday.

The project is undergoing review and requires the preparation of a mandatory EIR pursuant to section 11.03(6)(a)(6) and (7) of the MEPA regulations. The project will generate more than 3,000 new vehicle trips per day and provide greater than 1,000 new parking spaces at a single location. The project also exceeds a MEPA review threshold (although not a mandatory EIR threshold) related to land. The project requires a State Highway Access Permit from the Massachusetts Highway Department (MHD), a Sewer Connection Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Dedham Conservation Commission (and, hence, a Superseding Order from DEP if the local Order is appealed).

Because the proponent is not seeking financial assistance from the Commonwealth for the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over land alteration, traffic/air quality, wetlands, drainage, and wastewater issues.

The Final EIR has adequately responded to the Draft EIR certificate. It should be noted that during the Draft EIR, comments requested additional technical analysis, which was provided in the Final EIR. However, the proponent should continue to work with both MHD and DEP to provide final letters of commitment that identify mitigation measures to be implemented.

Although the project has increased in size, the water demand estimate has been reduced to 117,280 gallons per day (gpd) from 121,035 gpd. The Final EIR has considered the impact that this project will have on the Town of Dedham's water supply, and the cumulative demand for water from recent and proposed projects. The Final EIR has estimated an increase of 535,000 gallons per day from the Dedham-Westwood Water District as a result of this project, as well as the Hebrew Senior Life Development, Fairfield Green, and Westwood Station, other projects proposed to be developed in the short term.

As part of the water conservation plan, and for compliance with MWRA restrictions, municipal water will not be used for landscape irrigation. All outdoor water needs will be met by reusing rainwater, weather-based irrigation controllers, and a drip irrigation system. Low-flow plumbing fixtures, and education and training also are proposed. The Final EIR also commits to an undetermined financial contribution to assist the Dedham-Westwood Water District with implementation of its Water Conservation Plan. I strongly recommend that this commitment be established and implemented prior to site occupancy.

I note that the proponent, in collaboration with the Town of Dedham, has provided additional, off-site infiltration of stormwater on adjacent or nearby sites with more suitable soils than the project site, which is reported to have predominantly, poorly draining, hydrologic class D soils. I remind the proponent that recharging stormwater in stressed basins is an important requirement of Dedham's NPDES Phase II Storm Water Permit. I encourage the proponent to continue to assist the community with this important mandate to increase infiltration within the medium-stressed Charles River Basin.

The proponent has also committed to geometric and traffic signal improvements to address highway capacity and safety along the Route 1 corridor in the vicinity of the project. In addition, the proponent has committed to a list of Travel Demand Management (TDM) measures to reduce auto dependency and site trip generation.

Summary of Final EIR Mitigation:

The Final EIR included a separate chapter on mitigation measures. The Proposed Section 61 Findings for DEP and MHD were included in a summary table of mitigation measures. The proponent committed to the following mitigation measures under MEPA jurisdiction:

- To participate in Dedham-Westwood Water District commercial water audits performed by Energy New England and implement recommendations made during the process.
- To contribute to support specific elements within established Water Conservation Plan.
- As part of the required infiltration and inflow (I/I) mitigation, the proponent has made commitments to the Town of Dedham for commercial I/I mitigation fees based on the Town of Dedham's program of ten times the Title 5 flows. This contribution will go toward the construction costs associated with Rustcraft Road Sewer Replacement project and will exceed the typical I/I contribution required.
- To upgrade the Route 1 traffic signal system from Elm Street to the Eastern Avenue to a new closed loop traffic signal system.
- To re-stripe Route 1 Southbound roadway between the Dedham Plaza and Enterprise Drive to provide three continuous lanes of travel.
- To provide the necessary additional interconnect cable and conduit and adjustments to the central control facility to the Providence Highway at Eastern Avenue intersection to the closed loop system along Boston & Providence Highway.
- To provide a slight realignment of the I-95/Route 128 Interchange NB off-ramp to increase the separation between the off-ramp and Elm Street intersection.

- To modify the geometry layout at the intersection of Elm Street and Washington Street (Route 1A). This will include complete replacement of the existing traffic control equipment and signalization of the Highland Avenue approach to the intersection.

I find the Final EIR to be adequate, and am allowing the project to proceed to the state permitting agencies. The Final EIR contains adequate information on alternatives, impacts, and mitigation, and allows the state permitting agencies to understand the environmental consequences of their permit decisions. The proponent and state agencies should forward copies of the Section 61 Findings to the MEPA Office for completion of the file.

To keep all interested parties fully informed of permitting developments, the proponent should provide notification of local public meetings regarding the project to those parties who commented on the ENF, Draft EIR and Final EIR. I also request that the proponent send to the commenters notices of any relevant state permitting comment periods, meetings, or other opportunities for public input into the state permitting processes.

August 16, 2006

Date



Robert W. Golledge, Jr.

Comments received:

- 08/03/06 Water Supply Citizens Advisory Committee
- 08/07/06 Dedham-Westwood Water District
- 08/08/06 Charles River Watershed Association
- 08/09/06 MA Executive Office of Transportation, MHD
- 08/09/06 Department of Environmental Protection, NERO
- 08/10/06 Town of Westwood, Board of Selectmen
- 08/15/06 Proponent's Response to Comments

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