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September 12, 2008

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
SINGLE ENVIRONMENTAL IMPACT REPORT

PROJECT NAME : Bulfinch Triangle Project
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Boston Harbor
EEA NUMBER : 14194
PROJECT PROPONENT : Hines Raymond LLC
DATE NOTICED IN MONITOR : August 6, 2008

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

Project Description

As described in the EENF and the Single EIR, the project consists of the design and construction of a 488,000 gross square foot (sf) mixed-use development on a 1.46 acre parcel in the Bulfinch Triangle. It will include a 57,000 sf supermarket, 6,000 sf of ground floor retail uses, approximately 295,000 sf of either commercial office space or research and development (R&D) space and a 200-space parking garage (on two floors). The site includes parcel 2A, 2B and 2C. Parcel 2A and 2C are owned by the Massachusetts Turnpike Authority (MTA). Parcel 2B is owned by the Massachusetts Bay Transportation Authority (MBTA).

The site is bounded by Canal Street (including the existing Terra Cotta Building), Valenti Way, Beverly Street, North Washington Street and New Chardon Street. It is located on landlocked tidelands approximately 940 feet from Boston Inner Harbor on the landward side of Commercial Street in a mixed use area that includes entertainment, retail and residential uses. It is located within the City of Boston Groundwater Conservation Overlay District. Parcel 2C is

located within the boundaries of the Bulfinch Triangle Historic District which is listed in the National and State Registers of Historic Places. Parcel 2A and 2B are located adjacent to the Bulfinch Triangle Historic District and the Causeway/North Washington Street Historic District which meets the criteria of eligibility for listing in the National Register of Historic Places. Parcel 2B and 2C are located adjacent to the Canal Street building (also referred to as the Terra Cotta building) which is a contributing resource in the Bulfinch Triangle Historic District. The site contains a MBTA Transformer Vault and MBTA Vent Building and is located over MBTA tunnels and MTA tunnels. Access to the MBTA Green/Orange Line Superstation is located across Valenti Street and access to the MBTA Haymarket Station, including bus service, is located across New Chardon Street. Also, it is located in close proximity to the commuter rail at North Station. The proponent will lease the site from the MBTA and the MTA through separate 99-year ground leases.

Permitting/Jurisdiction

The project is undergoing MEPA review and subject to preparation of mandatory Environmental Impact Report (EIR) pursuant to Section 11.03 (6)(a)(6) because it requires a state permit and will generate 3,000 or more new average daily vehicle trips (adt). The project requires a ground lease from the MTA and a ground lease for land and air rights from the MBTA. The project requires review by the Massachusetts Historical Commission (MHC). The project may require a Sewer Connection Permit from the Department of Environmental Protection (MassDEP) and a Sewer Use Discharge Permit from the Massachusetts Water Resources Authority (MWRA).

The project requires surplus approval, approval of non-highway use of Right-of-Way (ROW) and Section 106 review by the US Department of Transportation's (DOT) Federal Highway Administration (FHWA). Also, it requires a National Pollution Discharge Elimination System (NPDES) Construction General Permit from the US Environmental Protection Agency (EPA).

The project is subject to Article 80 Large Project Review by the Boston Redevelopment Authority (BRA) which has been coordinated with the MEPA review. It requires review by the Boston Civic Design Commission (BCDC), development of a Transportation Access Plan Agreement (TAPA) and Construction Management Plan (CMP) for review by the Boston Transportation Department (BTD), Site Plan Approval and Utility Connection Permits by the Boston Water and Sewer Commission (BWSC), review by the Boston Public Improvements Commission (PIC), Curb Cut Permits and Street Occupancy Permits from the Boston Public Works Department (PWD), review by the Boston Air Pollution Control Commission (BAPCC), a permit to operate a parking garage and fuel storage license from the Boston Committee on Licenses, a Building Permit from the Boston Inspectional Services Department and review by the Boston Landmarks Commission (BLC). In addition, it requires zoning relief from the Boston Redevelopment Authority.¹

¹The project requires zoning relief for height and accessory office parking. It requires confirmation that the supermarket is an allowed use. In the event that the project does include R&D uses, the project will require additional zoning relief because R&D is not considered an allowed use.

Because the proponent is seeking a land transfer, in the form of a ground lease, MEPA jurisdiction extends to those aspects of the project within the area subject to the land transfer that are likely, directly or indirectly, to cause Damage to the Environment. Pursuant to 301 CMR 11.01(2)(a)(3), MEPA subject matter jurisdiction is functionally equivalent to full scope jurisdiction.

Potential Environmental Impacts

Potential environmental impacts are associated with the generation of approximately 9,342 average daily vehicle trips (adt) based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, use of 88,000 gallons per day (gpd) of water and generation of 77,000 gpd of wastewater. The project's re-development of an existing disturbed site and its location in close proximity to transit will serve to minimize overall impacts. The Expanded ENF and Single EIR indicate that measures to avoid, minimize and mitigate environmental impacts will include the incorporation of sustainable design elements in the building, provision of public open space (including an interpretive display regarding the history of the Middlesex Canal), development of a Transportation Demand Management (TDM) program to minimize traffic trips, assistance in implementing the City of Boston Crossroads Initiative, support for a comprehensive traffic study of the Bulfinch Triangle neighborhood and design changes to minimize the project's impact on historic resources.

Procedural History

In March 2008, the proponent submitted an Expanded Environmental Notification Form (EENF) with a request that I grant a Waiver of the requirement to prepare an EIR or, in the event the Waiver was not granted, allow the filing of a Single EIR. The May 9, 2008 Certificate issued on the Expanded ENF indicated that the project did not meet the criteria for granting a full Waiver of the EIR, including a demonstration that the requirement to prepare an EIR would constitute a hardship to the proponent, a demonstration that the requirement to prepare the EIR will not serve to avoid or minimize Damage to the Environment or that the project will cause no Damage to the Environment. Because the Expanded ENF provided sufficient information regarding baseline environmental conditions, environmental impacts associated with the project, identified associated mitigation and because comment letters indicated support for the project as designed, the proponent was allowed to file a Single EIR. The Scope of the Single EIR was limited to providing additional information on historic resources and identification of operational and design changes (by the proponent and others) that would improve pedestrian access and minimize conflicts between pedestrians and vehicular traffic.

Review of the Single EIR

As noted above, the Scope for the Single EIR was limited to two topics. The Single EIR identifies design changes intended to address concerns expressed by MHC in its comment letter on the Expanded ENF and provides additional information on how pedestrian access and safety can be improved. As required, the Single EIR includes an updated Mitigation Section to reflect

changes to project mitigation and includes a Responses to Comments Section.

As the Single EIR indicates, the MHC, as State Historic Preservation Officer (SHPO), in consultation with the Boston Landmarks Commission (BLC), must review and approve the design of development parcels in compliance with the Central Artery Memorandum of Agreement (MOA), pursuant to Section 106 of the National Historic Preservation Act (36 CFR 800). As required by the MOA, Joint Development Guidelines were developed by MassHighway (formerly the Massachusetts Department of Public Works), MHC and BLC that address height limits, design issues, massing, materials, siting and setback requirements. The purpose of the MOA and the Joint Development Guidelines were to ensure that direct impacts to historic resources and potential environmental impacts associated with the development of parcels created by the CA/T Project (EEA #4325/8721) would be avoided, minimized and mitigated consistent with federal and state requirements. Under the terms of the Section 106 MOA, the MHC, in consultation with the BLC, must review and approve the new design of any new construction on any of the air rights parcels to ensure they are consistent with the established guidelines.

The Single EIR indicates that an alternatives analysis and additional information regarding historic resources was provided to the MHC, BLC, MBTA and FHWA. The Single EIR indicates that the proponent has altered the building design through massing and use of materials to further minimize impacts to historic resources. These changes include incorporation of new setbacks and notches at the corner of New Chardon Street and the existing building.

The proponent consulted with MHC and FHWA during the review period of the Single EIR. Comments from MHC indicate that the project will have an adverse impact on the Bulfinch Triangle Historic District and the Causeway/North Washington Street area through the introduction of visual elements that are out of character with and alter the setting of these historic districts. MHC comments recommend that a MOA be developed to mitigate the adverse effect of the project with the FHWA as the lead federal agency.

The Single EIR analyzes several alternatives to existing traffic circulation and proposed truck access to improve pedestrian access and, in particular, minimize potential pedestrian/vehicular conflicts along Valenti Way. The Single EIR notes that none of the proposals would result in significant impacts to the Bulfinch Triangle traffic network. Although the Single EIR analyzes and describes changes that could significantly improve pedestrian access (such as the One-way Northbound Canal Street which would facilitate the widening of the Canal Street sidewalks in front of the Terra Cotta building and allowing all trucks to enter via North Washington Street), it indicates that changes in traffic circulation will be subject to approval by the City of Boston and the BTB. I appreciate the proponent's efforts to outline potential improvements in the Single EIR and am confident that the City will evaluate these alternatives for their benefits to pedestrian access and safety as well as traffic flow. I note that the Single EIR indicates that the proponent will relocate street trees, tree grates and other street furniture to the curb-line (to the extent that subsurface conditions allow) to increase the effective width of the North Washington Street sidewalk.

Conclusion

Based on a review of the Single EIR, consultation with state agencies and a review of comments, I hereby find that the Single EIR adequately and properly complies with MEPA and its implementing regulations. The project may proceed to permitting.

September 12, 2008

Date



Ian A. Bowles

Comments received:

- 9/5/08 Department of Environmental Protection/Northeast Regional Office (MassDEP/NERO)
- 9/4/08 Massachusetts Historical Commission (MHC)
- 9/5/08 Downtown North Association
- 9/5/08 Walk Boston
- 9/10/08 Jane Forrestall

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