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September 29, 2006

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

PROJECT NAME: Green Street Development & Route 117 Connector  
PROJECT MUNICIPALITY: Waltham  
PROJECT WATERSHED: Stony Brook  
EOEA NUMBER: 13071  
PROJECT PROPONENT: Sam Park and Company  
DATE NOTICED IN MONITOR: August 23, 2006

As Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report (FEIR) submitted on this project **adequately and properly** complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). MEPA Review does not itself result in any formal adjudicative decision approving or disapproving a project. Section 11.08 (8) of the MEPA Regulations requires me to find an FEIR adequate even if certain aspects of the project 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."

### Project Description:

As currently proposed, the project involves the development of 570,000 square feet (sf) of mixed-use office and retail space (360,000 sf office space, 180,000 sf retail space, 30,000 sf service and support space) in two separate buildings (Building A, Building B), and related utilities and stormwater management infrastructure located on a former 9.4-acre sand and gravel mining site at 40 Green Street in Waltham. The proposed project also includes the proposed construction of traffic mitigation roadway improvements (the Route 117 Connector and Route 20 Interchange improvements) to improve access and safety at the Route I-95/Route 20 interchange in Waltham. Building A (66,000 sf) will include a 7-story central parking garage with a total of 1,715 structured parking spaces, fronted by a one- or two-story section containing approximately 63,000 sf of retail space and 3,000 sf of service and storage space.

Building B (504,000 sf) will be constructed as two 7-story building wings containing 360,000 sf of office and 117,000 sf of retail space, approximately 27,000 sf service and storage space, and 427 underground parking spaces, and approximately 33 surface parking spaces. The proposed project will include the construction of a total of approximately 2,175 vehicle parking spaces. This mixed-use project will consume approximately 71,100 gallons per day (gpd) of water and will generate approximately 55,050 gpd of wastewater flow. The proponent proposes to discharge the wastewater generated from the project to the City of Waltham's municipal sewer collection system for treatment by the Massachusetts Water Resources Authority's (MWRA) Deer Island Wastewater Treatment Facility (WWTF). The project site is located within the Stony Brook Watershed. Stony Brook conveys water from the Hobbs Brook Reservoir to the Stony Brook Reservoir and forms part of the water supply system for the City of Cambridge. The wetlands and waterways located within the project site are classified as Outstanding Resource Waters (ORW).

The project is undergoing review and requires preparation of an EIR pursuant to sections 11.03 (1)(b)(2) of the MEPA regulations because the project requires state permits and will involve the creation of more than 5 acres (6.23 acres total) of new impervious surfaces. The project as currently designed also requires a Groundwater Discharge Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Waltham Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed). Because the proposed project will generate more than 3,000 new vehicle trips per day (5,320 total), and requires a Highway Access Permit from the Massachusetts Highway Department (MassHighway), it will require the preparation of an EIR pursuant to Sections 11.03 (6)(a)(6), and (6)(a)(7) of the MEPA regulations. The project also requires a Construction Dewatering Permit, a Fossil Fuel Emission Permit and a Groundwater Discharge Permit from DEP. The project must comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site of over one acre and requires a Construction Site Dewatering Discharge Permit from the U.S. Environmental Protection Agency. Using the Institute of Traffic Engineers Trip Generation land use codes 710 for General Office Building and 820 for Shopping Center, the project, as currently proposed, is estimated to generate approximately 7,942 new vehicle trips on the average weekday. An air quality mesoscale analysis for ozone will be needed for this project to assess the total volatile organic compounds (VOC) and nitrogen oxides (NOx) emissions associated with all project-related vehicle trips.

### **Project History:**

The Green Street Development & Route 117 Connector project was originally proposed in an Environmental Notification Form (ENF) in July 2003 and involved the phased (Phase I, Phase II) development of approximately 640,000 square feet (sf) of office space in two eight-story buildings, 2,133 enclosed parking spaces, and associated infrastructure within a former 9.4-acre auto salvage yard and gravel mining site located on Green Street in Waltham. The project also includes the construction of associated utilities and stormwater management infrastructure, and traffic mitigation roadway improvements within the project area.

### Phase I Waiver Request

As part of the Expanded Environmental Notification Form (EENF) submittal to MEPA (July 2003), the proponent requested a Phase I Waiver to construct the 280,000 sf office building, approximately 933 enclosed parking spaces, municipal water and sewer connections, a stormwater management water quality detention basin, a comprehensive erosion and sedimentation control program, and proposed Phase I traffic mitigation roadway improvements. Phase I work will result in the creation of approximately 1.0 acre of new impervious surface area, and the generation of approximately 2,725 new vehicle trips per day. The Phase I roadway improvement work will involve construction activities within the Riverfront Area and will impact approximately 8,600 sf of Riverfront Area, 2,500 sf of Bordering Land Subject to Flooding, 300 sf of land under water, and 40 linear feet (lf) of inland bank. Phase I work will not impact any wetland resource areas located within the project site. Phase I will require a Groundwater Discharge Permit from DEP, and an Order of Conditions from the Waltham Conservation Commission (and hence a Superseding Order from DEP if the local Order were appealed).

The proponent's Phase I Waiver request was granted in a separate MEPA Certificate issued in October 2003. The Certificate on the Phase I Waiver required the proponent to complete the implementation of the proposed Phase I traffic mitigation roadway improvements prior to or during the construction of the Phase I project activities, as one of a number of conditions of the approval of the Phase I waiver request including:

- the City of Waltham's commitment to pursue and fund the Phase II project improvements without state transportation funds or federal funds using state obligation authority;
- the City of Waltham's commitment for all project-related right-of-way acquisitions;
- the City of Waltham's commitment not to proceed with the Phase II portion of the project until the proposed Phase II roadway improvements have been completed, and the proponent's commitment to develop and implement an infiltration/inflow (I/I) mitigation program for this project that will result in the minimum removal of approximately 192,000 gpd (minimum 4:1 removal ratio) of I/I to offset the need for additional water withdrawals.

### Draft Environmental Impact Report (DEIR) and Notice of Project Change

The proponent filed a Draft Environmental Impact Report (DEIR) for the Green Street Development & Route 117 Connector project in February 2006. The DEIR included a Notice of Project Change (NPC) describing a proposed change in use for the Green Street Development project from 640,000 sf of office space three separate buildings to 570,000 sf of mixed-use office (356,000 sf) and retail (180,000 sf) space to be located in two separate buildings, and proposed roadway and transportation improvements to the Route 117 Connector including the Route 20 interchange. The proposed project change resulted in increases to impervious surface area (approximately 1.5 acres), water supply demand (approximately 9,100 gpd), wastewater flows (approximately 7,050 gpd), parking (33 spaces), and traffic (approximately 2,622 vtd).

A Secretary's Certificate on the DEIR was issued on April 14, 2006 and required the proponent to prepare an FEIR to respond to comments received on the DEIR and provide additional information specifically pertaining to wetlands, stormwater, traffic, construction impacts, and mitigation.

### **Wetlands and Stormwater:**

The proponent has proposed to locate a stormwater detention basin within the 200-foot Riverfront Area, and within close proximity to Stony Brook, an Outstanding Resource Water (ORW) to a public water supply. As currently designed, the project will result in the alteration of approximately 10,200 sf of bordering land subject to flooding (BLSF). The proponent has filed a Notice of Intent (NOI) with the Waltham Conservation Commission for an Order of Conditions (OC) to construct elements of the proposed stormwater management system within bordering land subject to flooding and Riverfront area. The OC has been appealed to MassDEP for a Superseding Order of Conditions (SOC). In their comments, DEP has indicated that the FEIR does not contain sufficient information to demonstrate the consistency of the proposed stormwater management plan with MassDEP's wetland regulations. Specifically, the proponent must satisfactorily demonstrate to MassDEP that the proposed stormwater detention basin has been designed to contain stormwater, to allow settling of total suspended solids (TSS), and to maintain an unrestricted hydraulic connection for compensatory flood storage pursuant to the wetlands regulations (310 CMR 10.57(4)(a)). The proponent may need to identify other off-site locations to provide compensatory flood storage capacity for the project.

The proponent has committed to the development of a stormwater management plan for the 296-acre watershed sub-basin located within the project area above the culvert outfall (WA-17) serving as the watershed for the City of Cambridge's public water supply. According to the proponent, the stormwater management plan will include the identification of all existing buildings, parking lots, and utilities, and will identify and prioritize the type of best management practices (BMPs) that could be implemented to improve the quality of water entering the Cambridge Water Supply system.

According to MassDEP's comments, the FEIR does not include sufficient information to demonstrate that the project's stormwater drainage system design is consistent with MassDEP's Stormwater Management Policy's standards for water quality, recharge to groundwater, and protection of an existing public water supply source for projects located within an ORW and critical resource areas. At a minimum, the proponent must provide additional information to MassDEP to satisfactorily demonstrate how the proposed use of best management practices (BMPs) for removal of total suspended solids (TSS) within critical resource areas complies with MassDEP's Stormwater Management Policy for projects located in critical areas. The proponent's stormwater management plan must also include a source control and pollution prevention plan for projects located within water supply protection areas, and a stormwater operation, management and maintenance plan

I anticipate that MassDEP's permit review process will require the proponent to respond to MassDEP's comments and may result in modifications and/or revisions to the proposed stormwater management plan in compliance with MassDEP's wetland regulations and stormwater management policies. I will reserve the right to require further MEPA review of any resultant changes to the proposed final project design.

**Wastewater:**

The City of Waltham is a member of the Massachusetts Water Resources Authority's (MWRA) Regional Sewer System. Wastewater flows in the MWRA Regional Sewer system continue to be a major concern for MassDEP and the US Environmental Protection Agency (EPA). As a member community to the MWRA's sewer system, the City of Waltham is required to assist in the ongoing coordinated efforts of DEP and MWRA in reducing infiltration and inflow (I/I) to ensure that the additional wastewater flows proposed by the proponent will be offset by the removal of I/I flows.

The proponent has committed to participate in the City of Waltham's ongoing I/I removal program activities. According to the information provided in the FEIR, the proponent has identified and committed to three I/I projects, located within the City of Waltham's Waverly Oaks Trunk Sewer System between Trapelo Road and Beaver Street, and from a 2000-foot section of the Forest Street outlet north of the Waverly Oaks Interceptor, that will result in the removal of an estimated 300,000 gpd (4:1) of I/I. In addition, the proponent indicated a commitment to assist the City of Waltham to undertake corrective repairs to the Spencer Street Pump Station if needed. According to DEP, the Spencer Pump Station may have overflow issues, and meters at the pump station are inoperable. The proponent's proposed I/I removal projects must be in conformance with the Administrative Consent Order (ACO), ACOP-NE-04-1 N004, issued to the city of Waltham, (May 12, 2003), and the Amended ACO (January 31, 2005), and will need to be completed before the project's wastewater flows can be discharged to the City's sewer system.

**Traffic:**

According to MHD, the FEIR includes a traffic study that conforms to the EOEA/EOTC Guidelines for EIR/EIS Traffic Impact Assessment. Using the Institute of Traffic Engineers Trip Generation Land Use Codes (LUC) 710 for General Office Building and 820 for Shopping Center, the project, as currently proposed, is estimated to generate approximately 7,942 new vehicle trips on the average weekday. The Green Street Mixed-Use Development project's new vehicle trips will impact traffic operations along the Route 117 (Main Street) and Route 20 (Weston Street) corridors, and will thus require a concerted effort by the proponent to reduce single employee and customer vehicle trips.

The proponent continues to work closely with MassHighway and the City of Waltham to resolve design issues for the proponent's proposed Route 117 Connector and Route 20 Interchange traffic mitigation/roadway improvements ('overall traffic mitigation plan') as a condition of MassHighway's support of the Phase I Waiver Request.

The proponent has identified and committed to the roadway improvements listed below to mitigate the project's impacts to traffic. According to MassHighway, these traffic mitigation commitments will address the project's impacts on traffic operations within the project area.

#### Route 117 Connector Roadway Improvements

- a connector road between Route 117 and the Route 20 Rotary (Route 117 Connector);
- traffic signalization at the Route 117/Route 117 Connector Road intersection,
- traffic signalization at the Route 20 eastbound with the Route 20 Rotary;
- modifications to the Route 20 Rotary, and
- improvements at the Route 20/Stowe Street intersection.
- construction of a northbound bridge over I-95 (Route 95 Bridge) completing a two-way connection between the I-95/Route 20 interchange and Route 117,
- installation of traffic signalization on both ends of the proposed I-95 bridge, and
- geometric improvements and new traffic signals at the Route 20 westbound/Route 20 Rotary, and at the Route 117 Connector Road.

The proponent has committed to implement the overall traffic mitigation plan prior to the occupancy of the 40 Green Street mixed use development. MassHighway has requested that the proponent also commit to the realignment and signalization of the Green Street/Bear Hill Road intersection as part of the Phase I Roadway Improvements plan. In their comments on the FEIR, MassHighway has indicated that the proposed roadway improvements especially in the I-95/Route 20/Route 117 interchange area must be designed to ensure that future development, including the 100-acre Polaroid property located immediately north of Route 117, and traffic projections for the next 20 years can be appropriately accommodated. The proponent will need to obtain MassHighway's approval for the proposed overall traffic mitigation plan.

A combination of private financing, and federal grants will be used for the project's overall traffic mitigation plan improvements. As I have noted above, MEPA's approval of the proponent's Phase I Waiver request was conditioned on the City of Waltham's commitment for all Green Street-related roadway improvements and associated right-of-way acquisitions, and the City of Waltham's commitment not to permit the occupancy of the 40 Green Street mixed use development until the proposed Green Street-related roadway improvements have been completed. The proponent has also committed to fund a number of interim improvements along Green Street in the event the City of Waltham's Green Street improvements are not completed when the proponent's Route 20 interchange improvements are completed and prior to the occupancy of the proponent's Green Street mixed use development project including:

- construction of temporary resurfacing of Green Street within the existing right-of-way;
- installation of an interim signal at the Green Street/Main Street intersection to be coordinated with Bear Hill Road, and,
- implementation of temporary transportation demand management (TDM) measures and project site drive modifications.

According to MassHighway, the proponent will be required to conduct an interconnected (SYNCRO) analysis to identify the potential for excessive queuing on Route 117 and the need for any additional interim traffic improvements.

I anticipate that MassHighway's review of the proponent's proposed traffic mitigation plan and traffic monitoring program will contain conditions or restrictions necessary to ensure compliance with MEPA and 301 CMR 11.00 prior to the commencement of each of the proposed construction phases. The proponent must continue should continue to consult with MassHighway's Public/Private Development Unit and District 4 Office, the City of Waltham and others during final project design to resolve any remaining traffic mitigation issues.

#### Transportation Demand Management (TDM) Plan

As described in the FEIR, the proponent has proposed a comprehensive Transportation Demand Management (TDM) plan for store employees and patrons. The proponent's proposed TDM plan incorporates a number of measures for reducing project generated vehicle trip generation including:

- the appointment of an Employee Transportation Coordinator (ETC);
- join the Route 128 Business Council Transportation Management Association (TMA);
- the implementation of an employee ride-matching program (carpooling and vanpooling) program;
- the implementation of a "Guaranteed Ride Home" program for employees;
- provide on-site MBTA (Route #70 and/or #170) transit amenities including bus shelters and bus stops, and posting of transit schedules on-site;
- provide designated preferential parking for carpoolers; and
- the development of on-site amenities including employee direct deposit banking, secured bicycle storage racks;
- Assist the City of Waltham in constructing an intermodal Park 'N Ride lot on adjacent surplus MBTA right-of-way property; and,
- the construction of sidewalks to connect Route 117 and Route 20.

All Green Street Development project tenants and businesses should be required to participate in the proposed TDM plan. The TDM plan should describe any monitoring necessary to ensure the success of the program. I note that MassHighway may require the proponent to commit to additional mitigation measures that may result from the proponent's traffic monitoring program.

#### Transit

The proponent has committed to continue discussions with the Massachusetts Bay Transit Authority (MBTA) to modify existing MBTA bus service routes (Routes #70 and #170) to include a stop at the project site (40 Green Street). The project site would also be serviced by the Route 128 TMA shuttle. As described in the FEIR, the proponent has identified a surplus MBTA right-of-way area, adjacent to the project site, that could accommodate a carpool/rideshare parking lot to be used by public transportation commuters, and bicyclists. I strongly encourage the proponent to identify opportunities to incorporate transit amenities including bus shelters and bus within the project site or nearby.

### Pedestrian and Bicycle Facilities

I strongly encourage the proponent to consult with WalkBoston, and to continue to work closely with the City of Waltham and MassHighway, to evaluate the feasibility of traffic, transit, pedestrian, and bicycle improvements within the project area in response to the regional and local traffic concerns that may arise out of the proposed mixed-use office/retail development project.

### **Wayside Rail Trail:**

The project site contains a portion of the abandoned Massachusetts Bay Transportation Authority (MBTA) railroad right-of-way that crosses along the northern boundary of the project site, and contains an abandoned railroad bridge over I-95/Route 128 that has the potential for incorporation in the proposed Wayside Rail Trail (25.5 miles). The Wayside Trail segment will extend from Belmont to Berlin and pass through parts of Belmont, Waltham, Watertown, Weston, Wayland, Stow, Sudbury, Marlborough, Hudson, Bolton, and Berlin. The proposed Wayside Rail Trail will serve as an important segment of the 104-mile Massachusetts Central Rail Trail (MCRT) that has been proposed as the first cross-state, public inter-modal (bike/hike) trail connecting Boston to Northampton. The City of Waltham is currently developing the segment of the Wayside Rail Trail located adjacent to the project site.

According to the comments received from John Allen and the Massachusetts Bicycle Coalition (MBC), the proposed Rail Trail/Green Street crossing does not include a grade separation design and is located across a section of Green Street that transitions from a two-lane to four-lane roadway, and as a result, creates serious bicycle and automobile safety and mobility concerns. I am requiring the proponent to work closely with representatives of the Mass Wayside Rail Trail, MBC, and the City of Waltham develop a safer and more user friendly Rail Trail/Green Street crossing design to accommodate future Rail Trail pedestrians and bicyclists safely across Interstate 95/Route 128.

### **Sustainable Design:**

A new development of the size of the proposed project presents a host of opportunities for incorporating sustainable design elements and sustainable construction into project design, consistent with the goals of Executive Order 385. Sustainable design elements, over the course of the project design life, can both prevent Damage to the Environment and reduce operating costs to the proponent. As described in the FEIR, to the extent feasible, the proponent has committed to adhere to the sustainable development principles established by the Massachusetts Office of Commonwealth Development (OCD) and to incorporate sustainable design elements into the project design.

The basic elements of a sustainable design program may include, but not be limited to, the following measures:

- Optimization of natural day lighting, passive solar gain, and natural cooling;
- Use of energy efficient heating, ventilation and air conditioning (HVAC), and lighting systems, appliances and other equipment, and use of solar preheating of makeup air;
- Favoring building supplies and materials that are non-toxic, made from recycled materials, and made with low embodied energy;
- Provision of easily accessible and user-friendly recycling system infrastructure into building design;
- Development of a solid waste reduction plan;
- Development of an annual audit program for energy consumption, waste streams, and use of renewable resources;
- Leadership in Energy and Environmental Design (LEED) certification; and
- Water conservation and reuse of wastewater and stormwater.

### **Construction Period Impacts:**

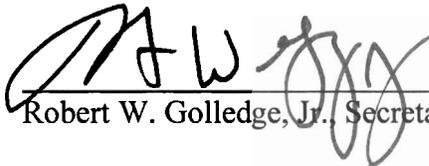
As described in the FEIR, the proponent has committed to using only those construction firms that apply after-treatment controls and On-Road Low Sulfur Diesel (LSD) fuel to their equipment. All construction-related refueling and equipment maintenance activities should be conducted under cover on impervious surface areas with containment, and outside of any wetlands resource areas, endangered species habitat areas, residential areas and wellhead protection areas. The proponent should also commit to specific TDM measures that can be implemented during construction. I encourage the proponent to continue to consult with the City of Waltham, and to meet with local residents from Livingstone Lane, Dorchester Street, Florence Road and Virginia Road during final project design and throughout all phases of construction.

### **Mitigation/Section 61:**

In their comments on the FEIR, MassHighway and MassDEP have identified the need for further clarification regarding the proponent's mitigation commitments, particularly as they may pertain to traffic, and stormwater. I anticipate that the permitting process will provide an opportunity to incorporate further detail and clarification to the proponent's mitigation commitments. I will require the proponent to submit a detailed final Section 61 Findings to the MEPA Office for the project file at the conclusion of the MassDEP and MassHighway permitting processes. The Section 61 Findings must contain a detailed description of any/all proposed mitigation/ improvements to compensatory flood storage, stormwater management, wastewater management including I/I removal, traffic and pedestrian access, and must include estimates of the individual costs of the proposed mitigation/improvements, identification of the parties responsible for implementing the mitigation, and a schedule for their implementation based on the proposed construction phases for the Green Street Mixed Use Development project.

I find that the FEIR provides sufficient information to understand the environmental impacts of the project and potentially feasible alternatives to the project, that the project has avoided and mitigated environmental impacts to the greatest feasible extent, and that the state permitting agencies have adequate information on which to execute their Section 61 obligations. The proponent can resolve any remaining issues during the permitting process.

September 29, 2006  
Date



Robert W. Golledge, Jr., Secretary

Comments received:

09/21/06	Town of Weston, Board of Selectmen
09/29/06	Department of Environmental Protection – NERO
09/22/06	Massachusetts Highway Department (MassHighway)
09/25/06	Arthur Uhler, Jr.
09/25/06	Ingeborg Uhler
09/22/06	John S. Allen, Massachusetts Bicycle Coalition (MBC)

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