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December 15, 2006

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

PROJECT NAME : Naval Air Station Redevelopment Project
PROJECT MUNICIPALITY : Abington, Rockland and Weymouth
PROJECT WATERSHED : Weymouth and Weir, North and South Rivers,
and Taunton
EOEA NUMBER : 11085R
PROJECT PROPONENT : South Shore Tri-Town Development Corporation
(SSTTDC) and LNR South Shore LLC
DATE NOTICED IN MONITOR : October 25, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62II) and with its implementing regulations (301 CMR 11.00). The proponent should prepare a Final Environmental Impact Report (FEIR) as further detailed in the scope below.

I applaud the proponent for its progress in designing a transit-oriented, smart-growth redevelopment of the South Weymouth Naval Air Station. I would also like to commend the Citizens Advisory Committee (CAC) for their invaluable role in the progress reflected in the DEIR and I look forward to its continued participation in review of the FEIR. The information and analysis presented in the DEIR is generally responsive to the direction of the Certificate on the Environmental Notification Form (ENF), and has provided extensive information and analysis valuable to the review process. It is clear that the proponent's extensive planning efforts and consultation and coordination with the towns of Abington, Rockland, and Weymouth, the CAC, regional interests, and state and federal agencies, have resulted in a project that has the potential to establish a new standard for environmentally responsible development. I will look forward to reviewing in the FEIR a comprehensive mitigation plan with firm commitments to necessary mitigation and specific comprehensive sustainable design measures.

PROJECT DESCRIPTION

The overall redevelopment program has not changed since the filing of Notice of Project Change (December 15, 2005). The proposed project, referred to as *The Village Center Plan* in the DEIR, consists of up to 2,850 residential units, 2 million square feet (sf) of commercial/industrial space, an 18-hole golf course, active and passive recreational amenities, and institutional space (including sites for a school and civic/community facilities). The project also involves associated infrastructure development including an on-site wastewater treatment facility, and water supply infrastructure, road construction and other transportation improvements, and a multi-modal transportation center based on expansion of the existing commuter rail station in South Weymouth. The project is proposed for implementation in three phases¹ over a 14-year period.

The proposed project is expected to generate approximately 34,000 average daily vehicle trips. The parking needs assessment in the DEIR proposes a range from 8,220 to 11,650 parking spaces (the differential is due mainly to minimum-maximum estimates for residential units). Additional on-street parking is proposed but not yet quantified. Wildlife habitat impacts are estimated at approximately 280 acres (which includes a significant amount of rare species habitat). The project as proposed in the DEIR will result in approximately 1.62 acres of wetlands impacts. Water demand is estimated at 1.4 million gallons per day (mgd) for potable supplies. Irrigation water requirements are estimated at up to 300,000 gallons per day (gpd) for the golf course and 150,000 (gpd) for other site uses. The project will generate approximately 1.3 mgd of wastewater. The preferred water supply alternative identified in the DEIR is a direct connection with the Massachusetts Water Resources Authority (MWRA) water works system. The proponent is also proposing an on-site well combined with use of reclaimed wastewater to meet some of the project's water supply needs. The project will also impact 35 acres of soils classified as prime agricultural soils, or soils of state or local significance. Other project impacts include air quality impacts associated with construction, transportation, and building energy use, and solid waste generation associated with construction and operations.

JURISDICTION

The proposed project exceeds a number of thresholds for a mandatory EIR review, including thresholds pertaining to land alteration, creation of impervious area, vehicle trip generation and parking spaces, water supply, and wetlands. The project is also undergoing MEPA review because of potential impacts to rare species, and historical and archaeological resources, and because of impacts associated with wastewater generation.

The project is undergoing MEPA review and requires the preparation of a mandatory EIR pursuant to: Sections 11.03(1)(a)(1) of the MEPA regulations because it will result in alteration of 50 or more acres of land; 11.03(1)(a)(2) because it involves creation of 10 acres or more of impervious area; 11.03(3)(a)(2) because involves an alteration requiring a variance in accordance with the Wetlands Protection Act; 11.03(3)(a)(1)(a) because it involves alteration of one or more acres of bordering vegetated wetlands; 11.03(4)(a)(3) because it involves construction of new water mains ten or more miles in length; 11.03(4)(a)(2) because it involves a new interbasin

¹ Phase I of the project includes a "Phase 1A" portion that was granted a Phase I Waiver pursuant to the Certificate on the Notice of Project Change, dated February 10, 2006.

transfer of water of 1,000,000 or more gpd; 11.03(4)(a)(3) because it involves construction of 10 or more miles of new water mains; 11.03(6)(6) because it involves generation of 3,000 or more new vehicle trips per day on roadways providing access to a single location; 11.03(6)(6) because it involves construction of 1,000 or more parking spaces. The project is also undergoing review pursuant to 11.03(2)(b)(2) because it will involve a "taking" of an endangered or threatened species or species of special concern; 11.03(5)(b)(1) because it involves construction of a new wastewater treatment facility with a capacity of 100,000 or more gpd, and 11.03(5)(b)(3)(c) because it involves ½ mile or more of new sewer mains.

The project requires a wide range of state, federal and local permits including a MassHighway Access Permit, Interbasin Transfer Act (ITA) Permit, Wetlands Protection Act Variance, Water Management Act (WMA) Permit, Watershed Management Approval (for stormwater discharge to outstanding resource waters), Water Supply system Modification Permit; Sewer Extension Permit, Conservation and Management Permit, 401 Water Quality Certification, Chapter 91 License, and Orders of Conditions. The project involves funding from the Commonwealth of Massachusetts. Therefore, MEPA jurisdiction is broad and extends to all aspects of the project with the potential to cause Damage to the Environment as defined in the MEPA regulations.

SCOPE

GENERAL

The proponent should prepare a Final EIR (FEIR) in accordance with the general guidance for outline and content found in Section 11.07 of the MEPA regulations as modified by this scope. As further detailed below and in the comments received, there are several major issues that must be addressed adequately in the FEIR in order to meet the requirements of scope. These include information and analysis necessary to demonstrate how the project meets the criteria for a variance from the Wetlands Regulations, and a comprehensive mitigation package with firm commitments to wetlands and rare species, transportation, sustainable design and other mitigation measures. Pursuant to Section 11.08(8)(c)(2) of the MEPA regulations, a supplemental FEIR will be required if the FEIR is determined to be inadequate.

I received many thoughtful and comprehensive comments on this project, and appreciate the effort of the CAC, residents, community groups, environmental organizations, elected officials and public agencies to assist me in developing this scope. The comment letters should also assist the proponent in refining project design and furthering the project goals of smart growth and sustainable development.

The FEIR should include a project summary with an update of any changes since the filing of the DEIR, and should provide maps and site plans to facilitate review and comment. I note that the plans and other graphics included in the DEIR (Volume 2) were detailed and well organized, and very helpful during the review process. The DEIR should include a copy of this Certificate and a copy of all comments received on the DEIR. The proponent appears to have addressed the majority of the CAC's comments in the DEIR. I expect any outstanding issues

relating to CAC comments will be addressed in the FEIR. The project summary should include a list of permits required and a schedule for construction and other development activities associated with each phase.

The DEIR indicates an increase of 32 acres of impervious area for the overall redevelopment project. This number is quite different from estimates provided during previous MEPA review. The FEIR should confirm or clarify land impacts and include a summary chart that quantifies impacts (including but not limited to land alteration and impervious area, traffic, parking, wetlands and rare species, water demand (potable and irrigation) and wastewater generation). The FEIR should clarify how much of the land alteration and impervious area is on previously-developed areas and the amount of alteration which will occur in undisturbed areas. The summary chart should include impacts associated with the reduced-build alternative(s) evaluated to facilitate comparison.

ALTERNATIVES

As required by the scope, the DEIR included detailed analyses of infrastructure alternatives. The DEIR also evaluated site planning alternatives, including adjustments to housing areas and golf course design, to address rare species impacts. Certain aspects of the scope relating to the “no variance” and “reduced-build” alternatives need further analyses and/or explanation in the FEIR as outlined below and in the wetlands section of this Certificate.

The majority of the wetlands impacts associated with the project, for which a variance is required, are associated with the proposed East-West Parkway. In response to the DEIR scope requirements for a reduced-build alternative that would not require a variance, the proponent presents a “Phase I” alternative and indicates that without the Parkway, Phases II and III would not be possible. While the DEIR notes that traffic impacts beyond those of Phase I could not be adequately managed without the Parkway, there is little discussion or analysis to support this conclusion. The FEIR should provide additional information and analysis to support the proponent’s conclusion that traffic impacts beyond those of Phase I could not be adequately managed without the Parkway.

The DEIR included a detailed analysis of alternative access routes at the eastern and western ends of the proposed Parkway. Certain alternatives were not selected at the eastern end because they impact more rare species habitat and wetlands than the proposed alternative. As noted by MassDEP, this approach is also appropriate for the western end alternatives analysis, and MassDEP has recommended that the analysis of preferred alternative W1-C be supplemented to include the use of a bridge to avoid the proposed 48,000 square-foot wetlands alteration. The FEIR should include a more robust alternatives analysis for the western segment of the Parkway as outlined in the wetlands section of this Certificate and as further detailed in the MassDEP comment letter.

The proponent has also indicated that alternative levels of development (e.g. somewhere between a no variance/Phase I only and the full build-out) would not be feasible because of the costs associated with water supply and wastewater infrastructure needs for any development beyond Phase I. As with the no variance alternative, there is little discussion or analysis to

support this conclusion. The FEIR should provide additional information and analysis to support the argument that there are no other feasible alternative levels of development. For example, the FEIR may include site plans and a summary of analyses of alternate levels of development considered during preparation of the Master Plan. This discussion should clarify the relative benefits and feasibility of alternative levels of development based on quantified impacts associated with alternatives considered (e.g. wetlands and rare species habitat, impervious area, traffic, water and wastewater etc.).

TRANSPORTATION

As required by the scope, the DEIR included a transportation study that conforms generally to the EOEA/EOT Guidelines for EIR/EIS Traffic Impact Assessments. The Executive Office of Transportation (EOT) is satisfied with the scope of the analysis presented in the study. As described in the DEIR, the proponent consulted with state, regional and local agencies to reach agreement on a methodology to define the study area and identify intersections to be included. The proponent also consulted with EOT and the MassHighway Department (MHD) regarding necessary transportation infrastructure improvements to accommodate the project's traffic impacts. Proposed improvements consist of the East-West Parkway to provide access from Route 18 to the east side of the base, widening of Route 18 from the Route 3 interchange to Route 139, and intersection improvements at several locations in the vicinity of the project. As noted in the EOT comment letter, these improvements are generally consistent with the previous MassHighway Access Study recommendations for the Redevelopment of the South Weymouth Naval Air Station, and are necessary to mitigate impacts at full build-out. The DEIR included additional analysis of the proposed improvements and associated impacts, and presented a phased plan for implementation of transportation infrastructure to accommodate varying stages of development.

The FEIR should address outstanding issues as required by this Certificate and as further detailed in the EOT comment letter. EOT has expressed concerns regarding the East-West Parkway alternatives analysis, permitting, funding mechanism, and future ownership, and off-site mitigation measures.

General

Any conceptual plans for roadway improvements included in the FEIR should meet EOT requirements as further detailed in its comment letter. All land takings and permits necessary, and the party responsible, should be identified in the FEIR. The FEIR should address future ownership of the East-West Parkway upon termination of the South Shore Tri-Town Development Corporation (SSTDC). The FEIR should provide an update on the local permitting process with respect to state highway issues. The proponent should continue to work with the EOT Office of Transportation Planning, MHD District 4 and 5 Offices, and MHD Environment, Highway Design and Traffic Operations sections during preparation of the FEIR.

Comment letters from the Town of Weymouth and community residents have raised concerns regarding traffic impacts as well as the nature and timing of mitigation. Commenters have identified Columbian Square in South Weymouth and the Hingham Street Corridor as areas

of particular concern. I ask that the proponent work closely with the Towns of Weymouth, Abington and Rockland during preparation of the FEIR to address the concerns as further detailed in comment letters received. I ask that the proponent also consult with the Town of Hingham Department of Police regarding its comments.

The FEIR should provide an update on consultations with local communities and further development of mitigation plans. The Town of Weymouth provided extensive comments on transportation in the letter from Mayor Madden, and I expect that the proponent will respond to these in the FEIR.

East-West Parkway Alternative Analysis

The DEIR indicates that the proposed East-West Parkway will provide a regional connection between the Route 18 and Route 3 corridors while accommodating the project-related traffic. However, as noted in the EOT comment letter, the modeling conducted by CTPS found that the majority of traffic along the Parkway would be base-related, and the proponent has not yet demonstrated that traffic volumes using the preferred alternative are sufficiently high enough to justify a regional need.

The DEIR identified a potential conflict between the W3 alternative alignment and the proposed wastewater groundwater recharge system, and this alternative was not selected as the preferred option. However, the siting of W3 was considered the best location for other reasons. The FEIR should provide a more detailed evaluation to justify the proponent's preliminary findings since the W3 alternative appears to have significantly more regional benefit than other alignments and could result in significantly less wetland impacts than W-1. EOT also highlighted potential conflicts related to Trotter Road as a proposed alignment or access point. The FEIR should clearly identify the competing needs of that roadway segment to establish a balance between its functionality and access requirements.

The FEIR should include costs associated with proposed bridges and criteria used to evaluate traffic flow and impacts as further detailed in the EOT comment letter. The FEIR should provide a more detailed comparison of the effectiveness of proposed alternatives. The FEIR should include a more detailed analysis of the W1, W2 and W3 alignments as recommended by EOT, including a combined alignment between W3-B and W3-C that minimizes wetlands and upland sandpiper habitat. The alternatives analysis should justify the number of lanes required, comparatively assess wetlands impacts per roadway segment and bridge cost and Right-of Way impact (area as well as buildings), and clearly compare transportation efficiency.

The U.S. Environmental Protection Agency (EPA), in its comment letter, questions whether the Parkway will reinforce the smart growth nature of the development, or work against it. Concerns have been raised regarding the design and potential speeds on a Parkway that is intended to be a central component of a pedestrian-friendly development. The FEIR should evaluate whether two lanes in each direction are necessary and demonstrate how the proposed design will ensure that travel speeds are kept below the 40 miles per hour design speed. The FEIR should include alternative designs for the Parkway that will keep speeds down, ensure a safer pedestrian environment, and meet area transportation needs. I note that the Department of

Conservation and Recreation (DCR) has been working on parkway design and traffic calming measures (for unrelated projects) and I encourage the proponent to consult with them during preparation of the FEIR.

The DEIR scope required additional information on the temporary access road, its alignment, and related impacts. Based on the information provided in the DEIR and discussions with the proponent, it appears that the temporary access road is intended as a contingency plan in case the Parkway is not completed prior to Phase II. This temporary access road would not consist of an alternate route with additional impacts (beyond those described in the DEIR). Rather, the temporary access road would include the eastern segment of the Parkway as proposed in the DEIR and traffic between the Phase I area and the eastern end would be directed through on-site roadways (that are part of the overall Master Plan) while the remainder of the Parkway is under construction. The FEIR should include an update on plans for the temporary access road and describe any proposed changes in alignment or impacts.

Right-of-Way

The FEIR should identify all ROW impacts associated with the project and identify parties responsible for acquiring the properties. The cost of ROW should be provided and where necessary, included in the evaluation matrix.

Wetlands impacts

The FEIR should expand upon the analysis of wetlands impacts as requested by EOT in its comment letter. The wetlands impact assessment should include temporary impacts to Old Swamp River, impacts associated with the project east of the Base, and temporary and permanent impacts for the preferred alternative for the water pipeline along Route 37, for which MassHighway access permits will be required.

Hazardous Materials

The FEIR should discuss the status of remediation, the potential impact of the Rubble Disposal Area on the Parkway, and regulatory requirements and future maintenance responsibilities.

Design Issues

The FEIR should reevaluate the East-West Parkway connections to the local street system and further investigate and resolve lane balance and configuration concerns identified by EOT and other commenters, including issues relating to the 40 mph design speed standards. The FEIR should evaluate merge and diverge traffic operations at all Route 3 ramps along Route 18, Derby Street and Hingham Street and include appropriate mitigation as recommended by EOT.

Mitigation Commitment and Funding

The proposed improvements will require significant investments in transportation infrastructure and require close cooperation between the proponents and appropriate state and federal agencies. To date, MHD has not committed formally to be a co-proponent of the Parkway and east-side improvements. Outstanding issues, including selection of preferred alternative and demonstration of regional travel benefit to the state highway system may need to be addressed prior to a MHD determination regarding funding. As further detailed in the EOT comment letter, federal funding of the Parkway has not been ruled out; therefore, compliance with the National Environmental Policy Act (NEPA) may be required through the Federal Highway Administration. If state funding is utilized, NEPA compliance will be administered by the Army Corps of Engineers for the individual 404 permit. EOT has indicated that its Office of Transportation Planning and MassHighway will continue to work with the SSTDTC to ensure that the project will meet all access, connectivity, and ownership criteria for federal funding, and identify the best way to fund, program, permit and expedite improvements. I expect that the FEIR will provide an update on mitigation commitments and funding for proposed transportation improvements.

Transportation Demand Management (TDM)

The FEIR should expand upon the list of TDM measures proposed to include a plan with specific information on implementation and incentives as further detailed by EOT in its comment letter. The FEIR should identify specific qualitative and quantitative measures that will be used for each element of the TDM program and set goals to measure program success. I strongly encourage the proponent to work with the EOT, MHD, MassDEP, CAC, local communities and regional planning agencies to establish TDM goals. As noted in its comment letter, EOT will require the proponent to commit to implement any recommendations that result from the monitoring program to help attain set goals.

The Metropolitan Area Planning Council (MAPC) has reiterated its recommendation that the proponent set a target for reducing auto trips to the site (MAPC has suggested 50 percent). I expect that the TDM plan to be included in the FEIR will propose measurable targets upon which success of the program can be evaluated, and additional mitigation developed as necessary.

The FEIR should analyze potential demand for reverse commutes on the rail line from Boston or other communities north of the project site, and discuss whether changes in service would be needed to optimize such usage. The FEIR should also expand upon plans for the TMA to include other large employers in the area, such as the South Shore Hospital and Blue Cross/Blue Shield.

The FEIR should clarify the TDM measures that will be implemented for each Phase (including but not limited to the availability of shuttle bus services to Phase I occupants). The FEIR should clarify specific timelines for completion of other transportation and TDM elements as requested by MAPC. The FEIR should include additional information on bicycle/pedestrian connectivity and public transit as requested by the Old Colony Planning Council (OCPC), the Rockland Open Space Committee, and other commenters. EPA has reiterated in its comment

letter concerns expressed during drafting of the Zoning regulations. I strongly encourage the proponent to incorporate modifications recommended by EPA in order to improve the pedestrian environment and reduce the number of vehicle trips on the project site.

The FEIR should provide an update on the status of discussions with the Coast Guard concerning the buoy depot station adjacent to the commuter rail station on Trotter Road. The FEIR should provide information on the implications for the project's transit-oriented development goals if this area is not acquired by the proponent.

The FEIR should discuss how proposed traffic monitoring will be used to inform mitigation plans and future development (e.g. parking needs). The proponent should also consider a more frequent monitoring program to support timely planning and mitigation, and possibly avoid any unnecessary intersection/roadway improvements. The FEIR should discuss how future monitoring and mitigation will be coordinated with local communities. I refer the proponent to the MAPC and other comment letters for specific recommendations on the TDM program.

MBTA Issues

The DEIR indicates that additional capacity on the Plymouth/Kingston commuter rail line will be needed to accommodate the project. The DEIR suggests that single-level coaches be replaced by bi-level coaches to accommodate additional riders and that trains accept more standing passengers. The DEIR also indicates that additional capacity will be required in the future to accommodate potential background growth in regional trips. However, the mitigation section of the FEIR does not include a discussion of, or commitments to, commuter rail capacity improvements. The FEIR must provide an update on the outcome of consultations with MBTA, a discussion of the feasibility of capacity improvements to adequately accommodate additional ridership, and firm commitments to ensure that adequate rail capacity, which is a core component of this transit-oriented development, is made available.

The proponent should continue working with MBTA to address vehicular, pedestrian, and handicap access based on the proposed layout, and provide an update in the FEIR. The FEIR should evaluate the feasibility of an at-grade crossing at Trotter Road to address access and safety concerns. The FEIR should include cost estimates and funding sources for design and construction of proposed improvements, including the additional coach and parking spaces required, to address increased ridership associated with the project.

RARE SPECIES

The DEIR describes impacts to rare species habitat, as required by the scope, and considers alternative alignments of the proposed East-West Parkway, as well as revisions to golf course and housing plans in order to avoid and minimize rare species impacts. The DEIR also proposes on-site and off-site grassland mitigation and measures to avoid and minimize impacts to rare species during project construction and operations. In addition, as further detailed in the NHESP comment letter, the proponent proposed habitat mitigation measures for the Eastern Box Turtle, Grasshopper Sparrow, and Upland Sandpiper in a letter to NHESP dated August 3, 2006.

NHESP has indicated that the proposed project along with the mitigation proposed would be permissible under the Massachusetts Endangered Species Act (MESA). As further detailed in its comment letter, a number of outstanding issues must be addressed. NHESP will not render a final decision until a formal Conservation and Management Permit Application has been submitted and the MEPA review process has been completed.

As further detailed in the NHESP comment letter, the proponent is proposing a range of impact minimization measures and net-benefit mitigation, which includes permanent habitat protection, modifications to golf course and East-West Parkway design, a long-term habitat management plan, turtle protection during construction, species monitoring and conservation research, and off-site grassland bird habitat mitigation. Examples of specific mitigation and impact minimization measures proposed include:

- Permanent protection of a large block of state-listed rare species habitat that includes the entire southern portion of the base south of the proposed "Transit Village" and golf village", and including areas A, B and C (formerly proposed for housing units);
- Landscaping the golf play area as grassland to the greatest extent possible and maintaining an undisturbed 16-acre block of grasshopper sparrow "core habitat" and restoration of an additional 87 acres of grassland within and adjacent to the golf course;
- Narrowing the Parkway to a total cross-section of 75 feet and minimizing median from 16 feet to 4 feet, and consolidating bicycle and pedestrian accommodations into a single 10-foot wide shared use path;
- Constructing a bridge over the Old Swamp River and restoring river channel and banks;
- Constructing culverts under Parkway to reduce fragmentation effects (the exact location of the culverts has yet to be determined. NHESP remains concerned about light penetration into the culverts and is likely to require modifications during the permit process. The proponent should explore methods of increasing light penetration as recommended by NHESP in its comment letter);
- Grassland mitigation funding based on a ratio of 2 acres of mitigation for every one acre of net loss of on-site grassland (the proponent has proposed mitigation in the amount of 226 acres for 113 acres lost. NHESP notes in its comment letter that it may not accept all preserved grassland in the golf course area as providing usable habitat and will continue consultations with the proponent to determine the amount of grassland that will count towards the on-site preservation acreage total).

The FEIR should provide an update on the consultations with NHESP and updated rare species protection and mitigation plans. The FEIR should include clear commitments to rare species mitigation. The FEIR should include additional information on the following:

- Final parkway turtle crossing structure and barrier design;
- Final conservation restriction or other means to ensure permanent habitat protection;
- Proposal to mitigate for endangered species impacts associated with the off-site portion of the proposed parkway;
- Final golf course design plans;
- Final grassland bird and Eastern Box Turtle habitat management and long-term monitoring plan (as further detailed in the NHESP comment letter);

- Legal and financial instruments in order to guarantee the long-term management and monitoring of endangered species and protected open space;
- Legal and financial instruments in order to guarantee adequate inspection and long-term maintenance of turtle road crossing structures and barriers.

WILDLIFE HABITAT

As described in the DEIR, the Base contains approximately 990 acres of natural habitats including upland grasslands, upland forests, forested wetlands, upland and wetland early successional shrub, wet meadows and aquatic habitats (including ponds, streams and vernal pools). These habitats support a diverse array of wildlife species, in addition to the rare species protected pursuant to MESA. The project as proposed in the DEIR will impact approximately 200 acres of grassland habitat, 22 acres of shrubland and 58.5 acres of forest habitat. Based on the habitat assessment provided in the DEIR, the project will impact most of the upland grassland areas, approximately 50% of upland shrub and 20% of upland forest on the Base. Wetland habitat impacts are estimated in the DEIR at 0.7 acres of the 92-acre wetland/shrubland habitat and 1.2 acres of the 343 acres of forested wetlands. The FEIR should clarify if these impacts are based on the project design prior to removal of housing areas A, B, and C from the plan, and provide adjusted numbers as necessary to account for the most recent version of the development plan.

As discussed above, the proponent is working with NHESP to develop on and off-site mitigation for grassland impacts, and will be providing additional information in the FEIR with regard to avoiding and minimizing wetlands impacts and demonstrating consistency with the variance criteria. As described in the DEIR, wildlife habitat impacts have been reduced by restricting redevelopment primarily to previously developed areas of the Base, and by maintaining Riverfront Area and other wetlands buffer zones, and preserving riparian and other wildlife movement corridors and crossings. I encourage the proponent to continue efforts to minimize wildlife habitat impacts, including impacts to upland forest habitat, and to consider habitat and connectivity improvements as part of the MWRA pipeline proposal as recommended by MAPC. The Rockland Open Space Committee also raised concerns regarding connectivity, which I expect the proponent will address in the FEIR.

As noted in the previous Certificate for this project (NPC Certificate, February 10, 2006), the project is subject to broad scope jurisdiction and therefore extends beyond rare species to include the full range of wildlife on the site. The FEIR should address permanent protection for wildlife habitat as further detailed in the Open Space section below. As noted below, additional wildlife habitat evaluation will be required as part of the MassDEP permitting process.

WETLANDS

The FEIR should describe and quantify on-site and off-site wetlands impacts associated with the project, including Riverfront Area impacts, and identify any changes since the filing of the DEIR. The FEIR should include impacts associated with intersection improvements and other transportation elements as further detailed in the transportation section above and in the EOT comment letter.

The project as proposed in the DEIR will require a variance from the Wetlands Protection Act. The majority of wetlands impacts are associated with the proposed East-West Parkway. The proposed Parkway would result in 61,000 square feet (sf) of alteration to Bordering Vegetated Wetlands (BVW). The preferred alignment alternative at the western end (W1-C) will result in 48,000 sf of wetlands alteration where the Parkway crosses French Stream and connects with Route 18. The remaining wetlands impacts are associated with alteration proposed at the eastern end of the Parkway and off-site. In order for a variance to be granted, as noted in the MassDEP comment letter, one key criterion requires a finding that the variance is necessary to accommodate an "overriding community, regional, state or national public interest". Typically, one necessary element to show an "overriding public interest" under the variance provision is that the project proponent is a public entity or a private entity whose project is fulfilling a public purpose. The FEIR should clarify, and address in more detail, present and future relationships between the project proponent (STTDC and/or LNR South Shore LLC) and MassHighway with respect to the East-West Parkway and other transportation components of the project, including whether any future applications for a wetlands variance will be by the project proponent or MassHighway. The FEIR should include updated, additional detail on the proposed variance applicant, and describe and document any communications with STTDC and/or MassHighway on this issue.

The argument presented in the DEIR with regard to the public interest is that the East-West Parkway will fulfill regional and local transportation needs relative to traffic management and circulation. MassDEP has questioned whether the future build levels of service, as presented in the DEIR, will result in a clear improvement over the future no-build levels of service. MassDEP will also consider traffic enhancements related to public safety in considering a variance request. However, the DEIR indicates that current accident rates in the area are generally lower than the statewide average and does not include a no-build/build accident analysis. The FEIR should address these issues as recommended by MassDEP in its comment letter. The FEIR should include MassHighway's view and any related analysis of the degree to which the East-West Parkway is necessary to accommodate an overriding regional traffic management/public safety interest. MassDEP acknowledges in its comment letter that traffic in the project region is in need of improvement and that the proposed redevelopment project would provide economic benefits. However, the proponent will need to demonstrate compliance with the specific variance criteria in 310 CMR 10.05(10) in order to justify a variance from the wetlands regulations.

MassDEP has expressed concern regarding the preferred alternative alignment W1-C, which would result in filling of 48,000 sf of BVW and impact vernal pools, riverfront area, and rare species habitat of the Mocha Emerald Dragonfly. The FEIR should supplement the analysis of the preferred alternative W1-C to include the use of a bridge(s) to avoid the 48,000 sf of BVW impact as well as Mocha Emerald and vernal pool impacts. The cost of a bridge for W1-C may eliminate the cost advantage over the W3-A and B alternatives, which should be given serious consideration in the FEIR. Mitigation costs associated with each alternative should be incorporated into any comparison of total costs of the various alternatives.

The alternative analysis in the FEIR should confirm or clarify the conclusion regarding alternative W-2 feasibility based on input from MBTA and MassHighway. The analysis should

also address the feasibility of bridge construction associated with alternatives W3-A, B and C and provide additional analysis as further detailed in the MassDEP comment letter. The FEIR should also include additional evaluation of habitat area use by vernal pool species as requested by MassDEP and describe any impacts to Atlantic White Cedar Swamp areas, as well as proposed measures to avoid and minimize or mitigate adverse impacts on wildlife habitat. As noted by MassDEP, a detailed wildlife habitat evaluation will be required during the permitting phase. The proponent should consider including the wildlife habitat evaluation, or components of it, in the FEIR to the extent it could supplement the alternatives analysis and conclusions regarding adequacy of impact minimization and mitigation.

MassDEP indicates that, in addition to wetlands replication, appropriate mitigation measures for the project will include stormwater, wildlife and rare species habitat, riverfront area, and compensatory storage. The proposed daylighting and restoration of French's Stream may help the project comply with the Riverfront Redevelopment standards and may be proposed as a limited project pursuant to the wetlands regulations. The FEIR should provide additional information as requested by MassDEP relating to the proposed groundwater infiltration and recharge systems and any newly established wetland resource areas. The FEIR should include additional information to clarify whether all of the culverted section of French's Stream will be restored and to respond to other EPA questions regarding restoration of stream characteristics.

MassDEP has indicated that the proponent will be required to conduct an analysis pursuant to 310 CMR 10.57(2)(a)(3) to delineate the extent of Bordering Land subject to Flooding (BLSF) on the site. The FEIR should discuss any alterations proposed within BLSF and describe how the project will comply with BLSF performance standards.

OPEN SPACE

The project as proposed in the DEIR includes approximately 1,007 acres of open space, which includes generally passive and active open space (708), the golf course (204 acres), a recreation and sports complex (52 acres) and the village center and neighborhood parks (43 acres). The DEIR commits to permanent protection of 380 acres of the generally passive and active open space under the Public Benefit Conveyance (PBC) from the National Park Service. The DEIR also indicates that an additional 300 acres is composed of other wetlands and buffers (not part of the PBC). Several commenters have expressed concern regarding the lack of permanent protection for non-PBC open space and the proponent's indication that future development may occur in these areas. Based on the information provided in the DEIR, it appears that a significant portion of the remaining upland forest areas lies outside of the PBC and is not proposed for any permanent protection. The FEIR should clarify how much of the remaining 222 acres of upland forest habitat will be permanently protected. The FEIR should provide additional discussion and plans to demonstrate maximum feasible permanent protection of wildlife habitat and open space areas. The FEIR should identify the location and size of proposed community gardens, which are indicated as possible mitigation for the projects agricultural soils impacts.

STORMWATER

The FEIR should provide additional information as described below, and as further detailed in the MassDEP comment letter, to demonstrate that the project will comply with the MassDEP Stormwater Management Policy standards. The Town of Weymouth, Rockland Open Space Committee, Rockland Sewer Department and other commenters raised questions and concerns regarding off-site flooding and other stormwater issues, which I expect the proponent will also address in the FEIR.

As part of the application for a variance from the Wetlands Regulations, the proponent will need to demonstrate that mitigation is provided to offset stormwater impacts associated with the project. The project as proposed in the DEIR will increase impervious area by 32 acres and would be classified by MassDEP as a combination of “new development” and “redevelopment”. Stormwater discharges associated with new development are required to be in full compliance with the Stormwater policy standards; redevelopment is required to comply with the standards to the maximum extent practicable. MassDEP believes that a development of this size should be able to manage stormwater in full compliance with the standards and that further peak rate attenuation should be practicable beyond what is proposed in the DEIR. The FEIR should include information to demonstrate that stormwater being discharged through existing conveyances will not cause erosion to wetlands (this may require evaluation of the need for energy dissipation measures at existing outlets). The FEIR should include alternatives, with numerical calculations, showing how different scenarios will achieve compliance with the Stormwater Policy standards.

The FEIR should include design alternatives that generate substantially less stormwater than proposed in the DEIR and consider additional Low Impact Development (LID) techniques as recommended by MassDEP. The FEIR should include stormwater calculations, and identify a Runoff Curve Number to be used when modeling for peak rate attenuation. The FEIR should include a discussion on proposed management of fertilizer and road salt runoff in the context of the Stormwater Policy.

The FEIR should address the recent proposed changes to Stormwater policy with regard to hydrologic soil groups as further detailed by MassDEP in its comment letter. The FEIR should include an alternatives analysis showing stormwater recharge to the maximum extent practicable and address the issue of potential preclusion of certain stormwater recharge alternatives due to the on-site wastewater treatment system. The FEIR should address the feasibility of reducing commercial parking and identify opportunities for additional stormwater recharge as recommended by MassDEP.

The proposed project will alter existing drainage areas and may affect the amount of water available to wetland resource areas. The FEIR should include hydrologic budgets and an analysis of the effects of different basin configurations on water surface elevations and flows in wetland resource areas

The FEIR should include an alternatives analysis addressing the merits of different structural and non-structural stormwater Best Management Practices (BMPs) as further detailed

in the MassDEP comment letter. As noted by MassDEP, it is important that different alternatives be considered given the length of the proposed construction period and the presence of Outstanding Resource Waters (ORW) on site. The FEIR should discuss the siting of stormwater treatment practices in relation to ORWs and consistency with the requirements of the 401 Water Quality Certification regulations. The FEIR should discuss techniques to be used in the event shutdown and containment is necessary due to a spill. The FEIR should assess the feasibility of alternative source reduction and pollution prevention measures and should describe different construction phasing scenarios and how they might affect the quality of stormwater runoff. The FEIR should include alternatives for operation and maintenance (O&M), and consider the costs of alternatives, to ensure the controls operate effectively over time. As noted by MassDEP, the proponent will need to submit an application to MassDEP for approval of a construction activity with a stormwater discharge to an ORW.

MassDEP highlights additional O&M requirements that should be incorporated in project design, and indicated that MassDEP is likely to require an Environmental Management System Analysis (EMSA) as a condition of project permitting, as well as employment of an independent observer (IO). The purpose of the EMSA is to ensure that environmental requirements are integrated into daily construction and post-construction operations. The role of the IO is to monitor the permittee's compliance with the Wetlands Protection Act and regulations and relevant permit conditions. As further detailed in the MassDEP letter the IO also facilitates communication among local, state and federal agencies and the proponent. I encourage the proponent to consult with MassDEP on these issues during preparation of the FEIR and to provide updates in the FEIR along with any draft plans that have been prepared.

WASTEWATER

Industrial Users – Wastewater Characteristics

A high percentage of the project's wastewater will be generated by biotech and other industrial users. The DEIR notes that pretreatment standards will be established for industrial users so that raw wastewater characteristics will be similar to design values (as shown in table 3.7-3). I note the concerns expressed by the Water Supply Citizens Advisory Committee in its comments regarding the potential for discharges of pharmaceutical and bio-medical wastewater to French's Brook. The FEIR should, therefore, address this issue by including a detailed analysis of wastewater characteristics and evaluating whether additional treatment steps will be necessary to meet effluent and groundwater standards. The FEIR should identify the basis of the 8-degree Centigrade design value for minimum wastewater temperature (as listed in Table 3.7-3).

Reclaimed Water Use

The FEIR should discuss the basis for estimations of biotech water demands and include case studies or examples of processes requiring potable water as well as evaluation of the potential for reclaimed water use as recommended by MassDEP in its comment letter. The FEIR should explain the basis for any conclusion that the justification of biotech or industrial water

supply demand should be the subject of a separate analysis when more is known about the specific use.

The DEIR included projections for irrigation water demand using reclaimed water. The FEIR should expand on the analysis to include estimated potable water savings from proposed use of reclaimed water for cooling and for toilet flushing in commercial, industrial, office and retail facilities. The analysis should also include the costs and benefits of measures to reduce potable water demands. The FEIR should discuss potential reuses in more detail including an explanation of how the system is being designed to connect to buildings so that toilet flushing is a feasible option.

The DEIR proposes an irrigation water storage pond for the golf course. The FEIR should explain how design factors contained in MassDEP's Interim Guidelines on Reclaimed Water (Revised) for reclaimed water projects will be incorporated in the project. As an alternative to use of irrigation ponds, the FEIR should consider and discuss siting an irrigation well downgradient of any wastewater discharge to ground.

Water Conservation

The FEIR should discuss and evaluate opportunities to retrofit existing facilities with low flow fixtures and appliances, and rehabilitate existing sewers that will remain in service (e.g. Coast Guard facilities) as part of water supply and wastewater mitigation plans.

Groundwater infiltration and recharge

The MassDEP has not made a final determination as to the appropriate wastewater permitting approach for this project. This determination will be made after MassDEP has completed its evaluation of supplemental hydrogeological fieldwork and modeling (which the proponent has recently conducted). As noted by MassDEP in its comment letter, it will not allow breakout to occur from the discharge of treated effluent along the banks of French Stream or adjacent wetlands. The FEIR should incorporate the detailed technical report on the scope and results of the supplemental fieldwork and modeling as further detailed by MassDEP in its comment letter. The FEIR should confirm and provide details on, whether the system includes provisions for a reserve area in accordance with MassDEP *Guidelines for the Design, Construction, Operation, and Maintenance of Small Wastewater Treatment Facilities and Land Disposal (April 2004)*. The Watershed Action Alliance and other commenters have raised concerns regarding potential mobility of contaminants as a result of the proposed groundwater discharge. The FEIR should respond to this with a discussion of analysis undertaken and measures proposed to avoid potential conflicts associated with movement of contaminants.

The DEIR indicates that there will be a high demand for irrigation water in the spring, which is one of the seasons of greatest concern for flooding. MassDEP has questioned this conclusion. The FEIR should assess flood management at times when there may be no irrigation with reclaimed water, and while there will be a full discharge to groundwater and perhaps stormwater storage and infiltration at capacity.

Wastewater Alternatives Analysis

The FEIR should include a more complete and detailed analysis of the alternatives including the alternative that combines groundwater disposal and discharge to a sewer for off-site treatment as recommended by MassDEP in its comment letter. The FEIR should expand upon the analysis of potential impacts associated with breakout of treated effluent and incorporate the results of recent field work and modeling. The FEIR should address other secondary environmental impacts associated with on-site wastewater disposal including the scope of wetlands alteration associated with the East-West Parkway, which is related to the proposed on-site wastewater system location. The FEIR should update and supplement the description of the range of alternatives and include more specificity on the scope and cost of facilities required for the direct connection to MWRA alternative.

Phase I Waiver Project

The FEIR should clarify total wastewater flows for the Phase I waiver portion of the project. In order to assist MassDEP in evaluation and permitting decisions for the proposed full build-out, the FEIR should include a detailed proposal of how implementation of the Phase I waiver project will be used as a valuable "pilot" and source of data to apply to the full build-out project. The proposal in the FEIR should include the information requested by MassDEP in its comment letter, which includes a monitoring program, evaluation of stormwater management practices, and an assessment of the legal, regulatory, financial and management framework for the Phase I waiver project.

WATER SUPPLY

General

The preferred alternative in the DEIR is a dedicated pipe connection from the MWRA system in Quincy to the NAS base. The FEIR should include an update on the status of securing the approvals required for this alternative, which include approvals from the MWRA Advisory Board, the Legislature, and the Governor. The proponent should also provide an update in the FEIR on consultations with MassDEP regarding water supply permit requirements for the project, and whether the proponent needs to register as a public water supplier. The FEIR should identify responsible parties for distribution system ownership and maintenance and water quality testing, and provide additional information as requested by MassDEP.

Interbasin Transfer Act (ITA)

The DEIR provided much of the information needed to evaluate the preferred option against the criteria of the ITA. The FEIR should include additional information, as outlined below and as further detailed in the WRC comment letter.

The FEIR should include a map showing the watersheds of the donor basins. As noted in the WRC comment letter, the water demand and projection numbers provided in the DEIR are inconsistent with those provided to WRC and used in the analysis for the June 9, 2005 Decision

for the Town of Reading. The FEIR should clarify water demands and demand projections on the MWRA system. The FEIR should discuss limiting factors for average day demand as well as corresponding peak demand and any proposed contract with MWRA that will specify amount of water to be provided. The proponent should provide a copy of the planning documents listed under Section 2.3 of the Draft Local Water Resources Management Plan to the WRC staff at the DCR Office of Water Resources as requested in its comment letter.

The FEIR should include additional information to evaluate the proposed water supply alternative against Criterion #2 of the ITA regulations which require that all reasonable efforts have been made to identify and develop all viable sources in the receiving area. The FEIR should discuss why the Abington-Rockland Joint Water Works is not considered a viable source. The FEIR should identify the basins of each alternative considered, and in-basin water supply sources should be identified on a map. The FEIR should fully describe efforts made to identify and develop all viable sources in the same basin as the project in accordance with the WRC's *EIR Scope for Communities seeking approval under the Interbasin Transfer Act*.

The FEIR should clarify whether Weymouth was asked to provide 150,000 gpd over the long-term and whether some of its registered capacity is available for the project. If capacity is not available, the FEIR should explain why the Weymouth system cannot continue to meet a portion of the project's water demand. The proponent should also provide WRC staff with a copy of the Pumping Test Report for the well at site 1-01 and a cost estimate for treatment of well water.

The FEIR should provide additional information to evaluate the proposed water supply alternative against Criterion #3 of the ITA regulations, which require that all practical measures to conserve water have been taken in the receiving area. The FEIR should clarify if the residential component of the development will have access to non-potable well water or reclaimed water for irrigation of private lots and gardens. As WRC recommends, this water should be made available to as much of the project as possible. The FEIR should discuss proposed irrigation plans for residential areas. The proponent should modify the project's sustainable development guidelines as recommended by WRC to promote water conservation measures that go beyond the minimum requirements of the Massachusetts Plumbing Code. The FEIR should include details on how the project's Water Conservation Public Education Plan will be implemented. The FEIR should also clarify to what degree conservation measures will be legally binding through the project's regulatory framework.

The FEIR should include additional information to evaluate the proposed water supply alternative against Criterion #5 of the ITA regulations which require that instream flow in the river from which the water is transferred is maintained. The FEIR should clarify the status of MWRA's analysis and provide any additional information needed to complete the analysis.

The FEIR should provide additional information needed to evaluate the proposed water supply alternative against Criterion #7 of the ITA regulations which requires that communities should have adopted or be actively engaged in developing a local water resources management plan. The DEIR provided a draft plan. The FEIR should address WRC comments and questions

on this issue, including issues relating to stormwater management and surface water resources, and updates to wetlands and rare species information.

The FEIR should include additional information to evaluate the proposed water supply alternative against Criterion #8 of the ITA regulations which requires that the Commission shall consider the impacts of all past, authorized or proposed transfers in the donor basin. To the extent that information is available, I ask that the proponent include an update in the FEIR on discussions between MWRA, the Department of Fish and Game and EOEa regarding opportunities to improve the flow regimes in the Swift and Nashua Rivers.

Water Supply Alternatives

The DEIR included a detailed analysis of alternatives, including a justification of why certain alternatives were eliminated from further consideration. The Metropolitan Area Planning Council (MAPC) concurs with the DEIR conclusion regarding the preferred alternative, but had requested that the Brockton/Aquaria option be carried forward to the FEIR in case an alternative to the MWRA is needed for any reason. If the Brockton/Aquaria option is being reconsidered as a preferred alternative, I expect that the proponent will address this in the FEIR or in a future Notice of Change (NPC). The Water Supply Citizens Advisory Committee (WSCAC) has questioned some of the financial comparisons between the MWRA and Brockton/Aquaria alternatives. The FEIR should provide additional information to address the WSCAC comments.

Blue Hills Covered Storage Project

The MassDEP issued a variance from the Wetlands Regulations for the Blue Hills Covered Storage Project in Quincy. The FEIR should also clarify the degree to which the preferred water supply alternative is dependent upon construction of the Blue Hills Covered Storage Project.

Water Management Act (Irrigation Well)

The FEIR should describe the Water Management Act permitting requirements for the proposed irrigation well. According to the DEIR, the project will require 20 million gallons of water for a normal golf course irrigation season and 30 million gallons for a drought season. Irrigation demand for recreational fields and other landscaped areas is estimated at 0.15-0.25 mgd. The FEIR should refine the irrigation demand for the golf course based on the proposed layout, and provide additional information on water conservation, irrigation of other areas, and phasing of landscaping and recreational field development as further detailed in the MassDEP comment letter. The Water Conservation Plan in Appendix F should be modified to address irrigation. The DEIR proposes use of Integrated Pest Management (IPM) at the golf course. The FEIR should discuss the incorporation of Integrated Pest Management principles into landscape maintenance for other areas of the project site that are within the watersheds of the Weymouth public water supply.

The results of the modeling for the test well site at TW-1-01 indicate potential impacts to wetlands and vernal pool north of the proposed irrigation well. MassDEP has requested that

wetland monitoring be undertaken as soon as possible, and the proponent should consult with MassDEP regarding monitoring requirements and the schedule for baseline monitoring. The FEIR should provide an update on consultations, summarize the monitoring results and describe proposed monitoring to be undertaken during the project's irrigation seasons.

As noted in MassDEP's comment letter, the pump test on TW-1-01 did not reach stabilization. Therefore, the potential for it to be used as a public water supply for the project is unlikely, because its sustainability from a public health and safety perspective cannot be guaranteed. The FEIR should include the results of the pumping test and potential impacts to nearby resource areas, note MassDEP's assessment of the viability of the well and further discuss any related project and permitting implications.

INFRASTRUCTURE – OWNERSHIP AND MANAGEMENT

The FEIR should clarify the ownership and management responsibilities between project proponent and other parties, including the necessary legal and financial arrangements and an explanation of how allocation of responsibilities may change during each phase of the build-out and on a long-term basis. The FEIR should identify and adequately address ownership and management responsibilities for the construction, operation and maintenance of project infrastructure, including the following elements:

- Water supply facilities and distribution;
- Wastewater collection, treatment and disposal facilities;
- Water reuse facilities and distribution systems (including but not limited to reuse for irrigation, cooling water, industrial process water and/or toilet flushing);
- Stormwater collection, treatment and recharge or discharge facilities; and
- The East-West Parkway transportation corridor.

SOLID WASTE MANAGEMENT

The FEIR should clarify and provide an update on whether the Navy of the project proponent is responsible for the Small Landfill and discuss how compliance with MassDEP's Solid Waste Management Regulations will be achieved. The project will also be required to comply with other solid waste and air quality regulatory requirements as further detailed in the MassDEP comment letter, including those related to asbestos containing materials and other demolition materials. The FEIR should identify the facilities proposed for disposal of demolition materials and discuss their capacity to handle the anticipated demolition materials. The FEIR should clarify if demolition waste associated with golf course development is included in plans solid waste management plans.

AGRICULTURAL SOILS

The FEIR should provide an update on plans for mitigation of impacts to agricultural soils, including the proposed community garden, and clarify the action the proponent will take to facilitate conservation and reuse, as well as responsibilities for excavation and transportation.

HISTORICAL AND ARCHAEOLOGICAL RESOURCES

The proponent should consult with the Massachusetts Historical Commission regarding the results of the reconnaissance survey conducted for access to Route 3 and Trotter Road. The proponent should work with MHC to develop measures to avoid, minimize or mitigate any adverse effects to any significant historic and archaeological resources identified in the area of project effect. The FEIR should include a summary of the results of consultation with MHC, described in a manner that does not disclose any sensitive archaeological site locational information in order to protect the sites.

AIR QUALITY

The FEIR should include more detailed information on the proposed Transportation Demand Management (TDM) program, including specific measures to mitigate air quality impacts as further detailed in the MassDEP comment letter. The FEIR should include an implementation plan for the TDM program to address the various phases of the project during development and upon completion of build-out. The FEIR should discuss how the Transportation Management Association will be developed, who will lead it, and proposed vehicle trip reduction measures to be undertaken. The FEIR should provide more details on bicycle paths, shuttle bus funding and parking supply restrictions as well as ride-share programs and other incentives to reduce vehicle trips.

The FEIR should include a more detailed plan for air quality impact minimization during construction activities. I applaud the proponent for its commitment to require emissions controls (including diesel controls) on heavy construction equipment. I refer the proponent to the EPA comment letter and MassDEP's diesel retrofit program for additional recommendations on air quality mitigation measures to incorporate in the FEIR.

WASTE SITE CLEANUP

The FEIR should briefly summarize measures that will be implemented to recognize and respond to unknown hazardous waste sites and cite plans (e.g. soil management plans) that identify specific measures to be implemented. The FEIR should supplement the discussion on property transfer to explain cleanup requirements and level of EPA and MassDEP oversight (as noted by MassDEP, agency oversight does not depend on the mode of transfer). The FEIR should include a table that summarizes the condition and status of active cleanup sites and includes information on the nature of existing and proposed Activity and Use Limitations (AULs). The FEIR should include additional information and clarifications as requested by MassDEP, U.S. EPA and the MAPC. The FEIR should provide an update on plans to deal with contamination at the West Gate Landfill site, which is adjacent to the South Weymouth Rail Station and proposed multi-modal transit station.

SMART GROWTH AND SUSTAINABLE DESIGN

General

The DEIR included a set of Sustainable Design Guidelines, which address site planning, natural resource conservation, environmental protection, energy efficiency, renewable energy, and green building design. While I commend the proponent for its efforts in further developing the sustainable design elements of the project, I note that many of the guidelines are presented as recommendations rather than requirements. Any distinctions between “guidelines” and “requirements” that will be imposed on future development should be clarified in the FEIR, which I expect to include firm commitments to mitigation as further detailed below in the Mitigation/Section 61 Findings and other sections of this Certificate.

I strongly encourage the proponent to make commitments to seek certification under the Leadership in Energy and Environmental Design (LEED) for Neighborhood Development, to make firm commitments to ensure that buildings are eligible for LEED certification, that eligible buildings are designed to meet Energy Star criteria, and that all non-residential buildings are required to meet specific performance targets for energy efficiency as further detailed in the EPA comment letter. The FEIR should include stronger binding commitments to ensure all buildings within the development will conserve water.

Regulatory Framework

The FEIR should include a detailed assessment of the effectiveness of the Zoning Bylaws and Regulatory Framework to address environmental protection (including water resource protection, conservation and management, and wetlands protection). The assessment should consider the effectiveness of proposed land use controls in terms of their consistency with applicable regulatory requirements and the principles of Smart Growth, Low Impact Development and Sustainable Design. In response to comments from MassDEP and others, the FEIR should evaluate and address whether further revisions and additions to the Zoning Bylaws and Regulatory Framework are warranted. The FEIR should include, as an appendix, the zoning bylaws and land-use regulations for the proposed project (which may be included in CD format). Given the size and nature of the proposed project, the lengthy development timeframe, and the multiple parties involved, it is important that there is a clear understanding of how the stated goals of smart growth, LID, and other sustainable design commitments will be achieved over time. Inclusion of the bylaws and regulations at this stage of the review will facilitate evaluation and comment on this aspect of the project. The DEIR includes sustainable development guidelines for the project. It also notes that sustainable development regulations have been developed and as well as bylaws that represent the best in smart growth zoning. I expect that the FEIR will clarify commitments to Smart Growth, Low Impact Development and Sustainable Design and demonstrate how proponent’s intention to create a model development will be carried forward after the permitting and environmental review is complete.

MITIGATION AND DRAFT SECTION 61 FINDINGS

Additional mitigation commitments pertaining to smart growth and sustainable design should be incorporated in the draft Section 61 Findings. As noted in the EPA, MassDEP and other comment letters, it is not clear to what degree the sustainability guidelines and other recommendations in the DEIR will actually be required as part of the project. The FEIR should present design and mitigation measures, including sustainable design measures, as firm commitments or requirements to provide a greater level of assurance that impacts associated with the project will be adequately avoided, minimized and mitigated.

The FEIR should include a separate chapter on mitigation and Section 61 Findings that includes a detailed description of all feasible measures to avoid, minimize and mitigate adverse effects on the environment which will be incorporated as part of the project. The Section 61 Findings should identify parties responsible for implementation and include a schedule and cost estimate for mitigation measures.

RESPONSE TO COMMENTS

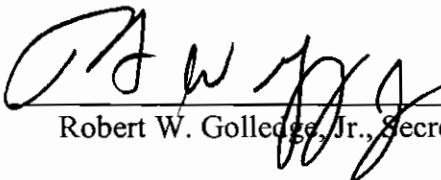
The FEIR should include copies of all comment letters received on the DEIR and respond to the comments received to the extent they are within MEPA jurisdiction. The proponent should use either an indexed response to comment format, or direct narrative response. The FEIR should present any additional narrative or quantitative analysis necessary to respond to the comments received.

CIRCULATION

The FEIR should be circulated to all who submitted comments on the DEIR as listed below, to the Towns of Abington, Rockland and Weymouth, to the CAC, to any agency from which the proponent may require a permit or approval, and to others as required by Section 11.16 of the MEPA regulations. A copy of the FEIR should also be made available for public review at the Abington, Rockland and Weymouth Public Libraries.

December 15, 2006

DATE


Robert W. Golledge, Jr., Secretary

RWG/AE/ae

Comments Received

10/17/2006 Citizens Advisory Committee (CAC)
11/22/2006 Commonwealth of Massachusetts Water Resources Commission
12/04/2006 Mary Parsons
12/06/2006 Allen & Major Associates
12/06/2006 William Cotter
12/07/2006 Dominic Galluzzo
12/07/2006 Anne Hilbert
12/07/2006 Michael Zupkofska
12/07/2006 John Loughlin
12/07/2006 Massachusetts Water Resources Authority
12/07/2006 Town of Weymouth / Town Council
12/07/2006 Town of Abington Planning Board
12/08/2006 U.S Environmental Protection Agency
12/07/2006 South Shore Chamber of Commerce
12/08/2006 Massachusetts Historical Commission
12/08/2006 Massachusetts Department of Environmental Protection
12/08/2006 Massachusetts Division of Fisheries & Wildlife
12/08/2006 Blue Cross Blue Shield
12/08/2006 Town of Hingham Police Department
12/08/2006 Councilor Arthur Mathews, Weymouth Town Council
12/08/2006 Perry South Shore Development
12/08/2006 Friends of Blue Hills
12/08/2006 Town of Weymouth / Mayor David Madden
12/08/2006 Councilor Michael Smart, Weymouth Town Council
12/08/2006 Rockland Open Space Committee
12/08/2006 Al Ferreira
12/08/2006 Robert Millette (3)
12/08/2006 David Wilmot
12/08/2006 Watershed Action Alliance of Southeastern Massachusetts and MassAudubon
12/08/2006 Water Supply Citizens Advisory Committee
12/08/2006 Beth Sortin
12/08/2006 Congress for the New Urbanism New England Chapter
12/08/2006 Tricia Pries
12/11/2006 Councilor Paul Leary, Weymouth Town Council
12/11/2006 Metropolitan Area Planning Council
12/11/2006 Old Colony Planning Council
12/12/2006 Executive Office of Transportation