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December 15, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Jackson Square
PROJECT MUNICIPALITY : Boston
PROJECT WATERSHED : Charles River
EOEA NUMBER : 13901
PROJECT PROPONENT : Jackson Square Partners LLC
DATE NOTICED IN MONITOR : November 8, 2006

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR). In a separate Decision issued on December 15, 2006, I have proposed to grant a Waiver from the requirement to prepare a mandatory Environmental Impact Report (EIR) for the project. This Certificate sets forth the issues that must be addressed by the proponent during permitting and discusses recommendations that were submitted on the project during the MEPA comment period.

Project Description

As described in the Expanded Environmental Notification Form (EENF), the project includes the construction of multiple buildings and facilities in five phases over six years between 2007 and 2013. The construction program will entail 429 units (452,010 square feet (sf)), of housing, approximately 67,700 sf of ground floor retail space, approximately 13,500 sf of office space, and approximately 50,600 sf of community facilities, including a Youth and Family Center and an indoor active recreation facility. The housing element will consist of 251 units (59%) designated as affordable to households earning up to 80% of the area median income (AMI), and an additional 39 units designated as affordable to moderate income households (earning less than 110% of the AMI). The project also includes streetscape improvements,

public infrastructure and open space enhancements, and added parking. Finally, the project will include the relocation (on-site) of a Division of Youth Services building and a salt storage shed operated by the Boston Department of Public Works.

The project site includes approximately 9.1 acres of land in Boston's Jamaica Plain and Roxbury neighborhoods. The land is concentrated in three areas (Site I, Site II and Site III) surrounding the existing Jackson Square T Station. Under current conditions, the project site is divided by Columbus Avenue and Centre Street and features a combination of open spaces, parking areas, brownfields sites, mid-rise buildings, and industrial uses. The proponent has been engaged in a lengthy public participation and visioning process with the local neighborhood to create a shared vision for the Jackson Square project; the results of which have culminated in the proposed plan presented in the EENF.

The proposed project will require the transfer of properties from the Massachusetts Bay Transportation Authority (MBTA) and the Massachusetts Division of Capital Asset Management (DCAM) to the project proponent. The EENF states that Jackson Square Partners LLC was granted a Tentative Designation by the Boston Redevelopment Authority (BRA) for the public land in the Jackson Square development area. It is my understanding that the proponent has been involved with coordinating these land transfers with the MBTA, DCAM and the BRA in order to redevelop the project area. The project will require the upgrade of existing roadway, wastewater, water and stormwater infrastructure to accommodate the increased development intensity. The EENF has indicated that sufficient wastewater capacity is available and mitigation will be provided for potential infrastructure impacts.

Jurisdiction

This project is subject to the preparation of a mandatory EIR pursuant to Section 11.03(6)(a)(6) because the project will require a State Permit and will generate 3,000 or more new traffic trips per day (unadjusted). The project requires a Major Sewer Connection Permit from the Massachusetts Department of Environmental Protection (MassDEP). The project will require a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities from the United States Environmental Protection Agency (U.S. EPA). The project also requires numerous approvals from the BRA, including Article 80 Large Project Review, Planned Development Area Approval. Other related local approvals will be necessary from: the Boston Civic Design Commission, the Boston Zoning Commission, the Boston Transportation Department, the Boston Inspectional Services Department, the Boston Water and Sewer Commission, the Boston Committee on Licenses, the Boston Public Works Department/Public Improvement Commission, and the Boston Parks Commission.

It should be noted that given the proximity of the project to public transportation and its urban setting, adjusted traffic trips utilizing numbers approved by the Boston Transportation Department (BTD) result in approximately 2,888 new vehicle trips per day; a volume below MEPA's mandatory EIR threshold.

The project will require the transfer of land from state agencies (MBTA, DCAM) and will receive financial assistance from the Massachusetts Department of Housing and Community Development (DHCD), the Massachusetts Executive Office of Transportation (EOT), and the Office for Commonwealth Development (OCD). Therefore, MEPA jurisdiction for this project is broad and shall extend to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment.

Land Alteration / Transfer

The project involves the transfer of approximately 2.0 acres of land owned by DCAM and 1.7 acres of land owned by the MBTA to the project proponent to assemble the project land area. The proposed use of these parcels will serve the general interest of the public through the creation of affordable housing, improved streetscape, remediation of hazardous waste sites, and the incorporation of smart growth and green design initiatives.

The majority of the project area is presently occupied either by buildings, pavement or commercial uses (i.e. junkyards, storage areas, etc.). The redevelopment nature of the project will reduce the amount of new land alteration necessary to accommodate the building program. The EENF stated that 3.7 new acres of impervious area will be created by the project, adding to the existing 4.6 acres within the 9.1 acre project area. The proponent will prepare a NPDES stormwater pollution prevention plan to mitigate potential secondary effects of land alteration associated with project construction and on-going operations.

Traffic / Transportation

The project will generate 2,888 new adjusted vehicle trips per day. Unadjusted models (i.e. every trip associated with the project site utilizes an automobile) estimate a total of 7,045 new vehicles trips per day generated by the project. The adjusted generation rate was calculated using traditional Institute of Transportation Engineers (ITE) guidelines and adjusting trips to account for the trip modal splits often seen in an urban development area. The proponent used 2000 U.S. Census data and BTM data to derive modal splits between trips by automobiles, transit trips (bus or rapid transit), and bike/walk.

The project will add 570 new parking spaces through a combination of structured, at-grade on-site and on-street parking. A total of 628 parking spaces will be available in association with the redevelopment project.

The project area is located proximate to bus and rapid transit services available at the Jackson Square T Station. The project aims to take advantage of a reduction in vehicle transportation trips through pedestrian improvements and accessibility to alternative forms of transportation. Pedestrian and traffic mitigation will include improvements to sidewalks and crosswalks, installation of traffic calming measures, bike path improvements, and traffic signal upgrades and coordination. The proponent has indicated in the EENF, and subsequent documentation dated December 13, 2006, a commitment to implementing Transportation Demand Management (TDM) measures to minimize automobile usage and reduce project traffic impacts. The TDM program will include: encouragement of subsidized transit passes for

employees; a 50% subsidy on transit passes for residents during their first three months of residence; secure bicycle parking areas for residential and commercial buildings; distribution of transit maps and schedules; extensive streetscape improvements to facilitate pedestrian movement; and collaborative efforts with the MBTA to enhance services provided at the Jackson Square station.

Wastewater and Water Supply

The project will generate approximately 95,199 gallons per day (gpd) of wastewater and require approximately 104,719 gpd of water supply. The proponent should confirm infrastructure capacity with the Boston Water and Sewer Commission (BWSC) for water and wastewater systems subsequent to conducting additional analysis requested within the BWSC EENF comment letter. The proposed buildings will connect to sewer mains owned and operated by BWSC, which flows into the Massachusetts Water Resources Authority (MWRA) system and ultimately to the Deer Island Wastewater Treatment Facility. Connection points and the size of service mains will be determined upon final building design and coordinated with the BWSC.

The project area is characterized by numerous sewer easements for existing combined stormwater and sewer lines (CSOs). The Stony Brook Culvert bisects a portion of the site and there is a large sewer main within Columbus Avenue and smaller mains within secondary streets. The proponent must work with the BWSC, the Massachusetts Water Resources Authority (MWRA) and MassDEP to ensure that any additional discharges to existing CSOs will meet approved guidelines to limit and/or mitigate additional combined sewer and stormwater flows to this type of infrastructure. The BWSC has indicated that it supports the MassDEP/MWRA policy using a minimum 4:1 ratio for I/I removal to new wastewater flow added, and will require the proponent to develop a consistent inflow reduction plan. The proponent has confirmed its willingness to work with the BWSC and MassDEP during permitting processes to meet I/I mitigation requirements.

Stormwater

The project will establish Best Management Practices (BMPs) to satisfy the MassDEP's Stormwater Management Policy to the maximum extent practicable given the limitations associated with a redevelopment site. The proponent has committed to meeting the MassDEP Stormwater Management Policy in its entirety on specific parcels that are presently pervious and incorporate other techniques to improve presently developed sites to the extent practicable. Additionally, it was indicated at the site consultation session that the stormwater infrastructure will be master planned for the entire redevelopment area, in lieu of leaving design to specific development parcels and potentially different development entities. Potential BMPs include the use of detention systems to mitigate peak rates of runoff from the project site and water quality inlets or other structures to meet 80% total suspended solids (TSS) removal standards. Additionally, the proponent intends to utilize low-impact design (LID) techniques such as rain gardens and green roofs, to mitigate stormwater quality and quantity impacts. The proponent should establish erosion and sedimentation control measures, as well as an operations and maintenance plan outlining long-term BMP operation requirements, as part of the NPDES

permitting process. I encourage the proponent to develop a series of BMPs to address snow removal and stormwater management after construction is completed on site.

The proponent must consider the impact of stormwater management BMPs with relation to the known hazardous waste areas within the project area presently designated under the Massachusetts Contingency Program (MCP). Specific BMPs may be prohibited due to proximity to these hazardous waste sites and their potential to exacerbate existing conditions or conflict with potential Activity and Use Limitations (AULs). The proponent should confirm with MassDEP that the proposed BMPs and their relation to remediation sites are consistent with MCP regulations and the MassDEP Stormwater Management Policy.

The project will require the relocation of the Boston Department of Public Works salt shed, presently located along Ritchie Street, adjacent to Marcella Park. This work will be preformed to allow for better configuration of the salt shed and its operations in relation to the proposed residential uses. The proponent should verify that no additional NPDES permits or related MassDEP permits would be necessary for an updated and reconfigured salt storage facility. Enhanced stormwater treatment may be necessary for stormwater discharges directly related to the salt storage shed. The proponent should coordinate with MassDEP and the City of Boston to ensure that appropriate standards are met.

Hazardous Waste

The EENF identifies several parcels within the project area that are presently regulated under Massachusetts General Law (M.G.L.) Chapter 21E or the Massachusetts Contingency Plan (MCP). These parcels include:

- 1540 Columbus Avenue (Site II) is listed under Release Tracking Number (RTN) 3-12084 for the release of arsenic and lead into the soil;
- 1542 Columbus Avenue (Site II) is listed under RTN 3-21935;
- MBTA Parcels 69,70, and 71 (Site III) are currently listed under RTN 3-3573 for a release of petroleum to soil and groundwater; and
- 41 Amory Street (Site III) is listed under RTN 3-21430 for a release of lead and petroleum hydrocarbons.

The proponent stated at the site consultation meeting that subsurface investigations had been conducted (March 2006) throughout the project area to identify the potential hazards on-site, their relationship to resource areas (i.e. groundwater), and to assist in the planning process for infrastructure and proposed future site uses. A crucial component of the project is the remediation of these brownfield sites. The proponent should conduct remediation activities in accordance with M.G.L. c.21E and the MCP and establish approved Activity and Use Limitations (AULs), if necessary. I encourage the proponent to coordinate remediation efforts with the MassDEP to ensure effective and timely remediation of existing hazardous conditions.

Sustainable Design

The EENF states that the Jackson Square redevelopment project will be designed as a healthy and sustainable community that integrates the highest principles of Smart Growth, transit-oriented development, and green design. The proponent has indicated that, in accordance with the City of Boston's policy, the project will include multiple "green" buildings that will be certifiable under the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) standards. The proponent intends to prepare more specific "green guidelines" for consideration during the BRA review process which will give individual developers discretion to decide which technologies and other "tools" from the guidelines to use in order to meet sustainable design goals. I applaud the proponent's commitment to incorporate green design technologies to both the building construction and overall master plan for the Jackson Square redevelopment project.

Historical/Archaeological

The Massachusetts Historical Commission (MHC) has identified one property proposed for demolition, located at 51 Amory Street (Site I), as being listed on its' Inventory of Historic and Archaeological Assets of the Commonwealth. This property is historically known as the Rockland Brewery – Robinson Brewery Outbuilding (MHC# BOS.12917). The MHC EENF comment letter notes that this structure appears to have lost its architectural integrity, and therefore the MHC requires no further review of the proposed demolition of this building.

Portions of the proposed project, (Site II), adjoin the Roxbury Highlands Historic District, which is listed on the National Register of Historic Places. Additionally, the Ritchie Street southern boundary of Site II adjoins Academy Homes I (BOS.11156), which is included in MHC's Inventory of Historic and Archaeological Assets of the Commonwealth. The MHC concluded in their EENF comment letter than the project would have "no adverse effect" on the Roxbury Highlands Historic District or Academy Homes I.

The proponent has indicated that the project area is subject to review by the Boston Landmarks Commission (BLC) under Article 85 of the Boston Zoning Code and that a demolition delay application to initiate this review will be submitted to the BLC prior to demolition.

Environmental Justice

While the project does not meet the criteria for enhanced review under EOEA's Environmental Justice (EJ) Policy, I would like to note the efforts of the proponent to provide access to information about the proposed project during the public planning process through the use of multi-lingual handouts and efforts to obtain input across a wide cross-section of community residents. Additionally, the proposed incorporation of campus-wide green design efforts and remediation projects associated with designated on-site hazardous waste areas is a positive step towards alleviating inequalities within EJ communities.

Construction Activities

The project will include the demolition of existing structures to make way for new construction activities. The proponent has committed implementing a construction management plan that will specify recycling of construction and demolition material, including asphalt, brick, and concrete, to the extent feasible. Additionally, the proponent has acknowledged that demolition activities must comply with both Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. Chapter 40, Section 54.

The proponent has committed, in a letter dated December 13, 2006, to participate in the MassDEP's Diesel Retrofit Program to mitigate construction period impacts from diesel emissions. In addition, the proponent has committed to the extent feasible, as requested by MassDEP, require the use of low sulfur fuel.

Conclusion

Based on a review of the information provided by the proponent and after consultation with the relevant public agencies, I find that the potential impacts of this specific project do not currently warrant further MEPA review. Outstanding issues may be addressed during the permitting process.

December 15, 2006

Date



Robert W. Golledge, Jr.

Comments received:

11/29/2006	Massachusetts Historical Commission
12/07/2006	Massachusetts Water Resources Authority
12/08/2006	Massachusetts Department of Environmental Protection – NERO
12/08/2006	Alison Pultinas
12/08/2006	Boston Water and Sewer Commission
12/08/2006	City Life / Vida Urbana
12/08/2006	Bill Perkins
12/11/2006	Metropolitan Area Planning Council
12/13/2006	Epsilon Associates Inc.

RWG/HSJ/hsj