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December 15, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
NOTICE OF PROJECT CHANGE
AND
REQUEST FOR FULL WAIVER

PROJECT NAME : 4400 Computer Drive Expansion
PROJECT MUNICIPALITY : Westborough
PROJECT WATERSHED : Concord and Sudbury
EOEA NUMBER : 3143
PROJECT PROPONENT : **Forty** Four Hundred, LLC
DATE NOTICED IN MONITOR : October 25, 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 change **does not require** the preparation of an Environmental Impact Report (EIR). In a separate Draft Record of Decision issued today, I propose to grant a Waiver from the requirement to prepare a mandatory 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 change during the MEPA comment period.

Project Change Description

As described in the Notice of Project Change (NPC), the project change entails the construction of 360,000 square feet (sf) of office/research and development space and 1,460 new structured parking spaces, on a 69.49-acre site located in the northwest quadrant of the interchange of I-495 with Route 9. The project site contains an existing building housing 685,000 sf of office/research and development space and 2,793 surface parking spaces. With the project change, the site will contain a total of 1,045,000 sf of floor area and 4,253 parking spaces.

According to the NPC, the project change will not entail the creation of any additional impervious areas on-site because the additional floor area and parking spaces will be provided in areas that have been altered previously. While I note that the proponent proposes to achieve this by providing all of the new parking spaces in a parking structure, the proposed addition of more than 1,000 parking spaces exceeds MEPA review threshold at 301 CMR 11.03(6)(a)(7) requiring the mandatory submission of an EIR. The proponent has requested a Full Waiver from this requirement, and I propose to grant this Waiver in a separate Draft Record of Decision issued today.

MEPA History and Jurisdiction

The project was the subject of previous review under MEPA. In 1978, the then proponent, Data General Corporation, submitted an Environmental Notification Form (ENF) describing a proposed addition to the existing office/research and development space on the site, resulting in the 685,000 sf of existing floor space and 2,793 existing parking spaces. The Certificate on the ENF issued on August 14, 1978 did not require the preparation of an EIR.

The project change is undergoing MEPA review pursuant to 301 CMR 11.03 11.03(6)(b)(13) and (6)(a)(7) of the MEPA regulations because it will result in the generation of 2,000 or more new average daily trips (adt) and construction of 1,000 or more new parking spaces. The project change will require a revised Sewer Connection Permit from the Department of Environmental Protection (MassDEP) and a revised State Highway Access Permit from the Massachusetts Highway Department (MassHighway).

The proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction applies to those aspects of the project change within the subject matter of required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to transportation and wastewater.

Permitting Issues

Transportation

As a result of the project change, the site will generate an additional 2,256 vehicle trips on an average weekday, for a total of 8,126 vehicles trips. In its comments, the Executive Office of Transportation (EOT) indicates that it will require the proponent to submit a revised traffic impact and access study that includes a 2011 No-build Condition that accounts for the traffic to be generated by the EMC Southborough/Westborough Campus (EOEA #12396), which is located in the southeast quadrant of the I-495/Route 9 interchange, and also currently undergoing MEPA review. The revised traffic study should also analyze the how the proposed mitigation measures will affect traffic operations at study area intersections, including the intersection of the Connector Road with Research Drive and Hotel Drive, under the 2011 Build with Mitigation Condition.

Additionally, EOT states that the proponent should commit to additional mitigation to address unfavorable operating conditions at the intersection of the Route 9 westbound ramps and Computer Drive. The proponent should provide an updated letter of commitment as additional mitigation at the location will be a requirement of the State Highway Access Permit to be issued by MassHighway.

The proponents of the Westborough Office Park (EOEA #4396), located in the southwest quadrant of the I-495/Route 9 interchange, and also currently undergoing MEPA review, was previously required to design and construct an auxiliary lane on Route 9 westbound between the I-495 southbound off-ramp and Computer Drive in a Section 61 Finding issued by MassHighway on February 21, 2003. This mitigation was required to be in place when the project reached a build-out of 1,050,000 sf, which has not yet occurred. The Westborough Office Park proponents have requested that this mitigation requirement be reassigned to the proponent of 4400 Computer Drive. In its comments, EOT has denied this request and this mitigation measure must be completed by the Westborough Office Park proponents.

Wastewater

As a result of the project change, 26,250 additional gallons per day (gpd) of wastewater will flow from the project site to sewers located in Flanders Road, for a total of 77,625 gpd. The NPC indicates that the EMC Southborough/Westborough Campus will reroute its wastewater flows from the Route 9 pump station to sewers in Washington Street, and that, as a result of this diversion, the Route 9 pump station has adequate capacity to accept the additional wastewater flows to be generated by the project change. In its comments, MassDEP states that it disagrees with the proponent's assessment. The pump station is located in a low-lying area and during heavy rains, surface drainage runs into the pump station because the pump station is at capacity. I expect that the proponent will be required to upgrade or modify the Route 9 pump station as a condition of the revised Sewer Connection Permit.


Conclusion

I am satisfied that the proponent has adequately assessed the potential impacts of the proposed project change. I am also satisfied that any remaining issues can be addressed through the state permitting processes.

The proposed project requires no further review under MEPA and may proceed to permitting. The permitting agencies should forward a copy of their final Section 61 Findings to the MEPA Office for completion of the project file.

December 15, 2006

Date


Robert W. Gollledge, Jr.

Comments received:

12-04-06	MassDEP Central Regional Office
12-13-06	Executive Office of Transportation
12-13-06	Executive Office of Transportation

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