



NORTH END/WATERFRONT RESIDENTS' ASSOCIATION



West End Civic Association

March 7, 2014

Secretary Richard K. Sullivan, Jr.
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Alexander Strysky, EEA No. 15052
100 Cambridge Street, Suite 900
Boston MA 02114

Subject: Final Environmental Impact Report – The Boston Garden Project

Dear Secretary Sullivan:

North End/Waterfront Residents' Association (NEWRA) and West End Civic Association (WECA) submit the following comments on the Final Environmental Impact Report (FEIR) for the Boston Garden Project, EEA No. 15052 (the "Project") filed by Boston Properties Limited Partnership and Boston Garden Development Corporation (together, the "Proponent"). NEWRA and WECA have separately raised concerns in comments on the Project's Environmental Notification Form and Draft Environmental Impact Report (DEIR).

Our concerns have not been addressed or allayed by the environmental impact assessments presented in the DEIR and the current FEIR. To the contrary, and notwithstanding many inadequacies in the Proponents' environmental assessments, the DEIR and FEIR demonstrate that the Project's size and attendant infrastructure demands cannot be accommodated by the existing downtown infrastructure. With no plans proposed for significant infrastructure capacity improvements, the Project will have serious impacts.

Public Transit

The Proponent's transit capacity and impact assessments are inadequate, and they do not address the requirements of the Secretary's Certificate on the DEIR. The assessments do not acknowledge or account for the current difficulties in accessing space on a subway train at North Station or Haymarket Station during commuting hours. Commuters have complained of having to wait for a second or even third train to gain an opportunity to board a car already at "crush" capacity. These difficulties, which have been the subject of numerous comments at public meetings about the Project, contradict the Proponent's conclusion that there is available capacity below the MBTA's standard for crush capacity.

The assessments also do not adequately factor in the transit demands of other area development projects or the increase in demand that will come with planned MBTA improvements that will significantly increase ridership while not increasing transport capacity. The Green Line Extension is touted by this and other development proponents as an example of transit improvements that support development. That may be true for developments in Arlington, Medford and Somerville, but we do not understand how the addition of thousands of additional riders from those communities without an increase in downtown Green Line track capacity can support the Project's addition of hundreds of new riders to the North Station platforms.

While smart growth principles call for height and density to be located around transit hubs, the transit system must be capable or made capable of meeting the demands of greater density. The Green Line and Orange Line systems are unable to meet current demand through Downtown Boston during commuting periods. Because there are no plans to increase capacity to accommodate the many large-scale development projects in the North Station and Haymarket areas, capacity problems will worsen and potential riders will find other forms of transportation, including automobiles.

Traffic

The traffic assessments in the DEIR and FEIR show poor existing traffic conditions at several intersections. Traffic congestion has worsened in recent years, especially along Cambridge Street, Surface Artery, Cross Street, North Washington Street, Rutherford Avenue and Sullivan Square, along with or due to greater congestion on Interstate 93. The traffic assessments do not recognize or evaluate the causes of worsening traffic conditions.

The assessments also do not consider how the Boston Transportation Department's planned improvements to Rutherford Avenue and Sullivan Square, a primary corridor for access to and from the North Station area, will affect no-build, Phase I and full-build conditions. Plans call for narrowing Rutherford Avenue, replacing underpasses and overpasses with at-grade intersections, and replacing the Sullivan Square Rotary with a network of signalized intersections. At the same time, development plans for Sullivan Square will increase traffic demand. BTD admits that a goal of these improvements is to force traffic away from Rutherford Avenue and Sullivan Square, but with no identification or evaluation of route options.

With already increasing traffic congestion on I-93 and local roads, with planned roadway projects that could reduce traffic capacity, with high density development proposed in the North Station and Haymarket Station areas but no plans for upgrading transit capacity, traffic congestion will worsen. Already poor intersection conditions contribute to traffic accidents, gridlock, high volumes of air pollutant loadings in and around residential neighborhoods, and difficult and unsafe conditions for pedestrians. Adding significant

additional vehicle trips without significant capacity upgrades will worsen all of these conditions.

We reiterate that the Charlestown/North Washington Street Bridge upgrades that will return the bridge to full lanes and capacity must be completed before any phase of the project becomes operational.

We also question why, with the apparent need and opportunity for improvements to traffic flow at many of the intersections in the Project area, and the effects of traffic congestion on air pollution and carbon generation, that the optimized signal timing proposed by the Proponent at each of these intersections is not already in place.

Infrastructure - Wastewater

In the FEIR, page 8-18, the Proponent commits to "a 4:1 Infiltration/Inflow (I/I) removal program to mitigate wastewater impacts" and states that "(t)hese measures will be incorporated into the design." But the FEIR includes no plan for how the Proponent will remove the necessary 907,000 gallons per day I/I for the full-build project or 384,000 gallons per day I/I for Phase I, or even an assessment of the feasibility of those levels of I/I removal as direct offsets for the Project's flows.

Furthermore, those commitments become unclear and tenuous where, on page 4-3, the Proponent states that "(c)urrently the BWSC comment letters have not identified any wastewater system improvements that will be required to connect to the City's sanitary sewer lines. Therefore, the Proponent will contribute to BWSC's on-going I/I removal project and program fund at a rate of four to one." The FEIR provides no information about BWSC's on-going I/I removal project or program fund or the efficacy of the BWSC projects to mitigate the Project's wastewater flow impacts.

The FEIR and earlier MEPA filings do not assess the available capacity of the sewer system to accept new flows, the impacts of the new flows on general sewer system service, or the potential for environmental damage if the new flows are not offset. In the absence of this information and effective mitigation, the environmental benefits, including public enjoyment of the Charles River and Boston Harbor, of the large, continuing public investments to improve the quality of these waters risk being compromised.

Infrastructure - Gas Systems

NEWRA has raised in earlier comments the questionable and possibly dangerous condition of gas systems in the Project area. Of notable concern is the decades-long leaking gas from a main line that crosses over the Charlestown/North Washington Street Bridge and into the North End. Leaks from this line have long been a public safety and public health hazard, even more so with a main gas juncture structure located next to what is now a public school at 585 Commercial Street. No information has been provided regarding the impacts

of the new service demands on these lines or the condition of specific lines that will provide service to the Project, and this deficiency increases the risk of service disruptions to nearby populations and the potential for public safety and public health impacts.

Public Benefits Determination

The Project requires a Public Benefits Determination because it is located on Landlocked Tidelands. We support the many intended public benefits of the Project, documented in the FEIR. Generally, the streetscape, civic space, retail activity, housing and employment benefits are welcome. But the Project does not go far enough in providing public amenities related to the historical significance of the Project site and surrounding area or the relationship of the Project and its site to the Charles River and Boston Harbor. It does not capture the clear opportunities for significant connections from the civic, residential, retail and transportation activities of the Project and its Causeway Street environs to the nearby waterfront and water-based activities, including links to public open space and public parkways that themselves provide links to other urban destinations. The project takes advantage of major public investments in open spaces and recreational resources without contributing to or enhancing them.

With the exception of the very preliminary proposal to include a supermarket, the Project's programming has not been planned sufficiently to support the surrounding residential communities, including the residential communities that will be created by this and other nearby development projects. The Project's support of the sustainability of adjacent urban communities, so important because of the area's historical context, is not clear.

Furthermore, any public benefits will be offset by the Project's impacts and limitations. The massive size and height of the Project's residential and office towers are out of character with the surrounding historical urban context and will result in significant shadow impacts to public open space resources along both sides of the Charles River and Boston Harbor and over these recreational water resources themselves, compromising public enjoyment. Connections between Causeway Street and these resource waters will also be in the Project's shadows, along with the new Lovejoy Wharf waterfront amenities now in construction.

While touting the Project's responsiveness to the communities' request for a neighborhood supermarket, the Proponent misses a key point – that the requested supermarket has long been intended to provide an economic advantage to area populations, including seniors, who are facing hardships due to the gentrification of their neighborhoods, rapidly increasing housing costs and an attendant up-scaling of the retail base. The inclusion of an affordable supermarket must be a firm and unalterable long-term commitment.

The Proponent also proposes not to include affordable housing units on-site, and there is no assurance that the Project will contribute to the creation of off-site affordable housing in the immediate surrounding area or surrounding neighborhoods. This is unacceptable,

especially for a project of this size. With only high-end, market rate housing units, the Project's benefits, and the complementary benefits that come from locating the Project in an area of substantial public investment – paid for by all – will be available only to those who can afford them. Without accommodation to the broader public across a full range of economic resource, the project will contribute to further increases in living costs and force more of the existing populations of the North End and the West End to relocate.

MEPA Review

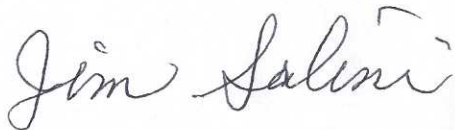
A key problem affecting the environmental feasibility of this project and other large development projects proposed in the area is the lack of any plans for significant infrastructure improvements to meet the projects' demands. Similar sized projects outside of Downtown Boston typically are complemented with large-scale roadway and utility improvements.

It is unfortunate that the Proponent has apparently decided to abandon its earlier request for a Phase 1 Waiver. As the Secretary pointed out in the Certificate on the DEIR, in order to meet the criteria for Phase 1 waiver, the Proponent would have to provide additional information on the environmental impacts of Phase I, including traffic impacts and the impacts on the Green and Orange Line systems "which are already at 'crush' capacity during peak periods." The Secretary further stated, "Information regarding Phase 1, its impacts, and mitigation is not developed sufficiently to make a determination that the potential environmental impacts of Phase 1, taken alone, are insignificant nor that ample and unconstrained facilities and services exist to support Phase 1." The Secretary offered "reconsideration of the Phase I waiver request as part of a Notice of Project Change that (in part) reduces the overall size and impact of Phase 1."

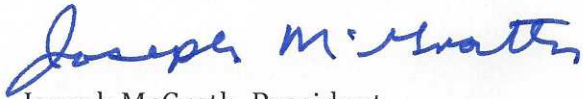
We agree with the Secretary's assessment, while at the same time acknowledging considerable public support for Phase 1 given its potential benefits, especially the completion of the streetscape of Causeway Street along the Project site, improved pedestrian movement and access, and the retail offerings, especially the prospect for an affordable supermarket that could serve the immediate surrounding residents as well as the North End and West End communities. We continue to advocate, as NEWRA did in earlier comments, for project changes and impact mitigation that could bring the Project's Phase 1 into compliance with MEPA's Phase 1 waiver criteria and allow it to move forward.

Given the documented impacts of Phase 1 and the lack of any project changes, rebutting analyses or significant mitigation measures from the Proponent for Phase 1 or full-build, we question how the Project can continue to move through MEPA review. This concern is heightened by the many years (as many as 14) that will pass between the conduct of the Proponent's environmental assessments and the implementation of the full-build project. Undoubtedly, urban environmental conditions in and around the Project area will greatly change between now and 2028.

We do not find any reasonableness in allowing either Phase 1 or the full-build project to move into permitting at this time (presumably, the Proponent does not plan to seek permits for future phases for a decade or more). Instead, we recommend that the Proponent file a Notice of Project Change for the Project's Phase 1 along with a request for MEPA Phase 1 Waiver. The Proponent should work with the communities to gain what we believe can be overwhelming public support for Phase 1 with a revised construction program, effective mitigation and considerable public benefits. We also recommend that the Proponent request a Special Review Procedure or be required to file a Supplemental EIR that will allow for the reassessment of full-build project impacts in the future when Phase 1 is complete and operational, other planned development projects and infrastructure projects are in place, and baseline environmental conditions and available infrastructure capacity are better known. And this can happen without compromising the Proponent's current build-out schedule.



Jim Salini, President
North End/Waterfront Residents' Association



Joseph McGrath, President
West End Civic Association

cc: Mayor Martin J. Walsh
State Senator Sal DiDomenico
State Senator Anthony W. Petrucci
State Representative Jay Livingstone
State Representative Aaron M. Michlewitz
Council President William Linehan
Councilor Michael Flaherty
Councilor Salvatore LaMattina
Councilor Stephen J. Murphy
Councilor Ayanna Pressley
Councilor Michelle Wu
Councilor Josh Zakim
Richard Davey, Massachusetts Secretary of Transportation
Nancy Girard, Director, Boston Environment Department
Brian Golden, Acting Director, Boston Redevelopment Authority
James Gillooly, Acting Commissioner, Boston Transportation Department