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PUBLIC BENEFITS DETERMINATION
OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS

PROJECT NAME: UMass Boston 25-Year Master Plan and Phase 1 Projects
PROJECT MUNICIPALITY: Boston
PROJECT WATERSHED: Boston Harbor
EEA NUMBER: 14623
PROJECT PROPOSENT: University of Massachusetts Boston in coordination with the Massachusetts Department of Capital Asset Management

DATE NOTICED IN MONITOR: August 25, 2010

Consistent with the provisions of An Act Relative to Licensing Requirements for Certain Tidelands, I hereby determine that the above-referenced project will have a public benefit. This determination accompanies a Certificate on the Expanded Environmental Notification Form (EENF) that I issued on October 15, 2010 finding that the 25-Year Master Plan and Phase 1 projects for the University of Massachusetts Boston (UMass Boston) campus did not require the preparation of an Environmental Impact Report (EIR).

Project Description

The project consists of the implementation of a 25-year Master Plan by the University of Massachusetts Boston (UMass Boston), in conjunction with the Massachusetts Division of Capital Asset Management (DCAM). The Master Plan identifies a broad range of campus-wide improvements including the construction of new academic and residential buildings, new parking garages, establishment and expansion of open spaces, facility and infrastructure upgrades, and demolition of some existing structures. The EENF estimated environmental impacts based upon build-out of the Master Plan elements and provided detailed information on the Phase 1 components of the Master Plan. Phase 1 projects identified within the Master Plan include:
• Construction of a new 217,000 square foot (sf) Integrated Sciences Complex (ISC) and related utility, landscape, and access improvements on Site A, as depicted in the Master Plan;
• Improvements to the existing Utility Plant including the addition of a 2,000-ton electric chiller and an 800-horsepower natural gas-fired boiler;
• Relocation of University Drive North to extend it northeast and align it with the terminus of Mount Vernon Street to facilitate access to the proposed Edward M. Kennedy Institute for the United States Senate (EMK Institute), and more direct access to the John F. Kennedy Presidential Library and Museum and the Massachusetts Archives and Commonwealth Museum;
• Relocation of University Drive West;
• Construction of a segment of new utility corridor in conjunction with the relocation of campus utilities from the existing campus substructure, which will be demolished;
• Replacement and improvement of the existing Fox Point Dock System to restore structural integrity and to implement upgrades to make the docks Americans with Disabilities Act (ADA) accessible; and
• Construction of approximately 800 linear feet of Harborwalk along the northern edge of campus between the John F. Kennedy Presidential Library and Museum and the Harbor Point Community Apartments.

As noted in the EENF, UMass Boston, in collaboration with DCAM and University of Massachusetts Building Authority (UMBA), completed a 25-year Master Plan to guide campus development. Components of the Master Plan described in the EENF (exclusive of those noted as Phase 1 projects) include:

• Creation of additional baseball fields (off-campus at Boston College High);
• Construction of 400,000 sf to 800,000 sf of academic space on Sites B, G, and S;
• Creation of a 210,000 sf Central Quad;
• Construction of two general academic buildings on Site O;
• Construction of two parking garages (1,200 spaces each), located on Sites PW and PE;
• Creation of 767,500 sf of new pedestrian paths, plazas, and open space;
• Construction of a 350,000 sf (1,000 bed) residential building on Site R1;
• Construction of a 350,000 sf (1,000 bed) residential building on Site R2;
• Construction of a new track and field on Site T;
• Construction of a second utility plant;
• Relocation of University Drive East and South and associated completion of a new utility corridor; and
• Demolition of the existing 260,000 sf Science Center and campus substructure.

These individual Master Plan elements are slated for implementation over the next 25 years, guided by several overall project principles including: establishment of improved pedestrian connectivity within the campus and to adjacent uses on Columbia Point; modification of vehicular circulation and parking to reduce vehicle travel through the campus and improve
access to public transit, pedestrian, and bicycle travel; and creation of state of the art facilities that meet the current and future needs of UMass Boston students, faculty and staff.

Special Review Procedure

On June 30, 2010 I established a Special Review Procedure (SRP) to guide review of the UMass Boston 25-Year Master Plan in accordance with the MEPA regulations. As I noted in this SRP, the size and complexity of this project, combined with its long-term planning and construction timeframe and multiple construction phases, will benefit from the SRP as these attributes do not necessarily fit well into the typical MEPA review framework. The SRP established guidance regarding content of the Master Plan EENF, subsequent filings to MEPA for future project phases, expectations for coordinated review under Chapter 898 of the Acts of 1969 (Special Act 898) and Massachusetts General Laws c.91 (c.91), and public process requirements for each future project-filing. I note that the geographic area governed by this SRP does not include the recently acquired Bayside Expo property by UMass Boston. The SRP stated that if its geographic area is expanded, the SRP may be amended accordingly; future MEPA filings addressing redevelopment of this parcel will likely be required.

Permitting/Jurisdiction

This project is subject to MEPA review as modified by the SRP. The Master Plan requires a State Agency Action and will: generate 3,000 or more new average daily trips on roadways providing access to a single location (301 CMR 11.03(6)(a)(6)), alter 71 acres of land on the 99 acre site (301 CMR 11.03(1)(a)(1)), alter Coastal Bank (301 CMR 11.03(3)(b)(1)(a)), and discharge to a sewer system 100,000 or more gallons per day (GPD) of wastewater (301 CMR 11.03(5)(b)(4)(a)).

Over the course of the implementation of all the Master Plan elements the project may require numerous permits including: a Sewer Connection/Extension Permit, a c.91 Consolidated Written Determination, a Master Post-Closure Use Permit, and a Generic Beneficial Use Determination (GBUD) from the Massachusetts Department of Environmental Protection (MassDEP); a Sewer Use Discharge Permit and Construction Dewatering Permit from the Massachusetts Water Resources Authority (MWRA); an Indirect Access Permit from the Massachusetts Department of Conservation and Recreation (DCR); an Access Permit from the Massachusetts Department of Transportation (MassDOT); an Order of Conditions from the Boston Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP; a Category 2 General Permit under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act from the United States Army Corps of Engineers; a National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities, a NPDES Dewatering General Permit, and a NPDES Individual Discharge Permit from the United States Environmental Protection Agency (US EPA); and local permits from the Boston Water and Sewer Commission (BWSC) and the Boston Fire Department. The project will also require review and approval in accordance with the Massachusetts Contingency Plan (MCP) from MassDEP and review in accordance with Section 106 and Chapter 254 by the Massachusetts Historical Commission. The project is

The project will be funded by the University of Massachusetts Building Authority bond proceeds and State bond funds authorized under Chapter 258 of the Acts of 2008 (the Higher Education Bond Bill). Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Landlocked Tidelands

Consistent with the provisions of An Act Relative to Licensing Requirements for Certain Tidelands (2007 Mass. Acts ch. 168, sec.8) (the Act), which was enacted on November 15, 2007, I must conduct a Public Benefits Review for projects in tidelands that are required to file an EIR. For this project, as noted in the Certificate on the EENF, the collective elements of the 25-Year Master Plan exceed EIR thresholds as defined in 301 CMR 11.03. Therefore, I required a Public Benefit Review in accordance with the regulations at 301 CMR 13.00.

The legislation states the following regarding the Public Benefits Determination:

“In making said public benefit determination, the secretary shall consider the purpose and effect of the development; the impact on abutters and the surrounding community; enhancement to the property; benefits to the public trust rights in tidelands or other associated rights, including, but not limited to, benefits provided through previously obtained municipal permits; community activities on the development site; environmental protection and preservation; public health and safety; and the general welfare; provided further, that the secretary shall also consider the differences between tidelands, landlocked tidelands and great pond lands when assessing the public benefit and shall consider the practical impact of the public benefit on the development.”

To support the Public Benefits Determination, I have carefully reviewed the EENF and comments received on the EENF. The following addresses each of the considerations identified in the legislation.

1. purpose and effect of the development

The purpose of the project is to fulfill the directive of Special Act 898, which authorized the University to acquire and fill land on Columbia Point for the purpose of planning and developing a new campus for UMass Boston. The Master Plan will have the effect of complying with and implementing the governing legislation. The Master Plan will provide public benefits through infrastructure improvements that will promote cutting-edge research and collaboration.

2. impact on abutters and the surrounding community

The EENF indicated that realization of the Master Plan would not only improve and transform the UMass Boston campus, but it would also support and contribute to the overall
effort to enhance Columbia Point as envisioned by the Columbia Point Draft Master Plan. Furthermore, the Master Plan offers an opportunity to strengthen physical connections with the institutional neighbors adjacent to campus boundaries, including the John F. Kennedy Presidential Library and Museum and the Massachusetts Archives and Commonwealth Museum. The project will also enhance bicycle and pedestrian connections to the neighborhood at large to the campus and ultimately the waterfront. I expect that as part of the ongoing public participation process outlined in the SRP, the Proponent will continue to engage abutters and the surrounding community in the implementation of the Master Plan.

3. enhancement to the property

The Master Plan proposes a number of enhancements to the 99-acre campus to facilitate improved interconnectedness, efficient design, activation of open space, and adaptability. The Master Plan includes a new pedestrian promenade, roadway improvements, creation of a central quad, pedestrian and bicycle linkages between key areas of campus open space and buildings, construction of modern facilities and academic buildings, construction of two new parking garages to consolidate parking and reduce vehicle traffic through the main campus, and the construction of residence halls to provide on-campus housing for approximately 2,000 students. These enhancements will serve both the academic community at UMass Boston, and will also facilitate enjoyment of the campus and Columbia Point as a whole by creating an inviting destination with numerous amenities.

4. benefits to the public trust rights in tidelands or other associated rights

The UMass Boston campus includes uplands, filled tidelands abutting the waters of Dorchester Bay, and filled tidelands landlocked by distance from the water’s edge and public right-of-ways. As noted previously, these lands were identified and/or filled in accordance with Special Act 898 for the specific purpose of establishing the UMass Boston campus at this location.

The EENF stated that the project will result in expanded access to both the former tidelands of the site, and the abutting flowed tidelands. Specific public waterfront access and use benefits outlined in the EENF include:

- Expansion of public open space on-site (more than 50 percent of the campus upon completion of the Master Plan);
- Construction of the final section of Harborwalk along the northern margin of the campus, establishing continuous public pedestrian access along the waterfront periphery of campus;
- Replacement of the existing docks at Fox Point with an ADA-compliant dock system that will provide safe access for water-dependent uses;
- Creation of a network of public pedestrian ways through the campus to the Harborwalk at the water’s edge at points all along campus shoreline; and
- Construction of buildings of modest height that are generally set back from the water’s edge separated from the water by public open space (most will be located landward of a public right-of-way as well).
5. community activities on the development site

According to the EENF, the benefits of the University of Massachusetts system in general and UMass Boston in particular accrue to the transient public in the form of access and use of the public lands and waterfront spaces, but also in the form of the cultural and academic events associated with a public educational institution.

6. environmental protection and preservation

As set forth in further detail in the Certificate on the EENF (dated October 15, 2010), the Proponent has committed to a range of mitigation measures to address environmental impacts such as land and wetlands alteration, increased traffic, stormwater and wastewater flows, greenhouse gas emissions, and hazardous materials management.

The Proponent has proposed a variety of greenhouse gas mitigation measures that are expected to result in the construction of a high-performing energy efficient building as part of Phase 1. The Proponent has made a strong commitment in the Master Plan to pursue energy-efficient design in future project phases and to seek to reduce project-related greenhouse gas emissions to the extent feasible.

Implementation of the Master Plan will reduce on-site impervious area by a total of 9.2 acres, creating new public open spaces. Work conducted in wetlands and tidelands will be accordance with the performance standards of the Massachusetts Wetlands Protection Act and c.91 regulations (as modified by Special Act 898). The Proponent has committed to on-site traffic circulation improvements and will continue to implement, and expand as necessary, a comprehensive Transportation Demand Management (TDM) program to reduce traffic-related impacts. Stormwater management systems constructed in accordance with MassDEP’s Stormwater Management Regulations and inflow/infiltration reduction measures will be implemented as mitigation for increased wastewater flows. Construction period mitigation includes the creation and implementation of a Construction Impact Management Program.

7. public health and safety

The Master Plan will continue to promote public health and safety through on-going programs and sound design. Pedestrian walkway and streetscape improvements will include lighting, landscaping, and curbing that will encourage walking and will meet universal accessibility standards.

8. general welfare

The project will not result in adverse affects to the general welfare of the public.
Notice to the Department of Environmental Protection

In accordance with M.G.L. c. 30, s. 62I, the Proponent must file a copy of the Certificate on the EENF with the Department of Environmental Protection (MassDEP) to notify it that work will be conducted within landlocked tidelands. I ask that the Proponent include in that filing with MassDEP a copy of this Public Benefits Determination. Pursuant to the statute, MassDEP will then have the authority to enforce the conditions outlined in those documents concerning public benefits.

Conclusion

Based on the foregoing, I hereby determine that the project will have a positive public benefit. To meet the public publication requirements of the legislation, this Determination will be published in the next edition of the Environmental Monitor on October 25, 2010.

October 22, 2010
Date

Ian A. Bowles, Secretary

IAB/HSJ/hsj