



OFFICE OF COMMUNITY DEVELOPMENT

TOWN OF BELMONT
19 MOORE STREET
TOWN HALL ANNEX
BELMONT, MASSACHUSETTS 02478-0900

BUILDING DIVISION
(617) 489-8221
ENGINEERING DIVISION
(617) 489-8220
PLANNING DIVISION
(617) 489-8229
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June 25, 2004

Secretary Ellen Roy Herzfelder
Executive Office of Environmental Affairs
254 Causeway Street, Suite 900
Boston, MA 02444-2449

Re: Notice of Project Change, EOEPA Project #12376R
Belmont Uplands

Dear Secretary Herzfelder,

Pursuant to 301 CMR 11:00 MEPA Regulations, Section 11.10 Project Changes and Lapses of Time", subparagraph (1) the Town of Belmont hereby submits a Notice of Project Change (NPC) for the project on Acorn Park Drive in Belmont. The Town is not the proponent but believes that a timely NPC is necessary due to the significant change from the approved office/research & development office building to a 300 unit residential rental complex at the locus. The property owned has filed a Chapter 40B Eligibility Application with MassDevelopment seeking tax exempt bonds to finance the new project.

The Town asks that your office determine what new environmental issues are presented by the changed project and order an evaluation of these issues by O'Neill either in a Supplemental EIR or a new EIR – prior to action by MassDevelopment on the Eligibility Application. The Town seeks information as the Eligibility Application does not provide sufficient information for the Town to make specific comments on project impacts or mitigation actions to MassDevelopment. The Town asks that your office require O'Neill to prepare new traffic, sanitary waste discharge, impacts to wetlands, and other environmental information, and perform a study of alternative locations.

The completed Notice of Project Change and the required attachments are enclosed with this cover letter. As Senior Planner, I have been designated the Town's Project Manager. I can be reached at 617-489-8229 during regular business hours or at thiggins@town.belmont.ma.us if you have any questions or require additional information.

Very truly yours,

Timothy Higgins,
Senior Planner

MEPA Analyst:

Phone: 617-626-

NPC

Notice of Project Change

The information requested on this form must be completed to begin MEPA Review of a NPC in accordance with the provisions of the Massachusetts Environmental Policy Act and its implementing regulations (see 301 CMR 11.10(1)).

Project Name: Belmont Office / R&D Building		EOEA #: 12376R	
Street: Acorn Park Drive			
Municipality: Belmont		Watershed: Mystic	
Universal Tranverse Mercator Coordinates:		Latitude:	
		Longitude:	
Status of project construction: 0 %complete			
Proponent: O'Neill Properties Group			
Street: 700 South Henderson Road			
Municipality: King of Prussia		State: PA	Zip Code: 19406
Name of Contact Person From Whom Copies of this NPC May Be Obtained:			
Firm/Agency: Office of Community Dev.		Street: 455 Concord Avenue	
Municipality: Belmont		State: MA	Zip Code: 02478
Phone: 617-489-8229	Fax: 617-489-9156	E-mail: thiggins@town.belmont.ma.u	

In 25 words or less, what is the project change? The project change involves . . .
a proposal for 300 residential rental units in five separate buildings.

See full project change description beginning on page 3.

Date of ENF filing or publication in the Environmental Monitor:

Was an EIR required? Yes No; if yes,
was a Draft EIR filed? Yes (Date 3/31/03) No
was a Final EIR filed? Yes (Date 8/15/03) No
was a Single EIR filed? Yes (Date:) No

Have other NPCs been filed? Yes (Date(s):) No

If this is a NPC solely for lapse of time (see 301 CMR 11.10(2)) proceed directly to
"ATTACHMENTS & SIGNATURES" on page 4.

PERMITS / FINANCIAL ASSISTANCE / LAND TRANSFER

List or describe all new or modified state permits, financial assistance, or land transfers not previously reviewed: MGL, Chapter 40B Eligibility Application to MassDevelopment

Are you requesting a finding that this project change is insignificant? (see 301 CMR 11.10(6))

Yes No; if yes, attach justification.

Are you requesting that a Scope in a previously issued Certificate be rescinded?

Yes No; if yes, attach the Certificate

Are you requesting a change to a Scope in a previously issued Certificate? Yes No; if yes, attach Certificate and describe the change you are requesting:

Summary of Project Size & Environmental Impacts	Previously reviewed	Net Change	Currently Proposed
LAND			
Total site acreage	15.6 acres	-	15.6 acres
Acres of land altered	unknown		unknown
Acres of impervious area	4.4 acres (+-)		unknown
Square feet of bordering vegetated wetlands alteration	8,511 c.f.		unknown
Square feet of other wetland alteration	NA	NA	NA
Acres of non-water dependent use of tidelands or waterways	NA	NA	NA
STRUCTURES			
Gross square footage	245,000 s.f.	137,706 s.f.	382,706 s.f.
Number of housing units	0	+ 300	300
Maximum height (in feet)	97 s.f.	- 37 s.f.	60 s.f.(+-)
TRANSPORTATION			
Vehicle trips per day	2,642		unknown
Parking spaces	793	- 366	427
WATER/WASTEWATER			
Gallons/day (GPD) of water use	unknown		unknown
GPD water withdrawal	NA	NA	NA
GPD wastewater generation/ treatment	18,375 gpd		unknown
Length of water/sewer mains (in miles)	unknown		unknown

Does the project change involve any new or modified:

1. conversion of public parkland or other Article 97 public natural resources to any purpose not in accordance with Article 97? Yes No

2. release of any conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction? Yes No

3. impacts on Estimated Habitat of Rare Species, Vernal Pools, Priority Sites of Rare Species, or Exemplary Natural Communities? Yes No

4. impact on any structure, site or district listed in the State Register of Historic Place or the inventory of Historic and Archaeological Assets of the Commonwealth?

Yes No; if yes, does the project involve any demolition or destruction of any listed or inventoried historic or archaeological resources? Yes No

5. impact upon an Area of Critical Environmental Concern? Yes No

If you answered 'Yes' to any of these 5 questions, explain below:

PROJECT CHANGE DESCRIPTION (attach additional pages as necessary). The project change description should include:

- (a) a brief description of the project as most recently reviewed
- (b) a description of material changes to the project as previously reviewed,
- (c) the significance of the proposed changes, with specific reference to the factors listed 301 CMR 11.10(6), and
- (d) measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts. If the change will involve modification of any previously issued Section 61 Finding, include a proposed modification of the Section 61 Finding (or it will be required in a Supplemental EIR).

(Please see attachment)

PROJECT CHANGE DESCRIPTION:

(a) A brief description of the project as most recently reviewed:

A 245,000 square foot office/research & development structure and associated site improvements is permitted for the locus. The building was projected to be 95 feet high, have 793 on-site parking spaces with 103 as surface spaces and the remainder in an attached, three story parking garage. Impervious lot coverage was projected at 4.4 acres. Importantly, 7.8 acres of land was to be permanently protected as open space by a conservation restriction. No wetlands would be disturbed and 8,511 cubic feet (cf) of bordering land subject to flooding would have been impacted. Replication included the creation of 25,884 cf of compensatory flood storage.

(b) A description of material changes to the project as previously reviewed:

The current proposal is for a residential development. The property owner has filed a Chapter 40B Eligibility Application with MassDevelopment for a 300 unit residential rental complex with 25% of the units being "affordable". There are proposed to be 150 two-bedroom units, 75 one-bedroom units and 75 three-bedroom units. Site improvements include the construction of five separate residential buildings, four stories each, a community building, one level of underground parking plus 207 spaces at grade. The total gross square footage of the buildings is estimated at 382,706.

(c) The significance of the proposed changes, with specific reference to the factors listed in 301 CMR 11.10(6):

The new project is for a residential development over 137,000 square feet larger than the approved office/research & development building. The project is proposed to include four separate residential buildings and a community center. It appears from the submitted plans that this will result in a significant increase over the 4.4 acres of impervious surface to have been created by the office/R & D building. At grade parking is also double the figure for the non-residential use. There is also limited information on the extent of the site improvements (i.e. stormwater management) and service requirements (i.e. wastewater generation) of the proposal so the impacts cannot be determined. There is no mention of any remaining land being preserved with a conservation restriction which greatly benefits the public.

Last, the property owner is seeking financial assistance in the form of tax exempt bonds from MassDevelopment for the construction of affordable housing units pursuant to MGL Chapter 40B.

(d) Measures that the project is taking to avoid damage to the environment or to minimize and mitigate unavoidable environmental impacts:

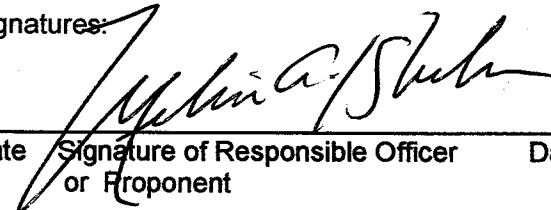
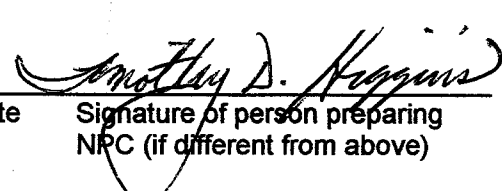
No information was submitted in the Eligibility Application discussing environmental impacts or mitigation of unavoidable impacts. Thus, they cannot be determined or estimated.

ATTACHMENTS & SIGNATURES

Attachments:

1. Secretary's most recent Certificate on this project - See Attachment "A"
2. Plan showing most recent previously-reviewed proposed build condition - See Attachment "B"
3. Plan showing currently proposed build condition - See Attachment "C"
4. Original U.S.G.S. map or good quality color copy (8-1/2 x 11 inches or larger) indicating the project location and boundaries - See Attachment "D"
5. List of all agencies and persons to whom the proponent circulated the NPC, in accordance with 301 CMR 11.10(7) Below

Signatures:

	
Date	Date
Signature of Responsible Officer or Proponent	Signature of person preparing NPC (if different from above)

MELVIN KLECKNER, Town Administrator Name (print or type)	Timothy Higgins, Senior Planner Name (print or type)
TOWN OF BELMONT Firm/Agency	TOWN OF BELMONT Firm/Agency
455 Concord Avenue Street	455 Concord Avenue Street
BELMONT, MA 02478 Municipality/State/Zip	BELMONT, MA 02478 Municipality/State/Zip
617-489-8213 Phone	617-489-8229 Phone

cc: AP Cambridge Partners II, LLC
 700 Henderson Road
 King of Prussia, PA 19406



The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
251 Causeway Street, Suite 900
Boston, MA 02114-2119

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ELLEN ROY HERZFELDER
SECRETARY

October 2, 2003

Tel. (617) 626-1000
 Fax (617) 626-1181
<http://www.mass.gov/envir>

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

PROJECT NAME : Belmont Office / R&D Building
 PROJECT MUNICIPALITY : Belmont
 PROJECT WATERSHED : Boston Harbor (Mystic)
 EOE NUMBER : 12376R
 PROJECT PROPONENT : O'Neill Properties Group
 DATE NOTICED IN MONITOR : August 25, 2003

As the Secretary of Environmental Affairs, I hereby determine that the Final Environmental Impact Report submitted on this project adequately and properly complies with the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00).

MEPA review does not itself result in any formal adjudicative decision approving or disapproving a project. Section 11.08(8) of the MEPA Regulations requires me to find a FEIR adequate even if certain aspects of the project or issues require additional analysis of technical issues, so long as I find that "the aspects and issues have been clearly described and their nature and general elements analyzed in the EIR or during MEPA review, that the aspects and issues can be fully analyzed prior to any Agency issuing its Section 61 Findings, and that there will be meaningful opportunities for public review of the additional analysis prior to any Agency taking Agency Action on the Project." After examining the record before me, I find that there is clearly enough information on alternatives¹, impacts, and mitigation to meet that standard.

¹ The findings in this Certificate are based on the alternatives analysis conducted for a commercial development on the subject property. I understand that the proponent may consider an alternative development consisting of a housing subdivision. If the project should change, I remind the proponent of the need to file a timely Notice of Project Change in accordance with Section 11.10 of the MEPA regulations.

As described in the Environmental Impact Report (EIR), the proposed project involves the development of a four-story, 245,000 square foot office/ R&D building, 793 parking spaces (of which 103 will be surface parking spaces), and associated infrastructure on a 15.6-acre site on the Belmont/Cambridge municipal line. The project also involves permanent protection for 7.8 acres of the site through the placement of a Conservation Restriction. Since the review of the Draft EIR, the proponent has made several minor modifications to the site layout and has committed to additional mitigation measures.

The project is undergoing review pursuant to Section 11.03 (6)(b)13. and (6)(b)15. of the MEPA regulations, because the project will generate more than 2,000 new vehicle trips per day and provide more than 300 new parking spaces at a single location. The project will require an Access Permit from the Massachusetts Highway Department (MHD), a Sewer Connection/ Extension Permit from the Department of Environmental Protection (DEP), and an Order of Conditions from the Belmont Conservation Commission (and hence a Superseding Order from DEP in the event of an appeal of the local Order).

The proponent is not seeking financial assistance from the Commonwealth for the project. MEPA jurisdiction therefore extends to those aspects of the project that are within the subject matter of required or potentially required state permits and that have the potential to cause significant Damage to the Environment. In this case, MEPA jurisdiction extends to issues of land alteration, traffic/air quality, wetlands, and wastewater.

The Final EIR has in general adequately described the environmental impacts of the project that are within the subject matter jurisdiction of MEPA, and the Final EIR has adequately responded to the issues raised in the May 15, 2003 Certificate on the Draft EIR. The proponent has committed to permanent protection of half of the project site as open space. I also note the additional transportation/transportation demand management commitments developed since review of the Draft EIR.

The EIR has in general adequately analyzed traffic impacts, and contains a generally appropriate Transportation Demand Management (TDM) program and generally appropriate commitments relative to on-site parking. The proponent can resolve any remaining issues (including whether any interim mitigation would prove necessary) during the permitting process. I anticipate that the permitting process will also address whether additional

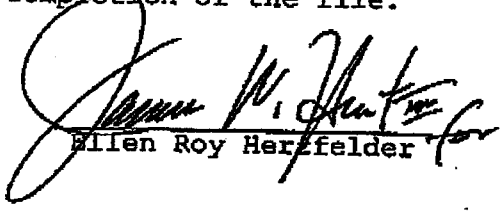
TDM commitments are feasible. The Massachusetts Historical Commission has concurred with the proponent's conclusion that no further analysis of archaeological impacts is warranted. The Final EIR also contains responses to the comments received on the Draft EIR. While the Final EIR does not contain individualized responses, the general themes raised in the comments on the Draft EIR have been addressed.

I find that the EIR provides sufficient information to understand the environmental impacts of the project and potentially feasible alternatives to the project. I am satisfied that the project has avoided and mitigated environmental impacts to the greatest feasible extent, and that the state permitting agencies have adequate information on which to execute their Section 61 obligations. The proponent can resolve any remaining issues during the permitting process. The MEPA review is concluded.

The state agencies should forward copies of their Section 61 Findings to the MEPA Office for completion of the file.

October 2, 2003

Date



Ellen Roy Herzfelder

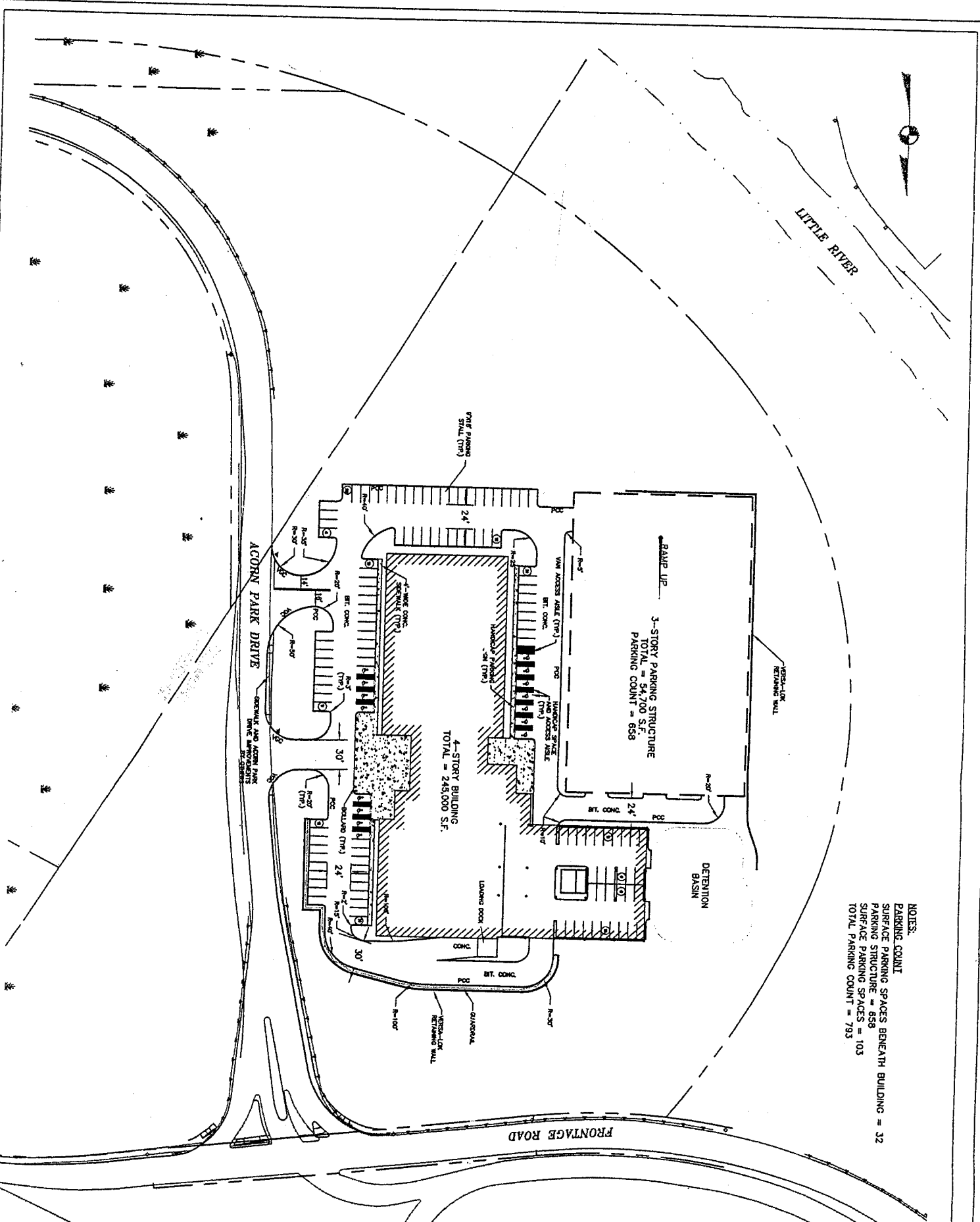
Comments received:

08/25/03 Massachusetts Historical Commission
09/21/03 Department of Environmental Protection NERO
09/25/03 Belmont Citizens Forum
09/25/03 Massachusetts Highway Department
09/25/03 Mass Audubon
09/25/03 Town of Arlington Selectmen
09/26/03 Stephen Kaiser
09/26/03 Alewife Neighbors Inc.
09/26/03 City of Cambridge City Manager
09/26/03 Friends of Alewife Reservation

ERH/ASP/asp



LITTLE RIVER



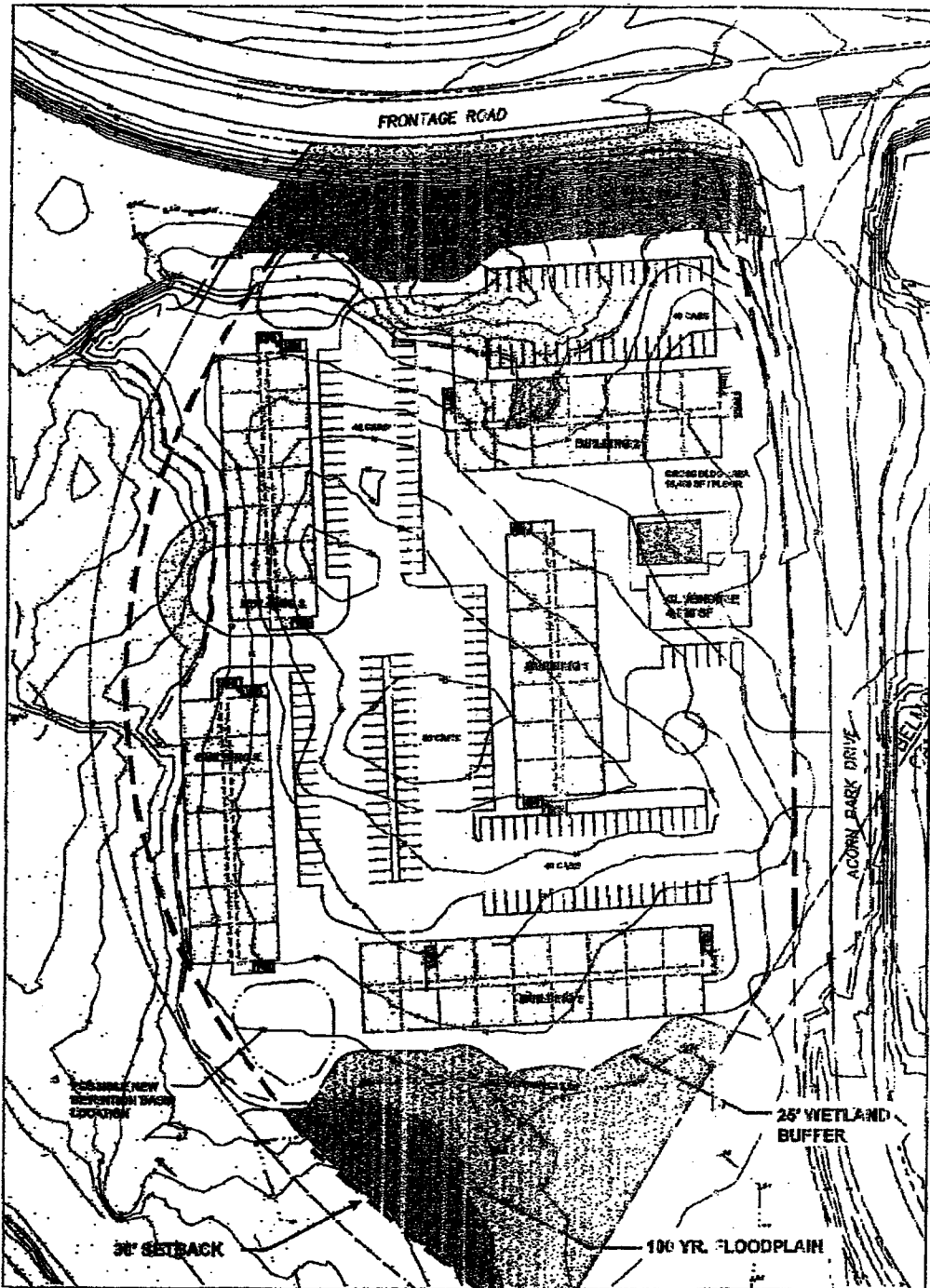
NOTES:
 PARKING COUNT
 SURFACE PARKING SPACES BENEATH BUILDING = 32
 PARKING STRUCTURE = 658
 SURFACE PARKING SPACES = 103
 TOTAL PARKING COUNT = 793

4-STORY BUILDING
TOTAL = 245,000 S.F.

3-STORY PARKING STRUCTURE
TOTAL = 54,700 S.F.
PARKING COUNT = 658

ACORN PARK DRIVE

FRONTAGE ROAD

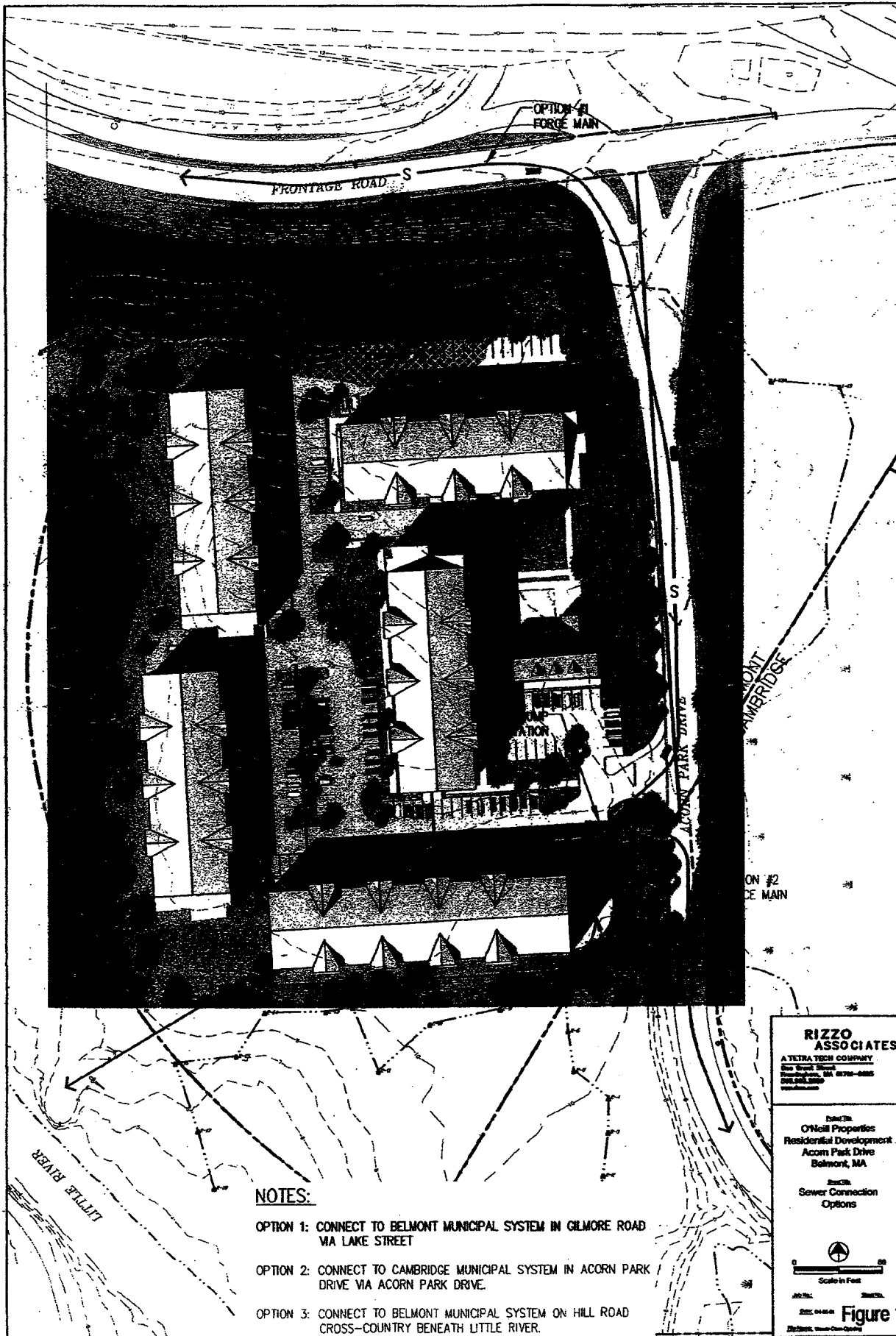


4 FLOOR WOOD FRAME CONSTRUCTION ON ± LEVEL OF PARKING (AT GRADE)

**296 UNITS IN FIVE BUILDINGS
444 PARKING SPACES REQUIRED AT 1.5 SPACES / UNIT**

- 200 SURFACE PARKING SPACES
- 244 SPACES UNDER BUILDINGS

AVERAGE NRSF IS 960 SF / UNIT



NOTES:

- OPTION 1: CONNECT TO BELMONT MUNICIPAL SYSTEM IN GILMORE ROAD VIA LAKE STREET
- OPTION 2: CONNECT TO CAMBRIDGE MUNICIPAL SYSTEM IN ACORN PARK DRIVE VIA ACORN PARK DRIVE.
- OPTION 3: CONNECT TO BELMONT MUNICIPAL SYSTEM ON HILL ROAD CROSS-COUNTRY BENEATH LITTLE RIVER.

RIZZO ASSOCIATES
 A TETRA TECH COMPANY
 100 West Street
 Framingham, MA 01702-0002
 508.885.2200
 www.rizzo.com

Project No.
**O'Neill Properties Residential Development
 Acorn Park Drive
 Belmont, MA**

Sheet No.
Sewer Connection Options

Scale in Feet
 0 20 40

DATE: 04/20/04
Figure 1
 RIZZO ASSOCIATES



Scale 1:24,000
 1 inch = 2,000 feet

1,000 0 1,000 2,000 Feet

Figure 2-1
 Project Locus

Belmont Office - R&D Project
 Belmont Massachusetts

1985 USGS Topographic Quadrangles
 ~~~~~ Approximate Site Boundary

EPSILON