

**Union Square Neighborhood Council
Built Environment Committee Meeting
July 23, 2018, 6:30 pm - 8:30 pm, Public Safety Building**

Attendees:

Andy Greenspon
Tori Antonino
Father Richard Curran
Michele Hansen
Jessica Eshleman
Joe Beckmann
Wig Zamore
Philip Parsons
Jacob Kramer
Cosmo DiSchino

Review and discussion of MEPA document submitted by US2

Joanne: Addressing Philip's concerns in the email he sent out about MEPA, regarding the risk of financial troubles for the City if the MEPA waiver is denied.

Joanne also made a statement early in the meeting about how little testing and/or cleanup has been done on the site. She also named specific chemical substances that are present in the soil as the result of historical uses.

Philip: A knee-jerk response in response to the waiver, which is not a waiver in terms of by-passing environmental review. The response should be fact-based, rational, and cautious. Balancing delay in anticipated revenues from the City against committed expenses. Any delay has an annual costs of many millions of dollars. Don't undertake that lightly.

Not just money. Also need to synchronize development of D2 block and completion of the Green Line Extension station. Impossible for GLX to operate without full access to the station.

Wig: Station can be completed without D2 being fully built on.

Philip: But there will be no access to it because D2 is responsible for building the area next to the station.

Michele: A temporary thing could be put up to allow access to the station.

They were going to build the train station here before there was an idea of the development, and there has to be a way to get in there regardless of US2.

Joanne: Concern would be that the budget approved by the GLX does not include janitorial supplies and access way, that US2 is expected to build. However, that's a very small corner of the station, and it's feasible that we could advocate for the MEPA waiver not to be approved, and let MEPA take its course and allow delay without it jeopardizing the GLX. They would have to come up with a temporary commitment to their responsibilities in order to appropriately go through the rest of the MEPA process.

Two main issues. Contamination of D2 is still substantive. The statements in the waiver for determine that contamination at 26 Bennett St due to

site is not accurate. Most recent filings show 90% of the site with Notice of activities and use limitation (AUL). Only 10% of the contamination was included in the Kylee Barrel cleanup. Philip was right that a substantial amount of remediation has occurred. They are at phase 5 status report - 4th report for phase 5. Have not received phase 5 completion statement, which would mean no further remediation needs to occur. Written in MEPA waiver that US2 will submit final cleaning plan to U.S. EPA once they work on it. But this should be done thoroughly and not with waiver. This will be a public space where vulnerable populations and children will be exposed to pollution and contamination. US2 vapor mitigation system plans - such systems cause their own concerns. E.g. Monsanto site in Everett. Whole process should be a beacon for sustainable development. The waiver doesn't seem to be in line with the goals of the City.

Small issues that are inconsistencies throughout the waiver. US2 states they will not have asbestos on the site during construction. But the house on Bennett St most likely has asbestos that needs to be removed.

Historic flooding. US2 looking for 70% permeable surfaces with trees and green space to reduce runoff. However, the current design concept doesn't really support this statement. Designs that reach the level of North Point Park with an actual in depth flood mitigation plan would expedite their design process and also the review from MEPA.

Lots of overlap between what has been communicated from public process and what they say they want to do for the environment based in MEPA. For example, US2 says that it would do green roofs to improve the waiver. This should be promoted more in the design.

US2 says it wants to promote bicycle and pedestrian use. D2 will have two bike sharing spaces, 90 covered bicycle parking spots. Should consult with biking groups in Somerville to see if this seems like a reasonable amount in conjunction with the GLX.

Jacob arrives.

Joanne: US2 relies a lot on Somerville City infrastructure project to alleviate runoff concerns. And they plan an additional culvert to help. Ties back to permeable surfaces - there should be a better system to handle run-off. Being in a historical flood zone and US2 basing stormwater needs off daily use and 100 year storm events, this should be really thought out and take into account climate change effects on flooding.

In section on contamination, there are 17 sites that have a RTN (release tracking number) as being full of contamination. A bunch of them are minor and closed now due to remediation. In order to manage RTNs, there will be 1 RTN selected. Sounds like US2 can just pick one RTN to prove remediation, and maybe not clean up the other RTNs?

Solid and hazardous waste deals primarily with construction, but not also the buildings themselves, such as the research and development biosafety level II lab. Maybe it cannot be answered in detail yet, but the assumption of BSL II suggests US2 can take into account the environmental effects.

Rare species section - snowy owls have been seen around Somerville. Want to make sure they won't be harmed by the development.

Isolated land subject to flooding - US2 repeatedly mentions flood risk, especially right through D2 region. Another threshold that needs to be addressed.

Waterways and tidelands - US2 says there are two landlocked tidelands on D2 and one on D3, but US2 has not checked whether threshold has been met for MEPA to need to deal with it.

Water supply - US2 planning slow water pumps to decrease amount of water supply needed and waste water discharged. Want to make sure US2 did their planning based on the new infrastructure, not the current infrastructure.

Jacob: Most compelling reason to not grant the waiver is all the other construction is upstream of D2, so we won't know the environmental impacts of the other D block developments on D2.

Jessica arrives.

Wig: They know the amount of impervious vs. permeable surfaces on the future developments. You would hope that characteristic would get better over time as the developer improves. Those tidelands were the river, but they are blocked by public ways now, so not under jurisdiction of MEPA.

Gary: Possible Nunziato Park storm water project could influence the water flows in the development in Union Square.

Wig: Very large Sewer and water project being done in NorthPoint. 30-40 year obligation of the T because they messed up the drainage there due to construction previously.

T didn't meet that obligation, but they are going to now. Very large regional main to be put into NorthPoint. Some of the excess design capacity was given back to Somerville and Union Square area. Part of this drainage depends on the capacity in NorthPoint that the City has legal rights to.

The holding tank is a tactic to mitigate overflow.

As an example, state paid for \$300 million holding tank near beaches in South Boston. Keeps a 3-day storm out of the day-to-day operations of the pipes.

Gary: Should we say that until all these things broader issues and interacting effects are dealt with, there should not be a waiver granted?

Joanne: Yes and another concern in MEPA. Is the existing system at or near capacity? Yes, and it would go over given the new developments. It is pertinent for the City to address their plans for the infrastructure before there can be a valid analysis for the development.

Wig: I have personal reasons that I don't think a waiver is appropriate, but a lot more homework needs to be done on this. We've got a month, so people could take two weeks to dig in.

Joanne: We are sending an email out tonight to the community to ask for feedback on the US2 MEPA waiver.

Wig: MEPA is pretty reasonable, but you don't want to guess at things that will be problems without actually having done your homework on them. The City has done quite a bit of due diligence, so you will have to have at least some understanding of their plans and what the developments can provide.

Their environmental analysis is only 1-page. They have not done much remediation, and US2 wants to minimize how much of that they have to do by isolating their buildings from the rest. Whatever is in the ground will continue to move around.

Joanne: Transportation and traffic generation. Based on the new two-way roads from last summer. Appropriately identified the thresholds that have been met to require MEPA review here - traffic and new parking spaces planned. Could be argued that this contradicts the City's goal to be carbon neutral in the future. No specific issue with the review. Transportation section: Will not create enough new roadways to reach MEPA review threshold. But based on square footage of CDSP, it should meet that threshold if they stick to the alleyways planned in the CDSP.

Energy section: Will not meet any energy thresholds in terms of construction issues such as idling, generators, etc.

Air quality: No major modification of a stationary power source, so no thresholds met.

Solid and hazardous waste: US2 has a management plan for construction, but considering the actual development building, that should be considered for MEPA review on biosafety building.

Historical and archaeological resources: US2 has not consulted MA historical commission for the buildings not yet demolished. US2 needs to still do this.

Jacob: Ricky's has historical value as a landmark. It is not part of the D2 parcel, but I imagine it should be part of a review.

Joanne: It would have to be registered as a historical landmark before D1 is purchased for development.

Philip: Not pertinent to the waiver on D2.

Wig: State will look to the historic group in Somerville. Jacob can raise those issues, but state will not step in to designate something as historic that the City has not already designated.

Joanne: US2 will also need to get several permits from different MA departments. Dept Env Protection needs permits for various construction and remediation activities. MassDOT involved because of curb cutting and new alleyways. Not sure if US2 will piggy-back off the current Somerville infrastructure project.

Wig: MassDOT will write a letter regarding impact of development on regional transportation.

Wig: Some of the site has been tested and remediated, but not all of it, so it's hard to know the full extent of ground pollution. Range of approaches for complete to partial cleanup and capping and isolating the other pollution. But the ground will evolve - things will shift horizontally.

Joanne: Development area has 22 ft of porous soil and then clay below where everything pools and spreads.

Wig: Trade off between cost of cleanup and parking underground, which would allow more building value above ground.

US2 doesn't know what will go into their office/lab building. Always their preference to line up a major tenant before constructing the building. Example of DLJ buildings in Boynton Yards. They probably won't wait for tenants before starting construction.

Cosmo: What if the soil is carcinogenic.

Wig: They can cap off that area. Kylee Barrell poured whatever was left in their barrels into the ground.

Joanne: All Kylee Barrell site was cleaned up, but is only a small portion of the development site.

Wig: Asbestos in almost all old buildings. Someone will come and test different parts of the building for asbestos. Then have an expert come in to pull out areas of building that have asbestos. Building materials are much more well-known than individual contaminated site.

Gary: They want to isolate a specific part of the area to get approval for development, but the other contaminated space would still be there. We'd need a diagram of the different contaminated areas.

Wig: I would think that the community would want them to sample broadly across the site to determine contamination. If it's true they want to only pick one spot on the site to test, it's not a good idea. Once the area is built out, I doubt there will be a contamination issue from walking on top.

Joanne: The vapor mitigation effects could be a concern. Says they will put an in-situ groundwater remediation system that would continuously test the groundwater and have vapor mitigation if the levels exceeded Dept Envi Protect levels.

Could easily excavate 22 ft of soil and build a parking garage instead of dealing with new cleaned soil.

Michele: To go forward, we need a list of facts, showing what US2 has to follow in MEPA and what they may not be properly following.

Wig: Testing of the ground is independent of MEPA. Could be done before, during, or after MEPA process. MEPA has to approve what is proposed to be done, including the process.

The best developers would just go to an environmental impact report. Phase I waivers are not easily granted at MEPA. If Phase I waiver is disallowed, then developer will just regroup and make a full environmental impact report.

Joanne: US2 is saying they will have an undue financial burden if they do not get the waiver. They claim they've already given so much money to the City for this project. But I am skeptical of this financial burden.

US2 has base plans for all of this, but need to get into more detail to have it reviewed properly.

Leads into my second point about the phase I waiver - the project will last over a decade to complete. Returning to being a beacon of sustainable development, there could be a MEPA special process for this whole development.

Wig: MEPA special process - a series of related project over a long time, that should be controlled by a permanent City committee. South Boston Waterfront is an example of that. State required a special MEPA process for transportation challenges there.

Jacob: 1) The reason for the GLX coming here is based on the settlement due to I-93 pollution. Does welcoming in all this new traffic to Union Square contradict the point of the GLX to mitigate traffic pollution? Is this MEPA process the place to do it?

2) Consolidating all the contaminated sites into one - does this mean they'll pick one spot to examine, ignoring the others, or is it just a bureaucratic maneuver that doesn't change anything?

Joanne: This needs to be clarified in the MEPA document. Also, there will be parking spaces for electric cars only and ideas for group carpooling services.

Wig: Green line was the largest clean air transportation project in Massachusetts. Substituting electric transit for motor vehicle trips. We used I-93 in our advocacy. Somerville is very progressive in its transportation goals. Largest percent of cyclists. Built a subway stop for the T in assembly row. Succeeded in using environmental health argument to get community path through from Davis to Lechmere. State pushed back until agreeing on the issue of cyclist health on roads during rush hour. Planning a bridge from Assembly Row to Casino area at Everett. Cambridge working on Grand Junction path and could also be a light rail project from BU to Kendall to Inner Belt and Sullivan and up to North shore. That right of way exists already. We've done a lot with a small amount of resources. Electric transit and pedestrian and cycling are the main ways to remove pollution. GLX is what will help Somerville people get around their lives without daily car trips.

Joanne: With regard to consolidating the RTN, instead of dealing with 17 different numbers, they might put all consecutive files underneath one site, but the MEPA waiver relies heavily on the work already done at Kylee Barrel. Makes me think they will cherry pick on contamination on the site.

Andy: Lots of traffic through Union Square is commuters, so that cannot be changed directly from this development. Also, US2 owns the whole site. If they only cap part of it, pollution can spread horizontally, so that doesn't actually remove the pollution. They would need to remediate and/or cap all of it.

Wig: It depends on the type of pollution how volatile it is and how much it will spread. Industrial dry cleaning for example has some compounds that will sink down into the ground, but some

that are volatile like vinyl chloride from dry cleaning will move around and vaporize when the ground is disturbed, e.g. during construction.

Joanne: Vinyl chlorides were on the Kylee Barrel site.

Philip: A lot of what you highlight are requests for clarification on the MEPA document. These are things that could be asked for as clarification by MEPA before any certificate is given. There may be broader issues such as how the contamination is examined on one site vs all the sites. These things need clarification or additional work. My understanding is that granting a waiver can be given based on additional factors and conditions.

Joanne: At that point of conditions, it would lengthen the process, so they might retract the waiver and submit a full environmental notification form.

Tori arrives.

Philip: To what extent does the MEPA process address certain issues vs. other issues that are the responsibility of other parts of the development process?

Other issue such as the capacity of the site to handle and contain its own runoff. If you look at the site design, these things promised in MEPA do not exist. Can this be fixed in the design? We don't know what the design of the rooftop on the garage will be yet.

The question of traffic and parking is very complex because at what point do you stop the analysis? E.g. do you get more traffic off I-93 into Somerville because of the development? The amount of parking provided here is much less than would have been provided even 10 years ago. Those parking numbers don't look high to me. The extent to which shared parking will work is a question because we are in the midst of a mobility revolution. The parking garage will be flat and floor to floor height is high enough to allow these garages to be converted to other uses later as mobility changes. Unlike the Partner's Health Care Garage that exists in Assembly Row. If the parking is dropped into the ground, maybe the roof can be much more accessible as a public space.

Question about infrastructure capacity, whether its appropriate to isolated D2 from the rest of the D blocks, when the capacity for stormwater is a district-wide issue. These are all concerns to address to make the designs better.

Joanne: This is a reason for taking the impacts of all the parcels together to some extent. And then approach the specifics issues of each block individually.

Wig: The more porous the surface, the more likely things will go down and mix with the chemicals below the ground. So if developers won't clean up the site below, they will want less

porous ground. Somerville is one of the most dense cities in the country. The fewer cars miles generating pollution but the more concentrated the pollution is.

MEPA has a very strong anti-segmentation bias for separating process. The concern is that the cumulative impacts will not be dealt with.

Philip: Given the infrequency of the granting of MEPA Phase I waivers, I would imagine MEPA would give a good assessment of US2s MEPA waiver. I'm not that worried about this actually - it will happen or it won't. And US2s building timetable may fall behind anyway, whether or not the waiver is granted.

Joanne: Let's take the discussion from tonight and see if others agree.

- 1) Develop a list of clarifications to ask directly for the MEPA representative assigned to this site.
- 2) I received an email from Drew Leff (Philip also suggests Greg Karczewski) and would like to meet with him to review these issues and encourage a MEPA special process going forward. Will suggests the meeting be with as many USNC/community members as possible.
- 3) USNC Board talked last Wednesday and decided to prepare a letter to send out to the public. The current draft is a call to action, but additional facts and details need to be added. So I will send out an email to the community tonight highlighting the main points I brought up here, including the site contamination, flooding issues, as well as all the thresholds that have been triggered that will be on MEPAs radar to examine. The MEPA waiver is very clearly segmented, so people with expertise in particular areas can focus on those areas. I will follow up with other groups in Union Square based on their expertise (such as cycling groups), and people who have worked with MEPA from developer and policy side. Have all those people submit their own focused letters. All of this gets reported and sent back to US2 in the end, so it can be used towards their EIR or special process.

Tori: Philip said the rooftop garage space design is undecided. US2 has said they have decided it will be private space for the residents of the D2 tower. What leverage do we have on this space and in relation to MEPA.

Michele: The approach will be asking for clarification on some areas and pointing out significant issues in a succinct way such as the site contamination.

Gary: There is a plan for Anne Tate and Cheri Ruane to look at the D2 design and make a presentation at an upcoming general meeting, which seems the appropriate time and place to ask about and discuss design issues, like what should go onto the roof of a parking structure if we are unable to get it moved underground .

There are a lot of people who probably don't feel qualified to look at the MEPA document but who may want to have their thoughts known. There should be a good framework for someone who wants to be part of this who may not feel they have the knowledge base.

Joanne: I will address these issues in my letter to the community to help people understand.

Gary: Letter needs a good introduction for people to understand. Can the people in this room see a draft as well?

Joanne: Will send a draft to USNC-Board and USNC-BEC list.

Jessica: I mentioned this in an email tonight, but USMS is working on a Q&A with US2 regarding the MEPA process. Submit a question to me by thursday to get asked

Wig: We may not really expect to get the information we want from such an event managed by US2 though we will get their views on the project and MEPA.

Joe: I endorse what Joanne is doing and raising these questions and keeping this open and targeting as many people as we can.

Philip: Gary mentioned an introductory comment in this letter to the community. Include, what I think is a fact, that if the waiver is granted, it will allow the project to be completed faster, which will be an economic benefit to the City. Because there are economic consequences. It is impossible to say how much that dollar amount will be because we don't know how long a delay could occur if MEPA waiver not granted.

Wig: We could ask US2 for a completion guarantee as part of the MEPA waiver approval.

MEPA very thin - 6 analysts for every project in the state. They are generalists, not chemists or transportation experts. Advice is to focus on areas of MEPA concern you care about and if you are earnest, they will know

Adjourn.