



CHARLES RIVER

conservancy

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March 7, 2014

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Richard K. Sullivan, Jr., Secretary
Attn: Holly Johnson, MEPA Office
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

**Re: Final Environmental Impact Report, Daly Field Restoration,
Newton/Brighton, MA, MEPA Filing No. 15039**

Dear Secretary Sullivan,

The Charles River Conservancy is pleased to provide written comments on the Final Environmental Impact Report (FEIR) submitted by the Allston Brighton Friends of Daly Field, Inc. (ABFDF) to the Massachusetts Environmental Policy Act Office (MEPA) for the above-referenced project. Following our review of the FEIR, we feel that the content does not adequately address our comments submitted in response to both the Expanded Environmental Notification Form (EENF) and the Single Environmental Impact Report (SEIR), and in fact raises new concerns.

Lease

The FEIR states that the "Project Site" includes approximately 11.6 acres, 6.2 acres of which will contain "Project activities" and the remainder of which will encompass the "waters of the Charles River". We are astonished to see the Charles River included in this lease without any additional filings by Simmons or ABFDF, and do not believe that any lease should be taken out on the Charles River. Chapter 233 of the Acts of 2012 allows, but does not require, a long-term lease that "may provide for ... river access for crew". However, no crew facilities are planned within the lease, making lease of the Charles River inappropriate and objectionable. If the lease of 5 acres of the waters of the Charles River is upheld, we respectfully request that a supplemental environmental impact report for this area be filed for full public review and comment.

The FEIR states that the Massachusetts Division of Capital Asset Management and Maintenance (DCAMM) will complete a fair appraisal of the value of the 6.2 acres scheduled for development as well as the remaining acres of unused land or

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water during the leasing process with DCAMM and DCR. We remain concerned that, because no fair appraisal of the land has occurred, the no net loss requirement of Article 97 land requirement in the Daly Field legislation “either by committing to providing a payment of funds as described in the Act, or a transfer or land or conservation restriction (or a combination thereof)” will be violated with the transaction of the lease.

On page 7-19 of the FEIR, note *CRWA-1* claims that the no net loss requirement was “thoroughly addressed... through the provision of capital improvements, other payments, and long-term maintenance”. The planned \$5 million capital improvements only fund the construction of the intended playing fields and support building, which have been almost exclusively reserved by Simmons College, Brighton High School, and Allston-Brighton Little League during peak times in the spring and fall, and does not constitute \$5 million in capital improvements to the parklands for use by the general public. This cost is entirely separate from the no net loss requirement, and should not be treated as an equitable provision for its fulfillment. If the \$500,000 for improvements to Charles River Road in Watertown are used to fulfill Article 97, they should not also be counted toward the value of the lease of the land. In addition, if these funds are used to fulfill Article 97, we do not believe that they are substantial enough to support initial phases of improvements, thus do not meet the requirements for a no net loss agreement.

Parking

We appreciate the efforts made to compile peak-use parking data in coordination with DCR, Community Rowing, Inc. (CRI), and Newton Country Day School, as well as the addition of planned improvements for the CRI lot. We respectfully request that the Daly Rink lot, which currently has no planned improvements, be retrofitted for stormwater management controls so stormwater is not discharged directly into the Charles River, polluting the river and destabilizing its banks.

The inclusion of a transportation coordinator, additional bicycle racks, and bussing plan are all improvements to the parking management plan included in the SEIR. We respectfully request a written agreement outlining the bussing plan, in which the transportation coordinator is required to be present on-site to physically oversee the shuttling of the Simmons College and Brighton High field users and spectators during peak hours (between 2:30 and 6 PM on weekdays between March and November), in order to guarantee compliance during times when parking demand exceeds supply.

In order to ensure that parking is available for CRI and Daly Rink users as well as the general public, we respectfully request that the short-term parking spaces be expanded to include a minimum of ten (10) two-hour parking spaces, and that the parking agreement does not include language that prohibits the general public or other DCR permit holders from parking, at any time, in any of the spaces discussed within the FEIR.

Public Use

Because management and scheduling will be under control of DCR and DCR’s permitted park time typically begins at 9:00 AM, the hours from 6:00 until 9:00 AM that have been earmarked for public

use may not qualify as such. Unless DCR makes a written commitment to light the fields and begin public hours at 6:00 AM, these three hours of public time should be considered void and have been included only to increase the percentage of hours that are open to the public.

Similarly, claiming 8 hours per day from December through February as time in which the fields will be open to the public is misleading. We do not believe that these hours (a total of 672, or 13% of the total available hours per year) will consistently be available for use due to snow, ice, and decreased daylight. Simply put, we do not believe that they will be used enough to qualify as hours that are open to the public, and again have been included only to increase the percentage of hours that the Proponent claims the fields will be available.

While we recognize that the Proponent is making an investment in the construction of these athletic fields, we raise issue with the exclusive use of the fields by pre-determined teams during peak times in the spring and fall. These teams include Simmons College, Allston Brighton Little League, and Brighton High School. As stewards of the region's citizens, we are concerned about the lack of response from EOEEA about this scheduling snafu. In general, we agree with CRWA's assessment of the scheduling bias against the general public, and second their analysis of the schedule that is bulleted in their letter.

Ecological Impacts and Stormwater Management

In both our EENF comments and SEIR comments letter, we raised concern over the ecological impact of the Project as proposed: the majority of the site will be converted from soil and vegetation to infilled turf and concrete. In our SEIR comment letter, we respectfully requested a detailed landscape design and planting plan, which was not fulfilled in the FEIR.

A planting plan consisting of an ecologically appropriate native plant palette should be prioritized in order to ensure sustained use of this land. Due to close proximity to sensitive wetland resource areas, a planting plan is essential to stabilize the disrupted land and prevent degradation of the Proponent's investment. We respectfully request that a detailed planting plan, including a comprehensive list of native vegetation to be used, be completed.

In addition to prioritizing the planting plan, we respectfully request that planned bituminous concrete to the West of the site be replaced with permeable pavement. Although we respect that porous paving may not be suitable for the pathways directly adjacent to the river, increased permeability within the lower part of the site will further increase the stability of the land, as well as mitigate some of the anticipated stormwater management issues.

We appreciate the groundwater study that was completed within Chapter 5 of the FEIR. We support the comments made by the Charles River Watershed Association and the Environmental League of Massachusetts pertaining to stormwater management and Low-Impact Development strategies.

Conclusion

The lease to Simmons College authorized by Chapter 223 of the Acts of 2012 has potential to greatly benefit the local population as well as Simmon's College students, but for the reasons discussed in

detail above, we remain greatly concerned about the project impacts as currently proposed on the broader community and natural environment. Daly Field comprises an important piece of public land that benefits the surrounding and regional community and provides a critical connection to the Charles River. The FEIR submitted by ABFDF lacks details that are important to address before moving forward.

Perhaps most significantly, in order to judge if the Article 97 requirements are fulfilled, we respectfully request DCAMM to assess the value of the land and river prior to permitting of the Project.

Sincerely,

A handwritten signature in black ink that reads "Renata von Tscherner". The script is cursive and elegant, with a prominent initial 'R'.

Renata von Tscherner,
President

CC:

Margaret Van Deusen, CRWA Deputy Director and General Counsel

Thomas LaRosa, DCR General Counsel
Jack Murray, DCR Commissioner
Joe Orfant, DCR Chief of Planning and Resource Protection

Carole Cornelison, DCAMM Commissioner
Taran T. Grigsby, DCAMM General Counsel

Stephanie Cooper, EOEEA

George Bachrach, ELM President

Ben Lynch, MassDEP, Waterways Program Chief

Maeve Vallely-Bartlett, MEPA