



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Deval L. Patrick
GOVERNOR

Richard K. Sullivan Jr.
SECRETARY

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

March 14, 2014

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

PROJECT NAME : Daly Field Restoration
PROJECT MUNICIPALITY : Boston (Brighton)/Newton
PROJECT WATERSHED : Charles River
EEA NUMBER : 15039
PROJECT PROPONENT : Allston Brighton Friends of Daly Field, Inc.
DATE NOTICED IN MONITOR : February 5, 2014

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

Project Description

As described in the FEIR, the project includes the renovation of athletic facilities located at Daly Field, a recreational area located in the Cities of Boston and Newton, owned by the Commonwealth of Massachusetts, and managed by the Department of Conservation and Recreation (DCR) as part of the Metropolitan Park System. The 6.2-acre¹ project area is located on Nonantum Road, adjacent to the Charles River and between the Community Rowing, Inc. (CRI) boathouse and Daly Memorial Rink. The project requires the issuance of a ground lease from the Department of Capital Asset Management and Maintenance (DCAMM) to the Allston

¹ According to the Single EIR, the overall project site is comprised of 11.6 acres, seven acres of which are upland, and the remaining portion encompassing area within the Charles River.

Brighton Friends of Daly Field (ABFDF), a partnership that includes Simmons College, Brighton High School, and the Allston Brighton Little League. Under provisions of Chapter 223 of the Acts of 2012 (“an Act Authorizing the Lease of the Daly Field Complex located in the Brighton Section of the City of Boston”) (the Act), approved by the State Legislature, DCAMM may lease the complex to ABFDF for a 20-year period, provided that at least \$5 million in capital improvements are provided by Simmons College. This lease may be extended for an additional ten years if Simmons College makes a significant investment in the complex in the final years of the lease. The environmental impacts disclosed in the FEIR are associated with the capital improvements proposed by Simmons College. The Act authorizes DCR to allow prescribed uses of the field for Simmons College, Brighton High School, and the Allston Brighton Little League during certain specific time periods. DCR will retain responsibility for scheduling all activities at Daly Field, and will allocate field times for use by members of the public or ABFDF affiliates outside of the designated hours of use specified in the Act through their system-wide field permit process. The Act explicitly states that “during all times when the department of conservation and recreation does not permit usage of the field or the Daly Field complex, the field and Daly Field complex shall remain open and accessible for informal recreational use by the general public.”

Under existing conditions, Daly Field contains grass playing fields (soccer/football and softball), stadium lighting, and a 2,600-square foot (sf) service building. The service building is no longer in use and the bleachers have been removed. Currently, formal use of the fields by organized groups is subject to the DCR system-wide field permit process. Parking for Daly Field is shared with CRI and DCR’s Daly Memorial Rink (Daly Rink). Daly Rink is operated under a lease between the Commonwealth and Newton Country Day School, and CRI’s boathouse is located on DCR land that is leased by the Commonwealth to CRI. The project site is adjacent to a public boat ramp to the Charles River and contains a service road that separates the athletic field uses from the wooded banks of the River.

The project is intended to provide renovated and expanded facilities for Simmons College, Brighton High School, the Allston Brighton Little League, current and future DCR permit holders, and the general public. The project includes the construction of two synthetic turf playing fields (football/soccer/lacrosse and field hockey/softball) with outdoor lighting, an approximately 200-seat bleacher system, and a press box with an hydraulic lift; six fenced tennis courts; a walking/jogging path that both circumscribes the entire project site connecting to adjacent river access paths and bisects the site to connect to Nonantum Road; scoreboards; and a 3,220-sf field house with toilet facilities, locker rooms and concession space. No additional parking spaces will be provided. The fields will be designed to meet Massachusetts Interscholastic Athletic Association (MIAA) standards for high school football and National Collegiate Athletic Association (NCAA) standards for Division III soccer and lacrosse games. The softball diamond will be NCAA-compliant with a clay infield and synthetic turf outfield. The outfield will serve a dual-use as an NCAA-compliant field hockey field. All renovations will comply with Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB) standards.

Jurisdiction and Permitting

This project is subject to MEPA review because it requires State Agency Actions and will result in the conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97 (301 CMR 11.03(1)(b)(3)). In this case, the prescribed right to use Article 97 land by non-State entities constitutes the conversion of land. The project will require an amended Chapter 91 (c.91) License from the Massachusetts Department of Environmental Protection (MassDEP); a Construction and Access Permit from DCR; an 8(m) Permit from the Massachusetts Water Resources Authority (MWRA); and a Ground Lease from DCAMM.

The project will also require separate Orders of Conditions from both the Newton and Boston Conservation Commissions.

The project requires consultation with the Massachusetts Historical Commission (MHC). The project could require execution of an agreement between Simmons College and DCR to allow Simmons College to manage and oversee construction of the project. The project will also require a Declaration of Surplus Property (Form TR-1) from DCR.

The project will require a National Pollutant Discharge Elimination System Construction General Permit (NPDES CGP) from the United States Environmental Protection Agency (EPA). The project is subject to the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol.

The project involves a potential Land Transfer in the form of a Ground Lease from DCAMM as allowed by Chapter 223 of the Acts of 2012. 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.

Changes Since the Filing of the Single EIR

The project has been modified in response to comments on the Single EIR and subsequent to meetings with various State Agencies. These changes include:

- Elimination of proposed removal of invasive species to expand view of along the banks of the Charles River from the project;
- Elimination of proposed pedestrian-scaled lighting along the pathway adjacent to the Charles river to encourage use of the more visible pathway along Nonantum Road during nighttime hours;
- Striping of the adjacent parking area at Daly Rink and restriping of 11 additional passenger vehicle spaces with flexible boat trailer spaces in the shared lot next to CRI; and
- Addition of DCR as a signatory on the proposed Memorandum of Understanding (MOU) among CRI, Newton Country Day School, and Friends of Daly Field to address parking management;

Review of the FEIR

Project Description and Permitting

The FEIR included a detailed description of the proposed project and described changes to the project since the filing of the Single EIR. The FEIR included updated site plans for existing and post-development conditions, a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The FEIR also included a list of required State permits, Financial Assistance, or other State approvals, and provided an update on the status of each of these pending actions.

The project site is described as 11.6 acres and includes approximately five acres of land under the Charles River. Correspondence from DCR indicated that DCR has no plan to authorize a lease of any portion of the Charles River. The Act authorizes generally the lease of “fields and facilities, together with the land and appurtenances of the Daly Field complex which is located east of the Daly Memorial Rink and west of the public launching ramp parking lot on Nonantum Road in the Brighton section of the City of Boston.” As noted by DCR, the Act does not authorize the leasing of any water sheet of the Charles River. As such the boundary of the lease area will be along (but not in) the Charles River.

Furthermore, crew/rowing or other water uses are not presently proposed from the site (although they are permitted under the Act). Therefore, any proposed changes in site use, including uses that require installation of additional infrastructure by ABFDF, will likely require additional MEPA review. DCR has indicated that review and approval of changes will be required and public review and comment will occur prior to any approvals granted by DCR and/or DCAMM. In addition, DCR has noted that infrastructure, such as a dock, which could be authorized under the lease and would not require a lease of water sheet, would require permits in accordance with the Wetlands Protection Act and c.91 Waterways Regulations (310 CMR 9.00).²

Finally, as noted in the Single EIR, I cannot direct DCAMM or DCR to take - or not take- actions with regard to entering into a lease with ABFDF as authorized by the General Court. The Act outlines options to achieve no net loss, (i.e., payment of funds or transfer of land or a conservation restriction). ABFDF intends to satisfy this requirement through the provision of capital improvements, other payments and long term maintenance to be memorialized in the long term lease agreement. The specifics of the valuation of these payments, credits for capital improvements or public benefits, and how these payments meet the terms of the proposed ground lease and the Article 97 no net loss policy will be determined during the leasing process with DCAMM and DCR.

Alternatives Analysis

As noted in the Certificate on the Single EIR, the project has evolved since the original filing of the Expanded Environmental Notification Form (EENF). The Preferred Alternative was revised to incorporate several improvements such as the relocation of the fieldhouse, removal of

² Email from Thomas LaRosa, DCR Chief Counsel, dated March 12, 2014.

perimeter fencing, and establishment of a parking management plan. However, additional discussion of alternatives was required in the Certificate on the Single EIR.

The FEIR included a revised alternative analysis that assessed the potential environmental impacts associated with the Preferred Alternative and a Reduced Intensity Alternative. The Reduced Intensity Alternative eliminated the placement of athletic fields in c.91 jurisdiction, limiting c.91 jurisdictional impacts to an 8-foot wide walkway, three benches, and three trash receptacles. The Reduced Intensity Alternative therefore also meets the scope directive to explore an alternative in compliance with c.91 regulations if the project were designated as a non-water-dependent use.

The Reduced Intensity Alternative includes the removal of the field hockey field from the project and a reconfiguration of field and court layout to remove them from c.91 jurisdiction. This alternative also includes the elimination of the turf area from overlapping field hockey and softball fields, resulting in a change from synthetic turf to natural grass on roughly 43,000 sf within the project area. The FEIR included a conceptual layout plan and a summary of potential environmental impacts comparing the Reduced Intensity Alternative with the Preferred Alternative. According to the analysis provided in the FEIR, the Reduced Intensity Alternative would slightly increase pervious area (from 4.6 to 4.7 acres) and slightly reduce impervious area (1.6 to 1.5 acres). Irrigation demand due to the expansion of natural turf areas would increase from a range of 340,000 to 425,000 gallons per day (gpd) to a range of 760,000 to 950,250 gpd. Work within the 100-foot buffer zone to wetland resource areas would be reduced from 54,000 sf to 30,000 sf. Open Hours available for public use and DCR permit holders is estimated to increase from 12,584 hours to 12,835 hours per year. All other evaluated impacts (potable water demand, wastewater generation, traffic generation, etc.) were determined to remain the same regardless of the selected alternative. The FEIR concluded that the Reduced Intensity Alternative provides no measurable benefit in terms of reduced environmental impacts and is not financially or programmatically feasible for Simmons College (as the primary funder).

The FEIR included a graphic depicting the overall geographic extent of the Watertown Greenway Plan and its relationship to the proposed project. The Watertown Greenway Plan is a multi-use system/paths to trails project with proposed connections to the northern banks of the Charles River, including the Galen Street Bridge and North Beacon Street Bridge. According to the FEIR, the project will enhance the Watertown Greenway Plan through direct safety improvements to the Dr. Paul Dudley White shared use path, contributing to the overall bike network identified in the Watertown Greenway Plan. The FEIR also suggests that the \$500,000 contribution to the Town of Watertown required by the Act to fund a portion of the Watertown Riverfront Park Restoration Project along Charles River Road may be used for bike lane/cycle track improvements on the North Beacon Street Bridge. While such a project would facilitate connections to elements of the Watertown Greenway Plan and the project site, it is unclear if these funds identified in the Act can be applied to such improvements, as they appear to be located outside of the boundaries of the Watertown Riverfront Park Restoration Project.

Scheduled Field Usage

The Act clearly defines the Scheduled Hours as:

(i) Simmons College practice and game time on the full Daly Field complex Monday to Friday, inclusive, from 5:30 P.M. to 9:30 P.M. from March to May, inclusive and mid-August to November, inclusive; provided, however, that Brighton High School football shall have reserved field time Monday to Friday from 2:30 P.M. to 5:30 P.M. and on Friday evenings from mid-August to November, inclusive; (ii) Allston-Brighton Little League practice and game time Monday to Friday, inclusive, from 5:30 to 8:30 P.M. from May to July, inclusive; (iii) Simmons College, the Allston Brighton neighborhood and abutting communities and the general public on each Saturday; and (iv) Allston, Brighton and abutting communities and the general public on each Sunday.

The FEIR included expanded and reformatted data on scheduled field usage to clarify anticipated facility usage by both users and uses identified in the Act and for entities other than ABFDF. Assumptions, guided by a typical sports season schedule for Simmons, Brighton High School Football and Allston Brighton Little League, were made regarding anticipated field usage by ABFDF. The FEIR identified the maximum possible field usage time allocated to Simmons College, Brighton High School Football and the Allston Brighton Little League in the Act. The FEIR described the parameters of Scheduled Hours³, Open Hours⁴, Hours of Operation⁵, and Peak Times⁶. Outside of specific permitted times all fields, tennis courts, walking paths, and open space areas will be available for general public use. Comments from DCR confirm that the hours of 6am (or dawn, whichever is later) to 9am can be considered Open Hours (public, non-permitted) drop-in use time of the proposed athletic facilities. During permitted times, areas within the complex that are not being used by permit holders will be available for unscheduled public use.

The FEIR included estimated field usage data in a variety of formats including:

1. A Timetable of Scheduled Hours: a visual timetable for each day in which an entity of ABFDF has scheduled use of Daly Field depicting Scheduled Hours and Open Hours in one-hour increments, by month (March-November), for each field (i.e., Field Hockey/Softball; Soccer/Lacrosse/Football; and Tennis Courts).⁷
2. A Use Summary by Field: tables and charts calculating Scheduled Hours per month, season, and year (March through November) for each entity of ABFDF. Scheduled Hours and Open Hours are also presented as a percentage of all

³ Scheduled Hours: hours identified in the Act for exclusive use by Friends of Daly Field.

⁴ Open Hours: hours not scheduled for use by entities of Friends of Daly Field in the Legislation; available for DCR permit holders and general public use. Note this includes hours of 6am to 9am when fields are open for general public use, although DCR typically does not issue field use permits during this timeframe.

⁵ Hours of Operation: 6am – 11pm, 7 days per week: September- November and March-August

⁶ Peak Time: Weekdays 4pm-10pm. Weekends 9am-5pm during September-half November and April-August

⁷ I note that this timetable shows Brighton High School Soccer as a scheduled use. The use of Daly Field for Brighton High School soccer is not explicitly noted in the Act, and therefore this use will need to be permitted individually with DCR. Certain times allocated for Allston Brighton Little League are shown that fall outside the times allowed within the Act. These hours will be subject to the DCR field use permitting process.

available hours. Data was presented separately for each field (i.e., i.e., Field Hockey/Softball; Soccer/Lacrosse/Football; and Tennis Courts).

3. A Use Summary by Field during Peak Times: tables and charts calculating Scheduled Hours and Open Hours that occur during Peak Hours per month, season, and year (March through November) for each entity of ABFDF. Data was presented separately for each field (i.e., i.e., Field Hockey/Softball; Soccer/Lacrosse/Football; and Tennis Courts) in both absolute numbers and percentages.
4. A Use Summary by Field: Saturday and Sunday: tables and charts calculating Scheduled Hours and Open Hours that occur during Saturdays and Sundays per month, season, and year (March through November) for each entity of ABFDF. Data was presented separately for each field (i.e., i.e., Field Hockey/Softball; Soccer/Lacrosse/Football; and Tennis Courts) in both absolute numbers and percentages.
5. Raw Data: a line-by-line summary of each use by ABFDF, sorted by date.

The FEIR summarized the Open Hours available for unscheduled public use and DCR permit holders as:

- Field Hockey and Softball Field = 86% of total Hours of Operation and 62% of Peak Time Hours of Operation;
- Soccer, Lacrosse and Football Field = 88% of total Hours of Operation and 68% of Peak Time Hours of Operation; and
- Tennis Courts = 95% of total Hours of Operation and 87% of Peak Time Hours of Operation.

I continue to have concerns regarding the allocation and designation of Open Hours as presented in the FEIR. The scheduled field usage analysis is predicated on the assumption that the facilities' hours of operations are from 6am to 11pm, 7 days per week March – November. In determining the overall absolute amount and percentage of Open Hours, the analysis did not consider the practical use of the field by unscheduled users or potential limitations imposed by DCR park regulations. While lighting for the facility will be provided to ABFDF and DCR permit holders as required, it remains unclear how unscheduled users can effectively use on-site facilities when it is dark, despite these time periods being categorized as "Open Hours" for the purpose of the analysis. While it would seem imprudent to require full field lighting from 6am to 11pm, 7 days a week, it is difficult to discern if the assumptions provided in the analysis provide an accurate assessment of actual field usage and availability to unscheduled users. Clarification of these assumptions will be required as part of the DCR and DCAMM disposition, lease and permitting processes.

DCR facilities are generally open from dawn to dusk, with the exception for lit fields (such as this one), which allows post-dusk operations for DCR permitted events. DCR will require that ABFDF's design include construction of, as well as the ability to properly and separately meter, an acceptable and appropriate minimum level of lighting to allow for general public use consistent with the expectations under the Act (e.g. under Sections 3 and 9A) and

ABFDF's asserted public benefits associated with field usage by the public over the life of the lease.

The FEIR stated that ABFDF will provide restrooms that are open to the public, which will be scheduled on automatic timers to ensure that facilities are reliably available during Daly Field Hours of Operation. Restrooms will be regularly inspected and cleaned according to DCR policy. ABFDF should work with DCR to determine if accessibility to restrooms will be limited to the typical dawn to dusk hours for DCR parks, or whether they will remain open for all DCR permit-holders, or Open Hours in their entirety as defined in the FEIR.

Wetlands and Waterways

The Boston Conservation Commission and the Newton Conservation Commission will review the project for compliance with the Massachusetts Wetlands Protection Act (WPA), its implementing regulations (310 CMR 10.00), and associated performance standards including the stormwater management standards. Wetland resource areas include Bordering Vegetated Wetlands (BVW), Riverfront Area, Bank, Bordering Land Subject to Flooding (BLSF), and Land Under Water (LUW). No work is proposed in BVW, BLSF, Bank, or LUW. The project includes work within the 25-foot (Boston) and 200-foot (Newton) Riverfront Areas and within the 100-foot buffer zone to wetland resource areas associated with the removal of the existing bituminous concrete service drive, construction of a new multi-use circuit path, and construction of portions of the athletic fields and tennis courts.

The FEIR included a graphic that clearly identified the location of these regulated wetland resource areas. Plans for invasive species clearing and vista pruning have been eliminated from the project, thereby eliminating potential related resource area impacts.

The project site contains Commonwealth Tidelands (as regulated by 310 CMR 9.00). The project includes renovation of portions of the softball field, field hockey field and tennis courts, and replacement of the emergency access drive with a pedestrian pathway, plantings and seating areas within c.91 jurisdictional areas. The FEIR included an updated site plan with an accurate delineation of the historic high water mark (HHWM) on the project site (performed by a professional engineer or surveyor).

MassDEP will consider this a water-dependent use project and a c.91 License amendment application is required pursuant to 310 CMR 9.05(1) and 9.24. The FEIR discussed how the project will meet each applicable water-dependent use standard in the Waterways Regulations. Furthermore, in conjunction with the requested alternatives analysis, the FEIR described a non-water-dependent use alternative and how such an alternative would meet applicable non-water-dependent regulatory requirements.

ABFDF should refer to the MassDEP comment letter for additional guidance regarding the pending c.91 License amendment application. MassDEP noted that additional review will be conducted during this process to determine if the proposed reconfiguration of parking spaces for boat trailers may disrupt the water-dependent use of the adjacent boat ramp per 310 CMR 9.36. I

remind the Proponent that construction of future access for crew purposes on Daly Field may require additional review and approval in accordance with the c.91 regulations.

Stormwater

The FEIR described pre-development and post-development stormwater management conditions and associated stormwater management Best Management Practices (BMPs). The proposed stormwater management system has been designed to meet the MassDEP Stormwater Management Standards as applicable; the FEIR indicated that Proposed Drainage Area (PDA) 1-A is considered new development while PDA 1-B is considered redevelopment. The FEIR included an updated discussion of how the project meets each of MassDEP's Stormwater Standards, with particular detail related to the recalculation of total suspended solids (TSS) removal rates and water quality flow rates for proposed proprietary water quality BMPs. The FEIR also clarified how the turf field stormwater system design is anticipated to mitigate elevated temperatures from stormwater runoff through infiltration and detention prior to discharge to the Charles River.

The FEIR included additional information regarding on-site groundwater levels to demonstrate that the stormwater management system can be designed to meet the two feet of ground separation requirements between the subsurface infiltration system and the seasonal high groundwater elevation. According to the FEIR, groundwater was observed at elevation 8.0. The bottom of the proposed subsurface infiltration system is at elevation 11.0, maintaining more than two feet of separation. The FEIR concluded that due to the minimal recharge in this urban section of the Charles River watershed and the dam-controlled level of the river, this site is unlikely to see significant seasonal rises in the water table. ABFDF has committed to dig additional test pits or borings with an observation well to gather additional groundwater data as part of the Notice of Intent Process (NOI).

The MassDEP comment letter highlighted several concerns regarding the design and analysis of the proposed stormwater management system. ABFDF should carefully review these comments, request clarification from MassDEP as necessary, and incorporate recommended design modifications as appropriate into revised stormwater management calculations submitted as part of the NOI process with the Cities of Newton and Boston.

The FEIR discussed how the stormwater management system will be designed to meet the Total Maximum Daily Load (TMDL) established for phosphorous and pathogens in the Lower Charles River Basin. While the TMDL requires an overall 54 percent reduction in total phosphorous (TP) load, the reduction required for the project site is set at 62 percent. ABFDF intends to meet the 62 percent TP reduction through the implementation of subsurface detention/infiltration systems. Based upon the calculations provided in the FEIR, the proposed stormwater management system is estimated to achieve more than 76 percent TP removal. The FEIR also discussed potential contributors to pathogen pollution from the project site. The project does not contain illicit discharges, failing sewer infrastructure, or combined sewer overflows. The project will also improve stormwater management compared to existing conditions. Therefore, the FEIR concluded that the project will reduce pathogen pollution to the maximum extent practicable consistent with the TMDL.

The project intends to use rubber crumb fill from passenger vehicle tires on the turf fields. The FEIR did not provide additional analysis of alternative rubber fill products, citing a 2010 study performed by the Connecticut Department of Health and Connecticut Department of Environmental Protection and a 2010 study by the California Office of Environmental Health Hazard Assessment. Based upon these studies, ABFDF concluded that the use of crumb rubber infill will not result in a significant adverse impact to the Charles River, the groundwater system, or human health and safety. I strongly encourage ABFDF to continue to consider how crumb fill migration can be mitigated through stormwater management and field operations as the project design advances through the State permitting and lease process. Furthermore, I encourage the Boston and Newton Conservation Commissions to consider incorporation of water quality testing into monitoring requirements, similar to that required at the Fenn School (the referenced adjudicatory case study in the FEIR), during the NOI process.

Stormwater improvements to the parking area adjacent to Daly Rink are limited to the construction of a level spreader or crushed stone bench at the bottom of the trailer parking area to reduce erosion and sediment runoff from discharging to the Charles River. It is unfortunate that additional analysis of implementation of LID or traditional stormwater management BMPs in the Daly Memorial Rink parking lot was not provided in the FEIR. The FEIR noted that this parking area is not within the proposed lease area. However, as I have previously indicated, the proposed project relies on this parking area to meet a portion of the project's parking demand. Mitigation of existing sheet flow runoff from this parking area would provide a meaningful benefit to the Charles River, provide effective stormwater management and support compliance with the TMDL for the Charles River. I strongly encourage ABFDF to reconsider the opportunity for improvements to this parking area during the NOI process through ongoing collaboration with Newton Country Day School, CRI and DCR as a member of the Stewardship Group. I expect DCR will work with all members of the Stewardship Group to eliminate sheetflow to the Charles River from the parking areas.

Traffic and Transportation

The FEIR presented a series of bicycle and pedestrian mitigation measures, in consultation with DCR, to address potential bicycle/pedestrian and vehicle conflicts at the site driveways. ABFDF conducted a literature search to review potential design approaches for reducing and managing conflicts. This review resulted in the recommendation for enhanced signage and pavement markings. These mitigation measures were incorporated into the draft Section 61 finding for the DCR Access Permit.

Parking Management

The FEIR contained an updated assessment of existing and proposed parking conditions, results of the parking analysis, and the proposed Parking and Event Management Plan (PEMP). As noted in the Single EIR, parking demand observations were conducted in the parking lots adjacent to CRI and Daly Memorial Rink in August 2013 on both weekdays and the weekend. The CRI parking lot provides approximately 130 parking spaces, consisting of 105 automobile spaces and 25 spaces to accommodate cars/trucks towing boat trailers or buses. The Daly

Memorial Rink lot provides approximately 66 vehicle spaces (although the parking spaces are not currently marked). In total, both lots accommodate parking for approximately 171 automobiles and 25 buses/tandem vehicles. Parking is under the care and control of DCR and shared between all uses in the DCR parkland, including the proposed project site. Parking demand for both lots vary by season and time of day.

The FEIR included an additional seasonal parking demand analysis to supplement the August 2013 parking observations. These data were provided by CRI and Newton Country Day School reflecting parking demands for each facility by month/season and time of day. Daly Rink data were allocated into September-October usage and November to March usage and into weekday (6am-3pm; 3pm-5pm; 5pm-9pm; and 9pm-midnight) and weekend (8am-10am; 10am-9pm; 9pm-midnight) time periods. Available parking supply in the Daly Rink lot is limited to 66 parking spaces. The peak parking demand exceeds available parking (72 spaces required) during the 5pm-9pm weekday period in both September-October and November-March. Available parking supply also exceeds Daly Rink lot capacity during the 10am-9pm weekend period in both September-October and November-March.

CRI parking lot data were allocated into March-November usage and November-February usage categories and into weekday (Early Morning (before 8am); Morning (between 8am and 11am); After School (between 2:30 pm and 6pm) and Evening (after 6pm)) and weekend and special event (up to 15 times per year) periods. Available parking includes 105 vehicle-only parking spaces and 25 tandem trailer parking spaces. The peak parking demand exceeds available parking supply in the weekday Early Morning and After School periods (200+ spaces required) between March and November, and in the weekday Early Morning (100-150 spaces required) between November and February. Peak parking demand is estimated exceed available parking demand (200+ spaces required) on a year-round basis on weekends and during special events. The FEIR noted that the parking demands, particularly between March and November, exceed the available parking supply during the majority of the day when the fields are expected to be in use (after 2:30pm).

The data provided in the FEIR did not include an hourly breakdown of weekend parking demand for CRI, as CRI does not have these data and use is highly variable. Anecdotally, it is anticipated the weekend use will vary based upon weather or scheduled group activities. While it is anticipated that field use by ABFDF or DCR permit holders can be effectively managed to avoid conflict with special events, it is unclear how this can be achieved on the weekend with a variable use schedule at the CRI lot. This example clearly supports the need for implementation of a dynamic PEMP, with active participation by the Stewardship Group and an on-site parking management coordinator.

According to the FEIR, absent the implementation of a PEMP, the project has the potential to increase parking demands associated with the fields by up to 30 vehicle spaces during a Friday night Brighton High School football game and by ten vehicle spaces on a typical use day. Under existing conditions, a total of 171 vehicle-only and 25 tandem vehicle parking spaces are provided in the Daly Rink and CRI lots. Existing leaseholders (CRI, Newton Country Day School) do not have rights to a dedicated number of parking spaces and are required to share spaces. Currently, during periods of excess parking demand, motorists use the tandem

vehicle/trailer spaces in the CRI lot, park along the fence perimeter of the field, and use unrestricted on-street parking along roadways such as North Beacon Street (no on-street parking is allowed on Nonantum Road. The FEIR included a graphic identifying the location of parking along North Beacon Street in relationship to the project site, the number of available parking spaces (approximately 140 on-street parking spaces), and any restrictions on use (i.e., duration, no parking during events, etc.). ABFDF has set a goal of scheduling no more than two major events at any one time. The FEIR included a table outlining a typical and peak day field use schedule in the spring, summer and fall by proposed use. The peak use parking period is estimated to occur between 5:30pm and 7:30pm.

The FEIR identified several mitigation measures to address on-site parking. Specifically, ABFDF will increase total parking to 141 spaces with 126 spaces for car parking and 15 tandem trailer spaces. This will be achieved by:

- Restripe the Daly Rink parking lot and add landscaped islands;
- Reconfiguring the tandem vehicle/trailer parking spaces in the CRI lot to yield 15 tandem parking spaces (reduced from 25) and 21 spaces for cars only by designating 10 of the tandem spaces by striping or color-coded pavement markings as “flex” spaces. These “flex” spaces will be able to accommodate wither vehicle/trailer parking or standard vehicles; and
- Providing marked parking spaces along the perimeter of the CRI lot adjacent to the field facilities.

The proposed PEMP includes measures to manage and reduce traffic and parking demands at Daly Field; improve parking efficiency and circulation of vehicles, pedestrians and bicyclists; and provided dedicated parking for occasional users of the field complex and waterfront amenities. The PEMP will be overseen by the Stewardship Group, and codified in the DCR field use permit to be issued for the project. The specific elements of the PEMP are outlined in the Mitigation/Draft Section 61 finding section of this Certificate.

ABFDF should revise the PEMP to clarify the use of shuttle buses by Simmons College and Brighton High School. ABFDF has indicated that shuttle buses will provide transportation during both practices and games during all times, regardless of time of day (peak period or otherwise).⁸

Implementation of the PEMP will be managed by the Transportation Coordinator under the direction of DCR and the Stewardship Group. The Stewardship Group includes DCR, CRI, Newton Country Day School, and the ABFDF, including members of Simmons College, Brighton High School, and Allston/Brighton Little League. According to the FEIR, the Stewardship Group may be expanded to include other field users, neighborhood representatives, and constituent users of the Charles River that have an interest in the Daly Field facilities, as appropriate.

According to the FEIR, the Stewardship Group will meet on a quarterly or more frequent basis as may be necessary to coordinate activities, field use, event scheduling, and to review the

⁸ Phone conversation with ABFDF consultant Jamie Fay, March 12, 2014.

effectiveness of the PEMP. Stewardship Group meetings will be open to the public and held at a location at or near Daly Field. Meeting dates, locations, and tentative agendas will be posted online at the Friends of Daly Field website and at appropriate locations at Daly Field. The members of the Stewardship Group have agreed to enter into a Memorandum of Understanding (MOU) in order to coordinate the use of Daly Field facilities, and, in particular, the scheduling of field use and events given the finite parking resources available at Daly Field. The MOU outlines the aforementioned components of the PEMP and the anticipated responsibilities of the Stewardship Group. This Stewardship Group must be operated as a dynamic entity to effectively manage the various parties and associated use of the fields and parking areas. The ability to manage scheduling, special events, and day-to-day parking lot operations will require a responsive body that will likely need to meet more frequently, particularly during the March-November period, to be successful. I encourage the Stewardship Group to consider how it can be structured and operated in a manner to be responsive to the management needs of this project and adjacent existing uses prior to completing the MOU.

The MOU also includes language that, in the event unsafe or untenable traffic situations result from the project, DCR has the authority to require mitigating actions by the Proponent. Such mitigating actions may include, without limitation, the use of special safety details consisting of Massachusetts State Police patrols at and along Nonantum Road and Park Ranger patrols within the parking lots and parkland; use of remote staging areas at Brighton High School, the Artesani Playground, or along North Beacon Street; and provision of shuttle van or bus services to transport persons to and from remote staging areas and Daly Field.

The MOU should be amended to identify potential parameters by which the effectiveness of the PEMP can be measured (i.e., mode share, frequency of excessive parking demand, etc.). The MOU should include a commitment to monitor parking demand on a regular basis, as this information will be critical to determining if additional mitigation measures should be required by DCR.

Finally, to ensure effective management and implementation of the PEMP, I strongly encourage ABFDF, in collaboration with members of the Stewardship Group, to expand the Transportation Coordinator role (or other equivalent substitute) to include an on-site presence to ensure compliance with the PEMP. This PEMP manager should, at a minimum, be on-site during peak parking demand periods, special events, and ABFDF games to facilitate appropriate use of “flex spaces”, one-hour drop-in use parking spaces, and shuttle bus drop-off.

Greenhouse Gas Emissions

The FEIR indicated that the mobile source emissions reduction of five percent was credited based upon various transportation research sources, with citations provided. The FEIR did not include Congestion Mitigation and Air Quality Worksheets (CMAQ) as recommended by the MEPA GHG Policy and Protocol (2010) (GHG Policy). Achievement of the anticipated mobile source reductions will rely on the effective management of the proposed rideshare/shuttling program for spectators and students during peak traffic and parking demand periods. The FEIR verified that the vehicle miles traveled (VMT) data used as the basis for the mobile GHG analysis included the shuttle buses proposed to transport students and spectators.

Furthermore, the FEIR indicated that these shuttle buses will be leased by Simmons College or Brighton High School and therefore are not considered “fleet vehicles” nor “direct mobile sources” as defined in the GHG Policy. I encourage Simmons College and Brighton High School to consider the leasing alternatively fueled vehicles to reduce related CO₂ emissions associated with the shuttle services.

Based upon the information provided in the Single EIR, and clarified in the FEIR, the total estimated stationary source GHG emissions for the Preferred Alternative are estimated at 125.3 tpy, a 67.6 tpy reduction from the Base Case total of 192.9 tpy (a 35 percent overall project reduction). The five percent reduction of CO₂ emissions between the 2018 Build Condition (20.1 tpy) and the 2018 Build with Mitigation Condition (19.1 tpy), results in a net decrease of one tpy. Total estimated GHG emissions for the proposed Preferred Alternative, indirect and direct emissions attributable to stationary sources and indirect emissions attributable to mobile sources, are estimated at 144.4 tpy, a 68.6 tpy reduction from the Base Case total of 213.0 tpy (a 32.2 percent overall project reduction). The majority of stationary source GHG reductions result from the proposed installation of the advanced field lighting system.

Construction Period

The FEIR included a description of proposed construction staging and sequencing. The project will be constructed in one phase and will staged to minimize impacts to Nonantum Road, CRI, Daly Rink and adjacent wetland resource areas. ABFDF should take precautions to limit disruption to the Dr. Paul Dudley White shared use path and public boat ramp during the entire duration of construction. Construction-related parking is proposed within the project site and will not use existing parking areas unless arranged through DCR and the Stewardship Group (during low-use periods or in specific circumstances where on-site parking cannot be safely accommodated). ABFDF should implement a TDM program for construction workers to limit on-site parking demand and vehicle trips. The FEIR identified a preliminary construction truck traffic route, minimizing impacts to local streets. These routes should be finalized in collaboration with DCR, the Cities of Boston and Newton, and the Town of Watertown. Construction and maintenance vehicles may access the project site via DCR-controlled Parkways subsequent to the issuance of a permit by DCR.

According to the FEIR, ABFDF will encourage the selected contractors to implement air and noise mitigation measures through incentives and penalties. It is unclear from the FEIR what types of incentives or penalties may be employed by ABFDF and what types of mitigation measures will be proposed for implementation. ABFDF should provide a clear commitment to incorporate air and noise mitigation measures during the construction period, including anti-idling provisions, and location of combustion engines away from sensitive receptors as part of the construction contract. ABFDF should also consider a commitment to require, or at a minimum encourage, the use of off-road diesel equipment that has been retrofitted with an EPA-approved retrofit device, or similar emissions control technology, to reduce particulate emissions as part of the contract with the selected construction firm. I anticipate that ABFDF will continue to explore these mitigation measures and implement them as feasible prior to commencement of construction.

The FEIR also indicated that the contractor will be required to submit a recycling plan including a list of materials that might be recycled during the course of the project. I recommend that ABFDF establish a goal for waste reduction (i.e., 75 percent) to assist contractors in meeting construction waste management and recycling goals consistent with those set by the Commonwealth's waste reduction initiatives.

Mitigation / Draft Section 61 Findings

The FEIR contained draft Section 61 Findings associated with each separate State Agency Action identified for the project. The FEIR included clear commitments to implement mitigation measures, estimated the individual costs of each proposed measure and identified the parties responsible for implementation. Draft Section 61 Findings should be revised in response to this Certificate and provided to State Agencies to assist in the permitting process and issuance of final Section 61 Findings.

The following mitigation measures have been proposed in accordance with the project:

Article 97

- ABFDF will meet the “no net loss” provisions of the Executive Office of Energy and Environmental Affairs’ (EEA) (formerly the Executive Office of Environmental Affairs (EOEA)) Article 97 Land Disposition Policy (February 19, 1998) through the payment of funds to DCR. ABFDF will satisfy this requirement through the provision of capital improvements, other payments and long term maintenance to be memorialized in the long term lease agreement. This lease agreement will be subject to an independent appraisal of the fair market value of the property, including the value of the physical capital improvements made, the relative value associated with the use of improvements by the general public and private use of the fields by Simmons College, to establish appropriate values. DCAMM, in consultation with DCR, may determine a credit based on the relative value associated with the public use of the improvements and the \$500,000 contribution required in the legislation for public access improvements in Watertown.

Wetlands and Waterways

- Work will be limited to the 100-foot buffer zone to wetland resource areas and Riverfront Area;
- The Project will be designed and operated in compliance with the MassDEP c.91 Waterways Regulations (310 CMR 9.00) for a water-dependent use;
- The project will obtain Orders of Conditions from both the City of Newton and the City of Boston for work subject to the WPA and its associated regulations (310 CMR 10.00).

Stormwater

- Design, construction and operation of a stormwater management system in compliance with Wetlands Regulations Stormwater Management Standards, as

applicable. The stormwater management system will be designed to meet or decrease the peak rate of runoff compared to existing conditions for the two-, ten-, and 100-year storms;

- Construction of the following stormwater BMPs: vegetated buffers and swales, porous pavement, subsurface detention/infiltration basins, trench drains, deep sump hooded catch basins, and water quality inlets;
- Use of porous pavement on pedestrian pathways and plaza areas in front of the service building and the paved area between the tennis courts and multi-purpose field;
- Runoff from the turf fields will be infiltrated through a stone sub-base and either infiltrate into the soil or be detained in subsurface structures before discharging to the Charles River;
- Construction of a level spreader or crushed stone will be placed at the bottom of the trailer parking to reduce erosion and sediment runoff in the Daly Rink parking area;
- ABFDF will dig additional test pits or borings with an observation well to gather additional groundwater data as part of the NOI process to ensure adequate groundwater separation will be provided between seasonal high groundwater and proposed BMPs;
- Project is designed to comply with the Lower Charles River Basin TMDL for phosphorus and pathogens;
- ABFDF will prepare and adopt an O&M plan for the stormwater BMPs and commit to a consistent implementation schedule; and
- ABFDF will file a NPDES CGP with EPA and prepare a Stormwater Pollution Prevention Plan (SWPPP). All necessary dewatering must be conducted in accordance with applicable regulatory discharge permits.

Water and Wastewater

- Irrigation demand will be minimized through the use of low flow low-pressure heads and drip irrigation will be used to irrigate landscaped areas on-site, with drought tolerant and native landscaping;
- Water consumption will be minimized through the use of water efficient and sensor-operated faucets, and high-efficiency fixtures and toilets in the fieldhouse; and
- An 8(m) Permit from the MWRA will be obtained for proposed work proximate to a 72-inch MWRA sewer main and easement located along the south edge of the site in the general vicinity of the shared-use path and proposed interior walkway.

Traffic and Transportation

- Design and maintenance of signs and landscaping along the project frontage to avoid impacts to lines of sight to and from Nonantum Road and the shared-use path;
- Installation of pedestrian/bicycle crossing warning signs on both driveways at the shared-use path crossing facing motorists entering and existing driveways in order to inform motorists of the pathway and the potential for pedestrians and bicycles to be crossing the driveways;

- Installation of “Intersection Ahead” warning signs on the shared-use path approximately 100 feet in advance of the driveways facing bicyclists travelling in both directions;
- Reconstruction/modification of the shared-use path crossing of the driveways with textured or colored pavements to delineate the shared-use path crossing of both driveways;
- Restripe the Daly Rink parking lot and add landscaped islands;
- Reconfiguring the tandem vehicle/trailer parking spaces in the CRI lot to yield 15 tandem parking spaces (reduced from 25) and 21 spaces for cars only by designating 10 of the tandem spaces by striping or color-coded pavement markings as “flex” spaces. These “flex” spaces will be able to accommodate either vehicle/trailer parking or standard vehicles;
- Providing marked parking spaces along the perimeter of the CRI lot adjacent to the field facilities;
- Creation of a PEMP. Components of the draft PEMP include:
 - Assignment of a Transportation Coordinator responsible for the coordination and implementation of the PEMP. The name and contact information for the Transportation Coordinator will be made available to users of Daly Field through DCR, event brochures, and website-based materials, and will be posted in the Daly Rink and CRI facilities, and at the Daly Field fieldhouse;
 - Field use scheduling and public boat ramp events will be coordinated between parties to minimize simultaneous scheduling of games and to avoid overlaps with major events at either facility;
 - The start times for sequential games will be scheduled to minimize coincidental arrival and departure of players and spectators;
 - During peak parking demand periods, buses and shuttles vans, including those from Simmons College, will be staged at either Brighton High School or Artesani Playground once passengers have been discharged;
 - For games scheduled to occur during peak parking demand periods (between 2:30 and 6:00pm on weekdays), spectators will be informed by the participating schools or organization(s) that parking is not available at Daly Field and that shuttle service will be provided from Simmons College and Brighton High School to and from Daly Field;
 - Visiting teams will be informed by the participating schools or organization(s) of the no parking provision at Daly Field in advance of the scheduled game and will be required to transport players, coaches, and spectators to Daly Field by bus or shuttle van, with transport vehicles then staged at Brighton High School or at the Artesani Playground for the duration of the scheduled activity;
 - Shuttle buses will provide transportation to both practices and games during all times, regardless of time of day (peak period or otherwise) for Simmons College and Brighton High School;
 - A minimum of ten parking spaces located proximate to the Charles River will be designated by signs as short-term (one-hour) parking;
 - Formalize use of the parking area at Artesani Playground located at 1255 Soldiers Field Road during events and peak parking demand periods. A

- shuttle van or carpool would be used to transport employees/staff and spectators to and from the Artesani Playground and Daly Field facilities;
- Use available parking along North Beacon Street during events and peak parking demand periods;
 - Advocate for extension of Massachusetts Bay Transportation Authority (MBTA) Route 64 bus service to the Daly Field complex; and
 - Install additional bicycle racks (up to four racks, accommodating approximately 52 bicycles).

Greenhouse Gas Emissions

Stationary

The project will include implementation of the following energy efficiency measures on a project-wide basis:

- Use of LED lights on pedestrian walkways, multi-use circuit track (with the exception of the walkway along the River), and scoreboards;
- Use of integrated board-mounted photovoltaic (PV) panels for the scoreboards (80 watts with CO₂ reductions of 0.5 tpy);
- Use of the Musco Sports Lighting Light Structure Green (LSG) system designed with multiple modes to allow for modifications to illumination levels, remote operation, and computerized scheduling controls to allow the use of timers for operation only within permitted hours of use;
- Installation of energy efficient windows and building envelope (R-10 slab insulation, double-pane low-e glass (U=0.45));
- Installation of a cool roof;
- Installation of a small natural gas-fired heating system that is ten percent more efficient than Code;
- Use of a programmable thermostat;
- Installation of interior lighting with a lighting power density (LPD) at least ten percent below code;
- Installation of water conserving fixtures; and
- Provision of recycling areas and use of recycled content building materials (where practical).

Mobile Sources

- Implementation of a transportation demand management (TDM) program including minimizing parking demand; on-site food service; connections to the multi-use path; shared parking; and provision of bicycle parking.

General

- A self-certification will be provided to the MEPA office upon completion of the project construction signed by an appropriate professional (e.g. civil engineer, traffic

engineer, architect, general contractor) indicating that all of the GHG mitigation measures, or equivalent measures that are designed to collectively achieve the proposed stationary source GHG emission reduction committed to in the FEIR, have been incorporated into the project.

Construction Period

- Re-use of existing bituminous concrete drives and associated base materials for base material for proposed non-pervious pavements;
- Review of proposed construction traffic routes with the Cities of Boston and Newton, the Town of Watertown and DCR;
- Preparation and execution of a Stormwater Pollution Prevention Plan (SWPPP) consistent with the NPDES CGP;
- Compliance with MassDEP's Solid Waste and Air Quality Control regulations, pursuant to M.G.L. Chapter 40, Section 54; and
- Implementation of a construction-related TDM plan including the provision of transportation from the contractor's mobilization site, provision of food trucks or other temporary services, and provision of an on-site supply to minimize trucking of water.

Several outstanding issues should be addressed by DCAMM/DCR through the disposition and leasing process and may result in additional mitigation measures or more detailed commitments. As described in greater detail throughout the Certificate, these issues include, but are not limited to:

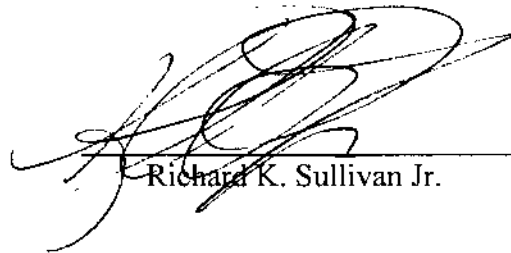
- Designation of an on-site parking manager to facilitate implementation of the PEMP;
- Evaluation of "flex spaces" to meet on-site parking demand while maintaining sufficient parking for the public boat ramp;
- Confirmation that assumptions regarding Open Hours are consistent with realistic use of the facilities given the proposed operation of field lighting systems;
- Resolution of facilities lighting operations, including separate metering and provision of acceptable minimum illumination to allow for general public use consistent with the expectations of the Act;
- Compliance with the "no net loss provision" of the Article 97 Land Disposition Policy ; and
- Mitigation of stormwater runoff from the Daly Rink parking lot.

Resolution of these issues should be incorporated into Final Section 61 Findings issued by State Agencies.

Conclusion

Based on a review of the FEIR, comment letters and consultation with State Agencies, I find that the FEIR adequately and properly complies with MEPA and its implementing regulations. Outstanding issues can be addressed through the lease and during State and local permitting and review. The project may proceed to permitting. State Agencies should forward copies of the final Section 61 Findings to the MEPA Office for publication in accordance with 301 CMR 11.12.

March 14, 2014
Date



Richard K. Sullivan Jr.

Comments received:

02/11/14	Stephen J. Murphy, Boston City Councillor At-Large
02/13/14	Community Rowing, Inc.
02/14/14	Representative Michael J. Moran (18 th Suffolk District), Representative Kevin G. Hogan (17 th Suffolk District), and Boston City Councilor Mark Ciommo (9 th District)
02/14/14	Representative Michael J. Moran (18 th Suffolk District), Representative Kevin G. Hogan (17 th Suffolk District), Representative Gloria L. Fox (7 th Suffolk District), Representative John H. Lawn, Jr. (10 th Middlesex District), Senator William N. Brownsberger (2 nd Suffolk and Middlesex District), and Senator Anthony W. Petrucci (1 st Suffolk and Middlesex District).
02/17/14	Edward W. Eames, Tenacity
02/26/14	Siobhan McHugh
02/27/14	Maria G. Rodrigues
02/27/14	Charles River Watershed Association and Environmental League of Massachusetts (joint letter)
02/28/14	Brighton Marine Health Center, Inc.
02/28/14	Juniper Russell
02/28/14	Linda Holland
02/28/14	Shirley Kressel
02/28/14	Brough Turner
02/28/14	J. Douglas Leith
02/28/14	Adam Monahan
03/02/14	Harry Mattison
03/03/14	Melissa Mattison
03/07/14	Department of Conservation and Recreation
03/07/14	Massachusetts Department of Environmental Protection – Northeast Regional Office
03/07/14	Beatrice Nessen
03/07/14	MassAudubon
03/07/14	Charles River Conservancy

03/07/14 Massachusetts Water Resources Authority
03/07/14 Nancy Hammett
03/07/14 Randolph Abraham, Athletic Director, Brighton High School
03/12/14 Department of Conservation and Recreation (2nd letter)

RKS/HISJ/hsj