



Charles River Watershed Association

BY FAX AND MAIL

January 5, 2007

Ian Bowles, Secretary
Executive Office of Energy and Environmental Affairs
MEPA Unit
251 Causeway Street, Suite 900
Boston, MA 02114

Attn: William Gage

Re: Final Environmental Impact Report,
Chestnut Hill Square, EOEI No. 12928

Dear Secretary Bowles:

The Charles River Watershed Association (CRWA) provides these comments regarding the above referenced Final Environmental Impact Report (FEIR). We believe the project proponent could do more to reduce and mitigate impacts to the environment, particularly in the area of stormwater management.

This project has generated significant interest on the part of many neighborhood residents, and both municipal and state officials because of its proposed size and location. CRWA is especially interested in the redevelopment of this site because of its location in the headwaters area of the Saw Mill Brook. Runoff from this site enters a municipal drainage system, and discharges after a relatively short distance directly into a wetland system which feeds the Saw Mill Brook.

Saw Mill Brook, a tributary to the Charles River, is one of only a few tributary streams in the greater Boston area that remain open for much of their length, and its headwaters area in particular provides important water quality, habitat and flood protection benefits to a wide geographic area. Saw Mill Brook is an impaired waterbody, and is listed on the Massachusetts Integrated List of Waters (303(d) list). Nutrients and bacteria are primary pollutants contributing to the impairments of the Saw Mill Brook, both of which can be expected in untreated runoff from a mixed-use urban development such as this.

The Massachusetts Department of Environmental Protection (DEP), in its comments on the DEIR, specified that “the FEIR should demonstrate that the stormwater control plan minimizes runoff impacts to the brook resources, in conformance with the NPDES Phase II Storm Water permit program[s]” which “requires measures and best management practices to control discharges of pollutants causing the impairment.”¹ Yet, in spite of the receiving water’s importance and its existing impairments, the stormwater management system designed for the site does not include BMPs that are best designed to treat those pollutants. The design relies on conventional BMPs such as deep sump catch basins, gross particle separators and a standard vacuum street sweeping program, and neglects designs that are most effective at removing nutrients in particular.

Even in an ultra-urban setting, there are numerous stormwater treatments systems that are effective at controlling nutrients and pathogens, and which can be incorporated into densely developed sites at relatively low cost. Many of these also provide additional environmental and aesthetic benefits. These include large-scale designs such as green roofs, innovative designs such as green walls, and small but effective designs such as stormwater planters, stormwater tree wells, biofiltration strips and rain gardens. The proponent’s comment that “[t]hose types of LID practice require land that area that is not available at this project location”² reflects a lack of research into these approaches. Even designs that fit into conventional infrastructure systems, such as upflow filters for catchbasins, have not been included in the design.

In fact, far from using LID designs, the current site design will actually result in modest increases in overall stormwater runoff volume because of an increase in overall site imperviousness. This design runs counter to the state’s goals, especially in stressed basins such as the Charles, to increase recharge and reduce runoff volume, as well as to reduce pollutants of concern for impaired waterbodies. Furthermore, the proposed design actually has less overall usable open space than the existing conditions; and significantly less than was proposed in the design presented in the ENF. Open space and stormwater management designs are often complimentary. For example, well designed green roofs can also contribute to a site’s usable open space. Such opportunities should be fully explored.

While CRWA recognizes the need for redevelopment at this site, and acknowledges the mitigation efforts that have been designed to address many environmental concerns, in particular transportation impacts, as well as water and sewer infrastructure improvements, we suggest that the project design needs further refinement to increase the available open space, reduce site imperviousness, include BMPs and stormwater management designs that will reduce the discharge of pollutants of concern, including nutrients and bacteria, and reduce the overall volume of stormwater discharge from the site. If on-site opportunities to recharge stormwater remain severely limited, the proponent could look for off-site mitigation opportunities.

¹ Page 2, DEP comment letter on DEIR, December 22, 2005

² FEIR, VIII-16, Response to Comments, response 5.4

Many of the comment letters, including those from DEP, MAPC, the towns of Newton and Brookline, and numerous organizations and individuals, raised questions about stormwater management designs for this site. We suggest that both state and local permitting agencies continue to work with the proponent to develop a stormwater management program that minimizes and mitigates impacts; and to increase the overall usable open space on the site.

Sincerely,

Kate Bowditch

cc: Steven G. Lipman, Mass DEP
Michael J. Kruse, Newton Planning & Development
Jeff Levine, Brookline Planning & Community Development
Mark Draisen, MAPC
Martha Horn, Newton Conservation Commission
Tom Brady, Brookline Conservation Commission