



January 18, 2022

Via Email

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**Re: Environmental Notification Form for Riverside Labs, Weston
EEA No. 16502**

Dear Jennifer:

Charles River Watershed Association (“CRWA”) submits the following comments on the Environmental Notification Form (“ENF”) for the proposed Riverside Labs project in Weston filed with the MEPA Office on December 15, 2021. The proponent is proposing to redevelop an approximately 16-acre site into research and office space with 281,500 square feet of building ground floor area, approximately 850 parking spaces, enhancements to onsite amenity spaces, and creation of enhanced open space and onsite trails.

Impervious Surface and Stormwater Management

This project will result in a relatively small (0.11 acre) increase in impervious cover on the project site for a total impervious area of 9.37 acres. Impervious surfaces exacerbate stormwater pollution and runoff quantity and contribute to heat island effects. Creation of new impervious surfaces should therefore be avoided and existing impervious area should be reduced wherever possible. Where impossible due to necessary uses, impervious cover impacts should be mitigated through modern stormwater management.

The ENF notes that the project will meet MassDEP’s stormwater management regulations but does not specifically demonstrate how compliance will be achieved. MassDEP is about to release an updated stormwater handbook and regulations; it is not clear from the ENF whether the project will comply with the updated requirements. Importantly, the changes MassDEP is proposing more accurately reflect current and future precipitation conditions, which this project’s stormwater systems should be designed to handle.

The ENF notes that the project is expected to significantly increase onsite infiltration but does not explain what Best Management Practice (BMPs) will be used to accomplish this result. The ENF does not mention the use of green infrastructure to manage stormwater on the site. Green infrastructure should be extensively incorporated into the building, parking lots, and other paved areas to treat stormwater generated by impervious surfaces and provide cooling benefits for the community. The ENF also does not say whether the proponent has considered alternatives to impervious surfaces such as porous pavement for walkways or green roofs or cisterns to reduce the volume of runoff generated by the project. The proponent should investigate the feasibility of, and maximize use of, these alternatives.

The ENF states that the proponent has submitted its stormwater management plans to the Town of Weston. These plans should have also been included in the ENF so that the public could review and comment on specific aspects of the stormwater management plan.

Water Quality

Any stormwater runoff discharged from the project site will ultimately reach the Charles River, which is an impaired waterbody according to the Massachusetts Year 2016 Integrated List of Waters. Two Total Maximum Daily Loads (TMDLs) apply to this segment of the river: the TMDL for nutrients in the Upper/Middle Charles River (2011) and the final pathogen TMDL for the Charles River (2007). There is no discussion in the ENF about how the project will comply with these TMDLs.

Under the nutrient TMDL, significant reductions in phosphorus loading are required in order to meet water quality standards—there is no “room” for any additional phosphorus loading to the Charles River. The pre- and post-development annual phosphorus load from the site should be provided, along with calculations showing that the project complies with the phosphorus TMDL.

As a reminder, the Town of Weston is regulated by the General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) (MS4GP). The MS4GP requires Weston to reduce its phosphorus load and achieve a total allowable load of 799 kg/yr to comply with the TMDL for nutrients in the Upper/Middle Charles River. Rather than being a target or a goal, achieving the total allowable load is a legally-binding requirement under the MS4GP, with which failure to comply would be a violation of the permit and the Clean Water Act. Reduction requirements contained within Appendix F of the MS4 General Permit are based on the TMDL; the baseline phosphorus load, load reduction requirement, and allowable phosphorus load follow the assumption, as relevant here, that commercial, industrial, high density residential, and medium density residential land uses will achieve or exceed an average annual phosphorus load reduction of 65%. The Town’s requirements of project proponents should match these reductions in order to not only achieve the allowable phosphorus load under the MS4 General Permit but also to spread the burden of compliance to private new and redevelopment projects in the community. It is much more efficient and cost-effective to accomplish phosphorus reductions at the time projects are constructed, rather than going back and retrofitting projects later on. It is not clear that Weston’s local Stormwater and Erosion Control code and requirements are requiring reductions consistent with the TMDL.

The project must also address the discharge of bacteria to the Charles River. Inflow and Infiltration (I&I) mitigation work to address aging sewer infrastructure is one important way to limit the migration of bacteria into our local water bodies; illicit discharge detection and elimination (IDDE) is another. Under Stormwater Handbook Standard 10 – Prohibition of Illicit Discharges, for any sewer and storm drain infrastructure remaining on site, we would expect the proponent to confirm the condition and separation of stormwater utilities, and that there are no illicit connections. Bacteria can also come from soils and decomposition of natural materials. Catch basins and water quality units collect much of this material, and some of it may enter the infiltration systems. Frequent cleaning as part of a long-term operation and maintenance program is a critical way to keep these materials from entering the piped network and subsurface systems.

Trees & Vegetation

Trees and other vegetation improve air and water quality, help control stormwater runoff and flooding, and provide natural cooling. The ENF indicates that trees will be removed as part of the project and that existing onsite tree canopies will be preserved “to the extent practicable.” It does not specify the species, density, and age of trees and vegetation on the site, and it is unclear how many trees and of what size will be cut down. We appreciate that the project proposes to increase the overall amount of onsite trees in the post-construction condition, but note that the benefits of new young trees will not be the same as any mature trees removed. We also recommend that native trees and shrubs be planted within proposed landscaped areas and along proposed roadways wherever possible.

Climate Resilience

An analysis using the RMAAT Climate Resilience Design Standards Tool demonstrates that elements of this project are at “high risk” for extreme precipitation/urban flooding, extreme precipitation/riverine flooding, and extreme heat. Minimizing impervious surface and preserving mature trees would further reduce the risks posed by both flooding and extreme heat. As discussed above, creation of new impervious area should be avoided/existing impervious area should be reduced and trees should be preserved to the maximum extent possible. Stormwater management systems should be designed to not only accommodate current storms, but future storms as well. Progressive approaches, including green roofs and rainwater harvesting or greywater reuse, should be considered.

Thank you for considering these comments.

Sincerely,



Heather Miller, Esq.
General Counsel and Policy Director

cc: Weston Stormwater Permitting Authority via Richard Sweeney, Jr., P.E., Assistant Town Engineer