

6 Saint Gerard Terrace
Cambridge, MA 02140
29 January, 1996

Craig Kelley's comments before the Cambridge City Council in favor Council Order #26(?) that the City Council formally request that the Commissioner of the Massachusetts Department of Environmental Protection (DEP) not rule on a Notice of Project Change (NPC) concerning the North Cambridge development proposed by Spaulding and Slye at the W.R Grace site at Alewife, EOEA #5869.

Good evening Councilor Duehay, Councilor Triantafillou and all of the Cambridge City Council. Thank you for giving me the opportunity to speak tonight in favor of Council Order 26(?) which would result in a formal request from the City of Cambridge to the Secretary of the Massachusetts Department of Environmental Protection that the Secretary not act on a Notice of Project Change under the Massachusetts Environmental Policy Act concerning Spaulding and Slye's development plans for the W.R. Grace site at Alewife.

My name is Craig Kelley. I live at Six Saint Gerard Terrace, which is just off of Rindge Avenue in North Cambridge. I am the Chair of the North Cambridge Stabilization Committee, a member of the Alewife Study Group's core-group, the chair of the Alewife Study Group's Environmental sub-committee, an attorney by training and an Environmental Manager by profession. I have received advanced formal training on complying with NEPA, which is the national statute upon which MEPA is based, and I have co-authored a major book on environmental compliance, due for publication in the Spring, which includes a chapter on NEPA compliance. In short, I have the necessary personal, community and professional qualifications to make the case that the Cambridge City Council can and should ask the Secretary of the DEP to postpone any ruling on the Alewife Notice of Project Change until after the Cambridge Citizen's Advisory Committee has fulfilled its function and the City has held its public meeting.

The City Council should ask that the DEP postpone its ruling because:

- a. Any ruling on the sufficiency of the NPC will undermine the ongoing work of the City chartered Citizen Advisory Committee. This Committee is addressing in extensive detail the very same environmental concerns addressed in MEPA documentation and is engaging in the very dialogue that MEPA is designed to promote. To have the Secretary decide one way or the other on this MEPA permit prior to the Citizens' finishing their task, would prejudice, if not completely render moot, this Committee's work.
- b. Similarly, any ruling on the sufficiency of existing MEPA documentation prior to the City's public hearing will render that hearing less effective, possibly to the point of being moot, while at the same time frustrating MEPA's goal of improved dialogue on environmental issues surrounding projects.

The City Council can rightfully ask that the DEP postpone its ruling on the sufficiency of the NPC because:

a: The Code of Massachusetts regulations implementing MEPA do not specify any time frame by which the Secretary must act on a Notice of Project Change. The traditional 20-day limit imposed by the DEP for Notices of Project Change has no statutory or regulatory basis. In fact, according to DEP MEPA unit's Doug Vigneault, there is no formal requirement that the notice and comment period last only 20 days from submission of the NPC.

b: Similarly, the Massachusetts Environmental Policy Act does not specify any particular timeframe for the Secretary to respond to Notice of Project Changes.

c: The CMR actually provides for the use of Citizens Advisory Committees in certain cases. While the Secretary has not set up a Citizens Advisory Committee for this project, it is clear that the DEP favors the uses of CACs to further MEPA's goal of minimizing damage to the environment and promoting public discourse.

d: The Massachusetts Environmental Policy Act specifically directs agencies, commissions and authorities of the commonwealth to "use all practicable means and measures to minimize damage to the environment." For the Secretary to wait until after the Citizens Advisory Committee and the City's Public Hearing have completed their tasks would, absent clear statutory guidance otherwise, be such a "practicable means and measures to minimize damage to the environment."

It is important that there be an extended comment period on this Notice of Project Change because there are very significant differences between the original project and the currently proposed project, differences which, in my opinion, should, under 301 CMR 11.17, require the proponent to submit a new Environmental Notification Form (ENF) and restart the MEPA documentation process. The City's Citizen Advisory Committee and the City's public hearing will both play important parts in developing the record that the Secretary needs to determine if the Notice of Project Change is sufficient to meet MEPA documentation requirements for this project.

These major differences include, but are not limited to, the following issues:

*Different Development Footprint: The current proposal calls for the construction of a 60,000 square foot retail building- roughly one half of the overall retail space for the site- on an area *outside of the original project's footprint*. This retail building, as it is currently planned, will be located adjacent to a residential area with three loading docks between the building and the neighboring houses.

*Increased Automobile Traffic: The current proposal will generate an estimated three to four million vehicle trips into or out of the area each year. Rough calculations indicate that daily vehicular traffic in the area will be approximately *ten thousand* vehicular trips per day, far more than the 3,000 trips noted in the CMR as a threshold for MEPA planning. Not only will this traffic be significantly more than the estimated traffic for the office park, it will be of a completely different nature, flooding the area in the evenings and weekends as people shop instead of being concentrated in normal commuting hours.

*Increased Heavy Truck Traffic: The super-store type grocery market and 60,000 square feet of additional retail space called for in the current proposal will generate significantly more heavy truck traffic than the original office park proposal. This heavy truck traffic, supplemented by numerous smaller delivery trucks, will result in more air and noise pollution, more wear and tear on local roads and more congested traffic than the minimal heavy truck traffic that would have resulted from the original office park proposal.

*Potential Change in Amount and Effectiveness of Compensatory Storage in Floodplain: The original office park proposal called for underground parking. This underground parking was, as I understand it, to provide the compensatory water storage since the project would have paved over much of the surface of the site, which is apparently located on a floodplain. The current proposal also calls for paving over much of the project site, but it is not clear how efficient the compensatory storage will be since there is no underground parking. A similar ground-level parking lot at the nearby Arthur D. Little property has been completely submerged during high-water times, and Grace site neighbors are concerned that similar flooding as a result of this proposed project will result in flooded yards, basements and other low-lying property. Additionally, inefficient compensatory storage could easily result in discharges of silty, oily parking lot run-off into the nearby wetlands and waterways.

*Changes in Existing Traffic Flow: Since May, 1988, when the last MEPA documentation was completed, the traffic flow through the Alewife area has increased considerably. During the evening rush hour, there is now a State Police officer stationed outside the entrance to 1 Alewife Center, adjacent to the proposed project site, to allow traffic to access the bumper-to-bumper traffic flow down Route 16. Congestion has increased to the point where it can take almost 15 minutes to travel the short distance from the Concord Ave rotary just south-west of the site to the intersection of Massachusetts Avenue and Route 16 just north-east of the site. As a result of this congestion, commuters have already started seeking short-cuts through the residential neighborhoods that abut the proposed project site, with a resulting decrease in air quality, public safety and enjoyment of the local environment.

*Potential Changes in Wetlands Delineation: The Massachusetts legislature has redefined "wetlands" since the SFEIR. A new delineation can not take place until the spring, when winter conditions have subsided. Further, wetlands are delineated by the type of vegetation present at a site rather than the actual presence of water. The last wetlands survey on file in the Main or North Cambridge libraries was conducted in the mid-to-late 1980's. It is quite possible that the intervening years have seen a considerable increase or change in the wetlands present at the site, which complicates the redefinition of the term. Accordingly, the proponent should conduct a completely new wetlands survey.

*Existing Hazardous Waste Threats: The W.R. Grace site was been the scene of extensive chemical manufacturing for decades. Chemical wastes were deposited in lagoons on-site, eventually contaminating the aquifer and putting a stop to swimming in a local pond. While W.R. Grace appears to think that the site has been largely remediated, many questions remain about missing groundwater monitoring results, final deposition of the hazardous wastes removed from the site, off-site environmental monitoring during proposed

construction, worker safety from exposure to hazardous chemicals on site and so forth. It is important to note that naphthalene, which is present on the site in relatively large concentrations, has recently been classified as a carcinogen in California and may be so classified by Massachusetts in the near future.

*Potential Violations of the Clean Air Act: Cambridge is located in a non-attainment area under the National Ambient Air Quality Standards. To comply with the Clean Air Act, Cambridge has instituted a parking ban. It is not clear how the 750-car parking lot proposed for this project, in addition to underground parking for the hotel, will abide by the City's parking ban and, by extension, the Clean Air Act. Further, it is not unreasonable to think that an extra 10,000 vehicle trips per day will result in greater levels of ground level ozone, particulate matter and other air pollutants regulated under the Clean Air Act.

*Reclassification of Naphthalene: The EPA and the Massachusetts DEP are considering reclassifying naphthalene as a possible human carcinogen (Group C). Naphthalene is one of the primary contaminants in the soil and groundwater on the proposed site for development.

*Serious questions have been raised about the methodology and results of the Risk Assessment.

*Future Corps of Engineers Study of Area: The Army Corps of Engineers intends to conduct a comprehensive hydrologic/hydraulic study of the Alewife Brook Watershed in the near future. To quote the Conservation Commissions of Belmont, Arlington and Cambridge requesting that the study be performed, "such a study is critical for our communities to be able to review and evaluate proposed development projects. . . in the area. Without such a study to provide a baseline, our communities cannot adequately assess the impact which individual projects will have on this watershed."

*Lack of Air Quality Analysis in Original EIR: Despite repeated requests from DEQE during the EIR process, the proponent failed to provide an air quality analysis, claiming it was "not required." The proponent now seeks to incorporate such a study into the NPC process. This only is acceptable only if a process comparable to that of an EIR is established for this study: The community and independent experts must be allowed sufficient time to analyze and respond to the proposed scope for the study, to comment on the methodology and results of the completed study, and to comment again on the proponent's responses to their earlier comments. Absent this process, the NPC will thwart the purposes of the EIR process.

*Lack of Expressed Need for Complex: The allegation that the proposed supermarket meets a community is a false equity. The supermarkets approached by the developer are not viewed as affordable by members of the community most in need of a supermarket within walking distance. Participants in community meetings believe the proposed supermarket is designed to attract shoppers from surrounding suburbs, not to primarily benefit the neighborhood. In addition, members of the community have expressed uniform opposition to the proposed siting of retail directly adjacent to surrounding neighborhoods.

Essentially this project has virtually no relation to the original office park project besides the parties involved and the basic location. In fact, many of the parties have also changed, as residents have moved in and out of the affected neighborhoods. The footprint and acreage of the project has changed, for well over five years there has been no commencement of construction on the site, traffic conditions have changed, the classification of chemical hazards and methodology is changing and so on. The last time the community spoke on proposed development at Alewife Center was eight years ago, in 1988, concerning the now-obsolete office park complex.

Accordingly, once more I ask that the City Council work to ensure that the community's voice, as represented by, among other things, a completed Citizens' Advisory Committee record and the record of a Public Hearing as ordered by the City Council, is heard by the DEP on the new proposal before the Secretary renders a decision on the adequacy of the NPC.

Thank You,

A handwritten signature in dark ink, appearing to read "Craig A. Kelley", with a stylized flourish at the end.

Craig A. Kelley, Esq.

Consent Communication #7

5-17

Communication was received from Craig A. Kelley, Esq. transmitting comments in favor of Council Order #26 formally requesting that the Commissioner of the Mass. Dept. of Environmental Protection not rule on a Notice of Project Change concerning the North Cambridge development proposed by Spaulding and Slye at the W.R. Grace site at Alewife EOE #5869.

In City Council January 29, 1996

Referred to Order #26