



June 7, 2013

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

Re: EOEEA #15039 Daly Field Restoration EENF

Dear Secretary Sullivan:

The Department of Conservation and Recreation (“DCR” or “Department”) is pleased to submit the following comments in response to the Expanded Environmental Notification Form (“EENF”) submitted by Allston-Brighton Friends of Daly Field (“the Proponent”) for the Daly Field Restoration project (the “Project”). The Proponent is a partnership of three entities, comprised of Simmons College, Brighton High School Football, and Allston-Brighton Little League.

As described in the EENF, the Project will rehabilitate DCR’s Daly Field (the “Field”) with expanded recreational activities, located near the Boston / Newton line adjacent to the Charles River. Under provisions of Chapter 223 of the Acts of 2012 (the “Act”), the Division of Capital Asset Management and Maintenance (“DCAMM”) may lease Daly Field to the Proponent, pursuant to a 20-year term and a one-time 10-year extension. The Act and EENF describes various commitments made by Simmons College including construction and maintenance of various athletic facilities including synthetic turf fields, tennis courts, and a running track. Simmons College would also construct lighting for the entire parcel, a new field house, bleachers and a press box, and assume financial responsibility for all utility costs. The Act provides specific seasons/times that Simmons College, Brighton High School Football, and Allston-Brighton Little League would use the improved facility. Under the terms of the Act, Simmons College will also contribute \$500,000 towards DCR’s Watertown Riverfront Park Restoration.

The Project requires a Construction and Access permit from DCR, and could require execution of an agreement between Simmons College and DCR to allow Simmons College to manage and oversee construction of the improvements. The Project also requires an Article 97 disposition of land via the grant of a lease to the proponent.

Background

Daly Field is a seven-acre property constructed in 1966 consisting of a softball field and a combination soccer/football field. The Field currently contains a closed field house, lighting for the softball field, and an eight-foot chain link fence located around the perimeter of the property. The playing fields are in poor condition overdue for reconstruction because of their age, usage, and necessary reductions in regular maintenance. The Field is located between DCR’s Daly Skating Rink in Newton, which is operated under a lease between the Commonwealth and Newton Country Day School, and Community Rowing

COMMONWEALTH OF MASSACHUSETTS · EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS

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Deval L. Patrick
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Richard K. Sullivan, Jr., Secretary
Executive Office of Environmental Affairs

Edward M. Lambert Jr., Commissioner
Department of Conservation & Recreation

Incorporated's (CRI) boathouse facility, which is located on DCR land that is leased by the Commonwealth to CRI, in Boston's Brighton neighborhood. The site does not provide any separate parking. Daly Field shares approximately 130 parking spaces with the adjacent Community Rowing facility and a public boat launch. The 66-space Daly Rink parking is also shared by the Newton Country Day School (the lessee of Daly Rink) and DCR park users.

DCR submits the following comments on the EENF. DCR requests the Proponent provide further information to identify and correct potential environmental impacts of the Project. DCR believes these issues can be addressed through preparation and filing of a Single Environmental Impact Report ("SEIR"). DCR remains available for consultation as needed on preparation of the SEIR.

Public Access and Article 97 Compliance

The Act specifies hours of field use, reserved first for certain groups, primarily the Proponent and its partner entities (i.e. Simmons, Brighton High School Football, and Allston-Brighton Little League). Presently, use of the fields during the times specified in the Act, as well as other times, is restricted to organized groups by permits but outside of permitted times, the public has unrestricted access to the Field from dawn to dusk.

To assess demand and impacts to existing public access to the fields, DCR reviewed 2012 Field Use Permits issued by the Department for use of the softball and football/soccer field during weekdays, and compared them with the days/times specified in the Act for use by the Proponent and its partner entities. Because the Act does not allocate weekend hours, DCR focused on weekday use. DCR acknowledges that demand is likely constrained by existing poor conditions. Public demand for playing fields is in the evenings, overlapping with the days/times reserved in the Act for Friends member groups. For instance, of the 60 hours in June that would be used by Allston-Brighton Little League, 50 hours (83%) are during a time when a permit was issued in 2012 to use the softball field for adult play. Similarly, 72% of hours in the month of July co-align between Allston-Brighton Little League and hours permitted for field use in 2012. However, consistent with the DCR *Community Guide for Reserving and Using Massachusetts DCR Athletic Fields and Facilities*, Allston-Brighton Little League would receive preference as a youth sports organization from the local community. By comparison, field hours used by Simmons College for the softball field during April, May and August (months with the highest rates of shared times) average 55%. Rates of potential conflict for the soccer/football field are much lower, as there were few permits issued for weekday use in 2012.

DCR notes that the vast majority of permit requests to use the Daly football/soccer fields occur on the weekends, with heavy use on Saturdays between April and November. In addition, use of the Daly softball field on the weekends is high, particularly in the spring and summer. Because residents of the Allston-Brighton neighborhood all have diminished access to open space compared to the citywide average¹, DCR notes the improvements to Daly Field proposed by the Proponent will likely increase demand for permits from DCR to use these spaces. Although the Act is specific for days/times that the Proponent will use the field on weekdays, the extent to which various entities will use the fields on Saturday and Sunday is unclear in the Act². DCR requests the SEIR discuss what, if any, anticipated permit requests will be made by Simmons College or other entities that comprise the Proponent to use the facility on weekends. For instance, the SEIR should state whether home games will be held by Simmons College during the weekends, and if so, what days/times these events will be held. Weekend use of the proposed facility is also important to document, as DCR relies on the parking at the adjacent Community

¹ As stated in the City of Boston 2008-2014 Open Space Plan, the Allston-Brighton neighborhood contains approximately 67% of open space acreage per the citywide average (a ratio of 5.03 acres of open space per 1,000 residents versus the citywide average of 7.47 acres per 1,000 residents).

² Section 3 of the Acts states "The Department shall permit the following reserved field needs... (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."

Rowing facility and Daly Rink for special weekend events such as the annual Head of the Charles in October.

DCR also requests the EIR clarify how the entities will use the fields during the months of May, and on Friday nights during the fall since the legislation states both more than one entity will have the right to use Daly Field during these times. DCR also requests further information on how the Simmons College crew team will use the facility, since rowing is identified as a use by Simmons College but no details are provided in the EENF on how the rowing team will use the facility.

As stated in the EENF, priorities for seasonal field use will be made by DCR pursuant to five components of its *Community Guide for Reserving and Using Massachusetts DCR Athletic Fields and Facilities*: Compatibility, Regional and Community Affiliation, User Group Needs and Opportunities, Partners for Healthy Communities, and Years of Service to the Community.

Throughout the Commonwealth of Massachusetts, DCR works to provide quality and accessible public recreation space and opportunities for its residents. Ensuring the public's right to use and enjoy an improved Daly Field is a priority of DCR under this project, as well as creating an inviting and welcoming setting to the public. Similar agreements or arrangements exist for use of other DCR recreational facilities including Dilboy Stadium (with the City of Somerville) Lederman Park (with the private non-profit Friends of Teddy Ebersol's Red Sox Fields) and Magazine Beach playing fields (City of Cambridge.) These other agreements or arrangements have been considered consistent with Article 97; the Proponent should explore these examples to determine how their proposal may be or should be modified in the public interest.

In its EIR, DCR requests the Proponent disclose anticipated revenues generated by the facility including food concession and admission to athletic events. Specifically, DCR requests the Proponent provide information on which events Simmons College plans to charge admission for and whether Brighton High School will charge admission for its home games.

Consistency with the Charles River Basin Master Plan

The 2002 Charles River Basin Master Plan included several recommendations for the Daly Field complex including replacement of the current skating rink with a new facility for Community Rowing. The 2010 construction of the new Community Rowing boathouse did not comply with the recommended plan and so limited the ability to meet the larger goal of a more "pastoral" landscape through restoration of the playing fields and reconfiguration of parking lots. DCR requests that the Proponent explore proposal modifications to meet the spirit of the master plan recommendations. The Act and the plan call for a continuation of the riverside pathway. The proposed jogging path circumnavigating the fields does not appear consistent with the plan recommendations nor the continuation of a passive recreational trail along the River. DCR requests that the Proponent explore pathway alternatives including an appropriate linkage from the riverside path to the newly constructed Nonantum Road multi-use path.

The Field is currently enclosed on all sides with a deteriorated eight-foot high chain link fence with a four gated accessways. The proposal calls for its replacement with a new six-foot high chain link fence with gated openings. DCR requests that the Proponent explore no site fencing, or alternatives that preserve unrestricted visual and physical access to the Field and more in keeping with the desired pastoral quality. DCR also requests that the Proponent explore re-siting the proposed replacement field house outside of the Wetland Protection Act Buffer Zone and to a location more convenient and secure to casual park users. DCR also asks that the Proponent discuss in detail its commitments to the public restrooms being truly public and available to the general public (whether using the Fields or the multi-use path) during specific daytime hours, as well as during all DCR permitted uses, whether those of the Proponent and its

partner entities or other non-related groups. Finally DCR requests detailed landscaping plans including all design elements particularly lighting. The last item should minimize glare and nuisance lighting.

Stormwater

DCR notes the EENF did not contain enough information to adequately assess the proposed stormwater treatment system. In the EIR, DCR requests comprehensive information on the stormwater management plan including the specific stormwater Best Management Practices shown in Figure 5-2 of the EENF.

As owner and steward of the property, DCR has a keen interest in ensuring the project complies with stormwater regulations and policies sanctioned by the Massachusetts Department of Environmental Protection (“MassDEP”) and the U.S. Environmental Protection Agency (“U.S. EPA”). As owner of recreational lands along the Charles River, DCR also has regulatory obligations in protecting and enhancing the River’s water quality. In the SEIR, DCR requests information on what storm water management measures will be employed to control movement or migration of rubber particles from the artificial playing surface, or to control any new storm water runoff or discharge to the Charles River. DCR also requests the Proponent provide site management plans to specifically contain phosphorous and pathogens, as the project site discharges to the Charles River for which total maximum daily loads (TMDLs) limits for phosphorous and pathogens have been published and are enforceable. DCR further requests that the Proponent provide maintenance and management plans in the EIR for the regular care and grooming needs of artificial turf fields. DCR notes the Proponent needs to prepare and implement pollution reduction plans in accordance with MassDEP and U.S. EPA standards for storm water discharge to the Charles River.

DCR also requests information on whether storm water run-off will be at a higher temperature than the temperature of storm water run-off from a field with natural turf, and if so, what methods will be employed to ensure run-off from the proposed field surface will not impact to the Charles River.

Since the Proponent needs use of the existing parking lots on the adjacent Daly Rink and the Community Rowing parcels, DCR requests the Proponent commit to improving existing stormwater collection and treatment structures at these facilities. DCR also notes the presence of subsurface pipes beneath Daly Field that channel stormwater off Nonantum Road. DCR requests the Proponent commit to ensuring the functionality of these pipes during construction, and preserve, maintain, and repair the pipes if found to be impacted or damaged.

Traffic/Parking

DCR notes rentals of the adjacent Community Rowing building regularly occurs throughout the year, with frequent rentals on Friday nights in the fall. The Proponent’s use of Daly Field on Friday will also impact requests the Proponent DCR requests the Proponent incorporate special events permits at the CRI building in the traffic analysis. DCR will work with the Proponent to provide this information.

DCR requests the Proponent conduct a thorough traffic/parking study as part of an SEIR. DCR notes a number of potential problems with how the traffic/parking analysis was conducted in the EENF that need to be addressed in order to adequately assess and potentially mitigate the impact of the proposed project. For example, traffic associated with high school football activity is included in the future no-build condition. This should be part of the project generated traffic. Also, traffic associated with little league and softball activities is not included in the analysis. The Proponent indicates that the inadequate onsite parking will be mitigated through control by the Proponent. DCR notes this may not be consistent with existing DCR agreements with current users. As part of its SEIR, DCR requests the Proponent review existing lease agreements and develop a plan that ensures previous agreements can be honored. The EENF also indicates, with very little detail, that the Proponent will address on-site parking inadequacies through use of shuttle buses from satellite sites. The parking study should address, in detail, how the Proponent and their partner entities will ensure that event participants and guests will use satellite parking

sites, as well as identify and discuss the planned satellite sites and whether agreements exist for their use. The proponent should not rely on use of other DCR properties as satellite sites, as no other DCR properties were authorized for use under the Act. DCR requests the traffic/parking study include an analysis of the access driveways to explore the adequacy of gaps for safe left turn movements (into and out of site). This analysis should discuss the worst-case condition. DCR also requests the Proponent conduct new traffic counts on Nonantum Road during the recreation season (between Memorial Day and Labor Day).

DCR notes the existing parking available to the site is limited. As stated in the EENF, the Proponent anticipates an additional 30 spectator vehicles and four buses will require parking spaces during peak use. As noted earlier in this comment letter, it is not immediately evident whether Simmons College will be using the facility for athletic events on weekends. At a recent public meeting, the Proponent stated that parking efficiency could be improved at both lots, DCR requests that the SEIR include any proposed reconfigurations to the current parking. Because both parking areas are outside the leased area defined by the Act, the Proponent must pursue parking improvements through cooperative arrangements with neighboring lessees that also provide for the reasonable accommodation of casual park visitors and ensure unrestricted access to the boat launch. DCR requests the Proponent provide information on the anticipated use of the facility for athletic events, further evaluate the impact of these events on parking supply, and identify any opportunities to expand the parking supply if needed. As part of this exercise, DCR requests the Proponent evaluate the current parking demands by existing uses on the field by season/time, and generate estimates for parking use by season/time by the future use.

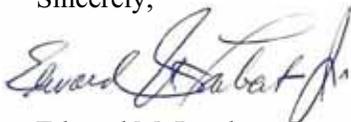
DCR notes rentals of the adjacent Community Rowing building regularly occurs throughout the year, with frequent rentals on Friday nights in the fall. The Proponent's use of Daly Field on Friday will potentially impact rental functions at the CRI boathouse and this impact should also be addressed. DCR requests the Proponent incorporate special events permits at the CRI building in the traffic analysis. DCR will work with the Proponent to provide this information.

Public Comments

DCR held a public meeting on the proposal on Thursday May 30th at the Community Rowing Inc. building. Attached to this letter are the public comments DCR received after this meeting.

Thank you for the opportunity to comment on the EENF. For general questions on these comments, please contact Joe Orfant, Chief of the Bureau of Planning and Resource Protection at 617 626-4933 or Joe.Orfant@state.ma.us. Specific questions or further information needs on stormwater, should be directed to Rob Lowell of the Stormwater Section of the Bureau of Engineering at 617-626-1340 or Robert.Lowell@state.ma.us. If you have questions on traffic impacts, please contact Ken Kirwin, Chief of the Parkways Section at 617-626-1498 or ken.kirwin@state.ma.us.

Sincerely,



Edward M. Lambert, Jr.
Commissioner

cc: Jim Comeau, Priscilla Geigis, Ken Kirwin, Tom LaRosa, Rob Lowell, Jack Murray, Joe Orfant, Samantha Overton, SJ Port, Jason Silva
Janet Fishstein, Daniel Cuddy (Allston Brighton Friends of Daly Field)
Jamie Fay, Fort Point Associates

From: Doug Brown [mailto:douglas_p_brown@yahoo.com]
Sent: Thursday, May 30, 2013 5:08 PM
To: Updates, DCR (DCR)
Cc: william.brownsberger@masenate.gov
Subject: Daly Field Hearing
Importance: High

To Whom It May Concern:

I am writing to express my deep frustration with the process, (or more appropriately, the lack of process) related to the leasing of Daly Field to a private interest, Simmons College. I believe this to be a profound departure from the stated mission of the DCR; namely, to provide for common access to state-owned natural resources. Further, I find the way in which this deal was done perverse to say the least. When deciding how to manage public lands, it is entirely inappropriate, even negligent, to negotiate with private interests without involving the general public.

The issue isn't that creating modern sports facilities on the river is bad- the more, the better I say. In fact, we should have beautiful athletic facilities all along the Charles River, from one end to the other and freely available to everyone. Unfortunately in this case, the use of these facilities will be severely restricted to specific private groups, in direct contradiction to the charter of the DCR, which makes a point of emphasizing "public involvement," "accessibility," and "the wellbeing of all."

It is for that reason that I object in the strongest possible terms to the way in which this matter has been handled. Please do everything in your power to negate the current arrangement with Simmons College, and to return this valuable public property to public use. Thank you for your time and attention in this matter.

Sincerely,

Doug Brown
Cambridge, MA

DCR Mission

To protect, promote and enhance our common wealth of natural, cultural and recreational resources.

In meeting today's responsibilities and planning for tomorrow, DCR's focus is on:

- **Improving outdoor recreational opportunities** and natural resource conservation
- Restoring and improving our facilities
- **Expanding public involvement** in carrying out DCR's mission, and
- Establishing first-rate management systems and practices.

The health and happiness of **people across Massachusetts** depend on the **accessibility** and quality of our green infrastructure - our natural resources, recreational facilities, and great historic landscapes. The DCR continues to improve the vital connection between people and the environment **for the wellbeing of all.**

From: Sheppard, Michael [<mailto:Michael.Sheppard@compuware.com>]
Sent: Friday, May 31, 2013 9:42 AM
To: Updates, DCR (DCR)
Cc: vpwest@usafi.com; msheppard7@gmail.com
Subject: Daly Field

Hello, I writing a follow-up to yesterdays meeting. It sounds like Simmons will be a good suitor as the field is in terrible condition and has not been looked after by area residents. When plans start to come up with layouts and football field vs baseball field vs soccer field come into play...my advice would be to maximize the amount of grass/turf area without putting restrictions on space. While competitions require proper dimensions – a community field does not. If there were no restrictions with open grass up to the road and baseball field, you could fit a football field and two soccer fields.

I help run the australian rules football club in Boston and have been in contact with the state cricket league, while we would love to see a large enough ground for us to play on, we understand we don't really have a spot at the table. But, from visiting with fields and speaking with CVB's around the country – grass space is also the best. Boston struggles for flat, green space, hopefully we will use all available space to engage the community in physical activity and getting them away from the tv.

Thanks for your time.

Michael Sheppard, W: (781) 768-4921, C: (313) 743-7040, michael.sheppard@compuware.com
25 Allston St. Apt.2, Charlestown, MA 02129

From: Doug Brown [mailto:douglas_p_brown@yahoo.com]
Sent: Wednesday, June 05, 2013 12:20 PM
To: Updates, DCR (DCR)
Subject: FW: Follow-Up Communication - Daly Field Complex Leasing & Renovation Project
Importance: High

Dear Commissioner Lambert,

this follow-up to last week's important Daly Field discussion is entirely inadequate. I would have expected that any summary of a meeting designed to gather public comments would have included those public comments in the summary, so that those unable to attend could better understand the sentiments of the general public on this issue. At its core, the issue at hand with Daly Field is the original process's total lack of openness. Given that issue, the solution is to provide MORE information going forward, not LESS. As a result, I humbly request that the DCR provide a full summary of the meeting last week. Thank you for your time and attention in this matter.

Sincerely,

Doug Brown

From: apac@mindspring.com [<mailto:apac@mindspring.com>]
Sent: Wednesday, June 05, 2013 4:53 PM
To: Updates, DCR (DCR)
Subject: Fw: Re: [AB2006] Daly Field comment letter

Commissioner Edward M. Lambert Jr.:

Per your instructions this shall serve as formal correspondence to your Department regarding action to be taken on Daly Field Brighton.

This scheme proposed on behalf of Simmons College ought not to be supported or advanced.

It appears that in the recent past the river bank along the Allston and Brighton section has become a target for the self interested development by private organizations particularly that area at the foot of the Nonantum Hills in Brighton. Former residents, the Algonquin people, used the word nonantum to distinguish a blessing of nature.

At the DCR meeting the other night the Harbor Point Associates and Vanasse Traffic and Parking made their presentation on behalf of Simmons College and it boiled down to more cars, buses vans, blacktop, synthetic landscape, and construction. The area is already overwrought. For years our friends and neighbors have watched with enthusiasm as the up river toxins and pollutants have been attacked aggressively by good public policy. It might no longer be a pipedream to see some swimming opportunities again.

It is my view that the DCR does a fine job with the given resources, yet it often gets a bad rap and sometimes as in the Daly Field scheme serves as a whipping boy for some entity's ulterior motive.

It would be appear irresponsible to give the direct care and management of this public asset to a novice volunteer group no matter how well intentioned it is. "The Friends" can find other paths to help the City's Brighton High School.

This stretch of riverbank is an area of critical environmental concern to those legatees that revere the natural resources handed down to us.

In this day we realize that these natural designs are fragile and need to be husbanded and protected from more self centered perspectives of what can be the uses of protected real estate.

Daly Field could be so much more for so many more than will accrue if this scenario plotted by Simmons College achieves fruition.

Conserve and protect.

From: SARAH FREEMAN [<mailto:freemansherwood@hotmail.com>]
Sent: Thursday, June 06, 2013 2:43 PM
To: Updates, DCR (DCR)
Subject: Daly Field

Dear Anne/DCR Updates,

My comments re: Daly Field are attached.

Thank you,
Sarah Freeman

From: freemansherwood@hotmail.com
To: holly.s.johson@state.ma.us
Subject: Project #15039 - Daly Field Complex Leasing & Renovation Proposal
Date: Thu, 6 Jun 2013 14:39:11 -0400

Dear Ms. Johnson,

Attached please find my comments about the Daly Field Complex Leasing & Renovation Proposal, Project #15039.

Best regards,
Sarah Freeman

Secretary Richard K. Sullivan, Jr.
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
Holly Johnson, EEA. No. 15039
100 Cambridge Street, Suite 900
Boston, MA 02114

June 6, 2013

***Re : Project No. 15039:
Daly Field Complex Leasing and Renovation Proposal***

Dear Secretary Sullivan,

I attended DCR's listening session regarding this project on May 30, 2013 hoping to clarify some questions and concerns that I had about the project. Those concerns – especially re: Article 97 land and public access remain. The issues involved are complex and precedent-setting – it reminds me of the Arborway Yard Bus Facility in

Jamaica Plain, which was under MEPA review approximately a decade ago, but those memories are still fresh.

Re: Article 97: After the MEPA review (described below), at the end of the legislative session in 2004, tucked into the transportation bond bill, a portion of the Arborway was going to be transferred to the City for use as part of the bus facility. Fortunately, that was vetoed by the Gov., and the transfer did not go through. But it sensitized me – and many others – to the fragility of Article 97 land protection. Such transfers should be discussed openly and not come as a surprise to the agencies or to the general public and the friends groups who are working diligently for the benefit of these public lands.

At the Listening Session, I quoted from an article by Eugenie Beal & Henry Lee, “Keeping the public in parks”, Common Wealth Magazine, Jan. 15, 2013 (Here’s a link to the full article:

<http://www.commonwealthmagazine.org/Voices/Perspective/2013/Winter/001-Keep-public-in-parks.aspx>; excerpts are below.).

- “While the state budget has increased by 3.7 percent since 2001, the share devoted to environmental programs, including parks, has decreased from 1 percent to 0.57 percent.” This is not a sustainable trend. Private partners and donations are helpful, but commitment from the state cannot continue to diminish if we want a world-class park system.
- The Central Park Conservancy in New York City has raised more than \$400 million for restoration and enhanced maintenance of the park’s 843 acres.... The Conservancy, for its part, has not sought private use of the park or exclusion of the public at any time. No doubt its donors enjoy its improved condition, but their gifts are for the enjoyment of all.
- In Boston, the Friends of the Public Garden carry out projects; the city parks department determines administration and use.

Fair value: If there is a long-term agreement (e.g. 20 or 30 year lease), what is the fair value?

Parking: If this were 7 acres of waterfront property in New York City, how would they handle parking?

While I am very sympathetic to the needs of Brighton High School, Little League, and Simmons College and recognize the importance of physical activity & sports for public health and for local families and communities, I also value public access to parkland.

The Arborway Yard Bus Facility MEPA certificate recommended changes to the project (relocation of curb cuts for bus entrances) without requiring a full EIR. This doesn’t have to be a case of “take it or leave it”/“all or nothing”. There’s a lot of grey area, and the right balance must be found.

Thank you for the opportunity to comment,
Sarah Freeman

22 Arborway
Jamaica Plain, MA 02130

From: ryblackxx87@gmail.com [<mailto:ryblackxx87@gmail.com>] **On Behalf Of** Ryan Black
Sent: Thursday, June 06, 2013 2:08 PM
To: Sullivan, Rick (EEA)
Cc: Johnson, Holly (EEA); Valley Bartlett, Maeve (EEA); edward.lambert@state.ma.us; Cornelison, Carole (DCP); Grigsby, Taran (DCP); Cooper, Stephanie (ENV); Orfant, Joe (DCR); Lynch, Ben (DEP); LaRosa, Thomas (DCR)
Subject: Re: Expanded Environmental Notification Form, Daly Field Restoration, Boston and Newton, MA EOEa No. 15039



June 6, 2013

Richard K. Sullivan, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Attn: Holly Johnson, MEPA Office

Re: Expanded Environmental Notification Form, Daly Field Restoration, Boston and Newton, MA EOEa No. 15039

Dear Secretary Sullivan:

The purpose of this letter is to comment on the proposed lease of and changes to Daly Field, as authorized by Ch. 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 Environmental League of Massachusetts and the Charles River Watershed Association have submitted extensive comments (letter of May 17, 2013), describing the problems with the proposed lease and changes and the need for a thorough review under MEPA and for a full environmental impact report. We concur with their assessment and recommendations. Rather than repeat their comments, which we endorse, we wish to emphasize certain general points.

Daly Field is Article 97 land. Article 97 land is not just any publicly owned land. Article 97, through its requirement of a two-thirds vote of each branch of the legislature to approve a change in use or disposition of land acquired for natural resource purposes, expresses an intent that such dispositions or changes in use be unusual and only for compelling purpose. The fact that a local

college wants athletic fields does not in our view rise to the level of a compelling public purpose or constitute "exceptional circumstances" in the words of the "EOEA Article 97 Land Disposition Policy." ("Article 97 Policy"). Granting the proposed lease will encourage future dispositions of public natural resource lands for private use elsewhere in the Commonwealth.

The proposed Daly Field project, in Ch. 233, Section 1, calls for newly-constructed or repaired synthetic turf field, synthetic football field, running track, tennis courts, lighting for the entire parcel, bleacher seating for all fields, river access for crew and buildings, including press boxes, home and visitor locker rooms, ticket booths, storage, and concessions.

These structures are antithetical to the vision of the Master Plan for the Charles River Basin, in which the DCR's recommendation for Daly Field is to "[r]estore athletic fields to a more flexible arrangement and pastoral appearance. Introduce landscaping and eliminate fences, bleachers, floodlights, and other nonessential athletic equipment." Allowing the proposed project to go forward will create another unfortunate precedent for ignoring the master plan and other such master plans throughout the state.

Creating the structures will also be inconsistent with the Article 97 Policy, which opens with, "It is the policy of EOEA [sic] and its agencies to protect, preserve and enhance all open space areas covered by Article 97." Placing more structures and impermeable surface on open space does not in our view "protect, preserve, or enhance" its open space qualities.

Section 9A of Ch. 223 states,

To ensure a no-net-loss of lands protected for conservation and recreation purposes and as a condition of the leasehold interests authorized in this act, the grantee shall compensate the commonwealth through the payment of funds or the transfer of land or a conservation restriction upon land to the department of conservation and recreation, which shall be equal to or greater than the full and fair market value of its leasehold interest under this act.

If you go forward with the project, we strongly urge you to opt for the transfer of land or a conservation restriction. This would be consistent with your own Article 97 Policy, which allows disposition only if, inter alia, "real estate of equal or greater fair market value or value in use of proposed use, whichever is greater, and significantly greater resource value as determined by EOEA and its agencies, are granted to the disposing agency or its designee." Moreover, allowing any purchaser, especially a private entity, such as Simmons College, to pay for the land or lease with cash rather than equivalent land or lease, sets a bad example. It will lower the bar and lead to more transfers of public land for private development. It says that for enough money, any public land is for sale.

Procedurally, the Daly Field proposal and Ch. 223 are examples of putting the cart before the horse. The issues raised in the Environmental League of Massachusetts and the Charles River Watershed Association comments, as well as the problems pointed out in this letter, should have been addressed before the legislation was filed and voted on and before the Governor signed it into law.

We remind you that Ch. 223 states that the commissioner of capital management, in consultation with the commissioner of conservation and recreation, "may enter into" a lease. The act does not require entering into a lease. This project can and should be sent back to the drawing board.

We request that the whole project be revisited and used as an opportunity for creating within EOEEA a robust process for vetting proposed dispositions and changes in use of Article 97 lands and easements, a process which would protect the public interest, be consistent with EOEEA's Article 97 Policy, and lead to better results than the proposed Daly Field project.

Sincerely,

A handwritten signature in black ink that reads "Ryan Black". The signature is written in a cursive, slightly slanted style.

Ryan Black
Chapter Director
Sierra Club of Massachusetts

cc: (Via email)
Maeve Valley Bartlett, MEPA
Edward Lambert, DCR Commissioner
Carole Cornelison, DCAM Commissioner
Taran T. Grigsby, DCAM General Counsel
Stephanie Cooper, EOEEA
Joe Orfant, DCR
Ben Lynch, DEP
Thomas LaRosa, DCR

From: Renata von Tscherner [<mailto:renatavontscherner@gmail.com>]
Sent: Thursday, June 06, 2013 3:14 PM
To: Sullivan, Richard (DOR); Johnson, Holly (EEA)
Cc: maeve.vallelybartlett@state.ma.us; Lambert, Ed (DCR); Orfant, Joe (DCR); LaRosa, Thomas (DCR); Cooper, Stephanie (ENV); Lynch, Ben (DEP); Cornelison, Carole (DCP); Grigsby, Taran (DCP)
Subject: MEPA Filing No. 15039

Dear Secretary Sullivan and Holly Johnson,

attached please find our comments regarding the Expanded Environmental Notification Form, Daly Field Restoration, Boston and Newton, MA.

Best regards
Renata



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June 6, 2013

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

Attn: Holly Johnson, MEPA Office

Dear Secretary Sullivan,

Re: Expanded Environmental Notification Form, Daly Field Restoration, Boston and Newton, MA, MEPA Filing No. 15039

Dear Secretary Sullivan,

The Charles River Conservancy is pleased to provide written comments on the Expanded Environmental Notification Form (EENF) submitted by the Allston Brighton Friends of Daly Field, Inc. (ABFDF) to the Massachusetts Environmental Policy Act Office (MEPA) for the above-referenced project. Passage of Ch. 223 of the Acts of 212 at the end of the last legislative session authorized, but did not require, the Department of Conservation and Recreation (DCR) Commissioner to enter into a 30 year lease of the seven acres of Charles River parkland, off Nonantum Road in Brighton comprising Daly Field, for Simmons College to build a high intensity sports complex for its use, as well as by Brighton High School and Allston-Brighton Little League. This law was passed without public or environmental reviews. If constructed, this development will effectively privatize approximately one-third mile of riverfront Article 97 land, severely restricting public access and use and setting a dangerous precedent for state-owned lands. The project as proposed presents a number of environmental issues, including public trust and ecological/historical resources. Due to the lack of transparency and public review of the proposed project thus far, and the concerns we outline in detail below, we respectfully request you to require both a draft and final Environmental Impact Report (EIRs) be completed for the proposed project.



Legislation and Lease

Passage of the above-referenced legislation effectively privatizes the use of state-owned public land with little benefit to the public or the Commonwealth. As of the time of writing these comments, the Massachusetts Department of Capital Asset's (DCAM) estimated value of these lands is unavailable or unknown. However, the current offer by Simmons College to DCR stands at \$500,000 for use in restoring parklands across the Charles River in Watertown. This payment effectively equates to a mere \$1,400/mo if taken over the full 30-year lease term. If DCR is effectively going to give away public land to a private entity, the Commonwealth should receive, at a minimum:

1. Fair market value for its loss – prime waterfront real estate is surely worth more than the \$1,400/mo being offered by Simmons College, and
2. Land of equivalent value from the project proponent, per the requirements of EOEEA's "no net loss" policy¹.

In addition, unbeknownst to the Charles River Conservancy, our organization was included in the legislation to be a member of the newly formed Friends of Daly Field group. The DCR also was allotted three spaces in this friends group, but as of yet have chosen not to participate in any of the friends group meetings. Because of their lack of involvement thus far, especially at this critical stage in the planning and decision-making process, we are very concerned about their apparent lack of interest and oversight with this proposed project on their own land.

Chapter 91

If the project as proposed moves forward, the benefit to the public is unclear. Because the site is located on filled Commonwealth tidelands, it is subject to Chapter 91 jurisdiction (301 CMR 9.00). The proponent asserts that the project as proposed is a water-dependent use (EENF 3-2); however, the features proposed are limited to dominantly ball and playing fields and do not meet the definitions of water-dependent use as described in 310 CMR 9.12(2)(a)(4), which include "...park, esplanade, boardwalk and other pedestrian facilities that promote use and enjoyment of the water by the general public and are located at or near the water's edge, including but not limited to, a park adjacent to a waterway created by a public agency."

Given the proposed reconfiguration of the existing parklands and limited hours of public access, the proponent should further explain how the project would improve public access to the Charles River, per Chapter 91 requirements. As proposed, the project appears to further restrict and limit public access to the river through both physical and temporal obstructions.

Neighborhood Impacts: Traffic and Parking

The project as proposed will increase the use of the fields and facilities and also create potential significant impacts on abutting facilities, adjacent roadways, pathways, and neighborhoods in the surrounding area. The traffic and parking study undertaken as a component to the EENF are inadequate to assess the full impacts of the proposed project.

¹ Commonwealth of Massachusetts, Executive Office of Environmental Affairs, EOEA Article 97 Land Disposition Policy, February 19, 1998.



The March 2013 traffic and parking study coincided with a relatively low period of traffic volume and demand in this location. March is typically a relatively low-use period in this location because the hockey season and skating programs at the adjacent Daly Rink are generally winding down and Community Rowing does not begin picking up until late spring. Additionally, there are relatively few bicyclists and pedestrians using the public pathways in this location during March. In addition to the poor timing of the traffic and parking study, the study does not fully account for projected additional traffic volume and parking demand when the adjacent facilities and the proposed reconfigured athletic facilities at the Daly Field complex are in peak use. Though the EENF makes projections for the traffic and parking demands associated with use by Simmons College and Brighton High School, it does not account for use by the Allston-Brighton Little League, or the increased numbers of other potential users (e.g., community groups, general public, etc.) who would be attracted to, and guaranteed access to, the renovated facilities.

The traffic and parking study does not account for the completion of the Watertown Greenway, which will link the pathways along the Charles River in Watertown, Waltham, and Newton with the extensive pathway network in Alewife Reservation and will result in a significant increase in bike and pedestrian traffic along Nonantum Road. The proposal does not include a pathway along the water's edge, which would provide a much-needed alternative and addition to the heavily travelled multi-use pathway along Nonantum Road. The Nonantum Road location is an area where there is already significant competition and conflict between competing modes of transportation (e.g., bicycles versus cars); therefore, accounting for increased multi-modal use is critical for understanding the project's traffic-related impacts.

The parking management plan is also inadequate. The project as proposed includes no provisions for additional parking, which is already inadequate to meet the existing demand in this location – especially during periods of peak use. Though the project proponent suggests that Simmons College and Brighton High School will use shuttle buses and unspecified offsite parking facilities in lieu of creating additional onsite parking, the details are lacking. DCR parkways do not allow the use of buses and to solve the traffic and parking problem with buses removes some of the parkland character. Further clarification should be required in order to better understand the details of the project proponent's traffic and parking management plan for the renovated facility.

As a result of the poor timing of the traffic study and several glaring oversights in both the traffic and parking management study, additional information should be provided in the EIRs in order to more fully understand the potential impacts from the expected increased use of this location by Simmons College, Brighton High School, Allston Brighton Little League, and the general public.

Ecological Impacts

We are greatly concerned about the project's environmental impacts, especially on the adjacent Charles River. The EENF acknowledges the presence of resource areas jurisdictional under the Massachusetts Wetlands Protection Act and subject to the regulations of 310 CMR 10.00, but excludes any detail of how the project will comply with the necessary performance standards, namely Riverfront Area (310 CMR 10.58), upon which the project will have a direct impact. In addition, the adjacent inland bank and river provide important terrestrial and aquatic habitat, which is often scarce and/or stressed in such urban settings.

We are deeply concerned about the proposed project's potential impacts on not just sensitive areas on and adjacent to the site, but throughout the Charles River basin as a whole. An analysis of the



proposed project's ecological impacts and any necessary mitigation measures should be conducted and fully explained in the EIRs.

Stormwater Management

The EENF lacks any detail on the proposed methodology for complying with the Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Standards jurisdictional to the proposed project under the Wetlands Protection Act regulations (310 CMR 10.00). Because this proposed project has the potential to greatly affect the adjacent Charles River and its associated resource areas, it is critical to understand how stormwater will be managed at this site in the context of a major reconfiguration of the landscape and increased impervious area.

The EIRs should contain detailed information on how the project will comply with MassDEP's Stormwater Management Standards. Focus should also be given to the methods for meeting phosphorus reduction standards required under the *Total Daily Load for Nutrients in the Lower Charles River Basin, Massachusetts (2007)*.

The lease to Simmons College authorized by Chapter 223 of the Acts of 2012 has potential to greatly benefit children in the community and Simmons College students, but for the reasons discussed in detail above, we are gravely concerned about the project impacts as currently proposed on the broader community. 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 EENF submitted by ABRFDF lacks many details and contains numerous glaring omissions. For this reason, we respectfully request EOEEA, as the stewards of the state's resources and the region's general population, to require draft and final EIRs be prepared for the proposed project.

Respectfully,

Renata von Tschamer

Renata von Tschamer
President

Cc: (Via email)

Maeve Valley-Bartlett, MEPA
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