CITY OF BOSTON • MASSACHUSETTS

OFFICE OF GAMING ACCOUNTABILITY

City Hall, Room 620 Boston, MA 02201

February 11, 2014

Via U.S. Mail & Electronic Delivery
Secretary Richard K. Sullivan, Jr.
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
100 Cambridge St., Suite 900
Boston MA, 02114

RE: EOEEA #15060
Draft Environmental Impact Report (DEIR) Review of the Wynn Resort

Dear Secretary Sullivan:

The City of Boston is pleased to have the opportunity to comment on the Draft Environmental Impact Report (DEIR) submitted by Wynn MA, LLC ("Wynn") for the above referenced project. The City of Boston is committed to enhancing and protecting the quality of life of all Boston residents, workers, businesses, visitors and tourists, and with respect to the impacts of this project, the City of Boston is particularly concerned for those who live and work in Charlestown.

Attached please find the City of Boston's Comment Letters to the Wynn DEIR.

- Attachment A: Boston Transportation Department Comment Letter
- Attachment B: City of Boston Environment, Energy & Open Space Comment Letter
- Attachment C: City of Boston Parks & Recreation Department Comment Letter
- Attachment D: Boston Redevelopment Authority Comment Letter

Thank you for your consideration, review and adoption of the City of Boston's thorough comments. Please do not hesitate to contact me with any questions you may have.

Very truly yours,

Elizabeth Dello Russo
Director, Office of Gaming Accountability
Senior Assistant Corporation Counsel

Cc: *Via Electronic Delivery*
Brian Swett, Chief of the City of Boston Environment, Energy & Open Space Cabinet
James Gillooly, Commissioner of the Boston Department of Transportation
Antonia Pollock, Director of the Boston Parks Department
Brian Golden, Director of the Boston Redevelopment Authority
John Ziemba, Massachusetts Gaming Commission

Attachment A:

Boston Transportation Department

Comment Letter

BOSTON
TRANSPORTATION
DEPARTMENT

ONE CITY HALL SQUARE • ROOM 721
BOSTON, MASSACHUSETTS 02201
617-635-4680 • FAX 617-635-4295

February 11, 2014

Via U.S. and Electronic Mail
Secretary Richard K. Sullivan
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02214

Reference: EOEEA# 15060
Wynn Resort
Transportation

Dear Secretary Sullivan:

The City of Boston Transportation Department (BTD) is pleased to have the opportunity to comment on the Draft Environmental Impact Report (DEIR) submitted by Wynn, MA, LLC ("Wynn") for the above referenced project. The City of Boston is committed to enhancing and protecting the quality of life of all Boston residents and, with respect to the impacts of this project, is particularly concerned for those who live and work in Charlestown. The project will have significant impacts on roadways as well as pedestrian, transit and bicycle facilities located in Boston as described in the DEIR.

Independent of the incredible volume of data included in the DEIR we regrettably find that the DEIR does not thoroughly or accurately describe the transportation impacts of the project in Boston nor does it offer adequate mitigation of those impacts. Of principal concern is the assessment of Sullivan Square and Rutherford Avenue. As noted in our comments on the Expanded Environmental Notification Form (EENF) for this project, the City of Boston has just completed a three-year long planning process defining improvements for Sullivan Square and Rutherford Avenue that are intended to enhance the urban environment with greater pedestrian connectivity and new land development opportunities. The anticipated approximately $100 million roadway improvement project will remove existing roadway grade separations that form a barrier for pedestrian and bicycle travel east-west across Sullivan Square and Rutherford Avenue.

The DEIR fails to accurately define future traffic operations in Sullivan Square and along Rutherford Avenue in several ways.

1. The DEIR makes erroneous assumptions regarding the anticipated future roadway conditions substantially overstating the capacity of the roadway system and thereby providing an overly optimistic portrayal of future traffic operations. (Six through travel lanes are assumed on Rutherford Avenue where four lanes are proposed.)

2. The DEIR may understate the volume of vehicular traffic generated by the proposed development and thereby understate the operational impacts on Boston streets. (The trip generation rates applied to the gaming component of the project may be low.)

3. The DEIR discussion of impacts on traffic operations is limited to overall intersection operating levels of service thereby failing to acknowledge operational problems indicated by other intersection performance measures presented in the DEIR. (High intersection volume-to-capacity ratios, individual lane groups operating at poor levels of service and projected vehicle turn-lane queues exceeding the capacity of the proposed turn lanes are indicated at multiple intersections where the overall intersection operating level of service may have been deemed "acceptable".)

With regard to traffic mitigation plans substantial additional work must also be completed or the City of Boston will bear an exceptional burden. For example:

- Very limited physical improvements are proposed for Sullivan Square along with a vague commitment to fund further study and design efforts.
- Conceptual plans have not been offered to define these improvements and assess their feasibility.
- Similarly, no plans have been provided relative to suggested improvements at the I-93 Off-ramp/Cambridge Street intersection in Boston.
- No mitigation has been offered for intersections along Rutherford Avenue that are likely to experience congestion and significant impacts from the project.
  Analyses of "interim" traffic conditions, prior to the implementation of all off-site improvements and after the project opening, have not been provided.The City is very concerned that the applicant may not be able to implement transportation mitigation strategies that are effective and compatible with the City's plans to enhance the urban environment in Sullivan Square and along Rutherford Avenue. The City voiced these concerns previously in our comments on the EENF, and would like to reiterate that important point here.

The City's concern that the applicant may not be able to effectively implement transportation mitigation strategies go beyond Sullivan Square and Rutherford Avenue. These concerns also extend to the main site driveway intersection with Broadway. At this location a widening of Alford Street in Boston is proposed as part of the overall site access plan. This widening will require land takings from at least two parcels located within the City of Boston and additional parcels in Everett.

There is no discussion in the DEIR of the status of negotiations for acquisition of these parcels. Additionally, the analysis of the future driveway operations suggest that the scope of the improvements proposed may be inadequate leading to the need for even more takings. The reported analysis results show inadequate storage capacity for several turn lanes at the intersection. Also, the intersection may actually operate at or above capacity during peak hours depending upon how pedestrians are accommodated at the proposed traffic signal.

The issues raised above are discussed in greater detail in the attached technical memorandum prepared by our technical staff and consultant team. Additional issues are also raised in the memorandum. Once again we thank you for providing us with the opportunity to comment on the Wynn DEIR. Should the project move forward we anticipate filing comments on future Massachusetts Environmental Policy Act submittals by the applicant.

Sincerely,

James E. Gillooly

James E. Gillooly,
Interim Commissioner
Boston Transportation Department

All attachments are incorporated by reference hereto:

A. City of Boston Transportation Department Comment Letter by and through Stantec Consulting
B. City of Boston Environment, Energy & Open Spaces Cabinet Comment Letter
C. City of Boston Parks and Recreation Department Comment Letter

Stantec

Memo

To:	James Gillooly Boston Transportation Department	From:	Rick Bryant, Stantec South Burlington, VT
File:	195310830	Date:	February 11, 2014

Reference: EOEEA#15060
Wynn Resort - Transportation

The following comments are offered by Stantec regarding the December 16, 2013 Draft Environmental Impact Report (DEIR) prepared for the *Wynn Everett* development (EOEEA #15060) in Everett, Massachusetts. The comments are grouped in three sections. The first section provides a detailed discussion of the most critical transportation issues raised in our review of the DEIR. The second section provides a follow-up discussion to issues raised in the BTD's comment letter on the Expanded Environmental Notification Form (EENF). The third section raises new issues not discussed in the first two sections.

A. Principal Issues

The overall we find that the DEIR does not adequately define the anticipated transportation impacts of the proposed development on Boston streets nor does it fully define a suitable traffic mitigation plan for these impacts. Deficiencies with the DEIR include:

- Erroneous assumptions regarding future roadway conditions;
- Underestimation of site generated traffic volumes;
- Failure to consider all intersection performance measures;
- Missing mitigation plans;
- Missing interim conditions analyses; and,
- Feasibility of proposed mitigation plans.

Each of these items is discussed below.

1. *Erroneous Assumptions*-The DEIR attempts to analyze future No Build and Build traffic operations in Sullivan Square and along Rutherford Avenue. For this analysis assumptions were made regarding future lane use and traffic control configurations for the roadways in question. The assumptions made in the DEIR however, are inconsistent with the current conceptual roadway plans for the corridor.

   For Rutherford Avenue/Alford Street passing through Sullivan Square the DEIR assumes that three through travel lanes are provided per direction. The current plan only includes two travel lanes per direction. Using the six-lane cross section for the analysis yields significantly better operating results for intersections along Rutherford Avenue/Alford Street than would be obtained using a four-lane cross section. Within Sullivan Square the most critical intersection appears to be the Main Street/Rutherford Avenue intersection (Location #53d) where the DEIR projects Level of Service (LOS) E peak hour operations with traffic delays of 73.2 seconds per vehicle. If analyzed

with only two through lanes per direction, the delays would creep higher, very likely above 80 seconds per vehicle, into the LOS F range. The DEIR offers no mitigation for this anticipated, project-induced, change in level of service from LOS E to LOS F. Since Sullivan Square is a "gateway" intersection to the subject site, an adequate mitigation plan must be developed for this location that complements the goals of the City's recent planning effort for this area. In this regard, enhanced pedestrian mobility in an east-west direction across Rutherford Avenue is a primary objective. Provision of three through travel lanes per direction in combination with the proposed dedicated northbound and southbound left-turn lanes on Rutherford Avenue would result in an "unfriendly", seven-lane pedestrian crossing. Provision of a suitable "walk" signal phase for such a long crossing would also have substantial negative impacts on vehicle traffic operations.

Another inconsistency between the City roadway plans and DEIR assumptions occurs at the Rutherford Avenue/Austin Street intersection (Location #54). The City has proposed eliminating the grade separation at this intersection that brings Rutherford Avenue below Austin Street. The DEIR makes no mention of this change. Likewise, the traffic analysis provided for this location appears to assume that through traffic volumes on Rutherford Avenue will continue to pass under Austin Street for future conditions rather than through a modified at-grade, signalized intersection. This change puts another 2200 PM peak hour vehicles through the proposed at-grade intersection that were not accounted for in the DEIR analysis. The City's own analysis of this location shows that it will operate at capacity under future conditions without the Wynn Everett project built. The DEIR reports LOS C operations under future No Build conditions. Consequently, no mitigation has been proposed for this intersection, or other locations along Rutherford Avenue, that may be impacted by the removal of the grade separation. Past analyses completed by the City indicate that the addition of Wynn Everett traffic to Rutherford Avenue will exacerbate peak hour congestion levels generating a need to consider traffic mitigation measures.

2. *Low Trip Generation Estimates*-Independent of the above, it appears that the DEIR may have underestimated project-related traffic impacts at all study area intersections, not just the Boston intersections, due to the low trip generation rates used to estimate gaming-related traffic volumes. Further review of the trip generation forecasts should be conducted and the traffic and impact analyses should be updated if significantly higher trip estimates are determined for the project.

   An initial concern is that the DEIR presents remarkably different traffic forecasts relative to those presented in the EENF for the project. As shown in Table 1, the EENF anticipated 4378 Saturday peak hour vehicle trips at the project site. That figure has since been reduced by 60 percent to 1750 vehicle trips in the DEIR. For both the Friday and Saturday peak hours the revised trip estimates for the entire project in the DEIR are lower than the estimates provided for just the gaming component of the project in the EENF. Since the gaming component of the project has not changed since the EENF filing, these adjusted estimates appear to be primarily attributable to a change in the traffic generation model employed. Clearly, the new model yields far less conservative traffic impacts. Consideration of more conservative traffic forecasts is recommended given the uniqueness of this proposal and the difficulty associated with the identification of suitable comparable facilities where relevant trip generation studies could be completed.

Reference: EOEEA#15060
Wynn Resort - Transportation

	Estimated Site Generated Vehicle Trips		
	ENF		DEIR
Time Period	Gaming Only	Entire Project	Entire Project
Friday, Daily	14,872	29,384	21,552
Friday, Peak Hour	1486	2715	1484
Saturday, Daily	18,078	35,754	25,456
Saturday, Peak Hour	2710	4378	1750

Table 1 Comparison of Trip Generation Estimates

The EENF used Institute of Transportation Engineers (ITE) trip rates to estimate traffic volumes for the non-gaming components of the project and referenced a study conducted for an urban casino in Pittsburg, Pennsylvania to determine trips for the gaming component. However, the Pittsburg study referenced casino attendance data collected at the existing Majestic Star and Trump casinos in Indiana rather than actual vehicle count data for the Pittsburg site. There is no reference to the Indiana data in the DEIR. Presumably, the applicant has determined since filing the EENF that the Indiana data is no longer relevant. (No explanation is given for rejection of the Indiana data.) After apparently dismissing the data considered suitable for the EENF filing, the DEIR develops trip estimates based on new counts done at existing casinos in Queens, New York and in Montreal Canada. Counts were also done at an urban casino in Philadelphia, Pennsylvania but this data was not used in the analysis. The vehicle trip generation rates (vehicle trips per gaming position) calculated using the Philadelphia data were excluded from consideration as they were higher than the rates observed at the other two casinos. However, as shown in Table 2, the reported Philadelphia rates are comparable to the peak hour rates derived from the Indiana data and used in the EENF. Given the uncertainty of the future traffic generation of the proposed gaming facility with its expected monopolistic status in eastern Massachusetts, consideration should at least be given to including the observed Philadelphia trip rates in calculating a trip rate to be applied in the DEIR.

Reference: EOEEA#15060
Wynn Resort - Transportation

	Vehicle Trips per Gaming Position			
Peak Hour	Casino de Montreal, Montreal (3714 gaming positions)	Resort World Casino at Aqueduct, New York (5000 gaming positions)	Sugarhouse Casino, Philadelphia (1956 gaming positions)	ENF (based on Indiana data relating to 3265 slot machines)
Friday, PM	0.28	0.30	0.43	0.37
Saturday, PM	0.32	0.33	0.55	0.68

Table 2 Comparison of Trip Generation Rates

Independent of the above, some adjustment in the DEIR trip estimates may be appropriate based solely on examining the Aqueduct, New York trip data. Tables provided in the DEIR appendix indicate that the gaming component of the proposed project will generate 1108 Friday PM peak hour vehicle trips and 1220 Saturday peak hour vehicle trips. These figures assume nearly 4000 gaming positions with ten percent transit access, ten percent tour bus access and three percent water shuttle access. At the New York site referenced above with 5000 gaming positions, 1494 Friday PM peak hour vehicle trips and 1642 Saturday PM peak hour vehicle trips were recorded. No information was provided regarding the extent of non-auto travel mode use at the New York site other than to note that subway service is available to the site. Based simply on the count of gaming positions at the existing and proposed facilities, the proposed Wynn casino would generate 80 percent of the traffic observed at the New York casino. The figures used in the DEIR represent only 74 percent of the New York total. Consequently, the DEIR trip estimates may be low by at least six percent. However, unlike the New York site, the Wynn site does not have direct subway access. Once differences in mode choice are accounted for the DEIR trip estimates appear even further understated. Conceivably there could be a ten to 20 percent difference in transit use between the two sites which, if considered, would indicate that the DEIR trip estimates are low by 15 to 25 percent. Understating the project related trip generation results in an understatement of anticipated project impacts at area intersections.

3. *Consideration of All Intersection Performance Measures*-The DEIR generally limits the discussion of project impacts at study area intersections to changes in overall operating level of service. This is understandable given the large number of intersection/time period/scenario combinations to consider. However, by providing only summary information in the discussion, real operating deficiencies are overlooked. One must review the summary tables in the report appendix to compare Build condition versus No Build conditions in a side-by-side manner for most performance measures. These tables show the performance of individual lane groups at an intersection but do not report the overall intersection volume-to-capacity ratio. This information is only available by looking through the hundreds of capacity analysis worksheets included in the appendix. Examination of the more detailed information contained in the appendix raises questions about the relevance of the level of service results discussed in the main report.

Reference: EOEEA#15060
Wynn Resort - Transportation

Returning again to the example of the Main Street/Rutherford Avenue intersection in Sullivan Square, the text in the DEIR on page 4-97 states that overall the intersection will operate at LOS E. It also states that the northbound left-turn movement and the westbound approach will operate at LOS F. However, the text neglects to mention anticipated queuing problems at the intersection as well. Footnotes to Table 4-23, which describes the Build condition traffic operations for all intersections, indicate that the "Volume exceeds capacity- Queue is theoretically infinite" on the northbound left-turn and westbound approaches. Other footnotes indicate that the 95th percentile volumes for these movements and also for the eastbound left-turn movement exceed capacity indicating that the "actual 95th percentile queues may be longer" than reported. The table and/or the text do not discuss whether or not the proposed turn lanes will provide adequate storage for the projected queue lengths. At this intersection the proposed northbound left-turn lane length is only 80 feet. The reported average queue for this movement is 360 feet with the added caveat, per the footnote, that the "queue is theoretically infinite". A queue of 360 feet will readily block the adjacent through travel lanes and the adjacent upstream intersection located only 200 feet away. The overall Build condition volume-to-capacity ratio for this intersection is not reported in Table 4-23. This can only be found on the capacity analysis worksheet in the appendix. The overall volume-to-capacity ratio for the Build condition PM peak hour is 1.13 indicating that the overall traffic demands at the intersection will exceed the capacity by 13 percent with the Wynn Everett development. The actual volume-to-capacity ratio will be even higher if adjustments to the project trip generation estimates are made as suggested above. Likewise, the volume-to-capacity ratio is much higher if only two through travel lanes are assumed on Main Street as proposed under the current City plan.

Without discussing all of the specifics of the operational problems anticipated at the Main Street/Rutherford Avenue intersection with the Wynn Everett project built, the DEIR suggests the need to make changes to the City plan to accommodate "all proposed development through Sullivan Square". However, the challenge at Sullivan Square and along Rutherford Avenue is that the City plan did not anticipate the development of such a large traffic generator on the City line just north of Sullivan Square. The DEIR demonstrates that there is little or no reserve capacity in the City plan to support the Wynn Everett project. It took three years of public process to agree on the current plan. Reaching agreement on the significant changes that would need to be made to the current plan to support the Wynn Everett project, if even feasible, could require an equally long timeframe.

4. *Missing Mitigation Plans*-The scoping decision on the EENF directed the applicant to prepare 80-scale plans for proposed mitigation measures. The drawings would presumably aid reviewers in assessing the feasibility of proposed improvements. Of particular concern at this point in project development is the availability of right-of-way to complete any recommended roadway widenings as well as to identification of any physical constraints that would preclude implementation of the improvements. The DEIR does provide 80-scale drawings of improvements proposed in the vicinity of the site driveway which extend into Boston. Comments on these plans are provided below. However, the DEIR lists other improvements to be made in Boston including widening the I-93 Northbound off-ramp at Cambridge Street and adding a lane to Main Street at Maffa Way. No plans are provided to describe these improvements. It is unknown whether or not they can be constructed without impacting adjacent structures and/or requiring the acquisition of additional right-of-way. Consequently, it is not known if

implementing these improvements is feasible. Plans should be provided for these improvements as well as other improvements that may be proposed by the applicant after reconsideration of the Wynn Everett project's traffic impacts on Rutherford Avenue and at Sullivan Square.

5. *Missing Interim Conditions Analysis*-The mitigation measures deemed necessary to support the project related traffic increases should be implemented concurrent with the opening of the facility. The MassDOT Draft Section 61 Finding included in the report lists $30.6 million in transportation system improvements that will be completed prior to project opening. As noted above, it may be appropriate to add to this list once the traffic impact analysis of Boston streets is updated. The current draft of the Section 61 Finding only offers funding for the 25 Percent Design of plans to improve Sullivan Square. (There is no commitment to fund preparation of plans for the related Rutherford Avenue improvements.) Consequently, it is expected that the Wynn Everett project, if approved, will be generating trips on Boston streets long before the City's proposed improvement plans will be constructed. The DEIR should therefore also have provided an analysis of "interim" conditions prior to the full reconstruction of Sullivan Square and Rutherford Avenue. Some interim improvements have been offered for Sullivan Square, primarily signal timing changes, but the full analysis of these improvements is not provided in the DEIR. This analysis is warranted as the DEIR shows vehicle queuing problems in Sullivan Square and LOS F traffic operations at the Route 1 Ramps/Rutherford Avenue intersection under existing PM peak hour conditions.

6. *Feasibility of Proposed Mitigation Plans* - As noted above the DEIR has not included drawings of proposed traffic mitigation measures on Boston streets that would allow the City to assess the feasibility of implementing the improvements. One location for which drawings are provided is the main site driveway intersection with Broadway. At this location a widening of Alford Street in Boston is proposed as part of the overall site access plan. This widening will require landtakings from at least two parcels located within the City of Boston and additional parcels in Everett. The roadway right-of-way line is showed shifting to the west to accommodate two northbound left-turn lanes on Alford Street in Boston resulting in a taking of up to 12 feet along the frontage of the site labeled "carwash" on the plans. The right-of-way line also shifts approximately five feet to the east on the east side of the roadway resulting in takings from #173 Alford Street. There is no discussion in the DEIR of the status of negotiations for acquisition of the additional right-of-way needed. To the north of the driveway in Everett a taking of approximately 20 feet is proposed from land owners on the west side of Broadway in order to provide a southbound right-turn lane entering the site. The status of negotiations to acquire right-of-way in this area is also not reported in the DEIR. If the right-of-way cannot be expanded the mitigation cannot be built as proposed and future intersection operations will not be at the same level as described in the DEIR.

   The proposed access plan also shows an abrupt shift in roadway alignment heading southbound on Alford Street from the site driveway. The west side curb line shifts to the east by approximately eight feet between the north and south sides of Dexter Street. Dexter Street is approximately 60 feet wide and the shift is accomplished in this distance with limited guidance to drivers in the form of lane striping. A smoother, safer transition would require shortening the northbound left-turn lanes into the site or taking land from the parcel located just south of Dexter Street on the west side of the road labeled "Boston Water and Sewer Commission". The plans suggest that even

if the Boston Water and Sewer Commission were to agree to a taking from this parcel, the degree of the taking would be limited by the proximity of the building on the site to the existing property line. The building is located only four feet from the existing right-of-way line. Shortening of the left-turn lanes may not be advisable for reasons described below.

The DEIR reports that the site drive intersection will operate at an "acceptable" LOS D during peak hours. Again, a closer look at all the intersection performance measures is warranted. The Saturday Build condition PM peak hour capacity analysis worksheets show that the 95th percentile queue for the northbound left-turn lanes is 434 feet. The plans show storage of only 390 feet per lane. Additionally, the reported 434 feet queue length carries with it a footnote indicating that the 95th percentile volume exceeds capacity and that the actual queue may longer. As such, it may not be advisable to shorten the northbound left-turn lanes in order to "soften" the southbound through lane alignment shift.

One approach to lessen the above queue concern would be to reassign the signal green time to the benefit of the northbound left-turn movement. However, timing readjustments would mean taking signal green time away from either the site driveway or southbound through movements. The capacity analysis worksheets show these movements also operating with long queues and 95th percentile volumes exceeding capacity. Consequently, lessening the problem on the northbound approach would only exacerbate anticipated problems on other approaches.

Of course, the vehicle queuing conditions described above are premised on the fact that the intersection operates with an overall Saturday volume-to-capacity ratio of only 0.80 (80 percent of capacity) as reported in the capacity analysis worksheet. A detailed review of the worksheet indicates that the site driveway, northbound left-turn movement and southbound through movement, (the "critical" movements in the intersection), use eight, 18 and 41 percent of the intersection's capacity, respectively, during the Saturday, Build peak hour. The reported lost time associated with signal phase transitions from green to red should account for 15 seconds per signal cycle or another 13 percent of the intersection capacity. Combined, the critical vehicle movements and lost time use 80 percent of the intersection capacity as noted on the worksheet. However, the worksheet indicates that a 29-second long "all-walk" signal phase will be provided to accommodate pedestrian movements at the intersection. The capacity analysis worksheet provides no value for pedestrian conflicts per hour. Since the critical movement/lost time analysis, which excluded consideration of pedestrian movements, provided a volume-to-capacity ratio that matched the figure reported on the worksheet, it can be assumed then that the capacity analysis did not account for any pedestrian signal phase calls. If the pedestrian signal phase were called every cycle then the volume to capacity ratio would increase to 1.04 indicating that the site driveway intersection would be operating at 104 percent of capacity. Above capacity operations typically create a multitude of queuing and delay issues.

In light of the above it is questionable as to whether or not the proposed site access improvements can be constructed as proposed and whether or not the improvements will provide sufficient capacity to move traffic in and out of the facility without creating congestion up and down Broadway and Alford Street. The uncertainty if further heightened by the possibility that the traffic analyses completed to date understate the expected site traffic generation.

Reference: EOEEA#15060
Wynn Resort - Transportation

B. EENF Comments Update

The BTD submitted a comment letter to the MEPA Unit regarding the EENF filed for the Wynn Everett project. Several of the topics raised in the comment letter are reviewed below in the context of new information provided in the DEIR.

1. *City of Boston Permitting*-The site access plans presented in the DEIR confirm that the project will, at a minimum, require an access permit from the Public Improvements Commission of the Boston Public Works Department. Similarly, the proposed roadway improvements in Charlestown trigger the need for a community outreach process. The EENF failed to acknowledge the need for a permit and public review process. Table 1-2 of the DEIR now notes local permits required to implement off-site traffic mitigation measures in the City of Boston.

2. *Project Viability, Boston Streets*-The viability of the Wynn Everett project from a transportation perspective was questioned at the EENF stage. It was doubtful that improvements necessary to accommodate site access could be built within the available roadway right-of-way along Alford Street and Broadway. The plans provided in the DEIR, as described above, confirm that additional right-of-way will be required to build the improvements. Project viability remains in doubt until evidence is provided that the required land takings can be accomplished. Similarly, doubt remains as to whether not project related traffic mitigation can be provided along Rutherford Avenue and within Sullivan Square that is compatible with City plans to transform the urban environment along this corridor. The DEIR commits to further study of this issue but at this point in the process a viable plan has not defined. The Build condition capacity analysis results indicate that development of such a plan will be challenging.

3. *Project Viability, Broadway*-Earlier concerns for the viability of required mitigation measures along Broadway extend to intersections north of the site in Everett. The DEIR confirms that land takings, yet to be accomplished, are also necessary adjacent to Broadway in Everett. Also of concern is projected traffic operations at the Beachman Street/Broadway intersection located just north of the proposed site driveway. The DEIR indicates that even with mitigation in place this northern "gateway" intersection will operate at Level of Service F with travel demands in excess of capacity for some lane groups (volume-to-capacity ratios as high as 1.51 on Broadway northbound - heading away for the Wynn Everett site) under Build peak hour conditions. Associated with the over-capacity conditions are projected long vehicle queues on Broadway. If this intersection cannot handle the traffic demands placed upon it, it will create another barrier for site access from the north. Of greater concern is the likelihood that vehicle queues will spill back into other intersections north and south along Broadway including the site access driveway intersection with Broadway. Problems at this intersection will create congestion on Alford Street in Boston.

4. *Project Viability, Revere Beach Parkway*-The BTD sought confirmation that proposed improvements at Santilli Circle along the Revere Beach Parkway could in fact be constructed given the parkway's status as a historic roadway. The DEIR has not provided any information regarding the Massachusetts Historical Commission and the Massachusetts Department of Conservation and Recreation perspective on the suggested changes.

Reference: EOEEA#15060
Wynn Resort - Transportation

5. *Project Viability, Wellington Circle*-The BTD expressed concerns that no traffic mitigation was proposed for Wellington Circle at the EENF stage of the project review. Failure to mitigate the already congested conditions at Wellington Circle could force project traffic to seek alternative routes adding to the project related traffic demands in the City of Boston at Sullivan Square. The DEIR indicates that traffic operations during the Friday PM peak hour will degrade from LOS D under existing conditions to LOS F under Build conditions. Mitigation is offered solely in the form of funds to investigate and design possible improvements. No commitments are offered to ensure that changes to increase intersection capacity will actually be implemented prior to project opening.

6. *Transit Use*-BTD questioned the EENF assumption that ten percent of site visitors would use public transportation to access the site given its significant distance from the nearest Orange Line station. The DEIR has not provided any new information to support this assumption. In fact, the DEIR assumes that another three percent of site visitors will use a proposed ferry service to reach the site. No data is provided to support this estimate. Analyses assuming lower levels of non-auto usage would have provided a more conservative, if not more realistic, traffic impact assessment.

   Questions were also raised regarding the feasibility of accommodating shuttle buses, as many as twenty per hour, at existing Orange Line stations. The DEIR cites a possible shuttle bus stop at the Wellington Orange Line station. However, there is no information provided to demonstrate that the MBTA will make this space available to Wynn Everett. Likewise, there is no discussion of the suitability of this one space to serve the needs of multiple shuttle buses. There is no discussion of possible shuttle bus links to the Sullivan Square Orange Line station. This station, located closer to downtown Boston, would likely see greater project related travel demands than the Wellington Station.

7. *Parking*-The adequacy of the proposed parking supply at the project site was questioned particularly in light of the very high traffic volume forecasts presented in the EENF. The DEIR has substantially decreased the traffic forecasts as described above which in turn suggests reduced parking demands. However, even with the lower traffic demands the parking analysis presented in the DEIR indicates that the on-site parking supply will not satisfy the peak period demands. This analysis assumes that one hundred percent of the parking supply will be available to all users at all times. Typically for a high-turnover parking used by the public "design capacity" is between 85 and 95 percent of the total space count. Using design capacity as a reference indicates that the on-site parking supply will be inadequate much more frequently than described in the DEIR. Given the lack of public off-site parking facilities in the immediate site vicinity, excess parking demands will add to area traffic congestion as visitors search for spaces on neighborhood streets in Everett and perhaps in Boston.

   Concerns were also shared with the Wynn team regarding the proposed use of public parking garages in downtown Malden to serve employee parking demands. These garages are generally full during the day. Plans have been proposed to construct a minor league baseball park in Malden. The park, when built, will create parking demands to fill the garages during summer evenings as well. The DEIR does not address this potential conflict. In general, the employee parking strategy assumes that certain off-site parking facilities will meet the employee parking

demand. No data has been presented to confirm that the parking facilities that would be used in fact have spaces available.

8. *Bicycle Access*-Bicycle access to the subject site was raised as another City concern. Detailed plans for bike access within Everett were presented in the DEIR. Any discussion of connections to Boston was limited to the inclusion of the Everett Waterfront Plan in the report appendix. The Waterfront Plan describes connections to Boston but no drawings or maps are provided. The DEIR should provide a more comprehensive discussion of the possible Boston bike connection and describe steps that the applicant will take to ensure that the bike connections are in place prior to project opening.

C. Additional Comments

The following comments are provided based on a review the DEIR and raise new issues not addressed above.

1. *Peak Hours*-The DEIR traffic analysis is limited to consideration of just the weekday PM and Saturday PM peak hours. These hours were chosen as they represent the peak traffic hours of the proposed gaming facility. However, EIR traffic investigations typically consider AM peak hour traffic operations as well. While it is acknowledged that trip generation for the gaming use will be much lower during the weekday AM commuter peak hour than during the PM peak hour, this is not the case with the proposed hotel use. Institute of Transportation Engineers (ITE) trip rates for hotels indicate that AM peak hour trip generation rates are comparable to PM peak hour trip generation rates. When ITE daily trip rates are applied to the proposed 500-room hotel they indicate that the hotel would generate 4085 daily vehicle trips. Consequently, the hotel trip generation alone exceeds the MEPA review threshold for preparation of an EIR (3000 daily trips). As such, if the hotel were proposed as a free-standing project, its' EIR would be expected to provide traffic analyses for both AM and PM peak hour conditions. Of course, the traffic study area for such an EIR would not be as extensive as the one required for the Wynn Everett project. It is recommended that the applicant provide AM peak hour traffic analyses for intersections where mitigation is proposed to ensure that any improvements made to the transportation system as a consequence of the Wynn Everett development will perform at an acceptable level during both AM and PM peak hour conditions.

2. *Build "Real" Traffic Conditions*-For certain intersections in the project study area the applicant presents alternative Build condition traffic flow networks and analyses. These are referred to as "real" peak hour conditions suggesting that the base traffic forecasts are not realistic. It describes the "unreal" conditions as overly conservative condition whereas gaming related traffic volumes typically associated with the Friday, late evening (after 6 PM) activity levels are superimposed on the existing commuter peak period (4-6 PM) traffic flows. The DEIR offers the real analysis on the basis that this combination of "peak on peak" traffic flows will never occur in reality. However, the trip rates applied in the study are derived in part from counts done at an existing casino in Queens, New York. The "late evening" data used to derive the trip rates actually relates to the 6 to 7 PM hour on a Friday. This time period is only slightly removed from the local commuter peak period. Consequently, the conservativeness of the peak on peak analysis appears to be overstated in the DEIR making the "real" analysis much less relevant.

Reference: EOEEA#15060
Wynn Resort - Transportation

3. *Site Access Drive*-The proposed site access plan, Figure 4-43A, shows what appears to be an access to the on-site parking garage just a few hundred feet west of Broadway. The median treatment on the drive suggests that left-turns would be permitted from the garage at this point onto the access drive. Analyses should be provide to better understand how this on-site intersection will operate and to determine whether or not vehicle queues spilling back from Broadway will impede traffic flow at this location. Likewise, the on-site driveway could impact traffic operations at the Site Driveway/Broadway intersection.

4. *Alternative Site Access*-Figure 4-45 of the DEIR shows an alternative site access plan that leaves the site access drive at its existing location, that is, along the alignment of Horizon Way. The DEIR provides no explanation as to why this driveway alternative is under consideration and no detailed analysis of its operation. The available storage capacity for turn lanes on Broadway and the site driveway are diminished under this plan relative to the preferred plan. As such, it may experience greater operational problems than those identified above for the preferred plan. More importantly, a portion of the driveway would be located in the City of Boston. This could change the status of the City of Boston from a Surrounding Community to a Host Community. This change of status would presumably complicate the project review process with the Massachusetts Gaming Commission. A far more rigorous discussion of this plan: its purpose; anticipated operations; queuing conditions; right-of-way impacts; and, impacts to internal intersection operations is warranted.

5. *Site Access Plan*-The Site Driveway/Broadway intersection plans show two northbound lanes on Alford Street at Dexter Street delivering traffic to four northbound lanes (two left-turn lanes and two through lanes) on Alford Street at the Site Driveway. Given the short separation between the two intersections, this configuration is likely to lead to imbalanced lane use on the northbound Alford Street approach at the Site Driveway. (Through vehicles are not likely to be split evenly between the two through lanes. Left-turning vehicles are not likely to split evenly between the two left-turn lanes.) This potential lane imbalance should be considered in the intersection operations analyses completed for the Site Driveway intersection.

6. *Water Access*-The DEIR notes that private boats will be able to motor up the Mystic River to the project site. For taller boats, the drawbridge on Alford Street in Boston will need to open thereby stopping vehicular traffic flow on the principal site access route. No analysis has been provided to indicate whether the Wynn Everett project will require more frequent bridge openings and to determine the impact of these openings on traffic flow.

7. *Background Development Trips*-The DEIR lists a number of background development projects considered in developing No Build traffic flow networks. Several of these are quite large such as the 2.14 million square feet North Point development in Cambridge. The DEIR however shows relatively nominal changes in traffic volumes between Existing and No Build conditions for intersections near this site. Additional information regarding trip generation and distribution assumptions for the background development projects should be provided.

8. *Route 1Ramps/Rutherford Avenue Intersection*-The Route 1Ramps/Rutherford Avenue intersection was found to be operating at LOS F under existing weekday PM peak hour conditions in the DEIR with queuing concerns on several approaches. Under future No Build conditions the

reported level of service improves to LOS C. No explanation is given as to why conditions would improve at this location progressing from Existing to No Build conditions. Presumably background traffic growth would increase travel demands and worsen operations. Build condition results show LOS D operations with continued vehicle queue concerns. There is no discussion provided of possible mitigation measures at this intersection.

9. *Tour Bus Parking/Loading*-The DEIR assumes that ten percent of gaming patrons will arrive by tour bus. No information is provided regarding parking and loading areas for tour buses.

Attachment B:

City of Boston Environment, Energy & Open Space Cabinet

Comment Letter

Environment, Energy and Open Space
CITY OF BOSTON

February 11, 2014

Via U.S. and Electronic Mail
Secretary Richard K. Sullivan
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02214

Reference: EOEEA# 15060
Wynn Resort

Dear Secretary Sullivan:

The City of Boston Environment, Energy and Open Space Cabinet is pleased to have the opportunity to comment on the Draft Environmental Impact Report (DEIR) submitted by Wynn MA, LLC ("Wynn") for the above referenced project. The City of Boston is committed to enhancing and protecting the quality of life of all Boston residents and, with respect to the impacts of this project, is particularly concerned for those who live and work in Charlestown. The project as described in the DEIR will have significant impacts on Boston.

The issues raised by this development are discussed in greater detail in the attached technical memorandum prepared by our technical staff and consultant team. Once again we thank you for providing us with the opportunity to comment on the Wynn DEIR. Should the project move forward we anticipate filing comments on future Massachusetts Environmental Policy Act submittals by the applicant.

Sincerely,

Brian Swett
Chief of the Environment, Energy &
Open Space Cabinet

All attachments are incorporated by reference hereto:

A. City of Boston Transportation Department Comment Letter
B. City of Boston Environment, Energy & Open Spaces Cabinet Comment Letter
C. City of Boston Parks and Recreation Department Comment Letter
D. Boston Redevelopment Comment Letter

SUITE 709 • ONE CITY HALL SQUARE • BOSTON • MASSACHUSETTS • 02201
617-635-3425 Fax: 617-635-3496

CDM Smith

Memorandum

To: *Elizabeth Dello Russo, Brian Swett, Maura Zlody, and Jacob Glickel*

From: *Jane Wheeler*

Date: *February 11, 2014*

Subject: *Draft Environmental Impact Report (DEIR) Review*
Wynn, EOEEA No. 15060

This memorandum presents CDM Smith's comments on the Wynn Draft Environmental Impact Report (DEIR) filed with the Massachusetts Environmental Policy Act (MEPA) Office on December 16, 2013.

Regional Impacts

1. The DEIR does not consider induced growth in Everett or surrounding communities. However, descriptions of the project throughout the DEIR suggest that impacts and benefits that are commonly known to induce development are anticipated. The DEIR asserts that the project will result in economic revitalization and job creation. The project will be readily accessible by automobile and transit to surrounding communities. According to the DEIR, new zoning and the presence of the project will allow the area around the site in Everett to be "revitalized and energized with public, retail, and corporate activities" (p. 2-7).

2. Will this project force out other jobs and businesses in the region? The proponent should provide a more complete analysis of the impacts on the region of the proposed project as compared to other alternatives and provide the City with a copy of the economic analysis referenced at the February 4 public meeting in Charlestown.

Air Quality

1. The casino is proposed to be constructed on property highly contaminated with arsenic, lead, and other chemicals. The construction period will extend over three years, and approximately 120,000 cubic yards of soil will be excavated and removed from the site. The DEIR contains a generic list of fugitive dust control measures. However, given the soil movement duration, intensity and potential for PM2.5 and hazardous air pollutant exposure, a more quantitative analysis should be performed, with benefits and commitments to specific mitigation measures necessary to protect residents during the construction period. Specifically:

   - The proponent should conduct microscale dispersion modeling for worst-case excavation and site grading activities and the highest heavy metal and toxic contaminant concentrations found in the soil, and compare predicted concentrations at the site property boundary with PM2.5 National Ambient Air Quality Standards and MassDEP Allowable Ambient Levels (AALs) for toxic

air pollutants. The proponent should identify and quantify specific dust management practices necessary to maintain pollutant concentrations below the standards and guidelines at all times.

- The proponent should include site perimeter PM2.5 monitoring and action levels in the Release Abatement Measure Plan submitted to the MassDEP for controlling contaminant releases during earthwork activities.

- The proponent should commit to the following:

  - To prevent contaminated soil re-entrainment on local streets install one to two inches of gravel no less than ten (10) feet in length at truck entrance and egress points and require tire washing of all construction vehicles leaving the site with proper provisions for runoff
  - Enforcement of MGL C. 85 Section 36, "Construction and loading of vehicles to prevent dropping of load on way," on site and at any staging and marshalling locations
  - Regular vacuum cleaning of streets and sidewalks
  - Minimizing aggregate piles and excavated materials
  - Any aggregate piles and excavated materials on the site overnight will be sprayed with Soil Cement or calcium chloride to ensure that it materials do not blow off site

- The proponent should calculate the daily and hourly truck volumes necessary for construction, including transport of soil to and from the site.

- The proponent should identify truck routes, and evaluate diesel particulate matter exposure of residents along those routes.

2. The DEIR mesoscale analysis shows that emissions of volatile organic compounds (VOCs), nitrogen oxides (NOx) (and presumably particulate matter, PM2.5) will be greater for the 2023 Project Case than for the 2023 No-Build Case. At least one federal approval (U.S. Army Corps of Engineers dredging permits listed in Table 1-2) is required. The FEIR should address, therefore, the applicability and requirements of General Conformity for the direct and indirect air quality impacts of the project. The predicted mesoscale air pollutant increases should be evaluated with respect to the Massachusetts State Implementation Plan (SIP), and for effects on local air quality.

3. MOBLIE6.2 has been replaced by the MOVES model (specifically MOVES2010b) as the U.S. EPA's official model for criteria air pollutant and greenhouse gas emissions from roadway vehicles. The U.S. EPA's grace period for allowing MOBILE6.2 for project-level conformity determinations expired on December 20, 2012. The latest U.S. EPA model should be used for the emissions modeling.

4. Whether or not General Conformity is triggered by the project, the FEIR should include a microscale dispersion modeling analysis for Sullivan Square. The additional levels of traffic and congestion in this area that will result from the proposed Wynn casino project will lead to increased local emissions of air pollutants, including carbon monoxide (CO), VOCs, NOx and particulate matter (PM10 and PM2.5). Given that urban levels of PM2.5 and NOx are often

found at levels close to National Ambient Air Quality Standards (NAAQSs), an air quality modeling study should then be conducted to determine whether emissions from the project will lead any exceedances of NAAQSs.

5. The DEIR states that air quality impacts from project equipment and stacks will be limited to clean-burning natural gas for heating and hot water. However, the project will include ventilation of a large underground parking garage. The FEIR should include dispersion modeling for this parking garage stack, in combination with other exhaust stacks from Project equipment, and take into consideration the potentially severe aerodynamic downwash effects of the 386-foot-tall building. This modeling would ensure that design of the parking garage stack and all Project stacks would be done to ensure NAAQS and MassDEP toxic air pollutant Allowable Ambient Levels would not be exceeded.

6. The FEIR should evaluate the location of the proposed fresh air intakes for the casino tower. The Mystic generating station is located 1000-1500 feet to the southwest of the proposed project, with exhaust stack heights of 305 feet.

7. The FEIR should include the locations of all on-site emission sources, including the parking garage stack, bus idling locations, and boat idling locations, and consideration of siting these emissions sources to minimize off-site air pollutant exposures.

8. The FEIR should also identify the number of shuttle buses expected to provide service, the fuel that will be used to power the shuttles and the frequency of service from each served location. If there will be layover times at the project site, the FEIR should identify those location(s) and describe how bus drivers will be accommodated so that idling is not used for heat or cooling during layovers (e.g. a break room with access to food and beverages).

9. As previously agreed to by the project's Permitting and Planning Consultant, an analysis should be conducted to determine if the 3% water shuttle mode share will result in fewer greenhouse gas (GHG) emissions than if the 3% were added to the vehicle mode share. The results should be included in the FEIR. The analysis should identify the type of fuel to be used by the water shuttle and the amount that would be used for all potential trip connections.

10. A central-pay process should be used for the payment of any parking fees.

Energy & Greenhouse Gas Analysis

1. The GHG "baseline case" should be updated from the minimally required current Massachusetts Building Code, based on IECC 2009, to the newer IECC 2012, which will be the Massachusetts Building Code by July 2014.

2. The DEIR does not include an analysis of construction-related GHG emissions. While the GHG policy does not require such analysis, it is recommended that the FEIR include an analysis of construction-related GHG emissions because construction will constitute a significant activity due to the extensive remediation required on the project site. The analysis should be done for a non-

retrofitted fleet and diesel-fueled 50+ horsepower construction equipment and for a fleet and equipment retrofitted with EPA- or California Air Resources Board-approved technologies.

Climate Change Preparedness and Sea Level Rise

1. It appears that the proponent is seeking an exemption under 310 CMR 9.32(a)(a) – Categorical Restrictions on Fill and Structures - claiming that the proposed fill is permitted in flowed tidelands for certain purposes such as shoreline stabilization and elimination of shoreline irregularities. Further information should be provided.

2. The proponent should demonstrate that the proposed fill and associated loss of storage will not result in adverse increases in flood level stages at the project site or in adjacent locations.

3. Portions of the property are correctly identified as "Land Subject to Coastal Storm Flowage" and as "Bordering Land Subject to Flooding" (BLSF), which is defined by the MassDEP as "an area which floods from a rise in a bordering waterway or water body. Such areas are likely to be significant to flood control and storm damage prevention." The MassDEP regulations set forth in 310 CMR 10.57 clearly define the requirements for developing within areas classified as Bordering Land Subject to Flooding (BLSF). One of the main functions of BLSF is to retain and detain flood waters, and development within BLSF requires the creation of compensatory floodplain storage. It is recommended that compensatory storage be provided to offset the proposed fill. It should also be noted that 310 CMR 10.57(4) requires that the compensatory storage have an unrestricted hydraulic connection to the adjacent water body, which has not been demonstrated.

4. Chapter 6.2.1 of the DEIR includes the statement that "Due to its protected location upriver from much of the harbor, wind driven waves are not considered to be an important factor in the Project's design." After the Nor'easter of 1978 the USGS took high water measurements around the greater Boston area, and immediately upriver of the proposed project site a high water measurement of 10.2 feet NAVD88 (11' NGVD29) was taken on the Amelia Earhart dam. There is currently no FEMA documentation showing potential surge/stillwater elevations, but the proponent should consider all available information when setting Finished Floor Elevations (FFE) and locating critical infrastructure. The MassAudubon Society offered a similar comment, and the proponent addressed it by proposing a "living shoreline" fringe. While a living shoreline will help mitigate wave action, it is not likely to prevent it.

5. The DEIR states in 6.2.1 "To prepare for impacts, parking garage entrances and other openings into below-grade spaces will be elevated above this [critical flooding] level as well, or sufficiently flood proofed to avoid inundation for coastal storms." However, it is recommended that the proponent revisit these elevations based on the updated 100-year flood elevation, taking wind driven wave action into consideration as well.

6. The DEIR states in 6.2.1 "Projections for future changes in flood elevations for the 100-year storm event reflect a modest increase for the Project Site." Additionally, the DEIR later states in 6.2.1 "During the preparation of this document, Draft Flood Insurance Rate maps (FIRM) were

released for the adjacent areas of Suffolk County. While new flood levels have not been established for the Project Site the Suffolk County maps are undergoing public review and comment and it is anticipated that based on the draft FIRM, the estimated 100 year flood level on the Project Site may increase by one foot. The Project design is safely above the current 100 year flood levels as well as potential increased levels similar to Suffolk County." The proposed maps show an adjacent increase of three feet, not one foot. A three foot increase is not moderate, and this puts the retail wing only 4.2 inches above updated 100-year flood levels.

7. The DEIR does not provide information on the project's emergency preparedness/sheltering plans and emergency access during predicted flooding, severe heat, and severe precipitation conditions. The FEIR should provide the following information regarding preparedness and resiliency assessment and planning:

   - Mitigation strategies to reduce energy consumption
   - Specific measures to reduce building energy demands on utilities and infrastructure
   - An estimate of the time in days that the project will remain operable without utility power during an extended outage
   - Any non-mechanical strategies that will support building functionality and use during an extended interruption of utility service and infrastructure
   - Measures to reduce urban heat island effect
   - Measures to accommodate rain events and more rainfall
   - Measures to accommodate extreme storms and high winds
   - Hard and/or soft landscape elements as velocity barriers to reduce wind or wave impacts
   - Any additional strategies to addressing sea level rise and or severe storm impacts

8. The discussion of sea level rise does not include impact to the proposed dock or water shuttle operation. How will the Alford Street bridge clearance be affected?

Contaminated Materials and Hazardous Waste Remediation

1. Chapter 12 of the DEIR, Solid and Hazardous Wastes, does not provide any specific details regarding additional site investigation requirements, areas or quantities of contaminated media, proposed remediation methods, schedules, costs or other details of future site response actions.

2. Chapter 12 does not provide any detailed discussion of solid waste issues or proposed solutions associated with the project.

3. The July 26, 2013 Certificate on the EENF notes that the project area is a disposal site subject to cleanup under the Massachusetts Contingency Plan (MCP) and that response actions that are required must be addressed in the required EIR. The DEIR notes that site cleanup in compliance with the MCP is planned, but does not provide much detail as to how that will be accomplished. The discussion of the Phase III selected remedial alternatives is very limited, and no discussion of the schedule of the Phase IV Remedy Implementation Plan (RIP) is provided. The EENF Certificate specifically requested that the DEIR provide an estimate of cleanup costs, identify who will conduct and fund the cleanup, and address how impacts to the Mystic River and surrounding communities will be prevented.

4. No estimate of cleanup costs is provided in the DEIR; however this information should be available from the Phase III Remedial Action Plan (RAP). The DEIR implies that the project owner will be responsible for conducting and funding the site cleanup. Prevention of impacts to the Mystic River and surrounding communities during cleanup is not adequately addressed in the DEIR.

5. The EENF Certificate also noted that the DEIR should specify a pre-design investigation in advance of construction. While the DEIR does provide some discussion of site investigation activities completed to date, it does not clearly identify pre-design investigation plans. The Certificate identifies dewatering and air monitoring as areas to be addressed in the DEIR. These items are mentioned but are not described in any detail.

6. Table 1-2 and Chapter 18 of the DEIR do not reference MassDEP permits required for remediation.

7. In summary, the DEIR provides a general discussion of the site history, MCP response actions, site contamination, and potential remedial alternatives for site soils. It does not provide details on the planned response actions to address the contamination present at the site.

LEED Certification

1. Overall, the proponent does not dismiss potentially achieving LEED platinum. Some credits require construction before they can be verified and the credit granted. At this early point in the design, for example, it may not be possible to predict the 35% water use reduction in WE Cr.3 but the final engineering may result in that or better. Thus the 2 points are in the MAYBE column. With 67 credits being pursued and 31 considered possible, we believe it is ultimately feasible for the project to achieve 80 or more credits and reach LEED Platinum.

2. Does LEED certification apply to the entire development, including the hotel, gaming and retail components?

3. Moving the following credits to the Yes column as strategic goals would net an additional points:

   - MR Cr.5 Regional Materials: The proponent should commit to a 20% goal. Other LEED Gold casinos achieved 43%. This is better for regional economies and LEED goals.

- MR Cr.4 – 20% Recycled Materials: It may be possible to reuse ground up materials as non-structural fill and landscaping.

- MR Cr.7 Certified Wood: While this credit may add costs, it is typically achievable.

- EQ Cr.4.3 Low-Emitting Materials Flooring: the majority of flooring manufacturers can meet these threshold limits. Flooring represents the largest indoor surface in the project. This credit should be achieved as it will have significant impact on visitor and employee health, productivity and comfort. The proponent should have custom carpeting tested and achieve this point. Cost of testing the materials is negligible relative to the overall project investment.

- IEQ 8.1 Daylight and Views: Proponent claims to "set a new standard" for gaming facilities yet the gaming component seems to be a typical "black box." The proponent should pursue this credit or at least provide significant daylight and views to the gaming component. Other LEED Gold casinos obtained this point with skylights and clerestories.

- MR Credit 1.1 Reuse: While this credit is listed in the "Likely" column, the narrative discusses lack of any existing components for reuse.

Environmental Justice

1. Chapter 2.6 of the DEIR states that the local community "includes significant representation of minority groups and low-income households." If any of the adjacent communities meets the MA Executive Office of Energy and Environmental Affair's (EEA's) Environmental Justice (EJ) definition, the EEA's EJ Policy requires an "enhanced EIR analysis of impacts and mitigation." The EEA EJ policy further states that, "Enhanced analysis of impacts and mitigation may include analysis of **multiple air impacts** [emphasis added]; data on baseline public health conditions within the affected EJ Population; analysis of technological, site planning, and operational alternatives to reduce impacts; and proposed on-site and off-site mitigation measures to reduce impacts and increase environmental benefits for the affected EJ Population. The EJ status of Everett and adjacent and nearby communities should be determined without delay so that the FEIR will include the process and results of the assessment used to determine whether or not an EJ analysis applicability threshold has been exceeded. For EJ communities, the FEIR should include results of a microscale dispersion modeling analysis for PM2.5, CO and NOx for the traffic intersections in these communities with both the greatest traffic volumes, and those most affected by project traffic.

2. Pursuant to the Commonwealth's EJ Policy, enhanced public participation is required because the project exceeds the ENF threshold for wastewater generation. EJ populations may also include surrounding communities (not just Everett).The FEIR should describe how public participation has been enhanced to engage EJ populations.

Transportation Demand Management (TDM)

1. Chapter 2.1.3 of the DEIR states that the proposed project will result in "pedestrian-friendly streets." The proponent should provide more detail on the urban design elements of the project as they relate to Broadway/Alford Street, the proposed Orange Line station at Assembly Square (scheduled for completion in fall 2014) and possibly a new station on the Newburyport/Rockport Commuter Rail.

2. In Chapter 2.4, the DEIR states that the "proponent has committed to providing a shuttle service from the Project Site to nearby MBTA subway stations and other transportation hubs." These stations and hubs should be identified. It is not clear whether any of these "transit hubs" will be located in Boston or surrounding communities. The EENF referenced shuttle buses that would link the project to "Logan International Airport, North Station, South Station, and other major transportation hubs."

3. The FEIR should provide more detail on the parking management strategies and the unifying of the Broadway streetscape and related improvements described in Chapter 2.6.

4. Figure 4-15 provides a map of existing and planned pedestrian and bicycle facilities within the vicinity of the project. Additional information on the proposed facilities should be provided including, but not limited to, current materials and conditions, widths, crosswalks, and compliance with accessibility standards, resulting in a pedestrian and bicycle level of service (LOS) analysis.

5. Chapter 4.4.1.1 states that "the primary Project Site driveway will be designed and constructed...consisting of...sidewalks and bicycle accommodations." The proponent should provide additional detail and images on these accommodations include widths, materials, whether or not the facilities are separated, etc.

6. Chapter 4.4.1.3 states that "Lower Broadway will be widened approaching the primary Project Site driveway to accommodate a right-turn lane to enter the Project, bicycle lanes, and sidewalks, while maintaining two (2) through travel lanes per direction." Typically, as the number of lanes in each direction increases, average vehicle speeds increase making a roadway less inviting to bicyclists. The proponent should consider alternatives to basic bike lanes including buffered bike lanes or cycle tracks to further support the "context of Complete Streets design."

7. Chapter 4.5.4.1 – Pedestrian Improvements

   - More information is needed regarding pedestrian connectivity outside of the site. For example, will pedestrian access be possible from the Alford Street Bridge?

   - The proponent should provide additional detail on the connection of the Project Site to the Mystic River Parkway trail system via the proposed pedestrian/bicycle underpass under the MBTA Newburyport/Rockport Commuter Rail.

8. Comment MAPC-28 discusses on-site showers, lockers and changing facilities to encourage patrons and employees to bicycle to the site. The response to that comment is that Chapter 4 "includes a description of the specific inducements to encourage patron and employee use of alternative modes of transportation to single-occupant vehicles to access the Project site." The DEIR, however, does not specifically mention shower/locker facilities for employees.

9. Chapter 4.5.4.3 – Traffic Reduction Strategies

- Parking Cash-Out program – if the casino is providing free parking for employees, the project should allow employees to receive a subsidy for walking, biking or taking transit to work and not utilizing their designated space. The MassRIDES program will likely be able to advise the proponent on the implementation of this policy. Employers can allow staff to set aside pre-tax dollars to purchase transit passes or pay vanpool fares. As of January 1st, 2014 the transit benefit limit is $130. This is part of the MassRIDES program which is mentioned in this chapter.

- Charging a market rate for use of parking facilities by both patrons and employees on a daily basis is known to reduce vehicle miles travelled (VMT). Monthly passes are not encouraged as they induce driving. – Comment MAPC-32 specifically mentions employee/patron parking fees. The response to that comment does not specifically state whether parking will/will not be free for employees and patrons.

- More information is needed about the eligibility for and benefits of the proposed MBTA Corporate Pass Program. For example, does it provide a subsidy to employees who use it?

- We recommend consideration of these additional strategies:

    - Membership and active participation in an existing Transportation Management Association (TMA) or, if one does not exist in a useful area, work with other employers to create a TMA
    - We recommend that the proponent have a conversation with Massport about sharing its shuttle system since Massport already has a shuttle that serves East Boston and Chelsea during morning hours before the T is running
    - The Transportation Coordinator should be an on-site employee whose only job would be to manage patron and employee transportation, vendor deliveries and other transportation issues
    - On-site information about MassRIDES
    - Transit pass subsidies for all employees including contract employees and those working part-time
    - Pre-tax payroll deduction for transit pass purchase
    - Onsite transit pass distribution or sales
    - Maintenance of a database of employee information for ridematching/planning purposes – home address, commuting mode, work hours, etc.
    - Guaranteed/Emergency Ride Home program for non-drivers and high occupancy vehicle (HOV) users

- Posting and onsite availability of public and private transit schedules with rate information
- Providing the same information on Web sites and through e-mails, newsletters and at employee orientations
- Payroll deduction for the purchase of bicycles and accessories
- Direct deposit of paychecks
- An on-site ATM
- Car sharing such as Zipcar (includes Z2B, a program for businesses).
- Free or low cost, occasional parking for transit commuters who may sometimes need to drive
- Expanding the Hubway bike sharing program at the project site and nearby MBTA stations

10. Why is the TDM monitoring program described in Chapter 4.5.4.4 only planned for 5 years after project completion? TDM should be measured and adjusted over the life of the facility. As demand between modes shift, so should the measures to support transportation. Employee results should be reported for full-time, part-time and contract employees, not in full-time equivalents (FTE).

Stormwater

1. There is still no clear presentation of the quantity of impervious area under existing versus proposed conditions, but the drainage analysis in Appendix H shows that impervious area will increase under proposed conditions. If the impervious area is increased by the project, the site will be considered a "new development" under the MA Stormwater Standards. Hence, the project is incorrectly called a redevelopment. The Stormwater Checklist should be corrected to show that it is a new development that should fully meet the MA Stormwater Standards.

Dredging and Wetlands

1. The proponent states that Waters of the U.S. define the federal jurisdictional area only and that, "this resource is not directly relevant to this MEPA documentation..."; however Waters of the U.S. also define the limit of MassDEP jurisdiction pursuant to the Section 401 of the Clean Water Act and thus is relevant because the issuance of a Section 401 Water Quality Certification is a state action. The need for a Water Quality Certification and compliance with 314 CMR 9.00 are not identified in Chapter 8.1 or in Table 8-4. Later in Chapter 8.1.5., the proponent addresses 314 CMR 9.00 relative to dredging. There is an apparent disconnect between subsections.

2. The proponent continues to define the proposed dredging as "maintenance dredging." Per the EENF, the most recent Chapter 91 license for dredging was issued in 1922. The proponent should provide Chapter 91 License(s) references documenting past dredging as licensed activities. Also, the proponents should request verification from MassDEP that such a 91-year lapse between dredging activities still constitutes maintenance dredging.

3. The proponent states that "the majority of the proposed dredge footprint lies within the historic channel alignment and its associated side slopes," which suggests some dredging is outside the channel and therefore not maintenance dredging. The proponent should provide more

information on dredging – particularly whether MassDEP considers it to be "maintenance" and whether any dredging will occur in Boston.

4. The proponent states that water access is an integral part of the project's "transportation-mitigation and environmental-remediation effort," thereby justifying the need for dredging. However, given the small percentage of casino patrons (3%) that are expected to access the casino via water, there does not appear to be a clear need for channel dredging, especially given the potential for releasing contaminated sediment from the area to be dredged. Further justification should be provided on the need for dredging.

5. The proponent should present sediment analytical data in the FEIR. Chapter 8 states that testing was completed but provides only cursory review of the results.

6. The proponent states that the proposed mechanical dredging yields less turbidity than hydraulic dredging. Hydraulic dredging uses suction to dredge sediment and one would expect the suction, or vacuum, to limit turbidity compared to the clamshell method.

7. The FEIR should describe how dredging will proceed in compliance with all time of year (TOY) restrictions protective of all fishes.

8. Wetlands mitigation measures identified in Chapter 8 are too general and do not adequately describe measures to mitigate anticipated impacts. The mitigation chapter should describe the schedule and responsibilities for carrying out the various mitigation measures, as well as what monitoring will be conducted and by whom.

Shellfish Bed Restoration

1. What measures will be used to prevent bedding material from washing away in storm tides/surges? Define the monitoring period and monitoring protocols in the FEIR so agencies can comment on efficacy of proposed monitoring program.

2. Identify potential problems and corresponding corrective actions, i.e. adaptive management plan.

3. The proponent states filter feeders improve local water quality. Based on the effectiveness of filter feeders to improve water quality, will the proposed 15,000 s.f. of restored beds yield measureable water quality benefits in this location? Is there a monitoring plan to document this stated benefit?

4. The proponent should provide a citation to support the statement that oyster beds prevent beach/shoreline erosion. Based on size and location, what is the anticipated benefit at this location, and what monitoring will be prosecuted to document this benefit is realized? Provide examples of where similar projects have been successful.

5. The proponent should obtain approval from the Massachusetts Division of Marine Fisheries that the restoration plan is viable.

Living Shoreline

1. In response to CZM Comment No. 6 regarding softer shoreline edges, the proponent refers to the living shoreline as described in Chapter 8.1.3 (pg. 8-14) and depicted on Figure 8-6. The proponent should describe how a living shoreline with a seaward edge of rock and a landward margin defined by a vertical bulkhead is a "soft edge."

2. The proponent should address the long-term sustainability of the living shoreline relative to accelerated sea-level rise. What is the life expectancy of this feature with a rising sea level?

Chapter 91

1. The proponent identifies waterfront pedestrian connections to adjacent waterfront paths. However, all easements to make necessary connections are not yet secured. The status of all required easements should be included in the FEIR. All required easements, or options for easements, should be secured before this criterion is determined to be met under Chapter 91 regulations. The Boston Harbor Association had some good suggestions in their comments on the Municipal Harbor Plan to ensure that offsite amenities are completed within a reasonable timeframe.

Mitigation

1. The mitigation chapter should describe the schedule and responsibilities for carrying out the various mitigation measures.

2. What monitoring will be conducted and by whom to ensure that mitigation goals are accomplished?

Construction

1. To accurately portray overlapping activities, durations, sequencing, etc., the FEIR should include a detailed construction schedule (preferably in a bar chart or similar graphical format) that shows all activities (including onsite and offsite mitigation) and reflects time-of-year (TOY) restrictions for dredging.

2. Sections 15.2.5 and 15.2.6 in the DEIR indicate only that a Construction Management Plan will be prepared that will include measures to mitigate noise and vibration impacts. The vibration section says that pile driving will be necessary, with no other specifics. Given that there will be four underground levels, and construction in a historic fill area adjacent to the Mystic River, there could be extensive pile driving over the three-year construction period. Residents of Somerville and Charlestown will have direct line-of-site exposure to this noise transmission over water. The proponent should provide a detailed construction noise analysis, especially for pile driving, and a commitment to mitigation (e.g., predrilling all holes, and using impact muffling materials).

3. Proposed work hours per day for each project element, in sequence, should be outlined in the FEIR.
4. The following Best Available Control Technologies (BACT) and other best management practices (BMP) should be employed to minimize noise impacts. Measures should include but are not limited to:

   - Securing any decking on roadways so that there is no rattling when traffic passes over
   - Using vehicles and equipment with either ambient-sensitive or manually adjustable back-up alarms
   - Properly sizing impact equipment such as hoe rams, pile drivers and jackhammers and powering them only to the degree needed to perform the work
   - Installing noise suppression enclosures on hoe rams
   - Placing stationary noise-producing equipment such as pumps and generators as far away as possible from residential and sensitive receptor locations
   - Keeping engine housing panels on all equipment closed and, when not in use, shutting off equipment
   - Where feasible, building screening to provide light shielding for area residents and other sensitive receptors

5. The FEIR should include a detailed description of the noise study conducted since submission of the DEIR.

Attachment C:

City of Boston Parks & Recreation Department

Comment Letter

BOSTON

Martin J. Walsh, Mayor

February 11, 2014

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

RE: EOEEA #15060, DEIR for Wynn MA, LLC

Dear Mr. Sullivan:

This letter is in response to the request for comments on the DEIR for the development proposed by Wynn MA, LLC. The City of Boston Parks and Recreation Department has reviewed the project - in particular for potential impacts to Ryan Playground and the parks that will be provided through the Sullivan Square realignment and Article 80 redevelopment in Charlestown.

The proposed project should be carefully analyzed for the following potential impacts:

- Connection to current planning processes underway for Ryan Playground and Sullivan Square;
- Congestion in the vicinity of the parks, and a "hotspot" analysis of compromised intersections;
- Increased vehicular, MBTA and tour bus traffic volume on pedestrian access to the parks;
- Inclusion of the build out of the Article 80 parcels freed by the realignment of Sullivan Square;
- Increased vehicular, MBTA and tour bus traffic on the air quality around the parks.

This Department recommends that the proposed Wynn development should integrate Ryan Playground into its planning and development processes. Ryan Playground is approximately less than .5 miles from the proposed Wynn development and directly on the most heavily travelled point of egress to the site. Ryan Playground is an active recreation area and efforts should be made to ensure that the Wynn development does not detract, and rather enhances the pedestrian, bicycle and vehicular access to that important park. Also, there should be no negative impacts to the parking available at Ryan Playground.

Further, the proposed Wynn development should be assessed for potential connections to the pedestrian environment, parks and greenway that will be developed in the vicinity of Sullivan Square through the disposition of land from the traffic realignment. These parks and pedestrian ways will be developed by the Article 80 process, as part of the BRA's redevelopment of the intersections around Sullivan Square.

Boston Parks and Recreation Department
1010 Massachusetts Ave., Boston, MA 02118 / Tel.: 617-635-4505 / Fax: 617-635-3173

It must be noted that the Wynn DEIR included the proposed roadway improvements at Sullivan Square to the benefit of its analysis. However, it apparently omitted the significant proposed build out of the parcels that will be freed for Article 80 redevelopment by the realignment of Sullivan Square. The significant proposed build out of Sullivan Square should be included in the Wynn DEIR analysis.

This Department is concerned about the potential for congestion, increased traffic volume, and decreased accessibility around Ryan Playground and the parks that will be developed through the Article 80 process at Sullivan Square. The Wynn DEIR indicated that most of the intersections around Sullivan Square had a decreased level of service (LOS) with the Wynn development, even with the omission of the future build out of the parcels around Sullivan Square through the Article 80 process.[1]

Ryan Playground is an active recreational area that generates a vehicular, bicycle and pedestrian traffic. The traffic generated by Ryan Playground should also be included in the Wynn analysis, and the impacts of the Wynn development on the congestion and access to the park should be mitigated.

With regard to the air quality around the parks, this Department is concerned about the air quality issues that will be generated by increased traffic congestion around the parks, and also the potential air quality impacts generated by the remediation of the toxic site.[2]

Finally, this Department would like to recommend that any community benefits that are negotiated for the development, should consider the mitigation of impacts to Ryan Playground, and the proposed improvements to Sullivan Square.

Sincerely,

Carrie Marsh

Carrie Marsh, Executive Secretary
Boston Parks and Recreation Commission

cc: Elizabeth DelloRusso, Senior Assistant Corporation Counsel, City of Boston

[1] The Parks Department incorporates by reference hereto the Comment Letter of the Boston Transportation Department and the Stantec Consulting memorandum.
[2] The Parks Department incorporates by reference hereto the Comment Letter of the City of Boston Environment, Energy and Open Spaces Cabinet.

Attachment D:

Boston Redevelopment Authority

Comment Letter

Boston Redevelopment Authority

Boston's Planning & Economic Development Office

Martin J. Walsh, *Mayor*

One City Hall Square
Boston, MA 02201-1007
Tel 617-722-4300
Fax 617-248-1937

February 11, 2014

Via U.S. and Electronic Mail
Secretary Richard K. Sullivan
Executive Office of Energy and Environmental Affiars
Attn: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02214

Reference: EOEEA# 15060
Draft Environmental Impact Report (DEIR) Review, Wynn MA, LLC

Dear Secretary Sullivan:

Thank you for this opportunity for the Boston Redevelopment Authority (BRA) to comment on the Draft Environmental Impact Report (DEIR) submitted by Wynn MA, LLC ("Wynn") for the above referenced project.[1] The BRA joins the City of Boston in its review of the Wynn DEIR.

The BRA, together with the City of Boston Transportation Department and the community, has engaged in a multi-year planning process for improvements for Sullivan Square and Rutherford Avenue in Charlestown. The BRA notes that the Wynn DEIR fails to accurately review the Wynn proposal in light of that planning process. Please see the City of Boston Comment Letters, incorporated by reference hereto, for extensive comments on this issue.

Thank you again for the opportunity to comment on the Wynn DEIR. We ask that you accept and incorporate the City of Boston's thorough review.

Regards,

Kathleen R. Pedersen
Senior Project Manager
Environmental Review Specialist

[1] The BRA notes that Wynn has no filings before the BRA, including no filings pursuant to the Article 80 Development Review Process.