



SMART GROWTH AND REGIONAL COLLABORATION

June 28, 2016

Matthew A. Beaton, Secretary
Executive Office of Energy & Environmental Affairs
Attention: MEPA Office – Purvi Patel, MEPA #13755
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: Apex Center, MEPA #13755

Dear Secretary Beaton:

The Metropolitan Area Planning Council (MAPC) regularly reviews proposals deemed to have regional impacts. The Council reviews proposed projects for consistency with *MetroFuture*, the regional policy plan for the Boston metropolitan area, the Commonwealth's Sustainable Development Principles, the GreenDOT initiative, consistency with Complete Streets policies and design approaches, as well as impacts on the environment.

The Apex Center development is proposed within the same 43.6 acre location previously reviewed as the Beacon-North Project¹. The project site is bound by Route 20 to the north, Ames Street to the southwest, and Glen Street to the southeast in Marlborough. The Apex Center development is proposed under the Code of the City of Marlborough, as part of the Hospitality and Recreation Mixed Use Overlay District (HRMUOD), which allows the application of supplemental land use controls within the boundaries of the overlay district. As proposed under the HRMUOD, the project consists of 12 building complexes totaling 445,550 square feet of mixed-use development, which includes retail, restaurant, entertainment, office, and hotel space. Specifically, Ryan Development (the Proponent) proposes the following land uses for the project site, a considerable change to the overall building program outlined in the Final Environmental Impact Report (FEIR) filed on November 16, 2015:

- 7 restaurants totaling 28,650 square feet with approximately 742 seats
- 2 hotels totaling 136,800 square feet with approximately 245 rooms
- 13 mixed retail establishments totaling 29,800 square feet
- 134,800 square feet of mixed entertainment space
- 15,500 square foot veterinarian office
- 100,000 square foot office building

In addition to considerable changes to the overall building program, the Notice of Project Change (NPC) proposes a 13 percent increase to the project's square footage compared to the FEIR. This increase exceeds the 10 percent MEPA threshold for insignificance (CMR 11.03) of the project's increased square footage. Furthermore, the revised project is forecast to increase vehicle trips by 2,265 trips per day, which represents 75 percent of the MEPA review threshold for new average daily trips², whereas the MEPA threshold for insignificance is 25 percent. With the thresholds for both square footage and vehicle trips both exceeded by this NPC, clearly a Supplemental Final Environmental Impact Report (SFEIR) is required.

¹ The overall Beacon Site comprises approximately 78.2 acres, 6.6 acres of which have already been developed under a Phase 1 Waiver and a 28 acre site for the Preserve at Ames.

² The adjusted trips for Beacon-North were calculated to be 7,170 trips and 9,435 trips for Apex Center.

The weekday morning and evening peak hour traffic generation is estimated at 530 and 990 new vehicle trips respectively. Approximately 1,235 new vehicle trips are projected during the Saturday midday peak. The Proponent acknowledges that, “*when compared to the 2023 short-term No-Build Conditions, all of the study area intersections are projected to experience an increase in vehicle delays in one or more than one of the peak hours during the 2023 short-term Build Condition* (p. 4-19).” While the proposed building program will add 1,232 parking spaces, a 36 space reduction compared to the previously proposed project, the number of parking spaces is still significant.

The site is a component of a regional, statewide, and local Priority Development Area (PDA) as part of the *495/MetroWest Development Compact*. Regional access to the area is provided via the Route 20 and Interstate 495 interchange located approximately one mile to the east of the site.

MAPC has a long-term interest in alleviating regional traffic and environmental impacts, consistent with the goals of *MetroFuture*. The Commonwealth also has established a mode shift goal of tripling the share of travel in Massachusetts by bicycling, transit and walking by 2030. Additionally, the Commonwealth has a statutory obligation to reduce greenhouse gas emissions (GHG) by 25% from 1990 levels by 2020 and by 80% from 1990 levels by 2050. In May 2016, the Massachusetts Supreme Judicial Court released a unanimous decision in *Kain vs. Massachusetts Department of Protection (DEP)* ordering the state’s DEP to take additional measures to implement the 2008 Global Warming Solutions Act. Specifically, the Court held that DEP must impose volumetric limits on the aggregate greenhouse gas emissions from certain types of sources and that these limits must decline on an annual basis. This recent ruling reasserts the state’s obligation to meet these goals. As currently proposed, the Apex Center project is likely to make all of these goals more difficult to achieve.

MAPC has reviewed the NPC and our recommendations primarily address the need for additional analysis and recommended mitigation which include strengthening travel by alternative modes and incorporating mode share goals as part of the monitoring program. The intent of these recommendations is to encourage a greater shift of SOV auto trips to shared auto trips, transit, bicycling, or walking. MAPC respectfully requests that the Secretary incorporate these recommendations into the Certificate for this project, in order to minimize the adverse impacts and to keep the Commonwealth on track in meeting its regulatory and statutory goals.

For the next step in the MEPA review process, MAPC respectfully requests that you require the Proponent to address these issues in the forthcoming SFEIR and Section 61 Findings.

Thank you for the opportunity to comment on this project.

Sincerely,



Marc D. Draisen
Executive Director

cc: Mayor Arthur Vigeant, City of Marlborough
Meredith Harris, Marlborough Economic Development Corporation
David Mohler, MassDOT

Metropolitan Area Planning Council (MAPC) Comments on Apex Center NPC - MEPA #13755

The following comments outline the impacts and mitigation the Proponent needs to address in the Supplemental Final Environmental Impact Report (SFEIR) and Section 61 Findings:

Route 20 at RK Center/Site Drive

MAPC recommends that the Proponent focus on channelizing traffic to the only signalized access to the site, Route 20 at RK Center/Site Drive. In order to reduce vehicle conflicts and provide additional flexibility for pedestrian amenities, the NPC notes discussions have taken place with Wendy's and Bank of America to realign their driveways into the site and, thereby, limit the number of conflicts within the primary driveway.

As MAPC previously requested in its comment letter addressing the Draft Environmental Impact Report (DEIR)³, the Proponent needs to clearly convey plans that propose relocations of the site driveways. MAPC recommends that the redesign minimizes multiple curb cuts in close proximity to the main access road serving the project. It is important to mention that that City of Marlborough's Site Plan Review Committee comment letter also supports the reduction of curb cuts and asked the Proponent look at ways to close curb cuts on Route 20 to manage traffic more effectively⁴. Limiting curb cuts provides a safer environment for pedestrians and bicyclists since potential conflicts with vehicles are reduced and additional space for landscaping is available. The Proponent must continue to pursue modifications to these driveways.

Parking

Parking Reserves

We continue to strongly encourage the Proponent to investigate further measures to reduce the overall number of parking spaces through parking reserves that complements the project's phasing. MAPC recommends that parking reserves be designated in areas where parking is proposed to be sited within portions of the wetlands 100 foot buffer zone (e.g., parking east of the Building 5 Complex).

The Secretary's FEIR Certificate states, "*The Proponent has indicated a reluctance to implement parking reserves, which is allowed under the City's zoning ordinance, until tenants for the project have been identified...I continue to encourage the Proponent to bank parking spaces until and unless they are determined to be necessary based on monitoring, particularly any spaces proposed for the southernmost area of the site that would be closest to on-site wetlands (p. 5).*"

Shared Parking

While the Proponent does state that the arrangement of buildings and mix of uses allows for a reduced number of parking spaces through a shared system, exactly how these parking spaces will be allocated and shared is not clearly conveyed. A shared parking analysis for the entire project site by time of day and land use needs to be included in the SFEIR. *MassDOT's TIA Guidelines* provide additional guidance regarding the calculation and designation of shared parking spaces.

Land Use Code for Entertainment Uses

MAPC is surprised the NPC states, "*There is no corresponding ITE Land Use for the entertainment uses being proposed on the development site (p. 4-38)*" and that the Proponent has made the decision to use the ITE Land Use Code for Shopping Center (LUC 820) as the "*most appropriate land use (p. 4-15).*" It is inappropriate to conclude there is no corresponding ITE Land Use for 134,800 square feet or an estimated 30 percent of the project site. MAPC recommends the SFEIR include a trip generation and parking demand

³ MAPC's comment letter on the DEIR dated June 5, 2015.

⁴ City of Marlborough's Site Plan Review Committee comment letter on the DEIR dated June 5, 2015.

assessment for ITE Land Use Codes for Bowling Alley (LUC 437)⁵, Multipurpose Recreational Facility (LUC 435), or other applicable Land Use Codes. Applying the Land Use Codes for Multipurpose Recreational Facility and Bowling Alley will establish a more realistic approximation of trip generation and parking demand for this component of the project than using the Land Use Code for Shopping Center.

Public Transit Access

MetroWest Regional Transit Authority

MAPC is pleased that the Proponent will coordinate with the MetroWest Regional Transit Authority (MWRTA) to facilitate and promote transit use and that the MWRTA has agreed to modify its bus Route 7C to enter and exit the project site and locate two bus stops - one at the entrance to the western, retail portion of the site and the other at the eastern, office portion of the site. The Proponent needs to clarify whether the two bus stop locations are for eastbound service only and whether patrons who want to travel westbound will need to cross Route 20 and wait at the bus stop in Hannaford's Plaza. MAPC highly recommends that the Proponent work with the MWRTA to provide for westbound service within the project site. MAPC requests that the SFEIR's site plan include both bus stop locations. Both bus stops should have full amenities (e.g., be enclosed, contain seating and heating, and show schedule information).

While the Proponent has committed to a mitigation program for roadway improvements, MAPC recommends a stronger mitigation component for public transportation. Specifically, the Proponent should partner with the MWRTA and identify how connections to and from the project site can be enhanced, particularly on weekday evenings and during weekends. Improving the frequency of MWRTA service will encourage both employees and patrons to use this mode of transportation and can result in reduced traffic and parking demands associated with the Project. To enable increased service frequency, the Proponent should contribute to the MWRTA's operating and maintenance costs in an amount that is reasonably related to the project's additional demand.

As you aware, MAPC has often suggested that Proponents should contribute to the capital or operating costs of the MBTA to mitigate adverse impacts and to encourage greater conversion of trips from SOV to transit. This principle should apply as well to developments in the territory of other RTAs.

Commuter Rail Shuttle

The nearest MBTA commuter rail service is available from the towns of Southborough and Westborough, along the Framingham/Worcester Commuter Rail line that connects South Station in Boston to Worcester. In earlier MEPA reviews, the Proponent was urged to commit to providing a shuttle service between the project site and a commuter rail station. In the FEIR Certificate, the Secretary strongly encouraged the Proponent and tenants of the site to pursue shuttle services through the MetroWest/495 Transportation Management Association (TMA), if there is demand. In addition, the Secretary expects MassDOT to explore this potential mitigation measure during permitting.

Specifically, the FIER Certificate states: *"Because this site is challenged from a transit perspective, the Certificate on the DEIR directed the Proponent to devote significant resources to overcoming this deficiency in order for its TDM program to be successful. With the nearest MBTA commuter rail stations located seven and eight miles from the site in Southborough and Westborough, respectively, I urged the Proponent to commit to providing shuttle services between the site and one of these stations as a critical component of its TDM program. The FEIR did not address this issue, presumably because tenants have not yet been identified...I continue to strongly encourage the Proponent and the ultimate tenants of the site to pursue shuttle service to the site through the TMA if there is sufficient demand by their employees. In addition, I expect MassDOT will explore this potential mitigation measure during permitting (p. 6)."*

⁵ A trip generation and parking demand assessment for ITE LUC 437 for 10 lanes can be found in the NPC for MGM Springfield dated October 15, 2015.

MAPC notes that with the shift towards less office space and more retail and entertainment space, there may be less demand for a commuter rail connection for employees. However, the same shift may cause an increased demand for extended service for the Route 7C MWRTA bus. To provide more consistent non-SOV access to the site for employees and patrons, we suggest that the Proponent work with the MWTRA to support bus service that would run later in the evening on weekdays and increase service on weekends. Service in the project area currently ends at about 7:30 PM on weekdays and 4:50 PM on Saturdays, with no Sunday service.

Ramps from I-495 to Route 20 /Closing of Felton Street

In its FEIR comment letter⁶, MassDOT reminds the Proponent that the I-495 southbound off-ramp to Route 20 westbound is expected to decline in level of service and that queuing on the ramp is expected to worsen with the addition of project-related traffic. The letter mentions that the Proponent has proposed the full closure of Felton Street in order to eliminate weaving movements with the ramp and to convert the I-495 off-ramp from stop control to yield control. Both MassDOT's comment letter and the FEIR Certificate dated December 30, 2015 ask the Proponent to finalize the details of these measures by coordinating with MassDOT and the City of Marlborough along with a clear commitment in the draft Section 61 Findings.

The City of Marlborough's Site Plan Review Committee comment letter⁷ reminds the Proponent that any proposal to close Felton Street will require approval by the City's Traffic Commission and that the street closure could have potentially negative impacts to area businesses. As such, the letter recommends a mitigation fee be negotiated between the City and the Proponent if the street were to be closed. The SFEIR needs to address the Proponent's future plans regarding Felton Street and respond to the City's Site Plan Review Committee comment letter. MAPC assumes that Marlborough is seeking this mitigation to support the local businesses who may be impacted. If a mitigation fee is negotiated, it should be determined based on the potential impact to the local businesses.

Mode Share Goals and Monitoring Program

Mode Share Goals

While the Proponent has committed to a monitoring program which will include vehicular data collection, there is no discussion of mode share goals. Developing and monitoring mode share goals is a central component of TIA preparation as outlined in the *EOEEA/MassDOT Guidelines for Traffic Impact Assessments (TIAs)*. Specifically, the TIA Guidelines state: *"The TIA should include an assessment of the mode split assumptions, as well as the Proponent's plan to maximize travel choice, promote non-SOV modes, and achieve the assumed mode shares."* (p. 17)

MassDOT's TIA Guidelines mention that TIAs should include an assessment of mode split assumptions, as well as the Proponent's plan to maximize travel choice, promote non-SOV modes, and achieve the assumed mode shares. The Proponent needs to define mode share goals clearly (vehicular, shuttle, bicycling and walking) as part of their commitment to conduct monitoring and reporting and adjust the project's TDM program as necessary.

It should be noted that the Proponent has acknowledged this commitment and even stated that the *"ultimate goal of any TDM program [is] to result in a 10% reduction in typical ITE Trip Generation estimates"* (p. 2-7) in the FEIR for Beacon-North (dated November 2015). This commitment should be carried through and addressed in the SFEIR.

⁶ MassDOT's FEIR comment letter dated December 23, 2015.

⁷ City of Marlborough's Site Plan Review Committee comment letter dated December 23, 2015.

Monitoring Program

MassDOT's FEIR comment letter states that as part of the monitoring program, the Proponent should provide an update on transit ridership and TDM program effectiveness as well as propose changes to the plan as necessary.

The following three intersections need to be closely monitored:

- *Route 20 at RK Center Driveway*
This intersection is forecasted to degrade from LOS C during the weekday evening and Saturday midday for 2023 No-Build to LOS F under 2023 Build with Improvements.
- *Route 20 at Ames Street/Bronx Drive*
This intersection is forecast to remain at LOS E for weekday evening for 2023 No-Building and 2023 Build with Improvements
- *I-495 Southbound off-ramp to Route 20 westbound*

Transportation Demand Management (TDM) Program

MAPC is pleased that the Proponent has committed to include a TDM program that includes a variety of strategies to reduce the need for SOV trips. These strategies include membership with the MetroWest/495 Transportation Management Association (TMA), designating an on-site TDM Coordinator, subsidizing transit passes for employees, and establishing a ride-matching program. However a development at a site like this one, located away from existing opportunities to use transit, needs to devote significant mitigation resources to overcome these site deficiencies. By working with the site's future tenants, the Proponent should be required to execute the following TDM measures:

- Require, at a minimum, the hotel, office, and entertainment employers to join the MetroWest/495 TMA.
- A guaranteed ride home program should be available for all employees, not just employees of the office component of the project as the Proponent currently proposes.
- Require the hotels tenants to work with a car-sharing and/or shuttle service to provide vehicles on-site for guest use.
- Require, not consider, the installation of electric vehicle (EV) charging stations.
- Provide bicycle parking and shower facilities/changing rooms within buildings.

Pedestrian and Bicycle Access

The NPC states that walking to/from and within the project site will be encouraged by the provision of a pedestrian-friendly site layout, which features sidewalks and crosswalks at key points both within the site and connecting to the existing pedestrian network. While MAPC is pleased the Proponent has committed to installing a sidewalk along the southern side of Route 20 for the entire length of the project's site frontage, we would like the following questions and comments to be addressed in the SFEIR:

- Although locations for pedestrian crossings along Route 20 are described in the NPC, they need to be depicted in the SFEIR's Master Concept Traffic Circulation and Pedestrian Plan.
- How will the Proponent optimize signal cycles and phase lengths to accommodate pedestrians on Route 20 at: Boundary Street/Hayes Memorial Drive, Ames Street/Bronx Park Drive, RK Center/Site Drive, and at Landry Drive/Glen Street? Will pedestrians be able to actuate signals at these locations?
- Include a site plan that depicts sidewalks and crosswalks internal to the site.
- Describe how bicyclists will be encouraged to access the site and navigate within the site.

Roadway Safety Audit

There are two study area intersections that exceed the MassDOT District 3 crash rates - the intersection of Route 20 at RK Center Driveway and Route 20 at I-495 Southbound on/off ramps. The Route 20 at RK Center Driveway intersection is also listed as a top crash location in MassDOT's *2013 Top Crash Locations Report* (August 2015)⁸.

In its FEIR comment letter, MassDOT reminds the Proponent that a Roadway Safety Audit (RSA) is required at study area locations with crash rates that exceed the district averages and must be submitted prior to the issuance of a Section 61 Findings. The draft Section 61 Findings in the SFEIR needs to mention that this requirement will be adhered to by MassDOT.

⁸ MassDOT, 2013 Top Crash Locations Report, August 2015. Includes top 200 Intersection Locations 2011-2013 of which the RK Center Driveway and Route 20 intersection ranks 86 out of 200.