



December 27, 2016

Secretary Matthew A. Beaton  
Executive Office of Energy and Environmental Affairs (EEA)  
Attn: Page Czepiga, MEPA Office  
100 Cambridge Street, Suite 90  
Boston MA 02114

74 Joy Street  
Boston  
MA 02114  
617.227.1922  
info@bhcivic.org  
www.bhcivic.org

Re: **115 Winthrop Square, Boston**  
**EEA No. 15610**

Dear Secretary Beaton:

The Beacon Hill Civic Association has strived since 1922 to improve the quality of life on Beacon Hill and to represent the interests of Beacon Hill residents in matters of urban planning.

Thank you for the opportunity to comment on the Environmental Notification Form submitted by MCAF Winthrop LLC (Millennium) and on the scope of environmental review to be undertaken by Millenium pursuant to the Massachusetts Environmental Policy Act.

The proposed project, with between 1.1 million and 1.5 million square feet of floor area, is one of the largest development projects proposed for development in Massachusetts. Accordingly, it is appropriate to require an Environmental Impact Report (EIR) pursuant to 301 CMR 11.06.

In documents filed with the Boston Planning and Development Agency (BPDA), Millenium represented that the project is subject to MEPA review on account of the disposition of the project site by BPDA and the necessity for permits and approvals from several state agencies. We understand that the agreement for disposition of the project site by BPDA includes or will include pricing and design parameters that require a minimum project size that relates physically to many environmental impacts of interest to residents of downtown neighborhoods, including Beacon Hill.

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BHCA respectfully requests that the scope of the EIR include all relevant environmental impacts, with particular attention to impacts on public transportation systems and impacts on the Commonwealth's historic resources, especially the Boston Common and Public Garden.

The EIR should address specifically the additional shadows that the proposed project will cast on the Boston Common and Public Garden. Although not identified by Millennium among the state approvals required, the project will require legislation from the General Court to relieve the project from the limitations of Chapter 362 of the Acts of 1990, as amended (Public Commons Shadow Act) which protects the Boston Common and Public Garden from the environmental effects of shadows cast by new buildings. To our knowledge, there is no legislation pending to provide such relief. Whether the Public Commons Shadow Act will be amended to allow the project to be constructed is not known.

To evaluate a draft EIR without considering specific existing environmental statutes would not be consistent with MEPA. Accordingly, when selecting alternative development options to consider in an EIR, Millennium should also be directed to evaluate the environmental impacts of a building that would comply with existing statutes, including the Public Commons Shadow Act.

Thank you for considering our comments on the Environmental Notification Form. We look forward to reviewing and commenting on the EIR for the project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Kiefer", written over a light blue rectangular background.

Mark Kiefer  
Chairman of the Board

MEPA Office

EEA No. 15610

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cc:

Governor Charles Baker

Senator William Brownsberger

Senator Joseph Boncore

Representative Jay Livingstone

Representative Aaron Michlewitz

Representative Byron Rushing

Mayor Marty Walsh

City Councilor Frank Baker

City Councilor Andrea Campbell

City Councilor Mark Ciommo

City Councilor Anissa Essaibi George

City Councilor Michael Flaherty

City Councilor Tito Jackson

City Councilor Salvatore LaMattina

City Councilor Bill Linehan

City Councilor Timothy McCarthy

City Councilor Matt O'Malley

City Councilor Ayanna Pressley

City Councilor Michelle Wu

City Councilor Josh Zakim

Brian Golden, Director, Boston Planning and Development Agency

Christopher Tracy, Boston Planning and Development Agency