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April 28, 2025

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
ON THE  
SPECIAL REVIEW PROCEDURE

Project Name	:	75 Morrissey
Project Municipality	:	Boston
Project Watershed	:	Boston
EEA Number	:	16930
Project Proponent	:	POB CC 75 Morrissey LLC & Copper Mill Morrissey, LLC
Date Noticed in Monitor	:	March 7, 2025

Pursuant to the Massachusetts Environmental Policy Act (G.L. c. 30, ss. 61-62L) and Section 11.09 of the MEPA regulations (301 CMR 11.00), I hereby establish a Special Review Procedure (SRP) to guide MEPA review of the above-referenced project. Notice of the issuance of this SRP will be published in the next Environmental Monitor.

**Project Description**

As described in the Expanded Environmental Notification Form (EENF), several proponents are proposing the multi-stage redevelopment of an 8.9-acre site currently under common ownership along Morrissey Boulevard in the City of Boston (City) (the “Full Build Project”). The Full Build Project consists of 35-45 Morrissey Boulevard, 55 Morrissey Boulevard, and 75 Morrissey Boulevard. The initial phase of the Full Build Project (“Phase 1”), the focus of the EENF, will be constructed by Copper Mill Morrissey, LLC on the southern 2.24 acres of the site (the 75 Morrissey Boulevard parcel and a small portion of the 55 Morrissey Boulevard parcel). The Phase 1 site will be acquired from the current property owner (POB CC 75 MORRISSEY LLC). Future phases are anticipated to be constructed by other proponents, and POB CC 35-55 MORRISSEY, LLC is identified as the current owner of remaining parcels other than 75 Morrissey Boulevard. Phase 1 will consist of redevelopment of the site to construct two new 18-story residential buildings constructed to Passive House standards, totaling approximately 754 residential units, 20% of which will be affordable. Phase 1 also includes the construction of a 23,900-sf community park space within the 75 Morrissey Boulevard parcel (the “Community Park”). Each building will contain three levels of below-grade parking. In addition to residential housing, Building A (totaling 325,000 sf) will contain approximately 2,500 sf of community/civic space and 2,500 sf of commercial space, and Building B

(totaling 306,050 sf) will contain approximately 4,950 sf of community/civic space and 4,000 sf of commercial space. The project also proposes various roadway improvements, including a new off-site road (“A Street,” located on a portion of the 55 Morrissey Boulevard parcel) which will connect to Morrissey Boulevard, and a new on-site road (“West Street,” located at the back of the 75 Morrissey parcel) which will connect to the western end of A Street.

As described in the EENF, the future redevelopment projects proposed under the Full Build Project (i.e., the redevelopment of 35-45 and 55 Morrissey Boulevard) have not been designed and do not have a time frame for implementation. Potential uses to be constructed in later phases include five (5) additional mixed-use buildings (life sciences, residential and retail, known as Buildings C through F), additional open spaces, parking, and roadway networks. The EENF included a table identifying the conceptual buildout of the Full Build Project, reproduced as Table 1 below:

Table 1. Conceptual Full Build Project	Gross Floor Area (sf)	Height (ft)	Proposed Uses
<b>Building A</b>	330,000	206	Residential, Community/Civic, Retail
<b>Building B</b>	315,000	204	Residential, Community/Civic, Retail
<b>Building C</b>	215,305	175	Residential, Retail, Grocery Store
<b>Building D</b>	207,950	206	Commercial, Research Lab, Office, Retail
<b>Building E</b>	251,310	220	Commercial, Research Lab, Office, Retail
<b>Building F</b>	227,345	206	Commercial, Research Lab, Office, Retail
<b>Building G</b>	173,386	270	Residential, Retail

## Planning Area

As noted above, the 8.9-acre planning area for the Full Build Project contains 35-45, 55, and 75 Morrissey Boulevard; it was approved as a Master Planned Development Area (PDA) by the City of Boston’s Planning and Development Agency (BPDA) in 2023. A Master Plan was approved for the PDA by the BPDA and Boston Zoning Commission in January 2024 (Master Plan PDA No. 146). The planning area is bound to the south by a large office/industrial building (Southline Boston, EEA# 15810); to the west by Morrissey Boulevard, a Massachusetts Department of Conservation and Recreation (DCR) roadway; to the north by Massachusetts Bay Transportation Authority (MBTA) infrastructure, including the JFK/UMass subway station; and to the east by I-93, which the Massachusetts Department of Transportation (MassDOT) has jurisdiction over within the state. Surrounding uses include residential areas (west of I-93), commercial/industrial uses, and academic uses (including Boston College High School). The proposed Dorchester Bay City (EEA# 16277) redevelopment project is proposed directly across Morrissey Boulevard from the planning area.

The Phase I site is located within one Environmental Justice (EJ) population<sup>1</sup> characterized by Minority criteria and borders a second EJ population that is characterized by Minority and Income criteria. In addition to these two EJ populations, the site is within one (1) mile of approximately 30 EJ populations characterized by Minority (16), Minority and Income (8), and Minority, Income, and English Isolation (6) criteria. Additional EJ populations may be identified in future filings in relation to other parcels within the planning area. The Phase I site is located within five miles of

<sup>1</sup> “Environmental Justice Population” is defined in M.G.L. c. 30, § 62 under four categories: Minority, Income, English Isolation, and a combined category of Minority and Income.

approximately 560 total EJ populations including populations that meet the Minority; Income; Language Isolation; Minority and Income; Minority and English Isolation; and Minority, Income, and English Isolation criteria. The EENF identified the “Designated Geographic Area” (DGA) for the Phase I project as one (1) mile.

## **Jurisdiction and Permitting**

The project (Full Build) is undergoing MEPA review and is subject to preparation of a mandatory Environmental Impact Report (EIR) because the project requires Agency Actions, and exceeds, at minimum, the MEPA review threshold at 11.03(6)(a)(6): the generation of 3,000 or more average daily trips (adt). Phase 1 alone will exceed this mandatory EIR threshold, and also exceeds the ENF thresholds at 301 CMR 11.03(5)(b)(4)(a), 11.03(6)(b)(13), 11.03(6)(b)(14), and 11.03(6)(b)(15): New discharge to a sewer system of 100,000 or more gpd of sewage; the generation of 2,000 or more New adt on roadways providing access to a single location; the generation of 1,000 or more New adt on roadways providing access to a single location and construction of 150 or more New parking spaces at a single location; and the construction of 300 or more New parking spaces at a single location, respectively.

Phase 1 alone requires a Vehicular Access Permit from the Massachusetts Department of Transportation (MassDOT) and a Construction and Access Permit from the Massachusetts Department of Conservation and Recreation (DCR). The project is subject to the MEPA GHG Policy and Protocol (GHG Policy). Phase 1 additionally requires an Order of Conditions from the Boston Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP), coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA), and review from the Massachusetts Historical Commission (MHC) in accordance with Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800) and M.G.L. c. 9 ss. 26-27C (950 CMR 71). Future phases of the Full Build Project are anticipated to require the same or similar Agency Actions and municipal/federal permitting; this will be clarified in future filings.

Because the project is not seeking Financial Assistance from an Agency, MEPA jurisdiction extends to those aspects of the project that are within the subject matter of required or potentially required Permits or within the area subject to a Land Transfer, and that are likely, directly or indirectly, to cause Damage to the Environment.

## **SPECIAL REVIEW PROCEDURE**

The EENF included a request on behalf of the proponents of both Phase 1 and future phases of the Full Build Project that I establish an SRP in accordance with 301 CMR 11.09 to accommodate the particular circumstances of the Full Build Project. As noted above, the Phase 1 site (except the location of A Street) will be acquired by Copper Mill Morrissey, LLC from the current property owner (POB CC 75 MORRISSEY LLC). Future phases are anticipated to be constructed by other proponents, and POB CC 35-55 MORRISSEY, LLC is identified as the current owner of remaining parcels other than 75 Morrissey Boulevard. Consistent with 301 CMR 11.09(1) and 301 CMR 11.09(4)(b), an SRP is appropriate for large developments like the Full Build Project that will be

constructed in phases, particularly when the Full Build Project is undefined or is expected to evolve during MEPA review. As described in the EENF, the Phase 1 project is at an advanced stage of design, whereas future development(s) in the remaining portion of the planning area have not been designed and do not have a timeframe for implementation. The purpose of the SRP is to bifurcate review of the proposed redevelopment project, and to allow Phase 1 to proceed through MEPA review and permitting prior to advancing the design of future development within the planning area.

As acknowledged in the EENF, this type of staged/phased development is contemplated under the anti-segmentation rules set forth in 301 CMR 11.01(2)(c), and, therefore, warrants treatment of the multi-staged development as a common plan for MEPA review purposes. However, as indicated, the future phase(s) of the Full Build Project remain in a preliminary stage of development, such that design details are not available to be disclosed through the MEPA review process. The EENF indicated that future phase(s) will be developed as separate and distinct project(s); however, conceptual information on the cumulative impacts of the Full Build Project will be provided as part of the Phase I review. According to the EENF, future phase(s) of the Full Build Project may not by themselves meet or exceed MEPA review thresholds; however, the projects are linked by the Master PDA, and a New or Amended MassDOT Vehicular Access Permit and/or DCR Construction and Access Permit may be required prior to occupancy of future phase(s). All proponents seek to avoid any potential segmentation issues by establishing this SRP to ensure MEPA review of the cumulative impacts of the multi-staged development regardless of whether any individual phase independently requires Agency Actions, and/or meets or exceeds MEPA review thresholds.

Based on the information in the EENF and SRP request, and after consultation with Agencies, I concur that a project specific procedure, as provided for in Section 11.09 of the MEPA regulations, is warranted. An SRP for this project will benefit the environment and serve the purposes of MEPA by providing meaningful opportunities for public review, analysis of alternatives, and consideration of cumulative environmental impacts. Subsequent reviews will consider the cumulative impacts of the Full Build Project prior to issuance of final Section 61 Findings. The development of Phase 1 will proceed in such a way that only the minimum infrastructure, including roadways and utilities, needed to support Phase 1 will be constructed in the initial phase, and will not preclude alternatives for any future expansions that may be needed for the Full Build Project.

### *Phase I*

As noted above, Phase 1 consists of the redevelopment of 75 Morrissey Boulevard to construct two new 18-story residential buildings, totaling approximately 754 residential units, of which 20% will be affordable. Each building will contain three levels of below-grade parking. In addition to residential housing, the buildings will contain commercial and civic/community space on the ground floor. Phase 1 also includes the construction of a 23,900-sf community park space within the 75 Morrissey Boulevard parcel. Phase 1 also proposes various roadway improvements, including a new off-site road (“A Street”) which will connect to Morrissey Boulevard, and a new on-site road (“West Street”, located at the back of the 75 Morrissey parcel) which will connect to the western end of A Street. A Street is located on the 55 Morrissey Boulevard parcel (where it borders the 75 Morrissey Boulevard parcel), and will provide access to the Phase 1 development. Because Phase 1 alone exceeds a mandatory EIR threshold (specifically, the generation of 3,000 or more adt), the EENF

provided a comprehensive assessment of potential environmental impacts and proposed mitigation for Phase 1 and included an alternatives analysis for this phase. As part of the subsequent EIR review, the Phase I proponent will provide further conceptual information on the cumulative impacts of all phases of the Full Build Project. In addition, analysis of traffic impacts associated with Phase 1 included anticipated traffic generated from the Full Build Project as part of the future “No Build” condition.

I issued a Certificate on the EENF on April 14, 2025, which granted the Proponent’s request to establish an SRP in order to allow review of Phase 1 to proceed while deferring detailed reviews of future phases. The Certificate included a Scope for the development of a Draft Environmental Impact Report (DEIR) for Phase 1. A finding of adequacy on the Final EIR shall mean that MassDOT and DCR, the Participating Agencies for Phase 1, may take Agency Action for Phase 1 and issue partial Section 61 Findings as appropriate. Final Section 61 findings and other required Agency Actions shall be issued upon completion of MEPA review for the remainder of the Full Build Project.

### *Future Phases*

The EENF indicated that the future build-out of the project site is not defined, but could include five (5) additional mixed-use buildings (life sciences, residential and retail, known as Buildings C through F), additional open spaces, parking, and roadway networks. The Full Build Project is anticipated to require Construction and Access Permit(s) from DCR, and potentially an Amended Vehicular Access Permit from MassDOT. Due to the conceptual nature of the future phase(s) of the Full Build Project, estimated impacts and permits are undetermined at this time. However, a conceptual overview of the cumulative impacts will be provided as part of the review process for Phase I.

The EENF indicated that the remainder of the Full Build Project may be implemented in one or more phases depending on market conditions. Prior to commencement of any future phase(s) of the Full Build Project, the Proponent(s) must file a Project Commencement Notice (PCN). The PCN(s) shall contain the level of information consistent with an Expanded Environmental Notification Form (EENF), including an alternatives analysis, overview of impacts of the next phase (including but not limited to traffic, land, impervious area, stormwater, water/wastewater, environmental justice, climate change, and construction period impacts) and a description of measures to avoid, minimize, and mitigate said impacts. The PCN(s) shall also provide a GHG analysis for the future phase(s) that is the subject of the PCN in consultation with the Massachusetts Department of Energy Resources (DOER), as well as an updated accounting of the cumulative environmental impacts and mitigation commitments for the Full Build Project. Cumulative traffic impacts of all phases (including Phase 1) will need to be considered as part of the review of future phase(s) of the Full Build Project, such that a New or Amended MassDOT Vehicular Access Permit and/or DCR Construction and Access Permit may be issued if needed. Each PCN shall comply with all applicable MEPA policies and protocols in effect at the time of filing, including but not limited to the *MEPA Public Involvement Protocol for Environmental Justice Populations*, *MEPA Interim Protocol for Analysis of Project Impacts on Environmental Justice Populations*, *MEPA Interim Protocol on Climate Change Adaptation and Resiliency*, *MassDEP Guidelines for Performing Mesoscale Analysis of Indirect Sources*, and *MassDOT/EOEEA Transportation Impact Assessment*

*(TIA) Guidelines* as amended at the time of filing of the PCN. The Proponent(s) should seek input from the MEPA Office and the EEA Office of EJ and Equity on continued project compliance with MEPA EJ protocols prior to filing PCN(s).

Based on review of the PCN(s), the Secretary shall retain discretion to require an Environmental Impact Report (EIR), provided that the Proponent may request a Single Environmental Impact Report (Single EIR) if the PCN provides a level of detail sufficient to support the request, including a GHG analysis, and demonstrates compliance with all applicable protocols including EJ outreach and analysis. If a future phase that is the subject of a PCN does not individually exceed any mandatory EIR thresholds, there shall be a presumption that a Single EIR will be allowed, and the Secretary may exercise discretion to issue a Scope for Single EIR limited to response to comments. Upon review of each PCN, the Secretary will issue a Certificate that outlines a Scope for a Single or Draft EIR on the PCN(s), as appropriate. The EIR shall address the Scope provided in the Certificate on the PCN(s) and shall be prepared in accordance with 301 CMR 11.07. A finding of adequacy on the PCN(s) or the Final or Single EIR shall indicate that the future phase of the Full Build Project can proceed to permitting and that Participating Agencies may issue partial Section 61 findings; however, final Section 61 findings and other Agency Actions required for subsequent phases shall not be issued until completion of MEPA review for the Full Build Project.

#### *Environmental Justice*

At this time, the planning area (Phase I site only) is identified as within one EJ population characterized by Minority criteria and borders a second EJ population that is characterized by Minority and Income criteria, with 30 additional EJ populations within a one-mile radius characterized by Minority, Minority and Income, and Minority, Income, and English Isolation criteria. Additional EJ populations may be identified in future filings in relation to other parcels within the planning area. As noted above, future phases subject to this SRP shall comply with the requirements of MEPA's policies and protocols relating to public involvement and analysis of impacts to EJ populations, as they may be amended at the time of any future PCN filing. To the extent the EJ population characteristics for the planning area are modified in the future due to changes to the EEA EJ Mapper, the proponent(s) of future phases should consult with the MEPA Office to determine how to comply with EJ protocols.

In addition, the Phase I proponent shall establish a written Public Involvement Plan (PIP), with input from the MEPA Office and EEA Office of EJ and Equity, and conduct public outreach activities under such PIP during the remainder of Phase I review and in advance of filing future PCNs. The PIP shall be informed by other review processes to which the Full Build Project is subject, such as BPDA review. The PIP shall be a living document, intended to be revised/updated as necessary and appropriate during the course of the Full Build Project. It is envisioned that the PIP would be updated prior to each future phase of development and revised based on community feedback. The PIP shall include provisions for providing adequate advance notice of public meetings; the manner of holding meetings such as day of week, time and format; language translation of meeting notices and other key project materials; oral interpretation services at public meetings; and a mechanism for responding to public input received through meetings, among other items. A copy of the written PIP shall be submitted as an Attachment with the DEIR filed for Phase I, as well as each PCN filed for future phases.

*Citizens Advisory Committee and Public Engagement*

The MEPA regulations at 310 CMR 11.09(3) allow for the establishment of a Citizen's Advisory Committee (CAC) to assist with public and agency review and comment. In this case, I find that a CAC is not warranted to support the SRP or MEPA review. In addition to EJ outreach requirements outlined above, I am aware that, through the BPDA review process, the Morrissey Boulevard Community Advisory Committee was established to assist the BPDA, the City of Boston, and other City and state agencies in reviewing proposed projects along the Morrissey Corridor and the broader Columbia Point area. This committee was established in 2020 through an open nomination process and consists of a community-focused group of 25 members, consisting of neighborhood residents, business owners, community organizations and advocacy groups, individual stakeholders with an interest in the future of the area, as well as local planning, design, and real estate professionals. It is expected that the Morrissey Boulevard Community Advisory Committee will help inform the design of the Full Build Project, and future PCN filings should provide an update on input provided by the committee.

In addition, it is expected that all proponents will conduct public engagement activities for all phases of the Full Build Project in a manner consistent with best practices as outlined in MEPA EJ protocols. Such activities shall include the following minimum components for each phase of development, and shall be incorporated into the PIP described above:

- Provide notification of all public meetings and filings under the SRP through a broad range of media such as email listserv, project distribution list, project website, flyers/mailings, and published notice in local newspapers, in a manner that effectively alerts stakeholders to scheduled meetings and filings. Notification through social media and non-English and/or community-specific media outlets should also be considered, and all notifications shall be translated into languages as required by MEPA EJ protocols;
- Conduct periodic community-based outreach in various forms, including, as examples, distribution of project information at community fairs or other local gathering places, door-to-door mailings, pop up events at local venues, and/or other efforts to spread word in places where the community is located;
- Hold at least one public meeting in advance of each PCN filing required under the SRP and additional EIRs if specified in the Secretary's Scope, with specific focus on involving EJ populations. Translated written materials should be provided and best practices for holding public meetings should be considered, including scheduling evening meetings, hybrid format, and provision of food, travel subsidies and childcare as feasible;
- Maintain and update a project website or linked websites which includes the SRP and all filings submitted under the SRP. Provide e-mail addresses for interested parties to use for submitting input and feedback; and
- Propose formal and informal mechanisms for the proponents to respond to feedback received so that it is clear how the proponents have modified, if at all, the project to respond to community concerns.

*Circulation Requirements*

The MEPA documents submitted pursuant to this SRP shall be subject to the circulation requirements of Sections 11.16 of the MEPA regulations. Specifically, each PCN submitted for future phases of development shall be treated as an ENF and circulated pursuant to 301 CMR 11.16(2); in addition, the PCN shall be circulated to anyone who previously commented on the EENF and any subsequent EIR for Phase I, as well as any other prior filing under this SRP. The PCN also shall be circulated to a project-specific EJ Reference List tailored to each future phase of development and based on an initial reference list provided by the MEPA Office. Any EIR submitted in relation to a future PCN shall be subject to 301 CMR 11.16(3), and shall be circulated to anyone who previously commented on the PCN or other prior filing related to the phase of development that is the subject of the PCN, as well as to a project-specific EJ Reference List.

*Modification of the Special Review Procedure*

If any of the proponents below wish to change any provision in this SRP, it/they may submit a written request for modification of the SRP. The Secretary will then review the request and issue an Amended SRP if appropriate.

*Term of SRP*

This SRP shall expire five (5) years from the date of this SRP or when the development program described herein, including Phase I, is complete, whichever is later. The parties shall meet and confer as to the need to amend or terminate the SRP, if the development program described herein has not been completed within ten years of the date of this SRP, and lapse of time provisions under 301 CMR 11.10(2)-(3) shall not apply for ten years from the date of the SRP. The signatures below indicate consent by the proponents of Phase I and future phases of the Full Build Project, including their successors and assigns, to the establishment of this SRP and agreement to comply with the provisions outlined herein.

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April 28, 2025

Date



Rebecca L. Tepper

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April 28, 2025

Date



Copper Mill Morrissey, LLC

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April 28, 2025

Date



POB CC 75 MORRISSEY, LLC

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April 28, 2025

Date



POB CC 35-55 MORRISSEY, LLC