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July 22, 2016

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Downtown Brockton Urban Revitalization Plan
PROJECT MUNICIPALITY : Brockton
PROJECT WATERSHED : Taunton
EEA NUMBER : 15530
PROJECT PROPONENT : Brockton Redevelopment Authority (BRA)
DATE NOTICED IN MONITOR : June 22, 2016

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** an Environmental Impact Report (EIR).

I commend the City of Brockton and the BRA for their ongoing efforts to stimulate economic redevelopment of the Downtown Brockton area and their commitment to an extensive and iterative public process. The Downtown Brockton Urban Revitalization Plan (URP) will serve to guide redevelopment in a way that minimizes environmental impacts while taking advantage of the City's access to transit.

Project Description

As described in the Environmental Notification Form (ENF), the Brockton Redevelopment Authority (BRA) has prepared the URP in accordance with M.G.L. c. 121B. Under the Urban Renewal Plan program, administered by the Department of Housing and Community Development (DHCD), municipalities are authorized to develop blighted areas for residential, recreational, business, commercial or other purposes. Urban renewal provides

communities with tools to help initiate redevelopment when it is unlikely to occur using existing municipal regulatory powers or by the private sector alone. A community whose urban renewal plan is approved by DHCD may undertake certain actions, including the taking of private property by eminent domain, and the disposition of this property to another private entity for redevelopment. Urban renewal agencies are also exempt from M.G.L. Chapter 30B, the Uniform Procurement Act, when the acquisition and disposition of property are undertaken in accordance with an approved urban renewal plan.

As described in the ENF, the Downtown Brockton URP is a 20 year planning document¹ to be implemented in three phases by the City through the BRA and coordinated with the 2015 Downtown Brockton Action Strategy, the City's District Improvement Financing Program and the expanded 40R Smart Growth Zone. It identifies potential development areas, community revitalization goals and objectives, and conceptual approaches to redevelopment. The purpose of the plan is to increase residential density downtown, appeal to small businesses and improve transportation connectivity within the downtown and the rest of Brockton. To catalyze private development within Downtown Brockton, the City and the BRA are proposing the acquisition of 38 properties, disposition of 37 properties, building demolition and spot clearance of 12 properties, rehabilitation of 30 properties and commercial relocation to facilitate 22 projects on 38 parcels which are aimed.

The URP identifies a series of public infrastructure improvements to roadways, open space, infrastructure, transportation, and parking, as well as selective demolition/site preparation work that will be undertaken by the BRA to support or enhance private redevelopment initiatives. Public infrastructure improvements include:

- Structured parking
- Roadway improvements including:
 - Reconstruction and repaving of existing streets
 - Construction of a new public way from Court Street to Petronelli Way
 - Two way traffic configuration for selected streets including Warren Avenue, West Elm Street, Frederick Douglass Avenue, L Street and School Street
 - Signal reprogramming and reconfiguration
- Upgrades to water sewer, drainage electrical and high speed fiber infrastructure
- Streetscape improvements including sidewalks, lighting and trees with a focus on pedestrian access to the MBTA commuter rail station
- Park improvements at the and Grand Army of the Republic Park and construction of the L Street Playground

Planning Area

The planning area includes a 65.8-acre area in Downtown Brockton. It is bounded by Pleasant Street and Court Streets to the north, the MBTA Commuter Rail line and Commercial Street to the East, Crescent and West Elm Streets at the South, and Warren Avenue to the west.

¹ It was indicated at the site visit on July 7, 2016 that the phasing would occur over a 20-year period as opposed to a 10-year period indicated in the URP. The URP will be amended to change this time frame.

The site includes a substantial amount of vacant and underutilized land, vacant buildings and buildings in disrepair. There are 210 parcels in the area, 26 of which are owned by the City and five of which are expected to come into public ownership through tax foreclosure. The area includes a combination of large scale commercial, office, industrial and warehousing uses as well as several large surface parking lots. Off-street parking comprises approximately 25.8% (16.98 acres) of the 65.8-acre site. Paved roadways comprise 20.4% (13.45 acres) of the total land area within the site. Buildings within the URP make up 42.78 acres of the site. Of the 42.78 acres of buildings, 23 acres contain buildings characterized as being in moderate disrepair, severe disrepair or vacant.

Residential areas within the URP include neighborhoods on Green Street and Warren Avenue, rooming houses along Warren Ave and West Elm Street, and a new residential and mixed-use building at the Enterprise Block development (EEA#15007) and Montello Street.

The study area is located in a designated Environmental Justice Community. Different Census Block Groups meet these criteria based on incomes, minority populations, non-English speaking populations, or a combination of these factors. According to the 2010 US Census discussed in the ENF, 31.2% of residents are black or African American, 46.7% are white, 2.3% are Asian, 0.4% are American Indian, 12.5% identify as other races, and 6.9% identify themselves as two or more races, (10.0% of any of these races are Hispanic or Latino). Brockton has the largest population of Cape Verdean ancestry of any city in the United States; 9.0% of residents report this ancestry. The downtown study area has a higher rate of African American residents (36.9%), higher rate of Hispanic people (15.8%) and lower rate of white residents (32.3%) than Brockton as a whole.

Jurisdiction and Permitting

The URP is undergoing MEPA review and requires an ENF pursuant to 301 CMR 11.03(1)(b)(7) of the MEPA regulations because it requires a State Agency Action and approval in accordance with M.G.L. c. 121B of a new Urban Renewal Plan. It requires an approval of the URP from the Department of Housing and Community Development (DHCD). Subsequent roadway and bridge improvements may require approval from the Massachusetts Department of Transportation (MassDOT) in conjunction with.

The project may require an Order of Condition from the Brockton Conservation Commission, or in the case of an appeal, a Superseding Order of Condition from the Massachusetts Department of Environmental Protection (MassDEP). The project may require a National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA).

The project will be undertaken by a municipal redevelopment authority acting in accordance with M.G.L. c. 121B and includes State Financial Assistance. Therefore, MEPA jurisdiction for this project is broad and extends to all aspects of the project that are likely, directly or indirectly, to cause Damage to the Environment as defined in the MEPA regulations.

Environmental Impacts

The URP does not propose specific development; it is a planning document that will guide the development within downtown Brockton. Potential environmental impacts may result from projects that developed by the BRA, the City or private Proponents. As indicated in the ENF environmental impacts associated with potential development identified in the URP includes 344,500 sf of new building area, 623 new residential units, 380 net New parking spaces and 2,965 New average daily trips (adt). Water use and wastewater use is expected to increase by 163,000 gallons per day (gpd) each. Public improvements may include impacts to stormwater, historic resources, and MCP-regulated properties. Impervious area is expected to decrease. Additional potential environmental impacts may result from individual projects that may be developed by the City and/or private Proponents; these project may be subject to separate MEPA review.

Review of the ENF

The ENF included a description of both existing and proposed conditions for the project area and identified State Agency Actions. The ENF described potential project impacts to land alteration, traffic, water and wastewater, stormwater and historic resources and measures that can be employed to avoid, minimize and mitigate environmental impacts.

The ENF included existing conditions plans illustrating environmental resources and abutting land uses, and proposed conditions plans for the 22 sites targeted for redevelopment and areas targeted for public improvement by the BRA. The ENF discussed the current status of land ownership, the condition of structures, and zoning within the URP. I note that 22% percent of the parcels evaluated in the URP area were categorized as being in moderate to severe disrepair and 30% were vacant.

Comments are generally supportive of the URP and do not request additional analysis of alternatives. Comments from MassDEP identify issues that the BRA should consider as future private or public/private development initiatives are advanced consistent with the URP.

Build-out Analysis

As indicated in the URP, the development will occur in three phases over a 20-year period. The developments are estimated to result in 344,500 sf of new building area, 623 new residential units, 380 net New parking spaces and 2,965 New average daily trips (adt). Water use and wastewater generation is expected to increase by 163,000 gallons per day (gpd) each. Traffic generation estimates were calculated using Institute of Transportation Engineers' data based on similar mixed-use developments. Water and wastewater generation rates were estimated based on MassDEP Title 5 data.

The ENF indicates that the phases are carefully constructed to satisfy parking needs and ensure the most efficient construction staging. It is noted in the URP that proposed phasing may vary based on market conditions, availability of project funding or other factors. Development is proposed in the following phases:

Phase One

Site A: Construction of a temporary parking lot with 210 spaces bounded by Montello Street, Court Street and Centre Street. Development will require the acquisition and demolition of three structures. This area will serve parking needs until a municipal parking garage is constructed during Phase Two (Site O).

Site B: The Furniture Building at 93 Centre Street is proposed to be renovated into a 60-70 unit market-rate housing above approximately 3,800 sf of retail space.

Site C: The Kresge Building at 121 Main Street is a 16,500 sf art deco building being proposed for acquisition and renovation into a mixed commercial and residential use building.

Site D: Currently owned by the city, the First Parish Building at 19 Main Street is proposed to be renovated into first floor retail and upper floor residential to enhance the commercial vitality of Main Street.

Site E: The vacant single family home at 48 Warren Ave will be acquired by the BRA due to non-payment of taxes and will be renovated.

Site F: Petronelli Gym at 29 Petronelli Way is proposed to be renovated into first floor commercial space with residential units on the upper floors.

Site G: The convenience store at 95 Montello Street will be demolished for the construction of new office and retail space.

Site H: The currently vacant and fire-damaged multi-story office building at 47 West Elm Street is proposed to be acquired and renovated into a multi-story apartment building.

Site I: The site is proposed to be used for the Petronelli Way Mixed-Use new development which will contain 135 residential units as well as 3,000 sf of ground floor retail space. The new development will require the acquisition and demolition of three structures located at the site.

Site J: The two-story structure currently located at 11-15 Frederick Douglas Avenue will be converted to a restaurant incubator to meet goal for additional restaurants in the downtown area.

Phase Two

Site K: The Enterprise Block Phase II development is proposed as a U-shaped residential building bounded by Petronelli Way, Centre Street and Montello Street. This is the second phase of the Enterprise Block project which underwent MEPA review in February 2013.

Site L: A New municipal 400-stall parking garage is proposed in the area of Montello and Crescent Streets near the MBTA Commuter Rail station. As part of later development project, a new road will be constructed across Petronelli Way to align with a central entrance of the north side of the garage to improve vehicular access.

Site M: A New 14,000 sf pharmacy with a drive through is proposed at the corner of North Montello and Court Streets. The acquisition and demolition of one structure from a parcel eligible for Acquisition will be needed.

Site N: Site N includes the former Hotel Grayson Building at 28 Fredrick Douglass Avenue. The 20,000 sf building will be renovated into a mixed retail, office and arts complex. It will be located directly across from the Restaurant Incubator (Site J).

Site O: The Montello Street Mixed-Use development is proposed to be built between Centre Street and Court Street. It is projected to include 130 residential units, and 9,000 sf of retail space as well as 150 parking spaces situated in a two level structured parking garage that will replace the temporary parking lot (Site A).

Site P: The Warren and Pleasant Street Development will occur on two currently vacant properties across from the recently developed Vicente Market. The site is an important “gateway” to the City and will be utilized for the development of a mixed-use residential-commercial project.

Site Q: The Shawmut Building at 90 Main Street is proposed to be acquired and renovated as office space and potential for ground level retail.

Phase Three

Site R: The site currently houses the Brockton Police Station which will be relocated to a new Public Safety Complex. The Police Station, located adjacent to the MBTA Commuter Rail Station, will be demolished and redeveloped into a transit-oriented mixed-use development with 155 residential units, 9,000 sf of retail space and a 260 space structured parking garage. Disposition and redevelopment of this parcel will take into account the easements held by the MBTA for maintenance access and customer pick-up and drop-off ramps as well as the City’s responsibilities for snow removal pursuant to those easements.

Site S: Following the construction of the new Public Safety Complex, the two fire station buildings on Pleasant Street will be sold and renovated into a mixed-use residential building.

Site T: The BRA plans to acquire or otherwise cause the redevelopment of the Gas Station at 81 Warren Ave to support the goal of creating a safe, walkable path to Vicente’s Market.

Site U: Similar to Site T, the BRA plans to acquire or cause the redevelopment of the gas station at 76 Warren Avenue to create a safe walkable path to Vicente’s Market.

Site V: The City-owned vacant lot will be infilled with a multistory commercial building compatible with the adjacent buildings.

Land Alteration

Approximately 61.38 (93%) of the project area is impervious area and predominately developed, paved or occupied by structures. As currently proposed, the undertakings within the URP will decrease impervious area by .94 acres (from 61.38 to 60.44 acres). Proposed land alteration will be limited to demolition or reconstruction of existing buildings and pavement, or disturbance of areas that were previously altered by remediation activities.

Traffic and Transportation

The Project will construct approximately 380 net new parking spaces within the project area. This includes the removal of 510 surface parking spaces and the addition of 890 structured

and surface spaces. The project site is located adjacent to the Brockton Commuter Rail Station which is served by Middleborough/Lakeville line.

Two-way traffic flows are purposed on five streets within the URP (Warren Avenue, West Elm Street, Frederick Douglass Avenue, L Street and School Street) to improve connectivity and activate retail space at the street level.

I encourage the BRA to consider the implementation of a Transportation Demand Management (TDM) program for the planning area to require future developments to reduce GHG emissions by reducing project-generated vehicle trips and encouraging alternative modes of travel to and from the project area.

Stormwater Management

The project is subject to the Redevelopment Standard of the Stormwater Management Regulations (SMR) and the project's stormwater management plan should be designed to meet the SMR for a redevelopment project to the maximum extent practicable. The SRA must work closely with MassDEP during final project design to ensure that the Proponent's stormwater management plan is consistent with MassDEP's Stormwater Management Policy guidelines, and contains adequate stormwater pollution protection measures to prevent or minimize impacts to resource areas.

I encourage the BRA to encourage use of Low Impact Development (LID) techniques and Best Management Practices (BMPs) to minimize stormwater impacts and construction period erosion and sedimentation. The ENF indicates that private and public actions include installing green infrastructure to reduce flood and improve water quality. It is anticipated that as project sites are redeveloped within the URP area that new design elements will be introduced that will improve the control and treatment of stormwater runoff. The BRA should evaluate the use of such BMPs as shallow grass channels and water quality swales with check dams to manage runoff and snowmelt from roads and surface parking areas in the project area. The BRA should also consider opportunities for collecting rooftop runoff for use as irrigation.

Projects may be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) consistent with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the United States Environmental Protection Agency (U.S. EPA), if compliance with that general permit is required.

Water and Wastewater

The ENF provided estimates of the water use and wastewater generation resulting from the development of the 38 parcels targeted for redevelopment within the URP. The City received a 40R Smart Growth Zoning approval in 2007 that certified up to 200,000 gpd of wastewater flows would not overburden the water and sewer infrastructure serving the city. The current WWTP serving the City is permitted for 18.0 mgp and is currently treating 14 to 15 mgd. The 163,000 gpd of water and wastewater use proposed by the URP includes both residential and commercial use and will not overburden the sewer system or WWTP. The Brockton Water

Division is currently authorized to withdraw a total of 11.98 mgd under its Water Management Act (WMA) registrations and permits

The ENF indicates that developers will be encouraged to install water saving equipment including low-flow toilets, efficient appliances and shower heads. The City should require that developers investigate and address infiltration and in flow within the existing sewer system and coordinate infrastructure improvements with developers to avoid additional impacts.

Waste Site Clean Up

According to the information provided in the ENF and comments received from MassDEP, the project area contains 22 sites that have been impacted by releases of oil and/or hazardous materials governed by the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, MGL c. 21E. Of the 22 sites indicated, five have an Activity and Use Limitation (AUL). The presence of hazardous materials and substances on individual project sites must be investigated and addressed as part of any construction activity. The BRA anticipates individual public and private redevelopment projects located in the urban renewal project area may require site assessment and remediation as part of their individual redevelopment activities. The presence of hazardous materials and substances on individual project sites must be investigated and addressed as part of any proposed project construction activity. Project Proponents must notify MassDEP if the project site has been impacted by releases of oil and/or hazardous materials (OHM) governed by the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, MGL c. 21E.

Historic Resources

The ENF identified 16 National Register-listed historic districts and individual properties. The ENF indicated three that are slated for public action:

MHC No.	Historic Name	Address	Designation
BRO.8	Central Fire Station	40 School Street	NRIND
BRO.553	Anglim Building	91-93 Centre Street	NRDIS
BRO.696	28 Corner Convenience Store	95 Montello Street	NRDIS

NRIND= Individually listed National register Site
NRDIS= National Register Historic District

The URP includes adaptive reuse of historic structures throughout Downtown Brockton. The ENF indicates that individual project review will include coordination with the Massachusetts Historical Commission (MHC) to determine potential impacts to historic resources prior to the start of any demolition or construction activities. The BRA should consult with MHC during final project design to develop a satisfactory mitigation plan for this project that may include the development of a Memorandum of Agreement (MOA) outlining the process for completing a photographic documentation of any/all historically significant properties located within the project area, and MHC's review of the design plans for any proposed demolition or rehabilitation of properties listed or eligible for listing on the National Register of Historic Places and the MHC's Inventory of Historic and Archaeological Assets of the Commonwealth.

Construction Period Impacts

The project will include remediation, demolition and construction activities related to new development and infrastructure improvements. Construction-period impacts for most of the projects in the study area are expected to include noise, fugitive dust emissions, construction-vehicle traffic, and traffic delays, detours and/or lane restrictions resulting from roadway improvements.

Demolition activities present opportunities to recycle and reuse materials which the BRA should consider during the development of a construction management plan to ensure consistency with applicable solid waste regulations. All construction and demolition should be managed in accordance with applicable MassDEP Solid Waste and Air Pollution Control regulations pursuant to M.G.L. c.40, §54. I encourage the Proponent and its contractors to comply with MassDEP's Diesel Retrofit Program and restrict on and off-road idling to the maximum extent practicable. All construction activities should be undertaken in compliance with the conditions of all State and local permits.

Conclusion

The ENF has sufficiently defined the nature and general elements of the URP for the purposes of MEPA review. I note that this Certificate is limited to the URP; sufficient information is not available at this time to determine whether individual projects within the URP will be subject to MEPA review or would warrant the filing of a Notice of Project Change (NPC). The City and/or the Proponent of a project identified in the ENF should consult with the MEPA Office to determine if additional MEPA review is warranted.

Based on the information in the ENF and after consultation with State Agencies, I find that no further MEPA review of the URP is required.

July 22, 2016

Date


Matthew A. Beaton

Comments received:

7/12/16	Massachusetts Department of Environmental Protection/ Southeast Regional Office (MassDEP/SERO)
7/12/16	Old Colony Planning Council (OCPC)



Department of Environmental Protection

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Martin Suuberg
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July 12, 2016

Mathew A. Beaton,
Secretary of Environment and Energy
ATTN: MEPA Office
RE: ENF Review EOEEA # 15512-
Executive Office of Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

ENF Review EOEEA # 15530.
BROCKTON. Downtown Brockton Urban
Revitalization Plan

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the proposed Downtown Brockton Urban Revitalization Plan, located within 65.8 acres of land in the center of Brockton, Massachusetts, the limits of which include: Pleasant and Court Streets at the North, the MBTA Rail Line and Commercial Street at the East, Crescent and West Elm Streets at the South and Warren Avenue at the West as defined by for the proposed (EOEEA # 15530).

Downtown Brockton shall be a lively, walkable multi-cultural center that celebrates the arts, history, innovation, and the Salisbury Brook, capitalizing on its role as a regional governmental, service and transit center. Downtown Brockton will feature new housing and mixed-use development strengthening the Downtown and renewing it as the heart of the City (McCabe pg.2, October 2011).

The Vision Statement above was established in Brockton's 2011 Downtown Report, and has guided both the 2015 Action Strategy and this URP. A series of core action strategies have been identified to accomplish this vision for the downtown:

- Increase residential density downtown to support economic revitalization
- Re-establish the feel of a vibrant downtown by increasing amenities.
- Continue to improve public safety and to boost the perception of safety.
- Continue efforts to create a Downtown Brockton Higher Educational Collaborative that will provide a seamless and supportive environment for high school completion, workforce-skills training, and degree programs.
- Encourage entertainment venues and cultural organizations to locate downtown.
- Promote diversity of community by helping ethnic restaurants, boutiques, and food stores to locate downtown.
- Actively target new small-business entrepreneurs such as co-working spaces, breweries and small-batch distilleries, maker spaces, and pop-up retail locations that create opportunities for entrepreneurs.
- Improve transportation connectivity, both within downtown and between downtown and the rest of Brockton.
- Upgrade downtown's infrastructure including sewer, water, drainage, electrical and high speed fiber.
- Launch a new marketing campaign for downtown.

The URP proposes specific activities to empower the City and BRA to take public actions in support of the City's Vision. These public actions may include:

- Land and building **acquisition** (38 properties) and **disposition** (37 properties) – 23 properties are privately owned, 10 are city-owned, and 5 will be taken by the City for non-payment of taxes.
- Building **demolition** and **spot clearance** (12 properties).
- Building **rehabilitation** (30 properties).
- Commercial **relocation**.

Wetlands and Waterways Comments

None

Water Management Comments

As described in the Environmental Notification Form (ENF), the Brockton Revitalization Project will use 175,000 gallons per day (gpd) of water supplied by the City of Brockton. The Brockton Water Division is currently authorized to withdraw 11.11 million gallons per day (mgd) of water from the South Coastal Basin and 0.87 mgd of water from the Taunton River Basin, for a total allocation of 11.98 mgd under its Water Management Act (WMA) registrations and permit. The Brockton Water Division had filed a WMA permit renewal application back in November 2009 and its current permit will continue in effect until MassDEP issues a decision on the renewal application. According to the Annual Statistical Reports (ASRs), the Brockton Water Division has been operating below its total authorized volume in recent years (10.36 mgd in 2015, 10.59 mgd in 2014 and 9.74 mgd in 2013). It has the ability to provide additional 0.175 mgd of water for the downtown revitalization project without requesting an increase in its current WMA permit.

The Water Management Act Regulations 310 CMR 36.22 (6) requires permittees to mitigate their withdrawal above the baseline volume to the extent feasible. The baseline volume for the Brockton Water Division is 0.65 mgd in the Taunton River Basin and 11.15 mgd in system wide. The Brockton Water Division will be subject to the mitigation requirement when it exceeds either of these baseline volumes. We suggest that the City of Brockton to identify possible mitigation options in the downtown revitalization project that may assist the water division with any future mitigation obligations.

Silver Lake, the primary source of Brockton's water, undergoes significant reduction in pool level during times of reduced precipitation. To minimize these impacts the Proponent should ensure that low flow water use devices are used and runoff from impervious surfaces is captured to the extent feasible for the use of irrigation of vegetation at or near the Project area.

Construction Stormwater Permit

This project may require a NPDES Stormwater Permit for Construction Activities as a consequence of its potential to disturb over one acre of land as part of its redevelopment of Downtown Brockton. The proponent can access information regarding the NPDES Stormwater requirements and an application for the Construction General Permit at the EPA website: https://www3.epa.gov/npdes/pubs/cgp2012_qanda.pdf. You are considered covered under this permit 14 calendar days after EPA has acknowledged receipt of your Notice of Intent (NOI) on the Agency's website (www.epa.gov/npdes/stormwater/cgpnoisearch), unless EPA notifies you that your authorization has been delayed or denied.

Dewatering Activities

Depending on the nature of the activities at the Project site, the proponent may also have to obtain an EPA NPDES Dewatering General Permit <http://www.epa.gov/region1/npdes/dewatering.html> or a Remediation General Permit <http://www.epa.gov/region1/npdes/rgp.html>.

Bureau of Waste Site Cleanup

ENF #15530 - Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications located within and near the proposed project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G. L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

Please be advised that there are many BWSC disposal sites located within and near the proposed project area. Many of the sites have been closed under the MCP, but many of the other listed disposal sites are open, and require continued response actions under the MCP. A listing and discussion of the status of each of these MCP sites will not be presented here. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at: http://maps.massgis.state.ma.us/map_ol/oliver.php Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. The compliance status and report submittals for specific MCP disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>.

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this project (even at closed sites), notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) may need to be made to MassDEP or a submittal for handling the contaminated material may need to be filed. A Licensed Site Professional (LSP) should be retained to determine if notification and/or additional submittals are required and, if need be, to render appropriate opinions. The LSP will evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.

It should be noted that should the City of Brockton acquire ownership of disposal sites during this project, the Brownfields Act, Chapter 206 of the Acts of 1998 (the Act) provides a conditional exemption from liability under Chapter 21E with respect to property acquired in accordance with the provisions of Massachusetts General Laws Chapter 60, Sections 43 or 53. This exemption requires compliance with certain requirements, as outlined below.

Provided that the City of Brockton nor its employees or agents caused or contributed to the release or threat of release at the site, the city can maintain this liability exemption provided that the City of Brockton:

- notifies MassDEP in compliance with Chapter 21E and the MCP upon obtaining knowledge of a release or threat of release of oil and/or hazardous material for which notification is required;
- provides reasonable access to the Site or portion of the Site under its control to employees, agents and contractors of MassDEP for all purposes authorized by Chapter 21E, and to other persons for the purposes of conducting response actions pursuant to Chapter 21E and the MCP;
- takes reasonable steps (a) to prevent exposure of people to oil or hazardous material by fencing or otherwise preventing access to the portion of the Site under its ownership or

possession; and (b) to contain any further release or threat of release of oil or hazardous material from a structure or container under its ownership or possession;

- prevents, eliminates or mitigates Imminent Hazards at or from the portion of the Site under its control by taking Immediate Response Actions at the portion of the Site under its ownership or possession, in compliance with Chapter 21E and the MCP;
- conducts any response action undertaken at the Site in compliance with Chapter 21E and the MCP; and
- acts diligently to sell or otherwise divest itself of ownership or possession of its portion of the site in accordance with the provisions of Chapter 40F, chapter 121B or Chapter 121C, or any applicable special acts.

Please note that, if the City takes property for their own use or in the future if the City chooses to keep the property for its own use, the City will no longer be eligible for this liability exemption and the City must complete the cleanup of the site in accordance with M.G.L. c. 21E and the MCP. At that point, the City may be eligible for a liability endpoint upon completion of the cleanup. This endpoint would protect the City from liability to third parties under Chapter 21E and from liability to third parties under common law for property damage.

Additionally, several of the closed sites in the redevelopment district have Activity and Use Limitations (AULs) on them. AULs are legal documents that identify site conditions that are the basis for maintaining a condition of No Significant Risk at a property where contamination remains after a cleanup. AULs often have very specific requirements for any future excavation that may occur at a disposal site and property owners must take care to engage an LSP when contemplating any site excavation or redevelopment.

Finally, soil contamination encountered during road reconstruction or utility work should be managed under the provisions of a Utility-related Abatement Measures, pursuant to 310 CMR 40.460.

Solid Waste Management Comments

- Demolition and Asbestos Containing Waste Material: The proposed project includes the demolition of buildings that may contain asbestos. The project proponent is advised that demolition activity must comply with both Solid Waste and Air Quality Control regulations. Please note that MassDEP promulgated revised Asbestos Regulations (310 CMR 7.15) that became effective on June 20, 2014. The new regulations contain requirements to conduct a pre-demolition/renovation asbestos survey by a licensed asbestos inspector and post abatement visual inspections by a licensed asbestos project monitor. The Massachusetts Department of Labor and Work Force Development, Division of Labor Standards (DLS) is the agency responsible for licensing and regulating all asbestos abatement contractors, designers, project monitors, inspectors and analytical laboratories in the state of Massachusetts.
- In accordance with the Air Quality Regulations at **310 CMR 7.09(2)**, the proponent must submit a **BWP AQ 06 Notification Prior to Construction or Demolition** form to MassDEP for all construction or demolition projects. The proponent should propose measures to prevent or alleviate dust, noise, and odor nuisance conditions, which may occur during the demolition.

- In accordance with the revised Asbestos Regulations at **310 CMR 7.15(4)**, any owner or operator of a facility or facility component that contains suspect asbestos containing material (ACM) shall, prior to conducting any demolition or renovation, employ a DLS licensed asbestos inspector to thoroughly inspect the facility or facility component, to identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report. As part of the asbestos survey, samples must be taken of all suspect asbestos containing building materials and sent to a DLS certified laboratory for analysis, using USEPA approved analytical methods.
- If ACM is identified in the asbestos survey, the proponent must hire a DLS licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component in accordance with **310 CMR 7.15**, prior to conducting any demolition or renovation activities. The removal and handling of asbestos from the facility or facility components must adhere to the Specific Asbestos Abatement Work Practice Standards required at **310 CMR 7.15(7)**. The proponent and asbestos contractor will be responsible for submitting an **Asbestos Notification Form ANF-001** to MassDEP at least ten (10) working days prior to beginning any removal of the asbestos containing materials as specified at **310 CMR 7.15(6)**.
- The proponent shall ensure that all asbestos containing waste material from any asbestos abatement activity is properly stored and disposed of at a landfill approved to accept such material in accordance with **310 CMR 7.15 (17)**. The Solid Waste Regulations at **310 CMR 19.061(3)** list the requirements for any solid waste facility handling or disposing of asbestos waste. Pursuant to **310 CMR 19.061(3) (b)1.**, no asbestos containing material; including VAT, asphaltic-asbestos felts or shingles; may be disposed at a solid waste combustion facility.
- Asphalt, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings must be handled in accordance with Massachusetts solid waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The proponent should refer to MassDEP's Information Sheet, entitled "Guide to Regulations for Using or Processing Asphalt, Brick and Concrete Rubble, revised February 2000", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: www.mass.gov/dep.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847 or Cynthia Baran at (508) 946-2887.

Air Quality Comments

Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to:

- 310 CMR 7.09 Dust, Odor, Construction, and Demolition
- 310 CMR 7.10 Noise

Construction-Related Measures. MassDEP requests that the proponent use construction equipment with engines manufactured to Tier 4 federal emission standards, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the proponent should use construction equipment that has been retrofitted with the best available after-engine emission control technology, such as oxidation catalysts or diesel particulate filters, to reduce exhaust emissions. The proponent should provide a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece in the subsequent environmental filing.

Massachusetts Idling Regulation. MassDEP requests that the proponent state specifically in the subsequent environmental filing how it plans to prohibit the excessive idling during the construction period. Typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the project is occupied, MassDEP requests that the proponent establish permanent signs limiting idling to five minutes or less at the completed project.

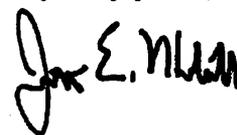
Improvement in Infrastructure

The Proponent is strongly encouraged to coordinate any redevelopment efforts, particularly the reconstruction of public ways, with the owners of municipal and private underground infrastructure assets to coordinate the replacement or upgrade of aging and/or inadequate facilities. This coordination will minimize future disruption of the community and provide cost efficient utility management for customers.

Proposed s.61 Findings

The "Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form" may indicate that this project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
David Johnston, Deputy Regional Director, BWR
Maria Pinaud, Deputy Regional Director, BAW
Gerard Martin, Deputy Regional Director, BWSC
Jennifer Viveiros, Deputy Regional Director, ADMIN
Allen Hemberger, Site Management
John Handrahan, Site Compliance and Enforcement
Mark Dakers, Section Chief, Solid Waste
Thomas Cushing, Section Chief, Air Quality Permitting
Shi Chen, Water Management Program (Boston)
Duane LeVangie, Chief, Water Management Program

Old Colony Planning Council



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July 12, 2016

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs
Attn: MEPA Office [Anne Canaday], EEA No. 15530
100 Cambridge Street, Suite 900
Boston, MA 02114

RECEIVED

JUL 14 2016

MEPA

RE: EEA #15530 – Downtown Brockton Urban Revitalization Plan

Dear Secretary Beaton:

Old Colony Planning Council (OCPC) has reviewed the Environmental Notification Form (ENF) submitted for the Downtown Brockton Urban Revitalization Plan (EEA #15530). The Plan, in concert with the 2015 Brockton Downtown Action Strategy, the City's District Improvement Financing Program, and the expanded 40R Smart Growth Zone, proposes to build a strong, diverse, attractive downtown that can establish itself as a major economic force in the City and the metro south region.

The Plan focuses on 65.8 acres of land in the center of Brockton. The Plan area is bounded by Pleasant Street and Court Street to the north; the MBTA Commuter Rail Line and Commercial Street to the east; Crescent Street and West Elm Street to the south; and Warren Avenue to the west. As it is currently constituted, the Plan area is zoned for commercial and industrial uses and is home to three (3) 40R Smart Growth Zoning Overlay Districts. Amenities within the Plans boundaries include many governmental, institutional, and residential uses. Prominent governmental and institutional uses include Brockton City Hall, the Brockton MBTA Commuter Rail Station, the BAT Intermodal Centre, the Brockton Neighborhood Health Center and the James J. Adams municipal parking garage. Residential uses include neighborhoods on Green Street and Warren Avenue, which consist primarily of multi-family homes, several rooming houses on Warren Avenue and West Elm Street, new residential/mixed use building at the Enterprise Block, and new residential buildings on Montello Street.

The proposed project is guided by the Vision Statement found in Brockton's 2011 Downtown Report, which states that "Downtown Brockton shall be a lively, walkable multi-cultural center that celebrates the arts, history, innovation, and the Salisbury Brook, capitalizing on its role as a regional governmental, service, and transit center. Downtown Brockton will feature new housing and mixed-use development strengthening the Downtown and renewing it as the heart of the City." To accomplish this vision, the city developed a set of core action strategies, which include: increasing residential density to support economic revitalization, re-establishing the

feel of a vibrant downtown by increasing amenities, improving public safety, continuing efforts to create a Downtown Brockton Higher Education Collaborative, encouraging entertainment and cultural entities to locate downtown, encouraging ethnic restaurants, boutiques and food stores to locate downtown, improving the downtown's transportation connectivity, and upgrading the downtown's sewer, water, drainage and electrical infrastructure.

The Plan proposes a series of public actions to fulfill the City's aforementioned vision of the Downtown, which includes land and building acquisition and disposition, building demolition and spot clearance, building rehabilitation, and commercial relocation. Identified potential development projects include a series of new developments, including a new pharmacy, multi-use buildings, municipal parking garage, Phase II of the Enterprise Block, and a new "gateway" development at the corner of Warren Avenue and Pleasant Street. In addition, there are a number of potential infill and redevelopments projects on Main Street and Warren Avenue, respectively, as well as the adaptive reuse of historic structures for mixed-use development. Lastly, there are a number of public infrastructure improvements which may be undertaken pursuant to the Plan, including roadway, streetscape and park improvements.

While the Plan area contains no known regulated natural resources, such as wetlands, floodplains, Areas of Critical Environmental Concern or rare species habitats, it does contain a number of historic resources as well as several hazardous material sites. We encourage the project proponent to coordinate and work with the Massachusetts Historical Commission and the Massachusetts Department of Environmental Protection to ensure that impacts or disturbances to these sites are addressed and mitigated appropriately.

In summary, OCPC recognizes that this Plan provides a number of substantial long-term benefits to the City, including the economic revitalization of the downtown, the rehabilitation of historic buildings, the updating of transportation infrastructure, the installation of green infrastructure, an improvement to public safety and the promotion of community diversity. In addition, the Plan is consistent with both the Plan Brockton 2008 Strategic Plan as well as with OCPC's Regional Policy Plan. Furthermore, the Plan area has been designated as a Priority Development Area (PDA) by both the City of Brockton and OCPC. To that end, the Old Colony Planning Council extends its complete support for this project and encourages a favorable review. I thank you for the opportunity to comment on this project to ensure that it accomplishes its objectives with minimal environmental impacts and look forward to reviewing any and all future filings.

Sincerely,



Pasquale Ciaramella
Executive Director

cc: Honorable William Carpenter, Mayor, City of Brockton
Mr. Timothy Cruise, President, Brockton City Council
Mr. Larry Rowley, Commissioner, Brockton Department of Public Works
Mr. Rob May, Director, Brockton Planning & Economic Development Department

Mr. Robert Jenkins, Director, Brockton Redevelopment Authority
Mr. David Wheeler, Chairman, Brockton Planning Board
Mr. Robert G. Moran, Jr., Brockton OCPC Delegate
Mr. Preston Huckabee, OCPC Alternate
Mr. Trey Wadsworth, MPO Liaison, MassDOT