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July 17, 2009

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

PROJECT NAME : Renaissance Village
PROJECT MUNICIPALITY : Brockton
PROJECT WATERSHED : Taunton
EEA NUMBER : 14424
PROJECT PROPONENT : Bradford Allen, Renaissance Village LLC
DATE NOTICED IN MONITOR : June 10, 2009

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62I) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a mandatory Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of a mixed-use development designed in accordance with the M.G.L. Chapter 40R Smart Growth provisions. The project, Renaissance Village, will be located on a 3.4-acre city block located in downtown Brockton, north of Centre Street, east of Main Street, south of Petronelli Way, and west of Montello Street. The project site is presently occupied by several commercial buildings and paved parking areas and is located within the 40R Downtown Brockton Smart Growth Overlay District (DBSGOD) zoning classification. The project is located proximate to the

Massachusetts Bay Transportation Authority (MBTA) Old Colony Middleboro/Lakeville Commuter Rail Line and the Brockton Area Transit Authority (BAT) Intermodal Center.

The development will consist of a six-story building comprised of 308 residential units, 7,700 square feet (sf) of commercial use, 4,500 sf of retail use, an interior landscaped courtyard, and a 460-space parking garage. Total project square footage is estimated at 549,410 sf. Anticipated environmental impacts associated with the project include: the generation of 3,222 new vehicle trips, 350 new parking spaces, and 41,779 gallons per day of new water use and wastewater generation. Existing structures will be demolished on-site to accommodate redevelopment activities.

Jurisdiction and Permitting

This project is subject to MEPA review and requires the preparation of a mandatory EIR because it requires a State agency action and will generate 3,000 or more new average daily trips on roadways providing access to a single location (301 CMR 11.03(6)(a)(6)). The ENF indicates that the project will not require any State-issued permits; however, according to comments received from the Massachusetts Department of Environmental Protection (MassDEP), the project may require a sewer connection permit. Coverage under the National Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (U.S. EPA) will be required. The project is subject to the EEA/MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol.

The Proponent intends to seek financial assistance from the Commonwealth via the Affordable Housing Trust Fund, a Transit Oriented Development Grant, and the Growth District Initiative. 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.

SCOPE

General

The Draft Environmental Impact Report (DEIR) should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this scope. Should the DEIR fully resolve the substantive issues outlined in the Scope, I will consider the procedural options available to me at 301 CMR 11.08 (8)(b)(2).

Project Description and Permitting

The DEIR should include a detailed description of the proposed project and describe any changes to the project since the filing of the ENF. The DEIR should provide a brief description and analysis of applicable statutory and regulatory standards and requirements, and a description

of how the project will meet those standards. The DEIR should include a list of required permits and approvals and provide an update on the status of each permit and/or approval.

Alternatives Analysis

The DEIR should analyze the following alternatives in accordance with 301 CMR 11.07(6)(f):

- A No-Build Alternative;
- A Conventional Zoning Alternative that evaluates impacts based on allowed uses and densities without the 40R designation; and,
- A Preferred Alternative that reflects uses and densities allowed in accordance with the 40R DBSGOD zoning classification.

It is possible that, subsequent to the completion of the alternatives analysis, the Preferred Alternative could be modified in comparison to that presented in the ENF. The alternatives analysis may go beyond the three alternatives requested above and include previously discarded conceptual design plans to support the proponent's conclusion that the Preferred Alternative avoids, minimizes, and mitigates damage to the environment. The DEIR should identify the impacts for each of the alternatives on land alteration (including impervious area), traffic, parking, drainage, wastewater, water supply, historic/archaeological resources, and wetlands in a tabular format. This table, along with a supporting narrative and conceptual site plans, should provide a comparative analysis that clearly shows the differences between the environmental impacts associated with each of the alternatives.

The DEIR should identify and explain any project phasing, including potential impacts on construction sequencing and traffic patterns. It should discuss how this project is compatible with Executive Order 385 – Planning for Growth by discussing its consistency with local land use plans and applicable regional plans.

The DEIR will require the Proponent to investigate GHG emissions reductions that may be realized through site design, operations, and building construction, which may result in revisions to the Preferred Alternative. Guidance for this alternatives analysis has been outlined in the MassDEP comment letter on the ENF, and is described in the GHG section of this Certificate.

Traffic and Transportation

The ENF stated that the project will result in the generation of approximately 3,222 new vehicle trips on an average weekday. Access to the proposed garage will be provided at two locations, one off Centre Street and the other off Petronelli Way. Enclosed pedestrian access through the project site connecting Centre Street and Petronelli Way will be provided. The site is approximately 300 feet west of the MBTA commuter rail station and approximately 600 feet west of the BAT terminal. The project does not require an access permit from MassHighway. However, because the Proponent is seeking funding from the Commonwealth, the DEIR must

demonstrate that all feasible measures have been undertaken to avoid, minimize, and mitigate environmental impacts such as traffic. The Executive Office of Transportation and Public Works (EOTPW) accordingly intends to hold the Proponent to high standards with regard to traffic safety, operations efficiency, and transit, walking, and bicycling promotion, in evaluating the proposed project.

The DEIR should include a revised and updated traffic study prepared in conformance with EOEEA/EOTPW Guidelines that provides additional documentation on existing traffic volumes, trip generation, impacts on the transportation network, and proposes adequate mitigation measures for potential traffic problems. The DEIR should include a detailed response to the comment letter dated July 10, 2009 submitted by EOTPW, and I hereby incorporate by reference the additional requests for information contained in that letter as part of the scope of the DEIR.

As noted in the ENF, several of the traffic study area intersections exhibited crash rates higher than the MassHighway District 5 average. While the urban nature of the study, numerous intersections and traffic lights may limit opportunities to reduce crash rates at the identified intersections, the Proponent should work with the City of Brockton and MassHighway to develop strategies to improve safety at study area intersections. Additionally, the DEIR should clarify anticipated project phasing, associated traffic impacts, and demonstrate that the roadway network can accommodate traffic at the completion of each phase.

The DEIR must include a comprehensive Transportation Demand Management (TDM) program to complement the smart growth elements of the project. The EOTPW comment letter has noted the provision of parking spaces in excess of those outlined in the DBSGOD guidelines. At the MEPA scoping session, the Proponent indicated that some parking will be used for public purposes. The DEIR should provide additional detail on how parking spaces will be allocated for private or public purposes within the parking garage, including a discussion of parking management techniques and incentives that may be used to further reduce vehicle trips to and from the site and the downtown Brockton area. As recommended by EOTPW, the Proponent should work with Old Colony Planning Council (OCPC), BAT, MassRides, and area businesses on strategies to reduce driving, in particular single-occupancy vehicle (SOV) trips. The DEIR should report on the substance and outcome of this coordination. The DEIR should summarize how the project will comply with Massachusetts Idling Regulations and the Massachusetts Rideshare Regulations, if applicable.

Pedestrian/Bicycle Circulation

The DEIR should provide a comprehensive pedestrian plan depicting how the on-site improvements will connect to existing pedestrian corridors, rail stations or bus stops, and other nearby destinations. This plan (preferably at 20-scale) should clearly show the location and widths of sidewalks around the site, identify public and private common spaces (both for access and egress to parking or across the project site as well as open space), and connection points to nearby public transit options. The Proponent should work with the City of Brockton to identify intersections that may require upgrades to effectively enhance opportunities to connect

pedestrians and bicyclists through the project site to the MBTA and BAT stations. The DEIR should identify the location of on-site bus shelters, proposed sidewalk or crosswalk improvements, and any pedestrian signal upgrades proposed at intersections leading to the MBTA commuter rail and BAT intermodal stations. Bicycle lanes, bicycle storage racks, benches, landscaped areas, or other pedestrian and bicycle amenities should be identified within the project area. The Proponent should also carefully consider and identify measures to ensure pedestrian safety at the entrances and exits to the parking garage. I encourage the Proponent to consult the *MassHighway Project Development and Design Guide* for the design of pedestrian-friendly streets.

Greenhouse Gas Emissions

The DEIR should include an analysis of GHG emissions and mitigation measures in accordance with the standard requirements of the MEPA GHG Policy and Protocol (“the Policy”). The DEIR should quantify the direct and indirect GHG emissions associated with the project's energy use and transportation-related emissions. Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions associated with vehicle use by employees, vendors, customers and others. The DEIR should outline and commit to mitigation measures to reduce GHG emissions. I refer the Proponent to the Policy for additional guidance on the analysis and I encourage the Proponent to meet with representatives from MEPA, MassDEP and the Department of Energy Resources (DOER) prior to preparation of the DEIR.

The DEIR should include a GHG emissions analysis that calculates and compares GHG emissions associated with: 1) a Massachusetts Building Code-compliant base case (the sum of direct emissions from stationary sources and indirect emissions from energy consumption and transportation); and 2) the proposed Preferred Alternative (the sum of direct emissions from stationary sources, indirect emissions from energy consumption, and transportation for the project as proposed). Please note that the code currently in effect for the design and construction of this project and for the establishment of the Base Code Compliant Case is 780 CMR 13.00 (dated 1/9/09). The policy requires Proponents to use energy modeling software to quantify projected energy usage from stationary sources and energy consumption. The policy allows the Proponent to select a model but, DEP and DOER recommend using EQUEST for stationary source modeling for buildings and building systems.

The GHG analysis should clearly demonstrate consistency with the objectives of MEPA review, one of which is to document the means by which the Proponent plans to avoid, minimize, or mitigate damage to the environment to the maximum extent feasible. The Proponent should identify the model used to analyze GHG emissions, clearly state modeling assumptions, explicitly note which GHG reduction measures have been modeled, and identify whether certain building design or operations GHG reduction measures will be mandated by the Proponent to future occupants or merely encouraged for adoption and implementation. The DEIR should include the modeling printout for each alternative and emission tables that compare

base case emissions in tons with the preferred alternative showing the anticipated reduction in tons and percentage by emissions source; direct, indirect and transportation. Other tables and graphs may also be included to convey the GHG emissions and potential reductions associated with various mitigation measures as necessary.

The MassDEP comment letter, with contributions from DOER, has provided additional guidance regarding mitigation measures that should be explored as part of the GHG analysis, as well as resources to assist in preparation of the analysis. The DEIR should present an evaluation of the feasibility of each of the mitigation measures outlined below, as well as the GHG emissions reduction potential associated with each measure. The DEIR should explain, in reasonable detail, any measure not selected- either because it is not applicable to the project or is considered technically or financially infeasible- that would result in a significant reduction of GHG. As noted by MassDEP, the Proponent should also consider additional sustainable design measures whose GHG reductions cannot be easily quantified, such as recycling efforts and water conservation measures, for incorporation into the project. These measures will be considered when evaluating whether the project mitigated its GHG emission to the greatest extent practicable.

The DEIR should respond to the comments by MassDEP/DOER with respect to:

- Pursuit of Leadership in Energy and Environmental Design (LEED) and/or Energy Star certifiable project status;
- Availability of potential rebates from energy providers associated with the installation of highly efficient equipment;
- Explanation of building orientation and discussion of expected impacts on energy usage;
- Energy efficient lighting;
- Interior day-lighting of buildings;
- Duct insulation;
- Roof and wall insulation, including the intended R-values of insulation;
- Windows, including the intended U-values;
- High-efficiency HVAC systems;
- High-albedo roofing materials;
- Incorporation of third-party building commissioning;
- Implementation of lighting motion sensors, climate control and building energy management systems. I strongly encourage the implementation of separate metering of utilities within the residential units and between separate retail and commercial spaces to incentivize energy conservation; and
- On-site renewable energy sources. The DEIR should evaluate the use of photovoltaic (PV) systems in accordance with the recommendations of DOER.

In acknowledgement of the challenges facing implementation of certain energy efficiency measures in tenant occupied spaces, the Proponent should consider reasonable measures to educate and create incentives for tenants to adopt energy efficiency/renewable generation measures. The DEIR should address the Proponent's commitment to providing energy efficiency consulting services and information and/or developing a tenant manual to incorporate

building design and operational GHG mitigation measures into lease agreements. As an example of such a document, I direct the Proponent to the New Patriots Stadium and Public Infrastructure Project (EEA No. 12037) Third Notice of Project Change and the associated Secretary's Certificate issued on April 17, 2009.

Stormwater

The DEIR should evaluate stormwater runoff impacts during both the construction and post-construction periods. The DEIR must demonstrate that source controls, pollution prevention measures, erosion and sediment controls, and the post-development drainage system will be designed in compliance with the MassDEP Stormwater Management regulations, to the extent applicable. The DEIR should include stormwater calculations, stormwater system design plans at a readable scale, best management practice (BMP) designs, and additional supporting data to demonstrate conformance with the SMP, as applicable for redevelopment projects. Additionally, the Proponent will likely be required to prepare a Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES Stormwater Permit for Construction Activities issued by the U.S. EPA.

Water and Wastewater

Water Supply

According to information provided in the ENF, the new water demand associated with the project is estimated at 41,779 new gallons per day (gpd), for a project total of 44,363 gpd. MassDEP has requested that the DEIR include a detailed estimation of water demand for the project, including an estimation of outdoor water use (lawn watering, etc.) demand. The outdoor water demand estimate should detail the amount of water to be provided by the City of Brockton water system vs. alternative sources (e.g., stormwater collection, on-site irrigation wells, etc.). The DEIR should describe water conservation measures to be implemented on-site to meet the applicable 2006 *Massachusetts Water Conservation Standards*. The DEIR should also confirm that sufficient capacity is available within the downtown Brockton water infrastructure system to accommodate the new project flows and identify upgrades, if necessary, to connect the project to the larger water system.

Wastewater

The project will generate approximately 41,779 gpd of new wastewater discharges, for a project total of 44,363 gpd. MassDEP has indicated that it is unclear from the information included in the ENF if the project triggers a MassDEP sewer permitting threshold. The Proponent should review the MassDEP wastewater regulations and consult with MassDEP as necessary to determine the applicability of permitting or certification requirements. The DEIR should demonstrate how the project will comply with wastewater permitting requirements and standards, if applicable.

The DEIR should confirm available treatment capacity at the City of Brockton wastewater treatment facility and identify upgrades to existing sewer infrastructure, if any, to accommodate additional sewer discharges. The DEIR should demonstrate that the sanitary flows from the project will not contribute to any existing Combined Sewer Overflow (CSO) discharges in the City of Brockton sewer system. The DEIR should describe mitigation measures to reduce stormwater runoff, reduce water demand and sewage generation, and measures to reduce inflow and infiltration (I/I) into the sewer system.

Historical Resources

The Massachusetts Historical Commission (MHC) has submitted comments on the ENF requesting additional information on the impact to potential on-site historical resources. The project site is partially within the Centre Street Area (BRO.B), an area that is included in the MHC's *Inventory of Historic and Archaeological Assets of the Commonwealth* and may be eligible for listing in the National Register of Historic Places as a district. MHC has requested additional information concerning the significance of the historic properties located on-site, in light of the proposed demolition of some or portions of these structures. The Proponent should coordinate with MHC in order to determine whether the project will have significant impacts on historic structures, and the DEIR should present an update on the Proponent's consultations with MHC and any measures that have been proposed to mitigate historic impacts.

Construction Period Impacts

The DEIR should outline a construction sequencing plan, including a timeline and associated staging areas for each phase. The phasing plan should clarify whether and how existing on-site uses (parking, commercial uses), will continue to function on an active construction site. Such plans should give consideration to the multi-modal use of the site, with particular consideration to safe pedestrian use and access to adjacent properties. The DEIR should clarify during what phase of construction certain uses (i.e. parking, or the commercial uses) may be temporarily or permanently removed from the project site, and how such impact will be mitigated. Finally, the DEIR should include a construction period pedestrian access plan and truck access plan describing and illustrating pedestrian corridors and construction-related truck routes with specific consideration of pedestrian safety within the construction zone.

The DEIR should discuss potential demolition and construction period impacts (including but not limited to noise, vibration, dust, and traffic flow disruptions) and analyze and outline feasible measures that can be implemented to eliminate or minimize these impacts. The proponent must comply with MassDEP's Solid Waste and Air Quality Control regulations, pursuant to M.G.L. Chapter 40, Section 54, during demolition and construction. I note that the project will result in the significant generation of demolition waste, portions of which may contain asbestos. The MassDEP comment letter has provided guidance on applicable regulations and Best Management Practices (BMPs) that can be implemented on-site to effectively manage demolition and construction waste. The DEIR should outline potential measures to address

materials management during the construction period, including the possibility of development a construction waste management plan and/or recycling and reuse plan for asphalt, brick and concrete (ABC).

I encourage the proponent to mitigate the construction period impacts of diesel emissions to the maximum extent feasible. This mitigation may be achieved through the installation of after-engine emission controls such as diesel oxidation catalysts (DOCs) or diesel particulate filters (DPFs). It is recommended that the Proponent use ultra low sulfur diesel (ULSD) fuel in off-road engines. If the proponent intends to participate in these initiatives, a commitment should be outlined in the DEIR.

Hazardous Materials

MassDEP's Bureau of Waste Site Cleanup (BWSC) has indicated a record of two former disposal sites located at the address of the project site. Release Tracking Number (RTN) 4-13548 submitted a Class A2 RAO in 2004 and RTN 4-13882 submitted a Class A1 RAO in 1998. The Proponent is advised that, if oil and/or hazardous material (OHM) is identified during the implementation of the project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) may be retained to determine if notification is required and, if need be, to render appropriate opinions. Construction protocols and procedures should reflect the potential for discovery of OHM during the construction period.

Mitigation

The DEIR should include a separate chapter summarizing proposed mitigation measures. This chapter should also include draft Section 61 Findings for each state agency that will issue permits for the project, if applicable. The DEIR 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.

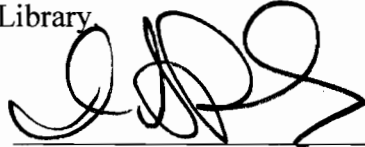
Comments/Circulation

The DEIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the DEIR should include a response to comments. This directive is not intended to, shall not be construed to, enlarge the scope of the DEIR beyond what has been expressly identified in this certificate.

The Proponent should circulate the DEIR to those parties who commented on the ENF, to any state agencies from which the proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the DEIR should be made available for review at the Brockton Public Library.

July 17, 2009

Date



Ian A. Bowles

Comments received:

07/08/2009	Old Colony Planning Council
07/10/2009	Massachusetts Department of Environmental Protection – SERO
07/10/2009	Massachusetts Historical Commission
07/10/2009	Executive Office of Transportation and Public Works
07/13/2009	WalkBoston

IAB/HSJ/hsj