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July 24, 2009

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

PROJECT NAME : Marchesio Park Channel Improvements
PROJECT MUNICIPALITY : Pittsfield
PROJECT WATERSHED : Housatonic
EEA NUMBER : 14434
PROJECT PROPONENT : City of Pittsfield
DATE NOTICED IN MONITOR : June 24, 2009

Pursuant to the Massachusetts Environmental Policy Act (MEPA) (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** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project proposes to minimize the frequency of future flooding by widening Brattle Brook to increase flood capacity while maintaining the existing horizontal alignment. Brattle Brook runs along the northern edge of Marchesio Park, adjacent to several residences on the opposite bank located on McIntosh Drive in Pittsfield. Under large storm events, frequent localized flooding occurs at the properties in the vicinity of 112 to 136 McIntosh Drive. The project will consist of the following:

- A trapezoidal channel design with a 12-foot bottom width and 2:1 side slopes;
- Construction of a berm along the north bank;
- Construction of the south bank to a minimum 2-foot depth;
- Stabilization of the stream bottom using medium sized riprap material similar to existing conditions; and
- Vegetation of the stream banks.

The project also includes the removal and replacement of an existing pedestrian bridge to accommodate the widening of the channel. In addition, a 24-inch storm drain outfall will be relocated, and a concrete culvert and riprap scour hole will be constructed at the outfall.

Estimated project impacts to wetland resource areas include 29,819 square feet (sf) of Bordering Vegetated Wetlands (BVW), 1,100 linear feet (lf) of Bank, 6,239 sf of Land Under Water, 45,716 sf of Bordering Land Subject to Flooding, and 75,535 sf of Riverfront Area. The ENF estimates 255 cubic yards (cy) of material will be excavated from the stream to create the desired channel configuration. In addition, approximately 158 cy of material will be removed from the proposed grading and restoration work outside of the Bank.

Jurisdiction and Permitting

The project is undergoing review pursuant to Sections 11.03(3)(b)(1)(b), 11.03(3)(b)(1)(d) and 11.03(3)(b)(1)(f) of the MEPA regulations because it requires a State Agency Action and it will result in the alteration of 500 or more lf of Bank, the alteration of 5,000 or more sf of BVW, and the alteration of one-half or more areas of other wetlands. The project will require: a Section 401 Water Quality Certificate (WQC) from the Massachusetts Department of Environmental Protection (MassDEP); a Section 404 Programmatic General Permit (PGP) from the United States Army Corps of Engineers (U.S. ACOE); and an Order of Conditions from the Pittsfield Conservation Commission (and, on appeal only, a Superseding Order of Conditions from MassDEP). The project may require a National Pollutant Discharge Elimination System (NPDES) Stormwater Permit, including a Stormwater Pollution Prevention Plan (SWPPP), for construction activities which disturb one acre or more of land from the United States Environmental Protection Agency (EPA).

The Proponent is not seeking financial assistance from the Commonwealth. Therefore, MEPA jurisdiction extends to those aspects of the project within the subject matter of required or potentially required state permits with the potential to cause Damage to the Environment as defined in the MEPA regulations. In this case, MEPA jurisdiction extends to wetlands, stormwater, and water quality.

Review of the ENF

Since 1999, the Proponent has constructed some improvements in an attempt to prevent stormwater from entering the properties on McIntosh Drive, including a bypass device and a sandbag berm; however, these efforts have not resulted in the significant improvement of the local flooding condition. The ENF includes a Preliminary Design Memorandum which outlines the evaluation of the drainage channel (Brattle Brook) through Marchesio Park. Of the four alternatives examined in the study, Alternative 2 - enlarging the existing channel in its current alignment - was recommended because it provides the desired flood protection and minimizes wetland disturbance and floodplain impact. According to the study, a portion of the project is located within Federal Emergency Management Agency (FEMA) Flood Zone A and this designation may significantly influence the selection of the drainage solution for Marchesio Park. The study suggests additional evaluation of the proposed impacts may be needed to construct improvements within the designated areas.

The project is being filed under the limited project provisions of the Wetlands Protection Act (WPA) regulations (310 CMR 10.53(4)) for improvements to the natural capacity of resource areas. According to the comments from MassDEP, the project may be more appropriately considered under the provisions of 310 CMR 10.53(3)(k) as routine maintenance and repair of a watercourse. The Proponent should provide supporting evidence for the specific limited project provisions and demonstrate all practicable means and measures to avoid or minimize alteration to resource areas and should also provide appropriate mitigation measures for any unavoidable alteration.

A 401 WQC will be required for alteration of 29,819 sf of BVW which will be mitigated in place and also for dredging of approximately 413 cy of material. As indicated in comments from MassDEP the Proponent will be required to provide sufficient information to adequately describe cumulative impacts to applicable resource areas and identify how impacts will be avoided, minimized and mitigated. Specifically, the disposal location and characterization of the dredged material should be clarified.

The City of Pittsfield Conservation Commission has indicated that the Proponent will be required to redelineate certain resource areas, specifically including BVW, prior to the issuance of an Order of Conditions. In addition, MassDEP recommends that the refinement of resource area delineations should be conducted.

The project proposes to relocate a 24-inch storm drain outfall. If the new point source is located within jurisdictional areas, the Proponent must comply with the MassDEP Stormwater Redevelopment Standards. I refer the Proponent to MassDEP's comments on reducing sediment loading within resource areas. The Proponent should verify the design storm used for the design of the proposed channel to ensure adequate channel capacity.

Brattle Brook is a significant coldwater fisheries resource. The Proponent should ensure that Best Management Practices (BMPs) for erosion and sedimentation control are implemented to avoid and minimize adverse impacts to fisheries resources. In its comment letter, the Massachusetts Division of Fisheries and Wildlife (DFW) expresses concerns regarding the preferred Alternative 2 and the possible replacement of a natural transitional channel with a static channel. DFW recommends establishing a stable system within the existing floodplain by creating a new stream channel using the natural stream channel design method and Rosgen's geomorphic channel design. In their comments, MassDEP states that the Proponent should consider further investigation to avoid adverse impacts to downstream resources as a result of the proposed project activities. In addition, MassDEP recommends that the Proponent consider the use of bioengineering techniques as an alternative to the use of riprap for the Bank stabilization.

In its comment letter, the Berkshire Regional Planning Commission (BRPC) recommends conducting a watershed study to address the cause of the continued sedimentation of Brattle Brook, and to identify alternative methods for longer term solutions to the sedimentation problem which would eliminate the need for future routine dredging. I encourage the City to work with the BRPC to explore this type of long-term monitoring and planning to reduce potential environmental impacts associated with future channel maintenance and dredging.

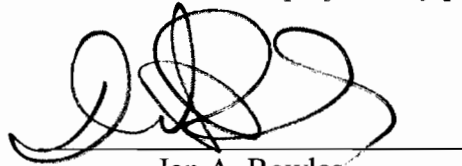
I strongly encourage the Proponent to utilize BMPs during the construction period to limit impacts to wetland resource areas. The Proponent should evaluate construction period impacts, including erosion and sedimentation, air quality and solid waste disposal and commit to measures to minimize construction impacts. Demolition and construction activities must comply with both MassDEP Solid Waste and Air Quality control regulations.

Conclusion

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed to state permitting.

July 24, 2009

Date

A handwritten signature in black ink, consisting of several loops and flourishes, positioned above a horizontal line.

Ian A. Bowles

Comments received:

07/09/2009 Berkshire Regional Planning Commission
07/15/2009 Massachusetts Division of Fisheries & Wildlife
07/21/2009 Massachusetts Department of Environmental Protection – WERO

IAB/PPP/ppp