



## MEMORANDUM

To	Evan Sears, Planner II, City of Brockton
From	Emily Keys Innes, AICP, LEED AP ND, President
Date	March 16, 2026 (minor revisions form March 9 memorandum)
Project	21129 – Brockton- Lovett Brook URP
Subject	MEPA Changes to draft URP
Cc:	Ewan Innes, CTO Amanda Newmiller, Director of Site Planning, MassDevelopment Briony Angus, Vice President, Tighe & Bond

In the January draft of the Lovett Brook Urban Renewal Plan, the text indicates two sections in which the language will need to be changed to accommodate recent changes to 301 CMR 11.00, the MEPA Regulations. We were waiting for the final issuance of the regulations and updated Environmental Notification Form before submitting these changes. Both have now been issued.

This memorandum provides the revised text. We respectfully request that the Finance Subcommittee of the City Council include this text in their recommendation to City Council, should the members recommend adoption of the plan.

In summary, the changes to the MEPA regulations mean that once the URP is approved, any future projects in the URP plan area would only be subject to MEPA review if they exceed one of the review thresholds listed in 301 CMR 11.03 and they require a state action. For example, if the project impacted 1/2 acre of wetland AND required a MassDEP permit for wetlands impacts greater than 5,000 sf. With these changes, individual projects in the URP area are unlikely to require MEPA review at all.

As the URP is in an EJ Designated Geographic Area (DGA), if a project in the URP area does require MEPA review it would also require an EIR and compliance with all the other EJ and climate resilience requirements. However, under the new regulations, if the project fits into the categories at 301 CMR 11.01(2)(c), while it will require MEPA review through an ENF, it will not require the more intensive MEPA review through an EIR regardless of the URP being in an EJ area.

## Change #1: Page 3

**Add** the new Appendix 4: MEPA Environmental Notification Form to the list of appendices.

## Change #2: Page 21

### MASSACHUSETTS ENVIRONMENTAL POLICY ACT OFFICE (MEPA)

#### **Replace the text in this section with the following:**

In January 2023, the Executive Office of Energy and Environmental Affairs issued revised 301 CMR 11.00 MEPA Regulations to address changes in the Massachusetts Environmental Policy Act, M.G.L. c. 30, §§ 61 through 62L (MEPA). These revisions incorporated new legislation that addresses climate change and projects within Environmental Justice (EJ) communities. This legislation affected the MEPA review process for the Lovett Brook URP given that the plan area includes several EJ communities. Based on the 2023 changes to MEPA regulations, the URP required a more intensive review through an Environmental Impact Report (EIR) as compared to the simpler Environmental Notification Form (ENF) filing that was previously required for URPs. The MEPA filing for the URP also required a comprehensive analysis of impacts to EJ communities and climate resiliency, as well as enhanced outreach and engagement with EJ communities.

In September 2025, in response to the ongoing housing crisis, Governor Healey announced proposed changes to 301 CMR 11.00<sup>1</sup> in order “*to streamline MEPA review of qualifying housing projects to align with actions to boost housing production as outlined in the Comprehensive Housing Plan for 2025-29, as well as corresponding recommendations of the Unlocking Housing Production Commission formed in 2024.*”

The regulatory changes also addressed input from EOHLC and Gateway City communities regarding MEPA review requirements for URP projects. Based on input from stakeholders, the MEPA office considered ways to expedite URP reviews, so that public actions to incentivize future development can proceed while retaining the requirement for future projects to undergo MEPA review under standard rules.

The proposed changes were open to public comment through November 2025 before being finalized and approved, effective as of January 30, 2026<sup>2</sup>.

Under the new regulations, a URP is still subject to MEPA review in accordance with 301 CMR 11.03(12)(b)(2), “*Approval in accordance with M.G.L. c. 121B of a New urban renewal plan or a major modification of an existing urban renewal plan*”, and because it requires a state agency action (approval by EOHLC). However, new provisions in the MEPA regulations remove the automatic requirement for an EIR due solely to the presence of EJ communities in the URP area. This provision is addressed in 301 CMR 11.01(2)(c), which outlines categories of projects that “*shall not be presumed likely or reasonably likely to cause Damage to the Environment, notwithstanding that the Project exceeds one or more review thresholds in 301 CMR 11.03, provided an ENF is filed in accordance with 301 CMR 11.01(2)*”. This includes projects subject to review by 301 CMR 11.03(12), such as URPs, provided that “*the Project does not independently propose any work, project or activity that exceeds any other review threshold in 301 CMR 11.03(1) through (11)*”.

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<sup>1</sup> <https://www.mass.gov/doc/proposed-mepa-301-cmr-1100-redline/download>

<sup>2</sup> <https://www.mass.gov/regulations/301-CMR-1100-current-mepa-regulations>

The revised MEPA regulations also provide potential streamlining for future projects that may result from the URP. Future projects in the URP area will only require MEPA review if they exceed a review threshold at 301 CMR 11.03 *and* require a state agency action. EOHLC approval of the URP is not the corresponding state action that may trigger MEPA review for a future project; as that approval is solely tied to the actual URP.

301 CMR 11.01(2)(c)(1) and (2) list types of projects that may be developed in the URP area that are also considered not likely or reasonably likely to cause Damage to the Environment. If projects in the URP area are proposed in the future that require MEPA review and meet the criteria below, they will require an ENF only. Despite the URP project area being within a Designated Geographic Area for EJ communities, these projects will not require an EIR in accordance with 301 CMR 11.06(7)(b):

1. Project meets all of the following criteria
  - a. devotes 67% or more of the gross floor area of the Project to residential uses, with the remainder devoted to supportive commercial uses.
  - b. achieves density of at least 8 units per acre for single-family, at least 12 units per acre for two and three -family buildings, and at least 15 units per acre for multi-family housing of more than three-family residential uses.
  - c. alters up to 5 acres of previously undeveloped land; or alters up to 10 acres of previously undeveloped land **and** the Project proposes a tree retention and replanting plan that demonstrates measures to minimize tree removal and replace removed trees to the maximum extent practicable.
  - d. the Project site is located outside of highest hazard areas and outside the Special Flood Hazard Area as defined by the Wetlands Protection Act.
  - e. complies with the Massachusetts Stretch Energy Code adopted pursuant to Chapter 169 of the Acts of 2008.
  - f. does not require approval of a new interbasin transfer of water or wastewater, and does not require new or expanded gas mains.
  - g. generates fewer than 3,000 New adt of traffic on roadways providing access to a single location; or generates fewer than 6,000 New adt of traffic on roadways providing access to a single location if the Project is located either in a transit-oriented development district or mixed-use district or less than one-half mile from a public transit stop with an existing or proposed safe and accessible path of travel to the Project site.
2. Project does not meet or exceed any mandatory EIR threshold in 301 CMR 11.03, provided that the project satisfies criteria a, d, e, and either b or c above

Table 23 below maps the buildout scenarios to the proposed criteria for streamlined MEPA review (i.e. ENF only) at 301 CMR 11.01(2)(c)(1) and (2). This analysis is for reference only should future projects in the URP area require MEPA review. If a future project in the URP area is subject to MEPA review, and meets the criteria below, it will require an ENF only and will not be subject to the more intensive MEPA review required due to the URP's location in an EJ Designated Geographic Area.

Change #3 Page 72

TABLE 1: COMPARISON OF BUILD-OUT SCENARIOS TO MEPA STREAMLINING PROVISIONS

Insert the following Table 23A and renumber the existing Table 23 as Table 23B 301 CMR 11.03 Thresholds. Delete column and text referring to SEIR in Table 23B.

Table 18A 2026 Thresholds

New Threshold	Buildout Scenarios	Criteria Met?
<b>1. Meets all of the following criteria</b>		Strictly reading No as 1(c) is not applicable. Otherwise, all other criteria are met.
(a) Allocates 67% or more of the gross floor area to residential uses, with the remainder devoted to supportive commercial uses		This depends on the scenario. The Life Sciences Scenario would not meet this requirement for all projects, although the three mixed-use buildings are likely to individually meet it.  The Alternative Scenario may meet this requirement, depending on the final mix of uses.
(b) Has a density of at least 8 units per acre for single-family, at least 12 units per acre for two and three-family buildings, and at least 15 units per acre for multi-family housing of more than three-family residential uses		Meeting this criterion will depend on the final mix of uses and whether that mix is closer to the Life Sciences Scenario or the Alternative Scenario. It is unlikely that the density of those parcels identified for mixed-use purposes will be less than 15 dwelling units per acre.
(c) Alters up to 5 acres of previously undeveloped land; or alters up to 10 acres of previously undeveloped land <b>and</b> the Project proposes a tree retention and replanting plan that demonstrates measures to minimize tree removal and replace removed trees to the maximum extent practicable.	Not applicable as the area is currently developed.	Not applicable; not possible for this project to comply with this requirement.
(d) Is located outside of highest hazard areas and outside the Special Flood Hazard Area as defined by the Wetlands Protection Act	Located outside of flood and hazard areas	Yes
(e) Complies with the Massachusetts Stretch Energy Code adopted pursuant to Chapter 169 of the Acts of 2008	Brockton adopted the Stretch Energy Code in 2024.	Yes.
(f) Does not require approval of a new interbasin transfer of water or wastewater, and does not require new or expanded gas mains	No interbasin transfers and no new or expanded gas mains are required	Yes

New Threshold	Buildout Scenarios	Criteria Met?
(g) Generates fewer than 3,000 New adt of traffic on roadways providing access to a single location; or generates fewer than 6,000 New adt of traffic on roadways providing access to a single location if the Project is located either in a transit-oriented development district or mixed-use district or less than one-half mile from a public transit stop with an existing or proposed safe and accessible path of travel to the Project site.	Either scenario would create a mixed-use district. A public bus route run along Oak Street Extension, parallel to the site.	Yes
<b>2. Does not meet or exceed any mandatory EIR threshold in 301 CMR 11.03, and meets a, d, e, and either b or c, above.</b>		Yes – meets d and e; is likely to meet a and b. See Table 23B, below. It is possible, but unlikely that the Wetlands Threshold will be met. The City will need to work with private landowners to determine the extent of the deculvertization and wetlands restoration.
<b>3. Does not meet or exceed any mandatory EIR threshold in 301 CMR 11.03 and seeks to qualify as an Ecological Restoration Limited Project under 310 CMR 10.24(8) and 10.53(4)</b>		<ul style="list-style-type: none"> <li>• Does not meet or exceed any mandatory EIR threshold in 301 CMR 11.03</li> <li>• Does not seek to qualify as an Ecological Restoration Limited Project</li> </ul>
<b>4. Meets or exceeds any review threshold in 301 CMR 11.03(12), provided that the Project does not independently propose any work, project or activity that exceeds any other review threshold in 301 CMR 11.03.</b>		Meets 301 CMR 11.03(12)2 for a new urban renewal plan.

Change #4: Page 96

12.02(15) MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA)

**Replace the text in the January 2026 draft with the following:**

The Brockton Redevelopment Authority understands that EOHL’s approval will be issued conditional upon completion of MEPA review. The City of Brockton will submit an Environmental Notification Form after the City Council’s vote to adopt the plan, consistent with 301 CMR 11.03(12)2.

Appendix 4 is the location for all MEPA documentation related to this Plan.

No known redevelopment projects within the urban renewal area have been submitted to MEPA for review.