



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 150 Presidential Way Woburn, MA 01801 • 978-694-3200

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**Public Comments Received on Environmental Justice Public Involvement Plan (EJ PIP)
for the Brooke Charter School : 550 Morton Street
pursuant to the Wetlands Protection Act and Wetlands Regulations
DEP File #006-1931
July 10, 2024**

Pursuant to the Environmental Justice Policy of the Executive Office of Energy and Environmental Affairs (“EOEEA”), dated June, 2021,¹ and the MassDEP Environmental Justice Public Involvement Plan Guidance, dated December 2022, based on expression of significant public interest in this matter from members of the community, which includes an Environmental Justice Population,² MassDEP exercised its discretion to develop an Environmental Justice public involvement plan (PIP) to provide the public with an additional opportunity to participate and provide comment on the Brooke Charter School project. This project consists of the proposed construction of a new community artificial turf field with associated walkways, bathroom building, seating, storage area, driveway, utilities, landscaping, and stormwater management systems to MassDEP as it reviewed the proposed project. MassDEP developed a PIP to provide an additional public comment period for any interested parties to submit comments to the Wetland’s Program concerning the proposed project that is under review as part of a Request for a Superseding Order of Condition (“SOC”) sought pursuant to the Wetlands Protection Act, M.G.L. c. 131, s. 40 (the “Act”) and the regulations set out at 310 CMR 10.00 (the “Regulations”). Under the PIP, MassDEP drafted and provided a project Fact Sheet that was translated in Spanish and Haitian Creole, and also established a project specific website, through which the agency provided all basic record documents, at <https://www.mass.gov/lists/brooke-charter-school>.

¹ EEA’s Environmental Justice Policy can be accessed in multiple languages at: [Environmental Justice Policy | Mass.gov](#).

² M.G.L. c. 30, § 62 defines Environmental Justice Population, and the Environmental Justice Screening and Mapping Tool shows that the census block in which this project is located is an Environmental Justice Population in accordance with that statutory definition. See EJ Screening and Mapping Tool at [EJScreen: Environmental Justice Screening and Mapping Tool | US EPA](#).

This information is available in alternate format. Please contact Melixza Esenyie at 617-626-1282.

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The public comment period concluded on March 18, 2024, and a total of 150 comment letters were received by MassDEP. MassDEP issued emails to each commenter acknowledging receipt of their submitted letter.

There were 145 written comments submitted in support of the project. The remaining five (5) letters were written and submitted by individuals who were not supportive of the proposed project. These letters presented issues and concerns regarding five environmental issues: (1) artificial/plastic based turf fields and related health risks including PFAS, (2) tree removal, (3) creation of a heat island, (4) loss of urban wildlife habitat, and (5) concerns about greenhouse gas emissions.

In this document, MassDEP has summarized the public's concerns identified through public comments and has explained how the agency considered these comments.

Comments regarding artificial/plastic-based turf fields and related health risks including PFAS

Commenters raised concerns that the artificial-turf field could contain polyfluoroalkyl substances (PFAS). The Notice of Intent (NOI) included the manufacturer's information that the turf field is "plant-based" and does not contain PFAS. The manufacturer's information states that, "the turf field consists of the plant-based infill material. This plant-based infill material is hydrophilic¹ in nature and readily absorbs and retains water." The NOI includes a statement from the manufacturer, Controlled Products, which states that, "there are no polyfluoroalkyl substances (PFAS) in their synthetic turf." Therefore, based on the information provided in the application, the record establishes that the work proposed does not include an artificial/plastic-based field or contain PFAS.

Comments regarding tree removal

In the Sierra Club letter dated February 28, 2024, the writer notes that, "each full-sized field removes over two (2) acres of ecosystem that sequesters carbon and covers it with plastic." While the material is plant-based according to the manufacturer's information, and is not plastic, it is true that trees remove carbon from the atmosphere, so large tree removal projects result in increases in carbon in the atmosphere. The Arborway Coalition notes that, "Tree loss: clearing-cutting many mature trees that provide cooling, carbon sequestration, reducing stormwater runoff, reducing noise and providing a habitat for wildlife." The Trees as a Public Good network notes, "Trees are scientifically documented to remove carbon and other particle pollutants from the atmosphere..." Therefore, there is a legitimate rationale for the comments about effects of tree clearing on greenhouse gasses in the atmosphere.

While MassDEP agrees that tree removal is always a concern as it relates to potential impacts to wetland resource areas, the agency's jurisdiction is limited by the Wetlands Protection Act, M.G.L. c. 131, § 40, and Regulations, 310 CMR 10.00 to impacts to listed wetlands resources, and activities conducted in the buffer zone to such resources. Furthermore, the Act

lacks protections for carbon emissions/sequestration from tree removal within jurisdictional resource areas.

Of the seventy (70) trees to be removed, only fifteen (15) are located within jurisdiction. The landscape plan approved in the Superseding Order of Conditions (SOC) show planting of more than eighty-three (83) trees and a schedule for this work. Finally, the landscape plan also includes tree pruning and removal of invasive vines found on existing trees located along Morton Street to support their survival and longevity. The additional tree plantings and pruning work is proposed both inside and outside of jurisdictional areas. Therefore, as noted in its decision, it is MassDEP's opinion that the project as proposed and conditioned meets the performance standards pursuant to 310 CMR 10.58(4)(d)(2) for work within the 25' Riverfront Area and is also consistent with provisions under 310 CMR 10.53(4) for work proposed in a Buffer Zone to wetland resource areas.

Creation of a heat island, loss of urban wildlife habitat and greenhouse gas emissions

Other commenters flagged that the project would create a heat island, result in loss of urban wildlife habitat and increase greenhouse gas emissions. MassDEP shares the concerns expressed about the additional environmental issues identified. However, MassDEP's Wetlands Program, acting under the authorizations stated in the Act and Regulations, lacks the jurisdiction to address these concerns in the context of a wetlands SOC proceeding.

¹Hydrophilic means "having a strong affinity for water" according to [HYDROPHILIC Definition & Meaning | Dictionary.com](https://www.dictionary.com/browse/hydrophilic)

