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June 12, 2020

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

PROJECT NAME : G. Mello Disposal Corp. Proposed Solid Waste Handling and  
Processing Facility  
PROJECT MUNICIPALITY : Georgetown  
PROJECT WATERSHED : Parker River  
EEA NUMBER : 16198  
PROJECT PROPONENT : G. Mello Disposal Corp.  
DATE NOTICED IN MONITOR : May 6, 2020

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 preparation of an Environmental Impact Report (EIR) is not required.

The project consists of construction of a new solid waste handling facility in Georgetown. I have received comments from neighboring residents and the Parker River Clean Water Association (PRCWA) which request that I require an EIR for the project. Based on a review of the Environmental Notification Form (ENF), supplemental information provided by the Proponent, consultation with State Agencies, and review of comment letters, I do not find that a discretionary EIR is warranted. While I acknowledge the concerns expressed regarding potential environmental impacts, the project does not exceed mandatory EIR thresholds for purposes of MEPA review. The mandatory EIR review thresholds are intended to identify projects or aspects thereof that are presumed to have particularly significant environmental impacts, and for which an EIR is presumed to benefit the project and the environment. A determination that an EIR is not required does not signify the conclusion of environmental review. The information and analysis provided in the ENF and review of it by State Agencies will inform the Massachusetts Department of Environmental Protection (MassDEP) permitting process for a site suitability determination. The project also requires review by multiple local boards including the Board

of Health, Conservation Commission, Planning Board, and Zoning Board of Appeals. Specific approval from the Georgetown Board of Health will be required for site assignment. I find that these comprehensive permitting procedures are adequate to continue to consider and address the concerns raised by commenters.<sup>1</sup>

Solid waste facilities are regulated by the MassDEP under M.G.L. c.111, §§ 150A and 150A½, and implementing regulations at 310 CMR 16.00 (Site Assignment Regulations for Solid Waste Facilities), and 310 CMR 19.00 (Solid Waste Facility Regulations). MassDEP and local Board of Health permitting processes required for this project is thorough and comprehensive. The comprehensive scope of review required by these permitting processes will provide additional transparency and ample opportunities for public participation and comment.

### Project Description

As described in the ENF, the project consists of the construction of a solid waste handling facility (transfer station) located off Carleton Drive in Georgetown that will collect and handle Municipal Solid Waste (MSW), Construction and Demolition (C&D) debris, bulky waste and recyclables. The facility will have a capacity of 500 tons per day (tpd) (maximum 550 tpd) and up to 177,500 tons per year (tpy) of solid waste for transfer into trucks for off-site disposal or further processing. The facility will include an approximately 15,360 square foot (sf) waste unloading and handling building, truck weighing facility, and a residential waste drop-off area, with associated driveways, stormwater management system, and septic system. Access will be provided via a 30-foot wide paved driveway from Carleton Drive. The facility will be open for receipt of materials from 7:00 AM to 3:00 PM on weekdays and from 7:30 AM to 12:00 PM on weekends. Other operations such as sorting and processing of materials, and cleaning will occur from 6:00 AM to 5:00 PM on weekdays and from 7:00 AM to 3:00 PM on weekends.<sup>2</sup>

All unloading, handling and loading activities will take place within the enclosed building. Access to the tipping floor will be via roll-up doors. Commercial vehicles carrying waste/recyclables will enter the site from Carleton Drive, stop at a scale for weighing, drive to the staging area and wait to be directed to back into the building through the ramp overhead door to empty roll-off containers onto the tipping floor. The tipped waste will be sorted to separate recyclables or waste ban materials which will be loaded into covered vehicles and shipped off-site to the appropriate facilities for processing. Vehicles are re-weighed upon exiting to determine the total amount of waste delivered.

Residential vehicles will enter the site from Carleton Drive and proceed to the designated resident parking area to dispose of waste and recycling materials in assigned containers. Residents will exit by proceeding around the roundabout, turning left onto the main driveway to Carleton Drive.

<sup>1</sup> Concerns include potential impacts associated with, but not limited to, the increase in capacity from 50 tpd to 500 tpd; wetland resource areas including vernal pools; water quality; traffic and congestion, including increase in large trucks and trailers; air and noise pollution; materials management and containment; and the condition of Carleton Drive. One commenter asserted that the Proponent failed to comply with the circulation provisions under 301 CMR 11.15(1), which require publication of notice of the filing of the ENF in a newspaper of local circulation in each municipality affected by the project, or in a newspaper of statewide circulation if an affected municipality is not served by a local publication. Here, the notice was published in the The Eagle Tribune, which serves communities in the Merrimack Valley of Massachusetts including Georgetown. The same newspaper publication was completed for EEA#15688 described herein, which proposed upgrades to the existing solid waste handling facility at East Main Street less than one mile from this project site.

<sup>2</sup> According to the ENF, the facility will not be open for receipt of materials after 3:00 PM on weekdays or after 12:00 PM on weekends.

### Project Site

The 14.57-acre project site is located at the end of Carleton Drive within a commercially zoned area in the southeastern portion of Georgetown. It is also in the Medical Marijuana overlay district and partially within the water resource and floodplain overlay districts. The site is generally bounded by residential uses to the north, Interstate 95 (I-95) to the east, Carleton Drive to the south, and industrial uses to the west. Carleton Drive is located off Route 133 (East Main Street), which provides vehicular access to I-95 less than 0.5 miles from the Carleton Drive/Route 133 intersection.

The site contains undeveloped woodland areas and wetlands consisting of Bordering Vegetated Wetlands (BVW), Isolated Vegetated Wetlands (IVW) and two vernal pools within BVW (one Certified Vernal Pool (CVP) and one Potential Vernal Pool (PVP)); an intermittent stream also flows across the northernmost portion of the site. The site was previously altered by the construction of a gravel access drive which extends from Carleton Drive to the middle of the site along the easterly lot line; the drive includes a drainage culvert to maintain connectivity of the BVW. Previous land disturbances to enable a proposed project within jurisdictional wetland resource areas were approved by the Georgetown Conservation Commission in an Order of Conditions issued on November 8, 2002. Numerous soil stockpiles and scattered debris are present throughout the site as evidence of construction activity related to this prior project, which was not completed. Concrete bounds were also set at that time to demarcate wetland and protected buffer zone areas on the site.

According to the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) (number 25009C0254F, effective date July 3, 2012), the project site is within the Zone X (Area of Minimal Flood Hazard or 0.2 percent Annual Chance Flood Hazard (500-year flood)).

### Previous MEPA Review

The Proponent currently operates a transfer station which is located at 203 East Main Street in Georgetown at the site of the Town of Georgetown's (Town) capped and closed landfill. The transfer station consists of a 2,700-sf three-sided building with exterior concrete tipping pad and truck loading well and scale house and is approximately 0.8 miles northwest of the project site. Waste is received at the tipping floor where it is loaded to trailers. The transfer station also includes a residential waste drop-off area; this waste is consolidated at the tipping area for transfer off-site. The transfer station is currently operating under a 2008 Authorization to Operate (ATO) Renewal from MassDEP and a lease with the Town.

The Proponent submitted an ENF in 2017 for a project that included the construction of a 7,050-sf transfer station building with an enclosed tipping area and truck loading well at the East Main Street site within the limits of the current Site Assignment area (EEA#15688). The project included an increase in the facility's permitted capacity from 50 tpd to 300 tpd of MSW and C&D waste (maximum of 350 tpd) with a maximum annual capacity of 108,900 tpy. The existing residential waste drop-off area for the management of source-separated recyclable materials was to be relocated outside and to the north of the site-assigned area to a portion of the capped landfill. The vegetation layer of the landfill cap was to be removed and replaced with a minimum of 18-inches of compacted gravel and covered with pavement. Waste delivered by residents would either continue to be collected in enclosed containers within the limits of the site-assigned area, or delivered directly to the new transfer station building. The

recyclables and C&D waste would be shipped off-site for further processing. The Certificate on the ENF (EEA#15688) was issued on June 9, 2017 and determined that the project did not require an EIR.

### Permitting and Jurisdiction

The project is undergoing MEPA review and requires an ENF pursuant to 301 CMR 11.03(9)(b)(1) because it will require State Agency Actions and will provide New Capacity or Expansion in Capacity for combustion or disposal of any quantity of solid waste, or storage, treatment or processing of 50 or more tpd of solid waste, unless the Project is exempt from site assignment requirements.<sup>3</sup> The project will require a Site Suitability Report for a New Site Assignment, an Authorization to Construct (ATC) and an Authorization to Operate (ATO) from MassDEP.

The project requires a Solid Waste Site Assignment and approval of an on-site subsurface disposal system and tight tank from the Georgetown Board of Health; an Order of Conditions (OOC) from the Georgetown Conservation Commission (and, on appeal only, a Superseding Order of Conditions (SOC) from MassDEP); a Site Plan Approval from the Georgetown Planning Board; a Water Resource District Special Permit from the Georgetown Zoning Board of Appeals; and a National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP) from the U.S. Environmental Protection Agency (EPA).

Because the Proponent is not seeking Financial Assistance from the Commonwealth for the project, MEPA jurisdiction for any future reviews would extend to those aspects of the project that are within the subject matter of required, or potentially required, State Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations. The subject matter of the Site Assignment regulations is sufficiently broad to confer the equivalent of broad scope jurisdiction to require a scope of review covering all potential environmental impacts of the project.

### Environmental Impacts

According to the ENF, potential environmental impacts associated with the project will include: alteration of 1.29 acres of new land; creation of 2.79 acres of impervious area; generation of 890 new average daily vehicle trips (adt) and up to 872 vehicle trips on a Saturday or Sunday; alteration of 3,335 sf of BVW and 18,268 sf of Buffer Zone; use and generation of 105 gallons per day (gpd) of water and wastewater, respectively; and installation of 0.16 miles of water main. The project will generate noise and air emissions in connection with its construction and operation.

Measures to avoid minimize, and mitigate project impacts include replication of BVW, removal of a gravel road and a culvert to restore stream flows, and reconstruction of a stream channel; removal of fill and debris associated with the gravel road; restoration and enhancement of wetlands buffer zone areas; limiting all discharge and handling of solid waste to the enclosed tipping floor; requiring vehicles transporting material from the site to be covered; installation of a floor drain collection system that

<sup>3</sup> Several commenters have suggested that this project is subject to the EIR threshold at 301 CMR 11.03(9)(a)(1) for New Capacity or Expansion in Capacity of 150 or more tpd for storage, treatment, processing, combustion or disposal of solid waste, unless the Project is a transfer station, is an Expansion of an existing facility within a validly site assigned area for the proposed use, or is exempt from site assignment requirements. Because this facility is a transfer station, it is not subject to this EIR threshold. In addition, the project is not subject to the requirements for enhanced public participation or enhanced review under BEA's Environmental Justice (EJ) Policy because, while the project is a solid waste facility, it will not be located within one mile of a designated EJ community as shown on the Massachusetts Geographic Information Systems (MassGIS) online data viewer.

drains to a holding tank to prevent groundwater contamination; construction of a stormwater management system; use of erosion and sedimentation control measures; and implementation of best management practices (BMPs) to minimize dust, noise, and litter.

### Review of the ENF

The ENF provides a description of existing and proposed conditions, project plans, a discussion of project alternatives, a Traffic Impact and Access Study (TIAS) and an Updated Traffic Impact Analysis (TIA), a Stormwater Management Report and a preliminary review of the applicable Site Suitability criteria under 310 CMR 16.40. It identifies measures to avoid, minimize and mitigate project impacts. Comments from MassDEP emphasize that the comprehensive scopes of both the site assignment process and the solid waste facility permitting process will provide transparency and public participation opportunities. These comments do not request additional review of the project in the form of an EIR nor identify any additional impacts that were not reviewed in the ENF; they do not note deficiencies in the alternatives analysis, or identify additional alternatives for further review. The Proponent submitted supplemental information on May 28, June 2, and June 4, 2020 to provide a response to comments received at the virtual MEPA site visit held on May 19, 2020 and to provide additional information on the traffic analysis and analysis of the National Avenue site. For purposes of clarity, all supplemental materials provided by the Proponent are referred to herein as the ENF unless otherwise referenced.

The project has already and will continue to receive third party review during local permitting processes regarding impacts associated with traffic, wetlands, and stormwater. Comments from the Georgetown Planning Board indicate that the public hearing for the Site Plan Review will be postponed and recommenced 45 days after the Commonwealth lifts the COVID-19 Emergency Order.

### *Alternatives Analysis*

The ENF analyzes a No Build Alternative, expansion of the existing transfer station located off East Main Street (EEA#15688 – Alternative 2), an alternative site off National Avenue (Alternative 3), and the Preferred Alternative. The No Build Alternative would avoid the project's impacts, including land alteration, new impervious area, wetlands, noise and air quality impacts. According to the ENF, in the absence of a new or expanded transfer station and with the expected closures of local and regional landfills, MSW and C&D would have to be transported even greater distances for disposal. According to the ENF, the No Build Alternative was dismissed because the existing transfer station's ATO will not be renewed unless it is upgraded to comply with MassDEP's regulatory requirements; an increase in tonnage capacity would be required to make it economically feasible to come into compliance. Without the project, there would also be a loss in revenue to the Town, and waste disposal operations would be disrupted for residents.

Alternative 2 would consist of upgrading the existing facility on East Main Street to comply with MassDEP requirements, which was the subject of previous MEPA review in 2017 (EEA#15688). Upgrades would include the construction of a new building for transfer station operations. According to the ENF, an increase in daily capacity would be needed to offset costs associated with the upgrade which would increase traffic on East Main Street. Although the Proponent sought zoning relief to bring the East Main Street facility into compliance, the ENF indicates that during local permitting efforts, the

Proponent decided to investigate alternative locations instead of continuing operations at the existing facility based on suggestions from local officials and members of the public. During review of available land in Georgetown, alternative sites were narrowed to Carleton Drive and National Avenue.

Alternative 3 would construct a new transfer station on property off National Avenue (Lots 14-7 and 14-7A) which is owned by the Town. According to supplemental information, the Proponent met with local department heads and staff administrators on July 30, 2018 to discuss the two alternative sites. The Proponent was informed that the narrow parcels of land (14-8D and 14-8E) on National Avenue, retained by the prior (private) owner, prevent frontage and access to the majority of the available National Avenue property, and that the Town was seeking to obtain this strip of land through legal action. The timing to resolve the issue of these parcels in land court was uncertain and following any successful resolution the property would be subject to an economic feasibility study. Sole access to the National Avenue property is along the southernmost portion with approximately 155 feet of frontage on National Avenue. The National Avenue alternative was dismissed based on visual inspections of the site, consultation with Town officials, and the lack of access. Carleton Drive was determined to be the more feasible location based on time constraints and the uncertainty of acquiring access.

Subsequent to the July 30, 2018 meeting with town officials, the Proponent entered into a Purchase and Sale Agreement with the owner of the Carleton Drive site in October of 2018 and began the permitting process to design a new transfer station in compliance with the MassDEP regulations. The Proponent maintains that during the course of the public hearings regarding the Carleton Drive site, it was explicitly indicated that the National Avenue property was not available for sale or development and that the timetable for disposition of the property was unknown. Comments from the PRCWA indicate that the Town issued a Request for Proposals (RFP) (on April 23, 2020) for the lease or purchase of the land on National Avenue. The RFP was closed on May 27, 2020 with one bidder. The Proponent indicates that it was unaware of this RFP; however, this lends additional support for the contention that further consideration of the National Avenue site would be untenable.

To provide additional analysis of the National Avenue property following disclosure of the RFP process during MEPA review, the Proponent evaluated the 155-foot section of frontage on June 4, 2020 through online research and a site visit. The Proponent estimates that the site would require an approximately 140-foot long, 40-foot wide wetland crossing with retaining walls on both sides to access the southerly Lot 14-7 (closest to the frontage) which would impact at least 5,600 sf of wetlands. Access to Lot 14-7A to the north would include a second wetland crossing of approximately 70 feet in length which would impact an additional 2,800 sf of wetlands. Combined impacts would result in at least 8,400 sf of direct alteration to wetlands that would require permitting through the local Conservation Commission, MassDEP and the U.S. Army Corp of Engineers. This alternative would result in increased impacts to wetland resource areas in close proximity to the Muddy River, a tributary to the Parker River, compared to the Carleton Drive site. Based on this information, the Proponent maintains that the Carleton Drive site is the preferred location for the proposed transfer station.

The Preferred Alternative would relocate the existing transfer station operations from East Main Street to the project site at the end of Carleton Drive to allow the Proponent to continue to meet the waste disposal needs of its customers. The site is readily accessible from I-95 and the TIAS concludes that the proposed transfer station can be safely accommodated along the existing roadway network. The Preferred Alternative will meet the regional need for new waste handling capacity. The Preferred

Alternative will mitigate impacts to BVW and Buffer Zone, remove an existing gravel road and culvert to restore stream flows at the site, enhance and restore Buffer Zone areas north of the proposed building, and construct a stormwater management system that will treat and attenuate peak flows and recharge stormwater.

The Proponent considered two alternatives to access the project site from Carleton Drive via either a new curb cut (preferred) and an existing curb cut (Concept A). The ENF includes conceptual plans for both alternatives. The Preferred Access Alternative would access the upland portion of the site through a new curb cut along the westerly parcel boundary. Concept A would use the existing curb cut off the cul-de-sac at the end of Carleton Drive and existing 12-foot wide gravel driveway to access the upland portion of the parcel. It would require widening the gravel drive to a 30-foot wide paved driveway along the easterly boundary bordering I-95.

The preferred access alternative was selected over Concept A because it will provide an opportunity to remove the gravel driveway, culvert, and other fill and debris along the easterly site boundary and restore wetlands and forested area including restoring the hydrologic connection previously impeded by the culvert. The preferred access route would also enable construction of a commercial driveway approximately 200 feet shorter than for Concept A which would reduce impervious area requiring stormwater mitigation, plowing and other maintenance, and would include better circulation than Concept A which creates a counterclockwise circulation and results in the pedestrian drop-off located in an isolated dead end, instead of along the main driveway. The Concept A layout would result in conflicts between commercial trucks accessing the building and the solid waste bin pickup. Finally, the preferred access creates better building orientation to mitigate potential noise impacts than Concept A with doors open to the southeast instead of to the west towards I-95 (which carries a baseline noise level that would exceed any noise generated by the site).

#### *Solid Waste*

The Proponent will require a determination of Site Suitability from MassDEP (submittal of a Site Suitability Report application) and a Solid Waste Site Assignment for the site from the Georgetown Board of Health following MassDEP's determination pursuant to 310 CMR 16.00. The purpose of the site assignment process is to determine if a parcel of land is suitable to use as a site for a solid waste facility. Site assignment is an integrated state and local review process which provides opportunity for public involvement. MassDEP will solicit, review and consider written comments from the public prior to issuing a final decision on the suitability of the site. If MassDEP determines the site to be suitable, the Board of Health will hold a Site Assignment hearing to ensure that interested parties are informed and have an opportunity to provide input during the site assignment process.

The Proponent will be required to meet the site suitability criteria for solid waste handling facilities in the Site Assignment regulations at 310 CMR 16.40. The criteria include avoiding handling of waste in areas contributing to ground or surface water supplies or in the Riverfront Area, setbacks from residential and other specific areas, minimizing impacts to traffic and air quality, and avoiding or minimizing impacts to other sensitive resources including agricultural land, rare species habitat, Areas of Critical Environmental Concern (ACEC) and open space. According to the preliminary review of Site Suitability criteria presented in the ENF, the project design and location conform with the criteria except that a portion of the project site is depicted as located on land that is classified to be of Statewide

Importance by the U.S. Department of Agriculture (DAR).<sup>4</sup> The ENF indicates that test pit evaluations were conducted and that the site appears to have been previously excavated and filled. The Proponent will further address the site-specific conditions and soil conditions during the site suitability process to determine compliance with this criteria. If a waiver from the site suitability criteria is required, the Proponent must submit a waiver request simultaneously with its site suitability application to MassDEP pursuant to 310 CMR 16.40(6).

While MassDEP comments acknowledge that a preliminary evaluation of the site suitability criteria during MEPA review may be informative, this review is not definitive at this stage because a site suitability determination can only be made after the technical review of the application has been completed pursuant to the Site Assignment Regulations. As such, MassDEP has only reviewed the submitted site suitability evaluation in a preliminary fashion.

If the site is determined to be suitable and a site assignment is approved and issued by the Board of Health, the project would then require permitting in accordance with 310 CMR 19.000 including submittal of an application to MassDEP for a Facility Permit and ATC pursuant to 310 CMR 19.032: *Permit Procedure for a New Facility or Expansion Permit Application*. Prior to operation, the Proponent will require an ATO for the facility pursuant to 310 CMR 19.029. The ATO application must include documentation that the facility has been constructed in accordance with the facility design as approved by the facility permit and ATC, and that all applicable conditions of the Site Assignment and permit have been complied with.

Site operations should be managed in accordance with applicable MassDEP Solid Waste and Air Pollution Control regulations pursuant to M.G.L. c.40, §54. The following measures are proposed to avoid and minimize nuisance odors and dust:

- Conducting all waste handling and processing within the building;
- Keeping building doors closed to the extent possible to minimize exposure to outside air;
- Using an odor and dust suppression system including a misting system with an odor-neutralizing agent; and
- Sweeping paved areas at regular intervals.

The Proponent must manage solid waste and recyclable materials in accordance with Site Assignment Regulations for Solid Waste Facilities (310 CMR 16.00) and Solid Waste Facility Regulations (310 CMR 19.00), including the waste ban regulations (310 CMR 19.017). Transfer stations such as the proposed facility help conserve landfill space by managing waste, including the reuse and recycling of C&D material banned from disposal in landfills. MassDEP and/or the Board of Health may require the use of additional odor control measures using Best Available Control Technology (BACT) or otherwise condition, restrict or limit activities at the site.

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<sup>4</sup> The site suitability criteria for Agricultural Lands (310 CMR 16.40(4)(a)) states that no site shall be determined to be suitable or be assigned as a solid waste facility where: the land is classified as Prime, Unique, or of State and Local Importance by DAR, Natural Resources Conservation Service; or the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses; and a 100 foot buffer would not be present between the facility and those lands classified at 310 CMR 16.40(4)(a)(1) or (2).



*Transportation*

The ENF includes an assessment of traffic-related impacts associated with the proposed facility at Carleton Drive based on a TIAS (March 2019) and an Updated TIA (April 2019). The TIAS reviewed existing and future traffic conditions. It analyzed traffic operations at four intersections under 2019 Existing, 2026 No Build and 2026 Build conditions. The traffic analysis estimates that traffic in and out of the proposed facility will increase by approximately 890 adt on an average weekday (280 heavy vehicles and 610 passenger vehicles) including 119 and 6 vehicle trips in the morning and evening peak hours, respectively, and 872 vehicles on Saturday (60 heavy vehicles and 812 passenger vehicles) including 214 vehicle trips during the midday peak period. The project itself does not trigger a MEPA threshold related to traffic, nor does it require mitigation at State jurisdictional intersections or roadways. The traffic study concludes that the proposed transfer station will have a minimal impact on existing traffic conditions or roadway capacity, can be safely accommodated along the existing roadway network and that no project-specific mitigation is warranted based on the project-related impacts.

Supplemental information provides responses to several of the comments and questions provided during the MEPA site visit including a comparison of traffic volumes on Saturday versus Sunday; tonnage increase versus volume increase; truck routing and control; existing site operations versus proposed site operations (i.e. backups at the existing site which cause congestion onto Route 133); and plans for roadway maintenance on Carleton Drive. Although regular maintenance of Carleton Drive, a public way, is the responsibility of the Town, the Proponent may be responsible for repair of any damage caused to the roadway as a direct result of construction activities. Future and routine maintenance of Carleton Drive is an issue currently under consideration by the Planning Board as part of the Site Plan Review process.

The Proponent will include conditions in contracts to control and enforce the time of day when transfer trailers, roll-off trucks and packer trucks arrive at the proposed site to avoid the weekday morning peak commuter period, school bus drop-off and pick-up times on Carleton Drive, and critical shift changes for businesses along Carleton Drive. In addition, the Georgetown Planning Board can issue a condition of approval that transfer trailers are prohibited from arriving at Carleton Drive during certain hours of the day, which will also provide a mechanism for enforcement of these restrictions.

The Saturday midday peak hour was selected as the critical time period to represent a worst-case analysis of weekend operations because it is consistent with the Massachusetts Department of Transportation (MassDOT) Guidelines for TIA and traffic volumes along Route 133 through the study area are higher on a Saturday than on a Sunday. Supplemental information provided by the Proponent addressed some commenters' concerns that the site generates more traffic on Sundays than on Saturdays based on traffic counts collected at the existing facility by Precision Data Industries (PDI)<sup>5</sup> and the need for an analysis of Sunday operations. The Proponent reviewed existing MassDOT traffic volume counts along Route 133 and collected traffic counts at the existing facility to verify that the Saturday midday peak hour represents the critical (highest) peak hour of weekend operations. Traffic counts indicate that traffic volumes during the peak hour of the adjacent street traffic (12:00 to 1:00 PM) are approximately 11.1 percent higher on Saturday than on Sunday, while traffic volumes during the peak hour for traffic to and from the existing site (9:00 to 10:00 AM on Saturday and 11:00 AM to 12:00 PM on Sunday) are 3.6 percent higher on Saturday than on Sunday along Route 133.

<sup>5</sup> Precision Data Industries, LLC (PDI) is a Massachusetts based traffic impact study company that services all of New England.

Traffic counts were also collected at the existing facility on Saturday, April 6 and Sunday, April 7, 2019 by PDI which showed that traffic volumes during the Sunday peak hour were slightly higher than the Saturday peak hour. However, the existing facility generated more total trips across the entire day on a Saturday and more trips during the peak hour of the adjacent street on a Saturday than on a Sunday. Estimates of the total traffic through the study area during both Saturday and Sunday peak hours indicate that the total traffic volume is 1.3 to 14.6 percent higher on a Saturday than on a Sunday. A review of traffic volumes that were used in the TIAS and Updated TIA (based on MassDOT count station data) to measure the Sunday midday peak hour traffic volumes along Route 133 indicated that the volumes used in the analysis were 28.2 percent higher than typical Sunday midday traffic volumes along Route 133. Based on these observations, the supplemental information concludes that the traffic volumes contained in the Updated TIA represent a conservative (worse than expected) analysis of the weekend peak hour conditions.

Supplemental information explains the relatively small increase in traffic generated by the proposed transfer station (94 additional vehicles per day or a 27 percent increase) compared to the 10-fold increase in the tonnage of material processed from 50 tpd to 500 tpd. The additional 455 tons of material processed by the proposed facility is anticipated to be brought to the site by a total of 80 vehicles comprised of 11 residential vehicles/small commercial trucks, 59 roll-off containers, and 10 packer trucks, and will be transported away from the site by 14 additional transfer trailers. The existing facility generates vehicle trips that each carry less than 1 ton of material to the site. The proposed facility will accommodate larger vehicles that can each carry 5 to 15 tons (69 additional large trucks will bring 445 tons of additional material and 11 residential/small commercial vehicles will bring the remaining 10 tons of additional material). The increase in capacity will require additional transfer trailers to enter the site to remove processed material off-site (each hauling up to 25 tons). Transfer trailers coming to the existing site have additional capacity to process and remove an additional 100 tons of material from the proposed facility without increasing the number of trailers to the site because they currently arrive with available capacity in order to remove material from the site in a timely manner (14 additional trailers).

#### *Wetlands and Stormwater*

The project will impact BVW and its Buffer Zone. The Georgetown Conservation Commission will review the project for its consistency with the Wetlands Protection Act (WPA), Wetlands Regulations (310 CMR 10.00) and associated performance standards, including the Stormwater Management Standards (SMS). The ENF includes a Wetland and Buffer Zone Mitigation Report. Supplemental information describes the process for delineating wetland resource areas on-site and issuance of an Order of Resource Area Delineation by the Georgetown Conservation Commission on December 4, 2019. It also describes the evaluation of vernal pools on-site.

The proposed access roadway and associated retaining wall will permanently impact 3,335 sf of BVW and temporarily impact 727 sf of BVW. Mitigation for permanent impacts includes construction of a 6,700-sf replication area located within a primarily disturbed upland area associated with the existing gravel path and stream crossing culvert along the easterly portion of the site. As part of the wetland replication, the culvert will be removed and the stream channel will be reconstructed to enhance flow between adjacent wetlands. Temporary BVW alteration associated with construction access will be restored in-kind. Work will also occur within 18,268 sf of Buffer Zone. Additional mitigation includes

restoration of 17,500 sf of Buffer Zone, enhancement of 65,400 sf of Buffer Zone and creation of 65 linear feet of stream within the wetland replication area through removal of the existing culvert. The project will construct the building and scales in areas that were previously disturbed.

According to the ENF, the stormwater management system has been designed to fully comply with the SMS, including requirements to remove a minimum of 80 percent of the Total Suspended Solids (TSS), pretreat runoff to at least 44 percent TSS removal prior to conveyance to the subsurface infiltration systems, and to maintain pre-construction peak flow volumes and rates. The Proponent should ensure that the system complies with Standard 6 (Critical Areas) because of the presence of vernal pools on-site which qualify as Outstanding Resource Waters. The proposed stormwater management system includes deep sump catch basins, water quality units, subsurface infiltration systems, and an infiltration basin. During construction erosion and sedimentation control measures (ECMs) and BMPs will be implemented and maintained to minimize and mitigate potential stormwater runoff impacts to wetland resource areas.

#### *Climate Change*

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569; the Order) was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and direct Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change. The MEPA statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and associated effects, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

The Northeast Climate Science Center at the University of Massachusetts at Amherst has developed projections of changes in temperature, precipitation and sea level rise for Massachusetts. This data is available through the Climate Change Clearinghouse for the Commonwealth at [www.resilientMA.org](http://www.resilientMA.org). By the end of the century, the average annual temperature in the Parker River Basin is projected to rise by 3.7 to 10.9 degrees Fahrenheit (F), including an increase in the number of days with temperatures over 90 F from 1 to up to 67 days compared to the 1971-2000 baseline period. During the same time span, the average annual precipitation is projected to increase by 0.8 to 7.6 inches, which may be associated with more frequent and more intense storms. The *Massachusetts State Hazard Mitigation & Climate Adaptation Plan* (2018) may provide additional data and resources applicable to the project site.

The ENF did not review potential conditions at the site under future climate change scenarios or how the project design will make this infrastructure resilient under those conditions. I encourage the Proponent to implement measures to reduce energy consumption and associated GHG emissions and to consider future climate change conditions as the design of the project is finalized and proceeds to permitting.

Construction Period

All construction and demolition (C&D) activities should be managed in accordance with applicable MassDEP's regulations regarding Air Pollution Control (310 CMR 7.01, 7.09-7.10), and Solid Waste Facilities (310 CMR 16.00 and 310 CMR 19.00, including the waste ban provision at 310 CMR 19.017). The Proponent will prepare a detailed spill prevention and control plan which will be included in the Stormwater Pollution Prevention Plan (SWPPP) prepared for the project in accordance with the NPDES CGP requirements to manage erosion and sedimentation during the construction process. The project should include measures to reduce construction period impacts (e.g., noise, dust, odor, solid waste management) and emissions of air pollutants from equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11).

I encourage the Proponent to require that its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards, or select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO) and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). If oil and/or hazardous materials are found during construction, the Proponent should notify MassDEP in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000). All construction activities should be undertaken in compliance with the conditions of all State and local permits. I encourage the Proponent to reuse or recycle C&D debris to the maximum extent possible.

Conclusion

The ENF has defined the nature and general elements of the project for the purposes of MEPA review and identified measures to avoid, minimize and mitigate impacts. I have carefully considered the thoughtful and detailed comments received on this project and acknowledge the interest of the public in further evaluation of the project and associated impacts, which I am satisfied will occur through subsequent permitting processes.

Based on the information in the ENF, consultation with State Agencies and a review of comment letters, I find that no further MEPA review is required. The project may proceed to permitting.

June 12, 2020

Date

*K. Theoharides*Kathleen A. Theoharides

## Comments received:

05/07/2020	Amy Smith
05/07/2020	Elisabeth Tolman
05/07/2020	Patricia Correa
05/07/2020	Richard Kopacynski

05/07/2020 Tracy Lasquade (2<sup>nd</sup> comments 06/01/2020 (photos); 3<sup>rd</sup> comments 06/01/2020 (video))  
05/09/2020 Amy Jackson  
05/09/2020 Craig Mabiuis  
05/09/2020 Jeffrey Litch  
05/11/2020 Michael Birmingham (combined seven; 2<sup>nd</sup> comments 05/20/2020; 3<sup>rd</sup> comments  
combined eight 05/30/2020)  
05/14/2020 Heather Trigilio  
05/14/2020 Patty Slack  
05/18/2020 Jon Samel  
05/18/2020 Karen Geberth  
05/20/2020 Marc Caron  
05/25/2020 Joan Maguire  
05/26/2020 Georgetown Planning Board  
05/27/2020 Steve Rando  
05/31/2020 Amanda Burns  
06/01/2020 Brendan Beaver  
06/01/2020 Janet Burns  
06/01/2020 Matilda Evangelista  
06/02/2020 Jean Nelson  
06/02/2020 Parker River Clean Water Association (PRCWA)  
06/02/2020 Massachusetts Department of Environmental Protection (MassDEP) –  
Northeast Regional Office (NERO)

KAT/PPP/ppp