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Georgetown Board of Health

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NOTICE OF DECISION SITE ASSIGNMENT AMENDMENT UNDER 310 CMR 16.00

Application: BWP SW 01 Site Assignment Application
20-SW01-0002-APP

Applicant: G. Mello Disposal Corp.

Owner: East West Realty Trust

Site: 20 Carleton Drive, Georgetown, Massachusetts
Georgetown Assessor's Map 15, Lot 46

Facility: A new solid waste handling facility that will collect and handle Municipal Solid Waste (MSW), Construction and Demolition (C&D) debris, bulky waste and recyclables, with 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,

Zoning District: Commercial C ("CC") Zoning District
Medical Marijuana Overlay District

Permit Granted: Site Assignment to locate a solid waste handling facility pursuant to M.G.L. c.150A and c. 150A½ and the regulations promulgated thereunder 310 CMR 16.00, et seq.

Dates of Public Hearing: April 5, 2022
April 7, 2022
April 12, 2022
April 27, 2022

Date of Decision: May 12, 2022

I. Introduction

G. Mello Disposal Corp. ("GMD" or "Applicant") has applied for a new Site Assignment pursuant to G.L. c. 111, sections 150 and 150A. On November 20, 2020, revised June 16, 2021, GMD filed an application for Site Suitability, form BWP SW 01 (the "Application"), prepared by Cornerstone Construction Services, Inc., with the Massachusetts Department of Environmental Protection ("DEP") and the Town of Georgetown Board of Health (the "Board").

As proposed, the project consists of the construction of a new 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 15,000 square foot (sf) waste unloading and handling building, 360 sf in two accessory attendant buildings, two tipping scales, and a residential waste and recycling drop-off area, with associated driveways, stormwater management system, water and fire services, and septic system. Access will be provided via a 28-foot wide paved driveway from Carleton Drive.

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; recyclables or waste ban materials if any, will be separated. The sorted waste will be loaded into covered vehicles and shipped off-site to the appropriate facilities for processing and final disposal. Vehicles are re-weighed upon exiting to determine the total amount of waste delivered. The proposed Site Assignment Area is 65,730 sf.

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 water-tight containers. Residents will exit by proceeding around the roundabout and turning left onto the main driveway to Carleton Drive.

II. Summary of Procedural Matters

a. Publication of Notice

DEP issued a positive Site Suitability Report ("DEP's Positive Determination") on March 1, 2022, wherein it determined that the Property is suitable for the proposed Facility as set forth in the Application. Upon receipt of the Site Suitability Report from DEP, the Board initiated public notice in accordance with 310 CMR 16.20(7)(b), (c).

Notice of the public hearing was initially published in the Newburyport Daily News on March 14, 2022. The Board timely scheduled a public hearing on April 5, 2022. This hearing was held as scheduled, and was continued to April 7, 2022, April 12, 2022, and April 27, 2022. Evidence closed on April 27, 2022. All public records with respect to the Application were made available for review online and at the Board's offices prior to the commencement of the public hearing.

b. Public Hearing

In accordance with 310 CMR 16.15(2), the Board is required to commence a public hearing within thirty days of receipt of the Site Suitability Report. Accordingly, the commencement of the public hearing on April 5, 2022 was timely.

Pursuant to 310 CMR 16.20, the hearing must be held "for the purpose of deciding whether to grant or refuse to grant site assignment for the parcel of property which is the subject of the [Site Suitability Report]". The standard of decision for the Board is set forth in 310 CMR 16.20(10)(k)(2):

A board shall determine that a site is suitable for assignment as a site for . . . a solid waste facility unless it makes a finding, supported by the record of the hearing, that the siting thereof would constitute a danger to the public health, safety, or the environment, based on the siting criteria . . .under 310 CMR 16.40.

If the Board reaches a determination that a site assignment is warranted in accordance with this standard, 310 CMR 16.20(12) further provides that the Board may impose certain conditions in order to ensure that the expansion of a facility will not constitute a danger to the public health, safety, or the environment.

Prior to the hearing and in accordance with 310 CMR 16.20(11)(a), the Board appointed John Shea, Esq. to serve as hearing officer. Jeffrey T. Blake, Esq. served as counsel to the Board.

Prior to the hearing, the Board invited public comments and public participation. It received submissions identified in Section IV, below.

The hearing commenced on April 5, 2022, and continued on April 7, 2022, April 12, 2022, and April 27, 2022. Jason Mello, Scott P. Cameron, P.E., Rebecca Brown, P.E., Kenneth Lafferty, and Richard Kirby testified under oath on behalf of GMD at the hearings. George Hailer, Esq. served as counsel to GMD. Weston & Sampson, who performed a peer review of the Application and associated materials, testified under oath on behalf of the Board. Intervenors and Participants testified under oath on their own behalf. Questions from the Board were answered by GMD's consultants. The public hearing was closed on April 27, 2022.

This Decision and Statement of Findings is issued by the Board based on the information received as part of the public hearing record in this matter. Pursuant to G.L. c. 111, §§ 150A and 150A½ and related regulations, the Board issues this Notice of Decision, Statement of Findings and Conditions. On, May 12, 2022, the Board deliberated and voted to make the findings set forth herein, and to issue the Site Assignment.

III. Evidence and Expert Testimony

1. Pre-filed Testimony of Jason Mello, who also testified during the hearing.
2. Pre-filed Testimony of Scott P. Cameron, P.E., who also testified during the hearing.
3. Pre-filed Testimony of Rebecca Brown, P.E., who also testified during the hearing.
4. Pre-filed Testimony of Kenneth Lafferty, who also testified during the hearing.
5. Pre-filed Testimony of Richard Kirby, who also testified during the hearing.
6. Weston & Sampson, testified under oath on behalf of the Board.
7. See Attachment A for listing of exhibits.

IV. INTERVENOR(S)/PARTICIPANT(S)

1. Capaldo Ten Citizen Group, Intervenor
2. Evangelista Ten Citizen Group, Intervenor
3. Emma Driskill and Conor Powers-Smith, Intervenors as Abutters
4. Kathleen and Richard Kopacznski, Participants
5. Jonathan Samel, Participant
6. John F. Duff Jr., Participant

V. BOARD OF HEALTH DETERMINATION

At the conclusion of the Public Hearing, based upon the totality of the evidence before it and upon the weight of the credible documentary and testimonial evidence before it, including the DEP's Positive Determination, the evidence submitted by and on behalf of the Applicant; Weston & Sampson's Comments; Applicant's response to Weston & Sampson's Comments; testimony from Intervenors and Participants, and the testimony provided by or on behalf of the Applicant in response to comments, concerns and questions during the Public Hearing, the Board of Health determined as follows:

1. Applicant has presented credible evidence that the Site is a suitable location for a solid waste management facility and that the proposed Facility complies with the general and specific site suitability requirements of 310 CMR 16.40(3)(d) and (4) contingent upon the Applicant's compliance with all terms and conditions of this conditional approval;
2. Applicant has presented credible evidence that the operating guidelines and procedures for the Facility will ensure the health and safety of the Applicant's employees, neighboring business owners, other occupants of and visitors to the Site, and the general public and preserve the environment contingent upon the Applicant's compliance with all terms and conditions of this conditional approval.

VI. Conformance with Site Suitability Criteria

a. General Site Suitability Criteria

The Board considered the following general site suitability criteria, and in reliance upon the peer review submitted by Weston & Sampson, submittals by GMD, and the record in this proceeding, has determined that each criterion has been satisfied as set forth in 310 CMR 16.40(4):

- Standard: Agricultural Lands. No site shall be determined to be suitable or be assigned as a solid waste management facility where:
 - a. the land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or
 - b. the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and
 - c. 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.

The United States Department of Agriculture ("USDA"), Natural Resources Conservation Service ("NRCS") mapping shows the presence of soil types associated

with Farmland Classification: "Farmland of statewide importance" on portions of the Site as presented in the Site Suitability Report, Appendix C. Historical research of a December 2007 Google Earth images shows that the majority of the Site was cleared and stripped of vegetation and topsoil. In addition, GMD retained John Turner Consulting ("JTC") in November 2018 to provide a Geotechnical Memorandum of Findings for the Site based on field test pits, which demonstrated the absence of organic agricultural soil. Further, a February 2021 Surficial Soil Review report concludes that the USDA NRCS mapping designation of "farmland of statewide importance" is no longer appropriate for the property given the apparent alterations to the near surficial soil profile. Therefore, the Site is not actively devoted to agricultural or horticultural use based on these findings.

The Board finds that the Application complies with 310 CMR 16.40(4)(a).

- Standard: *Traffic and Access to the Site*. No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:
 - a. traffic congestion;
 - b. pedestrian and vehicular safety;
 - c. road configurations;
 - d. alternate routes; and
 - e. vehicle emissions

Extensive traffic analysis was conducted by GMD's consultant, Greenman-Pederson, Inc. ("GPI"), and was closely reviewed and critiqued by Weston & Sampson. A traffic study was performed by GPI of Wilmington, Massachusetts to evaluate the traffic impact and access to the site. The results of the study by GPI are documented in the traffic report entitled Traffic Impact and Analysis Study, Proposed Transfer Station Carlton, Drive, Georgetown, Massachusetts, May 2019 as well as related documents that have been made a part of the record and responses to comments. These documentations provide a detailed traffic report and assessment of the impact of the proposed facility on traffic conditions in the vicinity of the Site. The report concludes that there will be minimal impact and has determined the following:

The proposed relocation and expansion of the transfer station from 203 East Main Street to Carleton Drive is anticipated to have minimal impact on the operations of the study area intersections during the weekday AM, weekday PM, and Saturday midday peak hours. Turning movements entering and exiting Carleton Drive can be safely and efficiently accommodated consistent with MassHighway design guidelines under the current geometric conditions.

Although large transfer trailers (WB-65) will encroach upon the exiting lane when making a right-turn from Route 133 onto Carleton Drive, this encroachment is consistent with MassHighway design guidelines for right turns from an arterial to a local street. See MassHighway Development Design Guide (2006). Furthermore, the arrival of these vehicles will be under the control of GMD and will be timed to avoid peak hours and school bus pick-up and drop-off times on Carleton Drive as described below. All other turning movements by all other vehicles may be made from within their designated lane.

The Board finds that the Applicant can achieve compliance with 310 CMR 16.40(4)(a) subject to the following conditions:

- To the extent possible, GMD shall provide for the widening of the intersection of Carleton Drive and Rt. 133 to accommodate a wider turning radius.
- GMD transfer trailers are prohibited from arriving or leaving the site during the weekday AM peak hour (6:30 AM to 8:30 AM) and PM (3:00 PM to 6:30 PM).
- GMD shall Implement pavement markings on Carleton Drive approaching Route 133 to provide a centerline and STOP line.
- GMD shall provide signage along Carlton Drive prohibiting the blocking of all drives along Carlton Drive; GMD shall install or provide “No Parking” signs to be installed along Carleton Drive and to the extent allowed by law, signs shall be placed on Rt. 133 warning of “Trucks Entering.”
- GMD shall pay for the reconstruction of Carleton Drive consistent with a geotechnical report prepared by a Town approved engineer; occupancy permit shall not be issued until reconstruction of Carleton Drive is complete
- GMD shall provide a police detail at the Route 133 / Carleton Drive intersection during the hours the Facility is open for receipt of materials to the site for the first 120 days following commencement of operations. After 120 days, the Board of Health shall evaluate the need for continued details.
- GMD shall conduct a post-occupancy monitoring study conducted by a third-party traffic engineering firm approved by the Board of Health within six months of commencement of operations to verify the number and type of vehicle trips generated by the Facility and assess the need for any additional mitigation measures. If additional mitigation measures are determined, by the Board of Health, to be needed, GMD shall implement all reasonable mitigation measures as required by the Board of Health in a timeframe approved by the Board of Health.

- Standard: Wildlife and Wildlife Habitat. No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would:
 - a. have an adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database;
 - b. have an adverse impact on an Ecologically Significant Natural Community as documented by the Natural Heritage and Endangered Species Program in its database; or
 - c. have an adverse impact on the wildlife habitat of any state Wildlife Management Area.

The project area is not within a Priority Habitat Area and the project does not require further review by the Natural Heritage and Endangered Species Program. The nearest NHESP estimated or priority habitats of rare wildlife or species is located over 5,000 ft south east of the subject property.

The Board finds that the Application complies with 310 CMR 16.40(4)(c).

- Standard: Areas of Critical Environmental Concern. No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting:
 - a. would be located within an Area of Critical Environmental Concern (ACEC), as designated by the Secretary of the Executive Office of Environmental Affairs; or
 - b. would fail to protect the outstanding resources of an ACEC as identified in the Secretary's designation if the solid waste management facility is to be located outside, but adjacent to the ACEC.

No Areas of Critical Environmental Concern (ACECs) designated by the Secretary of Environmental Affairs and pursuant to 301 CMR 12.00 have been designated in the Town.

The Board finds that the Application complies with 310 CMR 16.40(4)(d).

- Standard: Protection of Open Space. No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would have an adverse impact on the physical environment of, or on the use and enjoyment of:
 - a. state forests;
 - b. state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution;
 - c. MDC reservations;

d. lands with conservation. Preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs; or

e. conservation land owned by private non-profit land conservation organizations and open to the public.

Siting the facility on the property will not have an adverse impact on state forests, parklands, conservation land, other open space, MDC reservations, or conservation land. The Site abuts Interstate 95 to the east and private property to the north and west. Carleton Drive is located to the south of the site. Operation of the Site is in compliance with 310 CMR 19.000, Solid Waste Facility, and the O&M Plan and will result in no adverse impacts on the physical environment or use of the abutting properties.

The Board finds that the Application complies with 310 CMR 16.40(4)(e).

- Standard: *Potential Air Quality Impacts*. No site shall be determined to be suitable or be assigned as a solid waste management facility where the anticipated emissions from the facility would not meet required state and federal air quality standards or criteria or would otherwise constitute:
 - a danger to the public health, safety or the environment, taking into consideration:
 - a. the concentration and dispersion of emissions
 - b. the number and proximity of sensitive receptors; and
 - c. the attainment status of the area.

Particle emissions at the site are generated primarily from: vehicle traffic entering and exiting the site. To minimize dust generation, all discharging, sorting and handling of material will be performed within the building. GMD will also dispatch a street sweeper for the regular cleaning of paved travel ways as needed. The Facility shall be operated so as not to release dust or odors resulting in a nuisance condition and/or a condition of air pollution as defined at 310 CMR 7.00.

The Board finds that the Applicant complies with 310 CMR 16.40(4)(f) if the following conditions are met:

- GMD shall conduct a post opening study six months after the facility is operational; the study shall determine if the facility is in compliance with 310 CMR 7.00 and GMD shall implement all mitigation measures, if any, found by the study. The study shall be conducted by a qualified engineer approved by the Board of Health.

- Standard: *Potential for the Creation of Nuisances*. No site shall be determined to be suitable or be assigned as a solid waste management facility where the establishment or operation of the facility would result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration the following factors:
 - a. noise;
 - b. litter;
 - c. vermin such as rodents and insects;
 - d. odors;
 - e. bird hazards to air traffic; and
 - f. other nuisance problems.

Noise

No appreciable noise increase is anticipated to result from the proposed Facility. The nearest nearby residential or other sensitive receptors is to the north approximately 1,000 feet away, buffered by vegetated woodlands. Waste handling/processing will be conducted within the existing building. The Applicant will implement noise mitigation measures at the Facility.

The Board of Health finds that the noise from the proposed facility is not a nuisance provided the following conditions are met:

- All machinery owned by the GMD and used at the facility shall have the so-called "white noise" back up alarms.
- GMD shall conduct a post opening study conducted by a qualified noise engineer approved by the Board of Health. Any mitigation measures proposed by the qualified noise engineer shall be implemented by GMD as required by the Board of Health and in a timeframe required by the Board of Health.
- GMD shall keep all entry and exit doors to the facility closed except when trucks are entering and exiting.

Litter

Discharging of materials delivered to the Facility will be confined within the building. No discharging occurs outside of the building. Material delivered to and shipped from the site is contained in vehicles which minimizes the opportunity for spillage and litter. Personnel on the site are responsible for maintaining the yard area clean of dust and litter. Paved areas of the site, including the access roadway, will be swept on a regular basis and any litter on the site collected for disposal.

The Board of Health finds that the litter from the proposed facility may not be a nuisance provided the following conditions are met:

- GMD shall install a six (6) fence around the perimeter of the facility in such a manner as to prevent windblown litter from exiting the facility grounds.
- GMD shall inspect Carleton Drive and the facility grounds for windblown litter daily.
- GMD shall implement regulations for the use of the facility by all 3rd parties that requires covering of all trucks both entering and exiting of the facility and any litter escaping from the trucks both on the way to and from the facility. Said regulations shall provide that any violations within a 3 month period by 3rd parties shall result in a warning for a 1st offense; a 1 week suspension from hauling to the facility for a second offense; and suspension of hauling to the facility for a minimum of 3 months for a 3rd violation.
- GMD shall provide all haulers with the above regulations and shall post in a visible manner at the facility.
- GMD shall provide the Board of Health with a copy of the regulation for approval.

Vermin

To reduce the likelihood of vermin being attracted to the Facility, waste material located in the building will be removed on a regular basis. During periods the Facility is not operating, all doors on the building will be closed. Applicant will contract for the services of a local extermination company to provide regular inspections of the Facility. In the event that vermin are detected at the Site, suitable control measures will be implemented by the extermination company.

The Board of Health finds that vermin at the proposed facility may not be a nuisance provided the following conditions are met:

- All waste shall be removed from the facility within 72 hours of arrival;
- GMD shall provide the Board of Health with a signed contract for extermination annually.

Odor Control

To minimize odor generation at the Site, handling and processing of material will be performed within the building. All materials received and shipped from the Facility will be containerized. The Facility shall be operated so as not to release dust or odors resulting in a nuisance condition and/or a condition of air pollution as defined in 310 CMR 7.00. An odor control system will be installed within the building for odor

neutralization in the event nuisance odors are observed to be migrating from the building.

The Board of Health finds that odor at the proposed facility may not be a nuisance provided the following conditions are met:

- GMD shall provide for an electronic (online) odor reporting site and shall contract with a 3rd party odor expert, approved by the Board of Health, to evaluate all complaints. The Board of Health shall have access to the site. Any reasonable odor mitigation measured required by the 3rd party odor control expert shall be implemented by GMD in a timeframe approved by the Board of Health.
- All doors at the facility shall be closed unless trucks are entering or exiting. To extent practicable, the doors shall be opened only to the minimum height needed for entry of trucks.

Bird Hazards

All handling activity at the Facility will occur within the building. The confinement of activity to the building, and the containerizing of waste received and shipped from the Facility will minimize the opportunity for scavenging by birds. Lawrence Municipal Airport, the closest airport facility to the Site, is located approximately 10.5 miles west of the Site. Due to the distance separating the Site from the airport and operational practices at the Site, the Facility does not represent a potential bird hazard to air traffic in the area. The Facility will comply with the requirements of MassDEP Policy No. BWP-98-003, Gull Control at Landfills and Other Solid Waste Management Facilities.

The Board finds that the Application complies with 310 CMR 16.40(4)(g).

- Standard: *Size of Facility*. No site shall be determined to be suitable or be assigned as a solid waste management facility if the size of the proposed site is insufficient to properly operate and maintain the proposed facility. The minimum distance between the waste handling area or deposition area and the property boundary shall be 100 feet, provided that a shorter distance may be suitable for that portion of the waste handling or deposition area which borders a separate solid waste management facility.

The handling facility will occupy approximately 15,360 sf of the newly constructed structure. Material delivered to the site will be unloaded within the building. The building has sufficient capacity to store the daily tonnage delivered to the Facility. The site provides adequate on-site space for the staging of vehicles entering and exiting the scale. Adequate turning and staging areas are provided within the yard area for trucks waiting to deliver waste within the Facility. The proposed Site Assignment Area is 65,730 sf; the entire Property is over 14 acres

The Board of Health finds that the proposed facility may not be a nuisance provided the following conditions are met:

- GMD shall limit and phase in the maximum daily tonnage accepted at the G. Mello Carleton Drive Transfer Station during years 1-5 of initial operation as follows:

Years 1 and 2	150 tons per day
Year 3	350 tons per day
Year 4	450 tons per day
Year 5	550 tons per day.

60 days following each increase a traffic and noise study will be conducted by a qualified engineer in each discipline, approved by the Board of Health to determine if mitigation measures are needed to abate impacts that rise to the level of danger to health, safety or environment or nuisance as a result of the increase. Any recommended reasonable mitigation measures will be implemented by GMD on a timeline approved by the Board of Health.

- GMD shall provide the Board of Health with a bi-weekly report of the tonnage processed on a daily basis.
- Standard: Areas Previously Used for Solid Waste Disposal. Where an area adjacent to the site of a proposed facility has been previously used for solid waste disposal the following factors shall be considered by the Department in determining whether a site is suitable and by the board of health in determining whether to assign a site:
 - a. the nature and extent to which the prior solid waste activities on the adjacent site currently adversely impact or threaten to adversely impact the proposed site;
 - b. the nature and extent to which the proposed site may impact the site previously used for solid waste disposal; and
 - c. the nature and extent to which the combined impacts of the proposed site and the previously used adjacent site adversely impact on the public health, safety and the environment; taking into consideration:
 - d. whether the proposed site is an expansion of or constitutes beneficial integration of the solid waste activities with the adjacent site;
 - e. whether the proposed facility is related to the closure and/or remedial activities at the adjacent site; and
 - f. the extent to which the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.

No area adjacent to the site has been used for waste disposal. The Board finds that the Application complies with 310 CMR 16.40(4)(i).

- Standard: *Existing Facilities*. In evaluating proposed sites for new solid waste management facilities, the Department and the board of health shall give preferential consideration to sites located in municipalities in which no existing landfill or solid waste combustion facilities are located. This preference shall be applied only to new facilities which will not be for the exclusive use of the municipality in which the site is located. The Department and the board of health shall weigh such preference against the following considerations when the proposed site is located in a community with an existing disposal facility:
 - a. the extent to which the municipality's or region's solid waste needs will be met by the proposed facility; and
 - b. the extent to which the proposed facility incorporates recycling, composting or waste diversion activities.

MassDEP's list of Active Handling Facilities in Massachusetts dated January 2020 lists the Georgetown Transfer Station Facility as the only handling facility within the Town. Based on a review of MassDEP's list of Active Combustion Facilities in Massachusetts, dated January 2020, and Active Solid Waste Landfills, dated January 2020, no active landfill or solid waste combustion facilities are located within the Town. MassDEP's list of Inactive or Closed Landfills and Dumping Grounds in Massachusetts, dated January 2020, identifies one (1) inactive landfill facility within the Town: Georgetown Landfill 203 East Main Street. The site is listed as a closed landfill, inactive since 1981 and capped in 1999. The proposed facility is to meet the existing handling and treatment needs within the regional service area, including residents and Town needs.

The Board finds that the Application complies with 310 CMR 16.40(4)(j).

- Standard: *Consideration of Other Sources of Contamination or Pollution*. The determination of whether a site is suitable and should be assigned as a solid waste management facility shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

The Site Suitability Report did not identify any existing sources of pollution or contamination relevant to this standard.

The Board finds that the Application complies with 310 CMR 16.40(4)(k).

- Standard: *Regional Participation*. The Department and the board of health shall give preferential consideration to sites located in municipalities not already participating in a regional disposal facility. The Department and the board of health shall weigh such

preference against the following considerations when the proposed site is located in a community participating in a regional disposal facility:

- a. the extent to which the proposed facility meets the municipality's and the region's solid waste management needs; and
- b. the extent to which the proposed facility incorporates recycling, composting, or waste diversion activities.

Based on an analysis of the waste stream within the region and the proposed daily capacity of the Facility, materials will be received from within a service area extending approximately 20 miles from the site along the I-95 / Route 128 corridor out to Gloucester and South to Peabody and North to Southern NH. The Facility will serve the needs of the Georgetown residents, local government and schools and the regional service area.

Further, the Facility promotes the goals of MassDEP's Comprehensive Waste Prevention Strategy to divert as much as possible from the waste stream through recycling and reuse and disposal of unrecoverable solid waste in an environmentally sound manner. Waste delivered to the site is processed prior to hauling offsite for appropriate final disposal. In compliance with 310 CMR 19.017, Waste Bans, no waste ban will be accepted at the Facility.

The Board finds that the Application complies with 310 CMR 16.40(4)(l).

b. Facility-Specific Site Suitability

The Board considered the following facility-specific site suitability criteria, and in reliance upon the peer review submitted by Weston & Sampson, submittals by GMD, and the record in this proceeding, has determined that each criterion has been satisfied as set forth in 310 CMR 16.40(3). Specifically, Section 310 CMR 16.40(3)(d) *Criteria for Solid Waste Handling Facilities* of the Site Assignment Regulations states that no site shall be determined to be suitable or be assigned as a solid waste handling facility where:

- the waste handling area would be within the Zone I of a public water supply

The proposed Facility is not within Zone I of a public water supply.

The Board finds that the Application satisfies this criterion.

- the waste handling area would be within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply well within a proposed drinking water source area, provided that the documentation necessary to obtain a source approval has been submitted prior to the earlier of either the site assignment application, or if the MEPA process does apply, the Secretary's Certificate on the

Environmental Notification Form or Notice of Project Change, or where applicable, the Secretary's Certificate on the EIR or Final EIR, unless restrictions are imposed to minimize the risk of an adverse impact to the groundwater; and either:

- a. the proponent can demonstrate to the satisfaction of the Department that the facility cannot reasonably be sited outside the IWPA or Zone II; or
- b. there would be a net environmental benefit to the groundwater by siting the facility within the Zone II or the IWPA where the site has been previously used for solid waste management activities.

The waste handling area of the Facility is not within Zone II of a public water supply or an Interim Wellhead Protection Area.

The Board finds that the Application satisfies this criterion.

- the waste handling area would be within the Zone A of a surface drinking water supply

The waste handling area of the Facility is not within Zone A of a surface drinking water supply.

The Board finds that the Application satisfies this criterion.

- the waste handling area would be within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply at the time of submittal of the application, provided however, the applicant may show a valid option to purchase the restricted area including the well and a guarantee not to use the well as a drinking water source, the exercise of which shall be a condition of any site assignment.

No private water supply wells exist within 250 feet of the waste handling area. No private wells were identified within 500 feet downgradient of the waste handling area. A review of the inventory listing of domestic and irrigation wells registered in Georgetown on the Well Drillers Program database on the Energy and Environmental Affairs Data Portal indicated no existing or potential surface water supply sources were identified by the Town or MassDEP within 500 feet of the waste handling area.

The Board finds that the Application satisfies this criterion.

- the waste handling area of a transfer station that proposes to receive less than or equal to 50 tons per day of solid waste and utilizes a fully enclosed storage system such as a compactor unit, is 250 feet from; an occupied residential dwelling; or a prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center or youth center, excluding equipment storage or maintenance structures. Any other transfer station or any handling facility

is 500 feet from: an occupied residential dwelling; or a prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center or youth center, excluding equipment storage or maintenance structures.

The proposed Facility is proposing to accept up to 500 tpd. Therefore, the waste handling area of the Proposed Facility would be subject to the 500-foot setback requirement in this criterion. There are no identified facilities within 500 feet of the Facility.

The Board finds that the Application satisfies this criterion.

- the waste handling area would not be within the Riverfront Area as defined at 310 CMR 10.00

The riverfront area is defined as the area of land between a river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away from such high-water line. The waste handling area is not located within a riverfront area. The nearest intermittent stream is over 600 feet to the north.

The Board finds that the Application satisfies this criterion.

- the maximum high groundwater table would be within two feet of the ground surface in areas where waste handling is to occur unless it is demonstrated that a two-foot separation can be designed to the satisfaction of the Department

The Board finds that the Application satisfies this criterion.

c. Summary of Findings on Compliance with Site Suitability Criteria

Substantial evidence before the Board consists of the information provided in the Application, evidence and testimony presented at the Public Hearing, and documents identified in the attached Exhibit List. Based on the evidence in the record, the Board finds that GMD has demonstrated compliance with 310 CMR 16.40(3), (4) for each of the criteria subject to the conditions found in this Decision, and the Facility will not constitute a danger to the public health, safety or the environment.

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DECISION

At the conclusion of the public hearing and based on all of the evidence provided and the testimony presented during the public hearing, and subject to the Conditions set forth above, pursuant to its authority under 310 CMR 16.40, the Board of Health voted to approve the request for Site Assignment.

GEORGETOWN BOARD OF HEALTH

Bill Monocello

Paul B. Thompson

Don Stetler

Filed with the Town Clerk:

May 18, 2022
DATE

Kenn A. McManis
TOWN CLERK

Constituting a majority of the duly serving members of said Board.

*****APPEAL NOTICE*****

Any person aggrieved by the foregoing Decision of the Georgetown Board of Health may, within thirty (30) days of publication of this Notice of Decision, appeal under the provisions of M.G.L. c.30A, §14.

***** NOTICE OF DECISION*****

Upon its issuance, this Decision shall be incorporated into the Record and made available for inspection and copying as set forth in 310 CMR 16.20(8)(a); and within seven (7) days of issuance of this Decision, the Board shall issue public notice of its decision, a copy of which is attached hereto as Appendix A, in the same manner as set forth in 310 CMR 16.20(7)(b).

Appendix A

NOTICE OF DECISION – SITE ASSIGNMENT UNDER 310 CMR 16.00

In accordance with Massachusetts General Laws, Chapter 111, Sections 150A and 150A½ and the regulations promulgated thereunder (310 CMR 16.00 “Site Assignment Regulations for Solid Waste Facilities”) the Town of Georgetown Board of Health (“BOH”) hereby gives notice that, on May 12, 2022, it granted a new Site Assignment of a solid waste handling facility (the “Facility”) to be located at 20 Carleton Drive following the issuance of a favorable Site Suitability Report issued by the Massachusetts Department of Environmental Protection (“DEP”) on March 1, 2022.

The project consists of the construction of a new solid waste handling facility (transfer station) 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 separation and 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 28-foot wide paved driveway from Carleton Drive.

The Site Assignment Area is 65,730 sf, and is located entirely within the Commercial C Zoning District.

Copies of the Application, DEP’s Site Suitability Report, the BOH’s Site Assignment, as well as the entire Record of Proceedings in this matter are available for copying and examination at the offices of the BOH, One Library Street, Georgetown, Massachusetts, Monday through Thursday between the hours of 8:00 A.M. to 4:00 P.M and are available online at:

<https://www.georgetownma.gov/board-health/news/board-health-hearing-mello-transfer-station>