

## **Pepperell Building Committee**

### **Meeting Minutes**

**Friday, June 17, 2022**

#### **1.0 Call to order**

The meeting was called to Order by Catherine Lundeen at 12:05 pm via ‘Go to Meeting.’

#### **2.0 Attendees**

##### **2.1 Present**

Catherine Lundeen, Brian Borneman, Taya Dixon Mullane, David Querze, David Scott, David Stairs, Andrew MacLean, Joe LoBuono

Project Team: Bryan Fors (vertex), Rebecca Hopkins (tehton), Jeff McElravy (tehton), Fuss & O’Neil: Kevin McGarry (lead), Brian Pratt (civil), April Doroski (wetlands), Jose Valdez (civil)

##### **2.2 Absent**

Lea Gavrilov

#### **3.0 MEPA Discussion**

K. McGarry - Overview of MEPA Jurisdiction – Must meet MEPA threshold and have a state action to require MEPA review.

B. Fors – What if state action is later in the project process, ie. during construction? K. McGarry – hold answer for later in discussion.

Threshold: site in ACEC (Petapawag) and within 1 mile of Environmental Justice area (median income is 65% less than median state income)

State Action – possible State funding; currently not anticipating any state permits or land transfers

ACEC requires – ENF, and other MEPA review if the secretary so requires; and an EIR is required if within 1 mile of Environmental Justice community

Possible MEPA Timeline: MEPA Mtg; EJ Outreach; submit EENF; Submit DEIR – May 23; comment period, FEIR –mid may FEIR. Final decision July 23

Public Review – many agencies – DEP, DOT, MHC, NMCG, EJ community; DCR, DPH, Town Boards, members of public

Possibilities to condense timeline - If submit DEIR on 3/15 – if no comments by May 1; could get decision by mid-May from MEPA. Could do a rollover EIR – submit ENF concurrent with EIR on Nov 1. Go thru one review period and have comments back by mid-December. Final MEPA decision around 1/1/23. Options are outside our control – MEPA has to decide, and we would need to ask MEPA. Cannot control other state agency comments.

T. Dixon Mullane – based on current understanding of the project, anything that state agency would call out? MHC can often comment, but MEPA will often conclude review and direct applicant to work with MHC outside of MEPA

A. Doroski – ACEC – DCR would comment. Avoid, minimize, mitigate impacts – they may ask for more information on this.

K. McGarry – public safety projects do have a benefit to the community generally.

FINAL options – If you do not submit voluntarily, would limit ability to secure future state funding without affecting project schedule and budget impacts. Voluntary – will incur more costs. There may be comments on the impacts to the ACEC – ie. at-grade stormwater retention less expensive than underground stormwater retention – could result in change orders to project that increases the cost of the project. If voluntary – the value of the state funding may not outweigh the cost of the changes to the design that could be incurred as a result of comments by state agencies/MEPA.

R. Hopkins – if you seek funding after the project is complete, does MEPA apply? K. McGarry – unlikely, but if during construction, area much grayer.

C. Lundeen – what is the most that anyone gets thru state grants? A. MacLean– Project does not qualify for Massworks grants. Friday AM – Sen Kennedy’s office asked for information on projects for state bond bill – at least \$100,000. A. MacLean suggested between \$500k - \$5M, but will likely not know until end of July.

B. Fors – Cost for MEPA review? Are there additional costs beyond that quoted?

K. McGarry – only gives a month and a half to address MEPA comments; still need to do local permitting (need to set up permitting timeline) – need to do special permit process with hearings with the planning board. Would need to go out to bid while still addressing MEPA concerns – would have to accommodate costs. R. Hopkins – can address changes thru bidding to accommodate changes. MEPA fees – none, just if there are costs for community fees.

T. Dixon Mullane – Can we do a Single EIR? A. Doroski – yes, DEIR and FEIR traditional process. May be able to do just a single EIR. K. McGarry – SEIR: ENF – prepare and submit EIR – done May 23; Rollover EIR – ENF/EIR – MEPA has the decision on which process to follow.

A. MacLean – disadvantage to ask for MEPA review if we don't need to do it. If we wait for two months and we know if state funding is allocated; we ask for the streamlined process – could be done feb & mar. Don't see risk in filing with MEPA.

K. McGarry – risk is engaging a contractor without completing MEPA review – resulting in changes to the project. B. Fors – would need to work on how to write specs/bids to hold their bid numbers for 60 days. A. Doroski – only reason for EIR is the new EJ rules. MEPA is amenable to roll over process with MEPA. Recommend holding a meeting with DCR (ACEC review) to review concept design and get feedback early. K. McGarry – with this schedule – need a month to get ready. A. MacLean – will find out when the funding would be announced – likely mid-July. J. McElravy – what are the limits of MEPA jurisdiction? Stormwater, GHG, Anything that we can assume is required for review or not? K. McGarry - Since in ACEC and EJ community – MEPA has broad jurisdiction.

C. Lundeen – if we do not get funding – no MEPA required? K. McGarry – correct. R. Hopkins – cost is \$30,000. A. MacLean – what is the worst case scenario if MEPA review is not complete? Most concerned for missing May Town Meeting and scheduling a special town meeting in June or July – it could be done; or delay Spring town meeting to June. J. McElravy – concern is with GHG – need to look at design early on this. A. Doroski – recommend early coordination with agencies. B. Fors – let Vertex know ASAP on timing, and will line up F&O to initiate MEPA process.

#### **4.0 Adjournment**

Meeting adjourned.