

Questions to legal firms proposing to assist the Town of Pepperell in representing the best interests of the Town and its residents in the Soil Reclamation Project at 161 Nashua Road, Pepperell, MA.

July 10, 2018

The Town of Pepperell is seeking legal support through a Special Town Counsel for the purpose of representing the Town as Terra Environmental proceeds with a proposal for reclamation of the Nashua Road Quarry located at 161 Nashua Road, Pepperell, MA, on behalf of Mass Composting Group, INC (MCGI).

The selection of legal counsel will be determined by the Town Administrator with assistance from appropriate Boards and town staff.

This proposal has been submitted to the Town and to DEP for Administrative Consent Orders under Policy #COMM-15-01.

The following is a list of questions we have for each firm being considered for this legal assistance. The questions can only give us a general knowledge of the experience of each firm and will be an aid to our selection. We are not prepared to offer technical questions, the main reason for this assistance is to engage a law firm as a major resource for the Town and staff as we work through something we have not had extensive experience.

Questions:

Reviewing the parties involved in this Reclamation Project proposal, are there any conflicts of interest that may exist or perceived as existing.

Please list any Soil Reclamation Projects in which you have represented a municipality. It would also be pertinent to list similar projects where you have represented developers or land owners.

Please indicate any Community Host Agreements you have negotiated for reclamation or other DEP remedial work in Massachusetts communities.

It appears that the Board of Selectmen would rather this project did not come to fruition; have you been able to halt any projects similar in nature to this project? Board of Selectmen and neighbors are very concerned about the project due to the amount of soil to be brought in, potential levels of contamination, noise, nuisance, and wear and tear on our local highways.

If this project does come to fruition, please indicate what you consider the most critical factors the town needs to address to minimize the negative effects of such a project.

The Board of Health is presently considering additional soil import regulations. Please list any experience you have had in developing such regulations.

There is a soil management plan included in the proposal which among other statements includes groundwater as RCGW-2 category. The Town is concerned about the proximity to a public

water supply well which this land is situated just outside Zone II, and the Nashua River runs near the easterly border of the land, which the plan acknowledges and states it is not within restricted area. This along with a major concern for our local highways are the most critical concerns we have identified at this time. Have you been able to argue for the concerns for activities “Just Outside” sensitive land areas?

Whom in your firm will be the lead attorney in this project?

Can your firm begin to work with the Town of Pepperell immediately?

The response to these questions will be priority in the selection of a Law Firm to represent the Town of Pepperell. Because of the time line in the reclamation project, we will consider the responses to these questions presented and if necessary we will schedule an in-person conference to make our final decision.

You may respond through email to John Moak, Town Hall, Pepperell, MA

jmoak@town.pepperell.ma.us

We will request that a fee schedule for services be emailed to our office on Monday afternoon, following initial review of submittals.

Submitted by:

John F. Moak, Interim Town Administrator