



*Town of Pepperell*  
**Conservation Commission**

Town Hall, One Main Street  
Pepperell, Massachusetts 01463  
(978) 433-0325

[town.pepperell.ma.us/conservation](http://town.pepperell.ma.us/conservation)

19 October 2018

Mr. David Burton  
Mass Composting Group, Inc.  
161 Nashua Road, P. O. Box 317  
Pepperell, MA 01463

Re: Proposed Soil Reclamation Project, 161 Nashua Road, Pepperell, MA

Dear Mr. Burton,

The Conservation Commission has reviewed the June 28, 2018 Soil Management Plan (SMP) prepared by TERRA Environmental, LLC for the above-referenced Project by Mass Composting Group, Inc. ("MCGI") and MassDEP's five pages of comments in response to the SMP. MassDEP's response included requests for clarification and/or corrections to the data and information contained in the SMP. The Commission also reviewed the September 7, 2018 Memorandum from TERRA Environmental to MassDEP regarding MassDEP's comments. Several members of the Commission and the Conservation Agent also attended the August 20, 2018 Board of Selectmen's Meeting at which MCGI and TERRA presented the proposed Project.

After reviewing all information provided, the Conservation Commission is writing to inform you of its concerns over the need for an updated SMP and plans that have the detail necessary to evaluate the Project, rather than conceptual plans based on MA GIS datalayers. The conceptual plans do not provide the level of detail necessary to determine the proximity of work and potential impacts to wetland resource areas including the Nashua River, floodplain areas, and rare species habitats. Plans should provide existing conditions, grading, and an Erosion and Sedimentation Control Plan, all of which are critical for understanding the extent of the proposed work and potential impacts to wetland resource areas and sensitive habitats. Plans created by an on-the-ground survey (i.e. "engineered plans" as referred to and requested in MassDEP's comments) and a delineation of the wetlands, will enable the Town to complete a thorough evaluation of the Project. At the Board of Selectmen's meeting, the Commission reminded the team representing MCGI of the need for these detailed plans.

MassDEP's comments included concerns raised about work being proposed within jurisdictional areas under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40, and the Pepperell Wetland Protection Bylaw. The Commission shares these concerns.

In their January 29, 2018 letter to MCGI, Oxbow Associates recommended that an Information Request be filed with the Massachusetts Natural Heritage and Endangered Species Program (NHESP) to determine the species associated with the project site under the Massachusetts Endangered Species Act. The SMP states that NHESP permitting issues have been addressed. MassDEP commented that this does not appear to be an accurate statement. Please advise the Commission as to whether an Information Request was submitted to NHESP. A Determination Letter from NHESP would be helpful in determining if work will take place in the portion of the property mapped for Priority or Estimated Habitat for Rare Species and whether the proposed work will result in a "Take" of a state-listed species. In referencing the mapped Priority Habitat for Rare Species or Estimated Habitat for Rare Species, the SMP states that "the Property is not located within a mapped Priority Habitat for Rare Species or an Estimated Habitat for Rare Species". This is an incorrect statement that TERRA Environmental stated it would correct. It is also an example where conflicting information has been provided by MCGI and TERRA, which undermines the Commission's review.

Page 16 of the SMP states "The Project will utilize best management practices (BMPs) to.....including any BMPs that are proposed in the SWPPP and required in the Town of Pepperell Order of Conditions to manage stormwater runoff at the Site". In its September 7, 2018 Memorandum to MassDEP, TERRA Environmental states there will be no work within jurisdictional areas. This is another example of conflicting information which TERRA Environmental has provided that must be addressed. It also highlights the need for plans that provide the level of detail requested by MassDEP for the proposed Project. The management of stormwater, both during and post construction on this site, is critical to the protection of the wetland resources, floodplain areas, groundwater, the Nashua Road municipal well, and rare species.

Plans must include all wetland resource areas, floodplain areas, Priority and Estimated Habitats for rare species, pre- and post- elevation levels, and the details of how erosion, sedimentation, and stormwater will be addressed. A sequencing plan should be included. If not managed properly, stormwater, erosion, and sedimentation from the site could significantly impact sensitive resource areas.

The close proximity of the proposed Project to the Nashua River, wetland resource areas, floodplain areas, and Priority Habitat for rare species has resulted in an increased number of concerns raised by residents, local and regional agencies, and neighbors in abutting towns. The need for updated plans and a corrected, accurate SMP must be the next step for town officials to be able to appropriately evaluate the proposed Project.

Sincerely,



Paula Terrasi, Conservation Agent

CC: TERRA Environmental, Inc.  
159 Haven Street, 2<sup>nd</sup> floor  
Reading, MA 01867

Mr. Mark E. Baldi, Deputy Regional Director  
MassDEP Central Regional Office  
8 New Bond Street  
Worcester, MA 01606

Town of Pepperell  
Board of Selectmen  
One Main Street  
Pepperell, MA 01463

David K. McCay, Esq.  
Mirick O'Connell DeMallie & Lougee, LLP  
1800 West Park Drive, Suite 400  
Westborough, MA 01581