



Soil Reclamation Project Proposal Summary and Timeline

May 29, 2019

Over the past couple of weeks there have been numerous inquiries in regards to where the soil reclamation proposal stands at this point. While the Town of Pepperell has been diligent about keeping the residents up to date we realize that there is a lot of information out there, through the webpage, social media and various other forms, that we would like to summarize however more importantly we want to ensure the residents of Pepperell that the Town's position has not changed.

This proposal was originally brought forth to the Town of Pepperell by MCGI, Inc. in July of 2018 at which point the Town hired legal counsel to guide us through the proposal and to assist us in making educated, well-informed decisions that protect the citizens of Pepperell for both current and future generations. It became clear at the public presentation in August of 2018 where the residents stood in respect to the proposed soil reclamation project and since that time the Town has received, reviewed and shared with the public numerous documents.

A lot of time has passed since the original proposal and the town is mindful of the resident's concerns regarding this proposed project. MCGI believes they can do the soil reclamation they have proposed as of right; the Town disagrees. MCGI has indicated that they wouldn't take the risk of proceeding without an Administrative Consent Order (ACO) and MassDEP will not issue an ACO without the Town of Pepperell's agreement. The Town has made it clear to MassDEP it will not agree. Several Town departments have sent letters of opposition to MassDEP and MCGI.

In October 2018, the Town of Pepperell Building Inspector issued a response to a Board of Selectmen query about the allowed uses on the 161 Nashua Road site. The Inspector advised that a 'Commercial Waste Dump' is not an allowed use anywhere in Pepperell and that based on the information available, the proposed project constituted a Commercial Waste Dump. The proponent of the project disagreed and appealed to the Zoning Board of Appeals (ZBA). The ZBA, is part of our local government, but should, and does, act on its own accord. The ZBA, overturned the Building Inspector advice but was limited in that it turned on MCGI's argument that what they were doing was NOT a commercial waste dump, they didn't disagree with the zoning, just the intended use within the zone. The Town and a group of local abutters have appealed the ZBA decision to the Massachusetts Land Court. The judge assigned to this case has asked for input by late June 22, 2019 on attempts to resolve this matter outside of court. The next formal court date is September 30, 2019.

The Town of Pepperell wants to reassure the public that, as decisions are made, letters received and/or written, we are posting the information on our website. If the developer tries to proceed with this project, the Town has actions it can take to halt the progress.

To reiterate, the Town of Pepperell does not support this Project and we are providing information as it becomes available to us. The Board of Health adopted Fill Importation Regulations in December of 2018. The Board of Selectmen have made their stance clear in public and in two written documents to MassDEP. The Board of Selectmen also continue to provide updates at each of their regularly scheduled meetings.

Below is also a table of the timeline of events and documents that have occurred with this project. The complete documents can be found on the Town of Pepperell webpage:

<https://town.pepperell.ma.us/566/4080/Soil-Reclamation-Proposal>

We thank you for your continued interest in this proposal and assure you we will keep you informed of any and all matters related to this proposal.

Date	Information Updated
7/16/18	<ul style="list-style-type: none"> • Draft Meeting Discussion with MassDEP
7/26/18	<ul style="list-style-type: none"> • Document summarizing MCGI's approach for the reclamation of the 50 acre quarry site • Soil Reclamation Legal Opinion Questionnaire
7/30/18	<ul style="list-style-type: none"> • Department of Environmental Protection – Review of Soil Management Plan
8/7/18	<ul style="list-style-type: none"> • Announcement of Public Presentation on 8/20/18
8/20/18	<ul style="list-style-type: none"> • Public Presentation – Pepperell Senior Center – 7:15PM • Video available on www.pepperellchannel.org
9/18/18	<ul style="list-style-type: none"> • DEP Letter Review of Soil Management Plan • MCGI Soil Management Plan letter to Attorney Main
9/20/18	<ul style="list-style-type: none"> • TERRA memo response to MassDEP Comments
10/1/18	<ul style="list-style-type: none"> • Letter to BOS regarding Non-Binding Resolution
10/2/18	<ul style="list-style-type: none"> • Letter from BOS to Building Department – Zoning Determination Request
10/22/18	<ul style="list-style-type: none"> • Building Inspector's Zoning Determination Letter • Letter to David A. Burton - Zoning Determination Decision • Conservation Commission letter to David A. Burton
11/20/18	<ul style="list-style-type: none"> • Zoning Board of Appeals – Administrative Appeal by MCGI
11/26/18	<ul style="list-style-type: none"> • TERRA Environmental Appeal Documents
12/3/18	<ul style="list-style-type: none"> • Board of Health Letter to BOs & MassDEP
1/9/19	<ul style="list-style-type: none"> • ZBA Public Hearing Announcement
1/28/19	<ul style="list-style-type: none"> • Abbreviated Notice of Resource Area Delineation – Plans and Report
1/30/19	<ul style="list-style-type: none"> • Notice of Decision from ZBA – Administrative Appeal
2/15/19	<ul style="list-style-type: none"> • BOS letter to MassDEP in opposition to the proposal • Appeal to Massachusetts Land Court of ZBA overturning building inspector decision
3/19/19	<ul style="list-style-type: none"> • Revised proposal from MCGI • Email to MassDEP regarding new proposal
4/29/19	<ul style="list-style-type: none"> • BOS Letter to MassDEP in opposition to the revised proposal