

On August 5, 2019 Andrew MacLean, Town Administrator; Margaret Scarsdale, BOS Member; Lisa Davis, Town Planner; and Brynn Montesanti, Assistant to both the Planning Department and the Health Department, met with Bill Scott of Universal Financial Corp. and Phil Peterson of Terra-Environmental. Each of these men are representing MCGI and the proposed soil reclamation project.

The MCGI representatives opened the meeting by relaying their perspective on where things are relative to what has transpired since they last met with Town officials in the fall and winter of 2017-2018. Mr. Peterson acknowledged the ‘headlines’ about soil reclamation and that some operators of comparable facilities were ‘bad’ operators. Both he and Mr. Scott wanted to assure the Town that they represented a reputable company.

Mr. MacLean indicated that the Town’s concerns were in part based on these ‘bad’ operators and that there were no ‘headlines’ of ‘good’ operators. Ms. Scarsdale asked if the Groveland project, which Terra-Environmental is also associated with, had been cited for violations. Mr. Peterson didn’t know of any violations in Groveland. Ms. Scarsdale referred to the MA DEP penalty letter issued to Groveland in March of 2019. Mr. Peterson implied that a 3rd party had created the violation and that they had worked to remedy it. In fact, Mr. Peterson had submitted the cited report to MassDEP without the testing having been conducted. Ms. Davis and Ms. Scarsdale both expressed concerns about the primary LSP being held responsible for the testing the 3rd party failed to conduct.

Mr. MacLean inquired about MCGI’s plans on the future use of the property explaining that ultimately the Town would be in favor of development on the site provided it is seen. MCGI had no definitive future uses. In fact, Mr. Scott asked what the Town would suggest. Mr. MacLean indicated that residential uses and light commercial – indoor athletic facilities, for example – would receive favorable attention from the Town and could perhaps be undertaken on the site, as is. Ms. Montesanti agreed noting that many local residents travel as far away as Bedford, NH for indoor athletic activities.

Mr. Peterson indicated that the site couldn’t be developed ‘as is’. Some fill would be necessary. In January 2019, MCGI’s attorney indicated that the purpose of the fill was to prepare the site for future development. Mr. MacLean then asked how a 100’ hilltop (above Nashua Road) meets the CMR intention of reclaiming land to its original topography and with such a hilltop, what ‘future development’ would be viable? MCGI did not have an answer for this but suggested certain industrial uses would be appropriate on the top of the reclaimed soils.

Ms. Davis asked a question relating to the concerns about truck traffic. Mr. Peterson suggested that they would be willing to do a traffic survey. Mr. MacLean made it clear that we were not in a negotiation over these details. That the meeting was taken on MCGI’s request, to help clear up ‘misinformation’ that existed about the project.

Ms. Scarsdale asked about MassDEP’s rules allowing hazardous materials in heavier concentrations than allowed elsewhere. Specifically, Chromium 6 and lead. Mr. Peterson felt that they would be allowing in soils that may contain materials like that but would be doing so in a safe and verifiable manner. Ms. Scarsdale reminded him of the numerous violations of ACOs that have been occurring at sites throughout the Commonwealth.

Mr. Peterson discussed the Groveland project. Ms. Montesanti asked to verify its size and its future uses. Mr. Peterson indicated it was about 300,000 cubic feet and that future uses were not part of the original approval but were currently being conceived by the owner. Ms. Montesanti remarked that is only 1/10th the size of the Pepperell proposed project. Mr. MacLean asked again about the issue of reclaiming beyond ‘original topography’ to which Mr. Scott replied that their engineers had designed something that was ‘favorable’ in that regard – meaning larger – but with proper sloping, etc. for the project. Mr. MacLean then asked about MCGI’s intentions in regards to the appeal and Mr. Scott replied “I don’t know what will happen after that.”

Mr. MacLean mentioned that alternative uses, like housing, could generate significant sums of profit to a property owner and if that type of development is allowed, the property owner may wish to consider them instead.

After that the meeting concluded.