

November 13, 2020

Tori Kim, Esq., Director
MEPA Executive Office of Energy and Environmental Affairs (EEA)
100 Cambridge Street, Suite 900
Boston, MA 02114

Re: Proposed Shipping Warehouse
100 Industrial Park Road
Hingham, MA

Dear Attorney Kim:

BL Companies requests an Advisory Opinion pursuant to 301 CMR 11.01(6) concerning the proposed redevelopment of an existing industrial property at 100 Industrial Park Road, Hingham, MA. BL Companies is the engineering consultant on this project. Our assessment is that no MEPA filing is required for this project. The redevelopment project does not require any state permits, is not receiving any state funding, and it does not exceed any MEPA review thresholds. However, the project is undergoing local zoning review and the Hingham Planning Board has requested that a formal Advisory Opinion be obtained concerning the applicability of MEPA.

We have included with this request a project description, a project location map, and addressed each of the MEPA review thresholds.

PROJECT NARRATIVE

The subject property is approximately 17.05 acres with two existing easements at the western portion of the property, one consisting of approximately 1.17 acres, the other of approximately 0.25 acres. The parcel is currently developed with two existing buildings, driveways, parking, and some interior wooded areas that have remained undeveloped. There are existing wetlands to the southeast and southwest of the Site, which is currently undeveloped. The proposed redevelopment includes the renovation of a ±149,000 square foot (SF) building on the western portion of the Site with associated modifications to the parking, drainage, and utilities necessary to support modifications for a new tenant. The project also proposes to demolish an existing ±41,203 SF building to the southeast and a ±4,000 SF Building to the northeast for additional parking that is required by the new tenant. For the demolition and site work within the wetlands buffer zone, erosion control measures will be installed between the buildings and the adjacent

wetland resource areas. The purpose of the erosion control is to mark the limit of work and to prevent any sedimentation of the adjacent wetlands.

No permanent impacts are proposed to the existing wetlands located on the subject property. No work is proposed within the FEMA Floodplain Zone A. Proposed impacts to the wetland buffer are due to expansion of existing parking areas, stormwater management and minor grading. These proposed wetland buffer impacts are estimated to be $\pm 73,702$ SF. Within the wetland buffer, the proposed plans include the removal of $\pm 29,864$ SF of impervious surface, which will be planted with new native buffer enhancing plantings. New temporary impacts due to site grading within the wetland buffer will also be planted with buffer enhancement plantings for site restoration. Temporary impacts are limited to construction disturbance around two existing stormwater concrete endwalls, with existing discharges at each wetland. The endwalls are proposed to be repaired or replaced as part of this development. Currently, a new connection to the endwall at the southeasterly wetlands is proposed and the replacement of an endwall in disrepair at the southwesterly wetland is proposed. These temporary impacts will be mitigated to the maximum extent practical and the wetlands will be fully restored upon the completion of work in these areas.

Environmental Impact Assessment

Potential impacts will consist of site regrading, surfacing with pavement, the construction of slopes and minor modifications to the existing storm drainage patterns.

The short-term impacts are primarily associated with construction activities where management of site materials and proper erosion and sedimentation controls will be utilized. This project has been designed to incorporate the appropriate controls and tools to prevent impacts from erosion and sedimentation as recommended by the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas (dated 2003). Proper implementation of these techniques should ensure that any potential construction related impacts are minimized and/or avoided. The project has been designed to minimize potential long-term stormwater related impacts by providing the appropriate design level of water quality treatment to the stormwater associated with the development prior to discharge and to restore the site with native enactment plantings to the maximum extent practical.

REVIEW THRESHOLDS

(1) Land

(a) ENF and Mandatory EIR.

1. Direct alteration of 50 or more acres of land, unless the Project is consistent with an approved conservation farm plan or forest cutting plan or other similar generally accepted agricultural or forestry practices.

Response: Not Applicable

2. Creation of ten or more acres of impervious area.

Response: Not Applicable

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. Direct alteration of 25 or more acres of land, unless the Project is consistent with an approved conservation farm plan or forest cutting plan or other similar generally accepted agricultural or forestry practices.

Response: Not Applicable

2. Creation of five or more acres of impervious area.

Response: No, new impervious area created is less than 2.5 acres.

3. Conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97.

Response: Not Applicable

4. Conversion of land in active agricultural use to nonagricultural use, provided the land includes soils classified as prime, state-important or unique by the United States Department of Agriculture, unless the Project is accessory to active agricultural use or consists solely of one single family dwelling.

Response: Not Applicable

5. Release of an interest in land held for conservation, preservation or agricultural or watershed preservation purposes.

Response: Not Applicable

6. Approval in accordance with M.G.L. c. 121A of a New urban redevelopment project or a fundamental change in an approved urban redevelopment project, provided that the Project consists of 100 or more dwelling units or 50,000 or more sf of non-residential space.

Response: Not Applicable

7. Approval in accordance with M.G.L. c. 121B of a New urban renewal plan or a major modification of an existing urban renewal plan.

Response: Not Applicable

(2) State-listed Species under M.G.L. c. 131A.

- (a) ENF and Mandatory EIR. None.
- (b) ENF and Other MEPA Review if the Secretary So Requires.

1. Alteration of designated significant habitat.

Response: Not Applicable

2. Greater than two acres of disturbance of designated priority habitat, as defined in 321 CMR 10.02, that results in a take of a state-listed endangered or threatened species or species of special concern.

Response: Not Applicable

(3) Wetlands, Waterways and Tidelands

- (a) ENF and Mandatory EIR.

1. Provided that a Permit is required:
 - a. alteration of one or more acres of salt marsh or bordering vegetating wetlands; or
 - b. alteration of ten or more acres of any other wetlands.

Response: Not Applicable

2. Alteration requiring a variance in accordance with the Wetlands Protection Act.

Response: Not Applicable

3. Construction of a New dam.

Response: Not Applicable

4. Structural alteration of an existing dam that causes an Expansion of 20% or any decrease in impoundment Capacity.

Response: Not Applicable

5. Provided that a Chapter 91 License is required, New non-water dependent use or Expansion of an existing non-water dependent structure, provided the use or structure occupies one or more acres of waterways or tidelands.

Response: Not Applicable

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. Provided that a Permit is required:
 - a. alteration of coastal dune, barrier beach or coastal bank;
 - b. alteration of 500 or more linear feet of bank along a fish run or inland bank;
 - c. alteration of 1,000 or more sf of salt marsh or outstanding resource waters;
 - d. alteration of 5,000 or more sf of bordering or isolated vegetated wetlands;
 - e. New fill or structure or Expansion of existing fill or structure, except a pile-supported structure, in a velocity zone or regulatory floodway; or
 - f. alteration of one half or more acres of any other wetlands.

Response: Not Applicable

2. Construction of a New roadway or bridge providing access to a barrier beach or a New utility line providing service to a structure on a barrier beach.

Response: Not Applicable

3. Dredging of 10,000 or more cy of material.

Response: Not applicable

4. Disposal of 10,000 or more cy of dredged material, unless at a designated in-water disposal site.

Response: Not Applicable

5. Provided that a Chapter 91 License is required, New or existing unlicensed non-water dependent use of waterways or tidelands, unless the Project is an overhead utility line, a structure of 1,000 or less sf base area accessory to a single family dwelling, a temporary use in a designated port area, or an existing unlicensed structure in use prior to January 1, 1984.

Response: Not Applicable

6. Construction, reconstruction or Expansion of an existing solid fill structure of 1,000 or more sf base area or of a pile-supported or bottom-anchored structure of 2,000 or more sf base area, except a seasonal, pile-held or bottom-anchored float, provided the structure occupies flowed tidelands or other waterways.

Response: Not Applicable

(4) Water

(a) ENF and Mandatory EIR.

1. New withdrawal or Expansion in withdrawal of:
 - a. 2,500,000 or more gpd from a surface water source; or
 - b. 1,500,000 or more gpd from a groundwater source.

Response: Not Applicable

2. New interbasin transfer of water of 1,000,000 or more gpd or any amount determined significant by the Water Resources Commission.

Response: Not Applicable

3. Construction of one or more New water mains ten or more miles in length.

Response: Not Applicable

4. Provided that the Project is undertaken by an Agency, New water service to a municipality or water district across a municipal boundary through New or existing pipelines, unless a disruption of service emergency is declared in accordance with applicable statutes and regulations.

Response: Not Applicable

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. New withdrawal or Expansion in withdrawal of 100,000 or more gpd from a water source that requires New construction for the withdrawal.

Response: Not Applicable

2. New withdrawal or Expansion in withdrawal of 500,000 or more gpd from a water supply system above the lesser of current system-wide authorized withdrawal volume or three-years' average system-wide actual withdrawal volume.

Response: Not applicable

3. Construction of one or more New water mains five or more miles in length.

Response: Not applicable

4. Construction of a New drinking water treatment plant with a Capacity of 1,000,000 or more gpd.

Response: Not Applicable

5. Expansion of an existing drinking water treatment plant by the greater of 1,000,000 gpd or 10% of existing Capacity.

Response: Not Applicable

6. Alteration requiring a variance in accordance with the Watershed Protection Act, unless the Project consists solely of one single family dwelling.

Response: Not Applicable

7. Non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking water supply for purpose of forest harvesting activities.

Response: Not Applicable

(5) Wastewater

- (a) ENF and Mandatory EIR.

1. Construction of a New wastewater treatment and/or disposal facility with a Capacity of 2,500,000 or more gpd.

Response: No, a new 3,900 gpd septic system is proposed replacing an existing 3,900 gpd activated sludge treatment plant.

2. New interbasin transfer of wastewater of 1,000,000 or more gpd or any amount determined significant by the Water Resource Commission.

Response: Not Applicable

3. Construction of one or more New sewer mains ten or more miles in length.

Response: Not Applicable

4. Provided that the Project is undertaken by an Agency, New sewer service to a municipality or sewer district across a municipal boundary through New or existing pipelines, unless an emergency is declared in accordance with applicable statutes and regulations.

Response: Not Applicable

5. New discharge or Expansion in discharge of any amount of sewage, industrial waste water or untreated stormwater directly to an outstanding resource water.

Response: Not Applicable

6. New Capacity or Expansion in Capacity for storage, treatment, processing, combustion or disposal of 150 or more wet tpd of sewage sludge, sludge ash, grit, screenings, or other sewage sludge residual materials, unless the Project is an Expansion of an existing facility within an area that has already been sited for the proposed use in accordance with M.G.L. c. 21 or M.G.L. c. 83, section 6.

Response: Not Applicable

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. Construction of a New wastewater treatment and/or disposal facility with a Capacity of 100,000 or more gpd.

Response: No, a new 3,900 gpd septic system is proposed replacing an existing 3,900 gpd activated sludge treatment plant.

2. Expansion of an existing wastewater treatment and/or disposal facility by the greater of 100,000 gpd or 10% of existing Capacity.

Response: Not Applicable

3. Construction of one or more New sewer mains:
 - a. that will result in an Expansion in the flow to a wastewater treatment and/or disposal facility by 10% of existing Capacity;
 - b. five or more miles in length; or
 - c. 1/2 or more miles in length, provided the sewer mains are not located in the right of way of existing roadways.

Response: Not Applicable

4. New discharge or Expansion in discharge:
 - a. to a sewer system of 100,000 or more gpd of sewage, industrial waste water or untreated stormwater;
 - b. to a surface water of:
 - i. 100,000 or more gpd of sewage;
 - ii. 20,000 or more gpd of industrial waste water; or
 - iii. any amount of sewage, industrial waste water or untreated stormwater requiring a variance from applicable water quality regulations; or
 - c. to groundwater of:
 - i. 10,000 or more gpd of sewage within an area, zone or district established, delineated or identified as necessary or appropriate to protect a public drinking water supply, an area established to protect a nitrogen sensitive embayment, an area within 200 feet of a

tributary to a public surface drinking water supply, or an area within 400 feet of a public surface drinking water supply;

- ii. 50,000 or more gpd of sewage within any other area;
- iii. 20,000 or more gpd of industrial waste water; or
- iv. any amount of sewage, industrial waste water or untreated stormwater requiring approval by the Department of Environmental Protection of a variance from Title 5 of the State Environmental Code for New construction.

Response: Not Applicable

- 5. New Capacity or Expansion in Capacity for:
 - a. combustion or disposal of any amount of sewage sludge, sludge ash, grit, screenings, or other sewage sludge residual materials; or
 - b. storage, treatment, or processing of 50 or more wet tpd of sewage sludge or sewage sludge residual materials.

Response: Not Applicable

(6) Transportation

(a) ENF and Mandatory EIR.

- 1. Unless the Project consists solely of an internal or on-site roadway or is located entirely on the site of a non-roadway Project:
 - a. construction of a New roadway two or more miles in length; or
 - b. widening of an existing roadway by one or more travel lanes for two or more miles.

Response: Not Applicable

- 2. New interchange on a completed limited access highway.

Response: Not Applicable

- 3. Construction of a New airport.

Response: Not Applicable

- 4. Construction of a New runway or terminal at an existing airport.

Response: Not Applicable

- 5. Construction of a New rail or rapid transit line along a New, unused or abandoned right-of-way for transportation of passengers or freight (not including sidings, spurs or other lines not leading to an ultimate destination).

Response: Not Applicable

6. Generation of 3,000 or more New ADT on roadways providing access to a single location.

Response: No, redevelopment will generate approximately 1,204 average daily trips. The Site is an existing warehouse which was operational within the last three years. Based upon ITE Trip Generation Manual, 10th Edition the existing Site would have generated approximately 346 daily trips. Therefore, the anticipated new ADT generated by the redevelopment of the Site would be 858 trips.

7. Construction of 1,000 or more New parking spaces at a single location.

Response: No, redevelopment of the Site will increase parking from 321 to 453 (an additional 132 parking spaces).

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. Unless the Project consists solely of an internal or on-site roadway or is located entirely on the site of a non-roadway Project:
 - a. construction of a New roadway one-quarter or more miles in length; or
 - b. widening of an existing roadway by four or more feet for one-half or more miles.

Response: Not Applicable

2. Construction, widening or maintenance of a roadway or its right-of-way that will:
 - a. alter the bank or terrain located ten more feet from the existing roadway for one-half or more miles, unless necessary to install a structure or equipment;
 - b. cut five or more living public shade trees of 14 or more inches in diameter at breast height; or
 - c. eliminate 300 or more feet of stone wall.

Response: Not Applicable

3. Expansion of an existing runway at an airport.

Response: Not Applicable

4. Construction of a New taxiway at an airport.

Response: Not Applicable

5. Expansion of an existing taxiway at Logan Airport.

Response: Not Applicable

6. Expansion of an existing terminal at Logan Airport by 100,000 or more sf.

Response: Not Applicable

7. Expansion of an existing terminal at any other airport by 25,000 or more sf.

Response: Not Applicable

8. Construction of New or Expansion of existing air cargo buildings at an airport by 100,000 or more sf.

Response: Not Applicable

9. Conversion of a military airport to a non-military airport.

Response: Not Applicable

10. Construction of a New rail or rapid transit line for transportation of passengers or freight.

Response: Not Applicable

11. Discontinuation of passenger or freight service along a rail or rapid transit line.

Response: Not Applicable

12. Abandonment of a substantially intact rail or rapid transit right-of-way.

Response: Not Applicable

13. Generation of 2,000 or more New ADT on roadways providing access to a single location.

Response: No, redevelopment will generate approximately 1,204 average daily trips. The Site is an existing warehouse which was operational within the last three years. Based upon ITE Trip Generation Manual, 10th Edition, the existing Site would have generated approximately 346 daily trips. Therefore, the anticipated new ADT generated by the redevelopment of the Site would be 858 trips.

14. Generation of 1,000 or more New ADT on roadways providing access to a single location and construction of 150 or more New parking spaces at a single location.

Response: No, redevelopment will generate approximately 858 new average daily trips and the redevelopment will construct 132 new parking spaces.

15. Construction of 300 or more New parking spaces at a single location.

Response: No, redevelopment of the Site will increase parking from 321 to 453 (an additional 132 spaces).

(7) Energy

(a) ENF and Mandatory EIR.

1. Construction of a New electric generating facility with a Capacity of 100 or more MW.

Response: Not Applicable

2. Expansion of an existing electric generating facility by 100 or more MW.

Response: Not Applicable

3. Construction of a New fuel pipeline ten or more miles in length.

Response: Not Applicable

4. Construction of electric transmission lines with a Capacity of 230 or more kv, provided the transmission lines are five or more miles in length along New, unused or abandoned right of way.

Response: Not Applicable

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. Construction of a New electric generating facility with a Capacity of 25 or more MW.

Response: Not Applicable

2. Expansion of an existing electric generating facility by 25 or more MW.

Response: Not Applicable

3. Construction of a New fuel pipeline five or more miles in length.

Response: Not Applicable

4. Construction of electric transmission lines with a Capacity of 69 or more kv, provided the transmission lines are one or more miles in length along New, unused or abandoned right of way.

Response: Not Applicable

(8) Air

(a) ENF and Mandatory EIR.

1. Construction of a New Stationary Source with federal potential emissions, after construction and the imposition of required controls, of: 250 tpy of any criteria air pollutant; 40 tpy of any HAP; 100 tpy of any combination of HAPs; or 100,000 tpy of GHGs based on CO₂ Equivalent.

Response: Not Applicable

2. Modification of an existing Stationary Source with federal potential emissions that collectively will result, after construction and the imposition of required controls, of 75,000 tpy of GHGs based on CO₂ Equivalent.

Response: Not Applicable

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. Construction of a New Stationary Source with federal potential emissions, after construction and the imposition of required controls, of: 100 tpy of PM₁₀, PM_{2.5}, CO, lead or SO₂; 50 tpy of VOC or NO_x; 10 tpy of any HAP; or 25 tpy of any combination of HAPs.

Response: Not Applicable

2. Modification of an existing Stationary Source resulting in a "significant net increase" in actual emissions, provided that the stationary source or facility is major for the pollutant. For purposes of this threshold, a "significant net increase" in actual emissions shall mean an increase in emissions of: 15 tpy of PM₁₀; 10 tpy of PM_{2.5}; 100 tpy of CO; 40 tpy of SO₂; 25 tpy of VOC or NO_x; 0.6 tpy of lead.

Response: Not Applicable

(9) Solid and Hazardous Waste

(a) ENF and Mandatory EIR. New Capacity or Expansion in Capacity of 150 or more tpd for storage, treatment, processing, combustion or disposal of solid waste, unless the Project is a transfer station, is an Expansion of an existing facility within a validly site assigned area for the proposed use, or is exempt from site assignment requirements.

(b) ENF and Other MEPA Review if the Secretary So Requires.

1. New Capacity or Expansion in Capacity for combustion or disposal of any quantity of solid waste, or storage, treatment or processing of 50 or more tpd of solid waste, unless the Project is exempt from site assignment requirements.

Response: Not Applicable

2. Provided that a Permit is required in accordance with M.G.L. c. 21D, New Capacity or Expansion in Capacity for the storage, recycling, treatment or disposal of hazardous waste.

Response: Not Applicable

(10) Historical and Archaeological Resources

(a) ENF and Mandatory EIR. None.

(b) ENF and Other MEPA Review if the Secretary So Requires. Unless the Project is subject to a Determination of No Adverse Effect by the Massachusetts Historical Commission or is consistent with a Memorandum of Agreement with the Massachusetts Historical Commission that has been the subject of public notice and comment:

1. demolition of all or any exterior part of any Historic Structure listed in or located in any Historic District listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth; or
2. destruction of all or any part of any Archaeological Site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth.

Response: Not Applicable

(11) Areas of Critical and Environmental Concern

(a) ENF and Mandatory EIR. None.

(b) ENF and Other MEPA Review if the Secretary So Requires. Any Project within a designated ACEC, unless the Project consists solely of one single family dwelling.

Response: Not Applicable

(12) Regulations

(a) ENF and Mandatory EIR. None.

(b) ENF and Other MEPA Review if the Secretary So Requires. Promulgation of New or revised regulations, of which a primary purpose is protecting against Damage to the Environment, that significantly reduce:

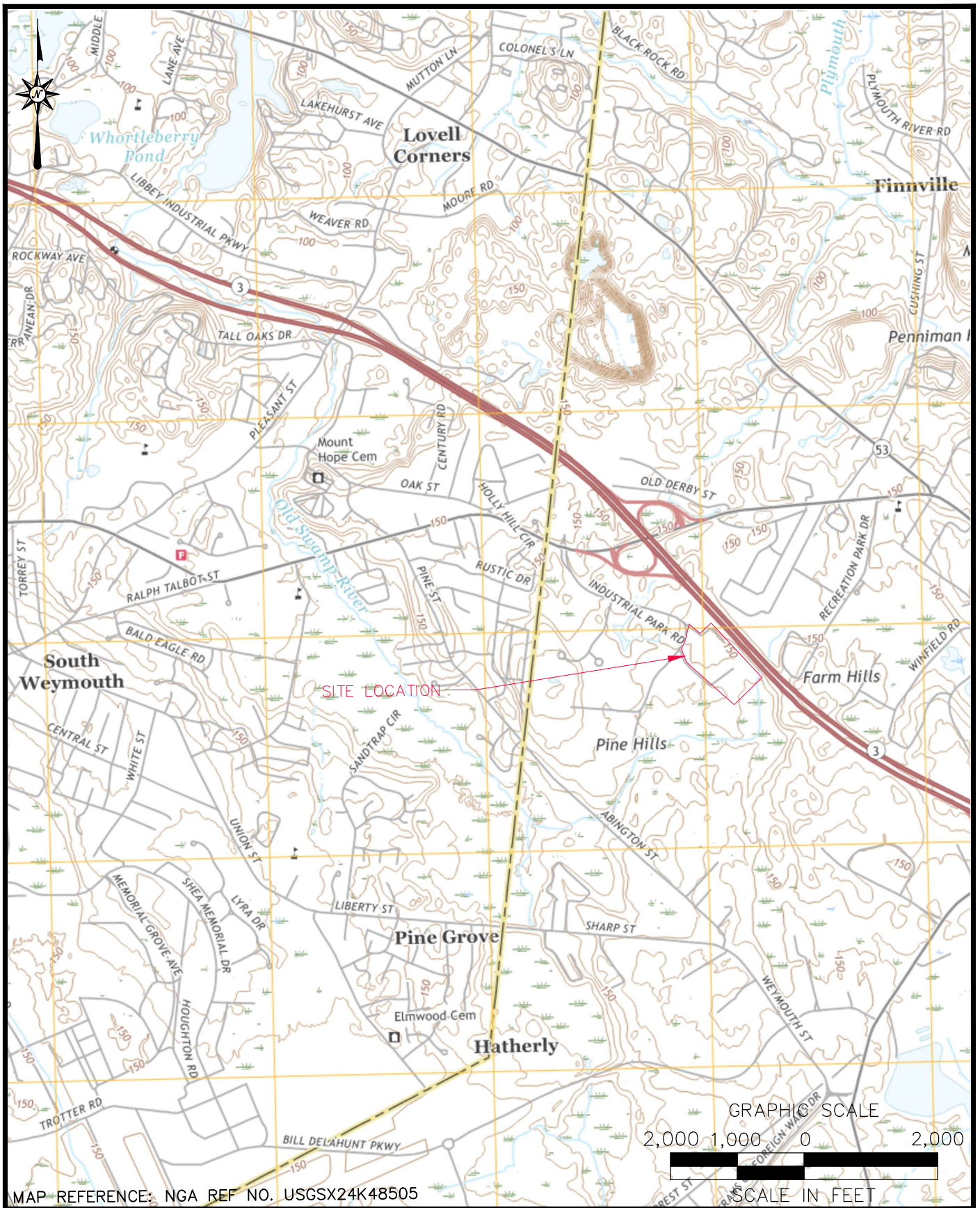
1. standards for environmental protection;
2. opportunities for public participation in permitting or other review processes; or
3. public access to information generated or provided in accordance with the regulations.

Response: Not Applicable

Sincerely,

A handwritten signature in blue ink, appearing to read 'KH', written over a faint circular watermark.

Kevin Hixson
Senior Project Manager



ARCHITECTURE
ENGINEERING
ENVIRONMENTAL
LAND SURVEYING

LOCATION MAP

100 INDUSTRIAL PARK ROAD
HINGHAM, MASSACHUSETTS

Designed	A.T.K.
Drawn	A.T.K.
Reviewed	
Scale	1" = 2,000'
Project No.	1901517
Date	11/13/20
CAD File	EXH190151701 - LOCUS

EXH-1