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February 4, 2021

By E-mail

Kevin Hixson, Senior Project Manager  
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Re: Proposed Shipping Warehouse, 100 Industrial Park Road, Hingham, MA

Dear Mr. Hixson:

I write in response to your letter of November 13, 2020, in which you requested an advisory opinion in relation to the above project on behalf of the landowner JEB Group, LLC (“JEB”). You have confirmed that the proposed tenant for this redevelopment project is Amazon. Your request necessitated consultation with the Massachusetts Department of Transportation (MassDOT) Public/Private Development Unit (PPDU), which provided input on December 8, 2020 and January 28, 2021. You also provided supplemental information, including a response to a November 25, 2020 letter from an abutter, on December 14, 2020 and January 13, 2021.

Your letter seeks a determination that no review is required under the Massachusetts Environmental Policy Act (MEPA) and its implementing regulations for this project.

Project Description

As described in your November 13 letter, the project site consists of 7.05 acres with two existing easements at the western portion of the property. The parcel is currently developed with two existing buildings, driveways, parking, and some interior wooded areas that have remained undeveloped. There are undeveloped wetlands to the southeast and southwest of the site.

The project proposes redevelopment of this site to accommodate a “last-mile distribution” and fulfillment center for Amazon. The project includes renovation of an approximately 149,000 square foot (sf) building on the western portion of the site with associated modifications to parking, drainage, and utilities necessary to support modifications for the new tenant. The project also proposes to demolish an approximately 41,203 sf building to the southeast and a 4,000 sf building to the northeast for additional parking.

Your November 13 letter indicates that the project does not meet or exceed any of the review thresholds set forth in MEPA regulations at 301 CMR 11.03. In particular, you state that the project will not exceed traffic-related thresholds at 301 CMR 11.03(6)(a)(6)-(7) and (6)(b)(13)-(15) because it will generate below-threshold traffic levels and parking spaces. You indicate that wetland impacts are limited to buffer zones regulated by local permitting, and that these impacts will be mitigated through erosion controls and other best management practices during the construction period. Finally, you state that the project proposes to construct a new 3,900 gallon per day (gpd) septic system to replace an existing 3,900 gpd activated sludge treatment plant, but that this would not exceed MEPA review thresholds for wastewater.

### Determination

Under MEPA regulations at 301 CMR 11.00, MEPA review is required when a project requires an Agency Action (including a Permit, Land Transfer, or Financial Assistance) and meets or exceeds one or more MEPA review thresholds. As an initial matter, your November 13 letter incorrectly states that the project “does not require any state permits.” According to information provided by an abutter, a traffic study conducted by the Proponent resulted in a recommendation to make improvements to traffic signals along Derby Street. An email dated November 13, 2020 from MassDOT District 5 confirms that “[a]ny adjustments to the signal system, including adjusting signal timings, would trigger a State Highway Access Permit.”

While the project appears to require an Agency Action, you assert that project impacts would not exceed thresholds. Supplemental information provided on January 13, 2021 indicates that the project is not relying on standard Institute of Transportation Engineers (ITE) land use codes (LUC), but rather has provided empirical data to MassDOT and the Town based on similar Amazon operations at other facilities. Your January 13 letter asserts that these data “are more accurate than ITE LUC estimates that include different businesses with different methods of operation, some of which are not applicable to Amazon.” Based on these data, you state that total trip generation for the project would equal 1,200 adt, which falls under the 3,000 adt threshold for projects required to file an environmental notification form (ENF) and mandatory environmental impact report (EIR), and the 2,000 adt threshold for ENF projects.

Comments from MassDOT/PPDU confirm general agreement with this approach, but note that any potential mitigation would likely need to be determined based on monitoring traffic conditions following site occupancy. Therefore, the Proponent is encouraged to agree to a monitoring program to document post-occupancy traffic conditions and to implement mitigation as needed. To the extent the Proponent is required to revise its trip generation methodology based on ongoing consultation with MassDOT, it should consult with the MEPA Office to determine if review thresholds would be exceeded based on trip generation.

As for parking, you provided documentation, including existing conditions plans stamped by a Professional Land Surveyor as of December 1989 and January 2008 which you assert show the presence of 331 and 324 parking spaces, respectively, on the site. However, the January 2008 site plan (Attachment 11 to your January 13 letter) indicates that “there are currently no striped parking spaces” in an area that contained 176 parking spaces in 1989. No information has been submitted to indicate that these spaces are currently in use, and aerial photos show that this area has not been maintained and appears to be a storage area for trucks and other materials. While lack of striping may not be dispositive of the number of available spaces, the area was originally intended for 176 spaces and it appears clear that these spaces are not currently in use.

You indicate that 145 vehicle parking spaces now exist in other portions of the site, in addition to three additional handicapped spaces, for a total of 148 spaces. Given Amazon’s plans to use 453 parking spaces for its operations, the project therefore appears to be proposing 305 New parking spaces.<sup>1</sup> This would trigger the ENF threshold under 301 CMR 11.03(6)(b)15: “Construction of 300 or more New parking spaces at a single location.”<sup>2</sup>

\* \* \* \* \*

Based on the foregoing, I find that this project as currently proposed requires MEPA review based on the addition of 300 or more New parking spaces. To the extent the trip generation methodology is refined with input from MassDOT, the thresholds based on adt should also be consulted.

Very truly yours,

/s/ Tori T. Kim

Tori T. Kim  
Assistant Secretary

cc: Lionel Lucien, MassDOT/PPDU

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<sup>1</sup> Your letter references 321 existing parking spaces, which does not appear to include the three handicapped spaces. If this number were used, net New parking would be 308 spaces after discounting the 176 spaces no longer in use.

<sup>2</sup> The threshold under 301 CMR 11.03(6)(b)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* does not appear to be implicated based on a deduction of 346 adt for existing uses. This number was calculated based on LUC-150 for warehouse use, and appears to be a conservative measure of existing trips. After deducting 346 adt, the project would add 858 New adt, which is under the threshold.