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CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME	: Lakeville Hospital Redevelopment
PROJECT MUNICIPALITY	: Lakeville
PROJECT WATERSHED	: Taunton River
EEA NUMBER	: 16298
PROJECT PROPONENT	: Rhino Capital Advisors, LLC
DATE NOTICED IN MONITOR	: November 23, 2020

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c. 30, ss. 61-62I) and Sections 11.06 and 11.11 of the MEPA Regulations (301 CMR 11.00), I have reviewed the Expanded Environmental Notification Form (EENF) and hereby determine that this project **requires** the submission of an Environmental Impact Report (EIR). The Proponent requested that I allow a Single EIR to be submitted in lieu of the usual two-stage Draft and Final EIR process pursuant to Section 11.06(8) of the MEPA regulations. I hereby grant the request to file a Single EIR, which the Proponent should submit in accordance with the Scope included in this Certificate.

Project Description

As described in the EENF, the project consists of the redevelopment of the Lakeville State Hospital site which will include demolition of remnant hospital facilities and construction of a 402,500 sf warehouse facility including ancillary office space and 130 loading docks, although the exact nature of the use is not known as a tenant has not been identified according to the Proponent. Approximately 403 surface parking spaces (and an additional 161 banked spaces) and 130 surface trailer storage spaces will be constructed.

Project Site and Procedural History

The approximately 49.4-acre project site is located at 43 Main Street in Lakeville. The project site is bounded by Route 79 (Rhode Island Road) and residential land to the north, commercial land to the south, Route 105 (Main Street) to the east, and residential land to the west. Under existing conditions, the site is developed with seven existing buildings, totaling 407,653 square feet, of varying heights ranging from 1 to 8 stories, a solid waste disposal area (SWDA), parking areas, and site driveways, which together constitute the former Lakeville State Hospital. The former Lakeville State Hospital was closed in 1992 and has subsequently remained vacant and generally abandoned over the last three decades. Access to the existing project site is currently provided via two driveways along Route 105 and one driveway via Route 79.

The project site is partially located within two local underlying zoning districts: (1) the Business District; and (2) the Residential District. However, the project site is located within three local overlay districts: (1) the Mixed-Use Development District; (2) the Development Opportunities District; and (3) the Water Resource Protection District. The Proponent has petitioned for a Special Permit with the Town of Lakeville Planning Board to permit the project within the Development Opportunities District. Warehouses and wholesale distribution centers are uses permitted by Special Permit within the Development Opportunities District. The Planning Board may adopt regulations relative to densities of land use, the bulk and height of structures, yard sizes, lot areas, setbacks, open spaces, parking, use of signs and other dimensional criteria for development within the Development Opportunities District. On October 10, 2012, the project site was designated a Priority Development Site under the Chapter 43D Expedited Local Permitting program.

The project site was previously the subject of a different project that underwent MEPA review (EEA# 13063, Lakeville State Hospital Redevelopment). A Certificate on the Final Environmental Impact Report (FEIR) was issued on December 16, 2005 for an approximately 317,000 sf mixed-used development including the demolition of the hospital and clean-up of the site, as well as construction of retail and restaurant uses, age restricted residential uses and office uses. However, construction did not move forward. The project was proposed on an approximately 73-acre site which was subsequently subdivided into several mixed use lots including the 49.4-acre project site for this project. As described by the Proponent, this project has no current or former connection to any of the remaining 23.6 acres of land, which were previously subdivided and are now under different ownership.¹

Jurisdiction and Permitting

The project is subject to MEPA review and the preparation of a mandatory EIR pursuant to 301 CMR 11.03(1)(a)(2) because it requires a State Agency Action and will create greater than 10 acres of new impervious area. The project also exceeds the following ENF thresholds: 301 CMR 11.03 (1)(b)(1) direct alteration of 25 or more acres of land; and 11.03(6)(b)(15) construction of 300 or more new parking spaces at a single location. The project requires a Vehicular Access Permit from MassDOT and a 401 Water Quality Certificate from the Massachusetts Department of Environmental Protection (MassDEP). The Proponent has

¹Information provided to the MEPA Office via e-mail on 1/15/21.

indicated that they are exploring State Financial Assistance opportunities; however, no specific opportunities have been identified. The project is subject to MEPA's Greenhouse Gas (GHG) Policy and Protocol (GHG Policy).

The project may require review by the Massachusetts Historic Commission (MHC) under M.G.L. c. 9, Section 26-27C and/or Section 106 of the National Historic Preservation Act of 1966. The project requires an Order of Conditions from the Lakeville Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. It will require a National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit from the United States Environmental Protection Agency (EPA). The project will require a General Permit from the Army Corp of Engineers (ACOE).

Because the Proponent may receive State Financial Assistance, MEPA jurisdiction is broad and extends to all aspects of the project that may cause Damage to the Environment as defined in the MEPA regulations.

Environmental Impacts and Mitigation

Potential environmental impacts include alteration of 39.5 acres of land (37.8 acres previously disturbed), creation of approximately 14.4 acres of new impervious area (23.2 acres total on site); temporary alteration of 510 sf of Bordering Vegetated Wetland (BVW); generation of 682 average daily trips (adt); construction of 394 new parking spaces (564 total); approximately 6,045 gallons per day (gpd) of water use; generation of approximately 6,045 gpd of wastewater; and greenhouse gas (GHG) emissions associated with on-site energy use and transportation.

Measures to avoid, minimize and mitigate these impacts include implementation of a Transportation Demand Management (TDM) plan to reduce single-occupancy vehicles (SOV) trips, installation of electric vehicle (EV) charging stations and installation of a stormwater management system consistent with the stormwater management standards (SMS) of the Wetlands Regulations (310 CMR 10.00). The project will incorporate mitigation measures to reduce the projects GHG emissions and improve the resiliency of the project in light of Climate Change.

Request for Single EIR

The MEPA regulations indicate a Single EIR may be allowed provided I find that the EENF:

- a) describes and analyzes all aspects of the project and all feasible alternatives, regardless of any jurisdictional or other limitation that may apply to the Scope;
- b) provides a detailed baseline in relation to which potential environmental impacts and mitigation measures can be assessed; and,
- c) demonstrates that the planning and design of the project use all feasible means to avoid potential environmental impacts.

Consistent with this request, the EENF was subject to an extended comment period under 301 CMR 11.05(7).

Review of the EENF

The EENF described existing site conditions, provided a project description and plans, and a Transportation Impact Assessment (TIA), and compared environmental impacts of the Preferred Alternative to alternative designs. It identified the project's impacts on land, transportation, water demand and wastewater generation, wetlands, water quality and historic resources. The EENF provided a GHG analysis and described mitigation measures. Comments from the neighboring Town of Middleborough identify concerns over the accuracy of analysis of transportation impacts associated with the project, in light of the Proponent's assertion that a specific land use/tenant has not yet been identified for the site. Comments from the Southeastern Regional Economic Development District (SRPEDD) identify additional considerations for the traffic analysis that should be considered in the Single EIR. I also received comment letters from abutters identifying concerns with the scale of the project as well as potential noise pollution that may impact the surrounding community.

Alternatives Analysis

The EENF included an alternatives analysis which considered a No-Build Alternative, 2005 Development Alternative, and the Preferred Alternative as described above. The No-Build Alternative would leave the site in its previously disturbed state including seven vacant buildings (totaling approximately 407,653 sf), 170 parking spaces and an abandoned solid waste disposal area. The No-Build Alternative would not realize the benefits of the redevelopment of the site which include the clean-up of the solid waste dump and the asbestos in the buildings, increased tax revenue and creation of new jobs; therefore, this alternative was dismissed.

The 2005 Development Alternative was a mixed-use development proposed by a different proponent in 2005 (the subject of EEA #13063). As noted, the project completed the MEPA review process and local permitting, but the project was never built. The 2005 Development Alternative would have consisted of an approximately 317,000 sf mixed-use redevelopment, including 191,200 sf of retail space, 6,000 sf of restaurant space, 100 units of age-qualified housing and 120,000 sf of office space on an approximately 73-acre site. The 2005 Development Alternative was anticipated to result in 2.6 acres of new land alteration, 8.2 acres of new impervious cover; impacts to 185 sf of BVW; generation of 10,275 adt; construction of 1,447 parking spaces and increase in water use and waste water generation of 45,000 gpd. As described in the EENF, the 2005 Development Alternative would have less overall building square footage, but would be significantly more impactful from a traffic, water, and wastewater perspective as compared to the Preferred Alternative. However, this alternative involved, a significantly larger site associated with the 2005 Development Alternative (which was considered prior to the subdivisions described above).

While the Preferred Alternative is shown to have lesser impacts than the 2005 Development Alternative, the latter does not appear to be a viable alternative since it was a development concept proposed by a different proponent for a much larger site. Because the land

was subsequently subdivided and sold to multiple owners, this Proponent currently lacks the site control needed to pursue the 2005 Development Alternative, even if it were deemed to have benefits over the Preferred Alternative. The Single EIR should provide an expanded alternatives analysis as indicated in the Scope. The Preferred Alternative provides an opportunity to clean up the site including abandoned buildings and the solid waste disposal area and provide tax benefits to the Town of Lakeville.

Land Alteration and Stormwater

The EENF indicates that the project will alter approximately 39.5 acres of land, the vast majority of which constitutes previously disturbed land. The project will create 14.4 acres of new impervious area for a total of 23.2 acres on-site. As described in the EENF, the project will remove invasive vegetation throughout the site and incorporate native vegetative species in all proposed pervious areas, including in landscape islands and around the perimeter of the site. The project includes construction of a berm which is intended to buffer the project site from abutters. The project involves grading to flatten the site which will involve moving soil from the higher elevations near the front half of the site, where the existing buildings sit, towards the rear half of the site. The finished floor elevation of the proposed building will be at elevation 110 ft NAVD88. Along both of the long sides of the building, the grade will be set at elevation 106 ft NAVD88 to allow for 4-foot tall, recessed loading docks. Grading is provided around the limits of the project site to tie proposed grades back into existing grades.

The project includes installation of a new stormwater management system that will fully comply with MassDEP's Stormwater Management Standards for a new development. Stormwater runoff from the impervious portions of the site will be collected within the proposed closed pipe drainage system via deep-sump hooded catch basins and routed through one of the five proposed stormwater management BMPs prior to discharge to one of nine existing discharge points. The five stormwater BMPs proposed for the project include two vegetated surface infiltration basins, one subsurface infiltration basin, one vegetated surface gravel wetland, and one proprietary hydrodynamic separator. Because the project is located within an area of rapid infiltration, discharges to an Outstanding Resource Water (ORW), and is considered a land use with higher potential pollutant loads (LUHPPL), the proposed stormwater management system has been designed to treat a one inch Water Quality Volume and provide 44 percent Total Suspended Solids (TSS) pretreatment prior to infiltration. Stormwater runoff from pervious areas at the perimeter of the site may discharge directly to the discharge points and not route through the above described stormwater management system.

The proposed stormwater management system will result in post-development peak runoff rates that are below pre-development peak runoff rates for the 2-year, 10-year, and 100-year 24-hour design storm events. The project includes three new infiltration basins and one new gravel wetland to detain stormwater runoff to mitigate the increase in impervious area compared to existing conditions. The rainfall-runoff response of the site under existing and proposed conditions was evaluated for storm events with recurrence intervals of 2, 10, and 100-years. Rainfall distributions used for this analysis were based on the Natural Resources Conservation Service (NRCS) Type III, 24-hour storm and NOAA Atlas 14 precipitation depths for the site: 3.4, 5.0, and 7.6 inches, respectively. Runoff coefficients for the pre- and post-development

conditions were determined using NRCS Technical Release 55 (TR-55) methodology as provided in HydroCAD. While NCASC data provides ranges of projected increases for the annual rainfall due to climate change, it does not provide projections for design storm events (i.e. 2-year, 10-year, 100-year). As described in the EENF, to estimate future rainfall depths, current rainfall depths were multiplied by the projected percentage increases in annual rainfall for the 2030s, 2050s, 2070s, and 2090s. There are four stormwater basins proposed as part of the project: two surface infiltration basins, one subsurface chamber infiltration basin, and one surface gravel wetland. All four stormwater basins have been designed with sufficient additional storage capacity that they do not exceed the projected capacity during the 2070 100-year design storm, after taking into account the estimated effect of climate change as described above. Furthermore, the closed drainage piping system has been sized to convey the 2070 10-year design storm, after incorporating the corresponding percent increase in annual rainfall due to climate change.

The cumulative volume of stormwater recharged by the proposed surface infiltration basins significantly exceeds the required recharge volume, resulting in an increase of the annual recharge of stormwater to the underlying aquifer, above the existing conditions. Due to the industrial nature of the Project and the outdoor fleet storage, the project is classified as a LUHPPL. Accordingly, BMPs appropriate for accepting stormwater runoff from LUHPPLs have been selected to support the Project, including deep-sump hooded catch basins, infiltration basins, gravel wetlands, and proprietary hydrodynamic separators.

Wetlands

The EENF described the wetland resource areas on the site, identified potential impacts to resource areas, and provided a brief description. The project will impact 103,700 sf of the 100-ft buffer zone to wetlands and 510 sf of BVW. Impacts to the 100-ft buffer zone are associated with the installation of erosion controls, construction of new pavement, construction of stormwater infiltration basins, solid waste removal and landscaping. Impacts to BVW are associated with the cleanup of the SWDA. There is a certified vernal pool (CVP) associated with this wetland system. Vernal Pools are designated Class B ORWs. Therefore, all wetlands bordering Class B ORWs are designated as ORWs. Any dredging or filling of an ORW requires a 401 Water Quality Certification from MassDEP pursuant to 314 CMR 4.00. The Lakeville Conservation Commission will review the project for its consistency with the Wetlands Regulations (310 CMR 14.00). MassDEP will review the project for its consistency with the Water Quality Regulations (314 MR 9.00).

Traffic and Transportation

The project requires a Vehicular Access Permit from MassDOT because it abuts and would be accessed from Route 105, a state highway. Access is proposed via two driveways from Route 105, one at Lori Lane, and another further east. As described in MassDOT's comment letter, the Proponent submitted a request for a Transportation Scoping Letter (TSL) for the project in September 2020. In October 2020, MassDOT issued a scoping letter for the preparation of a Transportation Impact Assessment (TIA). The EENF includes a TIA prepared in general conformance with the current MassDOT/EOEEA *TIA Guidelines*. The TIA includes trip generation estimates calculated using the Institute of Transportation Engineers (ITE)'s *Trip*

Generation Manual (10th Edition). The trip generation was calculated based on ITE trip rates for Land Use Code 150 – Warehousing. Accordingly, the site is expected to generate 682 daily weekday vehicle trips, with 74 vehicle trips during the weekday morning peak hour, and 77 vehicle trips during the weekday evening peak hour. The TIA details the share of trips projected to be truck trips. Truck trips make up 242 trips (35 percent) of the daily trip generation, 8 trips (11 percent) of the weekday morning peak hour trip generation, and 12 trips (16 percent) of the weekday evening peak hour trip generation. The TIA presents U.S. Census commute mode share data showing that 93 percent of people who commute to Lakeville drive to work. Based on this data, no mode split was applied to the project trip generation for the traffic operations analysis. As noted in the Scope, additional analysis should be provided to justify the use of LUC 150 for the project.

Traffic Operations

The TIA analyzed existing and proposed transportation facilities, roadway conditions and traffic operations within a transportation study area comprising the following six intersections which are all under MassDOT jurisdiction:

- South Main Street (Route 105) at I-495 North Ramps (signalized, Middleborough)
- South Main Street (route 105) at I-495 South Ramps (signalized, Middleborough)
- Main Street (Route 105) at Route 79/Commercial Drive (signalized, Lakeville)
- Main Street (Route 105) at Bridge Street (unsignalized, Lakeville)
- Main Street (Route 105) at Lori Lane/Site Driveway (unsignalized, Lakeville)
- Main Street (Route 105) at Clear Pond Road/Vaughan Street (unsignalized, Lakeville)

The TIA provided a comprehensive analysis of study area intersections for the 2020 existing, 2027 No Build, and 2027 Build conditions. The existing volumes are based on 2017, 2019, and 2020 counts adjusted to 2019, to stand in for 2020 conditions. Counts were collected in 2020 at the study intersections to obtain volumes at intersections for which no historic count data was available and to inform adjustment factors. As indicated in its comment letter, MassDOT will require monitoring after the project is built to determine whether the assumptions for the baseline volumes are reasonable.

The 2027 No Build analysis uses an annual growth rate of 0.55 percent and incorporates background projects and roadway improvements, in both Middleborough and Lakeville. The 0.55 percent growth rate is based on the Central Transportation Planning Staff (CTPS) travel demand model. Comments from the SRPEDD note that the Proponent did not consult with them to determine background traffic growth and alternatively recommend a background growth rate of one percent. The TIA identifies three roadway improvement projects planned in the vicinity of the project site. The first is the relocation of the Middleborough/Lakeville Station further north and the associated reconfiguration of Route 105 at the I-495 northbound ramps. Secondly, the 2027 conditions analysis includes a proposed traffic signal at the intersection of Route 105 at Bridge Street, with no associated changes to the lane geometry because the future configuration is not yet finalized. The results of the operations analysis indicate that none of the study intersections would degrade in overall LOS between the 2027 No Build and Build scenarios.

Road Safety

The EENF summarizes crash data for the continuous five-year period of 2013 through 2017 at all study area intersections and compares crash rates with MassDOT District 5 averages. Two of the six study area intersections experience crash rates above the MassDOT District 5 averages: Route 105 at Clear Pond Rd/Vaughan St and Route 105 at Route 79/Commercial Drive. As described in MassDOT's comment letter, although no comparison was made to statewide averages, the statewide averages are typically higher than or equal to the District 5 averages and therefore such a comparison would not reveal any new intersections. None of the study intersections were identified as potential Highway Safety Improvement Program (HSIP)-eligible clusters.

Parking

The Proponent plans to construct 403 parking spaces and up to 130 spaces for tractor trailer storage. In addition, to reduce impervious surfaces and remain flexible to the needs of potential tenants, the Proponent plans to landbank up to 161 vehicle parking spaces for a total of 564 vehicle parking spaces. Comments from MassDOT note that the project is estimated to generate 440 daily passenger vehicle trips (excluding truck trips), with 220 trips entering and 220 trips exiting daily. Therefore, the passenger vehicle parking provision (403 spaces) is almost double the estimated daily passenger trips to the site (220 trips). Additional information to support the parking needs should be provided in the Single EIR.

Multimodal Access and Facilities

As described in the EENF, there are no dedicated on-street or off-street bicycle facilities near the project site. Sidewalks are provided on both sides of Route 105. There is an uncontrolled crosswalk across Route 105 north of Bridge Street, between the two project driveways. The Proponent should consider providing pedestrian pathways between the project site and this crosswalk.

The Middleborough/Lakeville Massachusetts Bay Transportation Authority (MBTA) rail station is located a half mile northeast of the project site, on Commercial Drive. This station is served by the Middleborough/Lakeville Line which provides access to Boston's South Station. The MBTA plans to relocate this station further north, situating it three-quarters of a mile from the project site. In addition, the Greater Attleboro Taunton Regional Transit Authority (GATRA) provides peak-period bus service between the Middleborough/Lakeville MBTA station and Main Street in Buzzard's Bay.

Transportation Demand Management

To reduce site trip generation, the TIA includes a TDM program. The TDM program should implement measures aimed at minimizing single occupancy vehicle (SOV) trip generation. The Proponent details the following TDM measures in the EENF with the goal of reducing vehicle trips by employees of the project:

- Dissemination of information on non-auto modes of transportation;
- Provision of transportation marketing and education materials;
- Hosting an annual mobility management educational meeting for employees;
- Distribution of transit maps and passes;
- Potential provision of subsidized transit passes;
- Allow employees to use pre-tax dollars to purchase transit passes;
- Provision of bicycle racks;
- Provision of covered bicycle storage, changing rooms, and showers;
- Assistance with employee ride matching;
- Provision of sponsored vanpools and subsidized expenses; and
- Provision of preferred parking for low-emitting fuel-efficient vehicles and/or electric vehicle charging stations.

MassDOT encourages the Proponent to more strongly commit to some of the potential TDM measures as mitigation measures in the Single EIR. Additional measures that should be considered include:

- Provision of a central commuter information center, including transit maps, schedules, and route information for people walking and bicycling;
- Provision of preferred parking for carpool and vanpool in locations convenient to users; and
- Provision of direct deposit.

Transportation Monitoring Program

As described in MassDOT's comment letter, the Proponent will be required to conduct an annual traffic monitoring program for a period of five years, beginning six months after occupancy of the project. At a minimum, the monitoring program should include:

- Simultaneous automatic traffic recorder (ATR) counts at the site driveway for a continuous 24-hour period on a typical weekday;
- Weekday AM and PM turning movement counts (TMCs) and capacity analyses at selected intersections; and
- Travel survey of employees at the site.

The goals of the monitoring program would be to evaluate the assumptions made in the TIA and the adequacy of the mitigation measures, as well as to determine the effectiveness of the TDM program. If capacity analysis reveals traffic issues, particularly issues not identified in the TIA, the Proponent should work with the Town of Lakeville and appropriate MassDOT districts to identify suitable mitigation measures. As indicated in the Scope, to the extent unanticipated traffic impacts may result from material changes made to the project prior to the taking of Agency Actions, including the selection of a new land use or tenant that differs from the disclosures made through this review, an NPC filing may be warranted.

Solid Waste and Hazardous Materials

Three state-listed disposal sites are located on-site and an additional offsite disposal site was identified within 500 ft of the project site. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan (MCP 310 CMR 40.00). The Release Tracking Numbers (RTNs) for the on-site areas are: 4-0011931, 4-11935 & 4-6008. The RTN for the off-site area is 4-1835. None of the on-site disposal sites have achieved regulatory closure through the implementation of an Activity and Use Limitation. An additional nearby disposal site was identified on the southeastern abutting property; however, based on the regional groundwater flow and lack of groundwater impacts at the disposal site, it is considered unlikely to impact environmental conditions on-site. The documented releases associated with RTNs 4-6008 and 4-11935 have achieved regulatory closure and do not require additional assessment or remediation. The solid waste disposal area (SWDA) associated with RTN 4-11931 is under the jurisdiction of the MassDEP Bureau of Solid Waste as described below.

There is an existing, unlined SWDA at the northern end of the Site. The SWDA is approximately 1.12-acres and contains an estimated 11,000 cubic yards of solid waste material. Solid waste disposed of in the SWDA includes incinerator ash, bulky waste (appliances), clothing/rags, construction and demolition debris, and other solid waste materials generated from the Lakeville State Hospital from the 1950s through 1974. The Proponent intends to seek a transfer of the permit from MassDEP. The Project will include the removal of the SWDA in accordance with the permit. Following the successful removal of the SWDA, this area would no longer be classified as a landfill and there would be no additional regulatory obligations.

As described in the EENF, asbestos-containing materials and other hazardous building materials such as lead based paint have been identified in buildings and remnants of buildings located on-site. During building demolition associated with the Project, this material will be properly abated and removed from the site in accordance with applicable state and federal regulations. I refer the Proponent to the extensive guidance provided in MassDEP's comment letter on asbestos abatement requirements and solid waste management.

Water and Wastewater

The project does not exceed water or wastewater thresholds. The project is anticipated to increase water demand by 6,045 gpd. There are two existing 16 inch water mains within Main Street (Route 105). The westerly 16 inch water main is serviced by the City of Taunton Department of Public Works (DPW) Water Division. The easterly 16 inch water main is serviced by the Town of Middleborough Water Department. The Project will be serviced by the westerly 16 inch water main. Drinking water will be supplied by the City of Taunton Department of Public Works Water Division which is derived from six surface water sources and two wells. The surface water sources are: Assawompset, Pocksha, Great Quittacas, Little Quittacas, Long (which are five hydrologically interconnected ponds collectively known as the Assawompset Pond Complex), and Elders Pond. All six reservoirs are located in parts of Freetown, Lakeville, Middleborough, and Rochester, Massachusetts. Raw water from these ponds is treated at the Charles J. Rocheleau Water Filtration Plant located in Lakeville. The Proponent will petition to

the Town of Lakeville Board of Selectmen for water service to support the Project. The Town of Lakeville will then petition to the City of Taunton regarding allocation of the specified water demand to support the Project. The Proponent will work directly with the City of Taunton DPW Water Division during the construction phase of the Project to coordinate water service construction permits and installation of the proposed water infrastructure. A new water main is proposed to loop the site around the entirety of the building and connect into the existing 16 inch water main in Main Street at the two curb cuts proposed for the Project. New fire hydrants are proposed throughout the site, as well as domestic and fire protection service to the proposed warehouse building.

The project is anticipated to generate 6,045 gpd of wastewater. An on-site septic system is proposed to support sanitary sewer disposal for the Project. An application for Disposal System Construction Permit has been submitted to the Town of Lakeville Board of Health for review and approval of the proposed septic system. Sanitary sewage will flow from the proposed warehouse building by gravity to a 19,000-gallon septic tank. From the septic tank, sanitary sewage will flow to a 5,000- gallon dosing tank where it will then be pressurized by duplex pumps. The pumps in the dosing tank will feed the force mains and pressure dose the two proposed leach fields on an alternating basis.

Climate Change

Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569) issued on September 16, 2016. EO 569 recognizes the serious threat presented by climate change and directs state agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet greenhouse gas emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change. I note that the MEPA statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

The GHG Policy and requirements to analyze the effects of climate change through EIR review is an important part of this statewide strategy. These analyses advance proponents' understanding of a project's contribution and vulnerability to climate change. I strongly encourage the Proponent to consider complementary approaches, such as incorporation of renewables and inclusion of low impact development (LID) in site design, which can improve the project's resiliency, reduce GHG emissions and conserve and sustainably employ the natural resources of the Commonwealth.

Greenhouse Gas (GHG) Emissions

The EENF included a GHG analysis based on the MEPA GHG Policy. The Policy requires projects to quantify carbon dioxide (CO₂) emissions and identify measures to avoid, minimize or mitigate such emissions. The analysis quantified the direct and indirect CO₂ emissions associated with the project's energy use (stationary sources), transportation-related

emissions (mobile sources) and lost carbon and sequestration potential due to the project's extensive land alteration. The EENF outlined and committed to mitigation measures to reduce GHG emissions.

Stationary Source GHG Emissions

The stationary source GHG analysis evaluated CO₂ emissions for two alternatives as required by the Policy: a Base Case and the Mitigation Alternative. The Project's building is semi-heated warehouse with no space cooling (382,375 sf) with fully conditioned ancillary office space (approximately 20,125 sf). The Base Case was designed to meet the 9th Edition of the Massachusetts Building Code that includes ASHRAE 90.1-2013-Appendix G plus Massachusetts Amendments. Additionally, the Base Case adopts Section C406.1 energy conservation measures including C402.1.5 (envelope), C405.3 and C405.4 (lighting), C405.10 (EV charging), and C406 (three additional efficiency measures). The Mitigation Alternative was designed to include reduced lighting power density and more efficient heating, ventilation, and air conditioning (HVAC) systems.

The GHG analysis used eQuest v.3.65 modeling software to quantify emissions from the project's stationary sources. The EENF provided separate model results for the warehouse and office use. The project's overall stationary source CO₂ emissions were estimated at 567 tons per year (tpy) in the Base Case. According to the EENF, the mitigation measures included in the Preferred Case will reduce GHG emissions to 488 tpy, a reduction of 79 tpy (13.9 percent). Comments from the Department of Energy Resources indicate that the project's emissions reductions are closer to 4.5 percent when accounting for measures that are already required under the Stretch Code. DOER indicates that the project could eliminate onsite emissions and be fossil fuel free if the project incorporated efficient electric space and water heating and PV installation on 25 percent of the rooftop.

Building Envelope

As described in DOER's comment letter, the project does not include any improvement to roof insulation beyond what is required by the building code. Additionally, wall insulation appears to be lower than prescriptive code and window insulation will be higher than code resulting in a net vertical insulation improvement of 2 percent above code requirements. Comments from DOER recommend that the Proponent analyze scenarios with both above code vertical envelope and rooftop envelope. The improvement should maximize continuous insulation and target at least a 15% improvement above code. This analysis should be provided in the Single EIR.

Efficient Electrification

Electrification of space and water heating is a key mitigation strategy with significant short- and long-term implications on GHG emissions. Massachusetts grid emissions rates continue to decline with the implementation of clean energy policies that increase renewable electricity sources. Therefore, efficient electric space and water heating with cold climate air source heat pump and variable refrigerant flow (VRF) equipment have lower emissions than other fossil-fuel based heating options, including efficient condensing natural gas equipment.

The project analyzed an efficient electrification alternative using ASHPs for space and water heating.

As currently proposed, main warehouse space heating will use 92% efficient natural gas packaged rooftop units while the attached office will use electric air source heat pumps. As described in the EENF, several design consultants and equipment representatives have been contacted to provide a heat pump selection appropriate for a warehouse. To date, none have been able to provide a potential heat pump for this application. However, the Proponent is still working to identify system vendors who are willing to provide specifications and costs for a heat pump heating system for the warehouse. The Proponent expects to have this information available for a more detailed electrification analysis in the Single EIR. As described in DOER's comment letter, the emissions reduction and potential operating cost reduction make this innovative approach worthwhile to consider further. DOER has been in communications with suppliers who may be able to deliver packaged rooftop heat pump units that may be utilized on a warehouse building. Additionally, ground source-to-water or air-to-water heat pumps may be viable. DOER recommends that the project continue to analyze a heat pump alternative for the warehouse use.

The project as currently proposed is using electric resistance water heaters. As described in DOER's comment letter, readily available ASHP water heating is likely more than twice as efficient than the currently proposed electric resistance and yield cost and GHG savings.

Rooftop Solar PV

The expansive roof area of the proposed warehouse offers an opportunity for significant renewable energy generation. The project as currently proposed will set aside 95% of the rooftop to be solar ready; however, no solar PV system is proposed at this time. As described in the EENF, early coordination with the municipal lighting plant (MLP) has indicated that the utility is not able to commit to purchasing the renewable energy generated by the project. The utility has indicated that the local grid system is not well suited to accept energy from the project's solar array and that the MLP does not allow for net metering.

Mobile Source GHG Emissions

The EENF analyzed the project's mobile-source CO₂ emissions using the EPA's MOVES2014 emissions model and data from the traffic study. The MOVES2014 model calculates emissions factors for vehicles expressed in a volume per distance travelled. Total emissions of vehicles are estimated by applying Vehicle Miles Travelled (VMT) data to vehicles in the study area and emissions from idling vehicles. The analysis identified emissions for three scenarios including the 2027 No-Build, the 2027 Build without mitigation and the 2027 Build with mitigation. Under the 2027 Build without mitigation scenario, emissions associated with the project are calculated to be 151 tpy. Under the 2027 Build with mitigation scenario, emissions are estimated at 148 tpy representing a reduction of 3 tpy or approximately 2 percent. The Build with mitigation scenario reduces emissions through implementation of the TDM program as outlined above.

Electric Vehicles

Currently, the Proponent is proposing to install 20 electric vehicle charging spaces. The Proponent will also install more charging stations should coordination with the identified end user indicate there will be additional demand beyond the above commitment.

Adaptation and Resiliency

The EENF included a discussion on how the Project may be affected by, and will prepare for, potential effects associated with climate change, including flooding, temperature changes, and increased frequency and intensity of extreme weather events. Lakeville is a participant in the Municipal Vulnerability Program (MVP). As described in the EENF, by the end of the century, the average temperature in the Taunton Basin is expected to rise by between 3.4- and 10.5-degrees Fahrenheit (°F); the number of days with temperatures over 90°F will increase by 12 to 69 days; and average annual precipitation is expected to increase by 0.4 to 7.3 inches, including more precipitation in the winter and more dry days in the summer. While the project site is vulnerable to extreme temperature, it is not especially vulnerable to flooding to its elevation and topography. According to FEMA's Flood Insurance Rate Maps (FIRMs) the project site is located outside of any flood zones. Although Lakeville's MVP report identifies flooding as a primary concern, it is generally limited to shoreline/waterfront areas. The report also identifies drought and fire as priority hazards to be mitigated because of the increased risk of wildfire due to forest health impacts from drought, as well as invasive insects and other forest stressors that have resulted in more tree death and consequently more fodder for forest fires. Drought is also a major concern when it comes to fire suppression, as hydrants are relatively limited in town, and droughts can further reduce local capacity to respond to fire. The project proposes to incorporate the following design measures to increase the resiliency of the project:

- designing the stormwater management to handle future design storm events including the four stormwater basins which will handle the 2070 100-yr storm event and closed drainage system which will handle the 2070 10-yr storm event;
- reducing impervious coverage to the maximum extent practicable;
- adding landscaping to improve stormwater management and reduce temperatures, and
- installing a white roof and light-colored pavement to reduce heat-absorbing surfaces;
- Constructing landscaped islands in the parking lot fronting Main Street to provide shade and reduce heat island effect;
- Installing landscaping with native species around the edges of the development to provide shade and stormwater management; and
- Constructing 60-foot-wide concrete pads, rather than dark-colored asphalt, along the entire long edges at the loading docks to reduce the area of heat-absorbing surfaces.

As described in the EENF, the Proponent is analyzing which systems and procedures could potentially add resilience during periods of peak demand when the electricity grid is experiencing high levels of stress, in the case of power loss during storms, or during other emergency situations. Backup generators will be installed on the site. The Single EIR should continue to explore ways to reduce impervious area and incorporate additional resiliency measures.

Cultural Resources

The EENF included correspondence from the MHC from 2003 which indicates that the previous developments proposed on the site included the demolition of all the remnant Lakeville State Hospital Buildings. The letter indicates that the buildings do not meet the criteria of eligibility for listing in the State or National Registers of Historic Places.

Conclusion

Based on review of the EENF and consultation with State Agencies, I am granting the request to file a Single EIR. The Proponent should submit a Single EIR that provides updated project information and analyses as specified in the Scope below. If the Single EIR fails to adequately respond to the Scope included in this Certificate, additional review in the form of a Supplemental Single EIR may be required.

SCOPE

General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content, as supplemented by this Scope. It should include a detailed description of the proposed project and describe any changes to the project since the filing of the EENF. The Single EIR should include updated plans to reflect any modifications to the project design. If necessary, it should provide a revised description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The Single EIR should include a list of required State permits, Financial Assistance, or other State approvals and provide an update on the status of each of these pending actions. The Single EIR should provide an update on any newly obtained Financial Assistance or anticipated Financial Assistance that the project may receive. A focus of the Single EIR should be on clearly documenting that the project will undertake all feasible measures to avoid, minimize and mitigate Damage to the Environment to the maximum extent practicable. It should articulate and describe in detail mitigation commitments.

Project Description and Permitting

The Single EIR should include a detailed description of the project and describe any changes to the project since the filing of the EENF. The Single EIR should include updated site plans for existing and proposed conditions. As noted above, several comments raise concerns that an end-use has not been identified for the proposed warehouse. The Single EIR should describe how the project is being marketed and provide additional details on market conditions and potential uses and tenants which would support the trip generation assumptions made for the TIA.

The Single EIR should provide a summary, of floor area by use, and overall height (i.e., stories). Conceptual plans should be provided at a legible scale and clearly identify: all major

project components (existing and proposed buildings, access roads, etc.); impervious areas; ownership of parcels including easement areas; pedestrian and bicycle accommodations, stormwater, and utility infrastructure; and the location of wetland resource areas. Conceptual plans should be provided for on-site work as well as off-site work (e.g., transportation improvements, utility infrastructure). The Single EIR should identify and describe local review and permitting requirements. The Single EIR should describe any Financial Assistance that the project may seeking so that Draft Section 61 Findings can be provided in the Single EIR. The Single EIR should identify noise mitigation measures that will be incorporated into the project.

Alternatives

The Single EIR should include an expanded alternatives analysis which identifies alternative layouts and/or configurations for the Preferred Alternative which would further reduce land alteration, impervious area, wetland impacts. The 2005 Build Alternative identified in the EENF was based on a 73-acre build out area and not a 49.7-acre project site. The Single EIR should provide an updated alternative with a mixed-use build out for the proposed development area size.

Land Alteration

The Single EIR should provide an update on the total amount of alteration associated with the proposed project including areas to be altered for buildings, roadways, wastewater, water and stormwater infrastructure, landscaping, and other project components in a tabular format. The Single EIR should clarify the location, type and amount of alteration including the type of vegetation that will be cleared (i.e. mature trees, scrub shrub, etc.). The Single EIR should include site plans that clearly locate and delineate areas proposed for development and those to be left undisturbed. It should provide a comprehensive evaluation of all measures to reduce the amount of land alteration and conversion of impervious areas to pervious materials, including: reductions in building program, roadway widths and parking areas; use of pervious pavement for roadways and/or sidewalks; land banking of parking until warranted by demand; and supplemental landscaping or tree planting to mitigate impacts associated with clearing. The Single EIR should identify open space that will remain undisturbed and/or restored upon completion of construction.

Wetlands

The Single EIR should include an update on wetlands permitting and identify any changes to impacts that have occurred since the EENF was filed. The Single EIR should reiterate sediment and erosion control measures identified in the EENF.

Transportation

The Single EIR should include an updated TIA which reflects any changes to the project since the EENF and is responsive to MassDOT's comment letter. I hereby incorporate MassDOT's comment letter dated January 15, 2021. As described in MassDOT's comment letter, the EENF presents a comparison of the ITE trip generation rates for a warehouse facility,

with empirical trip generation rates based on the Campanelli Business Park in Middleborough. This comparison revealed that the daily empirical rates are somewhat higher than ITE rates, though the peak hour empirical rates are very similar to ITE rates. The Single EIR should include more detailed information about the appropriateness of the selected LUC, including an explanation of why the empirical data does not support the use of a different LUC. It should also model a 2027 Build scenario using an assumption of one percent background growth. I refer the Proponent to comments from SRPEDD which identify additional considerations for the TIA. As noted above, the 2027 conditions operations analysis includes a proposed traffic signal at the intersection of Route 105 at Bridge Street. The Single EIR should confirm who is responsible for this installation and whether funding is available. If there is no responsible part and/or funding, the TIA should be revised to reflect this.

The proposed project includes the provision of 403 parking spaces and an additional 161 banked spaces for a total of 564 vehicle parking spaces and 130 tractor trailer spaces. The Single EIR should include a detailed justification of the parking provision for the project. The justification should include a comparison between the number of proposed spaces and other sites as well as the estimated parking demand based on ITE's *Parking Generation Manual* (5th Edition). The ITE *Parking Generation Manual* generally provides a reasonable basis for comparison to parking requirements under local zoning. The Single EIR should reconcile the parking supply with the proposed trip generation by either reducing the proposed parking supply or reconsidering the trip generation assumed for the project. To the extent future design changes are made to the project prior to the taking of Agency Actions, including a selection of land use or tenant that differs materially from the disclosures made in the Single EIR or that results in an increase in estimated trip generation numbers, further review may be required in the form of an NPC.

The EENF indicates that there is an existing driveway onto Route 79. The Single EIR should clarify the location of the existing driveway onto Route 79 and whether this driveway will be closed with the development of the project. The Proponent should consult with the MassDOT Highway Division and the Town of Lakeville to determine if safety improvements are necessary at the two locations where intersections experience crash rates above the MassDOT District 5 averages. If safety improvements are necessary, the Single EIR should identify the improvements.

Cultural Resources

The Single EIR should confirm with MHC that the comment letter included in the EENF from 2003 is still valid and that the proposed project is unlikely to affect historic or archaeological resources.

GHG Analysis

The Single EIR should include a revised GHG analysis which reflects any changes to the project since the EENF was submitted. It should respond to recommendations outlined in DOER's comment letter. Specifically, the Single EIR should include additional analysis and consideration of ASHPs for heating the warehouse component of the project; ASHP for water

heating; and additional information on PV feasibility. If recommendations are dismissed, the Single EIR should provide the Proponents' rationale. The Single EIR should demonstrate that the project has accurately evaluated efficient electrification to reduce fossil fuel use and maximized solar PV systems and solar PV readiness in order to reduce the project's GHG emissions. If the project does move forward with a rooftop PV system, the emission reductions should be incorporated into the project's overall emission reduction commitment. The Single EIR should make a firm and substantial commitment to construction of EV charging stations, and should clarify whether and to what extent discounted parking will be made available for low-emission vehicles. The Single EIR should demonstrate that the project has analyzed and incorporated the following measures to the maximum extent practicable:

- Quality envelope with framed, insulated walls, continuous insulation, low air infiltration, and no thermal bridging;
- Avoiding glass curtain wall assemblies, spandrels, and excessive windows;
- Electrification of space and water heating with air source heat pumps
- Maximized rooftop PV readiness and installed PV;
- LED lighting and integrated lighting controls.

Adaptation and Resiliency

The Single EIR should continue to analyze ways to improve the resiliency of the project to climate change including measures to reduce heat island effect such as incorporating more landscaping and reducing paved surfaces. Due to the project's significant creation of impervious cover, the Single EIR should provide analysis demonstrating that the project has sought to maximize use of LID stormwater management measures. The Single EIR should provide an update on the Proponent's effort to identify which systems and procedures could potentially add resilience during periods of peak demand when the electricity grid is experiencing high levels of stress. The Single EIR should clarify assumptions regarding the useful life of the project and whether the 2070 rainfall projections are appropriate for stormwater system sizing in light of the projected useful life.²

Construction Period

The Single EIR should describe all measures to be implemented to mitigate construction impacts, including but not limited to, sedimentation and erosion, noise, air quality and dust. The Proponent should review MassDEP's comment letter, which identified applicable regulations and standards for dust, odor and noise control and the handling, disposal and recycling of construction and demolition (C&D) debris and other solid waste. The Single EIR should specify construction-period truck routes.

Mitigation and Section 61 Findings

² The useful life is defined as the estimated number of years an asset will be in use before needing reinvestment to continue performing its normal function(s). The anticipated useful life assumes regular and adequate maintenance is implemented. This differs from the design life (or service life), which is typically shorter.

The Single EIR should include a separate chapter that summarizes measures to avoid, minimize and mitigate environmental impacts. This chapter should include any mitigation measures committed to in the EENF document. The Single EIR should include draft Section 61 Findings for all State Agency Actions required. The proposed Section 61 Findings should specify in detail all measures the Proponent will take to avoid, minimize and mitigate environmental impacts to the maximum extent practicable. The draft Section 61 Findings should clearly identify parties responsible for funding and implementation, and the anticipated implementation schedule that will ensure mitigation is implemented when appropriate in relation to environmental impacts.

Mitigation commitment should confirm that the Proponent will provide a GHG self-certification document to the MEPA Office that is signed by an appropriate professional (e.g., engineer, architect, transportation planner, general contractor) and indicates that all of the required mitigation measures, or their equivalent, have been completed for the project. The certification should include a running tally of the progress in achieving the Proponent's GHG mitigation commitments. The certification must be supported by plans that clearly illustrate what type of GHG mitigation measures have been incorporated into the project. For those measures that are operational in nature, the Proponent will provide an updated plan identifying the measures, the schedule for implementation, and a description of how progress towards achieving the measures will be obtained.

Responses to Comments

The Single EIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the Single EIR should include direct responses to comments to the extent that they are within MEPA jurisdiction. This directive is not intended, and shall not be construed, to enlarge the scope of the Single EIR beyond what has been expressly identified in this certificate.

Circulation

The Proponent should circulate the Single EIR to those parties who commented on the EENF to any State and municipal agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. The Proponent may circulate copies of the Single EIR to commenters other than State Agencies in a digital format (e.g., CD-ROM, USB drive) or post to an online website. However, the Proponent should make available a reasonable number of hard copies to accommodate those without convenient access to a computer to be distributed upon request on a first come, first served basis. The Proponent should send a letter accompanying the digital copy or identifying the web address of the online version of the Single EIR indicating that hard copies are available upon request, noting relevant comment deadlines, and appropriate addresses for submission of comments. The Single EIR submitted to the MEPA office should include a digital copy of the complete document. A

copy of the Single EIR should be made available for review in the local Lakeville and Middleborough Public Libraries.³

K. Theoharides

January 22, 2021

Date

Kathleen A. Theoharides

Comments received:

01/07/2021 Richard Scott
 01/07/2021 Janet Scott
 01/08/2021 Massachusetts Department of Environmental Protection (MassDEP) Southeast Regional Office (SERO)
 01/14/2021 Middleborough Planning Board
 01/14/2021 Middleborough Conservation Commission
 01/14/2021 Richard and Janet Scott
 01/15/2021 Massachusetts Department of Transportation (MassDOT)
 01/15/2021 Southeast Regional Planning and Economic Development District (SRPEDD)
 01/22/2021 Massachusetts Department of Energy Resources (DOER)

KAT/EFF/eff

³ Requirements for hard copy distribution or mailings will be suspended during the Commonwealth's COVID-19 response, to the extent public facilities remain closed. Please consult the MEPA website for further details on interim procedures during this emergency period: <https://www.mass.gov/orgs/massachusetts-environmental-policy-act-office>.

Date: January 4, 2021

To: Erin Flaherty - MEPA Project Manager
Executive Office of Energy and Environmental Affairs (MEPA) Office

From: Janet L. Scott - Resident of Rush Pond Road, Lakeville, MA

Subject: Comments on MEPA report for Rhino Capital Advisors LLC project

MEPA Notification

I don't feel that the Rhino Capital Advisors LLC is trying to make information available to abutters or residents. We had to contact the **Massachusetts Environment Protection Agency** office to find out when the MEPA report would be available. The public notice of the report's availability was only published in the Taunton Gazette. The Middleboro Gazette is the local newspaper where we typically see Lakeville legal notices posted. It is also the newspaper from the town closest to the site location. They did not post a notice in a second newspaper. This lack of public notice caused time constraints that limited the opportunity for town residents to read and comment.

Cover letter

Comments made about the size of the building imply the size of the new building will only take up as much property as the existing buildings. That is an enormous misrepresentation as to the visual effect of an industrial warehouse and more importantly to the negative environmental impacts it will have on the property and thereby the neighboring community.

Environmental Notification Form

On this form the only review thresholds considered were:

11.03 1 (a) (2) Creation of 10 or more impervious acres

11.03 6 (b) (15) 300 parking locations in a single location

The number of impervious acres impacted in this project is almost 3 times the amount of covered surface in the existing site. This seems an excessive increase for an area that sits over a major drinking water aquifer which is a protected water area (ORW). Most abutters to this project use well water. The new residential construction on the hospital property has now added septic systems for 16 homes. This Rhino Capital project will add a **wastewater generation treatment plant** processing more than 6000 gallons per day.

This seems likely to impact the quality of the water that the abutters to this project depend on. Anecdotal information from neighbors has indicated that water quality has already been affected by changes to the roadway and buildings in the wider area.

The National Development project, for the Hospital property, that was accepted by the town, and advocated for by the abutters at the town meeting, planned to tie into the Middleboro sewer system. This should be considered by the proponent and reviewed by **Massachusetts Department of Environmental Protection**. This would be an enhancement for the town's infrastructure, more protective of the abutter's water systems and of the general environment.

We must focus on protecting the aquifers, because damage to this sensitive receptor (aquifer) by the huge land coverage and the added septic systems could cause irreversible consequences for the majority of the Lakeville abutter's drinking water wells!

Important Environmental Pollution Not Covered in ENF Form

No sound pollution was mentioned in the ENF. Nuisance noise or excessive sound pollution that could be damaging to abutters quality of life, was not mentioned or considered. Some sound controls that are required by most up-to-date studies and zoning laws consider recurring noise, above specified decibels, as damaging enough, to human hearing and mental health, to be mitigated for most industrial sites especially at this close range.

This issue is usually seen as unimportant once a facility is up and running. Issues such as back-up alarms and large trucks braking (stopping suddenly), roof top refrigeration units and refrigerated trucks can cause excessive noise, especially when many units are involved. With 682 vehicle trips daily, there will be more than one vehicle running at a time, and the accompanying noises should be addressed and mitigated. Our concern is who will be responsible for addressing the stresses and negative impacts that the undesirable noises cause for abutters.

General Project Information

In this section the MEPA required the proponent to **"summarize the direct and indirect impacts) in terms of their magnitude, geographic extent, duration and frequency, and reversibility, as applicable. It should also discuss the infrastructure requirements of the project and the capacity of the municipal and/or regional infrastructure to sustain these requirements into the future."**

Roadways

Since the Rhino Capital project is anticipating either a warehouse, distribution center or a fulfillment center, it expects many trucks to be traveling in and out of its facility onto route 105 everyday. Depending on any type of facility they end up creating, we can expect many huge tractor trailer trucks, weighing between 18 to 40 tons traveling there each day. This increased truck traffic, aside from the obvious safety issues, will no doubt stress the integrity of the roads due to the heavy wear from greatly increased heavy truck traffic.

Which organization will be responsible for the maintenance of the roadway along route 105 where the Rhino Capital Warehouse traffic travels? How much will it cost our town of Lakeville to keep the roadway in reasonable condition if we end up being responsible for repair and resurfacing of the nearby roadway?

It took more than 36 years for Rush Pond Road to be repaired long after it had reached top of the list for repair due to its extreme deterioration. Lakeville is a small town and state funds to make major road repairs are not easily accessible. How would the Rhino Capital warehouse facility approach this possible problem?

Anti-Idling and Oxidation Emissions

Who will carry out the surveillance for and resolution of improper idling practices (causing unacceptable oxidation emissions) from trucks waiting to dock or park at the facility? How will abutters get resolution of this kind of problem if the proper practices are not being carried out? Unfortunately this kind of issue usually gets overlooked due to the assumption that it is only affecting a few unfortunate abutters and nothing is done to correct it because it causes great expense for the abutter or the town to get it considered, let alone corrected.

Compatibility of adjacent land uses

The proponent claims that this project is consistent with the infrastructure goals of the Town as laid out in the Lakeville 2030 Plan. They imply that they will be engaging in “commercial development in order to maintain the small town character of the residential areas **elsewhere** in the Town.” First it needs to be clearly stated that they are not

providing a plan for commercial development. Rhino Capital's plan is for a large scale **Industrial site** operating 24 hours a day.

It may sound noble to say that the project will help to **maintain the small town character of the residential areas elsewhere in the town**. What about our residential areas directly surrounding the site. The Rhino Industrial warehouse, with its 564 parking spaces and its projected 682 trips of cars and heavy tractor trailers per day, will be plunked down in the middle of 127 home sites. Some of those homes will only be 100 feet, or less, away from the parking lots and driveways intended for heavy truck traffic.

This project needs to get a Special Permit (Development Opportunities District) from the Planning Board in order to build an industrial site on the hospital property. According to Lakeville town by-laws (7.9.1) "a special permit with safeguards and conditions to prevent detrimental effects and impact upon neighboring properties, natural resources and upon the town of Lakeville as a whole."

The Lakeville by-laws go on to list **General Prohibitions** to avoid damage or nuisance conditions to surrounding areas. By-law(6.2) states "Any use permitted by right or Special Permit in any district shall not be conducted in a manner as to emit any dangerous, **noxious, injurious**, or otherwise objectionable fire, explosion, radioactive or other hazard; **noise or vibration, smoke, dust, odor**, or other form of **environmental pollution**; electrical or other disturbance; **glare, liquid** or solid, refuse or wastes; conditions conducive to the breeding of insects, rodents, or other substance, conditions, or element in an amount as to affect adversely the surrounding environment."

Industrial sites, especially those that need to operate and park heavy tractor trailer vehicles as part of their business plan, are going to create many of the nuisance conditions mentioned in the by-law. These additional conditions just add to the list of our concerns about traffic safety, protection of our drinking water and physical effects from unavoidable, recurring noises due to increased nearby truck traffic that will negatively impact our homes and our lives.

This Industrial site will be built in the most densely populated part of Lakeville, juxtaposed along some of the busiest traffic roadways our town has to deal with. Almost 40% of the town's residents will have to deal with its noise and traffic on a daily basis.

An LRRG blogger wrote, "In most towns the development of Main Street is done in such a way as to bring value to its residents. It's a place in town to go to that serves a purpose to its residents; a town center atmosphere, usually some combination of 4.

commercial and cultural that generates commerce and enhances quality of life. An area that encourages activity not discourages it.

Not with this project! Our most valuable land resource, in this area of Lakeville, will be used for a 24/6 warehouse and trucking operation! This will provide no value for anyone; you won't go there for anything...on the contrary, it will be a place to stay away from. “

The 105 corridor that passes along the Rhino warehouse site will not convey a welcoming small town character. The effects of the traffic alone would discourage potential customers from visiting the very businesses Lakeville hopes to establish there.

Town leaders need to remember this. They have the responsibility and an opportunity to make sure that Lakeville keeps going in the right direction. Do not make an irreversible decision that will create a huge mistake for our town. A plan that includes a mixed use of commercial property and age-restricted residences, as the town voted for many years ago, still seems to be the best course of action for the good of the overall community.

I appreciate your attention to my concerns and will anxiously await your response. Please confirm receipt of my comments.

Sincerely,

Janet L. Scott
(pickles33@aol.com)

To: Distribution List

From Richard D. Scott

Subject: Expanded Environmental Notification Form

Thank you for the opportunity to comment on the Expanded Environmental Notification Form (EENF) for the Lakeville Hospital Redevelopment Project submitted November 16, 2020.

The comments submitted are my personal comments and follow the EENF Table of Contents by page or chapter.

I want to thank Erin Flaherty, MA MEPA project Engineer, and Brittany Gesner and Sarah Black, from VHB Engineering, for providing me with the project information to allow me to review and comment on this project.

Please note this project is currently in the public hearing stage until March 2021 and some of my comments may be addressed during the project site review and permitting process.

My major concerns are traffic and noise mitigation controls for this project.

I want to thank the Planning Board for their consideration of my comments during this complex project review.

I look forward to the Rhino Capital Advisors response to my comments, as well as from your departments. I can be reached at 774-766-0762 or rdszeneca@aol.com if there are any questions.

Sincerely,

Richard D. Scott

Noise Comments

I want to apologize for so many repeats I did not realize how much Noise control needs comment.

Background of the Site

Rhino Capital is proposing the redevelopment at the former Lakeville State Hospital which was closed by the State of MA in 1992. In response to the explosion of e-commerce, Rhino Capital is proposing to build a 400,000 square foot industrial warehouse with 130 loading docks, up to 564 parking spaces and 130 trailer storage spaces.

The reason for this proposed project is simple. Rhino Capital has the money to demo the buildings and clean up the solid waste landfill. The investment in cleanup is substantial.

The reason Lakeville wants this project is also simple. It removes a property in the town that has been non-productive for almost three decades. The project also removes the town from potential demos and clean up liabilities.

A project of this scale is generally cited in an industrial area away from residential properties providing enough buffer. The project is currently in the public hearing phase to issue a “special permit with safeguards and conditions to prevent detrimental effects and impacts upon neighboring properties...and upon the town of Lakeville”. This will be difficult due to the small size of the property and number of residents so close to the large warehouse operations.

In fact, the Lakeville planning board will consider adoption of industrial rules and regulations for the zoning that was passed in 2012 at their next meeting January 7, 2021. With the current zoning and industrial rules and regulations, Sysco could return to the site, even though the proposal was defeated ten years ago at Town meeting. And if not Sysco, a facility just as damaging to the Town. This property is surrounded by over 125 residents and businesses.

The project is under a 43D permit schedule (180 days). I am not sure this will allow enough time for the detailed review given all the complexities of a project this size and Covid 19 meeting restrictions. In fact, the Zoom public hearing meetings restrict the review and constructive conversations needed to flush out key problem areas and find solutions.

In addition, the lack of a tenant implies a great deal of uncertainty for the effectiveness of analysis of the industrial warehouse operation. This is especially true for Traffic and associated Noise generated at the facility. The two known major concerns.

The sound study completed for permitting of the proposed warehouse was not included in the MEPA, but the noise from the site should certainly be reviewed by MADEP since noise is a major environmental air pollutant. I have included a copy of the noise study along with the noise regulations in the Appendix.

I have also included a review of the sound study by Environmental & Safety Associates. Mr. Robert Andres a consulting engineer for "Noise Free America" that is working to help in this important environmental area. I want to include Mr. Andres review in my formal comments for this project, which are also included in the appendix.

"The Rhino Capital study concluded the proposed warehouse development will not create a noise nuisance condition..." this is the conclusion submitted to the Town of Lakeville.

Is this study correct given the numerous uncertainties?

The lack of a tenant puts the study assumptions into serious question.

Are the assumptions correct?

Thinking of a sound study as a scientific analysis of noise sources, pathways and receptors. The study did identify Lori Lane and Rush Pond Road as the primary receptors of concern. However, the sources of noise have a large degree of uncertainty. The noise sources can vary greatly depending on the specific details for the operation which is dependent on the final tenant selected and the sum of All the noise generating activities.

A project like this needs a much more detailed and comprehensive noise impact analysis study, and development of a noise management program with a noise monitoring plan. The purpose of this detailed analysis is to provide a basis of noise source controls to protect the sensitive receptors. There is very little detail on the planned mitigation measures for this project.

It is not enough to simply say that we will not generate noise 10dba above ambient. Keep in mind that a 10 dBA increase is a double the sound energy. One location is predicted to be 9 dBA at 16 Rush Pond Road, very close to the limit.

I have lived in Lakeville for 42 years and has remained mostly a quiet rural community. Recent growth has moved the Town into more of a louder rural to quiet suburban community. Up until

now, the Town has done a relatively good job managing the rapid growth and keeping residential, business, commercial and industrial growth in their proper location and compatible with its rural character.

This project threatens the quality of life for the near by residents. “Rush Pond Road is my Bettys Neck” was said by a resident 10 years ago. Sadly, that person has moved away to a larger home. I have adopted his statement and am afraid this project will change Lakeville forever. Once this is done it is too late to go back to the past.

A rural community normally has a 25 dBA sound level at night and a quiet suburban community might be as high as 40dBA. This is a BIG change in Noise.

Perhaps for this project an increase of 5 dBA is more in keeping with the surrounding area. I think 10 dBA would be fine for a warehouse going into an industrial park, but this is not the case. It’s going to be surrounded by over 125 nearby residential houses.

Once the tenant is identified, a great deal of the uncertainty becomes certain. The noise management plan identifies the noise sources, pathways and receptors.

The monitoring plan establishes if planned mitigation installed and necessary operating procedures are working.

Comments on Sound Study

The Lakeville warehouse sound study performed by Tech environmental for Rhino Capital is a good start but is not complete.

Because the tenant has not been identified, the study relies on numerous assumptions that may be very different from reality. The modeling conclusions can only be as good as the assumed data put into the model.

There is no sensitivity analysis performed to see how changing the variables effects the final noise generated, and a basis for a project condition is the Special Permit.

The ambient sound monitoring results were done one time. Is this enough data?

Should it be done seasonally? Summer, fall, winter and spring ambient would capture the seasonal traffic sound along RT495 and RT105.

In addition, the MBTA locomotives running in Lakeville and excessive idling also contributes to ambient noise. The additional data would help establish a true ambient. Remind me why MBTA gets away with that noise pollution at 4 AM?

My understanding is that ambient is often done on a weekend at 1 AM and 4 AM.

Is the raw sound ambient data collected available for review and further analysis?

Averaging the data can be very misleading and result in false conclusions. Also there has been considerable construction along Rt 79, which may have increased the background noise. This near site noise producing activity may have tainted the background analysis during the daylight hours. I have been told construction is only temporary, but it is just as loud. Especially the back-up alarms. I have a video for anyone who wants an example for a reference taken 12-15-20.

I know that in the time I have lived in Lakeville, the ambient noise has steadily increased, but establishing the true background today is VERY important.

Common Measurements of Environmental Sound

“Noise is defined as ‘unwanted sound’ which implies sound pressure levels that are annoying or disrupt activities that people are engaged in”.

Noise regulations are limits to “protect people from sound exposure most would judge to be annoying or disruptive”. Remember a 10db increase is a DOUBLING of sound energy.

My greatest concern is that vehicle back-up alarms will not be addressed. This can disrupt normal outdoor activities and sleep in a quiet rural neighborhood.

How will the vehicle back-up alarms be mitigated?

The back-up alarm noise is 97-110 dBA and the sound can carry up to a tenth of a mile. Anyone who has heard this sound knows it by design is annoying and loud enough to disrupt normal activities and sleep at night. I have spoken to people away from the project who have said “I do not envy anyone who has to listen to constant back-up alarms.”

I agree, but there are several people identified in the sound study who will find themselves in this very situation. This is not what a good neighbor business should do. This not what Town leadership should allow.

There are alternatives to back up alarms according to “Noise Free America”.

Have any alternatives been considered for this project?

Because we do not know the tenant, we do not know who owns and operates the trucks. Therefore, we do not know the type of alarms or if there are any controls for idling engines beyond 5 minutes.

Looking at Table 1, subjective change in sound pressure levels, 3-5 dB is just perceptible to noticeable. Looking at the projected sound levels for day, evening and night show levels greater than 5. In fact, at night 2 Lori Lane, 14 Rush Pond Road, 16 Rush Pond Road, 18 Rush Pond Road and 20 Rush Pond Road are very close to the regulatory limit of 10db. Remember, 10db increase is a doubling of sound energy.

This fact alone requires additional study, analysis and possible special mitigation. I believe additional monitoring is justified once a tenant is identified and again when operational.

Looking at Table 2, a diesel truck produces 80db at 100ft distance. I believe some diesel trucks can produce over 85 dBA close to the truck, a level so high that special personal hearing protection is needed.

On Table 2, we note that a quiet to busy suburban area at night is 40-50db. But I understand Lakeville is considered a rural community and has stated numerous times it wants to remain rural.

3.0 Noise Regulations

2. A “Pure Tone Condition

A “pure tone” condition occurs when any octave band sound pressure levels exceed both two adjacent octave band sound pressure levels by 3dB or more. The MA DEP noise policy states this criterion should be MEASURED both at the property line and the nearest inhabited residence.

1. What does this mean?
2. What sources of sound produce a pure tone?

3. How can this be measured if there is no operation to test?
4. Why is this in the regulations?
5. Do back-up alarms produce a pure tone?
6. Do all trucks have the same back-up alarms?

4.0 Modeling assumptions and results

P6 b. Truck Trip Ends

- I. What truck speed limit was assumed for this calculation?
- II. Was the truck loaded or empty?
- III. It is not expected that trucks will need to queue...the hourly truck trips are NOT precisely known at this time because the tenant is not known.
- IV. Will there be a yard manager to avoid queuing?
- V. It is assumed that each truck will idle 5-15 minutes. How will this be enforced?
- VI. It assumes that all trucks would need to idle in up to 3 locations. What is the basis for this assumption? Where are the 3 locations?
- VII. It is an assumed standard back-up alarm will occur up to 30 minutes each hour for each truck. Why would a back-up alarm need to run for 30 minutes? Is this PER truck? What is the assumed noise dBA generated and frequency?
- VIII. What can be done to mitigate the noise from this source? Are there any alternatives to back-up alarms that have been considered?
- IX. The site developer should consider electric yard trucks without back-alarms for all internal truck and trailer movements.

- X. I believe that the back-up alarms source of noise, if not mitigated, will have the most NEGATIVE effect on the nearby residents.
- XI. I encourage the developer, town of Lakeville and MA DEP to address this major potential issue now in the planning, design and permitting process.
- XII. The maximum truck distribution assumed was from 4 to 30 truck trips per hour. It is impossible to know if this is accurate. The max truck distribution is totally dependent on the tenant selected. The sound study should be revisited as part of a comprehensive noise analysis, management and control program and evaluated under an ongoing noise monitoring plan.
- XIII. Many warehouses are very active in the early morning hours 3am-7am preparing for the daily shipments. This would imply a greater amount of noise generated when most people are sleeping. Perhaps operating hours should be restricted in the night.

7.

The facility is proposing a landscaped and earthen berm to shield the nearest residents from the sound produced by truck traffic, idling trucks and the trailer storage area activity.

A review of the site plans shows serious deficiency in the berm design.

The berm is not high enough, not wide enough, not continuous and lacks an acoustical fence or wall.

In addition, 2 Lori Lane does not appear to have any berm or acoustical protection at all.

It is not clear what the sound reduction will be achieved by the current berm design but appears to be the only mitigation proposed. Perhaps sound absorption controls are appropriate for the building walls to reduce reflected noise.

If a berm is to be installed, then it deserves a DETAILED design evaluation with the purpose of noise reduction and optimizing height and width. Landscaping is proposed at the berm. Will this effect noise reduction and if so, how much?

Keep in mind the best noise control is at the source of sound. Perhaps sound absorbing panels should be considered at the loading docks. There are several potential wall locations at the walkways shown on the west side that could have acoustical controls added. It is not clear if the east side has similar walls but should be considered. There are no noise controls I see on the east side at all, and that is where the trash compactor will be located. What controls will be installed here?

Clearly the sound generated is not only idling trucks.

During loading and unloading activities, noise would be generated by trucks engines, exhaust systems, and brakes during low speed gear shifting, braking activities, backing up toward the docks, dropping down the dock ramps, and maneuvering away from the docks and entering and exiting the site. In addition, there are 130 trailer storage parking locations that will have similar on-site truck movements and associated noise.

I am NOT confident the sound study has evaluated all the sources and offered necessary mitigation properly. The noise study should be repeated by an independent noise engineer.

10.

Nighttime modeling was performed for both sides independently.

What were the results of these calculations?
Are the print outs available for review?

Was the evaluation on the East loading area much lower due the 45-foot building blocking the noise toward the west?

Perhaps truck operational activity between 7 PM and & 7 AM should be limited to the East side to limit the noise generated moving to the west. Clearly the mitigation on the East side would also need to be further evaluated.

If the maximum truck distribution is known, then it should be possible to OPTIMIZE the source of sound on the west and east sides with a combination of engineering controls and administrative and operational controls.

For example, activities could be limited from 7 PM to 11 PM to the east side of the warehouse as is suggested above. Or perhaps, deliveries can be scheduled during the daylight hours vs sleeping hours?

In addition. noise control, like sound adsorption walls or fences, should be installed at the edges of the East and West side locking dock areas.

These measures would help keep the source of sound far away from the closest residents. There are numerous areas that would benefit from this type of mitigation. For example, at the base and top of the berms at the truck trailer storage areas. This is control of sound at the source.

These additional measures would greatly reduce noise generated at the warehouse building and reduce the sound traveling to the western residents and Lori Lane.

This is especially important for the noise from the truck back-up alarms.

Future Sound Levels

P7 Item 2

The model assumes that all rooftop equipment will operate at maximum load simultaneously.

What roof top equipment was evaluated?

What are the noise characteristics of this rooftop equipment?

Are there any rooftop equipment mitigation measures planned?

Did the model evaluate potential future HVAC air conditioning sound generation?

The developer has stated that there are not going to be any refrigerated trucks at the proposed facility. The study therefore did not evaluate refrigerated trucks which is understandable.

My question is this, what happens if the final tenant is selected and plans to utilize refrigerated trucks?

There appears to be a wide variance in the sound the refrigerated trucks generate.

In fact, according to some studies refrigerated trucks can generate up to four times the noise of standard trucks depending on if they are diesel or electric.

Will the developer be required to notify the town of Lakeville or MA DEP if there is a major change like this to the operation?

What if any other noise generation is added?

Will the developer be required to redo the sound study?

Will the sound study be allowed to calculate a new ambient?

This single change can generate a dramatic increase in the sound level from the site to the nearby residents. Unless this is addressed now what will prevent circumventing the noise regulations?

Please keep in mind a noise analysis, control management and monitoring plan would address this problem.

The results of the study predict +9dBA at 16 Rush Pond Road is very close to the +10dBA limit. What is proposed to protect this location?

The noise study needs to be repeated by the Town of Lakeville using an independent noise engineer and include establishing the true ambient background noise for the Site. When the tenant is known the study can be revisited based on real anticipated operations and again during actual operations. The noise mitigation will be in place at start up and the mitigation effectiveness can be fully evaluated and confirmed.

KEY CONCLUSIONS

- The sound study has shown that there is a potential for impact to nearby residents.
- The potential impact is dependent on the final tenant and the operating procedures and mitigation employed.
- The noise intensity from traffic and other sources should be evaluated under real life conditions.
- A comprehensive noise analysis and management plan should be required for this facility based on the anticipated noise and proximity to nearby residents.
- A noise monitoring program (much like the transportation monitoring program) should be required to provide safeguards to the nearby residents. This program can also evaluate changes over time in noise management science and new available technology.
- A formal noise complaint system should be instituted to maintain appropriate records of complaints from nearby residents for investigation to prevent or remedy damage to the environment caused by excessive noise.
- This is also important during demo and construction phases of this project.
- This will avoid complaints to the Town and MADEP and provide an opportunity for Rhino Capital to resolve problem areas. This is especially important at night when people are sleeping.

There is a body of science and technology that can make this project an economic success and protect the nearby residents from harm. Do we have the will to do it? A good neighbor would certainly embrace this objective.

I would, once again, like to suggest the Town of Lakeville do their own study to address this complex subject and propose noise mitigation that will control noise generated from the site. This is a well-known potential problem of concern.

The special permit issued by the Town of Lakeville is the key document for the safeguards and conditions to prevent detrimental effects but only with the necessary data and follow up monitoring.

It is the Rhino Capitals responsibility to fully address noise mitigation now in the design and permitting phase.

A bond should be provided to correct any noise related problems in the future.

An alternative is to consider issuing a temporary occupancy permit and the issue the final occupancy permit when the Town is satisfied all safeguards in the Special permit have been fully satisfied.

Final remarks:

Thank you for an opportunity to offer my comments and opinions on this project. Many of my neighbors have said they are not in favor of this project but simply do not know what to do. They are depending on the Town leaders to protect them now and in the future. The Town did the right thing ten years ago but this time, they do not get a Vote.

Mr. Andres who did my simple noise peer review said it best is the last paragraph of his letter.

” The over whelming question is why a massive building with over 400,000 sf (9 acres) and 120 loading docks is being constructed under the guise of it being a hospital redevelopment program?

We depend on the developer who wants to do the right thing. We depend on MADEP and MEPA to protect the environment. We depend on local Town of Lakeville to address all the issues on this project, including proper siting of industrial activities and providing needed safeguards to protect nearby residents.

I hope the money necessary to clean up the site does not take priority over the needed safeguards to protect the nearby residents, and its natural resources and the Town of Lakeville.

MEPA Comments

Rhino Capital should be commended for their plans to remove the former Lakeville Hospital Buildings and cleaning the Solid waste Landfill; however, the proposed Industrial Warehouse is not the best use for this property.

The current underlaying mixed use of age restricted housing and commercial are far better alternatives.

The Traffic and Noise that will be generated from the Industrial warehouse and wholesale distribution center will be terrible. This is especially true due the postage stamp size of the property. When the site was closed in 1993 it was 73 acres and now is down to only 49 acres a 33 % reduction.

The exact nature of this warehouse facility is unknown because a tenant has not been secured. In fact, the current proposal would allow a scaled down 62% Sysco type facility, on a smaller lot, which was defeated at Special Town meeting ten years ago.

It is interesting to note the current owner purchased the property for \$1 and promised the Town a mixed-use project.

Ten years ago, the property was being sold to Sysco for \$8,000,000. The Town of Lakeville was offered the property for \$22 Million in 1993 when it was closed, but later sold at auction in 2002 for \$2.6 Million. It is currently assessed for \$1.6 Million. Something does not make sense to me, what's going on?

This proposal is a classic example for "spot" zoning, that would benefit the current owner. The current zoning is changing the site to industrial under the guise of "Redevelopment" and would allow Sysco to return, thus taking the rights away from the abutters next to the property and the community at large. The proposed warehouse is not keeping Lakeville rural. This should go to Town meeting for a VOTE.

The exact nature of facility operations is not determined as a tenant has not been secured. What is known, is that it “Will” generate lots of Traffic and Noise 24 hours a day, seven days a week. Just like a Sysco.

Having said this, if the Town Leaders want this project, I offer the following:

Comments and Questions On

ENF Form:

Page 2 - Top of page, Feb. 8, 2018 No 2300/No 4045

What will this money going to be be used for and when will it be released?

Page 2 - Transportation

Vehicle trips per day is tenant depend and will affect noise/traffic greatly.

Page 2 - Wastewater

A 6,045 GPD on-site septic system is planned.

Why not tie into Middleboro WWTP like previous mixed- use proposals and when the Lakeville Hospital when it was operating?

Page 2 - Is EEA #13063

Is this still available and how does it compare to the current proposed EEA?

Page 3 - The project description should summarize more completely describe the demo and construction period impacts.

How will the significant impact to residents along Rush Pond Road & Lori Lane be mitigated?

The developer should prepare a noise analysis, management & monitoring plan for the demo and construction phase.

P3

Section 1.3 Chapter 1

The proposed demo/construction talks about a 7day operation; one alternative would be to not work on Saturday and Sunday's or ST/FED Holidays.

The proposed warehouse is a 24/7 operation.

Many warehouses find that a SAT. is often not very busy and therefore operations could be limited Saturday's, 12 Noon to Sunday,7AM.

Likewise, the 7PM to 7AM period is when most 9AM to 5PM workers living in nearby houses enjoy family and sleep time.

Since the hours of operation 24/7, is the most disruptive and have a direct impact on both noise and traffic a detailed Noise Impact Analysis Management and Monitoring Plan should be implemented. Including, analysis of a 12/5 or 16/6 operational plan.

P3

Mitigation

The mitigation plan must include greater detailed information in the following areas:

- Traffic both trucks and cars.
- Public safety, school buses.
- Noise mitigation at night. Or adjusting of operating hours.
- Noise operating, monitoring, including analysis & management.
- Light pollution at night with cut-off and dimmers and light screening for car and truck head lights. Maybe motion switches to turn lights off when not needed.
- Air pollution from cars and trucks, including enforcement of trucks idling greater than 5 minutes.

Each of these areas are directly related to the tenant and need to be reviewed and revised once the tenant has been identified.

Comments Continued

P4

Stormwater Management

Transportation operations and parking lots often have oil and fuel leaks. Does the storm water plan address this issue?

If there is a fire, where will the fire protection water flow? Are there floor drains in warehouse and restrooms? Where will the water flow?

P5

Solid and Hazardous Waste

- Will the existing building floors & slabs be recycled or left in place?
- Buildings of the hospital age (1910) may have old transformers and light ballast/ electrical switches that contain Hg and PCB's.
- Are there any PCB's or Hg identified in materials to be recycled?
- Will the recycled masonry material be used to construct the noise control berms on-site?
- Will metal and wood from the demo be recycled?
- Will there be any asbestos monitoring done outside the buildings?
- What are the anti-idling enforcement measures and temporary noise mitigation planned for demo and construction equipment?

P8

#4 Compatibility with Adjacent Land Uses

See JLS comments and Sharon Dennis found in the appendix.

P9

Wetland Impacts & Permit #A

- Will snow removal and deice controls impact storm water and wetland areas i.e. Salt (NaCl)? Deicing chemicals?

P13

Wastewater Section

- What hazardous materials will be generated inside by warehouse activities, and how will they be kept out of the septic system?

P14

Traffic Generation

- The traffic must be evaluated based on actual data once the tenant has been identified.
- The velocity of cargo movements varies by single owner, multi-tenant, and customer profiles, number of employees and shift change times, and mix and types of cars/SUVs/vans/box trucks and tractor trailers.
- An area of concern is the entrance to the site from RT495 along RT105.
- This road narrows from 2 to 1 lane just past the CVS near and at Bridge Street and there is a bottleneck for cars to get by. A truck cannot get past this area unless the road is made wider.
- Installation of a truck lane should be considered from RT79 intersection to the site entrance which should be wider than 30 feet, and include an island keeping trucks and cars apart. The exit from the site should also be wider and include an island for safety.
- It is anticipated traffic will exit across from Lori Lane. A single truck turning left will block traffic in both directions. A tractor and trailer can be 4 cars in length.

P14

Continued

Since the tenant is unknown it is not possible to know the exact number of trucks that will cue up which could create a major bottleneck on RT105 in both directions.

Will there be a Yard manager and security for this site during the day and night shifts?

Please note:

2 Lori Lane/4 Lori Lane were projected to have high noise levels (see Noise report included in appendix) as a result of trucks in idle mode. Loaded trucks accelerating when leaving the site and moving around the site will generate even more noise.

Trucks accelerating from the site, this close to Lori Lane, may require special detailed noise analysis and mitigation measures.

The mitigation measures may include things like berms, acoustical fence or walls, triple pane windows, inside noise control windows, heavy curtains, HVAC, air filtration, acoustical drywall, white noise machines, etc.

Given the extreme nature of traffic, safety controls at this location, like police duty is recommended during the first three months of operation at peak traffic times. Like Ocean Spray did on RT. 18.

P14 - Middleboro Commuter Rail

This project will affect traffic on RT105 to the intersection at RT28 and should be included in study for trucks and cars going through Middleboro to RT44. Will trucks go toward Rt. 18? There is a dangerous intersection at rt 105 and rt 18.

P17

III Consistency

Structures will be crushed and recycled for back fill. This operation will be a major noise and dust generation and will require special mitigation to control.

How will this be done?

Chapter 1

P1-2

- Access to and from the site is provided by 2 unsignalized driveways.
- Perhaps flashing lights are suggested?
- I believe this should be evaluated by the MA DOT to confirm best traffic engineering.
- Again, the traffic entering and leaving is very tenant specific and should be evaluated once the tenant is secured.

P1-2

Project Schedule

1.2.2

The site preparation is Q2 2021 to Q3 2021

Given the complexity of demo and recycling of demo debris this will be a very challenging schedule. The detailed noise mitigation plans during this extended period is therefore a critical project parameter. In addition, the MADEP regulations governing this operation are complex.

Coordination and communication with nearby residents and businesses is essential.

How will this be accomplished?

When will the demo/construction and mitigation plan be available for review?

Page 1-3

Project Alternatives

- 2005 development alternative was a mixed- use project. Unfortunately, it did not proceed, in part due to the high cost of demo and clean-up and a turn down in the economy.
- Another alternative to the 2005 development is to jump start the project with the phase approach starting with the previously proposed 100-unit age restricted housing. The housing could be in phases based on demand and cash flow. This will remove the increase in traffic noted and discussed in the MEPA submitted. This alternative should be evaluated under the MEPA program procedures. This site is located within one half mile of MBTA and housing would be consistent at this transportation service.

- I think senior housing would be better for the Town and far more profitable for the developer and less detrimental to the nearby housing and business. It would also generate customers for a scaled down retail area. Please note current 2-bedroom housing is selling for \$425K to \$550K each. Housing taxable property could exceed \$50 Million.
- A second project was proposed in 2010 for a Sysco W/H and distribution facility. That project failed at a town meeting for a zoning change. The proposed Sysco facility later moved to another location.
- The preferred alternative is only be the best alternative, if the significant traffic and noise impacts to the residential and business areas are studied and addressed, in FAR more detail.
- Additional protective safeguards need to be developed with the project stakeholders, not just the Town, including the nearby residents on Lori Lane and Rush Pond Road.
- The traffic mitigation requires 5 years of follow up study
- There is no such requirement for noise this project will generate.

The current noise study is not adequate for such a large facility to identify the negative impacts and proper mitigation.

A quick review of this noise study appears to have calculated the ambient noise improperly and should be recalculated, especially between 7PM to 7AM. In addition, the assumed truck noise generated needs to be more fully evaluated. In fact, the background noise data collection period may have tainted by the near- by residential construction along Route 79.

The Town should consider doing an independent noise study or at the minimum an independent calculation of ambient or background noise for this facility.

Any future noise complaints or litigation will depend on this information. It is impossible to go back and get this information in the future.

As with projected traffic, the noise study is also hampered by the lack of tenant specific information.

Many of the study deficiencies will be corrected after a noise engineer peer review; however. if this project is approved, there needs to be a “special” condition for a more complete and detailed noise impact analysis, mitigation and monitoring plan.

P1-3

Continued

- In addition to a noise control management plan it is necessary to develop operating procedures directed to control and monitor noise producing activities to determine the effectiveness of noise installed mitigation like the berms and landscaping.
- The noise plan should include use of new technology for undesirable sound coming from the site building and machines, as well as, noise generated by truck traffic.
- There is significant emerging body of science and new products in the noise mitigation area.

BACK UP ALARMS

- To me, the major potential area of concern is the truck back-up alarms.

During the Boston Big Dig over 70% of noise complaints were due to the constant “beep-beep” at all hours of the night.

- Back-up alarms are usually 97-110dbA. This is very LOUD. So loud that employee personal protection is required.

This sound can travel over 1/10th of a mile. This noise is so objectionable it can disrupt sleep at night but is so brief it does not show up in many noise studies. Sleep deprivation is a known health hazard according to Noise free America.

This noise is so bad that Fed Express and UPS are now considering using sonar and back-up cameras in some facilities, especially next to sensitive receptor areas.

Many warehouse facilities use a yard horse to move trucks into unloading and shipment loading docks. There should be consideration to make these trucks electric and have back up alarms that adjust to the ambient noise especially at night. Additionally, signal men would allow back up alarm to be eliminated.

- Idling diesels are 85dbA at 100ft. A level that OSHA requires special hearing protection.

- The five-minute max idling restriction is difficult to enforce.
- It is so difficult that Sysco is now installing 3-minute engine idle cut-offs on their trucks. In fact, many Towns now fine \$100 to \$500 per violation to enforce this critical restriction. Who does the enforcement?
- Unless there is a plan to monitor the sound at the residential properties, there can be no safeguards.
- There should also be a formal noise complaint procedure to document and correct noise problem areas.
- PLEASE PAY SPECIAL ATTENTION TO THIS PROBLEM –
- Mitigation is money well spent, so are operating procedures designed to reduce and control noise producing activities, but only if you can prove that it is effective.

A local resident lives next to a cement mixing plant in Lakeville. For 15 years he and his family have had to endure this terrible noise at night. The Town spent over \$40K in legal fees to try and current this tragedy to no avail. In the end, He was told....” You should not have moved so close to a cement plant.” Under the current plan the Town is creating this very same noise problem for Lori Lane (1965) and Rush Pond Road (1975).

P1-4

1.3.3 Preferred Alternative (Reduced Build)

- “The proponent is committed to mitigating impacts associated with the preferred alternative”.

Is there any summary of specific items written down?

Are there any agreements with the developer and Town that will be attached to the “Special Permit”?

- How is this statement to be enforced and is this statement binding on future owners by deed restriction or contract or other legally binding agreement?

P1-5

1.4 Project Benefits

- I believe the benefits are correct, but only if the major potential problems (Traffic and noise) are addressed. Residential and business is still the best option.

P1-6

Transportation

- Until the tenant is identified it is impossible to make the statements in this section.

P1-8

Section 1.5.2.2 Development Opportunities Overlay District

- “Large land areas by the issuance of a special permit with safeguards and conditions to prevent detrimental effects and impact upon neighboring properties”.
- What are the safeguards? What are the conditions?
- To set safeguards and conditions properly, it is first necessary to first identify the detrimental effects and impacts. Where has this been done?

Have all the stakeholders been represented? Does this include the impacted nearby residents and businesses? Zoom meetings has greatly hindered my ability to effectively express my concerns. In fact, zoom meetings have been limited to mostly abutters.

Again, where are the potential detrimental effects listed?

- How has the communication with abutters been done? Just notification?
- Meetings and public hearings attended by less than 25 people on Zoom is not a good method of communication for a project this complex.
- Over 1400 people were involved in the Sysco project decision.

The proponent should reach out individually to the most impacted abutters identified in the noise study. I recently have learned this Will happen soon. That is wonderful.

- I am encouraged to see the town has employed a peer review engineer. An independent noise study is also suggested or perhaps a MADEP peer review.

- The major problem I see is the lack of site- specific information due to not knowing the future tenant driven parameters that need to be evaluated.
- It simply is not possible to properly review a project like this without real tenant specific data.

1.5.2.2

- Several commitments have been made during recent discussions:
 - NO trucks on RT79
 - NO trucks on Bridge St.
 - NO trucks on residential side streets
 - NO vans (like Amazon)
 - NO HVAC units on roof
 - NO refrigerated trucks

How about no Sysco, that was defeated at Town meeting in 2010?

- How are these commitment statements captured into documents that will govern and regulate this project?
- Are the agreements binding on the tenant or future owner?
- I think the planning board will enter into an agreement, or special permit conditions, to address these issues to meet the intent to “protect impact upon neighboring properties” and added it to the special permit.
- Is that correct?
- I will submit my MEPA comments to the Lakeville planning board, chapter 43D committee, as well as, to Rhino Capital.

P1-3

1.5.3 MEPA Act

“Has the project asked for additional state financial assistance?”

- It is interesting to note this site was a former state of MA hospital closed during Governor Welds Administration.
- I think this is a project that should receive state aid to deal with “impacts because MA left Lakeville to deal with the mess.

P1-10

Agency Coordination/Community Outreach

- Rhino should reach out to abutters, many do not have computers, they do have phones. Recently, Rhino reached out to me for input and I am grateful.

P2-22

Land Alternatives

Figure 2.1 Cut & Fill Analysis

- Looking west to Rush Pond Road, the berm appears to be only 13-15 feet in select areas. It is not this height for entire berm, nor is it continuous.
- I seriously doubt that it is high enough to protect the residential properties from noise and look forward to a more detailed analysis of the final berm design. A 100-foot buffer is simply not enough for a project this close to residents without detailed evaluation of the effectiveness of the berm. What is the sound at the berm, what is the sound at the house property boundary?
- A similar project in NJ had a berm 120-foot-long and 20 height for necessary noise control.
- Looking south toward Lori Lane, there is no sound buffer on Lori Lane #2 and #4. There also is limited berm on the RT105 side of the site.

- Looking north toward RT79, there does not appear to be enough noise buffer toward the newly constructed residential property.
- Looking east, there is limited berm around the retention area.
- I am sure the Town peer reviewer will address many of these areas.

Chapter 3 Traffic & Transportation P-3-1

3.1 Project Description

“The exact nature of the facility is currently unknown, as a tenant has not yet been secured”.

- The unknown tenant is a problem to adequately evaluate the traffic for this project.
- The tenant affects traffic in several ways.
- In addition, the tenant also directly and indirectly affects the NOISE generated both on and off site and therefore on the nearby residents and businesses.
- The tenant will affect the operation of the facility in the number and types of trucks operating 24/7 at the facility.
- Are the trucks employee operated or contractor operated?
- For example, Amazon often uses contractors and Walmart & Sysco use employee driven trucks.
- This difference reflects in the level of training and control of behavior at the site. For example, the turning off idling truck engines and banging into trucks for on -site movements and obeying speed limits. Will there be any noise control training requirements? Will there be any signs to remind people that they are operating in a residential neighborhood?
- Each of the above comments directly affects the NOISE generated continuously.

- Are the trucks entering and leaving the site long haul, short haul, full shipments, milk runs, tractor trailers or box trucks?
- The developer has said that no trucks will be refrigerated (high noise). The developer has said no vans. Refrigerated trucks are four times louder than standard trucks. This needs to be addressed now not in the future after complaints.
- How do you adequately evaluate and regulate for an “unknown tenant.”?
- The time for peak activity is unknown for this project, it will depend on the number of employees and shift hours.
- The peak truck frequency will depend on the time of deliveries and shipments both are tenant and customer driven.
- To address this the developer proposes a Transportation Demand Management/Transportation Monitoring Program.
- The TDM plan must include employee cars & evaluation of trucks AND should include deliveries of inventory and truck shipments to customers.
- Given the direct relationship of traffic and noise, the Transportation Demand Management must include a detailed on going “noise impact analysis, management and monitoring plan”.
- Currently the noise study for this project makes numerous assumptions due to the lack of a known tenant.
- Once the tenant is identified, the traffic and noise plans will have real data to evaluate.
- How do you properly review an unknown tenant? Answering this question now is important.
- The noise monitoring plans are the only way to know if the mitigation anticipated is effective. In addition, the actual noise levels at the nearby residential receptors.

- The assumed noise data submitted is very close to the MA limit and does not offer any MITIGATION for the dreaded backup alarms.
- Back up alarms are a KNOWN NUISANCE NOISE and are often ignored at the project design stage.
- This needs to be addressed in detail as part of the Traffic Demand Management and monitoring plan.
- The traffic & transportation study did not address the entire section of RT105 that will be affected by this project from 105/18 to 105/44. The negative impacts and interrelation of site traffic at Bridge St, Lori Lane, RT495 and proposed MBTA station is underestimated.
- The area at Bridge St. needs to be wider to allow two lanes. There should be a truck lane from Bridge St. to the site entrance.
- There is no signalization at Lori Lane. This will be a major problem at peak traffic times, 7am-9am and 4pm-6pm. A police detail may be required and is suggested.
- Using the data presented, a car every two minutes and a truck movement every six minutes is a dangerous situation.
- Every truck is approximately four cars.
- The developer has said no vans and no trucks on RT79 or Bridge St. How will this be enforced?
- Finally, truck traffic must be banned on Captains Way, Vaughan St., & Clear Pond Road, all residential areas.

How will school bus traffic be analyzed and evaluated? This is a public safety issue that is not addressed.

Chapter 6 Water & Wastewater

6.1 Summary of Key Findings

“Any and all existing water and wastewater infrastructure on-site are inactive...and is infeasible for repurposing...”

- To support this statement is there a cost benefit analysis available?
- The mixed -use project proposed in 2005 planned on using Middleboro WWTP. There should be some discussion with the town of Middleboro because having a connection to Middleboro would be more protective and an enhancement to the infrastructure for Lakeville.

There are several private wells near the proposed 6000 gpd septic system.

- A failure of the proposed septic system could impact the nearby drinking water wells.
- In addition, the recent home construction off Rhode Island Road has added additional septic systems near residential wells.

Chapter 7 Hazardous Materials

- The developer has proposed to clean-up the site and should be commended.
- I believe the state should assist with the clean-up cost.
- The state closed the Lakeville Hospital during the Weld administration. The cost of building demo and environmental clean-up has been a major factor in the lack of site development for nearly three decades.
- Any money the developer spends on demo and clean-up increases the cost per acre and reduces funds available for construction, traffic and noise mitigation and other site enhancements.

7.2.3 August 2020 Phase I ESA

The concentrations of PCE identified in groundwater monitoring wells is troubling.

Any available information is requested.

7.2.4 September 2020 Phase II ESA

“PCE were not identified in groundwater”.

What was the concentration? Detention level?

Does this mean that the PCE is being remediated naturally?

7.4 Hazardous Building Material Management

- How will the removal of asbestos affect nearby residents?
- Will negative air handling units and water be used to keep asbestos from becoming airborne?
- The recycling of building materials makes sense. How will the dust from crushing operations be controlled?
- How will the noise from crushing operations be controlled?
- Will there be any asbestos monitoring down wind of abatement, demo and recycling activities?

Finally, the developer should receive assistance with clean-up and demo costs because the state closing the facility created this problem for the Town of Lakeville.

Chapter 8 Construction Period

P-8-1

8.1 Key Findings

“Construction - related impacts...are temporary in nature”.

- The demo activity is NOT temporary in nature for those who live nearby. According to pp 1-2 & 1-3, site preparation work will commence 2nd quarter 2021 and completed 3rd quarter 2021. That is a 3-6-month period of pure hell for the nearby residents. Six months

is a long time to endure constant noise. My windows rattle when the dozer works along Rt. 79 home construction.

- The question I have is how effective will the mitigation proposed really be?
- I understand that the noise generated by truck traffic, air/dust/grinding operations and earth work is inherent, but mitigation requires a carefully designed plan and excellent communications with the town and nearby residents.
- How will this be accomplished?
- When will the construction management plan be available for review?
- Bullet at the bottom of the page says, “the project will comply with the conditions of all state and local permits related to noise, air quality and solid waste”. Is there a list of these regulations governing this work?
- I find it hard to believe that noise mitigation will be effective unless a detailed submittal is provided showing the engineering design specific for all “temporary noise controls”.
- Unless a great deal of detailed information is included for review and discussion, I fear the noise will be “unbearable”.
- Please note the dreaded back-up alarms will be a constant source of distress for the nearby residents.
- This phase of the project will be the first indication if the developer is committed to be a “good neighbor” to the town of Lakeville and nearby residents.
- This is an industrial warehouse going into a residential and commercial area that is not really a good neighbor is it?
- In general, such facilities will be placed in an industrial park like the Talbots facility in the Great Ponds Industrial Complex. Another example is the Christmas tree Shop warehouse in Middleboro industrial park. I spoke to an employee at Christmas Tree, off

the record, and he said back-up alarms and night truck noise is their most common complaint. This is a much more isolated facility than the proposed location.

- When the Sysco facility was defeated at the town meeting, it failed to obtain the necessary zoning mainly on “quality of life issues”, like safety, traffic, light pollution and noise. And not in keeping with the Lakeville rural character. This project is no different.
- The construction phase is planned for fourth quarter 2021 to 2nd quarter 2023. This is 18-22 months and given the nature of New England winters, could easily exceed to two years.
- Like demo and site preparation, this is an activity that needs a carefully prepared construction plan. The mitigation planning must be detailed and use best management practices.
- When will this plan be available?

One major concern is the proposed demo/construction operating hours.

- The proposed operating hours are from 7am to 9pm, Monday through Saturday. And 12pm to 9pm on Sundays. Construction activities will be avoided when possible.
- The proposed operating activities are excessive and should be restricted. There should be no high intensity activity on Sundays or holidays. This is reasonable because it represents a relief - though limited - to the nearby residents and often incurs a premium labor pay rate.
- Hours beyond 10 hours are often at reduced productivity unless a multiple shift schedule is utilized. Again, after 8 hours per day and 40 hours per week, a premium labor pay rate often applies. Please note extended hours can also affect safety performance.
- I again ask, when will the CMP be available for review?
- I think any temporary noise mitigation installation must be detailed in order to evaluate its effectiveness given the long duration of these activities.

- I am concerned about how the “excessive idling of construction equipment engines” will be enforced. A site supervisor or Safety engineer should be on site to enforce idling of construction engines. In addition, perhaps the Town should put a fine into its permits issued.
- Will there be a health, environmental and safety engineer on-site during demo, site prep and construction?

Once again, how will the noise generated by large construction equipment be mitigated?

I note that these back-up alarms are 97-110dba and the noise can carry almost one tenth of a mile away.

- The sound from the multiple back up alarms is torture.
- A search of the internet shows there are alternatives or quitter to these “noise monsters”.

8.2.5 Construction Waste Management Plan

“Construction debris will be wetted and covered to minimize airborne dust particles”.

- This is often said, but not often enforced, unless there is a formal complaint filed.
- The demo grinding and site prep activities may need to be adjusted to the daily weather (wind) conditions.
- Construction equipment often has hydraulic oil leaks, fuel leaks and engine oil leaks that need mitigation.
- Oil is a hazardous waste in MA.
- Will this be addressed during daily equipment inspections.?
- Given the grand scale of this project, the town should consider a full or part time inspector for this project paid for by the developer. In addition, MADEP should make random visits to the site to assure compliance with Environmental regulations governing site activities. Please note the Southeast Regional Office is located very near to the proposed construction site.

In addition, the CMP should contain a provision for the documentation, investigation and handling of any formal noise complaints filed by the public.

Chapter 9 Mitigation

P9-1

9.1.1 Land Alteration

- One way to facilitate mitigation for this project is to lower the elevation of the warehouse floor. If the old building slabs are removed, the elevation of the warehouse would be closer to RT105 and Rush Pond Road.
- This change would soften the rise from Main St. to the warehouse, thus making the height to appear closer to 35feet from Main St. vs 45 feet plus the rise in elevation.
- It would also make the view from the north, east and west appear closer to the ground.
- Finally, it would provide additional material for berms and contours at the front, rear, east & west sides.

9.1.2 Traffic and Transportation

- I believe the MA DOT will have relevant comments on mitigation.
- I am surprised that the proponent only included the TDM & Monitoring Programs for cars and did not include trucks in this plan.
- When the tenant is identified, the traffic mitigation plan will be more defined. Please note the TCM should include a section on noise analysis and mitigation.
- Currently, the noise study analysis done to date indicates it meets the 10 dB noise limit. However, the data shows there will be noise impacts that are very close to the limit. 2 Lori Lane and the four houses on Rush Pond Road. Therefore, the noise should be monitored during start- up operations. It is critical the Town establish the “true” ambient now before operations are in place.

- I fear the truck noise at 2 Lori Lane will exceed the limit at peak traffic exit periods for trucks departing the facility. Special study and analysis should be completed and make a science-based mitigation plan for this location.
- I believe the goal should be to reduce the noise as much as is practical using the wealth of new technology available. Not just meeting the regulations. This is what a good neighbor should do.
- Finally, the back-up alarms need special mitigation. Anyone who has heard the noise knows it is essential that this noise be mitigated regardless of the 10 dB limit.
- If this is not addressed, it will be a source of complaints and affect quality of life of several nearby residents and may result in litigation.
- This is a key mitigation parameter. Please note mitigation depends on noise control at the source and analysis at the receptors.
- PLEASE DO NOT IGNORE THIS!
- State and local governments as well as the developer should embrace this objective.

9.1.2.2 Transportation Monitoring Program

- The TMP should include noise as well as traffic generated.

9.1.2.3 Conclusion

- An ongoing noise impact analysis study and management and monitoring plan should be a requirement in the local special permit.

9.1.4 Storm Water

- How will oil & BTX from the roads and parking areas be mitigated?
- Will there be any salt impacts to wetlands from snow removal operations?

Mitigation

- There are a few items not included in the MEPA submittal worth commenting on.
- Lighting, privacy, site control and safety during demo and construction periods. In addition, once a tenant is selected these issues will need to be revisited.
- Is it possible to lower the lighting on the building and parking areas? Using short down lighting on employee pathways reduces light pollution to the surrounding areas.
- Can head light screening be installed to protect light traveling over to various houses? As you know light bends along the contours and can go into the bedrooms of near by residents.
- Increasing the berm height and acoustical fencing on the south on Main St, west loading docks and trailer storage areas, rear near retention pond & parking lots and east side near wetlands would increase the privacy for neighbors and shield the facility from outside view.
- Keeping site employees off nearby properties (site control) will also reduce trespassers to and from the warehouse operations. Will there be any on site security at night?

NOISE

- The traffic is the major area for mitigation and related to traffic is NOISE.
- Since noise was not addressed in a separate chapter of the MEPA, I would like to comment using the noise study submitted for the project. (See Appendix)
- A separate noise discussion follows:

Noise Pollution Control

Excessive noise is a serious hazard to health, welfare and quality of life. Exposure to certain levels of noise can result in physiological, psychological and economic damage. A substantial body of science and technology exists by which excessive noise may be substantially abated. The primary responsibility for control of noise rests with Rhino Capital, the State and the Town of Lakeville. The near by residents depend on this being done properly to protect them from harm.

ADDITIONAL NOISE COMMENTS ARE SUBMITTED UNDER SEPARATE COVER TO
BE FOR FORWARDED TO MEPA ENGINEER

October 29, 2020

Mr. Tyler J. Murphy
Head of Construction & Development
Rhino Capital Advisors LLC
33A Commercial Wharf
Boston, MA 02110
(508) 367-0631
tyler@rhinocapitalllc.com

Ref 4597

Re: Lakeville MA Warehouse – Sound Study

Dear Tyler:

Tech Environmental, Inc. (Tech) is pleased to provide this letter report summarizing the results of an acoustic modeling study of the proposed warehouse development in Lakeville, Massachusetts. The goal of this work is to determine whether the proposed warehouse development will comply with the Massachusetts Department of Environmental Protection (MassDEP) Noise Policy.

This letter report summarizes the modeling analysis performed for this study. Section 1.0 provides an introduction to the common measures of environmental sound. Section 2.0 presents ambient sound monitoring results, Section 3.0 presents the applicable noise regulations, and Section 4.0 presents the acoustic modeling approach and results.

The study concludes that the proposed warehouse development will not create a noise nuisance condition and will generate incremental sound levels that will not exceed the MassDEP Noise Policy.

1.0 Common Measures of Environmental Sound

Noise is defined as "unwanted sound", which implies sound pressure levels that are annoying or disrupt activities that people are engaged in. The human sense of hearing is subjective and highly variable between individuals. Noise regulations and guidelines set quantitative limits to the sound pressure level (measured with sound analyzers and predicted with computer models) in order to protect people from sound exposures that most would judge to be annoying or disruptive.

The loudness of a sound is dependent on the radiated energy of the sound source and the propagation and attenuation characteristics of the air. The standard unit of sound pressure level (L_p) is the decibel (dB). A property of the decibel scale is that the sound pressure levels of two separate sounds are not directly additive. For example, if a sound of 40 dB is added to another sound of 40 dB, the total is only a 3 dB increase, not a doubling to 80 dB. For broadband sounds, a 3 dB change is the minimum change perceptible to the human ear. Table 1 presents the perceived change in loudness of different changes in sound pressure levels.

TABLE 1
SUBJECTIVE EFFECT OF CHANGES IN SOUND PRESSURE LEVELS

Change in Sound Pressure Level	Perceived Change in Loudness
3 dB	Just perceptible
5 dB	Noticeable
10 dB	Twice (or half) as loud

The acoustic environment in a rural industrial/residential area. Typical sound levels associated with various activities and environments are presented in Table 2.¹

TABLE 2
COMMON SOUND LEVELS

Sound Level (dBA)	Common Indoor Sounds	Common Outdoor Sounds
110	Rock Band	Jet Takeoff at 1000'
100	Inside NYC Subway Train	Chain Saw at 3'
90	Food Blender at 3'	Impact Hammer (Hoe Ram) at 50'
80	Garbage Disposal at 3'	Diesel Truck at 100'
70	Vacuum Cleaner at 10'	Lawn Mower at 100'
60	Normal Speech at 3'	Auto (40 mph) at 100'
50	Dishwasher in Next Room	Busy Suburban Area at night
40	Empty Conference Room	Quiet Suburban Area at night
25	Empty Concert Hall	Rural Area at night

Non-steady noise exposure in a community is commonly expressed in terms of the A-weighted sound level (dBA); A-weighting approximates the frequency response of the human ear. Levels of many sounds change from moment to moment. Some are sharp impulses lasting 1 second or less, while others rise and fall over much longer periods of time. There are various measures of sound pressure designed for different purposes. To establish the ambient sound level in an area, the L₉₀ metric, which is the sound level exceeded 90 percent of the time, is typically used. The L₉₀ can also be thought of as the level representing the quietest 10 percent of any time period. This is a broadband sound pressure measure, i.e., it includes sounds at all frequencies. The L_{eq}, or equivalent sound level, is the steady-state sound level over a period of time that has the same acoustic energy as the fluctuating sounds that actually occurred during that same period. It is commonly referred to as the average sound level.

¹ U.S. DOT, FHWA, Noise Fundamentals Training Document, Highway Noise Fundamentals, September, 1980.

2.0 Existing Sound Levels

A long-term sound analyzer was placed on the project site at 43 Main Street to measure hourly sound levels over a five-day period, including a weekend, to characterize ambient sound conditions at residences nearest to the proposed warehouse development. The long-term sound analyzer measured hourly sound levels from Monday, September 14, 2020 through Wednesday, September 23, 2020. These ambient baseline measurements are representative of the homes in the neighborhoods surrounding the proposed warehouse development. The results of the ambient baseline measurements are presented in Table 3. The average measured ambient sound levels (L₉₀) ranged 32 dBA to 45 dBA.

Figure 1 shows the long-term sound analyzer location and the nearest residential receptor locations. Although only a few decades ago, the site was thriving and produced many different sounds from multiple activities, the site is currently an abandoned campus that is collapsing and decaying with overgrown wooded areas with minimal or no human activity. The background sound data reflects the previously developed, but currently abandoned use. Its primary influence is traffic from the highway off in the distance. It is likely that the background sound data collected is more conservative than “normal” because of reduced travel during the pandemic, but to be conservative these background readings were used directly without any positive correction.

**TABLE 3
AVERAGE AMBIENT SOUND LEVEL MEASUREMENTS
Monday, September 14, 2020 to Wednesday, September 23, 2020**

Hour Starting	Average Ambient (L₉₀) Sound Levels (dBA)
12:00 AM	32
1:00 AM	32
2:00 AM	33
3:00 AM	33
4:00 AM	36
5:00 AM	40
6:00 AM	44
7:00 AM	45
8:00 AM	43
9:00 AM	42
10:00 AM	43
11:00 AM	43
12:00 PM	43
1:00 PM	43
2:00 PM	43
3:00 PM	43
4:00 PM	42
5:00 PM	41
6:00 PM	41
7:00 PM	39
8:00 PM	38
9:00 PM	37
10:00 PM	35
11:00 PM	34

3.0 Noise Regulations

The Massachusetts Department of Environmental Protection (MassDEP) regulates noise through 310 CMR 7.10, "Air Pollution Control". In these regulations "air contaminant" is defined to include sound and a condition of "air pollution" includes the presence of an air contaminant in such concentration and duration as to "cause a nuisance" or "unreasonably interfere with the comfortable enjoyment of life and property". Regulation 7.10 further prohibits "unnecessary emissions" of noise. The MassDEP Noise Policy (Policy Statement 90-001, February 1, 1990) interprets a violation of this noise regulation to have occurred if the source causes either:

1. An increase in the broadband sound pressure level of more than 10 dBA above the ambient, or
2. A "pure tone" condition.

It is important to note that the background conditions typically fluctuates throughout the day, and in many neighborhoods such as this one where there are less evening activities than daytime activities and more evening activities than overnight activities, the general diurnal trend for ambient sound is loudest during the day, quieter in the evening and even quieter overnight when most people are sleeping. The constant hum of the highway traffic dampens this daily trend, but it is still there. Based upon this background data analysis, Tech determined that if warranted, it would make sense to break the background into daytime/nighttime periods or daytime, evenings and nighttime periods.

A "pure tone" condition occurs when any octave band sound pressure level exceeds both of the two adjacent octave band sound pressure levels by 3 dB or more. The MassDEP Noise Policy states that this criteria should be measured both at the property line and at the nearest inhabited residence. However, MassDEP Noise Policy interpretation states that sound levels that exceed the criteria at the property line do not necessarily result in a violation of the policy².

The Town of Lakeville Zoning Bylaws does not have a specific noise. Therefore, compliance with the MassDEP Noise Policy infers compliance with sound impact limitations contained within the Lakeville Zoning Bylaws.

4.0 Modeling Assumptions and Results

This section describes the modeling approach and assumptions included in our acoustic modeling analysis, and predicted sound levels at the residences nearest to the the project site.

4.1 Modeling Assumptions

Future sound levels of the proposed warehouse development were calculated with the Cadna-A acoustic model assuming both continuous and non-continuous sources associated with the facility. The assumptions in our noise modeling analysis are as follows:

² <https://www.mass.gov/files/documents/2018/01/31/noise-interpretation.pdf>

1. The location of the proposed warehouse and distribution development and associated grading was based on site plans by VHB. The plans show the proposed location of the warehouse and the proposed grading and drainage plan.
2. It was determined based upon the ITE traffic data distribution that it did make sense to break the analysis into daytime, evening, and nighttime (overnight) hours. Therefore, Tech broke the ambient data into three periods:
 - a. daytime (6:00 am- 5:59 pm),
 - b. evening (6:00 pm – 10:59 pm), and
 - c. nighttime (11:00 pm- 5:59 am).
3. Tech looked at each data set (presented in Section 2.0) during the time periods above and determine that:
 - a. the lowest daytime ambient L_{90} sound level was 41 dBA,
 - b. the lowest evening ambient L_{90} sound level was 35 dBA, and
 - c. the lowest nighttime ambient L_{90} sound level was 32 dBA.
4. Therefore, it was determined that in order for the facility to comply with the MassDEP noise policy, the maximum allowable limit for total sound (i.e. ambient sounds plus the project) is:
 - a. 51 dBA during daytime,
 - b. 45 dBA in the evening hours, and
 - c. 42 dBA during nighttime.
5. Sound sources included fixed and mobile sources of sound. There are two potential sources of fixed/continuous sounds they are the three mechanical rooftop units (RTUs) and the emergency generators. The emergency generators are exempt from sound analyses as long as they are only proposed during power outages and some routine exercising during the daytime to keep them functional. They were therefore not included in the model. The RTUs were assumed to be run at full load at all times in the model to be conservative.
6. Traffic for the industrial site was determined by VHB on a daily basis. Mobile sources were subdivided into two categories: passenger cars and trucks. Based upon the square footage of the building proposed, VHB determined that 65% of the daily traffic would be passenger cars.
 - a. **Passenger car trip ends.** Tech used our experience and discussions with the proponent about possible intended uses to split the passenger car into hours over a 24-hour period. The assumptions considered that there will be approximately $\frac{1}{2}$ half of the passenger cars for a daytime (administrative shift and the remainder would be shift workers and transient trips). The shift workers would be spread out into two or three shifts and the transient traffic would be continuous through a 24-hour period since the facility is being permitting for 24-hour operations. As a result, it was assumed that passenger car trip ends would be a maximum of 20 passenger car trip ends during the worst-case daytime hours; 10 passenger cars during the worst-case evening hour, and 5 passenger car trip ends during the overnight hours. It was assumed that at passenger cars would enter the parking lot from the street and drive the maximum distance to the far end of the parking lot to be conservative.

- b. Truck Trip Ends.** A number of traffic and flow pattern assumptions were made for truck trips:
- i.** As a conservative approach for the noise model the traffic will enter one end of the facility, travel one way around the building and exit through a different driveway than entering.
 - ii.** The trucks will dock at either the east or west side of the building, load or unload, and then exit.
 - iii.** It is not expected that trucks will need queue on this site as there are many more docks available than hourly truck trips anticipated. There will be trucks already docked and at time trucks may need to idle in order to get into position for docking/exiting. Therefore it was assumed that during the worst-case hours analyzed that each truck will idle for fifteen minutes. Please note that MassDEP does not allow idling for more than 5 minutes for air quality reasons so this assumption is conservative, as it assumes that all trucks would need to idle in up to three locations while on-site.
 - iv.** It is assumed that each truck will need to back-up and will have standard back-up beepers. The back-up beeper time is much less than idling time and is assumed to occur for up to 30 minutes of each hour during the quietest hours and continuously during the daytime hours when there is more traffic anticipated.
 - v.** The maximum truck distribution assumed was:
 - 1.** during daytime hours that there would be a maximum of 30 truck trip ends,
 - 2.** during the evening hours there would be a maximum of 8 truck trip ends, and
 - 3.** during the nighttime hours would be a maximum of 4 truck trip ends.
7. The facility is proposing a landscaped and earthen berm to shield the nearest residences from sounds produced by truck traffic, idling trucks, and the trailer storage areas.
 8. The proposed warehouse will operate 24 hours per day, seven days per week.
 9. The height of the modeling receptors at the nearest homes are equal to the highest floor of the residence.
 10. During the day it is reasonable to assume that docking and loading would occur on both sides of the building given the throughput. And while at night both sides will be used, it is possible for the worst-case hour that all activity could occur on one side or the other, so nighttime modeling was performed for both sides independently with all activities to be conservative.

4.2 Future Sound Levels

Cadna-A is a sophisticated 3-D model for sound propagation and attenuation based on International Standard ISO 9613.³ Atmospheric absorption is the process by which sound energy is absorbed by the air and was calculated using ANSI S1.26-1995.⁴ Absorption of sound assumed standard conditions and is significant at large distances and at high frequencies. ISO 9613 was used to calculate propagation and attenuation of sound energy by hemispherical divergence with distance, surface reflection, ground, and shielding effects by barriers, buildings, and ground topography. Offsite topography was determined using MassGIS digital terrain models.⁵

1. The model assumes a ground-based temperature inversion, such as may occur on a clear, calm night when sound propagation is at a maximum. This worst-case condition is infrequent.
2. The model assumes that all rooftop equipment operate at maximum load simultaneously (a worst-case condition not likely to occur).

The modeling results concluded that the warehouse would result in a predicted sound level impact ranging from 29 dBA to 48 dBA during the daytime, 23 dBA to 42 dBA during the evening and 20 dBA to 40 dBA during the nighttime. The highest resulting change in sound level would be +9 dBA, which occurs at 16 Rush Pond Road. Again, as stated above, the worst case scenario during nighttime assumed the facility would be performing all operations on the west side of the building, closer to the residential receptors, while in reality they would not be limiting their operations to this side of the facility.

The sound level impacts of the warehouse development at locations further away would be even less. Furthermore, the modeled sound level impact at the nearest residences do not demonstrate the presence of a pure tone condition. Lastly, the resulting change in sound level at the nearest residential locations would range from + 0 dBA to + 9 dBA.

Table 4A-C summarizes the modeling results, Figures 2 through 4 shows the sound level contours for the worst-case hour for the three daytime, evening and nighttime scenarios examined. The results demonstrate that the proposed warehouse development will comply with the MassDEP Noise Policy.

In conclusion, the proposed warehouse development at 43 Main Street in Lakeville, Massachusetts will not create a noise nuisance condition and will fully comply with the MassDEP Noise Policy.

If you have any questions, please call me at (781) 890-2220 x33.

Sincerely,

TECH ENVIRONMENTAL, INC.



³ International Standard, ISO 9613-2, Acoustics – Attenuation of Sound During Propagation Outdoors, -- Part 2 General Method of Calculation.

⁴ American National Standards Institute, ANSI S1.26-1995, American National Standard Method for the Calculation of the Absorption of Sound by the Atmosphere, 1995.

⁵<https://docs.digital.mass.gov/dataset/massgis-data-digital-terrain-model-dtm-files>

Michael T. Lannan, P.E.
 President

**TABLE 4A
 PREDICTED SOUND LEVELS FROM PROPOSED WAREHOUSE DEVELOPMENT
 AT 43 MAIN STREET, LAKEVILLE
 DAY TIME (6:00 AM- 5:59 PM)**

Sensitive Receptor Location	Lowest Ambient Sound Level (dBA)	Sound Level Impact of Project (dBA)	Total Future Sound Level (dBA)	Sound Level Increase (dBA)
22 Main Street	41	29	42	+0
2 Lori Lane	41	48	49	+7
23 Rush Pond Road	41	41	44	+3
21 Rush Pond Road	41	42	45	+3
19 Rush Pond Road	41	43	45	+4
20 Rush Pond Road	41	44	46	+4
18 Rush Pond Road	41	44	46	+5
16 Rush Pond Road	41	48	49	+7
14 Rush Pond Road	41	47	48	+6
12 Rush Pond Road	41	42	45	+3
10 Rush Pond Road	41	44	46	+5
New Development #1	41	44	46	+4
New Development #2	41	45	47	+5
New Development #3	41	42	45	+3
21 Rhode Island Road	41	34	42	+1

TABLE 4B
PREDICTED SOUND LEVELS FROM PROPOSED WAREHOUSE DEVELOPMENT
AT 43 MAIN STREET, LAKEVILLE
EVENING TIME (6:00 PM- 10:59 PM)

Sensitive Receptor Location	Lowest Ambient Sound Level (dBA)	Sound Level Impact of Project (dBA)	Total Future Sound Level (dBA)	Sound Level Increase (dBA)
22 Main Street	35	23	35	+0
2 Lori Lane	35	42	42	+7
23 Rush Pond Road	35	36	38	+3
21 Rush Pond Road	35	36	39	+4
19 Rush Pond Road	35	37	39	+4
20 Rush Pond Road	35	38	40	+5
18 Rush Pond Road	35	39	41	+5
16 Rush Pond Road	35	42	43	+8
14 Rush Pond Road	35	41	42	+7
12 Rush Pond Road	35	36	38	+3
10 Rush Pond Road	35	37	39	+4
New Development #1	35	37	39	+4
New Development #2	35	38	40	+5
New Development #3	35	36	38	+3
21 Rhode Island Road	35	27	36	+1

**TABLE 4C
PREDICTED SOUND LEVELS FROM PROPOSED WAREHOUSE DEVELOPMENT
AT 43 MAIN STREET, LAKEVILLE
NIGHT TIME (11:00 PM- 5:59 AM)**

Sensitive Receptor Location	Lowest Ambient Sound Level (dBA)	Sound Level Impact of Project (dBA)	Total Future Sound Level (dBA)	Sound Level Increase (dBA)
22 Main Street	32	20	32	+0
2 Lori Lane	32	39	40	+8
23 Rush Pond Road	32	35	36	+5
21 Rush Pond Road	32	35	36	+5
19 Rush Pond Road	32	35	37	+5
20 Rush Pond Road	32	37	38	+7
18 Rush Pond Road	32	38	39	+7
16 Rush Pond Road	32	40	40	+9
14 Rush Pond Road	32	38	39	+8
12 Rush Pond Road	32	33	36	+4
10 Rush Pond Road	32	35	36	+5
New Development #1	32	34	36	+5
New Development #2	32	36	37	+6
New Development #3	32	32	35	+3
21 Rhode Island Road	32	22	32	+0

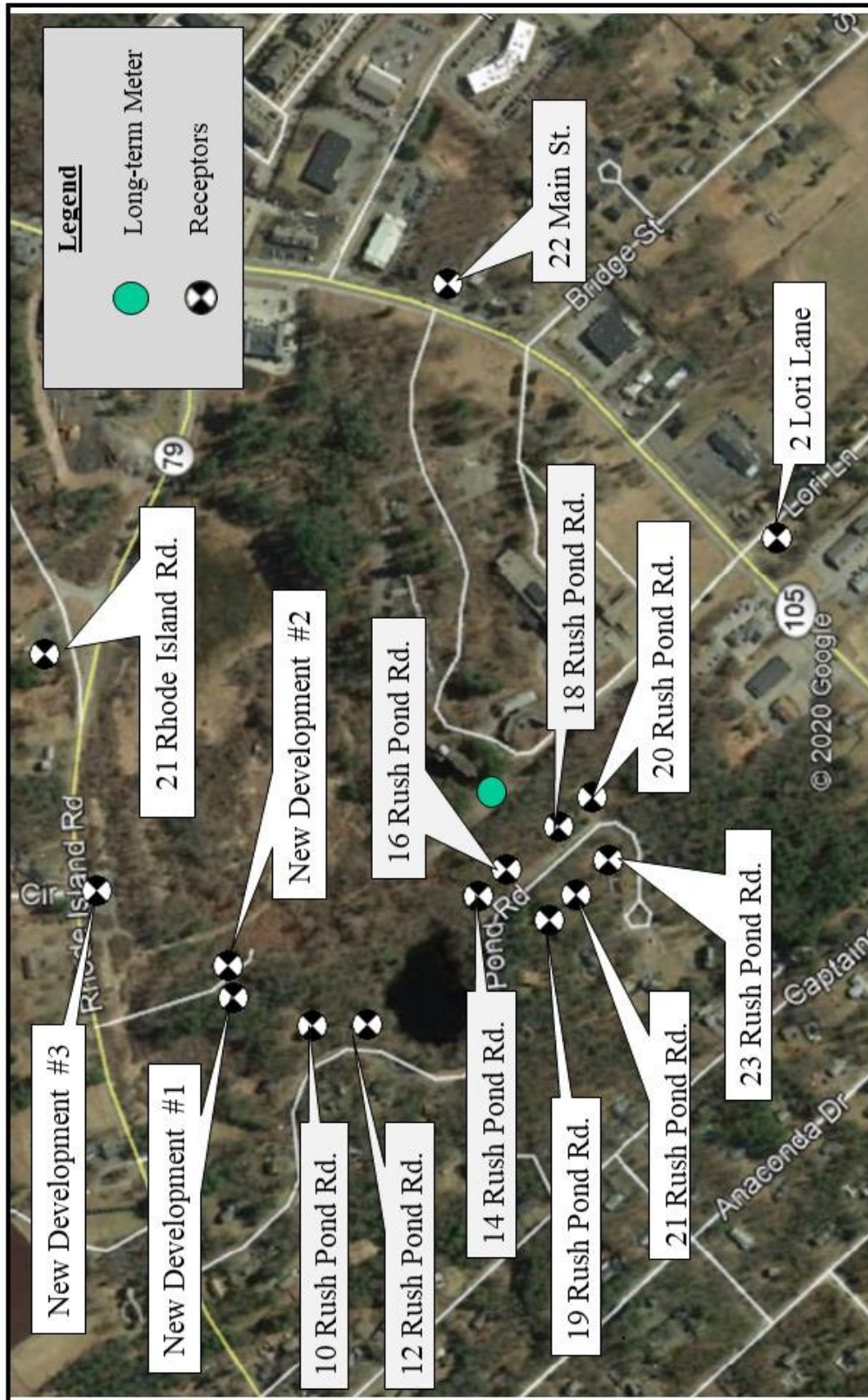


Figure 1
Long-term Meter and Receptors Location
43 Main Street, Lakeville, MA



January 4, 2021

Chairman Mark Knox
Project 43D Committee

Dear Mr. Knox and Committee members,

I am writing to express my opposition to granting a special Development Opportunities (DO) district permit for the Rhino Capital project. I am a 14-year resident of Lakeville, and I would like to preface this letter in stating I am **not** opposed to the development of the hospital space. I have lived here long enough to see the many developments over the years on and along Main St., and the many residences being built all around me. I use to have 2 neighbors; now I have 11 with the addition of Old Field Estates on Rhode Island Rd. I am perfectly aware the hospital property would be developed at some point in time. My hope has always been that Town leadership would be wise in their decision making and understanding enough to consider the resident abutters, natural wildlife including the land, already developed and planned space surrounding the site, and visual town character when considering opportunities for the hospital site.

After attending the 12/17/20 public hearing via Zoom, and reviewing all public documents available online, I am writing to you and the Committee to let you know as a resident, I do not support the project to grant a special permit because I do not believe this is the right opportunity for the hospital site in Lakeville.

As I read section 7.9.1 of the Zoning By-Law as cited to you in a letter dated October 28, 2020 from Brittany Gesner regarding the Development Opportunities (DO) District, it partially reads:

*“The purpose of the Development Opportunities (DO) District is to authorize the **innovative** use of certain portions of a defined overlay district for activities appropriate to large land areas by the issuance of a special permit with safeguards and conditions to prevent **detrimental** effects and impact upon neighboring properties, natural resources and upon the Town of Lakeville as a whole”.*

The definition of innovative is as follows : *Innovative: (of a product, idea, etc.) featuring new methods; advanced and original “innovative designs” synonyms: advanced, inventive, ahead of the times ...*

After attending the public meeting and reading the project plans, I am not seeing anything innovative about a warehouse. It is my understanding there is no definitive client/businesses for the proposed warehouse facility – it’s an unknown. So to me, it appears that we are being asked to accept a warehouse facility as innovative – I see no evidence of this? There is nothing indicating that at all and in fact, appears to be taking up such a large amount of space, it will be intruding, not innovative at all.

As in the Sysco situation, this is an Industrial proposal being imposed on the Town on a piece of land that should remain Commercial/Residential land. I would also like to note that, “... **detrimental effects and impact to neighboring properties....**” does not mean the same thing to a Lakeville resident abutting the property than another one that is miles away from the property site. It **will be** detrimental to my quality of life – that may seem like an exaggeration to some people, but for me and my family, we do not ever plan on picking up and moving , that is not an option.

We did not move here or choose to live our lives out here to watch the natural beauty disappear from certain areas due to their location to a highway or a train station. There is no noise study or traffic study that can measure the visual satisfaction of looking out of your window and seeing deer and turkey travel through the woods vs. looking at a parking lot and the rooftop of an active warehouse facility with your standard commercial landscaping. This is the reason Industrial Parks exist – to most certainly protect the residents from having to live with the environment it brings. The residents surrounding the area should matter to you.

I drive Main St. 3-4 times a day and have seen the increase in traffic over the years, along with the careless drivers that frequent that road. It puzzles me that the danger alone of large trucks of (whatever business?) would be frequently coming in and out of there – it WILL be very bad.

I understand I am in the minority opposing the Rhino Capital project – residents are anxious to get the site developed, and I realize we abutters are less than 2 dozen or so. I am sincerely asking that the Committee consider this project as not a realistic fit for the hospital property site and to take their proposal to a site that is deemed Industrial.

A satisfactory fit will comprise of enough space between a Residential/Commercial business/structure and preserving a large buffer of natural land whereby there is not a significant visual impact noticeably different than what is provided today – it certainly should be more than a few hundred feet from a proposed parking lot in the back of the warehouse! I can not even begin to fathom how the residents on the side of the property, Rush Pond Rd., etc., deserve to be given such a large neighbor, and also all the new residents to come at Old Field Estates. This project is proposing a substantial amount of land to be developed – more than is comfortable from my opinion.

Today, I see the back of the hospital property, but it's extremely minimal. Large trees and brush block the view of the buildings. The woody areas house many already displaced wildlife due to current housing construction that is taking place in this area. It's not a lot of buffer space to ask for in return for the quality of life to be sustained for some residents and natural habitat for wildlife that have already taken a beaten in the last several years, and that will surely be disrupted by this proposal – it IS detrimental to us.

Thank you for taking the time to read my letter of concerns and objections.

Sincerely,

Sharon Dennis
39 Rhode Island Rd
sharonsweetgold@aol.com

To: Selectmen and Chair persons of the Lakeville Boards,

We want to inquire if all of the meetings for the proposed Lakeville Hospital redevelopment will be held through online communication? We are concerned that many of the abutters and other concerned citizens are at a definite disadvantage trying to hear and respond in this way.

We recognize the town is attempting to inform its citizens while protecting all those involved from unnecessary danger of viral exposure. That is a reasonable goal but there are some citizens who feel that online meetings are not adequate for the careful consideration of such a huge project, especially when it promises to negatively impact our town.

The project the Rhino Company is proposing will place an industrial site directly in the center of one of the most densely populated areas of Lakeville. It will also have a huge impact on the traffic patterns of important commercial areas of both Lakeville and Middleboro. It will affect the safety of our citizens as they travel through the area and the quality of life for dozens of the homeowners that live just a stones throw from the dozens of trucks that will be entering the facility every 3 to five minutes through out the night.

We feel that it is essential that citizens of Lakeville have a chance to hear from the builders and members of the town boards, face to face, so that we can hope the officials, who are deciding on this irreversible change to our town's character, are acknowledging and considering our concerns.

We request that you plan on two publically held meetings so that our citizens can ask their questions and hear your responses. We hope that you will let us know at your earliest convenience.

Thank you for your attention to this matter.

Richard D. Scott



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

January 8, 2021

Kathleen A. Theoharides
Secretary of Environment and Energy
Executive Office of Energy and Environmental
Affairs
100 Cambridge Street, Suite 900
ATTN: MEPA Office
Boston, MA 02114

RE: EENF Review. EOEEA 16298
LAKEVILLE, Lakeville Hospital
Redevelopment at 379 Walnut Street at 43 Main
Street

Dear Secretary Theoharides,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Expanded Environmental Notification Form (EENF) for the Lakeville Hospital Redevelopment at 43 Main Street, Lakeville, Massachusetts (EOEEA #16298). The Project Proponent provides the following information for the Project:

The Project proposes a 402,500-square foot (sf) warehouse building that will include 128 loading docks and a small amount of ancillary office space. While the building will be devoted to a warehouse use, the exact nature of the facility is not yet determined, as a tenant has not yet been secured. The Project will also require new access roadways with improved curb cuts from Route 105, approximately 403 vehicle parking spaces (with a potential expansion of up to an additional 161 spaces as land banked spaces), and storage for up to 130 tractor trailers.

Bureau of Water Resources Comments

Wetlands. A Notice of Intent was filed with the Lakeville Conservation Commission on October 30, 2020. The Department issued a file number (DEP File Number 192-0853) on November 16, 2020. The Department will review the Orders of Conditions once issued to ensure it is consistent with the Wetlands Protection Act and Regulations.

Certified Vernal Pools are considered an Outstanding Resource Water pursuant to 314 CMR 4.00. The applicant is required to obtain a 401 Water Quality Certification as the proposed activity will result in the dredging in, or any activity resulting in any discharge of dredged or fill material to any Outstanding Resource Water (314 CMR 9.04(2)).

Waterways. There are no Chapter 91 geographical areas of jurisdiction being impacted by the Project.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Underground Injection Control. The Proponent is advised that the conveyances of the Project's stormwater through underground infiltration structures may be subject to the jurisdiction of the MassDEP *Underground Injection Control (UIC)* program. These structures must be registered with MassDEP UIC program through the submittal of a BRP WS-06 UIC Registration application through MassDEP's electronic filing system, eDEP. The statewide UIC program contact is Joe Cerutti, who can be reached at (617) 292-5859 or at joseph.cerutti@state.ma.us. All information regarding on-line (eDEP) UIC registration applications may be obtained at the following web page under the category "Applications & Forms": <https://www.mass.gov/underground-injection-control-uic>.

Stormwater Management/National Pollutants Discharge Elimination System (NPDES) Permit.

The Project construction activities are scheduled to disturb 4.46 acres of land and therefore, may require a NPDES Stormwater Permit for Construction Activities. The Proponent can access information regarding the NPDES Stormwater requirements and an application for the Construction General Permit at the EPA website: https://www.epa.gov/sites/production/files/2017-07/documents/cgp_flow_chart_do_i_need_a_permit2.pdf

Industrial Stormwater Permit

The Proponent acknowledges that a Stormwater Pollution Prevention Plan may be required in accordance with the EPA National Pollutant Discharge Elimination System (NPDES) Multi Sector General Permit (Industrial Stormwater) Program (https://www.epa.gov/sites/production/files/2015-10/documents/sector_p_transportationfacilities.pdf).

The Proponent is advised to consult with David Gray at gray.david@epa.gov, 617-918-1577 for any of its questions regarding EPA's NPDES stormwater permitting requirements.

Wastewater Management. The Proponent proposes the discharge of its wastewater under the rules governing Title 5 as defined at 310 CMR 15.00 ([310 CMR 15 \(mass.gov\)](https://www.mass.gov/doc/310-cmr-15-mass.gov)). However, the Proponent is advised that the discharge *any amount of industrial (non-sanitary) wastewater* from any of its operations is *prohibited* and requires that its wastewater discharges will be governed under the requirements of the Groundwater Discharge Permit Program as defined by 314 CMR 5.00 (<https://www.mass.gov/regulations/314-CMR-5-ground-water-discharge-permit-program>).

If you have any questions regarding the wastewater comments above, please contact Jeff Gould at (508) 946-2757.

Bureau of Waste Site Cleanup Comments

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

As described in the application, there are three MCP sites located within the proposed Project area, and one MCP site located off-site to the northeast (not southeast as listed in the application). The four MCP sites are either closed or Adequately Regulated by another MassDEP program. The three on-site Release Tracking Numbers (RTNs) are 4-6008, 4-11931, and 4-11935. RTN 4-6008 was closed with an

A-2 Response Action Outcome (RAO) dated April 19, 2000 and received by MassDEP on April 27, 2000. RTN 4-11931 was determined Adequately Regulated under MassDEP Solid Waste on May 30, 2007. RTN 4-11935 was closed with a B-1 RAO dated February 1999 and received by MassDEP on May 9, 2000. The off-site RTN 4-18356 (not RTN 4-1835 as referenced in the application) was closed under the MCP with an A-2 RAO dated June 15, 2004 and received by MassDEP on June 16, 2004.

There are no other MCP disposal sites located at or in the vicinity of the property that would appear to impact the proposed Project area. Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver)

at: http://maps.massgis.state.ma.us/map_ol/oliver.php. Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. MCP reports and the compliance status of specific disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <https://eeaonline.eea.state.ma.us/portal#!/search/wastesite>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification to MassDEP may be required pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000). If oil and/or hazardous material is encountered a Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions and/or conduct response actions. The BWSC may be contacted for guidance if questions arise regarding cleanup.

Bureau of Air and Waste (BAW) Comments

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor, or noise. To determine the appropriate requirements please refer to:

310 CMR 7.09 Dust, Odor, Construction, and Demolition

310 CMR 7.10 Noise

Construction-Related Measures

MassDEP requests that all non-road diesel equipment rated 50 horsepower or greater meet EPA’s Tier 4 emission limits, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with appropriate emissions reduction equipment. Emission reduction equipment includes EPA-verified, CARB-verified, or MassDEP-approved diesel oxidation catalysts (DOCs) or Diesel Particulate Filters (DPFs). The Proponent should maintain a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece of equipment on file for Departmental review.

Massachusetts Idling Regulation

The ENF reports that “The Project will enforce anti-idling measures consistent with MGL Chapter 90 Section 16A. In addition, all diesel construction machinery will be fitted with oxidation catalysts to reduce emissions.”

MassDEP reminds the Proponent that unnecessary idling (i.e., in excess of five minutes), with limited exception, is not permitted during the construction and operations phase of the Project (Section 7.11 of 310 CMR 7.00). Regarding construction period activity, typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure

compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent install permanent signs limiting idling to five minutes or less on-site.

Hazardous Waste Management. If any occupant of the Project generates hazardous waste and/or waste oil, that entity must be properly registered with the MassDEP in accordance with 310 CMR 30.000 for legally generating and managing regulated waste. The Proponent is advised to consult at this MassDEP website <https://www.mass.gov/guides/hazardous-waste-generation-generators> to determine if the Proponent qualifies as a generator of hazardous waste and/or waste oil.

Underground Storage Tanks (USTs). The Proponent is advised, in the event that underground fuel storage tank(s) are installed in the future, that the Proponent as Owner and/or Operator of underground storage tanks (USTs) that store regulated substances pursuant to M.G.L. c. 210 must comply with the requirements of M.G.L. c. 210, 527 CMR 1.00, 527 CMR 5.06 and 310 CMR 80.00. These requirements include but are not limited to system design, construction, installation and maintenance, UST system registration, third party inspections, release reporting, record keeping and UST operator training.

Spills Prevention. A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential on-site activity releases.

Solid Waste Management.

Solid Waste Comments:

1. The ENF indicated that the current owner (Lakeville Hospital Realty LLC) proposes to remove the Landfill in accordance with the existing Solid Waste permits (BWP SW25 – Corrective Action Design – Transmittal #: W117806 dated April 27, 2009 and BWP SW41 – Beneficial Use Determination - Transmittal #: X004460 dated April 27, 2009) for the respective facility, Lakeville State Hospital Landfill.

When there is a change in ownership of a solid waste facility, the new owner must identify itself to MassDEP for the facility's permit to remain valid. The Proponent is required to submit a Certification for Transfer a Permit (BWP SW-49) for MassDEP review and approval, pursuant to 310 CMR 19.044: *Transfer of Permits*. In accordance with 310 CMR 19.044(a), a Notice of Landfill Operation (NOLO) is required to be recorded in the Registry of Deeds or in the Registry Section of Land Court for the district wherein the Landfill lies in accordance with M.G.L. c. 111, §150A and 310 CMR 19.141. If NOLO has not been filed contact MassDEP to obtain for preapplication guidance. In accordance with 310 CMR 19.044(c), the Proponent shall obtain financial assurance as required under 310 CMR 19.051. The financial assurance shall be adequate to assure MassDEP that the Proponent is always financially capable of complying with the provisions of 310 CMR 19.00 governing the closure of the Facility and its post closure maintenance. Information pertaining to this requirement is available at <https://www.mass.gov/doc/instructions-sw-49-transfer-of-permit/download>.

2. The ENF indicates that material generated during demolition of the existing building will be reused. Reuse of this material requires submittal of MassDEP's BWP SW41 – Beneficial Use Determination – Restricted Applications. The permit is intended to protect public health, safety, and the

environment by comprehensively regulating the reuse of waste materials as effective substitutes for a commercial product or commodity. Information pertaining to this requirement is available at <https://www.mass.gov/doc/instructions-sw-39-40-41-42-beneficial-use-determinations/download>.

3. *The ENF indicates that approximately 11,000 cubic yards of landfill debris from the site will be removed.*

Following the removal of the waste materials within the landfill, the Proponent shall submit the MassDEP's BWP SW43 – Determination of Landfill Closure Completion for MassDEP review and approval. The permit is intended to protect the public health, safety, and the environment by ensuring that construction during closure of a solid waste landfill facility has been completed in accordance with the approved permit and subsequent post-closure use of the site will not result in adverse effects on public health or safety, pollution of land, air and water or nuisance conditions. Information pertaining to this requirement is available at <https://www.mass.gov/doc/instructions-sw-43/download>.

4. *The Proponent shall submit to MassDEP Solid Waste Management Section of the Southeast Regional Office a site-specific Health and Safety Plan for the Post Closure before any commencement of construction activity at the site. The plan should include at minimum:*

- protocols for monitoring of landfill gas as needed;
- protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable; and
- instruction and training of all personnel working on the site regarding the potential health and safety hazards at the site including, but not limited to those associated with landfill gas.

5. Asphalt, brick, and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings or other structures must be handled in accordance with the Solid Waste regulations. These regulations allow, and MassDEP encourages, the recycling/reuse of ABC rubble. The Proponent should refer to MassDEP's Information Sheet, entitled "Using or Processing Asphalt Pavement, Brick and Concrete Rubble, Updated February 27, 2017", that answers commonly asked questions about ABC rubble and identifies the provisions of the solid waste regulations that pertain to recycling/reusing ABC rubble. This policy can be found on-line at the MassDEP website: <https://www.mass.gov/files/documents/2018/03/19/abc-rubble.pdf>.

If you have any questions regarding the Solid Waste Management Program comments above, please contact Mark Dakers at (508) 946-2847.

Asbestos Program. The Asbestos Program has reviewed the EENF for the Lakeville Hospital Redevelopment Project (EEA No. 16298) and offers the following comments pursuant to MassDEP Air Quality Regulations (310 CMR 7.00 and MassDEP Asbestos Regulations (310 CMR 7.15).

Asbestos Comments:

1. *Asbestos Survey Requirements*

The EENF indicates that the proposed Project includes the demolition and removal of seven existing structures on the property totaling 407,653 square feet and construction of a 402,500 square foot storage facility. The EENF states that asbestos was confirmed to be present in nearly all buildings and remnants of buildings as well as in former subsurface steam conduits but does not include an asbestos survey report as part of the submittal.

Prior to conducting any demolition or renovation activities, 310 CMR 7.15(4) requires any owner or operator of a facility or facility component that contains suspect asbestos containing material (ACM) to employ or engage a licensed asbestos inspector to thoroughly inspect the facility or facility component, identify the presence, location and quantity of any ACM or suspect ACM and to prepare a written asbestos survey report. The survey shall identify and assess suspect ACM located in all areas that will be breached or otherwise affected by the demolition activities, including, but not limited to wall cavities, pipe chases, subsurface conduits, areas above ceilings and under/between multiple layers of flooring. Adequate and representative samples must be collected of all suspect asbestos containing building materials and sent to a DLS certified laboratory for analysis, using USEPA approved analytical methods.

The written asbestos survey report shall contain an inventory of the exact locations of the ACM or suspect ACM from which samples were collected, analytical results of all samples taken, the date(s) such samples were collected, the name(s) of the persons who provided asbestos analytical services, and a blueprint, site map, diagram or written description of the facility and locations(s) thereof subject to demolition or renovation. This documentation shall clearly identify each location subject to demolition and/or renovation and the corresponding footage (square and/or linear) of any ACM or suspect ACM in each location.

The Project Proponent is advised to submit all asbestos/hazardous building material surveys that have been completed for the property prior to Project implementation and to schedule a pre-abatement site walkthrough with MassDEP asbestos inspectors and the Proponent's DLS licensed asbestos consultant to confirm existing site conditions prior to asbestos abatement or demolition activities.

2. *Asbestos Abatement Requirements*

The Project Proponent must hire a DLS licensed asbestos abatement contractor to remove and dispose of any asbestos containing material(s) from the facility or facility component, prior to conducting any demolition or renovation activities. The removal and handling of asbestos from the facility or facility components must adhere to the Specific Asbestos Abatement Work Practice Standards required at 310 CMR 7.15(7).

If any proposed alterations or exemptions to Specific Asbestos Abatement Work Practice Standards required at 310 CMR 7.15(7) are proposed, the Project Proponent must submit a Non-Traditional Asbestos Abatement Work Practice Plan (NTWP) to MassDEP for approval in accordance with 310 CMR 7.15 (14). As part of an NTWP submittal package, MassDEP will require pre- and post-abatement inspections to ensure alternate work practices specified in the approved NTWP are adhered to. The AQ 36 Non-Traditional Asbestos Abatement Work Practice Approval application form (AQ 36) and instructions for submitting the NTWP and AQ 36, can be found at the following links:

Application:

<https://www.mass.gov/how-to/aq-36-non-traditional-asbestos-abatement-work-practice-approval>

Instructions:

<https://www.mass.gov/doc/instructions-aq-36/download>

3. *Asbestos Notification Requirements*

In accordance with 310 CMR 7.15 (6), the Project Proponent's asbestos contractor is required to submit a BWP ANF-001 Asbestos Notification Form to MassDEP at least ten (10) working days prior to beginning any abatement or removal of asbestos containing materials from the facility. The AQ 04 (ANF 001) notification form, and instructions for completing an ANF 001, can be found at the following links:

Notification Form:

<https://www.mass.gov/how-to/file-an-aq-04-anf-001-asbestos-removal-notification>

Instructions:

<https://www.mass.gov/doc/bwp-aq-04-anf-001-asbestos-removal-notification-instructions-july-2015-0/download>

4. *Construction and Demolition Notification Requirements*

In accordance with 310 CMR 7.09, the Project Proponent and demolition contractor are required to submit a BWP AQ-06 Notification Prior to Construction or Demolition (AQ-06) at least ten (10) working days prior to initiation of demolition or construction activities at the property. This notification requirement is designed to protect public health and the environment by ensuring that the release of dust or other potentially hazardous air pollutants to the ambient air will be prevented. The AQ-06 application form, and instructions for completing an AQ 06, can be found at the following links:

Notification Form:

<https://www.mass.gov/how-to/file-an-aq-06-constructiondemolition-notification>

Instructions:

<https://www.mass.gov/doc/instructions-aq-06-constructiondemolition-notification/download>

5. *Solid Waste Disposal Area ("SWDA") Removal*

The EENF indicates that approximately 11,000 cubic yards of landfill debris, including construction and demolition debris from the former hospital, will be excavated, and removed from the site. Section 7.2.4 September 2020 Phase II ESA indicates that several bulk building material samples from the SWDA positively identified ACWM including 10% chrysotile.

The Proponent is advised that 310 CMR 7.15 (14) requires that a NTWP Application, prepared by a DLS licensed asbestos designer, be submitted to MassDEP to bulk load asbestos-containing waste material (ACWM) and any associated contaminated soil, debris or other materials comingled with ACWM. The NTWP shall specify alternate work practices and engineering controls for the safe handling, storage, transportation, and disposal of the ACWM from the SDWA.

6. *Asbestos Storage and Disposal Requirements*

The Proponent shall ensure that all ACWM from any asbestos abatement activity is properly stored and disposed of at a landfill approved to accept such material in accordance with 310 CMR 7.15 (17). The Solid Waste Regulations at 310 CMR 19.061(3) list the requirements for any solid waste facility handling or disposing of asbestos waste. Pursuant to 310 CMR 19.061(3)(b)1, no asbestos

containing material; including VAT, asphaltic-asbestos felts, or shingles; may be disposed at a solid waste combustion facility.

Climate Change / GHG Comments

Pursuant to the Global Warming Solutions Act of 2008 (GWSA) (Chapter 298 of the Acts of 2008) and the Commonwealth's Clean Energy and Climate Plan the Commonwealth has established economy-wide greenhouse gas (GHG) emission reduction limits for Massachusetts that will achieve reductions of 25 percent below statewide 1990 GHG emission levels by 2020 and 80 percent below statewide 1990 GHG emission levels by 2050. Furthermore, Section 7 of the GWSA amended Section 61 of Chapter 30 of the Massachusetts General Laws by inserting, "in considering and issuing permits, licenses and other administrative approvals and decisions, the respective agency, department, board, commission or authority shall also consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise."

The Proponent should consider potential GHG impacts (e.g., energy demand, use of renewable energy sources, transportation modes, etc.) of its project in the context of furthering the Commonwealth's goals and recommended GHG mitigation policies in the *Clean Energy and Climate Plan for 2020*. Additional information on the Commonwealth's efforts to reduce GHG emissions can be found at:

<http://www.mass.gov/eea/air-water-climate-change/climate-change/massachusetts-global-warming-solutions-act/>.

Climate Change – Adaptation

Section 7 of the Global Warming Solutions Act of 2008 (GWSA) (Chapter 298 of the Acts of 2008), amended Section 61 of Chapter 30 of the Massachusetts General Laws by inserting, "in considering and issuing permits, licenses and other administrative approvals and decisions, the respective agency, department, board, commission or authority shall also consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise."

MassDEP recommends that the Proponent review and consider the data and recommendations identified in the 2011 Massachusetts Climate Change Adaptation Report issued by the Executive Office of Energy and Environmental Affairs (EEA) (<http://www.mass.gov/eea/docs/eea/energy/cca/eea-climate-adaptation-report.pdf>), the 2014 National Climate Assessment, specifically the Northeast region section, (<https://nca2014.globalchange.gov/>) and the 2017 U.S. Global Change Research Program Climate Science Special Report (<https://science2017.globalchange.gov/>) to address potential climate change impacts and adaptation measures feasible for implementation on the project site. MassDEP also recommends that you check the following link for updates to the Massachusetts State Hazard Mitigation and Climate Adaptation Plan (<https://www.mass.gov/files/documents/2018/10/26/SHMCAP-September2018-Full-Plan-web.pdf>) which is anticipated to be finalized in 2018. Once completed, this plan will include more usable data and information.

MassDEP also recommends consideration and evaluation of potential adaptation and resiliency mitigation measures identified in Appendix A of the MEPA Draft Climate Change Adaptation and Resiliency Policy, as applicable. These strategies are designed to address impacts associated with sea-level rise, increases in participation and storm frequency, drought conditions, and increases in temperature and frequency of high heat days.

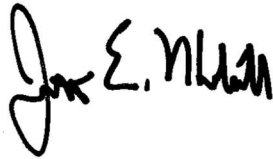
Proposed s.61 Findings

The “Certificate of the Secretary of Energy and Environmental Affairs on the Expanded Environmental Notification Form” may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

Other Comments/Guidance

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this EENF. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,



Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
 David Johnston, Deputy Regional Director, BWR
 Gerard Martin, Deputy Regional Director, BWSC
 Seth Pickering, Deputy Regional Director, BAW
 Jennifer Viveiros, Deputy Regional Director, ADMIN
 Jeff Gould, Chief, Wastewater Management, BWR
 Daniel Gilmore, Chief, Wetlands and Waterways, BWR
 Andrew Poyant, Wetlands and Waterways, BWR
 Carlos Fragata, Wetlands and Waterways, BWR
 Mark Dakers, Chief, Solid Waste, BAW
 Alison Cochrane, Solid Waste, BAW
 Elza Bystrom, Solid Waste, BAW
 Cynthia Baran, Chief, Asbestos, BAW
 Joseph Cerutti, Underground Injection Control Program, BRW/Boston
 Allen Hemberger, Site Management, BWSC



Town of Middleborough

CONSERVATION COMMISSION

20 CENTRE STREET
MIDDLEBOROUGH, MASSACHUSETTS 02346

PHONE 508-946-2406
FAX: 508-946-2309

January 14, 2021

Erin Flaherty (via email)
Environmental Analyst
Massachusetts Environmental Policy Act Office
Erin.flaherty@state.ma.us

RE: EEA# 16298 Lakeville Hospital Redevelopment – Lakeville, MA
Comments & Questions from the Middleborough Conservation Commission

Dear Ms. Flaherty:

On behalf of the Middleborough Conservation Commission I am sending this letter to submit comments and questions regarding EEA# 16298 Lakeville Hospital Redevelopment Environmental Notification Form (ENF) in the abutting Town of Lakeville.

- 1.) Is the Town of Lakeville having the stormwater design and calculations peer reviewed? Is the whole ENF proposal being peer reviewed?
- 2.) What is the distance from the subject site and the Town of Middleborough's East Grove Street Town well site along the Nemasket River? This is one of the Town of Middleborough's most active Town well sites.
- 3.) How far is the Nemasket River from the subject site and is the site within the Nemasket River Watershed?
- 4.) Is this site within a water resource protection district? For example a Zone II or DEP Surface Water Protection Zone.
- 5.) More impervious surface and wetland impact is proposed compared to the 2005 plan.
- 6.) The development does not seem to meet climate resiliency if they are increasing the impervious surface therefore increasing the heat island effect in the area.
- 7.) Will there be a plan on the removal of invasive species throughout the site. What invasive species currently exist at the site, how will they be removed (i.e. by hand, by chemical application?) and guarantee they won't come back?
- 8.) Are the 3 proposed infiltration basins for aquifer recharge in A & B type soils?
- 9.) It states in the ENF that the project is not considered a redevelopment yet the title of the project is redevelopment. However, it is more beneficial environmentally to have the site *not* be considered redevelopment since redevelopment is only designing the site to the "extent

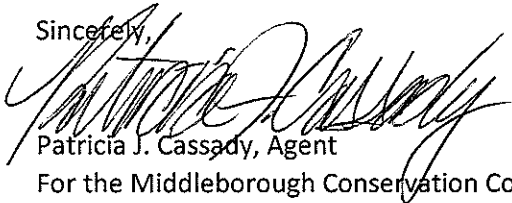
EEA# 16298 Lakeville Hospital Redevelopment – Lakeville, MA
Comments & Questions from the Middleborough Conservation Commission
January 14, 2021

practicable”. It is beneficial to have the site be developed as if it is a new site to *comply fully* with all the regulatory requirements.

- 10.) It is good to see that the roof of the building is proposed to be white and that the pavement will be of a light surface color since that will cut down on the heat island effect.
- 11.) It is suggested that the developer look into installing a gray water system to capture water and reuse it for toilets and other allowable uses of gray water.
- 12.) Is the Town of Lakeville going to hire a consultant to oversee the clean-up of the rest of the Hazardous Materials that remain on the site? The Town of Middleborough would want to know that any materials on the site do not adversely impact the Middleborough East Grove Street well site or any private drinking water wells in the area.
- 13.) Will there be a clerk of the works on behalf of the Town of Lakeville to oversee the site during construction?
- 14.) It appears that a new letter is needed from the Massachusetts Historical Commission (MHC). The letter provided in the ENF is from 2003 and for is for a completely different project with less impact (120,000 s.f. in 2003). I would suggest that a new Project Notification Form (PNF) be filed with attached ENF information to the MHC so that they can evaluate the impacts to potential archaeological or historical aspects of the site.

I can be contacted at pcssdy@middleborough.com or via phone at 508-946-2406.

Sincerely,



Patricia J. Cassidy, Agent

For the Middleborough Conservation Commission

Cc: Leeann Bradley, Middleborough Town Planner (via email)
Michael Bumpus, Middleborough Water Superintendent (via email)
Town of Middleborough Selectboard (via email)
Robert Nunes, Middleborough Town Manager (via email)
Christopher Peck, Middleborough DPW Director (via email)
Carlos Fragata, DEP-SERO Wetlands & Waterways (via email)
Jonathan Hobill, DEP-SERO C&E, MEPA (via email)
Bill Napolitano, SRPEDD (via email)
Lori Canedy, Town of Lakeville (via email)
Tracie Craig-McGee, Town of Lakeville (via email)
Cathy Murray, Town of Lakeville (via email)
Sarah Black, VHB (via email)



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December 11, 2020

Richard Scott
9 Rush Pond Road
Lakeville MA 02347

Reference: Review of Lakeview Sound Study dated October 29, 2020

Starting at the beginning, I see no problems in Table 1 and 2, but a serious deficiency in the following paragraph that will be reviewed later.

In item 3, we need to determine how the MassDEP Noise Policy 90-001 affects the regulations, causing “an increase in the broadband sound pressure level of more than 10dBA above the ambient or a pure tone condition.” Keep in mind that a 10dBA rise is **double the sound energy!**

Also, we must see how the Noise Policy “interpretation states that sound levels that exceed the criteria at the property line do not necessarily result in a violation of the policy.” The *maximum* spelled out in 4.1.4 is “51dBA during daytime, 45dBA in the evening hours, and 42dBA during nighttime.” The **estimated noise level** equates to 5-8dBA increase in the nighttime levels at 9 Rush Pond Road and Lori Lane, and an increase of 5-7dBA over the daytime noise level.

Now, we must take up the issue of the L_{90} – “the sound level that is exceeded 90% of the time.” Apparently, this has been used throughout this presentation. There is no limitation as to the duration of the sound, and the problem with this determination is that impulsive sounds like backup alarms, loud engines or motorcycles, material handling functions and the like can be very annoying - and are not addressed.

Finally, we look at the “berm.” There is no dimensions given, and this must be defined! It should be of sufficient height to effectively block the transmission of sound to the residential second floor windows! (A few years ago, we erected a noise barrier in New Jersey for a similar application (overlooking a truck terminal) that measured about 120' x 20' high - **at a cost of ¾ of a million**).

Perhaps it might be better to limit operations to the east side of the building - and it might be time for the Town of Lakeville to incorporate their own noise ordinance. Given that, it looks like the Massachusetts ordinance may be sufficient to keep the noise level below the 8dBA increment.

The overwhelming question is why a massive building with over 400,000sf and 120 loading docks is being constructed under the guise of it being a hospital “redevelopment” program?

Respectfully submitted:

A handwritten signature in black ink, appearing to read "Robert N. Andres Sr.", with a stylized, cursive script.

Robert N Andres Sr., CSP, CPE, DABFE, INCE
Environmental and Safety Associates, LLC
3404 Grey Birch Drive, Baldwinsville, NY 13027
239-774-5194

“Noise Control and Machine Safety Specialists - Making the World a Safer and Quieter Place since 1975”



Town of Middleborough
Planning Board

20 Center Street, 2nd Floor
Middleborough, MA 02346

508-946-2425
Fax 508-946-1991

January 14, 2021

Ms. Erin Flaherty
Environmental Analyst
Massachusetts Environmental Policy Act Office
Erin.flaherty@mass.gov

Re: Lakeville Hospital Redevelopment - Expanded Environmental Notification Form (ENF) – EEA No. 16298

Dear Ms. Flaherty;

It has recently come to the Town of Middleborough's attention that an Expanded ENF was submitted to your office on behalf of Rhino Capital Advisors LLC. Please note that the Town of Middleborough was not included on the Distribution List nor was the legal notice published in Middleboro Gazette; the local publication where the majority of Lakeville's public hearing notices are printed. For those two reasons, the Town of Middleborough was not aware of the original deadline (December 21, 2020) for the comment period until December 17, 2020, just before the holiday weeks when offices were closed and staff was out of the office; thereby severely limiting our ability to conduct necessary research.

The current proposal for the site involves the construction of a 402,500s.f. warehouse building that will include 128 loading docks, 564 passenger car parking spaces (161 spaces potentially land banked) and 130 spaces for tractor-trailer storage. The ENF states, "While the building will be devoted to a warehouse use, the exact nature of the facility is currently unknown, as a tenant has not yet been secured."

Given the narrow timeframe in which to respond, our concerns are as follows:

1. Lauren DeVoe, VHB Project Manager, stated in an email to you on December 18, 2020, the following:

Hi Erin,

Per our conversation, here is some additional clarification and detail from the project traffic engineer regarding the portion of Project-related traffic that might trickle into Middleborough. First, it's important to

note that the traffic distribution we are discussing is for employee vehicles only, not trucks. Truck distribution was not separated out because the peak hour numbers are so small and it is expected that most of the trucks would be oriented to/from I-495 directly to the site.

Out of the 77% of the Project-related employee vehicle trips that head towards Middleborough from the site 54% gets on I-495 (just over the town line) before some of that might travel further into the town. Based on the traffic modeling, the remaining 23% of employee vehicle traffic trips, which equates to only 17 trips during the AM peak hour and 18 trips during the PM peak hour would travel into Middleborough. This equates to one trip every 3-4 minutes, which is not really viewed as an impact.

As Sarah summarized to you previously, the only traffic intersections required to be studied that fall within Middleborough are the I-495 on/off ramps under MassDOT jurisdiction (EENF Figure 3.1) and there were no impacts to the level of service at either intersection (Table 3-8 of Chapter 3).

Lauren M. DeVoe

Sr.Environmental Planner/Project Manager

Our concern is that she states, “First, it’s important to note that the traffic distribution we are discussing is for employee vehicles only, not trucks. Truck distribution was not separated out because the peak hour numbers are so small and it is expected that most of the trucks would be oriented to/from I-495 directly to the site”. How can they project the peak number for truck distribution when they do not yet have an occupant for the site? In addition, “most of the trucks would be oriented to/from I-495 directly to the site” is a concern for the Town of Middleboro.

2. The site plans appear to allow vehicles exiting the project site to take either a right hand turn into Lakeville or a left hand turn towards Middleboro. The newly constructed, existing business on the north side of Route 105 are required to turn right only. Please explain why this project is not required to direct all traffic southwest onto Route 105.
3. The proponent used empirical data from Campanelli Industrial Park in Middleborough, most specifically the Christmas Tree Shops. Given the traffic counts from VHB’s Christmas Tree Shops 2013 traffic study, 2014 report and the size of the Christmas Tree Shops building and infrastructure, the traffic counts, if extrapolated to the proposed site, would result in a greater traffic volume.
4. Middleborough has concerns with tractor-trailer trucks routing through our Route 105 downtown, South Main Street onto North Main Street. Please require the proponent to provide a traffic routing and distribution agreement as well as a daily schedule of tractor-trailer disbursement.
5. Please include traffic counts for the following:
 - Riverside Drive (unsignalized)
 - Patrick Thomas Court (unsignalized)
 - Ebony Farm Road (unsignalized)
 - Captain’s Way (unsignalized)

6. Transportation Monitoring Program – states “weekday morning and weekday evening peak hour turning movement counts will be conducted at select study area intersections, to be determined in coordination with MassDOT”. Will “study area intersections” include the Route 495 interchanges?
7. Trip Generation – Trip generation rates using Institute of Transportation Engineers (ITE) Trip Generation Manual (10th edition) land use code 150 – Warehousing would most accurately reflect the proposed development per the ENF. Do these rates incorporate traffic numbers generated by a distribution warehouse, i.e. Amazon, FedEx, etc.? A Christmas Tree Shops warehouse generates far less traffic than an Amazon facility or FedEx.

The Town of Middleborough is respectfully requesting the following:

1. The proponent’s request to file a Single Environmental Impact Report (SEIR) be denied, required to file a Draft Environmental Impact Report (DEIR), Final Environmental Impact Report (FEIR) and that Transportation is included as a scope for review;
2. The traffic study completed by the proponent assumes a general warehouse distribution center. When the proponent is aware of the occupant, they shall immediately prepare a revised traffic report, submit the report to the State via a Notice of Project Change (NPC), distribute to the Town of Middleborough and to the Town of Lakeville’s review engineer. The Town of Middleborough shall be given ample time to review and comment.

Thank you.

On Behalf of the Planning Board,



Leeann Bradley, Town Planner

Cc: Middleborough SelectBoard
Robert Nunes, Town Manager
Town of Lakeville

- Planning Board
- Board of Selectmen
- 43D Committee



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO



January 15, 2021

Kathleen Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114-2150

RE: Lakeville: Lakeville Hospital Redevelopment
(EEA #16298)

ATTN: MEPA Unit
Purvi Patel

Dear Secretary Theoharides:

On behalf of the Massachusetts Department of Transportation, I am submitting comments regarding the Expanded Environmental Notification Form for the Lakeville Hospital Redevelopment project in Lakeville, as prepared by the Office of Transportation Planning. If you have any questions regarding these comments, please contact J. Lionel Lucien, P.E., Manager of the Public/Private Development Unit, at (857) 368-8862.

Sincerely,

David J. Mohler
Executive Director
Office of Transportation Planning

DJM/jll

cc: Jonathan Gulliver, Administrator, Highway Division
Patricia Leavenworth, P.E., Chief Engineer, Highway Division
Mary Joe Perry, District 5 Highway Director
Neil Boudreau, Assistant Administrator of Traffic and Highway Safety
Planning Board, Town of Lakeville
Southeastern Regional Planning and Development District



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO



MEMORANDUM

TO: David Mohler, Executive Director
Office of Transportation Planning

FROM: J. Lionel Lucien, P.E, Manager
Public/Private Development Unit

DATE: January 15, 2021

RE: Lakeville Hospital Redevelopment – EENF
(EEA #16298)

The Public/Private Development Unit (PPDU) has reviewed the Expanded Environmental Notification Form (EENF) for the proposed Lakeville Hospital Redevelopment in Lakeville. The project site consists of approximately 49.4 acres located along and northwest of Route 105 (Main Street) between its intersection with Bridge Street and Lori Lane. The site has been vacant since the Lakeville State Hospital closed in 1992 but contains seven buildings totaling 407,653 square feet, a solid waste disposal area, parking, and driveways. While other developments have been proposed for the site, none have advanced to construction.

The proposed project consists of a 402,500 square foot warehouse building, although the exact nature of the use is not known as a tenant has not been identified. Access is proposed via two unsignalized full access driveways from Route 105, one at Lori Lane, and another approximately 1,200 feet further east. Both driveways will be at existing driveways, one of which has been abandoned and at which there is currently no curb cut. The project is expected to generate 682 vehicle trips per day and will include provisions for 564 passenger vehicle parking spaces and up to 130 spaces for tractor trailer storage. The Proponent intends to initially construct 403 parking spaces and landbank up to 161 of the 564 vehicle parking spaces, for construction as needed depending on the eventual tenant. The project parking provisions exceed the Massachusetts Environmental Policy Act (MEPA) Environmental Notification Form (ENF) transportation threshold, and the project impervious cover exceeds the MEPA Environmental Impact Report (EIR) land threshold. The project requires a Vehicular Access Permit from MassDOT because it abuts and would be accessed from Route 105, a state highway.

A Transportation Scoping Letter (TSL) was submitted to MassDOT for the project in September 2020; in October 2020 MassDOT issued a scoping letter for the preparation of a Transportation Impact Assessment (TIA). The EENF includes a TIA prepared in general conformance with the current MassDOT/EOEEA *TIA Guidelines*. The TIA is generally responsive to the scoping letter and includes a comprehensive mitigation program. The

Proponent has requested a waiver to prepare a Single Environmental Impact Report for the project. MassDOT has no objections to the waiver request; however, the SEIR should address the following comments.

Trip Generation

The TIA includes trip generation estimates calculated using the Institute of Transportation Engineers (ITE)'s *Trip Generation Manual* (10th Edition). The trip generation was calculated based on ITE trip rates for Land Use Code 150 – Warehousing. Accordingly, the site is expected to generate 682 daily weekday vehicle trips, with 74 vehicle trips during the weekday morning peak hour, and 77 vehicle trips during the weekday evening peak hour. The TIA details the share of trips projected to be truck trips. Truck trips make up 242 trips (35 percent) of the daily trip generation, 8 trips (11 percent) of the weekday morning peak hour trip generation, and 12 trips (16 percent) of the weekday evening peak hour trip generation.

The TIA presents U.S. Census commute mode share data showing that 93 percent of people who commute to Lakeville drive to work. Based on this data, no mode split was applied to the project trip generation for the traffic operations analysis.

The EENF presents, as requested by MassDOT, a comparison of the ITE trip generation rates for a warehouse facility, with empirical trip generation rates based on the Campanelli Business Park in Middleborough. This comparison revealed that the daily empirical rates are somewhat higher than ITE rates, and the peak hour empirical rates are very similar to ITE rates. MassDOT asks that the SEIR include more detailed information about the appropriateness of the selected LUC.

Traffic Operations

In the EENF, the Proponent provides a comprehensive analysis of the study area intersections for the 2020 existing, 2027 No Build, and 2027 Build conditions. The existing volumes are based on 2017, 2019, and 2020 counts adjusted to 2019, to stand in for 2020 conditions. Counts were collected in 2020 at the study intersections to obtain volumes at intersections for which no historic count data was available and to inform adjustment factors. Based on prior discussions with the Proponent and the scoping letter in response to the TSL, MassDOT agrees with the methodology described in the TIA, which uses a combination of counts from 2020 and earlier years, adjusted to reflect 2019 conditions. MassDOT will require monitoring after the project is built to determine whether the assumptions for the baseline volumes were reasonable.

The study area includes six intersections, all of which are on Route 105 and under MassDOT jurisdiction. The study area includes the two Interstate 495 (I-495) ramps at Route 105. The 2027 No Build analysis uses an annual growth rate of 0.55 percent and incorporates background projects and roadway improvements, in both Middleborough and Lakeville. The 0.55 percent growth rate is based on the Central Transportation Planning Staff (CTPS) travel demand model. The TIA identifies three roadway improvement projects planned in the

vicinity of the project site. The first is the relocation of the Middleborough/Lakeville Station further north and the associated reconfiguration of Route 105 at the I-495 northbound ramps. Secondly, the 2027 analysis includes a proposed traffic signal at the intersection of Route 105 at Bridge Street, with no associated changes to the lane geometry because the future configuration is not yet finalized. The Route 79 reconstruction project was not reflected in the analysis because the project team determined that it is outside the study area and would not result in changes to traffic patterns in the study area.

The project trip distribution is based on current traffic patterns and U.S. Census Journey-to-Work data for people working in Lakeville. Seventy-seven percent of the trips are distributed onto Route 105 to/from east of the project, toward I-495. The project site design includes loading docks on both sides of the building and passenger vehicle parking spaces on both sides of the site, meaning that both driveway intersections will be used by trucks and passenger vehicles and traffic will generally be split across the two driveways. None of the study intersections degrade in overall LOS between the 2027 No Build and Build scenarios.

Safety

The EENF summarizes, as requested by MassDOT, crash data for the continuous five-year period of 2013 through 2017 at all study area intersections and compares crash rates with MassDOT District 5 averages. Two of the six study area intersections experience crash rates above the MassDOT District 5 averages: Route 105 at Clear Pond Rd/Vaughan St and Route 105 at Route 79/Commercial Drive. Although no comparison was made to statewide averages, the statewide averages are typically higher than or equal to the District 5 averages and therefore such a comparison would not reveal any new intersections. None of the study intersections were identified as potential Highway Safety Improvement Program (HSIP)-eligible clusters. The Proponent should consult with the MassDOT Highway Division and the Town of Lakeville to determine if safety improvements are necessary at the two locations where intersections experience crash rates above the MassDOT District 5 averages.

Parking

The EENF explains the allocation of the proposed parking supply for the project. The Proponent plans to construct 403 parking spaces and up to 130 spaces for tractor trailer storage. In addition, to reduce impervious surfaces and remain flexible to the needs of potential tenants, the Proponent plans to landbank, for construction only as needed depending on the eventual tenant, up to 161 vehicle parking spaces. The Proponent is seeking approval for the total potential parking at the site, 564 vehicle parking spaces.

MassDOT notes that the project is estimated to generate 440 daily passenger vehicle trips (excluding truck trips), with 220 trips entering and 220 trips exiting daily. Therefore, the passenger vehicle parking provision (403 spaces) is almost double the estimated daily passenger trips to the site (220 trips). MassDOT asks that the SEIR include a detailed justification of the parking provision for the project. The justification should include a comparison between the number of proposed spaces and other sites as well as the estimated

parking demand based on ITE's *Parking Generation Manual* (5th Edition). The *ITE Parking Generation Manual* generally provides a reasonable basis for comparison to parking requirements under local zoning.

Multimodal Access and Facilities

There are no dedicated on-street or off-street bicycle facilities near the project site. Sidewalks are provided on both sides of Route 105. There is an uncontrolled crosswalk across Route 105 north of Bridge Street, between the two project driveways. The Proponent should consider providing pedestrian pathways between the project site and this crosswalk.

The Middleborough/Lakeville Massachusetts Bay Transportation Authority (MBTA) rail station is located a half mile northeast of the project site, on Commercial Drive. This station is served by the Middleborough/Lakeville Line which provides access to Boston's South Station. The MBTA plans to relocate this station further north, situating it three-quarters of a mile from the project site. In addition, the Greater Attleboro Taunton Regional Transit Authority (GATRA) provides peak-period bus service between the Middleborough/Lakeville MBTA station and Main Street in Buzzard's Bay.

Access is proposed via two driveways from Route 105, one at Lori Lane, and another further east. The Project Background and Existing Site Conditions section notes that there is an existing driveway onto Route 79. The SEIR should clarify the location of the existing driveway onto Route 79 and whether this driveway will be closed with the development of the project. MassDOT communicated with the Proponent to clarify why the second driveway from Route 105 is not provided opposite Bridge Street at one of the existing driveways to the site. The Proponent indicated that the parcel where the Bridge Street driveway is located is not owned by the Proponent.

Transportation Demand Management (TDM) Program

To reduce site trip generation, the TIA includes a TDM program. The TDM program should implement measures aimed at minimizing single occupancy vehicle (SOV) trip generation. The Proponent details the following TDM measures in the EENF with the goal of reducing vehicle trips by employees of the project:

- Dissemination of information on non-auto modes of transportation;
- Provision of transportation marketing and education materials;
- Hosting an annual mobility management educational meeting for employees;
- Distribution of transit maps and passes;
- Potential provision of subsidized transit passes;
- Allow employees to use pre-tax dollars to purchase transit passes;
- Provision of bicycle racks;
- Provision of covered bicycle storage, changing rooms, and showers;
- Assistance with employee ridematching;

- Provision of sponsored vanpools and subsidized expenses; and
- Provision of preferred parking for low-emitting fuel-efficient vehicles and/or electric vehicle charging stations.

MassDOT encourages the Proponent to more strongly commit to some of the potential TDM measures as definitive measures in the SEIR. Additional measures that should be considered include:

- Provision of a central commuter information center, including transit maps, schedules, and route information for people walking and bicycling;
- Provision of preferred parking for carpool and vanpool in locations convenient to users; and
- Provision of direct deposit.

Transportation Monitoring Program

The Proponent would be required to conduct an annual traffic monitoring program for a period of five years, beginning six months after occupancy of the full-build project. It would include:

- Simultaneous automatic traffic recorder (ATR) counts at site driveways for a continuous 24-hour period on a typical weekday;
- Weekday AM and PM turning movement counts (TMCs) and capacity analyses at selected intersections; and
- Travel survey of employees and visitors at the site.

The goals of the monitoring program would be to evaluate the assumptions made in the TIA and the adequacy of the mitigation measures, as well as to determine the effectiveness of the TDM program. If capacity analysis reveals traffic issues, particularly issues not identified in the TIA, the Proponent shall work with the Town of Lakeville and appropriate MassDOT units to identify suitable mitigation measures.

Section 61 Finding

The EENF includes a Draft Section 61 Finding, outlining the mitigation measures the Proponent has committed to implementing in conjunction with this project. The SEIR should include revised draft Section 61 Findings prepared in consultation with MassDOT. The revised Draft Section 61 Findings will be the basis for MassDOT to issue final Section 61 Findings for the project.

The Proponent should continue consultation with the town of Lakeville and appropriate MassDOT units, including PPDU and the District 5 Office, to discuss preparation of the SEIR. If you have any questions regarding these comments, please contact me or Catrina Meyer at Catrina.Meyer@dot.state.ma.us.



January 14, 2021

Kathleen A. Theoharides, Secretary

Executive Office of Energy and Environmental Affairs

100 Cambridge Street, Suite 900

Boston, MA 02114

Re: SRPEDD Review Comments for the Expanded Environmental Notification Form, Lakeville Hospital Redevelopment (EEA No. 16298)

Dear Secretary Theoharides,

SRPEDD is writing to you to provide a formal comment letter with our findings for the Expanded Environmental Notification Form (EEA No.16298) and related documents for the Lakeville Hospital Redevelopment project located at 43 Main Street (also known as Route 105) in Lakeville, Massachusetts.

The proposed development consists of a 402,500 square foot warehouse building with 403 vehicle parking spaces (potential addition of 161 parking spaces) to be built on an about 49-acre site of former Lakeville State Hospital closed and subsequently abandoned in 1992. The Project is expected to generate approximately 682 daily vehicle trips, with 74 and 77 vehicle trips during weekday morning and evening peak hours. It was noted by the proponent that the exact nature and number of parking spaces were not determined.

SRPEDD respectfully provides the following comments for the above-mentioned EEA No 16298 application for your considerations.

General Discussion:

1. Clean-up and remediation of this site is a benefit to the town and the region.
2. We understand that Environmental Partners (EP) is conducting the peer review of this project on behalf of the town, and look forward to seeing their comments.
3. SRPEDD has been working with the town for many years, not only on the potential reuse of this site and the environmental issues associated with it, but more recently (2018 and ongoing) on updates to the Master Plan, preparation of a Municipal Vulnerability Preparedness (MVP) Plan that includes a Regional Projects Addendum, and recent and

ongoing flood study and comprehensive watershed management related work in the Assawompset Ponds and Upper Nemasket River Watersheds. The proponent should be aware of the goals, objectives, and priority action issues associated with this work, and how/where the proposed site reuse is consistent with the spirit of these plans (this would include issues such as the proposed infiltration measures, stormwater management, impact to existing infrastructure, etc.). The watershed planning work will be continuing through 2022, is being conducted by a SRPEDD-led team, and facilitated by the Town of Lakeville through the regional Assawompset Ponds Committee.

Traffic Discussion

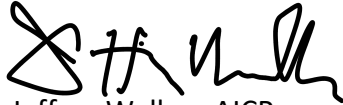
1. We compliment the Project proponents' efforts in regards to Transportation Demand Management and Transportation Monitoring Program measures to mitigate the traffic impact.
2. The Project proponent did not reach out to SRPEDD for the background traffic growth rate, thus SRPEDD did not have the opportunity to provide assistance on that. Ideally, the traffic volume projections, including assumptions and results from the SRPEDD Regional Travel Demand model should be compared to that of CTPS. SRPEDD's Travel Demand Model focuses on inter-town travel demand especially between Lakeville and adjacent communities in Southeastern Massachusetts. Based on SRPEDD's Travel Demand Model projections and an understanding of area travel patterns, we suggest the proponent re-consider incorporating an annual growth rate of 1% per year for the short-term year of 2027 intersection and corridor evaluations.
3. We would like clarification on Figure 3.6b – 2027 Build Conditions Weekday Evening Peak Hour Traffic Volumes, in that the southbound combined through volume counts at both of site driveways are less than those collected on September 16, 2020. Were there assumptions made for balancing the side street traffic purposes?
4. We are interested in seeing details of two access driveway design elements, including placement of traffic signs, pavement marking, edge line, centerline, provision of departure sight distance triangle, to provide adequate mitigation for all traffic modes, including bicyclists and pedestrians. We suggest a warrant analysis for determining whether right turn deceleration lane or left turn lane are necessary at both access intersections to mitigate the truck traffic impact along South Main Street.
5. The addition of heavy truck volumes along South Main Street will adversely affect the pavement conditions over time. Based on existing Turning Movement Counts (TMC) at Bridge Street and Route 105 intersection, truck traffic accounts for 6.1% of the overall volume (7-9 AM on Wednesday, September 16, 2020). We suggest the proponent coordinate with MassDOT to review alternatives for optimizing pavement markings and signal timing in order to accommodate all modes of traffic.
6. There is an existing mid-block pedestrian crosswalk between the Project's northeast entrance (mainly for truck access and egress) and the Bridge Street intersection. We

suggest coordination to determine alternatives for safer pedestrian crossings along South Main Street.

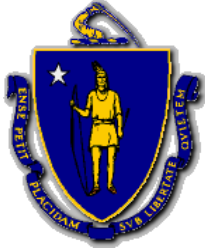
7. We suggest the Project proponent review the impact of spacing driveways from their site with adjacent driveways and intersections and mitigate any potential adverse impacts to the South Main Street corridor.
8. Finally, considering the nature of the proposed facility and the likelihood that the associated truck traffic will be using the limited access highway network for the distribution of goods, we suggest that the Route 105 corridor and its primary intersections in Middleborough be added to the transportation analysis. This route will likely be the way truck traffic would gain access to the Route 3 corridor via Route 44. Specific intersections along the Route 105 corridor could include: 1) Route 28 & Route 105; 2) Route 105 & Center Street; 3) Route 105 & Plymouth Street/Wood Street, and 4) Route 44 & Route 105.

Thank you for your consideration of our comments. Please do not hesitate to contact us if you have any questions or concerns.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jeffrey Walker', written in a cursive style.

Jeffrey Walker, AICP
Executive Director



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
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Charles D. Baker
Governor

Karyn E. Polito
Lt. Governor

Kathleen A. Theoharides
Secretary

Patrick C. Woodcock
Commissioner

15 January 2021

Kathleen Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
100 Cambridge Street
Boston, Massachusetts 02114
Attn: MEPA Unit

RE: Lakeville Hospital Redevelopment, Lakeville, Massachusetts, EEA #16296

Cc: Maggie McCarey, Director of Energy Efficiency, Department of Energy Resources
Patrick Woodcock, Commissioner, Department of Energy Resources

Dear Secretary Theoharides:

We've reviewed the Expanded Environmental Notification Form (EENF) for the above project. The proposed project consists of a 405,500-sf warehouse building including ancillary office space.

Executive Summary

The project could readily eliminate on-site emissions by improving envelope, using air source heat pumps (ASHP) for space and water heating and solar PV on about 25% of the rooftop.

In addition to rooftop PV and ASHPs, we expect key mitigation for the building to include:

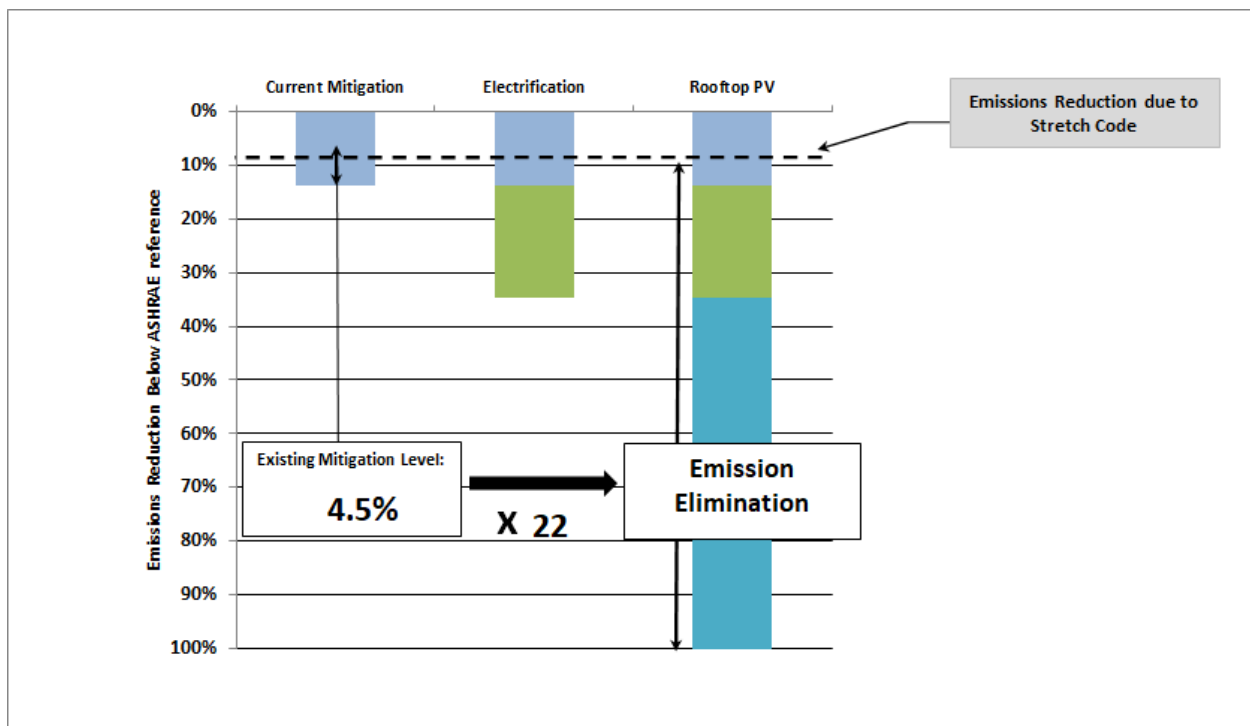
- Quality envelope with framed, insulated walls, continuous insulation, low air infiltration, and no thermal bridging.
- Avoiding glass curtain wall assemblies, spandrels, and excessive windows.
- LED lighting and integrated lighting controls.

Currently proposed building improvements (lighting and HVAC improvements) yield a building which is minimally improved over required stretch code standards.

Pathway to Emissions Elimination

The building as currently proposed, has a Mitigation Level¹ of 4.5%, which is minimally improved over code requirements. Mitigation Level can be improved to more than 100%, eliminating emissions from the project. In summary:

- The currently committed efficiency strategies deliver a Mitigation Level (ML) of 4.5%. This is accomplished with reducing lighting and improvements to HVAC systems.
- Mitigation Level can be improved to more than 100% as follows:
 - Efficient electric space and water heating for the entire building would improve ML to 25%.
 - PV Installed on 25% of the roof (1 MW) could readily eliminate emissions.



Codes and Baseline

Massachusetts Stretch Code applies to this project. Stretch Code requires a 10% energy performance improvement over ASHRAE 90.1-2013-Appendix G plus Massachusetts

¹ Mitigation Level is the percent GHG reduction beyond the reduction that would occur as a result of following state and local building codes. A Mitigation Level of 0% means that no mitigation is proposed.

amendments including C402.1.5 (envelope), C405.3 and C405.4 (lighting), C405.10 (EV charging), and C406 (three additional efficiency measures).

The project appears to be using current code. However, additional clarifications are required to confirm that all three of the required C406 measures have been incorporated into the Baseline.

Building Envelope Performance

High-performing envelope is essential to successful GHG mitigation. Key strategies for maintaining integrity of envelope are:

- Continuous insulation;
- Reducing air infiltration;
- Reducing thermal bridges;
- Limiting or eliminating use of glass “curtain wall” and spandrel assemblies;
- Maximizing framed, insulated walls sections;
- Maintaining windows at or above code levels.

In terms of envelope:

- No improvement in roof insulation is proposed from what is currently required by Code.
- As illustrated in the table below, wall insulation will be lower than prescriptive code and windows will be higher than prescriptive code, resulting in a net vertical envelope performance which is a minimal 2% improvement over code.
- The committed level of air infiltration is unclear.

Vertical Envelope Performance

	Baseline		Proposed	
	%	U	%	U
Wall	94	0.055	94	0.059
Window	6	0.42	6	0.33
Vertical Aggregate U		0.077		0.075
Percent Improvement over Code minimum				2%

The DOER has observed that in some warehouse projects even minor envelope improvements had significant impact on heating load reduction, causing reductions in energy use and GHG emissions. DOER recommends the project analyze scenarios with both above code vertical envelope and rooftop envelope. The improvement should maximize continuous insulation and target at least a 15% improvement above code.

Electric Space and Service Water Heating

Efficient electrification of space and water heating is a key mitigation strategy with significant short- and long-term implications on GHG emissions. Massachusetts grid emissions rates continue

to decline with the implementation of clean energy policies that increase renewable electricity sources. The implication is that efficient electric space and water heating with cold climate air source heat pump and VRF equipment have lower emissions than other fossil-fuel based heating options, including best-in-class condensing natural gas equipment.

Space Heating

As currently proposed, main warehouse space heating will use 92% efficient natural gas packaged rooftop units while the attached office will use electric air source heat pumps.

During the pre-filing meeting, DOER requested an efficient electric alternative be analyzed using ASHPs for space heating. The submission states that an ASHP alternative is being considered. However, the submission did not analyze or model this alternative. The submission states only that a heat pump model is unavailable for this building type. The submission presents a handful of potential concerns about heat pumps, as follows:

Heat pump first costs are significantly higher (up to 2 times)

DOER recognizes that in some instances heat pumps may have a higher upfront cost. However, in many cases, such costs can be netted against incentives and reduced operating costs. The submission should provide specifics of additional costs, incentives, and operating costs such that a life cycle cost analysis can be constructed.

The high efficiency cooling provided by heat pumps is not needed for the heated-only warehouse space.

Heat pumps are not required to operate in cooling and thus, this does not create any concern for heat pump functionality or additional operating cost in the summer. Additionally, a heat pump approach to space conditioning would improve resilience and flexibility if warehouse cooling is needed in the future.

Heat pumps do not provide the warehouse airflow required without ducting the HVAC systems.

The DOER is aware of packaged rooftop heat pump units that can provide the same airflow as the sites designed units.

Current heat pump technology experiences reduced capacity at low temperatures, requiring an oversized design.

While this should be considered throughout the design process and considered in the above life-cycle cost analysis. Heat pumps are used for space heating routinely in our climate zone and even colder climate zones. Additionally, a building envelope designed the envelope to reduce peak heating loads could mitigate this concern.

Annual operating costs for an electric heat pump would require an average coefficient of performance (COP) of approximately 3 through the heating range to match the annual utility costs of using natural gas.

Based on this statement, that heat pumps would cost less to operate than currently planned natural gas systems. Cold-climate rated heat pumps in Massachusetts deliver a COP of about 3.2 over the course of the winter.

While DOER notes that heat pumps for warehouse buildings may not be current state of practice. The emissions reduction and potential operating cost reduction makes this innovative approach worthwhile to consider further. The DOER is aware of some suppliers who may be able to deliver packaged rooftop heat pump units that may be able to be utilized on a warehouse building. Other options are potentially available. For example, there may be ground source-to-water or air-to-water heat pumps that present a feasible alternative to the currently proposed. DOER recommends that the project continue to analyze a heat pump alternative.

The project analyzed a non-heat pump alternative using electric resistance for space and water heating. The results of this analysis showed an increase in both energy use and GHG emissions when compared to the proposed scenario. Additionally, DOER anticipates this scenario would increase peak electric demand. The DOER does not recommend this approach.

Service Water Heating

The project as currently proposed is using electric resistance water heaters. Readily available air source heat pump water heating is likely more than x2 more efficient than the currently proposed electric resistance and yield cost and GHG savings. We recommend that air source heat pump water heating be used throughout the project.

Rooftop Solar PV

Rooftop PV can provide significant GHG benefits as well as significant financial benefits. Warehouse buildings can present large unobstructed rooftop surface areas creating an excellent opportunity for rooftop PV. We commend the project for setting aside 95% of the rooftop to be solar-ready.

In terms of installing PV as part of initial construction, if the project were to install rooftop PV on just a relatively small portion of the roof, the project could readily offset the building emissions on an annual basis.

As shown in the table below, in either the proposed natural gas heating scenario or a scenario with ASHP for space heating the project could offset the generated emissions with only a small percentage of their roof covered with PV.

	Proposed Scenario	Efficient Electric Scenario
HVAC	As-proposed (gas heating)	Electric heat pump alternative
Fossil Fuel Free?	No	Yes
Size of PV	1.4 MW	1 MW
% of roof	34%	25%

We understand that the municipal light plant (MLP) in Lakeville has concerns about purchasing PV from the site, rooftop PV on the entire roof would be about a 4MW of generation. In the submission, it is not clear if the MLP would accept smaller arrays onto their grid. Based on the supplemental information provided regarding the MLP’s future solar installation options, it appears that pathways for some amount of rooftop PV may be possible.

Recommendations for Subsequent Submissions

Recommendations are as follows:

1. Confirm that the project will meet the requirements Massachusetts amendments including: C402.1.5 (envelope), C405.3 and C405.4 (lighting), C405.10 (EV charging), and C406 (additional efficiency measures).
2. Clarify/confirm the following:
 - a. Which of the three C406 measures are being used and demonstrate how these measures have been incorporated into the Baseline building
 - b. Committed air infiltration rate for the building.
 - c. Size of the ancillary office space
3. Analyze the following envelope scenarios:
 - a. 15% improved envelope assemblies: Vertical UA-0.065 or lower; roof R-35c.i. or higher
 - b. 15% improved envelope: vertical UA and roof, described above, w/ 15% reduction in air infiltration below code requirements.
4. Commit to heat pump water heating.
5. Analyze the following electrification alternatives, provide model inputs for each scenario.
 - a. As proposed but with electric air source heat pumps for all space heating and electric air source heat pump service water heating
 - b. Electric air source heat pumps for all space and water heating with envelope improvements described in 3b.
6. Perform life-cycle costs for current proposed and scenarios 5a and 5b above.
7. Determine what are the options for rooftop PV with the MLP. Check the following:

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- a. Maximum allowable rooftop PV that the MLP can purchase.
- b. How much PV can be installed to offset the electrical load in use on the site.

Sincerely,



Paul F. Ormond, P.E.
Energy Efficiency Engineer
Massachusetts Department of Energy Resources



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