



TOWN OF WILMINGTON
MASSACHUSETTS



POLICE DEPARTMENT

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Chief Bernard P. Nally

October 6, 2003

To: Michael Caira, Town Manager
Paul DeRensis, Town Counsel

From: CHIEF NALLY

Subject: New England Transrail, LLC proposal for a railroad off-loading Facility on the former Olin Property.

REC'D - TOWN MANAGER
03 OCT -7 PM 12:08
TOWN OF WILMINGTON, MASS

There are many environmental issues that need to be addressed prior to the building of any kind of facility at this location. The fact that the proposed site appears to be a direct contributor to the contamination of half of the Town's water wells should provide reason for any regulatory agency to give pause before permitting a large-scale railroad operation to operate at the same contaminated location. However I will leave further environmental issues to those more expert than I am.

I will confine my comments to the issues of traffic impact.

Access routes to and from the 51 Eames Street site.

The petitioner cites a prior application for use of the site as a warehouse distribution center as having been approved by the Mass D.E.P. I can understand the D.E.P. being involved with the issues of the site usage, but I question their interest or consideration of the impact of truck traffic on the streets of Wilmington.

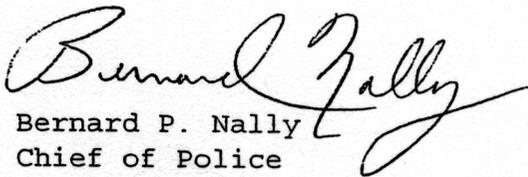
The petitioner notes there would only be a projected 200 truck trips per day from the site, as opposed to the previous warehouse proposal that included 385 truck trips per day. This office would have objected to the previous proposal with the same objections that we have to the Transrail proposal without extensive mitigation of the intersection of Eames Street and Woburn Street.

Woburn St- Presidential way intersection (access to interstate Route 93)

Currently 100 or more trucks per day are making the turn into or out of Presidential way at Woburn Street. This is in addition to the more than 100 trucks using the Industrial way/Woburn St intersection that is less than 500 feet from Presidential way.

Transrail truck traffic will more than double the current usage of the Woburn Street/Industrial Way/Presidential Way intersections. Although this is an industrial area, the Town still has an obligation to the commercial property owners to limit potential congestion. The Town also has an obligation to the adjacent residential neighborhoods to protect their property from the encroachment industrial interests.

Sincerely


Bernard P. Nally
Chief of Police



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE ASSISTANT MANAGER

October 15, 2003

TO: Michael A. Caira, Town Manager

RE: New England Transrail

Attached are my comments relative to the initial proposal submitted by New England Transrail for development of the 51 Eames Street site. Since the current proposal differs only slightly from their initial proposal, the attached comments should remain relevant.

Jeffrey M. Hull
Assistant Town Manager

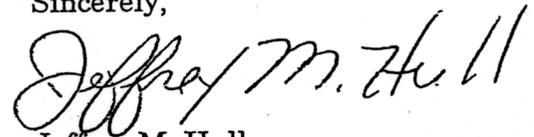
Enclosure

Section 4 Air Subsection I i. Anticipated Effect of Air Emissions: The submission cites EPA standards that will reduce hydrocarbon emissions for 40% for new and retrofitted locomotives. If there are any "grandfathering" provisions in EPA's standards that exempt locomotives manufactured prior to a certain date from the new standards then it is likely that the vast majority of locomotives operating at the Olin site will be "grandfathered" and will not reduced hydrocarbon emissions as suggested for a considerable period of time into the future. Section 9 Water, subsection I Water Quality Standards concludes that activity on the Olin site "will not affect any public water use or wells." However, history on that site has demonstrated that the migratory path of contaminates can lead to the Maple Meadow Aquifer and affect the town's water supply. Train derailments, re-loading accidents or significant container leaks could impact an already vulnerable area. Is it likely that any significant spills of liquid material would follow the path created by the existing plume? Does the fact that toxic materials, that will remain in the plume indefinitely, make this site more volatile or reactive to spills because of chemical mixing that may occur between new contaminants and old contaminants?

Section 11 Additional Information for Rail Construction subsection vi Impacts on Essential Services appears to be inaccurate. The premise that demolition of an existing building will "diminish the impact that the Site has on fire, police and ambulance services" is not true. While a vacant building, from an insurance perspective, is a higher risk than an active building due to vandalism, an active re-loading site raises a number of possible needs for police, fire and ambulance services. Police may more actively patrol the area. Complaints from residents will cause increase police activity. Worker injuries may require ambulance response. Derailment or spills will require police and fire response. Presumably this operation will require the town to re-examine its procedures for emergency response, notification of residents in the area and evacuation in the event of an incident.

The submission provides no information about the security and safety features and procedures that will be in place with this type of operation. It might be worth obtaining information about the accident record of similar facilities to the extent the information exists.

Sincerely,



Jeffrey M. Hull
Assistant Town Manager

Enclosure

cc: Michael Caira, Town Manager



**TOWN OF WILMINGTON
DEPARTMENT OF PUBLIC WORKS**

interoffice memorandum

To: Jeffrey Hull, Assistant Town Manager
From: ^{ONO} Donald N. Onusseit, P.E., Supt. of Public Works
Subject: Olin Site; New England Transrail
Date: June 24, 2003

The "Response to Comments from Town of Wilmington on Environmental Assessment Form (Exhibit D)" that was included in the Notice of Exemption filing of New England Transrail, contains incorrect information regarding the intersection of Woburn / Eames Streets.

The prior proposed developer of the Olin site mentioned in NET's response, was required by the Town to provide more than just funds for land takings at this intersection. The prior proposed developer was required to provide all the necessary land taking(s), and the funds for the engineering design, and construction. The design of the proposed work at the intersection would then have to be approved by the Town before the project would be able to proceed to construction.

It is my opinion that the truck route proposed by New England Transrail to the Olin site is not adequate to support the intended use of this project without substantial roadway upgrading along the route. The most severe deficiencies are located at the Woburn Street and Eames Street intersection



03 OCT 15 PM 12: 52

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PLANNING & CONSERVATION
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Memorandum

To: Michael A. Caira, Town Manager
From: Lynn Goonin Duncan, Director of Planning & Conservation
Re: New England Transrail
Date: October 15, 2003

This memorandum addressed traffic and conservation issues and incorporates comments from two previous memos dated 6/2/03 and 6/23/03, as well as additional clarification regarding traffic issues in response to a comment contained in the September 30, 2003 letter from the Surface Transportation Board.

1. Traffic - In the Environmental Report submitted by Ronald Klempner, Managing Principal of New England Transrail, LLC, it states that the Town of Wilmington granted its approval of the Eames Street LLC warehouse project based on their estimate of 385 truck trips per day, almost double the amount estimated by New England Transrail for the Olin site. I note that the approval of the Planning Board was conditional upon traffic mitigation of said truck trips. The intersection of Eames Street and Woburn Street was to be improved in accordance with engineered plans that were subject to the approval of the Town of Wilmington. The applicant's Certificate of Occupancy was conditioned upon completion of the final engineering design of the approved intersection plan and the award of a construction contract to implement the intersection improvements.

The mitigation as proposed by Transrail in its response to the Town's concerns is insufficient. Transrail notes it will agree to place a sum of money in escrow equal to the fair market value for acquiring a portion of property necessary to address the deficiencies in the Eames Street/Woburn Street intersection. In the case of Eames Street LLC, the applicant was responsible for the actual acquisition of the right-of-way necessary to implement the intersection improvements. It should not

be the Town's responsibility to conduct negotiations with the property owner; nor is there any guarantee that the owner would be willing to sell for the "fair market value".

Not only was the developer responsible for acquisition of the parcel of land, but the property owner was responsible for securing the funds for the construction of the improved intersection at Woburn Street and Eames Street. The decision reads, "The Planning Board understands that the applicant will support and assist the Town of Wilmington in its efforts to seek a Public Works Economic Development (PWED) grant to fund the design and construction of the Approved Intersection Plan.... The applicant's Certificate of Occupancy will be conditioned upon completion of the final engineering design of the Approved Intersection Plan and the award of a construction contract to implement the Approved Intersection Plan." Clearly, without a commitment of construction funds the project would not be able to proceed.

The Planning Board would not have permitted the proposed warehouse development with the associated truck traffic without the roadway improvements at the intersection. There is an existing safety hazard associated with the geometry of the existing intersection and the insufficiency of available sight distance from Eames Street. About half the accidents at the intersection are associated with this problem. Without the necessary traffic mitigation, the safety hazard at this intersection will be exacerbated.

Transrail concurs that the most logical truck route to and from the site would be along Eames Street to Woburn Street, and then proceeding south along Woburn Street. However, Transrail notes that it will not generate any long-haul 53 foot truck trailers. The Town asserts that improvements to the intersection of Woburn and Eames are still necessary and critical for safety.

Under *Project Description* of the September 30, 2003 letter from the Surface Transportation Board it states that, "An interchange was recently opened from Interstate 93 (Exit 37C) exclusively to serve the heavy industrial area of which the site is a part." This statement is misleading and inaccurate. Eames Street is not a part of that heavy industrial area that has immediate access to the new Interchange. Trucks from the Olin site will need to turn onto Woburn Street from Eames Street to access that new Interchange. The need for improvements to this unsafe intersection is discussed in detail above.

2. Conservation - The conservation issues are extensive. I have attached a copy of the Order of Conditions with 58 special conditions. I specifically note the following conditions. Condition #22 states that the applicant has agreed to restrict development on 20.28 acres through a Conservation Restriction. Condition #45 references the potential need for a Section 404 Permit under the

Federal Clean Waters Act and a Water Quality Certificate from DEP. Condition #46 addresses the requirement for compensating wetlands. Condition #54 identifies the need for implementation of a Release Abatement Measure (RAM) pursuant to M.G.L. Chapter 21E and the Massachusetts Contingency Plan, 310 CMR 40.0000. Condition #55 references mitigation measures required by the 401 Water Quality Certification to be issued by MADEP for this project, including specifically the establishment of a \$50,000 fund by Olin Corporation for wetland projects.

I note that additional comments from Robert Douglas, Assistant Director, will be forwarded under separate cover in order to incorporate comments from the Conservation Commission, as discussed at their meeting tonight, 10/15/03.