

To:	Laurie Connors, Planning Director Town Hall, 63 Main Street, Northborough, MA 01532	From:	Mark S. Bartlett, PE Quincy, MA
Project/File:	195150786	Date:	March 6, 2023

Reference: PHASE I ENVIRONMENTAL SITE ASSESSMENT, Parcel H, Bartlett Street, Northborough, prepared by Sanborn, Head & Associates, December 2020

In response to your email request, I have reviewed the above noted report and offer the following comments to help you and the Planning Board interpret and better understand the report findings relative to the proposed Gutierrez Company development of Parcel H located at 0 Bartlett Street and 301 Bartlett Street (listed as 313 Bartlett in the report).

By way of background, please know that I am not an LSP (Licensed Site Professional)¹ but I have worked with several LSPs – in my capacity as President of Norfolk Environmental, Inc. from 1996 to 2001, and as President of Norfolk Ram Group, LLC from 2001 to 2014 (prior to Norfolk Ram being acquired by Stantec). Both firms, under my direction, prepared many Phase I and Phase II environmental reports. Therefore, I am intimately familiar with the requirements of such reports and am comfortable in offering interpretation of the above noted report as prepared by Sanborn, Head & Associates, Inc.

The Sanborn Head Phase I report is typical of reports prepared for the purpose of “due diligence” inquiry by a buyer of commercial real estate (in this case, presumably, for the protection of The Gutierrez Company) prior to their purchase of commercial real estate. This report does not appear to be motivated by an environmental concern for the property being acquired. It appears to be a standard transactional report as required by buyers, banks, and finance companies to ensure, as a primary purpose, that the property in question (Parcel H) is not itself diminished or impaired by any environmental contamination originating at the Site (Parcel H). The report’s Executive Summary confirms that based on researched history and observed site conditions, Parcel H is not impaired by any environmental contamination. A key statement that addresses this within the Executive Summary is: *“This assessment has revealed no evidence of recognized environmental conditions (RECs) in connection with the Site.”* (first page)

A secondary purpose of the Phase I report is to determine through research if any abutting or nearby properties are the source of environmental contamination that could adversely affect the Gutierrez Parcel H to the point of creating an unacceptable environmental or health and safety threat to Parcel H. In this instance, the report cites eight (8) adjacent or nearby sites that have a reported history of environmental contamination. But, in seven of the eight cases cited, the release(s) of environmental contamination were limited and/or successfully cleaned up² so that the sites are determined to no longer pose a threat at the site in question or to properties that are nearby. *Table 1 - Summary of MassDEP File Review Information*

¹ As defined under MGL Ch. 21.E, and the Massachusetts Contingency Plan 310 CMR 40.00

² In accordance with MGL Ch. 21.E, and the Massachusetts Contingency Plan 310 CMR 40.00

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within the Phase I report provides a convenient summary of the eight nearby sites that have or have had an environmental contamination issue. The locations of these eight sites are shown on *Figure 3 - MA Dep File Review Locations*. As noted, and per the information identified, seven of the eight sites noted in Table 1 and Figure 3 should be of no potential consequence or threat to the Gutierrez site.³

Only one site, that which is located at 33 Hayes Memorial Drive, is a recognized environmental cleanup site⁴ that has not been resolved: It was assigned “*Tier II Classification*”⁵ in November 2018. The unresolved issue at this 33 Hayes Memorial Drive site was caused by a release of chlorinated volatile organic compounds (CVOCs) – which can be problematic if a release is extensive enough to impact the area ground water. I see no reason to doubt Sanborn Head’s view that groundwater from the Hayes Memorial Drive area is heading north, northwest toward Stirrup Brook, which flows west to east, north of the Gutierrez property, so it is possible that CVOCs might migrate toward and by the eastern (wetland) area of the Gutierrez property. However, the Gutierrez project is not proposing any wells that would pull (draw) ground water, and any potential groundwater contaminants that might migrate by or through the eastern wetland end of the property should not pose a public health risk to occupants of the Gutierrez property. Moreover, the eastern side of the Gutierrez land (Parcel H), which is closest to the 33 Hayes Memorial Drive site, is primarily wetlands which cannot be developed. In short, the eastern wetland creates a significant buffer between any potential transient groundwater impacts that might emanate from the 33 Hayes Memorial Drive site and the upland portion of Parcel H which Gutierrez will be developing.

In conclusion: (1) the Phase I Sanborn Head report does not identify any environmental issues at the Gutierrez site, and (2) although there is an active site of environmental contamination located about 450 feet southwest of the Gutierrez land, it does not in my view represent a threat to the upland portion of the Gutierrez site that is to be developed. In short, in my opinion, the Sanborn Head Phase I report does not identify any environmental concerns that would be increased by development of the Gutierrez project.

I trust that this memo will answer your questions concerning the Sanborn Head Phase I report. However, you could contact me through attorney Doneski, or contact the MA DEP office in Worcester, and talk to

³ Resolved Sites per Table 1: Sites 1 and 2 on Bartlett Drive (southwest of Gutierrez site) were resolved in 2009 and 2010 respectively; Site 3 on Bartlett Drive was resolved in 1999 by a successful “downgradient property status” (DPS) submittal to MA DEP; Site 4 at 40 Hayes Memorial Drive was resolved in 1996 by a successful DPS submittal to MA DEP; and Sites 6, 7 and 8 located on Hayes Memorial Drive had releases of oil or hazardous waste that have since been resolved through successful filings with MA DEP in the period between 1995 and 2008.

⁴ 33 Hayes Memorial Drive, Site 5 in Table 1, is located about 450 east of the Gutierrez property: There are three (3) MA DEP release tracking numbers for the site: (1) in 2015 for No. 2 fuel oil from an underground storage tank (UST) that was removed along with associated contaminated soil, followed by a successful “Response Action Outcome” (RAO) submittal to MA DEP; (2) in 2018 CVOCs, likely from historical property use, were identified as environmental contamination at the site and the owner filed for Tier II Classification status with MA DEP (source identification and remedial options are in process of being identified and continued reporting to MA DEP will be required); and (3) in August 2020 the owner also filed an Immediate Response Action (IRA) Status Report with MA DEP on the installation of a sub-slab depressurization system (SSDS) at the building to control indoor air impacts from the CVOCs located under the building.

⁵ Once a release or threatened release of oil or hazardous material is reported to MA DEP, a regulatory clock starts, and Preliminary Response Actions must occur. Within 1 year, the site must either be cleaned up, or it must be classified as either Tier I or Tier II and undergo a comprehensive assessment and cleanup program. Sites are classified as Tier I or Tier II, depending upon information obtained from a Phase I Initial Site Investigation.

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someone within the Bureau of Waste Site Cleanup should you have any questions regarding any of the sites with MA DEP tracking numbers that are listed in Table 1 and shown on Figure 3.

Sincerely yours,

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