

Board of Selectmen

MEETING TUESDAYS AT 7 00 P M • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432

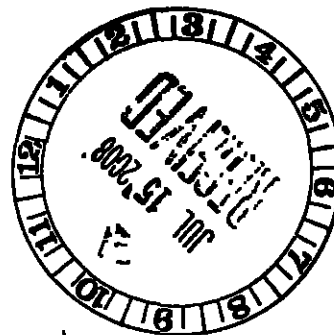


Tel (978) 772-8220
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Town Administrator
(978) 772-8210

22928

July 8, 2008



Office of the Secretary
Case Control Unit
STB Finance Docket No. 35147
Surface Transportation Board
395 E St., S.W.
Washington, D.C. 20423

Attention: Environmental Filing

RE: STB Finance Docket No. 35147

Ladies and Gentlemen:

Enclosed is a copy of the Town's comments – sent via certified mail on July 7 to the STB – concerning the Environmental Appendix filed in the above matter.

The comments indicate why further environmental review under the National Environmental Policy Act should be required on the matter.

The ZIP code on the original mailing was based upon the applicant's transmittal of the filing as was acknowledged on page 12 of the STB's decision dated June 26, 2008 (copy of page 12 enclosed). I am therefore sending a copy of the July 7 comment letter to the revised ZIP code.

Please contact me with any questions. Thank you.

Sincerely,

Shaun A. Suhoski
Town Administrator

ENTERED
Office of Proceedings

JUL 15 2008

Part of
Public Record

cc: Ayer Board of Selectmen
Richard A. Allen, Esq.

Board of Selectmen

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July 7, 2008

Office of the Secretary
Case Control Unit
STB Finance Docket No 35147
Surface Transportation Board
395 E St., S.W.
Washington, D.C. 20024

Attention: Environmental Filing

RE: STB Finance Docket No. 35147

Ladies and Gentlemen:

Based upon review of the Environmental Appendix filed in the above matter, and reserving any and all rights for further comment by Town officials, I offer the following reasons why further environmental review under the National Environmental Policy Act should be required due to potential impacts on drinking water, stormwater, traffic and endangered species:

~~Drinking Water: Spectacle Pond Well Fields - Mass. DEP Zone II Aquifer~~

The filing indicates planned construction of a "new automotive facility" at the so-called San Vel site in Ayer. The proposed new facility would accommodate 810 vehicles on a Massachusetts Dept. of Environmental Protection designated Zone II aquifer.

This aquifer directly recharges the Town's Spectacle Pond wellfield a primary source of the Town's public water system. The neighboring town of Littleton also has wellfields located within the zone of Spectacle Pond. A full environmental assessment should be required to ensure no negative impact to the drinking water supply for two municipalities.

Stormwater: Stormwater Prevention Plan and NPDES Permit

The proponents should be required to comply with all applicable stormwater standards including preparation of an acceptable Stormwater Prevention Plan that employs low-impact development and best management procedures (LID/BMPs).

Whereas the new facility will greatly exceed disturbance of one acre of land, it would appear that the applicants are required to file for a general construction permit under the National Pollutant Discharge Elimination System (NPDES).

Office of the Secretary - Case Control Unit
STB Finance Docket No. 35147
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Page Two

Traffic: Threshold for Review Exceeded

Page 20 of the filing indicates a "projected additional 58 trucks per day" associated with the transaction at the Ayer Intermodal location. The same page states that 226 trucks per day is the pre-transaction total in 2007. The increase appears to exceed the 10 percent threshold for traffic.

Endangered Species. Blanding's Turtles

The Town believes that there are documented reports of Blanding's Turtle habitat within the so-called San Vel site proposed for the new auto unloading facility. The applicants should be required to comply and verify such compliance with the National Endangered Species program.

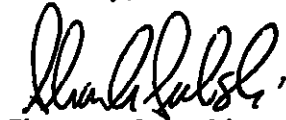
Option: Utilize Existing Transload Facility in Ayer / No New Build Scenario

The filing makes reference an existing, "unused" automotive transload facility in Ayer that is currently leased to CSX until 2017.

~~This longstanding auto unloading facility sits nearby – but outside of – the Zōnē II aquifer. The STB would be strongly encouraged to encourage a program that would allow use of this existing facility in lieu of the major construction proposed over the Town's aquifer.~~

In closing, the Town would respectfully reserve any rights to further comment on the proposal. Any questions concerning this correspondence may be directed to my attention or by telephone to 978-772-8210. Thank you.

Sincerely,



Shaun A. Suhoski
Town Administrator

cc. Ayer Board of Selectmen
Littleton Board of Selectmen
U.S. Secretary of Transportation
U S. Attorney General
Richard A Allen, Esq

Board of Selectmen

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Town Administrator
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July 7, 2008

Surface Transportation Board
395 E St., S.W.
Washington, D.C. 20423-0001

RE: Party of Record – STB Finance Docket No. 35147

Ladies and Gentlemen:

This correspondence shall evidence the intent of the town of Ayer to be listed as a Party of Record (POR) in the above proceeding.

All information concerning the transaction should be addressed to the Town, c/o
Board of Selectmen, 1 Main Street, Ayer, MA 01432.

Thank you.

Sincerely,

Shaun A. Suhoski
Town Administrator

cc: Ayer Board of Selectmen
Littleton Board of Selectmen
U.S. Secretary of Transportation
U.S. Attorney General
Richard A. Allen, Esq.