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Ms. Tori Kim  
Director  
MEPA Office  
Boston, Massachusetts

**Subject: Comment Letter:  
MEPA Process, Protocols, and Policy Updates**

Dear Ms. Kim:

Epsilon Associates is an environmental consulting firm located in Maynard, Massachusetts. Our consulting practice is focused on environmental analyses, licensing, and permitting for real estate development, institutional and infrastructure clients. The Principals and staff of Epsilon Associates are particularly proficient at taking projects through the MEPA approval process, as well as federal, state and local historical review processes.

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Epsilon is a major player in the MEPA 'world.' We provide expertise from all of our technical and regulatory specialists. On the technical side, these include Greenhouse Gas, LEED, air, noise, wetlands, coastal (Ch. 91), marine (offshore wind), historic, and water quality. On the regulatory side: MEPA, Chapter 91, Wetlands, Article 80 in Boston, Mass Historic and others. We apply lessons learned, precedents and common sense to our work.

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There are important areas of clarification envisioned in the review of the MEPA regulations as presented in the recent slide show. The focus of this letter is on the MEPA Regulatory Review Process, the Interim Protocol on Climate Change Adaptation and Resiliency, and potential GHG Policy revisions.

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**The MEPA regulatory review process**

As MEPA undertakes this important work, we encourage the MEPA Office to convene a Technical Advisory Group to aid and consult on the MEPA Regulatory Review effort. MEPA has a long history of drafting their policies in collaboration with industry

practitioners. Specifically, Peggy Briggs from Epsilon served on the advisory group tasked with completely re-drafting the MEPA Regulations in 1997.

Our approach is to assist in developing a workable set of regulations based on our specific experience preparing studies for every type of project in the Commonwealth, rather than taking a policy position. We will provide a practical knowledge of how MEPA works with different types of projects, landscapes and uses, and an understanding of precedents. This will be very useful in the deliberation of policy or regulatory changes.

### **Interim Protocol on Climate Change Adaptation and Resiliency**

The Interim Protocol “encourages projects to utilize the best available climate science data...”. ‘Best’ is a superlative standard. Additionally, the RMAT has not completed the Climate Resilience Design Standards and Guidelines (CRDSG) project. We appreciate that the Addendum identifies currently available data to be used for sea level rise and flooding. The question is, will these numbers be in the CRSDG or might they be different after further study?

The effective date of the Protocol should be after the CRDSG document has been completed, undergone review and comment, and adopted. Public, private and non-profit projects in the works reflect sustainability, resilience, etc. that are already required by local zoning, regulations and building standards.

The issuance of the Protocol and Addendum is too fast tracked. A formal Climate Change Adaptation and Resiliency Policy (CCARP), developed through a stakeholder process is envisioned. MEPA should wait for the adoption of the CCARP rather than issue the Protocol.

### **GHG Policy Revisions**

We urge MEPA and the Department of Energy Resources to convene a Technical Advisory Group to contribute to the drafting of revisions to the MEPA GHG Policy. The MEPA Policy of 2010 was drafted by a private/public consortium brought together to create a Policy that brought the Agency’s GHG reduction priorities into focus while listening to and incorporating the industry’s input. Dale Raczynski and Don Michael of Epsilon were actively involved in developing the 2010 GHG Policy.

MEPA has discussed a potential new “GHG threshold” tied to carbon footprint (tons per year). The difference between a GHG Threshold and the existing MEPA review thresholds would be that calculating whether a project exceeds a GHG threshold requires a level of architectural and mechanical design that would typically not be available at the early MEPA determination phase. Assumptions could not be made without a quite detailed

understanding of the project's key GHG inputs. We support the idea of standardizing modeling assumptions and methodology.

Regarding Mobile sources, we recommend establishing a de minimis threshold of VMT increase whereby the project's mobile sources would not be a significant contributor to GHG totals and a mobile source analysis would not be required.

### Summary

We appreciate the opportunity to comment on the Protocol and the GHG suggestions in the slide show. Our intent is to ensure the ability of technical studies to be prepared comprehensively based on solid information that will remain consistent throughout MEPA approval, without overburdening early expenditures on design.

Very truly yours,

EPSILON ASSOCIATES, INC.



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Managing Principal



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