

Christopher H. Milton
Tel 617.310.6280
Fax 617.897.0980
miltonc@gtlaw.com

October 8, 2024

BY HAND DELIVERY

Andover Planning Board
36 Bartlet Street
Andover, MA 01810

Attn: Ms. Jacki Byerley

Re: Application for Special Permit, The Gillette Company LLC; P&G Andover Manufacturing Center Enhancement Project; 30 Burr Road, Andover, MA

Ladies and Gentlemen:

As counsel to The Gillette Company LLC (“Gillette”), we are writing regarding Gillette’s Application for Special Permit (the “Application”). As you requested during the continued public hearing regarding the Application held on August 13th, Gillette has continued to work “offline” with the Tewksbury residents for whom Amar Bagul has been speaking, in the hope of making the Tewksbury residents comfortable with Gillette’s project. As we believe significant progress has been made toward that goal, we are writing with an update on that front.

1. Vibration

As previously reported in our letter to the Board dated September 17th, the primary issue raised by the Tewksbury residents has been concern over possible vibration resulting from the construction of Gillette’s project. This concern is primarily the result of events surrounding the recent construction of 4 Executive Place, somewhat south of the Gillette project, and somewhat closer to the Jennie’s Way residents. As we indicated during the public hearing on August 13th, Gillette and its contractor, Skanska USA, Inc., will be utilizing a different method of compaction which involves the use of a Conventional Vibrating Roller, rather than the Deep Dynamic Compaction method that was used at 4 Executive Place. Our calculations clearly indicate that our proposed use of the vibrating roller will not cause property damage to the Tewksbury residents, and that vibrations drop

Greenberg Traurig, LLP | Attorneys at Law

One International Place | Suite 2000 | Boston, Massachusetts 02110 | T +1 617.310.6000 | F +1 617.310.6001

Albany, Amsterdam, Atlanta, Austin, Berlin, Boston, Chicago, Dallas, Delaware, Denver, Fort Lauderdale, Houston, Las Vegas, London, Los Angeles, Mexico City,¹ Miami, Milan, Minneapolis, New Jersey, New York, Northern Virginia, Orange County, Orlando, Philadelphia, Phoenix, Sacramento, Salt Lake City, San Francisco, Seoul,² Shanghai, Silicon Valley, Tallahassee, Tampa, Tel Aviv, Tokyo, Warsaw, Washington, D.C., West Palm Beach, Westchester County.

Operates as “Greenberg Traurig, LLP” (“Greenberg Traurig”) and may “Greenberg Traurig, LLP” (“Greenberg Traurig”) in the United States and other jurisdictions. Greenberg Traurig, LLP is a limited liability partnership organized under the laws of the State of New York. Greenberg Traurig, LLP is a member firm of Greenberg Traurig, P.A., Florida, USA. All other offices are operated by member firms of Greenberg Traurig, P.A.

© 2024 Greenberg Traurig. All rights reserved. www.gtlaw.com

1888888.gtlaw.com

to minimal levels beyond 250 feet from the roller (the Tewksbury residents being approximately 1,250 feet distant).

In order to give the Tewksbury residents even greater comfort that there would be no material impact from our use of the vibratory roller, Gillette's geotechnical consultants, GEI Consultants, Inc., performed a pre-construction field test on August 29th in the southwesterly corner of the Andover Manufacturing Center, which showed that there was no material vibration (0.013 inches per second) on the westerly sideline of I-93 (about 410 feet away from the roller test area). Given that the human perception range is 0.06-0.19 inches per second, and that this result was within that range, the risk of vibration issues was negligible. We then met on September 9th with several Tewksbury residents (Amar Bagul, Robert Kerins and Dotty Paquin), and shared the Field Observation Report with them. As there was still some nervousness, we then conducted a subsequent test of the vibratory roller on September 12th, placing the vibration meters inside and outside the residences of Amar Bagul and Robert Kerins. Those results confirmed that there was no perceptible vibration in those locations from the use of the vibratory roller at the AMC. Based upon the foregoing, we believe that the Tewksbury residents are on board with our use of the vibratory roller method.

2. Highway Sound Reflection

The second issue raised by the Tewksbury residents relates to the possibility that the Gillette project will enhance the existing level of reflected highway sound post-construction.

Also as previously reported in our letter dated September 17th, the analysis performed by Epsilon, Gillette's acoustic experts, indicated that any increase in highway sound would be negligible, and likely below the threshold for normal human perception.

Despite our experts' conclusion that the likely impact would be negligible, Gillette has agreed to conduct pre-construction ambient noise testing to be paid for by Gillette. The thought behind this testing is that it will give everyone a set of baseline measurements against which post-construction ambient noise can be measured. In a letter from Mr. Bagul to the Planning Board dated September 24th, Mr. Bagul requested more detail in regard to such testing.

Since that meeting, Gillette has worked with one of its consultants, Epsilon Associates, Inc. to develop a noise testing protocol that will establish a solid baseline for measurement of any worsening or improvement in the ambient noise levels at the homes of the Tewksbury residents as a result of the construction. A copy of the noise testing protocol is annexed as Exhibit A. The protocol sets forth the parameters for 7 days of around the clock measurements at two residences in Tewksbury. We believe this commitment to conduct such testing is an appropriate means for addressing the concerns of the Tewksbury residents, given that our noise experts believe that any change due to the construction will be below human detection levels.

In a letter from Mr. Bagul, he requested that he be given dates for the work, and that indoor testing be considered. Gillette has indicated that Epsilon is planning to conduct this testing in early November (assuming that Mr. Bagul and the other resident whose residence is to be the subject of such testing can accommodate that). As to indoor testing, Gillette does not believe that the results of such testing will provide any meaningful information, and so has refused pay for such testing. Mr. Bagul is of course free to conduct and pay for his own testing if he believes that it will provide meaningful information.

3. H2N2 Facility

As previously reported in our letter dated September 17th, the third issue raised by the Tewksbury residents relates to possible risks associated with the proposed H2N2 facility to be located on the south side of the Andover Manufacturing Center, approximately 50 feet from the new addition. We explained at our meeting with the Tewksbury residents on September 9th that the design fully complied with all federal, state and local laws, as well as a number of additional standards voluntarily adopted by Gillette, that the design for Andover was similar to the design presently in use in South Boston, and that Gillette had had no incidents in 30 years at the 8 such similar H2N2 facilities it maintains around the world. We also emphasized that the design included a tube trailer, redundant valves, gas detection devices and telemetry systems for remote shutdown. Finally, we explained that we were going through 3rd party peer review working with the Andover Fire Department, and that the system would not be installed until the Fire Department signed off on the system.

In Mr. Bagul's September 24th letter to the Board, he requested information regarding the possible existence of a natural berm exists to the south/southwest of the H2N2 tanks. He further indicates that regardless of whether such a natural berm exists, he would like Gillette to install a "heavy-duty barrier that is designed to fully shield the residential neighborhoods from the absolute worst-case scenario." While no such natural berm appears to exist, Gillette nonetheless believes that the Tewksbury residents are being unreasonable in requesting such a heavy-duty barrier, given that (i) Gillette has experienced no incidents in 30 years at 8 such installations it maintains around the world, and (ii) Gillette is prepared to complete the 3rd party review process presently under way with the Fire Department prior to the commencement of construction of the H2N2 facility and to integrate any input into the design once such review is complete.

Mr. Bagul has repeated his request in his October 3rd letter, and Gillette continues to believe that this request is unreasonable.

4. Air Emissions

The fourth issue raised by the Tewksbury residents, as laid out in the letter from Mr. Bagul dated September 24th, is concern about air emissions from the Project. As mentioned at the September 24th meeting, Gillette does not believe that the concerns raised by the Tewksbury residents differ in any material respect from similar air pollution concerns

already raised by various Andover residents and by the Sierra Club. Therefore Gillette believes that these concerns have been addressed as part of the public hearing discussions on that topic that have already occurred.

In his October 3rd letter Mr. Bagul asked that the inquiry be expanded to all “effluents” from the project. Again, we believe that the Planning Board has already discussed such matters.

5. Concerns re: Coal Ash in Fill

The fifth issue raised by the Tewksbury in his letter dated October 3rd is that there are concerns that the fill used for the project will be contaminated with coal ash. Gillette has asked its contractor, Skanska, to investigate this question, and Skanska has obtained letters from the contractor providing the fill materials that its suppliers are utilizing virgin materials mined for this project, and not including coal ash or any other materials other than the virgin materials.

We look forward to discussing this Application with you further on the continue public hearing scheduled for 8:30 PM tonight. In the meantime, please feel free to reach out with any further questions you may have regarding this subject.

Regards,



Christopher H. Milton

cc: Mr. Amar Bagul
Mr. Robert Kerins
Ms. Dotty Paquin
The Gillette Company LLC
Epsilon Associates, Inc.
Nitsch Engineering, Inc.
Fennick McCredie Architecture Ltd.
Skanska USA Building, Inc.
Vanasse & Associates, Inc.

