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Subject: 100 Industrial Park Road - Draft Conditions
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Attachments: [image001.png](#)
[Draft Findings-Conditions regarding 100 Industrial Park Road \(4.1.21\) 4827-7754-7491 v.2 with JSD Edits 04.02.21.docx](#)

External Email:

Susan:

I have completed my review of the draft Findings and Conditions for the 100 Industrial Park Road project and have attached a redline with my suggested edits and responses to the comments that were submitted by the Applicant's counsel via email on 4/1/21. My substantive edits are as follows:

1. The maximum number of vehicle trips per day for the project will be 1,204 under both typical and peak season operations and subject to the monitoring program.
2. The Applicant may submit a request to increase the maximum number of vehicle trips per day upon demonstrating compliance with the monitoring program and evidence that the project is not creating undue congestion or safety impacts. This would be considered a major modification as defined in the Decision and subject to Planning Board rules and regulations.

With regard to the comments that were provided by counsel to the Applicant concerning the Traffic Monitoring Program, I offer the following responses:

- **DSP Van and Flex Vehicle Monitoring:** The video recording devices will allow for sufficient sampling of both DSP vans and Flex vehicles (which will be clearly identified as required in the Decision) at the Monitored Intersections to complete the required analyses. It is likely that more than one recording device will be used at each intersection to allow for verification.
- **Crash Rate Criteria:** The original draft language has been revised to remove the subjective language and directly relate a crash exceedance to either an exceedance of the maximum traffic volume threshold (daily or peak-hour) or evidence from the Hingham Police Department of an increase in crashes associated with DSP vans or Flex drivers at the Monitored Intersections.

If you should have any questions, please feel free to contact me.

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EXHIBIT A

Traffic Monitoring and Reporting Program

The Applicant shall retain the services of an independent Traffic Engineer duly licensed in the Commonwealth of Massachusetts to conduct post-development traffic monitoring in order to: (i) validate the traffic volume projections; (ii) affirm the travel routes of DSP vans and Flex drivers; and (iii) evaluate traffic operations and safety impacts after occupancy. The data collection portion of the monitoring program will include the following elements:

- I. Performing a 7-day, week-long automatic traffic recorder counts at the following locations to include vehicle classification:
 1. Industrial Park Road north of the exit driveway for the warehouse;
 2. Commerce Road; and
 3. All driveways serving the warehouse.
- II. Performing manual turning movement counts and vehicle classification counts using a video recording device for a continuous 12-hour period on a weekday (7:00 AM to 7:00 PM) at the following intersections (the “Monitored Intersections”):
 1. Industrial Park Road/Commerce Road
 2. Derby Street/Pond Park Road
 3. Derby Street/Route 3 Southbound Ramps
 4. Derby Street/Route 3 Northbound Ramps
 5. Derby Street/Old Derby Street
 6. Derby Street/Derby Street Shoppes
 7. Derby Street/Cushing Street
 8. Whiting Street (Route 53)/Derby Street/Gardner Street
- III. Obtaining motor vehicle crash data for the most recent one-year period from the Hingham Police Department for Monitored Intersections.

The data collection effort will be undertaken twice per year: once under normal or typical warehouse operations and once under peak season operations (defined as the period between mid-November and mid-January). Baseline (prior to operation) data collection shall occur prior to the commencement of major construction activities associated with the warehouse construction or shall be conducted in a manner so as to exclude construction traffic from the baseline data. Subsequent data collection shall commence within 90 days of the issuance of a Certificate of Occupancy for the warehouse and be repeated twice annually as defined above for a period of six (6) years thereafter unless the duration is extended or otherwise modified by the Planning Board. Prior to undertaking the data collection, the Applicant shall submit the proposed dates and scope of work to the town planner for review and approval which shall not be unreasonably conditioned, delayed or denied.

The results of the traffic monitoring program shall be summarized in a report or technical memorandum (the “Monitoring Report”) provided to the Planning Board, the town planner, and the Building Commissioner within one-month of the completion of the data collection effort and shall include the following information and analyses:

- Comparison of the measured traffic volumes (trucks, DSP vans and passenger vehicles (including Flex Driver passenger vehicles)) to the traffic volume projections for the Project as presented in the *Traffic Study*, Proposed Delivery Station Building, 100 Industrial Park Road, Hingham, MA; BL Companies; July 2020 and as subsequently amended (the “Traffic Study”);
- Traffic operations (motorist delays, vehicle queuing and level-of-service) at the Monitored Intersections;

- Evaluation of motor vehicle crash rates at the Monitored Intersections; and
- The number of DSP vans and Flex vehicles traveling through the Monitored Intersections by time of day and direction of travel.

To the extent that any of the following conditions are documented in the Monitoring Report (each an “Unmitigated Impact”), corrective measures to reduce the Unmitigated Impact(s) (“Corrective Measures”) shall be proposed by the Applicant in the Monitoring Report:

- The measured traffic volumes for the warehouse (daily or peak-hour) exceed the projected traffic volumes by more than 10 percent (i.e., 110 percent of the projected traffic volumes) under typical or peak season operations (the “Traffic Volume Threshold”);
- The volume of DSP vans and/or Flex vehicles using Gardner Street, Cushing Street or Whiting Street exceed by 10% or more the estimates presented in the July 2020 Traffic Study prepared by BL Companies and as subsequently amended; and/or
- The calculated motor vehicle crash rate at a Monitored Intersection exceeds the MassDOT average crash rate for similar intersections as a direct result of the project and there is an exceedance of the Traffic Volume Threshold or evidence from the Hingham Police Department of an increase in crashes at the Monitored Intersections related to DSP vans or Flex vehicles.

The description of the proposed Corrective Measures, if any, shall include the appropriate parties responsible for implementation, required approvals, and the timeline for implementation. These Corrective Measures may include, without limitation:

- Sign and pavement marking installation.
- Traffic signal timing modifications at the Monitored Intersections.
- Enforcement of travel route restrictions for DSP vans and Flex vehicles to limit or preclude the use of Gardner Street and Cushing Street except for deliveries to addresses along these roadways.
- On-site operations and management strategies to include: expansion of the elements of the TDM program to include financial incentives for employees to car/vanpool; scheduling employee and truck operations to minimize impacts during peak-traffic-volume periods along Derby Street; evaluating implementation of an employee shuttle program; and other such measures that are designed to reduce the overall volume of traffic generated by the Project including, without limitation, modification of operations to comply with the maximum daily trips set forth in the Traffic Study.

The Town may, pursuant to MGL Ch. 44, Section 53G, retain the services of a peer review traffic engineer, at the expense of the Applicant, to review the methodology, results, and findings of the Monitoring Report. Upon written request of the Planning Board (or the town planner on its behalf), the Applicant shall appear at a duly noticed public hearing of the Planning Board to present the results of the Monitoring Report and to review any proposed Corrective Measures. If Corrective Measures are necessary based on the findings of the Monitoring Report after review by the Town’s peer review traffic engineer, they shall be implemented at the sole expense of the Applicant in accordance with the identified timeline. The status of implementation and effectiveness of the Corrective Measures shall be documented by the Applicant in the subsequent Monitoring Report.

Commented [SM1]: PROPOSED BY APPLICANT. APPLICANT COMMENT: It will be difficult to identify even well-marked “flex” vehicles since they are personal passenger vehicles that can be any make, model or color and are otherwise indistinguishable from any other passenger vehicle on the road.

Commented [JSDP2R1]: The video monitoring should provide a reasonable sampling of both DSP and “flex” vehicles to arrive at a reasonable approximation of the number of delivery vehicles (DSP and “flex”) associated with the project and their directional distribution.

Commented [SM3]: PROPOSED BY APPLICANT (SEE THEIR COMMENT ABOVE)

Commented [JSDP4R3]: Same response

Commented [SM5]: COMMENT FROM APPLICANT: It is unclear how this would be determined. If there is crash rate data for the monitored intersections, future data should be compared to that rather than “similar intersections” If there is no crash rate data existing, what would be the basis for a comparison to “similar intersections?” How is “as a direct result of the project” determined? Amazon should not be responsible or held to mitigation for crashes that do not involve Amazon vehicles.

Commented [JSDP6R5]: The crash exceedance criteria has been clarified to relate the crash rate exceedance to the “Traffic Volume Threshold” defined under (i) or to evidence of an increase in crashes involving DSP vans or Flex vehicles as evidenced by the Hingham Police Department. This clarification removes the subjectivity of the original draft language and retains the intent of the condition.