



TOWN OF GRANBY

COA

10 West State Street

Granby, MA 01033

Telephone: (413) 467-7177 Fax: (413) 467-2080

www.granby-ma.gov

Town Administrator: Christopher Martin

Granby Select Board: Wayne H. Tack, Sr.,
Mark L. Bail,
Mary A. McDowell

Board Meeting: August 30, 2010 @ 6:30 P.M.

AGENDA:

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

APPOINTMENT:

6:30 APPROVE AND SIGN GREEN COMMUNITIES
PLANNING ASSISTANCE LETTER

7:00 PUBLIC HEARING:
TROMPKE AVE. PROPOSED GRAVEL PERMIT
APPLICATION

ADJOURNMENT:

SPECIAL SESSION
BOARD OF SELECTMEN
August 30, 2010

Members Present: Wayne Tack, Mark Bail, Mary McDowell

Others Present: Christopher Martin

Chairman Tack called the meeting to order at 6:30 p.m.

Mr. Martin had the Green Communities Planning Assistance letter that needed to be signed. The Planning Assistance Grant would give the Town up to 100 hours of planning assistance in meeting the criteria necessary to receive a Green Community designation. The grant must be Boston by 5:00 p.m. on September 1st. Due to the deadline, Mr. Martin will hand deliver the application to DOER on September 1st. Mr. Bail read the letter into the record.

On a motion by Mr. Bail and seconded by Ms. McDowell, it was unanimously voted to authorize the Chairman to sign the letter.

On a motion by Mr. Bail and seconded by Ms. McDowell, it was unanimously voted to adjourn the meeting until 7:00 p.m.

Chairman Tack called the meeting to order at 7:00 p.m.

Attorney David Martel, special counsel, joined the Board.

Chairman Tack led the meeting in the pledge of allegiance.

Mr. Tack called to order the continuation of the original hearing of the Stoney Hill Sand and Gravel operation. The Board will address any new issues that will come up at this meeting. All previous documents will continue to be part of the record.

Mr. Bail read the public hearing notice into the record.

Mr. Bail, in accordance G.L. C. 268A s. 23 (b)(3) read a disclosure of potential appearance of conflict of interest into the record for him.

As a proponent for the application, Mr. Joseph Gagliarducci spoke on the application for special permit to operate a gravel permit.

Pamela Maheu, 326 Batchelor Street, asked if any other items needed to be reconsidered at this hearing and if the Board could go beyond the September 27th deadline. Attorney Martel stated that anything mentioned during other Board meetings during Citizen Participation must be re-presented, as they were not done so as part of a hearing. He also stated that the Board could continue beyond the September 27th deadline.

Richard Domeracki, 428 Batchelor Street, spoke of the close of the hearing tonight in relation to the number of people present at the hearing. Mr. Domeracki also felt that Mr. Tack should abstain from voting due to a conflict of interest as he was potentially in the sand and gravel business. Mr. Tack replied he didn't feel the same, as he was in the excavating business not the sand and gravel business.

Attorney Martel explained the in matters of conflict of interest; the doctrine of Rule of Necessity applies. As the Board is a three-member board and requires all members to vote on the special permit, this rule applies. Even if there is a conflict, this rule allows Mr. Tack to participate.

Mr. Bruffee, 310 Batchelor Street, agreed that he felt there is no conflict as all three votes are necessary.

Audrey Higbee, 82 Batchelor Street, stated it seems Mr. Tack is in favor of the application, which makes it difficult to see this as an open process. She also asked about the 90-day period in relation to the re-opened hearing. Mr. Martel replied that it is up to the Board to decide when to make a decision and it could be 90-days from the close of the hearing.

William Loftus-Rooney, 317 Batchelor Street, asked why the Board is in support of the application. Mr. Bail replied that he is or is not in favor of the application. There are stipulations/conditions that can be imposed. He is just trying to follow the law. Mr. Tack stated that he has nothing to gain from the permit. He has not made a decision and the hard part will be the stipulations that will be imposed.

Kim Otis, 117 Batchelor Street, had concerns regarding the water surrounding the area and possible pollution. She also had a concern regarding the North Street Bridge that has a rating of 56,000 lbs, and the culverts and the weight of the trucks being 77,000 lbs. She also expressed concerns over the road and potential damage to them.

Ms. McDowell asked Mr. Shaheen of the Conservation Commission to comment. Mr. Shaheen stated that the Commission had granted an ANRAD/ORAD, a DEP mandated permit, back in the spring. This permit addressed the delineation of the resource areas for the Trompke property. It did not address future use. It mandated the proponents not infringe on any resource areas; stay 100 feet away from the wetlands and 200 feet away from any river front. Ms. McDowell asked if the Conservation Commission was satisfied with the responses given in terms of the application. Mr. Shaheen replied they met the conditions of the ANRAD/ORAD. The permit did not address egress or any other technical measure.

Susan Bruffee, 310 Batchelor Street, stated she had contacted Bob McCullen of DEP and given the nature of the operation, the Conservation Commission could request a NOI. Mr. Shaheen replied that he had not heard from the State and that he would have Ms. Bruffee put on the next Commission agenda. Ms. Bruffee spoke of the meeting the other

night that Mr. Gagliarducci held to speak of the application. She stated that it was mentioned the excavation material would be a very fine material and was concerned regarding silica dust and its health effects. She also stated that Stoney Hill Sand and Gravel owned the trucks and other trucks leased or owner-operated would not be covered under Stoney Hill. She also stated that the truck routes could not be determined, as it would depend on where the material would be hauled. It was also mentioned that on-site processing might occur. She also stated that it was reported that three loads an hours would be processed at the site during the hours of operation. She then expressed concern over the number of trucks. It was also reported that the operation would last 2-3 years, but could go longer. She also asked about the application of Section 6.27 Administration and Enforcement of the Town's bylaw and if it would be applied to this process. She wanted to know how the Board would address pedestrian safety. She was also concerned about the width of Batchelor Street and the condition of the culverts the trucks would be going over.

Ms. McDowell asked the David Desrosiers, Highway Superintendent, to comment. Mr. Desrosiers stated that all of the culverts had an H20 rating but also stated that they were getting old. His primary concern was the North Street Bridge and it's T-rating. In regards to the roads, most of the streets of Granby were not constructed for current truck traffic. The Town cannot restrict their use without going through the Mass. DOT process to do so and due to the fact that we use Chapter 90 funds to repair our roads that the truck taxes contribute to.

Robert Vallee, 211 Batchelor Street, asked what are the tax advantages, who will pay for road damage and what is the plan for the site after the operation is done. Mr. Tack responded that the application mentions this. It is not a mining operation. They will be digging a straight plateau.

Ms. Bruffee continued with her concerns. She asked if the Board is considering speed limits in accordance with C. 90 s. 18. She asked if a structural engineer to see if they can handle a 77,000 lb truck has tested the culverts on Trompke Avenue. She asked if section 3 and 8 of the Zoning Bylaws were being considered. Mr. Martel replied that the specific section dealing with earth removal is the section that applies. She asked if a comprehensive hazardous waste removal plan has been developed for the location. She asked exactly what type of spray would be used for dust abatement. Mr. Gagliarducci responded that water would be used, as it is the least invasive and safest method. She asked that this site not do more than the property next door. Mr. Tack stated that there would only be sand and gravel separation. There would be no crushing of blasting. This would be part of the stipulations imposed. The test holes indicated the type of soil and don't think blasting would ever happen. She asked if a source water assessment has been per state and federal water act. Mr. Shaheen stated that there are five monitoring wells. They give the water depth, strata depth and type of soil. The water can be tested at any time. The operation will be terminated when they reach a certain level above the water level. The Town can request a water quality sampling at any time. He looked at the natural heritage maps and did not see any endangered or priority species or habitats. Mr. Shaheen also stated the hand borings did indicate hydric and non-hydric soils which

determined the delineation line. She had an issue with the inspection and monitoring practices outlined in the application, as the owner is responsible. She feels the Town should conduct oversight. Mr. Bail stated this would be one of the limitations imposed. He then read the list of limitations that could be imposed for a special permit as stated in the by-laws.

Becky Parent, 376 Batchelor Street, asked if the Town could control the routes. Mr. Martel replied the Board can within the limits indicated by Mr. Desrosiers.

Ms. Higbee asked at what point do the limitations get identified. Mr. Bail replied that the Board was currently in the hearing process. The limitations will be decided during deliberations.

Ms. Otis asked if the Board could limit the size of the operation. Mr. Martel replied the Board could impose the amount of material that can be taken out of the site if it feels appropriate.

Ms. Bruffee submitted her concerns to the Board. She also mentioned the covenant imposed by the Planning Board in June 1988. Mr. Martel answered he was aware of the covenant but was not prepared at this time to render an opinion. He will have one when the Board makes their decision.

Ms. Toth asked if he can't answer at this time does that mean the hearing will not be closed. Mr. Martel answered that he will review the record of the development that triggered those requirements and advise the Board if it is applicable to issuance of the special permit.

Mr. Loftus-Rooney asked what affect the pit will have on home values. Mr. Martel replied that it was not within the Board's jurisdiction.

Mr. Bruffee referenced section E of the application and by his calculations there would be 600,000 to 700,000 cu yds of material removed. Based on that, there would be either more trucks that indicated or the pit would operate longer than 2-3 years. Mr. Gagliarducci stated that the excavation would be sloped and that was how the 322,000 cu yd figure was determined. He also stated that there is not enough market for that amount of material requiring 40 – 60 trucks.

Ms. Maheu made a presentation to the Board. She read a portion of the bylaw and the reason for the Zoning Act of 1975. She then presented some calculations:

30 removals = 60 trucks per day
60 trucks at 5 days = 300 trucks per week
30 trucks on Saturday = 30 trucks
for a total of 330 trucks per week.
330 trucks per week = 1,320 trucks per month
330 trucks per week = 13,200 trucks per year (based on 10 months)

330 trucks per week = 15,8400 trucks per year (based on 12 months)

This is considerable more trucks, traffic and tonnage and vibrations could be extensive to foundations and tree roots. She suggested a \$10,000,000 bond and \$10,000,000 insurance liability to be in place for both public and private damage. Mr. Gagliarducci explained the Zone of Influence of trucks. There is no ground pressure after 10 feet of depth or 10 feet of width in all directions. Many residents indicated that they currently feel vibrations from the current truck traffic.

Diane Deshaies, 312 Batchelor Street, asked about low frequency noise. She also mentioned vibrations are currently felt and their huge influence on homes and quality of life.

Sue Lambert, 308 Batchelor Street, asked if the bylaws could be changed. Mr. Martel replied that any change must be approved by Town Meeting and routed through the Planning Board. The Board can initiate a by-law change.

Ms. Maheu presented a chart outlining the issue in the application.

- No traffic warning signs
- No fencing along construction area
- Only one egress in and out
- One lone culvert
- Hours of operation; 7:00 – 4:00 Monday – Friday and 7:00 – 12:00 Saturday
- Materials being removed from site by tri-axle dump trucks with a maximum weight of 77,000 lbs and dump and trailer with a maximum weight of 100,000 lbs traveling over Trompke Avenue. The first 12-months approximately 100,000 cu yds anticipated to be removed from site.
- Several issues regarding public safety
 - Children playing around area
 - Children going to and from bus stop
 - Children waiting for and getting dropped off by bus
 - Cars trying to get in and out of Trompke Avenue
 - Private way extremely narrow
 - Fire and rescue trying to get in and out of Trompke Avenue
 - Walking on Batchelor Street
 - Biker and horseback riders on Batchelor Street
 - Residents trying to pull on Batchelor Street from driveways. Many houses on a blind curve and much of the road is under 20 feet wide.
 - Cars trying to drive safely on Batchelor Street to their homes
 - Children all along the rest of the roads; School Street, Chicopee Street, Carver Street, Taylor Street and Meadow Glen sub-division waiting for the bus and dropped off by the bus.
 - If culvert on Trompke Avenue damaged, how will residents be able to get out

- If culverts on Batchelor Street and Trompke Avenue get damaged, how will fire and rescue get by in case of emergency
- How will the school buses get by
- What if the culverts get damaged and someone drives over and gets seriously injured, what then
- There will be a lot of tonnage driving over our little by-ways and damage will occur

Ms Maheu presented a list of pros and cons on the proposed permit.

PROS

- Town gets \$100 permitting fee

CONS

- Allow tri-axle and dump trailers to haul gravel from Trompke through Batchelor at least 30 times per day. More if sub-contractors allowed to pick-up loads.
- A chemical spray is proposed to reduce airborne gravel dust. This will affect our ground water and air quality and may impose health risks.
- Property values and residents quality of life will drastically reduce.
- No formal ground water assessment has been done and our ground wells could be seriously affected by aquifer changes.
- The culverts on Trompke Avenue and Batchelor Street that these 77,000 lb and 100,000 lb tri-axle and dump trailers will be traveling over are made of metal and will not bear the weight of the trucks.
- If culverts are damaged, emergency fire and EMT vehicles will not be able to access portions of Batchelor Street and all of Trompke Avenue.
- The 18,8 acres of land proposed for the gravel pit site closely border protected wetlands area

and Batchelor Brook and run-off from site will adversely affect wildlife and ecosystems.

- Pedestrians and bikers along with horseback riders will be endangered, as there are many blind curves on Batchelor Street, including the corner leading to Trompke Avenue and Batchelor Street.
- Children waiting for school buses will be endangered as large trucks cannot stop quickly and are unable to see around our blind corners. The hours of operation proposed for the construction site are M-F 7-4 and Sat 7-12.
- Noise pollution will be significant with the truck backup alarms, brake retarders, construction and Jake brakes.
- Continual vibrations from heavy trucks will cause multiple maintenance problems, such as structural integrity of housing and disturbance of tree routes will be affected.
- Heavy traffic will cause deep ruts in asphalt on Batchelor Street. Mr. Trompke stated that Stoney Hill Co would be responsible for maintaining Trompke Avenue but the taxpayers will be responsible for Batchelor Street, School Street, Chicopee Street, Carver Street and Taylor Street.
- The gravel pit proposal does not have a clear plan for hazardous waste monitoring and clean up. A weekly inspection is proposed that the inspection will be done by someone of Mr. Trompke's choice and does not indicate how these reports will be

monitored.

Ms. Maheu then stated that the Town already has a precedent for this neighborhood, which are Batchelor street and Trompke Avenue. A gravel permit is already in place that removes no more than 10,000 cu yds per year and respectfully requests that what the Board does for this application.

Jeff Skelskie, 21 Taylor Street, asked if the Board gave any thought of remuneration for material that will be removed from the site. Mr. Martel replied that he wasn't sure of any basis to impose such a charge.

The Board and the audience discussed the ability of the Board to issue or deny the permit. Mr. Martel stated that the Town's by-laws contained an earth removal section that contemplates there will be earth removal permits in Town. Now the Board decides if it is going to issue these special permits or not. They need to go through each point contained in the by-law to impose on or deny the permit. The Board just can't arbitrarily deny the permit. The applicant will have recourse in the courts if the permit is denied.

Ms. Otis stated that as part of the process, the Board can ask for additional information to assist in its decision-making process.

Mark Keser, 214 Batchelor Street, asked if a public hearing would occur, would it be an annual permit, would it limit traffic and it can be monitored by a charge on the removed material. Mr. Martel replied it is the discretion of the Board, they can impose a public hearing requirement.

There was some confusion regarding the application. Mr. Martel asked if it was the one entitled Project Report dated May 19, 2010. Mr. Gagliarducci said it was.

Ms. Higbee asked about the upgrade of Trompke Avenue. MS. McDowell stated that counsel opinion needed to be received prior to considering it as part of their decision. Mr. Martel stated the Board could issue a permit with the stipulation that the road needs to be upgraded.

Mr. Vallee asked if the Board has looked at any safety improvements for pedestrians. Mr. Tack stated that would be part of the decision.

Teri Lajoie, 166 School Street, asked if a fixed path for the trucks had been decided. Mr. Bail replied that the North Street Bride issue is being considered. Mr. Tack stated that most of the traffic would go down School Street.

Robert Bray, 13 Batchelor Street, asked about an option of going out Maximilian Drive. Mr. Tack replied that there is no road.

Mr. Bruffee suggested that empty trucks go over North Street and loaded trucks go out Batchelor and School Street.

Ms. Deshaies had a concern over the noise issues. She asked if any studies had been done on the equipment to be used. The Town needs to be careful how much noise exposure there is. She stated that DEP regulations state excessive noise is considered as air pollution when:

1. Is considered a nuisance
2. Is potentially harmful to human health, animal life or property
3. Unreasonably interferes with comfortable enjoyment of life and property.

She also stated it violates DEP's noise regulation if the source increases broadband sound level by more than 10 decibels above ambient over an eight hour period. The Board needs to consider residents who work out of their homes, the elderly and children.

She also had a concern regarding low frequency noises. It is an annoyance, travels over long distances and is less impacted by barriers put up. It does penetrate structures. Mr. Gagliarducci stated that his equipment had been retrofitted with Tier 4 engines and mufflers to meet State standards. He stated that all of his equipment has Mass. DOT stickers.

Mr. Domeracki asked about the pavement of Batchelor Street. Mr. Desrosiers stated that the recent repaving of Batchelor Street has less asphalt and more stone as a less expensive way to deal with truck traffic. The pavement was made stronger to carry the load.

Tom Samborn, 47 Morgan Street, stated he is currently purchasing a home and if he had the right to say the trucks couldn't use Trompke Avenue. Mr. Martel stated the Board could not answer that question. He then asked as it is a private way, can Stoney Hill be responsible for any damage to the road. Mr. Tack replied that there would be some kind of stipulation.

On a motion by Mr. Bail and seconded by Ms. McDowell, it was unanimously voted to continue the public hearing to 7:00 p.m. on September 7, 2010 at the COA located at 10 West State Street. Mr. Martel stated that by continuing the hearing both proponents and opponents can still present evidence for consideration by the Board.

On a motion by Mr. Bail and seconded by Ms. McDowell, it was unanimously voted to adjourn the meeting at 9:35 p.m.

Respectfully submitted

Christopher Martin
Town Administrator