

Town of Uxbridge  
**Planning Board**  
 21 South Main Street, Room 203  
 Uxbridge, MA 01569  
 (508) 278-8600, ext 2013

**Posted by  
 Uxbridge  
 Town Clerk**

Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, December 12, 2012**, at **7:00 P.M.** in the **Board of Selectmen's Room, Uxbridge Town Hall, 21 South Main Street, Uxbridge, MA:**

**Planning Board Present:** Joseph Leonardo, Barry Desruisseaux, Daniel Antonellis, James Smith and Donna C. Hardy, Administrative Assistant

**Planning Board Absent:** Julie Butler

It being 7:00 pm, the meeting being properly posted, duly called and a quorum being present, Chairman Leonardo called the meeting to order and led the gathering in the Pledge of Allegiance.

***Public Hearings:***

**FY13-02 Evergreen Development – Special Permit Application** - The owner/applicant of record Evergreen Development is seeking a Special Permit proposing construction of an asphalt drum mixer. The project site includes approximately 5.76 acres of land situated on 586 Quaker Highway and is shown on the Town of Uxbridge Assessor's Map 45, Parcel 1487. The plans of said lots are recorded in the Worcester Registry of Deeds Book 47834, Page 269 and said land is free from encumbrances. Chairman Leonardo opened the public hearing. Mr. Stephen O'Connell with Andrews Survey Engineering, LLC, Attorney Joseph Antonellis, Doug Sheadel of Modeling Specialties and Don DiCristofaro, of Blue Sky Environmental, LLC and Steven Bevilacqua, applicant/owner were present and came forward to discuss the project.

Attorney Antonellis made the initial presentation and began that presentation by making a public statement that he and Planning Board Member Daniel Antonellis were not related. Member Daniel Antonellis then acknowledged that he and Attorney Antonellis were not related and that there were no conflicts that would require him to recuse himself from the hearing. Attorney Antonellis introduced the individuals who would speak on behalf of Evergreen. He also provided a summary of the permitting process and the criteria which the Planning Board is required to consider in the review and subsequent approval of the Special Permit.

Attorney Antonellis summarized the detailed application and directed the Board's attention to its various subsections. Specific reference was made to description of the project (Subsections B, C, D, E); and the environmental considerations and safeguards (Subsections F, G, H, I, J, K). Attorney Antonellis also offered a brief analysis of why the application and proposed use would meet the criteria by which the Board must consider when granting a Special Permit (all as enumerated in Section 400-50 of the Uxbridge Zoning By-Law). Attorney Antonellis also spent time explaining the process by which Evergreen had applied for and obtained the Massachusetts Department of Environmental Protection, Air Quality Plan Approval (set forth in Subsection K) and how same was a prerequisite to opening the proposed manufacturing establishment.

Stephen O'Connell of Andrews Survey & Engineering, Inc. provided the Board with a detailed analysis of the site and how Evergreen intends to develop and maintain the 5.76 acre site. Mr. O'Connell reviewed the criteria that were used by him and the applicant to locate the machinery needed in the manufacturing process at a specific location on the site to ensure that the overall development could: stay away from all wetlands; maintain the existing tree coverage; provide the most

appropriate internal traffic patterns; minimize the visual impact of the facility; and provide safe access to and egress the site.

Mr. O'Connell also reviewed the drainage calculations, the manner by which storm water would be handled and processed and the provided proposed location of the small septic system that would service the facility. He identified the soil types, percolation rates and the utility connections on the site. He provided the Board with an overview of how the site would look when it was completed. He identified the neighboring properties and offered a description as to how each of these properties was being used for industrial and or commercial purposes.

Steven Bevilacqua presented a model of the proposed facility to the meeting. The model was set up to resemble how the manufacturing process would occur at the site. Mr. Bevilacqua identified the materials that are used in the manufacturing process. He also provided a thorough description of the manufacturing process including the manner in which the materials were mixed together, heated and then disbursed into storage silos for eventual transfer to trucks. He explained the difference between a "drum mixer" (as proposed here and which runs a few hours a day) and a "batch plant" (which is run off and on all day long), where he explained the safeguards that have been built into the manufacturing process and described in detail how dust and other particulate matter is captured and used during the manufacturing process. A great deal of time was spent discussing the so called "bag house" and how the bag house had alarms and other safety devices built in so to alert the operator that the dust recapture system was not operating properly.

Mr. Bevilacqua also spoke to the issue of hours of operation, the number of truck trips he expected to generate, and the manner in which the business would be operated. He identified the number of employees that would be on site, and he made specific reference to the many built-in environmental safe guards that are set forth and codified in the Air Quality Plan Approval. He further described his past involvement with a similar facility located in Bellingham, MA and informed the Board that he intended to operate the establishment on a limited basis. He expects to be open approximately 8 or 9 months per year.

Don DiCristofaro, of Blue Sky Environmental, LLC provided a detailed synopsis of the pre-application approval process that he initiated on behalf of Evergreen to secure the aforementioned Air Quality Plan Approval. The Air Quality Plan Approval (see generally subsection K of the application, hereinafter referred to as the "Air Permit") received from the Massachusetts Department of Environmental Protection ("DEP"). According to Mr. DiCristofaro, the DEP has the second most stringent air quality regulations in the United States (only California has more stringent standards) and the DEP reviews all new potential sources of pollution that may be associated with or related to the use of fossil fuel. As set forth in the Air Permit, the only fuel to be used in the manufacturing process will be natural gas.

The Air Permit provides a comprehensive analysis of how many factors are considered in the approval process. These factors include a review of the impact that the burning of natural gas as part of the process will have on the immediate area. Also considered in the approval process was the amount of particulate matter that may be generated from the movement and mixing of stone sand and other materials. In addition, the Air Permit approval process included a review of odor and noise.

The final part of Evergreen's presentation was made by Doug Sheadel of Modeling Specialties. He provided the Board with a summary of the various methods used to determine the impact of noise from the manufacturing process. In summary, he informed the Board that the existing background noise at the site was such that the noise generated from the intended manufacturing process would not be noticeable beyond the property lines.

Discussion and areas of concern from the Planning Board included the following:

- 1) Two (2) storage bins will be covered; however six (6) storage bins at the east side will not be covered.
- 2) The liquid acid tank will have a double-wall self-contained tank with condensers on top; MA-DEP requires all measurements be up to code.
- 3) The filter bags are replaced once a year.
- 4) Hours of operation are undetermined; however the plant only needs to run for approximately 1-1/2 hours a day, if the applicant has the ability to work on Saturdays may do so and the trucks will be fully loaded and leave the premise at 6:00 am.
- 5) Seasonal business open eight months a year; closed from Thanksgiving to April.
- 6) Low traffic impact (approximately 30 trips per day).

Chairman Leonardo opened the discussion to the floor.

Discussion and areas of concern from the residents included the following; further explanations and information can be found in the development plan application submitted and available in the Planning Board office:

- 1) Total number of trucks entering/exiting facility (approximately 30).
- 2) Impacts to the community (noise, air quality/pollution, wear and tear of roads, traffic, environmental).
- 3) Benefits to the community, including taxes and property values.  
Mr. Bevilacqua did an estimated tax collection of approximately \$100,000 tax increase to the town. Mr. Smith was a previous Real Estate agent and stated that the property values shall not be affected.
- 4) Cost per ton vs. cost for town of upkeep.
- 5) Waste water or water studies done of area. (A conventional septic system to be installed to service the building to be equivalent to a single family house. Surface water will be collected in stormwater catch basins with deep sumps and hoods, to be conveyed to manholes with closed pipes prior to entry of the stormwater detention basin and will meet all local and state stormwater management. A proprietary treatment device will also be installed removes 80% of total suspended solids.
- 6) No plans for expansions.
- 7) Preferred route of travel will be the highways.
- 8) Inspections to be completed by MA-DEP – daily, weekly, monthly and yearly.
- 9) Number of employees – 5 employees on site (1 operator, 1 load operator, owner, 1 administrator and 1 quality control engineer)
- 10) Security protocols and precautions, if an issue arises at the plant.  
Mr. Bevilacqua informed the board, once a daily inspection is done and if an issue arises at the plant, the facility is required by MA-DEP to shut the plant down completely for the rest of the day. Once the liquid is cooled (evening hours) to the proper temperatures, place the ultraviolet dye in the system and allow it to run through the system until the source of the leak/tear is found.
- 11) Rubber found in the system.  
Mr. Bevilacqua informed the board that rubber is not used at the plant or in any of the products or in the heating elements.
- 12) Carbon footprint of plant.  
Mr. DiCristofaro provided the board with a chart discussing the annual emissions per year, nearby trucking companies (70 tons) vs. the Evergreen Development plant (10 tons) (with motors running) per year. River Road (unpaved) traffic and dust emissions, nearby trucking companies 10 tons vs. Evergreen Development plant with less than 5 tons.  
At full capacity it is 310 tons per hour (1000 hours per year).

13) Sight distance, sight pitch and stormwater management controls.

Mr. O'Connell the site does slope gradually from Quaker Highway to entrance gate is approximately 300' (6 ½% grades). Alongside the approach of customer pick up is a retaining wall, top of wall 99 feet elevation and bottom of wall 95 feet elevation. The wall accommodates both areas. The storage bins are located on the back part of the property and will be pitching water out of the bins. The bins are covered, but the water is not expected to come into the bins, but the pitch is designed to draw the water away from the bins to go towards the catch bins. Open catch basins convey stormwater through drain pipes from manhole to (2 other) manholes to the water quality treatment device and then discharged into stormwater basin which holds and detains water for additional treatment and detention. Prior to discharge in the location where all of the water runs today. Not altering drainage patterns.

14) Driveway has been previously paved, but will need to be excavated for utility usage.

15) Site distance is greater than 400' from both directions.

16) No proposal for acceleration lane; the traffic does not warrant it.

17) Dust impact to the area.

Mr. Bevilacqua stated that part of the requirement of the Air Quality permit is to have the conveyors enclosed. A sweeper (vacuum) will be located on the premises at all times to remove any dust. The parking lot will be vacuumed.

18) Other asphalt plants in area 12+ years ago, comments, etc.

Mr. Bevilacqua stated that he built an asphalt plant in Bellingham in 2002. He never received any complaints from any of the residents, from the town and after countless inspections never received any write-ups.

19) Batch plant vs. drum mixer.

An asphalt batch plant is a machine that makes different mixes for each truckload of hot mix ordered. The procedure takes about 12-15 minutes per order. While asphalt is being loaded, the truck is sitting idle. The batch plant operator is turning on the batch plant every time a truck arrives and running it 12-15 minutes, every time.

An asphalt drum mixer is a machine that makes hot mix asphalt directly into storage silos (Evergreen Development proposal has three 150-ton silos.). When a truck arrives on site for a load of mix, he pulls under the appropriate silo and the truck is loaded in less than 1 minute. The running time of an asphalt drum mixer would be less than 1 ½ hours and is quieter and run cleaner.

20) State and federal inspections.

Attorney Antonellis stated that this application is a Special Permit granted by the Planning Board and therefore is subject by review of the Building Inspector (Zoning Enforcement Officer). The Special Permit must incorporate the Air Quality Permit and all the other restrictions and conditions set forth therein. At a minimum, the Building Inspector will be authorized to regulate the facility for zoning compliance, so that any and all of the conditions that are set forth in the Air Quality permit can also be monitored locally because it falls within the Building Inspector's purview to monitor Special Permits.

21) Inquiry of what the town bylaw states, why there is a Special Permit and why it is needed.

Attorney Antonellis commented stating that the Town of Uxbridge adopted a bylaw allowing for manufacturing establishments. Definition - Manufacturing establishment: Any business the primary function of which is the assembly, fabrication, processing and re-processing of materials, that is not dangerous by reason of fire, explosion, or other hazards, and does not produce excessive dust, odors, gas, smoke, vibration, noise or electromagnetic interference, and which would not be detrimental to the neighborhood or the Town of Uxbridge. Specifically excepted are tanneries, wood pulp or paper mills, meat packing, slaughterhouse and/or meat rendering, and pet food plants, which are prohibited. Any other

use specifically referenced under this bylaw shall be governed by those specific sections. A bituminous concrete drum mixer is not an excluded use and it is a manufacturing process. The manufacturing process is allowed in the Town of Uxbridge in only one district – Industrial zone and only by Special Permit, which is different than site plan review. Site plan review does not involve all of the integral examination of the use and requires a different voting ratio. This is the most highly related manner which a use is allowed. For example: If this particular facility, were to be used for a use that is allowed in the Industrial zone, which might be office space or research facility, the Planning Board would then not be granting a Special Permit, would only be able to look at the capturing of the water runoff. The Noise analysis or the Air Quality analysis would not be done.

22) Inquiry as to why an asphalt plant in Bellingham and why one in Uxbridge.

Attorney Antonellis commented that interstate commerce and freedom of economic enterprise.

23) Distance from project to Ironstone Reservoir and will the reservoir will be tested.

24) Inquiry if a noise study done with 30 trucks coming in and leaving facility.

25) Inquiry of other chemicals or by-products to be entered in the air or environment.

Mr. DiCristofaro commented on the MA-DEP Air Quality analysis for the allowable ambient levels, which are the by-products (hydro-carbons, toxins, etc.).

26) The Board of Health was notified of the project. The board reviewed the applicant's information and the MA-DEP Air Quality Permit. Per the information received by MA-DEP, the board acknowledged and supports MA-DEP's decision.

27) Inquiry if the daily, weekly & monthly inspection reports completed can be altered.

It is important to note that those who spoke in opposition were not abutters of record to the proposed site.

The board shall receive a review from the Graves Engineering, Inc. (3<sup>rd</sup> party engineer) at the next scheduled meeting.

Following discussion, **MOTION** by Mr. Desruisseaux to continue the public hearing for the application listed as "FY13-02 Evergreen Development – Special Permit Application" to the next scheduled meeting on January 9, 2013. Seconded by Mr. Smith, the motion carried unanimously.

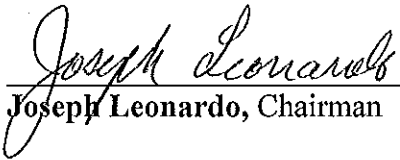
***Old/New Business:***

**MINUTES. MOTION** by Mr. Desruisseaux to approve the Planning Board Meeting Minutes dated November 28, 2012. Seconded by Mr. Smith, the motion carried unanimously.

**MINUTES. MOTION** by Mr. Desruisseaux to approve the Planning Board Executive Meeting Minutes dated November 28, 2012. Seconded by Mr. Smith, the motion carried unanimously.

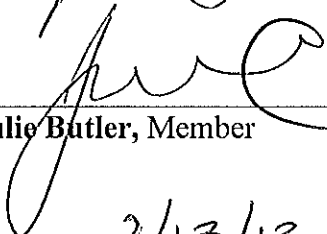
**MOTION** by Mr. Desruisseaux to adjourn at 9:18 P.M. into executive session to discuss strategy with respect to collective bargaining or litigation, an open meeting may have a detrimental effect on the government's bargaining or litigation position, with no other business to follow. Seconded by Mr. Smith, the motion carried unanimously by roll call vote.

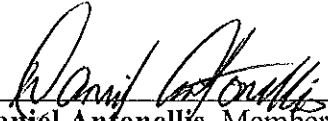
Respectfully Submitted by Donna C. Hardy, Planning Board Administrative Assistant

  
Joseph Leonardo, Chairman

  
James Smith, Vice-Chair

\_\_\_\_\_  
Barry Desruisseaux, Clerk

  
Julie Butler, Member

  
Daniel Antonellis, Member

\_\_\_\_\_  
Date 2/13/13