

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

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Posted by  
Uxbridge  
Town Clerk

Minutes of the Uxbridge Planning Board regular meeting held on **Wednesday, January 9, 2013**, 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, Julie Butler and Donna C. Hardy, Administrative Assistant

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.

Chairman Leonardo addressed the audience explaining the rules for the evening.

- 1) We are here tonight to discuss the Special Permit requested by Evergreen Development to construct and operate an Asphalt Manufacturing facility to be located on Quaker Highway, also known as Route 146A in Uxbridge, MA.
- 2) Most of you here tonight are well informed and have strong opinions both Pro and Con regarding the merits of having an Asphalt Manufacturing facility located in the town of Uxbridge.
- 3) This is the second open meeting being held to discuss this issue. We have replies from the Town Engineer (Graves Engineering, Inc.) regarding site plan issue. We have replies from the Department of Public Works and the Fire Departments.
- 4) As most of you already know this Planning Board is to follow the rules and regulations adopted at the May 13, 2008 annual town meeting with revisions that were voted on and approved at the November 15, 2011 annual town meeting. This Board has been made aware of the 1995 bylaw amendment to prohibit Asphalt plants passed at a special Uxbridge Town meeting held on June 19, 1995. To dwell on this issue is counterproductive to this meeting as I told you this board must follow the rules and regulations enacted on November 15, 2011.
- 5) Thus adhering to the concerns and issues related to Asphalt Manufacturing plants the petitioners will be first to the podium to address the Town Engineer's (Graves Engineering, Inc.) issues, answer any Uxbridge town department concern and answer some of the open questions some of you asked at the December 12, 2012 Planning Board Meeting.
- 6) We have a large group here tonight and many of you may have concerns that they would like to register. I am aware that many of you here tonight do not want the Asphalt plant to be built and located on Quaker Highway and as I mentioned before please refrain mentioning your disdain on this matter. On the other hand if you have any other concerns, please state it and we will make every effort to get you a reply. Each of you will have two (2) minutes at the podium to state your concern. We will start with the abutters of the subject property and then have others voice their concerns.
- 7) There are a few handouts regarding health and safety issues available for the public to take home for more reading on this topic.

***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.

At the continued hearing, Evergreen Development provided additional information regarding the manufacturing process and also provided additional information on the types of air born pollutants that are disbursed into the atmosphere on a daily basis. The applicant also provided responses to the Graves Engineering Inc. comment letter dated December 21, 2012, and submitted a revised plan to include the changes recommended by Graves Engineering, Inc. Graves Engineering, Inc. also submitted a letter dated January 9, 2013, acknowledging all the concerns and have been addressed on the revised plans.

Mr. DiCristofaro came forward to discuss the recent documentation forwarded explaining the emissions controls for the permit. A letter dated January 4, 2013, expands the original letter dated on December 19, 2012, in its review of the air permit application; the MA-DEP thoroughly reviewed both criteria pollutants (NOx, CO, VOC, SO2, and PM) and non-criteria pollutants. The non-criteria pollutants include Hazardous Air Pollutants (HAPs) as broken down into components of Volatile Organic Compounds (VOC) (e.g., benzene, formaldehyde, ethyl benzene, etc.) and metals (e.g., antimony through selenium). Many of these pollutants are the product of combustion (e.g., they are emitted from natural gas, diesel, etc.). The Environmental Protection Agency (EPA) does not have air standards for non-criteria pollutants; however, Massachusetts is one of the few states that do and these are called Allowable Ambient Limits (AALs) and Threshold Effects Exposure Limits (TELs). AALs and TELs are health-based ambient air guidelines used to evaluate potential human health risks from exposures to chemicals in ambient air. Air guideline values are set at concentrations intended to protect the general population including sensitive populations such as children, from adverse health effects over a lifetime continuous exposure. In order to permit the facility, we had to show that the worse-case ground-level concentrations met the AALs/TELs. In particular, we had to assume that someone stood at the exact same spot for up to a lifetime. The MA-DEP determined that the AALs/TELs would not be exceeded. Certain individuals in town have raised the issue of four (4) toxics: arsenic, benzene, formaldehyde and cadmium. Full explanations of these 4 toxins are in the report study.

Mr. Sheadel came forward to discuss various methods used to determine the impact of noise from the manufacturing process. At the previous meeting, a technical sound analysis report was provided for this project. Sound analysis dealt with what sound is currently at the property now and compared that to the sound that is expected from the facility. That analysis started out with 2 weeks of monitoring at the site that identified the fluctuating sound caused by every source except the facility. The analysis determined that of the work hours that the facility might operate, as early as possible on Saturday morning at the quietest time during that period and therefore we went out at 6:00 – 6:20 am under ideal measurement conditions and identified that and found that the Ambient Sound Level at 4 sides of the facility were 47 – 50 decibels; this established the baseline on which we analyzed all of the sources related to this facility operation. One of the primary sources that are typically coming from this facility is the combustion burner itself, but because of the Air Quality criteria and the requirements on containing that, that is a fully enclosed system and therefore the burner sound does not contribute to the sound from this facility design. The loudest sound at this facility will be a brand new loader with

the backup beeper. The proponent has committed to reducing that to the level allowed by Occupational Safety and Health Administration (OSHA).

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.

Chairman Leonardo opened the discussion to the floor.

As was the case with the first public hearing, the Chairman asked for comments questions and concerns from those in attendance. As was the case with the first meeting, the comments were generally related to global concerns about the environment and the impact that the facility may have on the area in general. Specific questions were asked regarding the status of the zoning, and the general consensus of those in attendance was that the facility should not be allowed.

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

- 1) Comment received from resident challenging Town Counsel's recent opinion and the zoning bylaws.
- 2) Comment current data used for the Town of Uxbridge for the Air Quality permit.
- 3) Comment from resident stating in the past 10 years incidents occurring at asphalt plants in the nation.
- 4) Inquiry if a property tax analysis occurred and will property values decrease/increase.  
It is currently impossible to predict that the property values will decrease or increase because there will be a manufacturing facility located down the street.
- 5) Comment for the board to explain why it is a Special Permit application.
- 6) Comment of exact measurements taken from models.
- 7) A Pediatrician at Tri-River Health Center commented of the unsafe health aspects and issues pertaining to this proposal.
- 8) Comment of perception vs. reality applied to this proposal.
- 9) Inquiry of noise complaints issued to the Maple Street, Bellingham asphalt plant.
- 10) Comment of noise to occur from the back end of the trucks and gates.  
Doug Sheadel of Modeling Specialties came forward to explain what occurred. Brief explanation discussed on Page 2 of these meeting minutes.  
Mr. Bevilacqua commented that at his previous facilities there were signs posted "No slamming of the gates".
- 11) Inquiry of Greenway to be developed behind the facility.
- 12) Benefits to the community (including revenue for the town and number of employees).  
Number of employees to be working at the site will be a total of 5 employees on site (1 operator, 1 load operator, owner, 1 administrator and 1 quality control engineer). During the construction process, there will be about 30 – 40 workers and about 6 months to build it. Post construction process, there will be about 30 -50 employees (truck drivers, post sales, paving crews, machine operators). Estimated revenue from taxes is approximately \$64,000. The asphalt prices will be lower for the residents of Uxbridge. Truck activity will occur on state roads, Quaker Highway is a state road, and therefore there would be no town road maintenance. One to two year old trucks will be used at this facility. All

customers must have a registration sticker and no fluid leakage from the trucks will be allowed on the premises.

- 13) Inquiry of the entity to manage when & how often the bags are replaced at the facility.  
Mr. Bevilacqua commented that a black light inspection is done once a month on the bag house. The facility is required to do daily/weekly/monthly inspections (record keeping includes: date, time of day, what was found, what bags were replaced and save the bags that were replaced). MA-DEP will come into the facility to review all the inspections completed/done. An independent study is done w/in 180 days of startup and annually.
- 14) Inquiry if the state or a representative from the town will be managing the facility.
- 15) Inquiry of what are other industries will be adjacent to the asphalt facility.
- 16) Inquiry of the Uxbridge Fire Department has the capability and the equipment to contain and control asphalt fire incidents. Follow-up to question, inquiring what the cost will be, who will incur the cost and what is the timeline for that to happen.  
The Uxbridge Fire Department responded to the letter dated December 27<sup>th</sup>: Waiver contingent on asphalt being a slow-curing asphalt and construction, storage and operation of facility conform to applicable Massachusetts laws and regulations.
- 17) Inquiry of what the secondary effects that will be brought to the town (e.g. traffic, pollution, additional trucks, additional road maintenance). Follow-up question, inquiring if there has been or will be an analysis to be done.
- 18) Inquiry of how often are the allowable levels from the plant actually measured who will measure the levels and are the tests done at random. Follow-up question, inquiring what the repercussions of a failed test are.

The Board took a recess at 8:34 P.M., to return at 8:50 P.M.

- 19) A Board Certified Physician commented stating that the board could request an independent study from the plant. An Environmental Analyst in MA may have been able to provide comments and concerns pertaining to the asphalt plant location being so close to the new high school (including a newer air quality analysis). The resident contacted the Environmental Analyst to request the study be done, however the analyst replied that this type of request would have needed to come directly from the municipality.
- 20) Inquiry of odor management for the facility.  
Mr. Bevilacqua commented that a bio-degradable plant extract called Ecosorb that is used at the facility removes the smell of asphalt.
- 21) Inquiry if it's a conflict of interest for having Stephen O'Connell with Andrews Survey & Engineering, Inc. also being a member of the Uxbridge Zoning Board of Appeals.
- 22) Inquiry if the proposed site will have town or well water.
- 23) Inquiry if a Zone 2 delineation done for the public water supply and private water supply for the well heads in the area.  
The site is a land-use with high pollutant loads, any concerns about town wells or Zone 2 delineation have all been considered, addressed, approved and thoroughly reviewed by the town's engineer. A Zone 2 delineation has not been done for this town.
- 24) Comment from resident stating on October 11, 2007 a noise complaint was filed with the Town of Bellingham.  
Mr. Bevilacqua commented that the complaint received was not for his asphalt plant in Bellingham, but for the Maple Street, Bellingham site where the trucks were stored.
- 25) Inquiry if the board would be meeting with Evergreen Development on January 23<sup>rd</sup> about a sub-dividing Preliminary Plan.
- 26) Comment inquiring if there is any urgency to answer the residents' comments and concerns.

- 27) Comment from resident in the asphalt industry, commented that the applicant's previous asphalt plants were by far the cleanest, most well-maintained, operated by a great staff and it was a pleasure to do business at the facility.
- 28) Inquiry if the applicant is getting a TIF for the facility.  
A TIF will not be done for this facility.
- 29) Inquiry if the vehicles will be registered in Uxbridge.  
All vehicles and equipment to be stored at the site will be registered in Uxbridge.
- 30) Inquiry of what type of traffic study done for the facility.  
There will be no adverse traffic impacts from this project. The proposed project will generate approximately 30 new vehicle trips per day, primarily consisting of trucks purchasing product. The property is conveniently located between two ramps providing access to Route 146. Trucks utilizing Route 146 to travel to the facility will be able to avoid local and residential streets.
- 31) Inquiry if there is another plant similar that can be reviewed.  
There is not another plant similar to this proposed project; due to the proposed project machinery is brand new. Other plants have machinery that is about 20+ years old.
- 32) Inquiry if Heritage Corridor has an impact.
- 33) Clarification from December 12<sup>th</sup> meeting discussing that applicant will have 30 trucks a day and 100,000 tons a year. Per MA-DEP, approval allows up to 300,000 tons a year. Inquiry if there is anything to prevent from the applicant from doing the maximum amount per year.
- 34) Inquiry to board to review the shutdown procedures.  
Mr. Bevilacqua commented that every component has a shut-down switch and each switch is shut-down individually or an emergency shut-down button that shuts down the entire system completely.
- 35) Inquiry of wetland, floodplain and river concern for the project.  
The project as proposed is outside of the Conservation Commission jurisdiction (outside of the 100' buffer zone, outside the Riverfront area and outside the 100-year flood zone. Stormwater is due to be discharged to the 100' buffer zone.  
Stormwater management: 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.
- 36) A former teacher came forward reading a letter speaking on behalf of the young adults who will be attending the new high school.
- 37) Inquiry from audience of what the income is from residential properties in the town. Approximately 15% is industrial or commercial. There is one tax rate and the tax rate is \$15.10. Approximately \$32 million is from residential.

The applicant was given the opportunity to make a closing argument and Attorney Antonellis summarized Evergreen's position that all of the criteria set forth in the Zoning By-Law were reviewed as part of the presentation process and that the Board could make a proper determination that a Special Permit should be granted.

The board requested a 30-day extension for the time to file a decision for the Special Permit application. Attorney Antonellis commented that the applicant will assent to this request.

Following review of all materials and testimony on December 12, 2012 and January 9, 2013, **MOTION** by Mr. Barry Desruisseaux and seconded by Mr. James Smith voted to CLOSE the Public Hearing and retire to deliberate the matter on January 23, 2013.

**Old/New Business:**

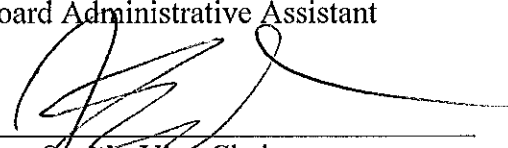
**MINUTES.** The Planning Board Meeting Minutes for December 12, 2012 will be addressed at the next meeting.

**MOTION** by Mr. Desruisseaux to adjourn the Planning Board meeting at 10:10 P.M. Seconded by Ms. Butler, the motion carried unanimously.

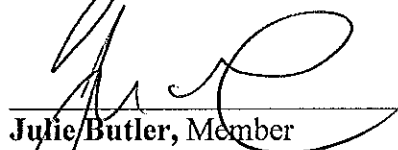
The Board noted that Executive Session will not convene.

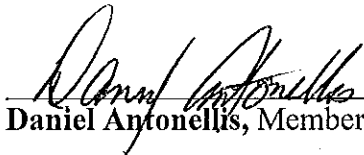
Respectfully Submitted by Donna C. Hardy, Planning Board Administrative Assistant

  
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**Joseph Leonardo, Chairman**

  
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**James Smith, Vice-Chair**

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**Barry Desruisseaux, Clerk**

  
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**Julie Butler, Member**

  
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**Daniel Antonellis, Member**

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**2/13/13**  
**Date**