

WARREN PLANNING BOARD
MINUTES OF DECEMBER 30, 2009

Present: Mr. Bill Ramsey; Chairman, Mr. Marc Richard; Vice-Chairman, Mr. Peter Krawczyk, Mr. David Messier and Mr. Bill Scanlan

Absent: Mrs. Susan Libby

Attendees: Jon Callahan, James Fountain, Josh Fillion, Dolores and Paul Morin, Koren Lowenthal and Damien Berthiaume

Opened the Meeting at 6:00 PM

Graves Engineering finalized the contract for Peer Review Services, which has been approved by Town Counsel. After a review, the following motion was made:

Motion to allow Bill Ramsey as Chairman to sign the contract with Graves Engineering for Peer Review Services made by Mr. Richard; second; Mr. Krawczyk - unanimous.

The Board reviewed the Conflict of Interest Statute and signed the form as requested acknowledging receipt of packet. All members/employees will complete the on-line training by the deadline.

Motion to sign the contract payroll for Bill Scanlan in the amount of \$1,300.00 made by Mr. Richard; second: Mr. Messier - unanimous.

Motion to sign payroll for Rebecca Acerra in the amount of \$68.00 made by Mr. Richard; second: Mr. Krawczyk - unanimous.

6:30 PM - Opened the Public Hearing for James Fountain/Fountain & Sons Fuel Co., on the application for an Amendment to Special Permit 205 for Brimfield Road. Mr. Fountain is requesting an amendment to his current Special Permit under section 8.6.11 to allow the storage of road grindings and section 8.6.4 to allow extended hours of operation. After questions arose this past August with illegally storing grindings, Mr. Fountain has requested the amendment. Atty. Berthiaume represented Mr. Fountain on the matter.

Atty. Berthiaume began by stating that Mr. Fountain has a current Special Permit to operate a gravel permit. He also gave a brief history of the original Special Permit. In his new request and through a new plan provided, Mr. Fountain is proposing to install an asphalt berm between the storage area and wetlands. On the plan, the wetlands are approximately 110' away. The two houses near the proposed site are served by town water. Even with an admission from Atty. Berthiaume stating that although he is not an environmental expert, he felt that there would be no significant impact to the neighborhood. He did provide a handout to the Board for their review, which addresses reclaimed material.

After a review of the plan, Bill Scanlan suggested that the Groundwater Protection District Boundary Line be depicted on the plan for clarification. Both Mr. Krawczyk and Mr. Richard agreed. Mr. Richard also questioned if an impervious surface would be provided. Due to another scheduled Public Hearing, Mr. Ramsey requested to continue this hearing to 7:00 PM, to which all parties agreed.

6:45 PM - Opened the Public Hearing for James Fountain/Fountain & Sons Fuel Co., on the application for an Amendment to Special Permit 149 for Walkeen-Koziol Road. Mr. Fountain is requesting an amendment to his current Special Permit under section 8.6.11 to allow the storage of road grindings and section 8.6.4 to allow extended hours of operation. Again, Atty. Berthiaume represented Mr. Fountain on the matter. As with his Brimfield Road property, the Walkeen-Koziol Road property currently has a valid Special Permit to operate a gravel pit. Also, this pit has been in compliance with the regulations. A plan of this property that was submitted delineated the storage location of the road grindings. Paul Morin, as an abutter who resides at 83 Walkeen-Koziol Road spoke against the proposal. He stated that he is not in favor of having trucks running throughout the night. In response,

Atty. Berthiaume did state that if Mr. Fountain were contracted to haul grindings, it would be during the nighttime hours (approx. midnight to 4 am). Mr. Morin also expressed concern over salt, antifreeze, and oils in the material. Dolores Morin stated that their shallow well is located directly across from the proposed stocking area and has grave concerns that a pile of grindings sitting on sand would not be hazardous.

Koran Lowenthal who resides at 115 Walkeen-Koziol Road is also concerned over any contaminants leaching into the water. She stated that the gravel pit alone is already a nuisance and is destroying the value of her property.

To ease concerns, Atty. Berthiaume feels that it is a mischaracterization of material and offered to provide expert testimony to dispel any myths. Mrs. Morin questioned if in fact the application were to be approved, could a provisions be in place that Mr. Fountain would be responsible to having her water tested on a yearly basis. She also questioned if in fact the water were found to be contaminated, how would it be addressed.

Jon Callahan, who is an Officer at Palmer Paving Corporation, stated that there is no significant harm that comes from leaching.

In order for Atty. Berthiaume to provide new information, the following motion was made: Motion to continue the Public Hearing for the Amendment to Special Permit No 149 to February 10, 2010 at 6:45 PM made by Mr. Richard; second: Mr. Krawczyk - unanimous.

7:00 PM - Reopened the Public Hearing for SP#205 for James Fountain/Fountain & Sons Fuel to consider the amendment as requested.

All parties were agreeable to provide a new plan depicting the GWPD Boundary Line and to allow expert testimony. Mr. Messier questioned if there was a timeframe for stockpiling material. Mr. Callahan requested to address the question. He stated that the material can be moved quickly if needed and it is ideal to move all material within 2-3 months.

Mr. Fillion who resides at 163 Brimfield Road withheld comment at this time.

Again, in order for Atty. Berthiaume to provide the requested information, the following motion was made: Motion to continue the Public Hearing on Special Permit Application No. 205 to February 10, 2010 at 6:30 PM made by Mr. Krawczyk; second: Mr. Richard - unanimous.

Bill Scanlan: Mr. Scanlan addressed the Board this evening regarding the Wrights Mill Facility. There is a Concept Paper - Outline for an Economic Development Fund Application. There is a grant available in the amount of \$50,000.00 to do a study for the property. Mr. Scanlan stated that it is a very lengthy process and wanted to know if the Board wanted him to continue. Mr. Messier questioned why the property owner isn't doing it himself. Mr. Scanlan stated that the Town of Warren would need to be the applicant. Mr. Richard stated that he is not in favor to expend what limited hours Mr. Scanlan has working for MDP Development. Mr. Messier questioned if a MOD is a way of skirting the 12-unit maximum restriction. If so, he is not in favor. All members agreed that this Board is willing to work with MDP Development, however not do the work for him.

In other business, Mr. Scanlan provided copies of new Subdivision Regulations, which is a large document. The Board will look through and discuss at a work meeting. These regulations can be adopted at a regular meeting and does not need Town Meeting approval.

Mr. Krawczyk attended the CMRPC Quarterly Meeting. He stated that there are LPA Hours available for a road study, but would need to be put in writing to them. Also talk of considering localized training sessions.

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January meetings are tentatively scheduled for the 8th (work meeting), 13th and 27th.

Motion to Adjourn made by Mr. Richard; second: Mr. Krawczyk - unanimous at 7:47 PM.

Respectfully submitted,

Rebecca Acerra
Secretary

Date Approved _____