

Palmer Planning Board

Planning Board Meeting Minutes

Monday, March 5, 2018

I. Call To Order

Chairman Michael Marciniac called the meeting to order at 7:03PM on Monday, March 5, 2018 in the Town Hall Meeting Room. Present were members Norman Czech, Thomas Skowyra and Paul Burns-Johnson. Kathleen Burns was absent from the meeting, minutes were recorded for her to review. Also present was Town Planner, Linda Leduc and Gillian Davis recording minutes.

II. Public Hearings

7:03 PM- Palmer Paving Corporation-863 Ware Street, Palmer

Special permit to remove earth materials from the property. Parcel is also known as. Assessors Map 31, Lots 28 & 28-1.

The applicant, Michael Shea was present for Palmer Paving Corp.

Donald Frydryk, P.E. of Sherman & Frydryck Engineering was present and spoke on behalf of the applicant.

John Furman, P.E. of vhb was present to represent the Planning Board.

Linda Leduc read the public hearing notice.

D. Frydryk introduced the submission for a new three year operating plan as Palmer Paving will be abandoning their old three year plan because the current operating area is being expanded. He also submitted a response review memo dated March 5, 2018.

D. Frydryk showed updated plans for 2018-2019 work area as well as 2020 which is the new project area to the south. The new project area will be adding 4.3 acres of disrupted land. The new total operating area is 12.9 acres.

J. Furman stated the final grading remains the same. The wells have been retested and separations have remained adequate. He also stated haul routes will remain the same and water systems are still being used for dust control.

M. Marciniac explained gravel permits are issued in 1-year increments, and the applicant can select a 1, 2, or 3- year term. Each term needs to be requested through the permit process, and each application needs to include all required items so the planning department does not have to pull information from different permit years. He then stated this is a rather unusual case regarding the previous plan being worked for one year and is now abandoned.

D. Frydryk stated the original plan did not include the area to the South.

M. Marciniac asked why the plan could not be amended.

D. Frydryck responded that rather making such a substantial change that it seemed better to apply for a new 3 year term.

N. Czech brought up the building that is on the property and stated the building was supposed to be removed during the first plan.

M. Shea stated he is more than willing to take the house down if that is a concern from the board.

J. Furman went over his review dated March 5, 2018.

J. Furman said that there will be an additional review fee of \$1,200.00 needed since this will be a new plan. He also stated that additional borings were added last year but a waiver was granted. Vhb supports a waiver to be granted again this year.

J. Furman stated a stormwater management report was provided for this application, but the application for Earth Removal Operations indicates that a Stormwater Permit is on file. Since this is a new Earth Removal application, a new Stormwater application is required.

J. Furman said the aquifer will not be harmed by the project.

Under chapter 171, Zoning, Article V, J. Furman stated most of the criteria do not apply to this application, since they are geared towards a development to be frequented by the public. Furman stated vhb's opinion is that items that do apply (criteria A, H, and I) to this application have been adequately addressed and have been listed below:

A. The parcel and adjoining properties are protected against serious detriment by provision for safe carrying and discharge of surface water drainage, sound, and sight buffers.

H. That mitigation of adverse impacts to Town resources is provided.

I. That there is general conformance with the intent of the ordinance.

J. Furman stated the application does not provided information relative to the quantity and frequency of truck trips to and from the site. The route is provided in the narrative. He then stated the applicant should comment on the anticipated number of trucks expected to access the parcel on a daily basis.

D. Frydryck referred to his response dated March 5, 2018 where it has been addressed. He stated the maximum number of trucks to be used for hauling from this site would be 15 trucks per day. A maximum number of trips would be 80-120 per day.

M. Shea said the load count last year was 55 trips maximum.

J. Furman stated a landscape plan has not been provide and a waiver has not been requested. Furman further stated according to 2017 inspection reports, vhb monitored the health of plantings that the operator installed along the project frontage. These plantings were planted to mitigate the clearing of

the buffer, which the operator stated was marginal after site clearing. Since these plantings did not thrive, John Furman states more plants are needed to fill in these sparse areas.

M. Shea stated he does intend to plant within the area, he alluded to the recent gypsy moth infestation that dwindled the existing vegetation.

T. Skowrya asked what type of plants M. Shea was going to plant.

M. Shea stated 3' to 4' white pine.

M. Marciniac suggested a site visit by the Board be conducted to determine what should be done regarding the house on the property as well as new vegetation to support the buffer.

J. Furman went over the rules and regulation outlines required content of a complete application by the Planning Board.

J. Furman stated that no new soil borings are proposed for this application, and a waiver has been requested. Vhb would support the waiver request for strict compliance of the 1 per acre requirement. He also said that excavation shall maintain a 150-foot setback from structures. This application requests permission to leave the existing building on site in place for use as a work shed. Permanent power has been removed from the house. From vhb inspections, excavation has been taking place near this structure that was supposed to have been demolished. Since the sprinkler system gets water from the building well, vhb recommends that the waiver of the 150-foot setback distance to this structure be allowed for the building to be used as part of the excavation operations. A condition should be included in the approval that there shall be no permanent living within this structure, and that this waiver will be revisited again with the next application.

J. Furman said an estimated volume of topsoil in this topsoil stock pile identified in the 2018/2019 operating area site plan, should be provided. An estimate of the amount of topsoil required to cover the proposed operating area with three inches should also be provided.

D. Frydryck replied that there is adequate topsoil to close-out the pit.

J. Furman stated there is no close-out shown on this three year plan.

J. Furman then said the application states that only water will be utilized to keep dust minimized as needed. In 2017, this pit set up a sprinkler system and utilized the existing well to spray water. He then stated the applicant should state how the system will get its power to use the sprinklers again in 2018. If a portable power generator is proposed, a refueling procedure and spill prevention plan should be provided due to the aquifer protection district.

J. Furman asked if the well gets cut, how the sprinkler system would be used.

M. Shea responded with generators that would be filled with diesel, once a month.

J. Furman said the notes on the site plan deviate from the operating hours identified in the regulations. Deviations include work on the site between 7:00 AM to 7:00 PM, with gravel extraction occurring from 7:30AM to 5:00PM.

J. Furman then stated a bond was not addressed in the application. With a total operating area of 12.9 acres, a bond in the amount \$64,500.00 (\$500/acre) is required. Furman stated the planning department office should confirm the presence of a bond, the amount and its expiration date for this application.

J. Furman said the Hold Harmless Agreement is included in the submittal and signed but not filled out. An insurance policy meeting the requirements of this section is required and filed with the Board, which needs to be verified.

J. Furman stated a stormwater permit needs to be re-issued. He also stated the stormwater agreement needs to be recorded.

J. Furman then reviewed the total disturbed area of the project, stating in 2018/2019 the disturbed area is 8.6 acres and projected for 2020 is 4.3 acres, totaling 12.9 acres.

M. Marciniac questioned how far away from finished grade is the pit floor.

D. Frydryck replied there may be some sites toward the North that are close.

M. Marciniac said that he expected through and beyond 2020 that the site will move closer to the fish hatchery.

D. Frydryck replied saying there is an 80' hill there that will eventually be the same elevation of the road.

J. Furman then said traditionally, vhb does not want huge areas exposed. He stated at the end of year three there needs to be movement towards closure.

M. Marciniac then opened to the public for questions.

Barbara Martowski, 965 Ware Street, asked if Palmer Paving had any plans to come towards her driveway.

M. Shea stated within the next five or six years.

B. Martowski told the Board that she can hear some of the construction noises.

M. Marciniac asked what time she is hearing said noises.

B. Martowski said 7:00AM or sometimes even earlier.

M. Shea stated that no trucks leave that site until 8AM. He then stated that they watch the time closely.

J. Furman said those times are within the hours listed.

M. Shea made certain the operator does not start warming up machinery until 7:30AM and at 8:00AM the removal starts. He further stated on weekdays the site is in operation from 7:30AM – 4:00PM and Saturdays from 8:00AM to noon.

D. Frydryck asked if a stormwater application needed to be advertised.

L. Leduc replied the town does not have to advertise specifically for stormwater applications because it is connected to site plan approval.

D. Frydryck then asked if he could submit a stormwater application at this time and the application was then submitted.

A motion to continue the public hearing on March 19, 2018 at 7:30 PM was made by N. Czech, seconded by P. Burns-Johnson. The motion passed (4:0).

7:30PM- JT Brown- Off Ware Road, Palmer

Special permit to remove earth materials from property. Parcel is also known as Assessors Map 37, Lots 15 & 16.

The chairman opened the special permit public hearing at 7:58PM. Gillian Davis, read the public hearing notice.

Applicants Nancy and Bill Brown were present.

John Furman of vhb was present representing the Planning Board.

A motion to acknowledge receipt from the Board of Health by N. Czech, seconded by T. Skowyra. The motion passed (4:0).

J. Furman went over his review dated March 5, 2018.

J. Furman stated in 2016 a permit was issued for a two year term. He further explained the annual permit expired October 2017.

J. Furman said that this application is incomplete, and requires additional information to be considered complete. He continued by saying the gravel permits are issued in yearly increments, and the applicant can select a 1, 2, or 3- year term. Each term needs to be requested through the permit process, and each application needs to include all required items so the planning department does not have to pull information from different permit years.

J. Furman explained to the Board, dates should be discussed with the operator in order to better manage a timeline for future permits, to ensure they do not get off track.

M. Marciniac asked if the Board has the authority to issue an eight month permit. He then said prior to October the operator has 60 days to apply for a new permit. In not doing so the operator is in non-compliance with their special permit and closure within the site should begin.

L. Leduc said the Board can only issue a one year permit. She added there is a condition of approval in all special permits that the operator shall be conducted in accordance with the approved final grading plan and removal regulations. This should be completed within 60 days of expiration of the current permit.

J. Furman went over items that are missing and need to be submitted for this application, which include the following:

- Soil testing information, or a request for waiver.
- Stormwater report with Hydrological calculations.
- Current plans showing the operating areas requested and close-out areas. As submitted, plans identify only the 2016/2017 operating area.
- Groundwater elevations to substantiate the design complies with 5-foot minimum separation to groundwater.
- Updated plan showing all abutters.
- Statement for trucking haul routes.

J. Furman said no easements are shown on the existing conditions plans. He also stated the application does not provide information relative to the quantity and frequency of truck trips to and from the site. He further stated, the application contains an updated topographic map only for the portion of the parcel to be used for earth excavation, and the entire property as required by regulation. A waiver of strict compliance with this requirement should be requested.

J. Furman said a landscape plan has not been provided as part of this application, and a waiver should be requested. Vhb recommends to plant along the railroad property to reestablish a 50' buffer.

J. Furman explained to the Board that this area produces numerous stones. He then stated at some point, those stones will need to be crushed and hauled off. A written request to the Board to crush and hammer will need to be submitted to the Board for approval prior to the activity.

J. Furman stated that there are many outstanding items for this application to be complete.

B. Brown said he needs to look into getting a new engineer to get things fixed and gain control of documents needed to complete this application.

A motion to continue the public hearing on April 2, 2018 at 7:00PM was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (4:0).

II. New Business:

Meeting Minutes – February 5, 2018 & February 26, 2018

A motion to approve the meeting minutes of February 5, 2018 as amended was made by P. Burns-Johnson, seconded by N. Czech. The motion passed (4:0).

A motion to approve the meeting minutes of February 26, 2018 as amended was made by T. Skowrya, seconded by N. Czech. The motion passed (4:0).

Abutting Town Notices and Monthly Allocation Report:

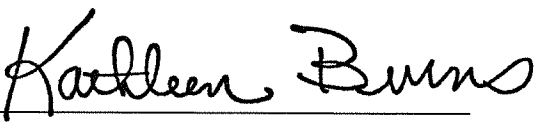
Documents were distributed to the Board.

Board Member Comments:

Information about Citizen Planner Training Conference on March 17, 2018 was distributed to the Board.

IV. Adjournment

A motion was made to adjourn at 8:40PM by T. Skowrya, seconded by N. Czech. The motion passed (4:0).



A handwritten signature in black ink that reads "Kathleen Burns". The signature is written in a cursive style and is positioned above a horizontal line.

Kathleen Burns, Clerk