



BUCKLEY CENTER, Avon, MA 02322  
Telephone: 508-588-0414

TOWN OF AVON  
2019 OCT -7 A 9:44  
TOWN CLERK

## **Avon Planning Board Public Hearing**

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**Date:** September 19, 2019

**Members Attending:** Charles Comeau, Charles Comeau Jr., Robert Pillarella,  
Jason Suzor

**Also Present:** Robert Borden, Building Commissioner;  
Karlis Skulte of Civil & Environmental Consultants;  
Peter Richer, Ed Conley, Chris Lucarelle of Waste  
Management

**Absent:** Charles Marinelli

Mr. Charles Comeau called the meeting of the Planning Board to order at 7:20 P.M.

➤ 7:15 P.M. - Public Hearing, 40 Ledin Drive, Waste Management

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### **Petitioners Presentation:**

The Chair stated they would begin the meeting from where they left off at during the last meeting. The Committee put together an Order of Conditions. The Chair stated they would discuss the remaining open items which include the variance issue, the construction plan, and permitted trash disposal. The Chair confirmed there will be no dumping of loose materials on the ground in the open parking lot. Mr. Richer stated all loose material will be tipped inside the facility with no loose piles of debris. Loose, unprocessed materials come in garbage trucks and some materials arrive in bails that are separated inside the building. The Chair asked what happens to the bales to which Waste management responded they load them on the flatbed trailers, then brought into a separate bay where they are compressed into tighter bales and banded. Small bales are off loaded outside because trucks come in at the end of the day and are then loaded out the next day. Mr. Borden confirmed banding is not removed, until the bales of material are in the building.

Waste Management presented a general permit certification that states the site is a recycling operation that receives less than 250 tons per day. Currently, the site receives 450 tons/day, 125 of which is cardboard, 325 of which is single stream. The single stream equates to 67% fiber on average, equaling 217 tons of fiber. 15% is residue. Waste Management gets certified every February that the facility complies with regulations. The site receives 107 tons/day of non-fiber recyclables.

The Chair asked for further information regarding a variance. Mr. Karliss stated they identified a variance from 1974 and 2012 that indicated a legal, nonconforming building and that he had provided this documentation earlier today.

In terms of parking spaces, Mr. Karliss stated the property has 22 employees. The Zoning for this size building requires 36 parking space and there is currently 27 parking spaces. He stated they can meet the requirement by restriping the site. The Chair asked for a new plan that shows this restriping.

The Chair requested a copy of the written management plan that should include written instructions on how the trucks will be checked prior to leaving the property to ensure nothing will fall off the trucks while in route.

The Chair stated Waste Management needs to include a policy on how they will manage materials that end up offsite and things that may fall off trucks. The plan should include a trail of accountability. Mr. Conley stated there is one person assigned to the street for full days and it would not be an issue.

The Chair stated they will require Waste Management to manage the sheet runoff of water before, during, and after construction. If something changes after, the Committee reserves the right to inspect and request changes, as necessary.

Waste Management provided an outline that describes how the building will be constructed. They will install 6 footings to create a safe work area with jersey barriers. This will allow the trucks to be received the same as they are currently. This will take 3-4 weeks. Once in place, the installations will start on Saturdays. There will be a 10-foot cord protecting the columns and it will not impact the traffic flow. Operation of the business will remain the same.

The Chair stated they were all set with the septic system and asked what mitigation was in place for odors. Waste Management stated there is an odor crystal that will be put down once needed. They also have a misting system.

Bob asked what plan is in place to contain fuel spills on site. Waste management stated they use spill kits and anything more than 10 gallons is reported.

Discussions were closed.

Motion was made by Mr. Pillarella to approve the site plan presented for 40 Ledin Drive for the construction of the roof canopy subject to the order of conditions that will be typed, signed and filed. Seconded by Suzor. Vote: Unanimous. Motion carries.

Motion was made by Mr. Pillarella to enter into file the approval management construction plan. Seconded by Mr. Suzor. Vote: Unanimous. Motion carries.

Motion was made by Mr. Pillarella to grant the special permit under 5-4 water supply protecting district for proposed site work for 40 Ledin drive. Mr. Suzor seconded. (4-0-0)

Motion was made by Mr. Ledin to close the public hearing at 8:15 p.m. Second by Mr. Suzor. Vote: Unanimous. Motion carries.

### **Other Discussion and/or Comments**

Building Commissioner's report was discussed. The mail was reviewed and discussed.

### **Decision/Vote**

Motion was made by Mr. Suzor to approve the minutes of September 5, 2019. Seconded by Mr. Pillarella. Vote: Unanimous. Motion carries.

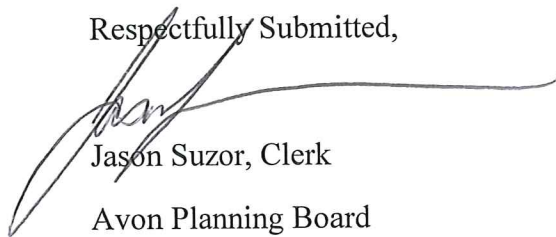
Motion was made by Mr. Pillarella to approve the codification of the zoning bylaw which pertains to article 8 and article 9 that were voted and approved by the voters at the annual town meeting of 2019. Seconded by Mr. Suzor. Vote: Unanimous. Motion carries.

Motion was by Mr. Pillarella to approve the warrant in the amount of \$186.37 for the site plan review from Gatehouse Media. Seconded by Mr. Suzor. Vote: Unanimous. Motion carries.

### **Adjournment**

A motion was made by Mr. Comeau, seconded by Mr. Suzor to adjourn the meeting of the Planning Board at 9:07 p.m.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Jason', is written over a horizontal line. The signature is stylized and extends slightly to the left and right of the line.

Jason Suzor, Clerk

Avon Planning Board





## AVON PLANNING BOARD

65 East Main Street, Avon, MA 02322

Telephone: 508-588-0414

### IN RE: 40 LEDIN DRIVE, AVON, MA

An application for **SITE PLAN REVIEW**, *By-Laws Town of Avon Section 12(2) Permits* was filed by Karlis Skulte, Civil & Environmental Consultants regarding the property located at **40 Ledin Drive, Avon, MA**. (the "site" or "property"). The site is located in the Industrial Zoning District, Assessors Reference: Map B6, Block 1, Lot 17 per the application and plans **CORLE BUILDING SYSTEMS, 404 SARAH FURNACE ROAD, IMIER, PA** is seeking **SITE PLAN REVIEW** and a **SPECIAL PERMIT** to allow for a proposed building roof canopy expansion at said property. The property is located in the Water Supply Protection District requiring a special permit under *By-Laws Town of Avon Section 5(4) Water Supply Protection District* and **SITE PLAN REVIEW** under *By-Laws Town of Avon Section 12(2) Permits*.

### NOTICE

Pursuant to notice duly published in a newspaper in general circulation in the Town of Avon, posted at the Town Offices and by written notice mailed to all parties of interest pursuant to **G. L. Ch. 40A**, through evidence presented, the clerk was satisfied that all parties of interest were duly notified, a public hearing was held before the **TOWN OF AVON PLANNING BOARD** on **September 5, 2019 and September 19, 2019** at the Town Offices, Buckley Center, 65 East Main Street, Avon, MA.

### STATEMENT OF FACTS

The Petitioner, Waste Management, 40 Ledin Drive, Avon, MA was represented by **Karlis Skulte, of Civil & Environmental Consultants, Raynham, MA** who presented the plans consisting of 3 sheets including a title sheet, general notes, site plan building canopy expansion prepared by Civil & Environmental Consultants of Raynham, MA dated August 23, 2019 and 18 sheets prepared by Corle Building Systems, 404 Sarah Furnace Road, Imler, PA.

The chair recognized Karla Skulte of Civil & Environmental Consultants, Raynham, MA and the members of Waste Management. Mr. Skulte explained the site plan to the board. Per the letter submitted to the planning board by Civil & Environmental Consultants dated July 29, 2019, the proposed building roof canopy expansion is to reduce potential pathways of waste exposure to the environment by containing the tipping area within an enclosed structure.

Mr. Skulte explained that Waste Management is a recycling facility where materials are brought into the site and the materials are segregated and taken elsewhere for recycling. A 77 x 46 roof extension will be at the southeast corner of the building along with a covering and a 12' high concrete wall with metal siding to the top. Waste Management is looking to better manage the materials on the site and prevent stormwater from mixing in with anything that happens to be on the ground level and improve the conditions at the site. There is no stormwater management on the site, not adding any impervious area or modifying anything on the site. Chairman, Comeau requested clarification as to the types of trucks entering the facility and expressed concerns about the turning radius for the larger vehicles, materials being outside of the building on the street and abutting properties. The problem is taken care of for a while and then it becomes a problem again. Everything needs to

be processed inside the building and managed properly. A copy of Waste Managements' permit for allowable tonnage was requested by the Planning Board members.

### FINDINGS

Based upon the evidence presented, the **TOWN OF AVON PLANNING BOARD** finds in accordance with *By-Laws Town of Avon Section 5(4)(E)(4) Standards* that:

- a) the project will not cause a one percent or greater reduction in the ground water yield of the public wells in the District;
- b) the project will not cause pollution from sewage wastes, storm water runoff or other liquid or water-soluble materials that would reduce the affected aquifers or streams to below drinking water standards or otherwise reduce the quality of water available in the public wells in the District or in downstream surface water supplies; and
- c) the project will not cause a violation of underground injection control regulations under *310 C.M.R. 27* and *248 C.M.R. 2.0* based on the evidence presented pursuant to the request for a **SPECIAL PERMIT** and pursuant to a request for approval of **SITE PLAN REVIEW** and based upon the evidence presented, the **TOWN OF AVON PLANNING BOARD** finds in accordance with *By-Laws Town of Avon Section 12(2) Permits* that: Pursuant to said plans presented along with the updated revisions, the applicant has met the requirements for approval of the requested granting authority.

In accordance with these findings the applicant must complete to the satisfaction of the **TOWN OF AVON PLANNING BOARD** any and all **ORDER OF CONDITIONS** that may be herein contained and incorporated by reference. Failure to meet said **ORDER OF CONDITIONS** will be at the sole discretion of the **TOWN OF AVON PLANNING BOARD** and will immediately invalidate any granting of authority to the applicant.

### DECISION

At a posted meeting on September 19, 2019 the **TOWN OF AVON PLANNING BOARD** closed the public hearing and took the following action:

A motion was made by Robert Pillarella and a second by Jason Suzor the vote, by roll call, was unanimous in the affirmative to grant a **SPECIAL PERMIT** for proposed sitework within a Watershed Protection District, under *By-Laws Town of Avon Section 5(4)(E)(4) Standards*. Plans submitted by **Karla Skulte, of Civil & Environmental Consultants, Raynham, MA** plans consisting of 3 sheets including a title sheet, general notes, site plan building canopy expansion dated August 23, 2019 and 18 sheets prepared by Corle Building Systems, 404 Sarah Furnace Road, Imler, PA. and filed with **TOWN OF AVON PLANNING BOARD** comments are on file in the Planning Board office.

A motion was made by Robert Pillarella and a second by Jason Suzor, the vote, by roll call, was unanimous in the affirmative to grant approval of **SITE PLAN**, as presented and revised, under *By-Laws Town of Avon Section 12-2*. Plans are listed above.

Both of the aforementioned votes are subject to the following:

1. **ORDER OF CONDITIONS** Exhibit A (hereby incorporated by reference);
2. **SPECIAL PERMIT** and **SITE PLAN REVIEW** is granted in accordance with the provisions of the Zoning By-Laws of the **TOWN OF AVON** and is subject to all its regulations unless specifically otherwise within this decision;





**AVON PLANNING BOARD**

65 East Main Street, Avon, MA 02322

Telephone: 508-588-0414

**IN RE: 40 LEDIN DRIVE, AVON, MA**

**EXHIBIT A – ORDER OF CONDITIONS**

1. Submit a construction plan explaining management of materials, construction traffic, and onsite garbage trucks during the construction process.
2. Written management plan to control truck spillage, before and after dumping contents at the facility.
3. Written plan addresses materials ending up offsite due to wind or rain runoff carrying debris.
4. Plan to address odors impacting neighbors in all directions.
5. Plan to manage sheet flow runoff during and after new construction.
6. Progress of variance process for parking and setback.
7. Planning Board reserves the ability to request Waste Management/owner to attend a meeting in the event trash, odors or offsite trash becomes an issue.
8. Provide a copy of the permit stating the allowable tonnage to be received.
9. No loose, unprocessed piles of debris to be left outside. All tipping of materials needs to be inside the building.
10. Bales of material can be placed outside temporarily.
11. Bales of recycled materials will be processed inside the building.

*Charles Conner* 9-19-19

**NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK**

In accordance with Section 11 of Chapter 40A of the Massachusetts General Laws, I hereby certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Avon, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Petitioner / Applicant:      Waste Management **B6/1/17**  
   Redemco Inc. P.O. Box 1450 Chicago, IL

Property Address:              40 Ledin Drive, Avon, Massachusetts

Date:

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Attest:

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Patricia C. Bessette, Town Clerk

Town of Avon, Massachusetts

3. It shall be the sole responsibility of the applicant and/or his agents to obtain building permits and all other necessary permits and approvals required by the Town, State or Federal laws and regulations. There is no permission herein expressed or implied for relief from the requirements of State or Local codes other than the Zoning By-Laws of the **TOWN OF AVON**.

Appeals, if any, shall be made pursuant to *M.G.L. Chapter 40A Section 17* and shall be filed within twenty (20) days after the date of filing of such notice in the office of the Town Clerk.

**Planning Board of the Town of Avon**

By: Charles Comeau

Charles Comeau, Chairman

**RECORD OF VOTE:**

I vote to grant the **SPECIAL PERMIT** and **SITE PLAN REVIEW** as set forth above:

Charles Comeau

Charles Comeau, Chairman

Robert Pillarella

Robert Pillarella

Jason Suzor

Jason Suzor, Clerk

Charles Marinelli

Charles Marinelli

Charles Comeau, Jr.

Charles Comeau, Jr.

Filed with the Town Clerk, Avon, MA Dated: \_\_\_\_\_