

**BOARD OF SELECTMEN**  
Francis A. Hegarty, Chairman  
Steven P. Rose, Clerk  
Robert F. Brady, Jr., Associate

# Town of Avon Massachusetts

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Michael McCue, Town Administrator



## BOARD OF SELECTMEN MEETING THURSDAY, APRIL 4, 2013 7:30 P.M.

Members present: Francis A. Hegarty, Chairman  
Steven P. Rose  
Robert F. Brady, Jr.

Others present: Joseph Lalli, Town Counsel  
Senator Brian A. Joyce  
State Representative William Galvin  
Mark Dakers, Acting Chief, Solid Waste Management Section DEP  
(Lakeville)  
Philip Weinberg, Regional Director, DEP (Lakeville)

Not present: Michael McCue, Town Administrator

Chairman Hegarty opened the public meeting at 7:30 p.m. Chairman Hegarty thanked everyone for coming this evening.

Chairman Hegarty began the meeting by giving a brief history of the Champion City C & D transfer station in Brockton which opened in 2003. Chairman Hegarty reported that the quality of life has deteriorated in Avon since the opening of Champion City. 88% of the truck traffic goes through the Town of Avon with 130 truck trips per day through Avon. Champion City is licensed for 1000 tons per day. In 2006 the Stoughton facility was licensed. 100% of the truck traffic goes through Avon with 800 tons per day of material. Now there is a proposed municipal solid waste transfer station in Holbrook. The Town of Avon will be impacted again. The Town of Avon is four square miles. Avon bears the brunt of traffic. Our roads are deteriorating and our quality of life is being impacted. We have had enough! We are opposed to any truck traffic going through Avon to the proposed Holbrook facility.

Mr. Rose commented that he was in attendance at the Stoughton hearing for the transfer station on Page Street. Permits were in place. Mr. Rose and the Board tried to voice its opinion at the time. None of the officials wanted to listen. With the Holbrook facility, trucks coming from the South will come through Avon. Chapter 90 funds will be needed to rebuild East Spring Street

since that street bears the brunt of truck traffic now. Increasing truck traffic on that street is just plain wrong.

Mr. Brady thanked the two DEP members present. He also thanked Senator Joyce and Representative Galvin for being here. Mr. Brady mentioned Champion City and leakage from the trains. He talked about train derailments and arguments with the Avon Police Department for trucks off the road. He talked about complaints from residents regarding violations of the hours the trash is picked-up throughout the night. Mr. Brady is very concerned about the safety of our school busses with all of the heavy truck traffic trips. He mentioned the OCPC Bottleneck Study.

Senator Joyce discussed the fact that Avon is a small town. He argued about benefit vs. burden in Avon with transfer station facilities on its borders. He argued "there is no longer a compelling public need for the facility in Holbrook, but a public burden." This is a "quality of life" issue. He is concerned with traffic, noise, odor and other nuisance factors.

Representative William Galvin talked about the history of Champion City. This is a very difficult situation for the Town of Avon. We already have two transfer stations using the same roadways. The roads are in terrible shape. The next step is in the hands of the DEP. What is DEP going to take into consideration?

Phillip Weinberg stated DEP would look at general criteria as it relates to traffic. The next step in the process is a Site Suitability Application. There is a 21 day public comment period when the application is complete. The applicant notifies the abutters, local and abutting boards of health and a public notice is placed in the local newspaper. There is a long way to go procedurally.

If the site meets all siting criteria, DEP issues a Site Suitability Report to the local Board of Health with a positive determination.

Mr. Dakers stressed that the 21 day comment period is important for public comments.

Upon receiving DEP's Site Suitability Report with a positive determination, the local Board of Health must provide public notice in the newspaper, conduct its own technical review and hold a Public Hearing. The Board of Health must make a decision within 45 days from the initial date of the Public Hearing.

The Authorization to Construct permit application is submitted to DEP. If complete, DEP issues an administrative completeness letter. If technically complete and appropriate, DEP issues a draft "Authorization to Construct" permit to the applicant and requires the applicant to publish a notice in the local newspaper and notifies all abutters that the draft permit is available for review. This starts a 30 day comment public comment period. DEP accepts written comments, responds and issues a Final "Authorization to Construct" permit considering that all comments have been adequately addressed.

Authorization to Operate—There is a 24 day Administrative Review. If complete, DEP issues an administrative completeness letter. There is a 36 day Technical Review. If technically complete and appropriate, DEP issues an "Authorization to Operate" permit to the applicant.

Chairman Hegarty is concerned about the truck routes. Where do the trucks go? West Spring Street in Avon can't handle the traffic. There are 9 stop lights vs. 3 stop lights for trucks if they go down West Spring Street. He is concerned with noise, debris, odor, etc. for those residents on West Spring Street.

Representative Galvin commented that "trucks should not have to go through local streets." There should be access to major roadways.

Holbrook resident Michael Barbato commented that there are "fumes all day and night. There is no need for this transfer station."

Senator Joyce stated that residents should be able to "use and enjoy" their property. He is asking DEP to look out for the "public welfare."

Mr. Brady mentioned that Champion City (Phase II) did get a negative site assignment.

Katherine Connolly of Holbrook stated the site is not in an industrial park. This is hard to fight. We can't afford this in a residential neighborhood.

Senator Joyce asked about the clean-up of the site. Is there a responsible party now to clean up the site if there is a contamination issue? Katherine Connolly responded that the Town of Holbrook owns the site. They are the responsible party.

Representative Galvin asked "what level of contamination is on the site?"

Mr. Michael Lawler of Avon stated he is "stunned" with some of the information he is hearing. He feels that no matter what the residents comment on, there is little DEP can do to change the outcome.

Senator Joyce again commented that traffic should be evaluated as part of the site suitability. The Towns of Randolph/Avon/Holbrook and Braintree should be able to weigh in.

Avon resident Meghan Mallett of 93 West Spring Street described the "slamming down" of trucks—the problem of having no windows open because of odor and noise—traffic congested on West Spring Street—it is a cut-through street—kids cannot play in their front yard—huge safety issue with trucks speeding.

Mr. Weinberg stated he would gather the information and present it to DEP. The applicant would then have to address the issues. Mr. Weinberg stated that DEP does not ignore comments.

Chairman Hegarty brought up the cost of \$300,000 in legal fees to fight Champion City. The Town can't afford to hire outside services. He argued that "DEP should protect the people and NOT the applicants."

Mr. Paul Chute of Avon commented that we need DEP to "look out for the citizens."

Mr. Bruce Lane of Avon commented that the Stoughton transfer station site is routed through the Avon Industrial Park. He feels this is a public safety issue regarding trucks turning. Does the DEP look at this?

Mr. Weinberg and Mr. Dakers assured the audience that the Town of Avon/Holbrook would be notified of any activities. Copies of the MEPA review are available. Mr. Weinberg also stated that this is not a project yet – no paperwork has been filled out.

At 9:45 p.m. there were no further questions from the audience—Chairman Hegarty closed the public meeting and thanked everyone for participating and coming.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve all vouchers for the payment of bills as submitted.

Mr. Rose made a motion to accept a letter of resignation from Douglas LeGrice from the Avon Police Department, effective May 1, 2013. Mr. Brady seconded the motion. All were in favor.

Mr. Rose made a motion to approve the purchase of a new copier for the Avon Public Library. Mr. Brady seconded the motion. The motion carried.

Mr. Rose made a motion to grant permission for residents and business owners to place Stephen Lynch political lawn signs on private property in Avon. Mr. Brady seconded the motion. The motion carried.

Respectfully submitted,



Miriam Rothstein  
Secretary