

APPROVED
TOWN OF PELHAM
PLANNING BOARD MEETING
January 22, 2015

The Chairman Peter McNamara called the meeting to order at approximately 7:00pm.

He then called roll:

PRESENT: Peter McNamara, Roger Montbleau, Paul Dadak, Paddy Culbert, Tim Doherty, Jason Croteau, Alternate Joseph Passamonte, Alternate Mike Sherman, Planning Director Jeff Gowan

ABSENT: Selectmen Representative Robert Haverty

ADMINISTRATIVE

Reappointment of Planning Board Alternate member(s)

Mr. Gowan told the Board the only alternate with an expiring term was Mr. Sherman. He wasn't sure how they got off cycle with the month he expires. He suggested that the Board reappoint Mr. Sherman for a three-year term ending in the month of April, when Board members are elected and other alternates are appointed.

Mr. McNamara asked Mr. Sherman if he would like to be reappointed. Mr. Sherman answered yes.

MOTION: (Culbert/Croteau) To reappoint Michael Sherman as an alternate Planning Board member for a term ending April, 2017.

VOTE: (6-0-0) The motion carried.

OLD BUSINESS

PB Case#PL2014-00032

Map 28 Lot 2-12-3

MAMMOTH FIRE ALARMS REALTY TRUST - 112 Marsh Road - Applicant is seeking to make a change to a plan that was approved July 21, 1997 (Recorded Plan #28882). The plan shows the Wetland Conservation District buffer increased from 50ft. to 75ft. The applicant requests that the setback be changed back to 50ft. to enable the owners to construct an addition on an existing garage.

Mr. McNamara announced the matter would not be heard, there was a request submitted from the applicant's engineer to continue to the Thursday, February 19, 2015 meeting.

PB Case #PL2014-00026

Map 35 Lot 10-193 & Map 36 Lot 10-191-1

GREEN, Richard; GREEN & COMPANY – 1-5 Garland Lane – Proposed 46-Lot Conservation Subdivision (Special Permit for Yield Plan and 20% Density Offset of 7 lots was granted on July 7, 2014)

Mr. McNamara announced that the matter would not be heard, the applicant finalizing information. The case was date specified to the Thursday, February 19, 2015 meeting.

NEW BUSINESS

PB Case #PL2015-0001

Map 7 Lot 4-180-17

TWO M CONSTRUCTION, LLC - Benoit Avenue - Proposed 2-Lot Subdivision

Mr. McNamara announced that the matter would not be heard; the applicant requested a continuation.

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Gowan told the Board in his opinion the application was complete and appropriate to accept for consideration.

MOTION: (Montbleau/Dadak) To accept the plan for consideration.

VOTE: (6-0-0) The motion carried.

The case was date specified to the Thursday, February 19, 2015 meeting.

PB Case #PL2015-0002

Map 41 Lot 10-245

PJ KEATING COMPANY - 2 Bridge Street - Proposed improvements to the site and storm water management facilities

Mr. Dadak read the list of abutters aloud. There were no persons present who asserted standing in the case, who did not have their name read, or who had difficulty with notification.

Mr. Stephen Benben of Triton Environmental, representing PJ Keating Company came forward to discuss the proposed improvements to their site at 2 Bridge Street. He began by providing an overview of the proposed improvements for the site and storm water structures and management practices performed. The proposed activities are in accordance with the consent order issued by the Massachusetts Department of Environmental Protection ('DEP'). Mr. Benben noted PJ Keating had received all local and State approvals in Massachusetts for portions of the project located within Massachusetts. He displayed several maps that depicted the site, including the existing conditions and proposed alteration areas. Of the 135 acres owned by PJ Keating, 41 of which are located in Pelham. He described the operations of the business and the storm water discharge system. Currently, storm water is discharged through a 24in. reinforced concrete pipe that connects a wetland in Dracut to a wetland in Pelham. Water enters the storm water basin in three manners: 1) directly from the quarry, 2) direct pipe flow from Route 38 and 3) overland flow. The outlet from the basin flowed through a pipe into Pelham.

Mr. Benben explained to the Board that PJ Keating had completed a comprehensive evaluation of their entire facility and the long-term viability of the site. They've decided to not only address the issues in the consent

order, but also to go above and beyond (site wide) to change operations and how they handle storm water and the water quality that discharges into Pelham. He stated there were several site operations that would have proposed changes and provided a brief explanation for some components (i.e. eliminate one of the stone crushers and temporarily discontinue sand washing operations).

Mr. Doherty questioned how new stone crushers (without the cooling component) would compare in regard to noise decibels and the amount of dust generated. Mr. Benben replied there wouldn't be any change in 'dust' because water isn't used for dust suppression, it's only used for the internal mechanical components of the crusher to cool them down. He noted dust suppression is used on the conveyors, but it wasn't a function of the crusher itself. He wasn't familiar enough to provide an informed opinion regarding noise, but would gather information. Mr. Doherty wanted to know if the water came in contact with the rocks and understood they weren't.

Mr. McNamara understood the reason for coming in front of the Board was because of the agreed upon administrative consent order with penalty from the Massachusetts DEP. Mr. Benben stated that was correct. Mr. McNamara questioned what violation had occurred and if it was a result from water discharge. Mr. Benben replied it all stemmed from a resource area protected by the Wetland Protection Act (noted on the plan provided for existing conditions— east side of Bridge Street). Mr. McNamara wanted to know if there would be an increase to discharge in Pelham if the Board were to approve the proposal. Mr. Benben replied the volume of water didn't change; however the rate of runoff would decrease because part of the proposal was to create a new detention basin within a similar footprint of the existing one. Mr. McNamara asked if the quality of the water being discharged would change. Mr. Benben anticipated a better water quality being discharged based on the enhanced basin, treatment and settling. There will be an increase in vegetated area, which is currently un-stabilized. They will be 'formalizing' vehicle areas and include conventional underground piping and water quality treatment structures.

Mr. Montbleau asked for an articulated explanation of the proposal using the displayed plans. Mr. Benben began by reviewing the existing conditions plan that showed current water flows. He pointed out the quarry location and where water currently collected and was pumped through a gravity system to combine with water from Route 38. The water then flowed from Route 38 and was discharged into a resource area flowing across State line into a wetland in Pelham. Once in the wetland the flow went in a westerly direction back underneath Route 38, circling behind the quarry heading south to the Merrimack River. Mr. Montbleau questioned if the water flowing into the wetland was screened. Mr. Benben replied there was no conventional treatment system between the quarry and the wetland, with the exception of some settling and passing through a silt curtain (turbidity curtain) within a resource area after the water was discharged into a basin (in Massachusetts) and travelled into the wetland within Pelham. Mr. Montbleau wanted to know if sediment would end up in the wetlands. Mr. Benben replied a majority of the sediment stayed in Dracut, MA. He didn't believe testing had been done, so there was a possibility of sediment going into the wetland. Mr. Montbleau understood the breakdown of elements within rock could cause radon and other possible contaminants; he wanted to know if any form of those contaminants would end up in the wetlands and create a bad result. Mr. Benben noted the entire facility was subject to a miscellaneous general permit issued by the Environmental Protection Agency ('EPA') that included testing limits. He didn't recall there being any elevated concentrations. Mr. Montbleau asked if it was monitored. Mr. Benben replied monitoring occurred once per quarter. Mr. Montbleau understood there was no continued monitoring system. Mr. Benben stated that was correct; there were grab samples done once per quarter. Mr. Montbleau asked where samples were taken from and if there was any type of monitoring at the end of the line downstream within Pelham. Mr. Benben stated testing was done on the upstream side of the turbidity curtain.

Mr. Gowan suggested other members of the team come forward if they had information to share with the Board. Mr. Benben introduced Kendra Naroki Environmental Health and Safety Manager for PJ Keating and Kevin Yoken Operations Manager for PJ Keating.

Ms. Naroki discussed the question regarding water testing. She explained they were subject to EPA's General Sector Multi Permit for mining activities. In accordance with that permit they sample once per quarter for total suspended solids ('TSS') and pH. In the year and a half Ms. Naroki worked for the company, there hadn't been an exceedance of TSS (based on the EPA's benchmark limit). PJ Keating takes their own samples and sends them to New England Testing Labs (third party testing facility). Mr. Montbleau asked if anyone observed the testing. Ms. Naroki replied their quality control technicians usually take the grab samples and give them to the lab for testing.

Mr. Culbert inquired where along the line samples were taken from. Ms. Naroki answered that the one sample they report to the EPA is taken at the end of the pipe that goes into the wetlands in Pelham. They also take two samples of the water coming into the basin. Generally they find suspended solids a little higher, but not exceeding EPA's limits. Through the settling that occurs with the silt fencing, she indicated they found the ultimate outfall was in compliance with EPA's limit.

Mr. Gowan commented that the description was the existing conditions. He understood that the proposal to DEP was to 'clean up' the water discharge into the wetlands. He also understood the proposal in Pelham was essentially a settling pond (used to detain water so it may be released slowly). He questioned if there was additional water settling component to improve/address the water quality issue. Mr. Benben outlined a figure that showed the division between Massachusetts and New Hampshire. He stated the system was designed per DEP (Massachusetts) and Department of Environmental Services (New Hampshire) ('DES') guidelines for storm water quality basins. It was designed to accept all the water coming out of the quarry, water coming off of Route 38 and any water hitting the paved areas in Pelham. Mr. Benben showed how the pipes would discharge into a 'pre-treatment' basin where a majority of heavier sediments could settle and periodically be cleaned out based on accumulation. The remaining area of the water basin would contain 2ft-3ft of standing water at all times, except for when there's ground infiltration or evaporation. The idea of the basin having a round 'U' shape is to allow a soil particle certain time to settle down to a certain depth. The basin is designed not to overflow in any storm up to a 100-year event. If there is a 100-year storm event (+7inches) the basin will discharge to the north into the same wetlands connected at the end of the basin. Mr. Benben reiterated there would be an improvement to water quality through structures in the piping, the upland pre-treatment and settling time.

Mr. Gowan asked for a description of the wetland area in Pelham, behind the Mobile station, and the direction of flow from that area. Mr. Benben commented they weren't creating a new discharge; they were tying into an existing pipe. He noted the span of the wetland had portions in Pelham and Dracut, MA. They were trying to improve the water that was getting into the area. Mr. Gowan saw that additional paved areas were being proposed and questioned what material would be used. Mr. Benben clarified that the area labeled 'recycled asphalt' was not proposed to be made out of it. He explained PJ Keating has a large stock pile of asphalt that comes in from different highway projects. They would like to reduce that stock pile area, but in order to do so they need a crushing/processing area; the area labeled 'recycled asphalt' is where they would like to do that processing. Currently, the area is compacted earth, they propose new (impervious) pavement so as to not impact subsoil and ground water. Mr. Benben added they were proposing to 'formalize' (pave) specific traffic areas in an attempt to control storm water that hits it. In sizing the detention area, Mr. Gowan wanted to know if the additional impervious surface was factored in. Mr. Benben replied they had factored those areas in when conducting the drainage analysis.

Mr. Culbert inquired how often the area was dredged. Mr. Benben couldn't answer how often dredging would occur; the area would be monitored. Mr. Culbert wanted to know if there was a maintenance and dredging plan. Mr. Yoken told the Board the former use of the area was the settling basin for the washing operation. It was seeing significantly more 'fines' (dredged once per year) during that process than it would in the proposed. He couldn't anticipate at this time how often the area would be dredged, but noted it would be included with the maintenance plan of the new feature. They will observe the area and dredge when necessary. Mr. Culbert questioned how much silt would bypass the filters. Mr. Benben reiterated that the site

was subject to the EPA permit, which had benchmark limits for TSS. They haven't done calculations to quantify the sediment that passed by. Samples are analyzed for the concentration of solids (sediment in the water) to ensure they remain within the EPA limits.

Given the complexity of the proposal, Mr. Gowan suggested having Keach Nordstrom (Board's engineering review firm) review the plan, drainage etc., at the applicant's expense. He noted if the plan was approved, Keach would have an inspection role to ensure the structures were built per plan.

Mr. Doherty questioned if the existing pile of asphalt was located on the area of the plan labeled 'recycled asphalt'. Mr. Benben replied the stock pile of asphalt was currently located on the Dracut side of the property (across the street). Mr. Doherty asked if there was machinery currently on the Pelham side for reprocessing the asphalt, or if new equipment would be added to the Pelham site. Mr. Benben noted currently there were stock piles of washed sand occupying the area. The infrastructure (towers/conveyors) in that area would be taken down. Mr. Yoken discussed the apparatus on site and told the Board they would be using portable equipment tied to the process. From the description, Mr. Doherty understood a crusher would be located on the easterly side of Route 38 closer to a residential neighborhood. Mr. Yoken stated they had done their recycled crushing in that location for at least three years (since he was at the site) and longer. They have done their processed crushed asphalt there.

Mr. Montbleau spoke of his extensive history on the Board and the questions/concerns he's had regarding the wetlands. He wanted to understand the nature of the sediments/fines from the site and if they would be removed and further, asked how the biomass would be affected. Mr. Yoken replied they had traditionally used the resource area (consent order with DEP) on the Dracut side as the settlement area behind the silt curtain and historically dredged out frequently. Because of wetland flooding issues the Army Corps of Engineers came in and had a pipe installed to solve the flooding issue. Mr. Montbleau wanted to know if there was any sediment removal at the end of the pipe, in the wetland within Pelham. Mr. Yoken replied they didn't do any sediment removal or dredging at the end of the pipe (outlet at the wetland). Mr. Montbleau questioned if the EPA was monitoring the flow/discharge into the wetlands. Mr. Yoken answered there is monitoring through their testing at the current basin and at the outfall. Mr. Montbleau confirmed that anything escaping into the wetlands from the site had always done so for many years. Mr. Yoken stated that was correct; it was since the time the Army Corps had constructed the pipe into the wetlands.

Mr. Montbleau asked if the term 'formalize' referred to paving. Mr. Benben answered that the term 'formalize' was in reference to pavement. He explained the site currently didn't have clear defined paths for trucks/vehicles. They were proposing to create standard road widths, curbing, catch basins, underground piping etc.

Mr. Culbert asked if the proposed recycled asphalt area would be capped or placed on hard soil. Mr. Benben stated they would grade the area so water would flow away from the wetland. He believed they would 'rough' up the surface, bring in fill and then pave over the top. Mr. Culbert preferred the area be capped or cement versus simply a hard surface or asphalt, which was oil based and possibly end in the wetland. Mr. Benben replied surface oils would be collected and treated.

Mr. Doherty questioned if PJ Keating would continue to blast and use rock out of the quarry or if they were changing operations and bringing in rock from elsewhere. Mr. Yoken told the Board they blasted during the year, but had not crushed rock during the year at the facility. They were in a transition and had brought portable crushers in. It was unclear what they will do moving forward. At present, depending upon volume, the plan was to continue running the asphalt plant and supply it with stone in the most economical means necessary. Mr. Doherty questioned the truck travel way. Mr. Yoken replied they travelled up through Lowell to the facility.

Mr. Montbleau felt the Board should involve Keach Nordstrom to review the information and provide opinion in the manner the Board was familiar.

Mr. Gowan recalled PJ Keating coming to the Board for review of a concrete batch plant located essentially across from the proposed detention pond. The plan approval had long expired, but he wanted to know if it was still a consideration. Mr. Yoken replied they weren't currently in the concrete business, but always interested in utilizing the site to its fullest capability.

Mr. McNamara told the applicant, Mr. Gowan would forward the plans to Keach Nordstrom who in turn would provide a cost estimate for review.

MOTION: (Montbleau/Dadak) To accept the plan for consideration.

VOTE: (6-0-0) The motion carried.

At the applicant's concurrence, the case was date specified to the March 2, 2015 meeting.

ADMINISTRATIVE

Map 1 Lot 5-104 - SOUSA REALTY & DEVELOPMENT CORP. - Lawrence Corner Estates – Full Bond Release

Mr. Gowan told the Board that the project was long finished and passed review by the Highway Road Agent, and Keach Nordstrom. The Selectmen have accepted the road as a Town road. It was now time to release the remaining two bonds.

On-site bond being held: \$91,606.35

Off-site bond being held: \$9,568.90

Total recommended release of: \$101,175.25

MOTION: (Doherty/Dadak) To release the total amount of two bonds in the amount of \$101,175.25.

VOTE: (6-0-0) The motion carried.

Map 32 Lot 1-146-24 - SKYVIEW ESTATES, LLC - Majestic Avenue - Discussion with the Board to consider altering the Notice of Decision that was issued 11/3/2014. Condition #1 "All required state permits received, including septic with approval numbers added to the recordable plan"

Mr. Montbleau stepped down.

Mr. Gowan told the Board during approval, he didn't 'catch' the aspect of obtaining approval for all the septic systems within the development. He said it would be unusual and onerous to require all the designs to be done several years before a house was built. It would be a different situation if the proposal was for a community well. Mr. Gowan stated they had done test pits and had the 4K areas; it was known the septic could be accommodated; however the requirement was worded that they must all be designed.

Mr. Passamonte asked if septic plans would still be required for every lot. Mr. Gowan clarified every lot had to have a septic plan, but it would come in when they were ready to build each house, as opposed to having them done way in advance.

Mr. Doherty added that septic design plans have expiration dates. He said if they expired, they would have to come back to the Board. He agreed with Mr. Gowan's suggestion.

There was a consensus of the Board to clarify the approval condition in regard to septic systems/designs.

Mr. Montbleau returned to the Board.

DATE SPECIFIED PLAN(S)

February 19, 2015 (Thursday):

PB Case#PL2014-00032 - Map 28 Lot 2-12-3 MAMMOTH FIRE ALARMS REALTY TRUST - 112 Marsh Road

PB Case #PL2014-00026 - Map 35 Lot 10-193 & Map 36 Lot 10-191-1 - GREEN, Richard; GREEN & COMPANY – 1-5 Garland Lane

PB Case #PL2015-0001 - Map 7 Lot 4-180-17 - TWO M CONSTRUCTION, LLC - Benoit Avenue

March 2, 2015 (Monday):

PB Case #PL2015-0002 - Map 41 Lot 10-245 - PJ KEATING COMPANY - 2 Bridge Street

MINUTES REVIEW

December 15, 2014:

MOTION: (Doherty/Montbleau) To approve the meeting minutes of December 15, 2014 as written.

VOTE: (4-0-2) The motion carried. Mr. Culbert and Mr. Croteau abstained as they were not present for the meeting being reviewed.

January 5, 2015:

MOTION: (Doherty/Dadak) To approve the meeting minutes of January 5, 2015 as written.

VOTE: (5-0-1) The motion carried. Mr. Croteau abstained as he was not present for the meeting being reviewed.

ADJOURNMENT

MOTION: (Culbert/Montbleau) To adjourn the meeting.

VOTE: (6-0-0) The motion carried.

The meeting was adjourned at approximately 8:16pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary