


TOWN OF CHARLTON
Minutes of Regular Selectmen's Meeting
Tuesday – March 3, 2015 at 6:30pm

Submitted by UCD
Date 3/19/15
Received by dlt
Date 3-19-15

Present: Chairman – Frederick C. Swensen, Vice-Chairman – Joseph J. Szafarowicz, Clerk – Cynthia B. Cooper and Members – David M. Singer and John P. McGrath. Also present: Town Administrator - Robin L. Craver.

NOTE: Some matters may have been taken out of agenda order but were typed up in agenda order for ease of locating information when necessary.

I. Call to Order:

1. Chairman Swensen called the meeting to order with the pledge to the flag.
2. Chairman Swensen reminded everyone to treat each other courteously and be acknowledged by the Chair before speaking. Those in attendance are requested to turn off cell phones or put them on vibrate so as not to disrupt the proceedings and remove hats, if any.
3. Chairman Swensen stated that we are in the Senior Center for now due to a burst pipe in the attic that flooded the Town Clerk's office who is now located in the Selectmen's meeting room. This is temporary.

II. Consent Agenda:

1. Minutes of Regular Meeting – February 3, 2015. **Motion by Mr. Szafarowicz to accept the February 3, 2015 minutes, seconded by Mr. Singer, motion carries with Mr. McGrath abstaining.**
2. Minutes of Special Meeting – February 10, 2015. **Motion by Mr. McGrath to accept the special meeting minutes of February 10, 2015, seconded by Mr. Szafarowicz, motion carries unanimously.**
3. Minutes of Regular Meeting – February 17, 2015. **Motion by Mr. Szafarowicz to accept the February 17, 2015 meeting minutes, seconded by Mr. Singer, motion carries with Mr. McGrath abstaining.**

III. Community Relations, Announcements and Open Forum:

- Chairman Swensen read the announcements.
- Chief Pervier stated that with the weather fluctuating, he is finding that people are traveling to fast and don't have a visual for people pulling out. He advised to please drive safely.
- Katie Betrovski wanted to talk about the use of Styrofoam in Charlton. She has contacted a few state representatives and Charlie Baker as well to let them know what she is doing. She thinks it's time for residents to think about, "is there better alternatives to Styrofoam?" Is there a way we can cut back. She stated that none of the dumps can physically recycle this stuff. She asked if she could put information on Channel 191 and fact sheets around so people could understand.

IV. Appointments/Resignations:

Scheduled Appointments:

6:40pm – Katie Betrovski – Charlton Earth Day Festival Committee. Mrs. Craver stated that Ms.

Betrovski is a new member on the Charlton Earth Day Festival Committee and has asked for time on the agenda to update the board on the events for Earth Day. Ms. Betrovski stated that the Charlton Earth Day Festival will be on Saturday, April 25, 2015 from 11am – 3pm. All residents in Charlton are urged to pick out a road with friends or family, grab a yellow bag from here and pick it up. The Board thanked her.

6:45pm – Sunset City Site Plan Application – review comments. Mrs. Craver stated at the Board’s February 10, 2015 meeting held at the Charlton Middle School for the purpose of reviewing the Sunset City Site Plan Application, a few statements were made by residents in attendance and she was asked to review and provide information.

1. A resident stated that there is a display of the Sunset City Site Plan Application at the Library. Cheryl Hansen, Library Director has confirmed that the “display” in question is in fact provided by the Planning Board and is for public viewing only. The Planning Board provides various departments with copies of site plans submitted to their office for viewing and comments, if any. They put all site plan applications from the Planning Board out for the public.
2. It was stated that there would be a tax impact on abutting properties just like when Millennium came into town. Mrs. Craver asked Deborah Ceccarini, Director of Assessing for information regarding this. The following is her recollection:

Millennium agreed to perform an appraisal on those properties within one mile of the plant and paid particular attention to those properties in direct view of the power plant after one year of their continuous commercial operation. This was to determine whether or not there were any signs of diminished value to residential properties in comparison with other sections of town. The appraisal was done by a professional, accredited, local appraisal company. The comparable used were appropriate and the appraisal was done according to all proper standards. The results indicated residential property values in the study were not affected by the power plant. Millennium was also held to extreme standards by EPA and other federal and state agencies controlling air and noise pollution at the time of construction and Millennium is still required to adhere to this type of testing on an annual basis. Ms. Ceccarini further adds some of our highest valued subdivisions have been built up against the Mass Turnpike. The first phase of this subdivision was in 1987 and expanded in 1995, 2006 and again in 2014. In the annual assessor’s sales analysis, there have been no signs of excess depreciation or diminished value to these properties due to the noise of the turnpike.

3. It was stated that letters were sent from the EDC (appointed by the Board of Selectmen) and the Planning Board (elected) to the Mass DOT Highway Division in support of the Sunset City driveway permit. The Board was requested to find out why. EDC Director, Alan Gordon has provided the following summary for informative purposes as to what was specifically entailed in the Planning Board and EDC commenting to the Mass DOT District 3 Office regarding any potential future proposal by the Sunset City applicant for possible future site driveway access from Route 49: Mr. Gordon states as with all large-scale development projects that trigger site plan review, the applicant Mr. Russ Jennings held pre-application discussions with both Boards when he initially began conceptualizing in 2013 his private mixed recreational project proposal. Mr. Jennings explained that for the initial site plan submittal he would be proposing site access via a new driveway off of Brookfield Road. He further explained that if in the future he decides to develop further phases, thus adding more varied recreational site activities, due to potential traffic increases he would apply to the Mass. DOT District 3 Office for a driveway permit to shift the main site driveway access off of Brookfield Road and instead onto Rt. 49. Mr. Jennings further asked each Board if at that time they would be willing to submit a letter to Mass. DOT supporting the Rt. 49 design concept, as he intended to broach the concept to Mass. DOT in 2013, realizing that it would be at least a few years (if not longer) before a Rt. 49 driveway access might possibly be designed and applied for, his stated intent was to inform DOT that the item was pending, and that both Planning Board and EDC were supportive in concept of the design

item. As you know, both Boards were supportive of the concept, feeling that it was a valid site access design element and that eventual future site plan review would properly validate or invalidate proposed driveway design specifics. As such, both Boards submitted to Mass. DOT support letters dated September 27, 2013 in support of the design concept. Neither Board received a written response from Mass. DOT. It is Mr. Gordon's understanding from then-Planning Board Chairman John McGrath was that he was verbally told by Mass. DOT staff that they duly note receipt of the correspondence, as well as contact also received at the time by Mass. DOT from both the applicant and then-State Senator Stephen Brewer, for future Mass. DOT consideration if and when the applicant chooses to formally seek Mass. DOT driveway access approval from Rt. 49.

4. Mrs. Craver was asked to contact other towns that have Motocross to see if there were any regional effects. At this time, staff has been working on contacting the towns and will report what their findings are.
5. Other issues discussed that she would recommend the Board forward to the Planning Board as concerns with this site plan are:
 - Traffic on North Sturbridge Road
 - Consider setting set hours of operation
 - Noise

Mr. Szafarowicz thanked the Town Administrator for her responses. Ron Charette came forward and stated that what he asked was how can two boards send a letter of support for an application that hasn't been filed yet. He doesn't understand how this can happen. Mr. McGrath stated that the EDC and Planning Board have sent letters of support to MA DOT about conceptual plans. The reason they do this is if they are going to seek curb cuts, they need to find out from MA DOT what they will be allowed or not allowed to do. A resident from Sturbridge came forward and stated that in the letter dated 2013, there is no mention of a motocross. Mr. McGrath stated that Mass Highway doesn't care about what's going in there they want to know about the traffic. Ms. Guyer stated that she would have expected the Planning Board and EDC to send a copy of that letter to Sturbridge since Rt. 49 is in Sturbridge. She also stated that in the state of New Jersey, there is a bill on the table which prohibits location of off road vehicle training or recreational facilities within five miles of a residential zone. (attached) Mrs. Craver was asked to scan the information provided by Ms. Guyer to the board. Mrs. Craver asked the board if they wanted to send any comment to the Planning Board. Mr. Singer stated he edited some of his comments that he would like forwarded to the Planning Board which are: 1) The Planning Board must not only make determinations based upon laws and bylaws, but must within that framework also work to oversee the growth and development of the Town of Charlton in line with the type of community desired by its residents. It sets a dangerous precedent to simply allow something by virtue of its omission. He would ask the Planning Board to take that under serious consideration. 2) When considering any site plan for motor sports within the Town of Charlton, as this is an area where our town, including our Planning Board members have no experience, he would ask that due diligence and extensive homework be done. He stated that this town has a history, if you will, with rushing things through only to pay a price for those actions later. Even just cursory online research has shown that there are many issues related to motocross or motor sports where it has been allowed near residential areas, info that he easily found represented motocross parks right here in MA as well as in PA, GA and AZ. He is sure there are many others. What he discovered right away was the extent to which motocross sound travels. Right here in MA, it was discovered that the sound from the motocross track in Littleton can be heard from a full half mile away (as the crow flies). Similar findings were discovered in a residential area in GA. After the fact, their rules were changed to require a full one mile of barrier land on all sides of the track that must be owned by the motocross track owner, completely surrounding all motocross parks to act as a buffer between the motocross park, its noises and the residential neighborhoods. He would ask and urge, that the Planning Board do its due diligence and it's

homework in an effort to learn from the mistakes and corrections made in other communities with regard to motor sports to insure residents of the Town of Charlton so affected are afforded the proper protections to prevent those types of issues from happening here. **Motion by Mr. Szafarowicz to send everything that we've had, to endorse everything that we've heard and talked about to the Planning Board, seconded by Mr. McGrath, motion carries.**

7:30pm – Water/Sewer Commission – Executive Session

VI. New Business:

1. Preliminary Subdivision Plan – Sunset City Boulevard. Attached is a copy of a preliminary subdivision plan from the Planning Board entitled Sunset City Boulevard prepared by Bertin Engineering Associates, Inc. on behalf of Mr. Russell G. Jennings. The plan proposes the creation of four (4) house lots with a dead-end cul-de-sac roadway subdivision design on a parcel of land located southerly off of Brookfield Road. As you know, this property is also currently undergoing site plan application review for the proposed Sunset City campground and recreational motocross facility. Mr. Jennings informed the Planning Board that upon the advice of his attorney, he has submitted the preliminary subdivision plan as a procedure to potentially lock in the property from any potential zoning by-law use changes. Per M.G.L. Chapter 40-A, Section 6, the subdivision plan processing of a parcel in Massachusetts could potentially grandfather a parcel from any future zoning by-law use changes for up to eight (8) years. The Planning Board will schedule review of the preliminary plan application for the April 1, 2015 Board meeting, concurrent with that meeting's scheduled continued Sunset City site plan public hearing session. You are asked to review and provide comments, if any, to the Planning Board no later than Wednesday, March 25, 2015. Mr. Singer has one question he would like answered by the Planning Board which is, "Is this going to be tied into the motocross and campground or is this going to be treated as a separate project? Mr. McGrath stated that he is doing this upon advice of his counsel. He is locking this parcel in which by Chapter 40B, that's permitted. Mr. Singer is satisfied with the answer.
2. Special Permit Application – Physical Fitness Center/Health Club. Mrs. Craver stated that the Planning Board has provided the Board with a copy of a special permit application they received by Bertin Engineering on behalf of Mr. Christopher Besaw for special permit approval to operate a Physical Fitness Center/Health Club in the existing vacant building located at 299 Worcester Road, easterly of Carroll Hill Road. (Assessors Map 37, Block A, Parcel 2). Said property is zoned Business Enterprise Park. The Planning Board has scheduled the application public hearing for their March 18, 2015 Board meeting agenda. You are asked to review and provide comments, if any, no later than Wednesday, March 12, 2015. No comments.
3. Special One Day License request – St. Joseph's Church. Mrs. Craver stated attached is a request from St. Joseph's Church for a special liquor license for Wine and Malt beverages to be used on March 13th, 14th, 15th, 2015 from 7 – 9:30pm in the Church Basement located at 10 H. Putnam Road Ext., Charlton, MA. This request has been approved by the Building Commissioner, Fire Department and Police Department. The Building Commissioner has stipulated that no flammable decorations on sets and exit lights must be functioning. All other requirements within the policy have been met. Per the Board's policy, the license if approved, should be issued for two additional days for the following reasons:
 1. Day 1 – to allow delivery of alcohol to establishment (no sales allowed)
 2. Day 2 – For sale on the approved date and time as listed
 3. Day 3 – To allow for pick-up of any unused alcohol (no sales allowed)Mrs. Craver would recommend the Board approve the special license as requested with the dates on the license to be March 12, 2015 through March 16, 2015. **Motion by Mr. Szafarowicz to approve**

the request for the special license with the stipulation by the Building Commissioner, seconded by Mr. Singer, motion carries.

4. Special One Day License request – Tim Rowcroft – Wedding. Mrs. Craver stated that attached is a request from Tim Rowcroft for a special liquor license for Wine and Malt beverages to be used on April 11, 2015 from 5:00pm – 11:00pm at Camp Joslin dining hall. This request has been approved by the Building Commissioner, Fire Department and Police Department. Per the Board's policy, the license if approved, should be issued for two additional days for the following reasons:
 1. Day 1 – to allow delivery of alcohol to establishment (no sales allowed)
 2. Day 2 – For sale on the approved date and time as listed
 3. Day 3 – To allow for pick-up of any unused alcohol (no sales allowed)

Mrs. Craver would recommend the Board approve the special license as requested with the dates on the license to be April 10, 2015 through April 12, 2015. **Motion by Mr. McGrath to approve the Wine/Malt license for April 11, 2015 at Camp Joslin, seconded by Mr. Singer, motion carries unanimously.**

VII. Old Business:

1. Scholarship questions for 2015. Mrs. Craver stated that at the Board's February 3, 2015 meeting, she presented the Board with the following questions for consideration for this year's scholarship questions:
 - For the Nehemiah B. Stone Scholarship, Jesse Smith Educational Fund and the M. Wayne Colby Scholarship: *What are three (3) recommendations you have to help students get more involved in government?*
 - For the Edwin Phillips Cooking Fund: *What ideas do you have to help children with picky eating habits stay on a balanced healthy diet? How would you get them to eat healthy?*She was asked to put this on the next agenda to allow the Board time to review the questions and make recommendations if needed. What is the Board's wishes? We need to finalize the questions so that it will allow students ample time to complete the scholarship application. Mr. Singer would like to propose an alternate for the Edwin Phillips Cooking Fund. His question would be, ***"Sugar, is it really that bad for you compared to artificial sugar? Are sweeteners really healthier than sugar?"*** **Nomination by Mr. McGrath to use Mr. Singer's question, seconded by Mr. Szafarowicz, motion carries. Motion by Mr. Szafarowicz to approve the question for the Nehemiah B. Stone, Jesse Smith Educational Fund and the M. Wayne Colby Scholarship as provided by Mrs. Craver, seconded by Mr. Singer, motion carries.**
2. Town owned land. Mrs. Craver stated that one of the Board's goals was to review town owned land. Mrs. Cooper has provided a list of town owned property for the Board to review. What is the Board's wishes? Mr. Singer noted on the list that there are quite a few assessed at \$70,000 or above. He has many times over the years to ask the town to get rid of all this town owned land, sell it and take in the monies. **Motion by Mr. Singer that any properties on this list set at \$70,000 or above be sold, seconded by Mr. McGrath.** Mrs. Craver would feel more comfortable with taking the ones that the board is looking at and find out what purposes we have them. She stated that if they are conservation land, they cannot be sold. Mrs. Cooper stated that when she compiled this list, she put them in two different categories. One list has no conservation restrictions, where they were not items like cemeteries and such which is the second page. She reviewed the data and made sure there were no restrictions on the deeds on page 1. Mr. McGrath stated that the property for Daniels Road should be put back out there as it's buildable. Mr. Szafarowicz asked why not all the properties on the list? He would ask the Town Administrator to review for conservations restrictions, or other boards first before we do anything. **Mr. Singer would amend that to \$50,000 or over on the first page that's already been identified as not**

having any restrictions. Mr. McGrath amended his second. Mr. Szafarowicz would ask to wait for two more weeks to allow for research, he doesn't think we should rush into it. Mr. Singer stated that some of the properties on the list aren't big enough to build on. Mrs. Cooper said some of the properties she would agree to put back on the tax roll but some of the properties would be good for use for cell towers. Chairman Swensen would ask to hold this for two weeks and prepare a brief summary on each parcel. **Vote on motion: Mr. Szafarowicz – nay, Mrs. Cooper – nay, Mr. Singer – aye, Mr. McGrath – aye and Chairman Swensen – nay. Motion does not pass.** Chairman Swensen asked Mrs. Craver to review the properties on the list and bring it back to the board in two weeks. Chairman Swensen thanked Mrs. Cooper for all her work on putting this together.

3. ATM – Warrant and budget. Mrs. Craver stated that according to the Budget Calendar, we intended to present you with a draft budget and budget message. As you know the Governor's Budget is not out so local aid numbers are still unknown. This is typical when transitioning to a new governor and new team. It takes a while for new agency heads to review and make proposals to the State's massive budget. Also, since the State budget is not out, neither are the school assessments which can have a significant impact on expenditure increases. She has also not received the Water and Sewer Budgets yet. In lieu of the missing data, Mrs. Craver would recommend that we table the presentation until the next meeting. Too much is unknown at this time. The Finance Committee will be scheduling their meetings the day after your regular meeting. She has attached the schedule for department's to present their budgets to them. It is their hope that you will join them for the department presentations. In the past, you have tried to come to the budget presentations in order to only have the department heads and Board's present their information once. It has been helpful for both boards to hear the same information and other group's concerns. Mr. Singer has no objections to Mrs. Craver's request but stated that since we are talking about the warrant, he would like to ask to add another article onto the warrant. He stated that there is a lot going on in Charlton right now and we don't have any bylaws for this but there is a lot of solar farms going in and they are an eyesore. He stated most of the information he has, came from the West Bridgewater bylaw as well as Newburyport and some other towns in Massachusetts. The article would effectively read: Solar farms/arrays – otherwise referred to as "Large-Scale Ground-Mounted Solar Photovoltaic Installations, between ¼ acre and two acres in size shall be allowed by permit from the Planning Board and require site plan administrative review. Any solar farms larger than two acres in size will require an additional special permit from the Board of Selectmen. Any of these solar farms between ¼ acre and two acres in size must maintain a 25' setback from all lot lines. Solar farms that are larger than two acres must maintain a 50' setback from all lot lines. Standards to be designed to minimize the impact to public health, safety and welfare concerns, as well as to minimize the impact on scenic, natural, agricultural and historic resources and to provide for the adequate financial assurance for the eventual decommissioning at the end of the solar farms eventual lifespan, if necessary. Any solar farms must be adequately shielded from any neighboring homes, neighborhoods, roads, etc." He said if we can at least put this on the warrant and give the residents a chance to vote, it would give us protection. Mr. McGrath would ask Mrs. Craver to contact the Town Planner and ask him what the legalities of this are and how he would go about doing a bylaw for this. Mr. Singer would still request a placeholder on the warrant for a solar panel bylaw. Chairman Swensen asked Mrs. Craver to send the bylaw to the town planner for his feedback.

VIII. Committee Reports:

Mr. McGrath – Municipal Building Committee – they met with the architect and went over the problem with the water damage we had over the town clerk's office. He further thanked Sharon

Carlson, Robin Craver, Curt Meskus, Gerry Foskett and the Highway Department for help with the clean up.

IX. BOS Policy Review:

#34 – Licenses – Mrs. Craver stated that at the Board’s February 3, 2015 meeting, Mrs. Cooper reviewed her recommendations for BOS Policy #34 – Licenses. It was discussed to hold it until she could review the recommended changes with Mrs. Cooper. The following is what is being recommended for increases and/or name changes where noted. Mrs. Craver thanked Mrs. Cooper for taking the time to review fees with other towns and for making the following recommendations so we are comparable:

RECOMMENDED CHANGE	Current	Increase by	Recommended new fee	
Auto - Class I	\$100.00		no change	
Auto - Class II	\$100.00		no change	
Auto - Class III	\$100.00		no change	
Junk & Old Metals	\$75.00		no change	
Coin Operated Amusement Machines	\$45.00	\$5.00	\$50.00/ea	Change name to Automated Amusement Devices
All Alcohol (on premise)	\$750.00	\$250.00	\$1,000.00	
All Alcohol (not on premise)	\$650.00	\$350.00	\$1,000.00	
Wine & Malt (on premise)	\$500.00	\$100.00	\$600.00	
Wine & Malt (not on premise)	\$400.00	\$200.00	\$600.00	
All Alcoholic Club	\$550.00	\$450.00	\$1,000.00	
Druggist	\$400.00	\$600.00	\$1,000.00	
Sales of Antiques	\$25.00	\$25.00	\$50.00	Change name to Second Hand Articles
One Day Special License - all alcohol	\$25.00	\$25.00	\$50.00	
One Day Special License - Wine / Malt	\$25.00	\$25.00	\$50.00	
Repair & selling of antique lamps	\$25.00			Remove/disregard
Welding	\$20.00			Remove/disregard
Miscellaneous	\$20.00	\$30.00	\$50.00	
Common Victualler (coffee)	\$20.00	\$5.00	\$25.00	highest allowed by MGL
Auctioneer's	\$30.00	\$20.00	\$50.00	
Public Entertainment on Sunday	\$400.00			Change name to Sunday Entertainment, sport or public diversion
		\$20.00/ind event		Also add \$20.00/Individual Event

Motion by Mr. Szafarowicz to change the name of the categories as requested by Mrs. Cooper, seconded by Mr. McGrath, motion carries unanimously. Chairman Swensen stated that in looking at the fees, some of these have doubled and the Board might want to consider changing these gradually. Mr. McGrath asked if Mrs. Cooper compared these to other towns and she said yes. She had checked with a few towns but after meeting with Mrs. Craver they were given a list of quite a few more to compare with. **Motion by Mr. McGrath that we change the fees as recommended in Mrs. Cooper’s chart, seconded by Mr. Singer, motion carries with four in favor and Chairman Swensen opposed.**

X. Student Selectperson Report: Not present

XI. Town Administrator Report: Mrs. Craver reviewed her report.

XII. Other Business: (unknown at time of posting)

Mr. Singer would like to take a moment to thank Mr. Meskus for showing him around so he could fully see the extent of the damages and Sharon Carlson for her quick action in getting notification out about the burst pipe she found and also to thank all of the people who came in that Saturday, and again on Sunday, to try and help in the effort to remove and save important documents and records. Your

town employees - the staff of the Town Clerks office, Council on Aging, the Highway Department and our Town Administrator. All of them deserve our thanks for their efforts to try and save whatever they could. It is a terrible loss, having documents and records destroyed, and hopefully they can and will be replaced. Mr. Singer knows that is being worked on at this moment. But what is a larger tragedy, is that some of the damages were potentially avoidable. Our Town Clerks office is a very crowded space, one that at times is so crowded that it becomes a very tight space to move around in. Part of that crowding are those important documents and records that need to be close by and accessible to the Town Clerks office on a daily basis. They are required to meet certain obligations in the storage of town records and documents, obligations that cannot be met given the current space restrictions of the Town Clerks office. But there is a simple and relatively easy solution. With that said, **Mr. Singer made a motion for the Board of Selectmen to make a decision to approve the use of the old Veterans Agent's space and the adjoining room for the Town Clerk's office to use for storage space for the required secured fire proof cabinets and other secured storage needs. As we are going through a massive cleanup and restoration at this time due to the flooding, it is the perfect time, to simply open up a part of that wall and put in a door giving the Town Clerk direct access to that space, without even having to leave the Town Clerks office. seconded by Mr. Szafarowicz for discussion.** Mr. Szafarowicz would recommend holding off on this even though it's a good idea. With the renovations coming with the new elevator, he would ask to hold off. Mr. McGrath recommended attending a Municipal Building Committee and discussing it with them. The committee has been discussing this and he feels it's a very good idea. Mrs. Craver stated that other boards and committees have the same issues with storage. She would recommend that we get the new furniture for the town clerk first then see how much space she needs and work with her from there. Mr. Singer said he is willing to amend his motion to remove adding the door but he would ask for her to be able to use that space for storage. Mrs. Cooper stated that it's used by the Historical Commission not the Historical Society and they use the space for old records. If the Board considers this request, we need to consider where the Historical Commission will put their records. **Mr. Singer withdrew his motion and asked that this be an agenda item for our next meeting. Mr. Szafarowicz withdrew his second.**

XIII. Next Meeting Announcement:

- Next Regular Selectmen's Meeting – March 17, 2015
- All Boards/Committees/Departments/Commissions meeting – March 24, 2015 -6:30pm, Senior Center

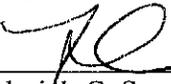
XIV. Adjourn/Executive Session:

Motion by Mr. Szafarowicz to enter into executive Session at 7:56pm under M.G.L. c. 30A, Sec. 21, #2, to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel, #3 – to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and #6, to consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, seconded by Mrs. Cooper. Roll call vote taken: Mr. Szafarowicz – aye, Mrs. Cooper – aye, Mr. McGrath – aye, Mr. Singer – aye and Chairman Swensen – aye. The Chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and that the board will reconvene to open session for the purpose of adjourning.

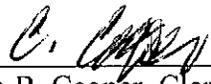
Motion by Mr. McGrath to adjourn at 9:45pm, seconded by Mr. Singer, motion passes unanimously.

Submitted by:
Mary C. Devlin
Administrative Assistant

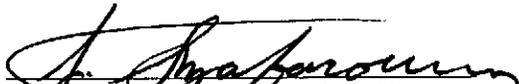
Accepted by:



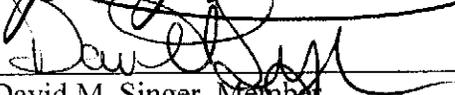
Frederick C. Swensen, Chairman



Cynthia B. Cooper, Clerk



Joseph J. Szafarowicz, Vice-Chairperson



David M. Singer, Member



John P. McGrath, Member



**TOWN OF CHARLTON
OFFICE OF THE TOWN ADMINISTRATOR
37 Main Street
Charlton, MA 01507
WWW.TOWNOF CHARLTON.NET**

Phone: (508) 248-2206

Fax: (508) 248-2374

TO: Board of Selectmen
FROM: Robin L. Craver, Town Administrator
DATE: February 25, 2015
SUBJECT: Town Administrator's Report – for Selectmen's meeting of 3/3/15

EDC Agendas and Minutes – As directed by the Board, I contacted the Chairman of the EDC on February 18, 2015 and requested copies of the EDC agendas and minutes for the last six months. As of writing this report, we have not received them.

Complete Material Management, LLC (operator) – The Mass DEP has completed its technical review of the BWP SW 07, modification of a large handling facility, (Southbridge Recycling & Disposal Park - owner). The Board of Selectmen and the Board of Health reviewed the application and provided comments to the DEP that the Provisional Permit did not include language requiring compliance with the conditions of the Southbridge Board of Health's 2008 Site Assignment Modification for the facility. It was also noted that the hours authorized for such activity is inconsistent with the Southbridge Board of Health's 2008 Site Assignment. The final permit issued by the DEP has been approved with the language and hours as noted.

MMA Policy Committee – I will be attending the Massachusetts Water Pollution Control Association's Legislative Event on Thursday, March 5, 2015. This meeting will be to discuss infrastructure and water quality compliance issues facing communities. Matthew Beaton, Secretary of Office of Energy and Environmental Affairs will be one of the speakers. I will bring back information for you.

Craver, Robin

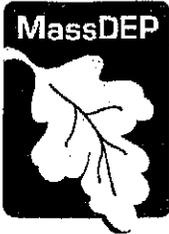
From: Craver, Robin
Sent: Wednesday, February 18, 2015 10:18 AM
To: 'ajd@incomusa.com'
Cc: Gordon, Alan; Swensen, Frederick (Rick.Swensen@townofcharlton.net)
Subject: Agendas and Minutes

Hi Jay, the Selectmen asked me last night to get them a copy of the EDC agendas and minutes for the last six months. Could you please have them forwarded to me. Thanks.

Sincerely,

*Robin Leal Craver, Town Administrator
Town of Charlton
37 Main Street
Charlton, MA 01507
508-248-2206 office
508-243-3905 cell*

*Effective July 1, 2014, new town hall hours:
Monday, Wednesday, Thursday – 7:30am – 5:00pm
Tuesday – 7:30am – 7:00pm
Friday - closed*



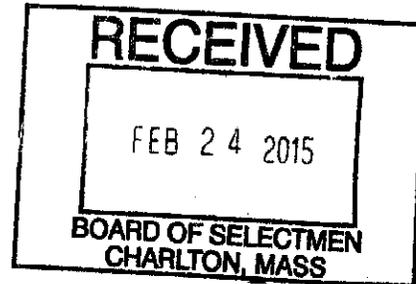
Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor



Matthew A. Beaton
Secretary

Marin Suuberg
Commissioner

February 19, 2015

Scott Lemay
Complete Material Management, LLC
19 Dunedin Road
Wellesley, MA 02481

RE: CERO – SWM – Complete Material Management, LLC, Barefoot Road, Southbridge, Massachusetts, Transmittal Number X262403, BWP SW 07, Modification of a Large Handling Facility: Proposed C&D Waste Processing Facility, Determination of Technical Completeness, Final Permit

Dear Mr. Lemay:

The Massachusetts Department of Environmental Protection (the “MassDEP” or “Department”) has completed its technical review of the BWP SW 07, Modification of a Large Handling Facility, Proposed C&D Waste Processing Facility, Transmittal Number X262403 (the “Application”) submitted by Green Seal Environmental, Inc. on behalf of Complete Material Management, LLC (the “Applicant” or “CMM”). As a result of the Department’s review of the application, the Department has determined that the Application is technically complete.

The Department issued the Provisional Permit for this application on December 31, 2014. Pursuant to 310 CMR 19.037(4)(a), the MassDEP accepted written comments on this Permit for a period of twenty-one (21) days from January 2, 2015 through the close of business on January 23, 2015. The Department received comments from the applicant and from the Charlton Board of Selectmen and Board of Health, and it has considered those comments in the issuance of the Final Permit for this Facility. In response to the comments received, MassDEP has modified certain requirements of its Provisional Permit, as discussed below.

The Charlton Board of Selectmen and Board of Health commented that the Provisional Permit did not include language requiring compliance with the conditions of the Southbridge Board of Health’s 2008 Site Assignment Modification for the Facility. The Final Permit (Section III.B.) includes such language.

The Charlton Board of Selectmen and Board of Health also commented that the hours authorized in the Provisional Permit for the acceptance of construction and demolition debris were inconsistent with the hours authorized for such activity by the Southbridge Board of

Health's 2008 Site Assignment Modification. The Final Permit (Section IV.F.) restricts the acceptance of construction and demolition debris to the hours specified in the Southbridge Board of Health's 2008 Site Assignment Modification.

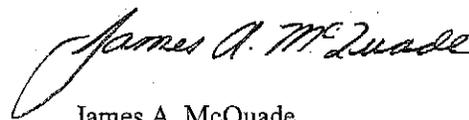
In its comments, the Applicant objected to the condition in the Provisional Permit imposing a 300-ton limit on the amount of waste material that may remain on the site within the Facility waiting to be processed at the end of an operating day. The Applicant requested that this limit be raised to 2,000 tons. The Final Permit includes a proposed 2,000-ton limit on such waste (Section IV.C.), indicating that CMM intends to apply for an Authorization to Operate permit for the Facility allowing up to 2,000 tons of unprocessed C&D waste material to remain within the Facility building waiting to be processed at the end of any operating day.

The Applicant requested that the language of the Provisional Permit be revised to indicate that the required quarterly inspections conducted by a Massachusetts-registered Professional Engineer commence after the Facility receives an Authorization to Operate permit from the Department. The Final Permit includes this revision (Section IV.J.).

The Applicant also requested that the language in Section IV. P. of the Provisional Permit be revised to require the Applicant to submit to the Department copies of all operational reports required by the Town of Southbridge. The Department has not included such language in the Final Permit.

MassDEP hereby issues this Final Permit for the Modification of a Large Handling Facility (Transmittal Number X262403). If you have any further questions or comments regarding this matter, please contact me at 508-767-2759.

Sincerely,



James A. McQuade
Section Chief
Solid Waste Management Program

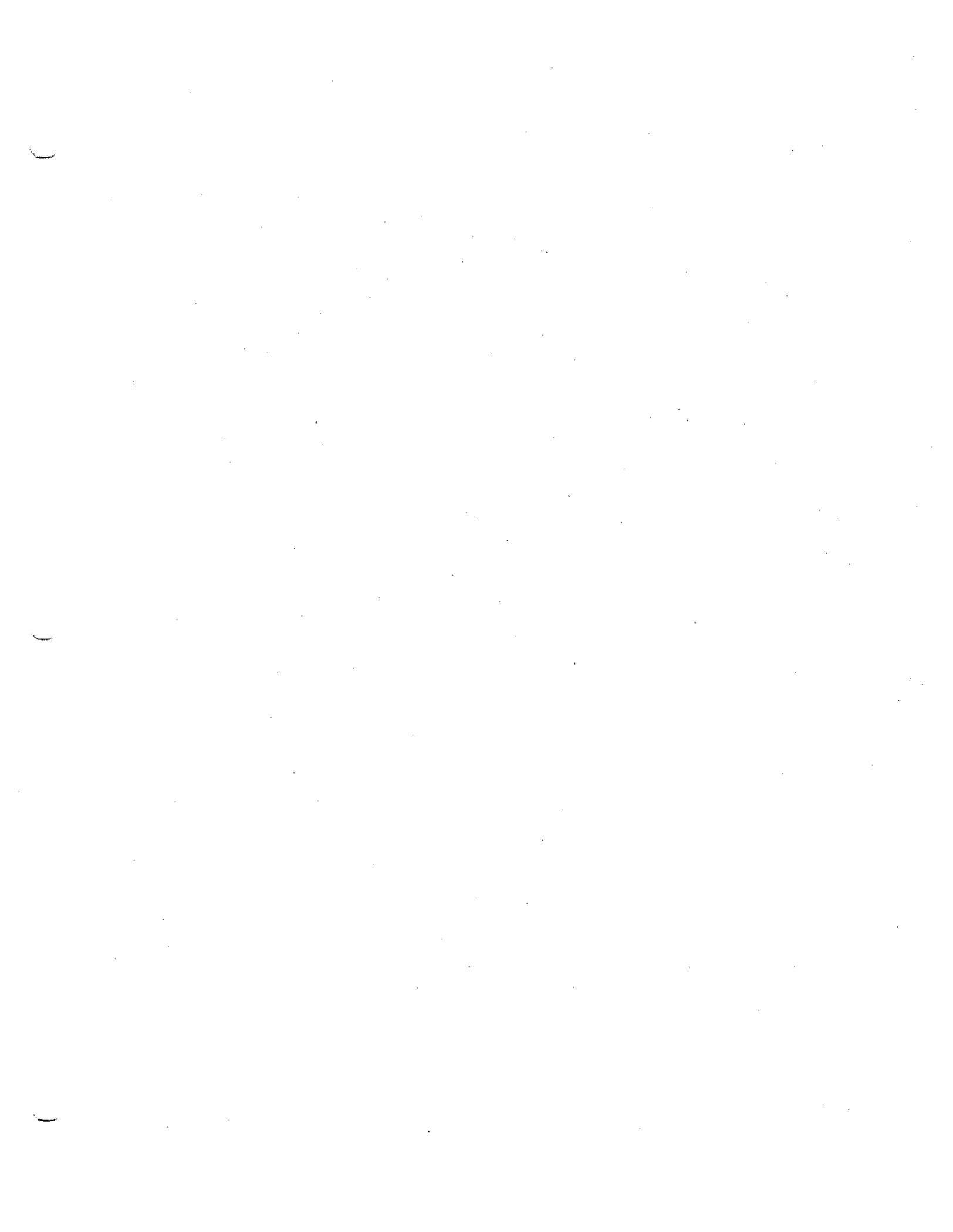
JAM/scb

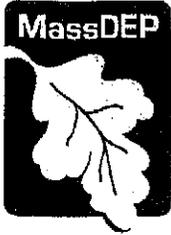
Enc: Final Permit No. X262403

cc: John Farese, Southbridge Recycling and Disposal Park, Inc., 165 Barefoot Road, Southbridge, MA 01550
Kevin Paicos, Interim Town Manager, Town of Southbridge, 41 Elm Street, Southbridge, MA 01550
Andrew Pelletier, Southbridge Board of Health, 41 Elm Street, Southbridge, MA 01550
Charlton Board of Health, 37 Main Street, Charlton, MA 01507
Sturbridge Board of Health, 308 Main Street, Sturbridge, MA 01566
Charlton Board of Selectmen, 37 Main Street, Charlton, MA 01507

Sturbridge Board of Selectman, 308 Main Street, Sturbridge, MA 01566
Robert D. Cox, Jr., Esq, Bowditch & Dewey, LLP, 311 Main Street, Worcester, MA 01615
Whitney Hall, Green Seal Environmental, Inc., 114 State Road, Sagamore Beach, MA 02562

Ecc: Honorable Senator Ryan Fattman, State House, Room 111, Boston, MA 02133
Honorable Representative Peter Durant, State House, Room 33, Boston, MA 02133
Honorable Senator Anne Gobi, State House, Room 410, Boston, MA 02133
Honorable Representative Todd M. Smola, State House, Room 156, Boston, MA 02133
Kirstie L. Pecci, Esq.
Lara DeRose, Director, Residents for Alternative Trash Solutions
Janet S. Domenitz, Director, MASSPIRG





Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

BWP SW 07
MODIFICATION OF A LARGE HANDLING FACILITY
SOUTHBRIDGE RECYCLING & DISPOSAL PARK/
COMPLETE MATERIAL MANAGEMENT, LLC
Construction & Demolition Waste Processing Facility
Barefoot Road, Southbridge, Massachusetts

Provisional Permit Date: December 31, 2014
Final Permit Date: February 19, 2015

Name of Permittee: Southbridge Recycling & Disposal Park, Inc. ("SRDP" or "Permittee")
165 Barefoot Road
Southbridge, Massachusetts 01550

Complete Material Management, LLC ("Applicant", "Complete", "CMM"
or "Permittee")
19 Dunedin Road
Wellesley, Massachusetts 02481

Prior Facility Name: Wood Waste Processing Facility
New Facility Name: Complete Material Management, LLC ("Facility")
Facility Address: Barefoot Road
Southbridge, Massachusetts 01550

MassDEP Region: Central Regional Office, Worcester ("MassDEP" or "Department")
Solid Waste Management Program

Permit No.: X262403 (Transmittal No.)

Facility No.: 563914

MassDEP Classification: CDLG

I. FACILITY DESCRIPTION AND OUTSTANDING APPROVAL STATUS

A. Facility

1. Owner: Southbridge Recycling & Disposal Park, Inc.
165 Barefoot Road
Southbridge, Massachusetts 01550

2. Operator: Complete Material Management, LLC
19 Dunedin Road
Wellesley, Massachusetts 02481

3. Description:

(a) Previously Permitted Operation

SRDP constructed a new processing facility (the "Facility" or "Blue Building") adjacent to the former Wood Waste Processing Facility on a site assigned parcel of land within the Industrial Park property. Consistent with the limits established by the Southbridge Board of Health in the site assignment for the Facility, MassDEP issued a permit authorizing the Facility to accept 1,500 tons per day (tpd) as a yearly average, not exceeding 468,000 tons of waste in a calendar year, of construction and demolition (C&D) waste and clean wood waste for sorting and processing of materials for reuse and recycling.

(b) Proposed Operation

SRDP has leased the Facility to Complete Material Management, LLC, which will accept construction and demolition (C&D) waste and clean wood waste at the Facility for sorting and processing of materials for reuse and recycling. CMM proposes to accept a yearly average of at least 300 tons per day (87,360 tons per year) and up to 750 tons per day (tpd) as a yearly average, not to exceed 234,000 tons of waste in a calendar year; provided, however, that the 405,600 tons per year of waste that the adjacent Southbridge Landfill is authorized to accept shall be decreased correspondingly by the amount of tons received at the Facility in excess of 87,360 tons. CMM will install additional C&D processing equipment and site stormwater improvements at the Blue Building.

B. Reviews and Approvals Affecting Current or Planned Operation.

1. MEPA

EIR (Environmental Impact Report): Certificate of the Secretary of Environmental Affairs on the Draft EIR for the Southbridge Environmental Industrial Park issued July 31, 1998.

SEIR (Supplemental Environmental Impact Report): Certificate of the Secretary of Energy and Environmental Affairs on the Supplemental Environmental Impact Report for the Southbridge Environmental Industrial Park Notice of Project Change issued November 15, 2007. The Certificate states that the Supplemental Environmental Impact Report submitted for the project adequately and properly complies with the Massachusetts Environmental Policy Act and with its implementing regulations, and that no further MEPA review is required.

Email from Deirdre Buckley, MEPA unit, to Bob Golledge, Golledge Strategies and Solutions LLC, dated October 23, 2014, regarding additional MEPA review for the Facility (concluding that additional MEPA review does not appear to be warranted).

2. Site Assignment: Issued by Southbridge Board of Health July 2, 1979 (the "1979 Site Assignment"), modified April 15, 1999 (the "1999 Site Assignment Modification"), and modified June 9, 2008 (the "2008 Site Assignment Modification").

3. Title/Description(s) of Plans/Permits and Dates:

Permit for BWP SW 07 Modification of a Large Handling Facility, and BWP SW 05 Authorization to Construct, Wood Waste Processing Facility, Barefoot Road, Southbridge, Massachusetts, Including Plans and Report.
Permit No. W049760
Permit Issued by MassDEP-CERO: May 19, 2005

4. Administrative Orders:

Administrative Consent Order issued to the Town of Southbridge and Wood Recycling, Inc., # ACO-CE-04-9001-246A (the "2004 ACO")
Date Issued by MassDEP-CERO: January 29, 2004

Administrative Consent Order issued to the Town of Southbridge and Wood Recycling, Inc., # ACO-CE-04-9001-246A-AMEND1
Date Issued by MassDEP-CERO: October 24, 2005

Administrative Consent Order with Penalty issued to Southbridge Recycling and Disposal Park, Inc., # ACOP-CE-09-4010 (the "2009 ACOP")
Date Issued by MassDEP-CERO: November 12, 2009

C. Permit Modification – Large Handling Facility (BWP SW 07)

1. Applicant Name:

Complete Material Management, LLC ("CMM")
19 Dunedin Road
Wellesley, MA 02481
Scott Lemay
Tel: 508-245-4444

2. Transmittal No: X262403 (Permit No.)

3. Start Date of Application: September 8, 2014

4. Consulting Registered Professional Engineer:

Green Seal Environmental, Inc.
114 State Road, Building B
Sagamore Beach, MA 02562
Whitney Hall, P.E.
Tel: 508-888-6034

5. Title of Plans and Reports Submission:

BWP SW 07, Application for Modification of a Large Handling Facility,
Proposed Construction & Demolition Waste Processing Facility,
Complete Material Management, LLC, Barefoot Road,
Southbridge, Massachusetts
Dated: August 2014
Received by MassDEP-CERO: September 4, 2014

Supplemental Information

BWP SW 07, Application for Modification of a Large Handling Facility,
Proposed Construction & Demolition Waste Processing Facility,
Complete Material Management, LLC, Barefoot Road,
Southbridge, Massachusetts
Revised: October 2014

Received by MassDEP-CERO: October 29, 2014

6. Project Description:

MassDEP issued an Authorization to Construct permit (Permit No. W049760) for a C&D waste processing facility (the Facility) within the Industrial Park located on Barefoot Road in Southbridge, Massachusetts on May 19, 2005. SRDP has leased the Facility to Complete Material Management, LLC, and the Southbridge Board of Health has voted to allow CMM to assume operational responsibility for the Facility. The current permit modification will allow CMM to complete the installation of C&D waste processing equipment and site stormwater improvements at the Facility, which when completed will comprise eleven (11) stages of C&D waste handling and processing. Once CMM applies for and is granted an Authorization to Operate permit for the Facility, CMM will accept C&D waste and clean wood waste for sorting and processing of materials for reuse and recycling. CMM proposes to accept a yearly average of at least 300 tons per day (87,360 tons per year) and up to 750 tons per day (tpd) as a yearly average, not to exceed 234,000 tons of waste in a calendar year; provided, however, that the 405,600 tons per year of waste that the Southbridge Board of Health has authorized SRDP to accept at the adjacent Southbridge Landfill shall be decreased correspondingly by the amount of tons received at the Facility in excess of 87,360 tons, as required by the 2008 Site Assignment Modification identified in Section I.B.2. above.

II. PERMIT APPLICATION REVIEW AND APPROVAL

This application for a modification of a large handling facility complies with the application requirements set forth at 310 CMR 19.030: Application for a Solid Waste Management Facility Permit and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, and was reviewed in accordance with 310 CMR 19.038: Review Criteria for a New or Expanded Facility Permit or Permit Modification. Based on the information presented in the plans and reports referenced in Section I.C.5. above, MassDEP approves the Permittees' request for a modification of a large handling facility.

MassDEP deferred the effective date of the Provisional Permit issued on December 31, 2014 for the construction and demolition waste processing facility in the Southbridge Recycling & Industrial Park for the purpose of obtaining and reviewing comments prior to a final decision. In accordance with 310 CMR 19.037(4)(a), MassDEP accepted written comments on the Provisional Permit for a period of twenty-one (21) days from January 2, 2015 through the close of business on January 23, 2015. At the close of the public comment period, MassDEP had received comments from the applicant regarding language clarification and permit conditions in the Provisional

Permit, and Comments from the Charlton Board of Selectmen and Board of Health. MassDEP has reviewed those comments, provided for any associated changes to the Permit and hereby issues this Final permit for the Modification of a Large Handling Facility permit application.

This document is a Permit, issued pursuant to M.G.L. c. 111, Section 150A, and 310 CMR 19.000 et seq., the "Solid Waste Management Facility Regulations", and it is subject to the conditions set forth below. In the event this Permit conflicts with all or parts of prior approvals or permits issued pursuant to M.G.L. c. 111, Section 150A, the terms and conditions of this Permit shall supersede the conflicting provisions of the prior permits and/or approvals. This Permit does not convey property rights of any sort or any exclusive privilege.

III. GENERAL PERMIT CONDITIONS

- A. **Compliance with Plans** - The Permittee shall conduct operations in accordance with approved plans, reports, and other submissions described in Section I.C.5. above, except as may be modified by the conditions set forth in Section IV. No material changes in the design or activities described in the approved documents shall be performed without prior written Department approval.
- B. **Compliance with Other Laws, Regulations and Requirements** - The construction, operation, maintenance and closure of this Facility shall be performed in compliance with other applicable local, state and federal laws, regulations, and bylaws. The Permittee shall fully comply with all of the conditions imposed by the Southbridge Board of Health in the 2008 Site Assignment Modification Decision identified in Section I.B.2. and all permits or approvals issued by MassDEP.
- C. **Standard Conditions** - The Permittees shall maintain the Facility in accordance with the conditions set forth at 310 CMR 19.007-19.011 and 19.043(5).
- D. **Joint Liability** - This Permit is issued subject to the conditions of joint liability of the Facility owner and operator in accordance with 310 CMR 19.043(3).
- E. **Right of Access** - MassDEP and its agents and employees shall have the right to enter upon the Facility site at all reasonable times and without notice, to inspect the Facility and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and copy records, to perform tests and to otherwise monitor compliance with this approval, or any and all permits relative to the operation of the Facility, and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and state laws and

regulations, as well as any permits or other agreements between the Permittees and MassDEP.

- F. **Transfer** - No transfer of this permit shall be permitted except in accordance with the requirements of 310 CMR 19.044.
- G. **Permit Modification** - The Department reserves the right to rescind, suspend or modify this Permit by the imposition of additional conditions based upon a determination of actual or the threat of adverse impacts from the construction, operation, maintenance or closure of the Facility.
- H. **Other MassDEP Permits or Approvals** - In the event this Permit conflicts with all or parts of prior plan approvals or permits issued pursuant to Chapter 111, Section 150A, the terms and conditions of this Permit shall supersede the conflicting provisions of the prior permits and/or approvals. This Permit does not convey property rights of any sort or any exclusive privilege.

IV. SPECIFIC PERMIT CONDITIONS

- A. **Proposed Amount of Waste** – Once CMM applies for and is granted an Authorization to Operate permit for the Facility, CMM may accept C&D waste and clean wood waste for sorting and processing of materials for reuse and recycling. CMM proposes to accept a yearly average of at least 300 tons per day (87,360 tons per year) and up to 750 tons per day (tpd) as a yearly average, not to exceed 234,000 tons of waste in a calendar year; provided, however, that the 405,600 tons per year of waste that the Southbridge Board of Health has authorized SRDP to accept at the adjacent Southbridge Landfill shall be decreased correspondingly by the amount of tons received at the Facility in excess of 87,360 tons, as required by the 2008 Site Assignment Modification identified in Section I.B.2. above. The Permittees shall be responsible for ensuring that the amounts of waste accepted at the Facility and at the Southbridge Landfill meet the tonnage restrictions in the 2008 Site Assignment Modification at all times.
- B. **Proposed Types of Acceptable Wastes** - Once CMM applies for and is granted an Authorization to Operate permit for the Facility, the Facility shall be authorized to accept Construction and Demolition (C&D) waste and clean wood waste for processing and bulky waste.

Construction and Demolition Waste (C&D) means the waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and demolition waste includes but is not limited to concrete, bricks, asphalt pavement, masonry, plaster, gypsum wallboard, metal, lumber and wood. (Category 1 Waste Material)

Clean Wood means discarded material consisting of trees, stumps, and brush, including but not limited to sawdust, chips, shavings, bark, and new or used lumber.

Bulky Waste means items resulting from commercial or residential activities with low potential for recovering recyclable materials. In general, these materials are generated during commercial and residential building cleanouts and include items not generally accepted during pickup of the typical daily waste stream generated by commercial and residential activities. Examples of bulky waste include but are not limited to, furniture such as tables, chairs, desks, carpets, and temporary partitions such as cubicle walls and toys. (Category 3 Waste Material)

- C. **Handling of Waste** – All handling and processing activities shall be confined within the enclosed building structure at the Facility. CMM intends to apply for an Authorization to Operate permit for the Facility allowing up to 2,000 tons of unprocessed C&D waste material to remain within the Facility building waiting to be processed at the end of any operating day.
- D. **Compliance with Waste Bans** – Category 1 C&D Waste, Category 3 Bulky Waste and/or materials banned from disposal pursuant to 310 CMR 19.017: Waste Bans received at the Facility shall be managed by CMM at all times in compliance with all applicable laws and regulations and the Facility's Waste Ban Compliance Plan.
- E. **Asbestos Inspection Plan** - CMM shall comply with the provisions of a MassDEP approved Asbestos Inspection Plan.
- F. **Hours of Operation** - The hours of C&D waste acceptance for the Facility are anticipated to be Monday through Friday, from 7:00 a.m. to 5:00 p.m. and from 7:00 a.m. to 12:00 p.m. on Saturday, with waste processing hours from 6:00 a.m. to 10:00 p.m. Monday through Saturday subject to adjustment by the Town of Southbridge, if necessary, should any noise or nuisance conditions warrant.
- G. **Construction Certification** - CMM shall submit to MassDEP a copy of the Engineer's certification report on all construction quality assurance (CQA) activities relating to this permit. Construction certification requirements shall be carried out in accordance with the requirements of 310 CMR 19.107: Construction Certification.
- H. **Authorization to Operate** - Before commencing operation of the Facility, CMM shall obtain an Authorization to Operate (ATO) approval from the Department in accordance with 310 CMR 19.042.

- I. Monitoring and Record Keeping-** CMM shall provide routine daily monitoring of the Facility to assure compliance with this Permit and applicable regulations, and shall maintain a daily record documenting the operations of the Facility. CMM shall retain at its Facility all records, copies of applications, reports and other documents required by this Permit which shall be readily available for inspection by MassDEP for a period of three (3) years beyond the date of issuance of this permit.
- J. Inspections** – Once CMM applies for and is granted an Authorization to Operate permit for the Facility, the Facility shall be inspected quarterly (every three months) by a Massachusetts-registered Professional Engineer, or other qualified professional approved by MassDEP, and experienced in solid waste management to ensure compliance with the plans, specification and approved permits for this Facility. Copies of the inspection reports shall be submitted to MassDEP-CERO and the Southbridge Board of Health within fourteen (14) days of the date of completion of the quarterly inspection. The MassDEP inspection reports may be submitted electronically to james.mcquade@state.ma.us.
- K. Annual Report** - CMM shall submit to MassDEP, not later than February 15th of each calendar year, an annual report on the Construction & Demolition Facility Annual Reporting Form provided by the Department summarizing the Facility's operations for the previous calendar year.
- L. Notification** - MassDEP shall be notified within twenty-four (24) hours of any incidents or disruptions which occur at the Facility that could affect the public health, safety, environment, or operation of the Facility. Written 24 hour notification shall be faxed to James McQuade, Solid Waste Section Chief at 508-792-7621 in the MassDEP Central Regional Office. During emergency incidents at the Facility, during business hours (8:45 AM to 5 PM, Monday through Friday), immediate notification shall be provided to the Department by telephone to James McQuade, Solid Waste Section Chief at 508-767-2759 in the MassDEP Central Regional Office. At any other time the Permittees shall call MassDEP's Emergency Hotline at 888-304-1133.
- M. Stormwater Management and Wetlands Protection** - The Permittees shall implement and maintain Best Management Practices (BMPs) for erosion and sedimentation control to adequately handle stormwater runoff and protect surface water adjacent to the Facility, including but not limited to complying with the MassDEP Storm Water Management Policy, the NPDES Storm Water Pollution Prevention Plan (SPPP) developed for the site, and the Order of Conditions and/or requirements issued by the Southbridge Conservation Commission.

- N. MEPA Applicability** – The Department acknowledges the Secretary of Environmental Affairs’ certificate dated November 15, 2007 on the filing of a Supplemental Environmental Impact Report (SEIR) for the June 29, 2007 Notice of Project Change (NPC) filing on project EEA# 10955 determining that “no further MEPA review is warranted”; and updated correspondence to the applicant’s consultant from MEPA dated October 23, 2014 stating that based on the information provided “it does not appear that additional MEPA review is warranted”.
- O. Financial Assurance Mechanism** – CMM shall maintain an established Financial Assurance Mechanism (FAM) for the potential anticipated closure of the facility in accordance with the requirements set forth at 310 CMR 19.051.
- P. Reporting** - In addition, CMM shall submit a monthly operations report to MassDEP and the Town of Southbridge by no later than the 15th day of the following month. The operations reports shall include the following information:
1. A summary of the quantity (in tons) of all C&D and bulky waste received during the previous calendar month and the total quantity of C&D and bulky waste received to date during the current calendar year. The quantities of C&D and bulky waste accepted shall be itemized accordingly. Where applicable, each type and source of waste shall be identified.
 2. A summary of waste ban activities including all loads failing on the basis of non-conformance with waste bans, recycling criteria, or waste classification (i.e. special wastes or hazardous wastes). The summary shall include the date the load failed, a description of the type of waste encountered, the reason for failure, disposition of the load (e.g. rejected/reloaded, set aside for recycling, separation of recyclable materials, accepted for disposal, etc.) as well as the name of the waste hauler, truck number and driver’s identification or name.
 3. A summary of any noise and/or nuisance complaints received, including the date/time, potential cause(s) of the complaints, and any corrective actions taken or planned.
 4. A summary of any unusual events or operational problems.
- Q. Other Requirements** – Southbridge Recycling & Disposal Park, Inc. and Complete Material Management, LLC shall comply with all other applicable local, federal and state permits and/or approvals regarding the Facility.

V. RIGHT OF APPEAL

A. Right to Appeal

Any person aggrieved by the issuance or denial of this Permit, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A no later than thirty (30) days following the date of issuance of the final permit decision to the applicant. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the final permit decision by a court of competent jurisdiction, the final permit decision shall be effective in accordance with 310 CMR 19.033(3).

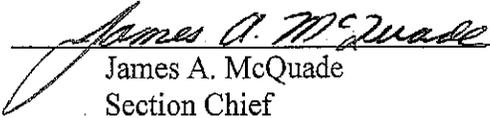
B. Notice of Appeal - Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include the Department file number (Transmittal No. X262403) and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application at least five (5) days prior to the filing of an appeal:

Office of General Counsel
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

and

Lee Dillard Adams, Regional Director
Department of Environmental Protection
8 New Bond Street
Worcester, MA 01606

No allegation shall be made in any judicial appeal of a final permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.



James A. McQuade
Section Chief
Solid Waste Management Program

From: Victoria Sclafani [<mailto:vsclafani@mma.org>]
Sent: Wednesday, February 18, 2015 4:46 PM
To: Victoria Sclafani
Cc: Tom Philbin
Subject: March 5: Environmental Policy Committee Meeting

Dear Environmental Policy Committee,

For our next meeting, our committee has been invited to the Massachusetts Water Pollution Control Association's Legislative Event. **The event will take place on March 5, 2015 at the Omni Parker House, 60 School Street, Boston from 12:00 to 2:00pm.** This meeting should be a great opportunity to discuss infrastructure and water quality compliance issues facing communities. Please see the attached form for more information. Please RSVP to me by February 24 and I'll send of list of committee members who plan to attend the event to the event organizers.

Welcome to the new members of the Energy and Environmental Policy Committee! Our new members are Cohasset selectman Kevin McCarthy, Berkley selectman Linda Howerton, Brimfield selectman Judie Carpenter, Palmer town manager Charlie Blanchard and Belmont Finance Committee member Raffi Manjikian. Please see attached for a full list of committee members.

Also attached is this year's meeting schedule. Meetings will be on the second Wednesday of the month from 11:00 am – 1:00 pm (with lunch to follow) at the MMA Office, 1 Winthrop Square, unless otherwise specified. Please note that we have two off-site meetings that are listed on the meeting schedule, Mass Water Pollution Control Association's Legislative Event on March 5 and Mass Water Works Association Day on the Hill on May 6.

Please feel free to contact me with any questions.

Thanks!

Victoria Sclafani
Research and Administrative Assistant
Massachusetts Municipal Association
One Winthrop Square
Boston, MA 02110
617-426-7272 x161
Fax: 617-695-1314

vsclafani@mma.org
www.mma.org

Follow us on Twitter: [@massmunicipal](https://twitter.com/massmunicipal)

**Policy Committee on Energy and the Environment
2015 Meeting Schedule**

All meetings are the second Wednesday of the month from 11:00 am – 1:00 pm (with lunch to follow) at the MMA Office, 1 Winthrop Square, unless otherwise specified.

No scheduled January meeting due to Annual Meeting

Wednesday, February 11

Thursday, March 5 - Mass Water Pollution Control Association's Legislative Event,
Omni Parker House, 60 School Street, Boston, MA 02108, 12:00- 2:00pm

Wednesday, April 8

Wednesday, May 6 - Mass Water Works Association Day on the Hill, State House

Wednesday, June 10

*No July or August meeting unless otherwise specified

Wednesday, September 9

Wednesday, October 14

Wednesday, November 11

Wednesday, December 9



2015 LEGISLATIVE EVENT

March 5, 2015 • Boston, MA



Massachusetts Association of Onsite Wastewater Professionals

President: _____
Vice President: _____
Executive Director: _____

MWPCA, in association with NEWEA, NEIWPCC, and MAOWP, is once again proud to announce its Legislative Event. This event will be held on March 5, 2015 and is a great opportunity for our membership and local officials to get together to discuss infrastructure and water quality compliance issues facing our communities. We look forward to meeting with you and providing you with the latest information affecting the future of water quality in the Commonwealth. Your involvement is critical - Come to Boston and Be Heard!

March 5, 2015

12:00 - 2:00 PM

**Omni Parker House
60 School Street
Boston, MA
02108**

Formal Agenda to follow.

Respond by February 24, 2015

Event Moderator

Karla Sangrey, P.E., Director, Upper Blackstone Water Pollution Abatement District

Featured Speakers

Treasurer Deborah Goldberg
Office of Treasurer and Receiver General

Secretary Matthew Beaton
Office of Energy and Environmental Affairs

The Honorable Thomas Hoye
Mayor City of Taunton

Adam Yanulis, Commissioner
New England Interstate Water Pollution Control Commission

Mark Young, Executive Director
City of Lowell Wastewater Utility

2015 Massachusetts Legislative Reception - March 5, 2015 - Boston, MA

I am a member of: MWPCA NEIWPCC NEWEA

Name: _____

Affiliation: _____

Address: _____ Phone: _____

Email: _____

No fee to participate - Please respond by Tuesday, February 24, 2015

Mail participation form: MWPCA, P.O. Box 60, Rochdale, MA 01542. Email to: MWPCA2011@yahoo.com

Questions: Contact Ray Willis, Gov't Affairs Committee at (508) 341-8570 or the MWPCA office at (774) 276-9722

**Massachusetts Municipal Association
2015 Policy Committees
DRAFT**

Policy Committee on Energy and the Environment

Mayors

Richard Alcombright, North Adams	2017
Mark Hawke, Gardner	2015
Kimberley Driscoll, Salem	2016

Selectmen

Kevin McCarthy, Cohasset	2017
Linda Howerton, Berkley	2015
Judie Carpenter, Brimfield	2016

Councilors

Margaret Laforest, Quincy	2017
Robert Penta, Medford	2015

Managers

Charles Blanchard, Palmer	2017
Robin Craver, Charlton, CHAIR	2016

Finance Committee

Nancy Goulart, Dighton	2015
Raffi Manjikian, Belmont	2015

Presidential

Daniel Smith, Easton Selectman	2015
John Giorgio, Kopelman & Paige	2015
Frederick Koed, Cohasset Selectman	2015
Sherry Costa-Hanlon, Taunton Councilor	2015

Technical

Robert Goober, Weston & Sampson	2015
Alan Cathcart, Concord/MWWA	2015
Bradford Swing, Boston Dir. of Energy Policy	2015
John Drobinski, Environmental Resources Management	2015

Term of office expires at end of given year. All technical and presidential appointments are for one year.

February 4, 2015