



TOWN OF WARE

Planning & Community Development

126 Main Street, Ware, Massachusetts 01082

t. 413.967.9648 ext. 186 f. 413.967.9642

pcd@townofware.com

Planning Board Minutes

April 15, 2015

Planning Board members present: Rick Starodoj (Chairman), Chris DiMarzio, Joe Knight, David Kopacz, Fred Urban

Planning Board members absent: John Chabot (Alternate)

Staff present: Karen Cullen, Director of Planning & Community Development

Public: George McLaughlin and Chris Lowe of Tri-County Recycling

Chairman Rick Starodoj called the meeting to order at 7:00 p.m.

Administrative:

- Board reorganization:
 - F. Urban moved to nominate Rick Starodoj for Chairman; D. Kopacz seconded, passed 5/0/0.
 - F. Urban moved to nominate Chris DiMarzio for Vice-Chairman; J. Knight seconded, passed 5/0/0.
 - C. DiMarzio moved to nominate Joe Knight for Clerk; F. Urban seconded, passed 5/0/0.
- Approve February 4, 2015 minutes –Motion by C. DiMarzio to approve minutes as presented, seconded by J. Knight, passed 5/0/0.
- The Chairman asked the board members if they felt there was a need to have some formal procedures for follow-up on special permit conditions; discussion points:
 - For most special permits, the conditions are “there when needed” to deal with violations reported by complaint.
 - It would be good to have a complete database of all special permits so we – and the public – could clearly see where all the special permits are, what they are for, and what the conditions are.
 - In the meantime, we could use calendar ticklers to go do site inspections at critical times – six months from approval, 1 year from approval, other times as appropriate for the particular special permit.
 - It was noted that the Building Commissioner should look at these too; technically it is his responsibility as Code Enforcement Officer to enforce these over time.
- ANR for Bob Lagrant – tabled, the applicant is not ready tonight.

Informal Discussion – Tri-County Recycling:

- George McLaughlin made a presentation to the Board, making the following points:
 - We took over the facility in March 2013, operations have been doing okay.
 - Metal recycling business has been good.
 - Tri-County has accomplished everything they had hoped to, but have not been able to turn a profit yet.
 - Since taking over, C&D customers have gone from zero to 1,060 and there are 2,340 metal recycling customers.
 - Over \$600,000 has been paid to local vendors for metal recycling.
 - All the back taxes have been paid.
 - Over \$800,000 has been paid to local vendors for services such as repairs, insurance, etc.
 - Current permit allows 750 tons per day of ABC&D materials and metal recycling materials to be brought onto the site; they are operating now at about 35 tons per day.
 - The dumpster rental business is going well, they recently bought additional dumpsters to meet demand.
 - But in order to make a profit, they need to add municipal solid waste (MSW) and urban soils.
 - They have had a traffic study done.
 - They have had an odor mitigation plan done; retrofitting the building with a state-of-the-art system with quick closing doors, negative air pressure, and a spray system will cost \$250,000 but will eliminate any odor issues.
 - Believe the facility would get 156 tons per day of MSW, pulling from a 15 mile radius.
 - Based on locations of existing facilities, believe most traffic will come from abutting towns to the north, east, and south, with minimal traffic from the west (through Ware).
 - They have done a lot of number crunching and believe they would get 152 tons per week of MSW from Ware alone.
 - They want to take the Town (government) recycling materials for free, and would welcome the townspeople to recycle there as well. [Note, this is already permitted under the 2013 amendment to the special permit; see condition #7 of SP-2013-001].
 - Proposing a pay-as-you-throw program for Ware residents, at \$1.75 per bag for household trash. They estimate they could get 44 tons per week from this.
 - They would be open for the pay-as-you-throw program and consumer recycling three days a week. [This is an expansion of the hours permitted under condition #5 of SP-2013-001 for consumer recycling.]
 - They estimate they would get 156 tons per day if they got 100% of the MSW within a 15 mile radius of the facility; this works out to 19 “packer” trucks a day. [Note: a “packer” truck is a typical garbage truck that collects household trash from individual residences.]
 - They estimate they could get 20,000 tons per year of urban soil, which works out to 385 tons per week or 77 tons per day. This would arrive on site in trucks with 25-30 tons per load.
 - They estimate that an average family would save 50% of their disposal costs, more if the household is only one or two people.
 - They believe all this would be positive for the town.
 - Traffic and odor will be minimal.

- They are permitted for 750 tons per day, currently doing 30; even if successful at the levels they estimate for MSW and urban soils, they think the total being brought in will be only two-thirds of the total permitted.
- They submitted a letter dated April 15, 2015 in response to the letter from David Wojcik dated April 8, 2015 regarding special permit amendment or filing under the nonconformities section (1.9.3.A).
- They believe they can amend the special permit with the Planning Board or file under 1.9.3.A for a special permit from the ZBA.
- They don't want to change the use of the property.
- They want the PB to amend the special permit if they make the findings that the proposal is not more deleterious to the neighborhood, etc.
- Tri-County wants to work with the town; they believe they have executed the game plan they had for the first two years.
- They are ready to file the site assignment paperwork to DEP.
- C. DiMarzio made the following points:
 - Appreciate the work you've done at the site.
 - The PB has worked well with you since you took over the site.
 - We (the Board) will look forward to hear what our counsel says in regard to your letter dated today.
 - But it will fall back to what was permitted in 2001.
 - At that time there was a lot of concern about the ABC&D operation and fears about MSW; the proponent stood up at the hearing and said very clearly that his proposal did not include MSW and he was not seeing a permit to allow it.
 - The Board in 2001 did not look at the application as refuse, but rather as a raw material that was being converted into a salable commodity – thus it was categorized as manufacturing and not as waste disposal or refuse.
 - Based on the past, thinks the whole proposal and both the board and the applicant are doomed to failure if you try to do this through a special permit process.
 - Believes the appropriate way to handle this is through a zoning amendment which the town meeting will vote on.
 - Added that even if successful with the zoning issues, there is still the Board of Health which needs to approve the proposal, and the citizens will be involved throughout the process.
 - The C&D facility has not been a problem, but the residents will not be convinced; some of the old issues will be brought up again.
 - And people will say this proposal is contrary to what was permitted.
- Discussion about what the 2001 special permit decision actually allowed; G. McLaughlin believes it allows a solid waste transfer facility, while the PB believes it allowed a processing facility to recycle asphalt, bricks, and construction & demolition debris, turning them into saleable products.
- Planning Board does not consider this to be a nonconforming use.
- Discussion regarding the zoning in effect in 2001 and amendments affecting this property since then; the board didn't think there were changes. Solid waste facilities were not allowed in 2001 either – that's why the ABC&D was categorized as manufacturing; if it had been solid waste it would not have been approved.

- C. DiMarzio reiterated that the special permit in 2001 was not done as a solid waste facility, it was done as a light industry. The permit was not done as a transfer station, it was a manufacturing facility.
- G. McLaughlin asked the board if they would be willing to put a zoning amendment onto the warrant to make the changes necessary to allow MSW and urban soil, or if he needed to submit a petition article for it.
- Additional discussion regarding the proposed operation:
 - Rail cars filled with MSW sitting on a siding somewhere; odors and other nuisances
 - Incoming trucks that have strong odors, also leakage of liquid waste
 - Board recognized there is a need for this type of facility
 - G. McLaughlin reiterated he will guarantee there will be no odor at all from the facility
 - Board doesn't want to see the site vacant again, with the loss of jobs, etc.
 - G. McLaughlin said there's a certain amount of common sense to it. If they get 100% of the 15 mile radius, it would be 156 tons per day, a small amount compared to other facilities in the region.
- Next steps:
 - Both sides will review the letters of April 2015 and continue the conversation.
 - C. DiMarzio reiterated he believes a zoning amendment will be required.
 - K. Cullen asked Tri-County if the existing metal piles are in compliance with the approved plan for where they can be stored; they will check on that.
 - The P&CD Dept. will copy the 2001 special permit file as a records request for G. McLaughlin.

Adjourn – **Motion** by C. DiMarzio to adjourn at 8:22 pm; seconded by F. Urban; passed 5/0/0.

Minutes Approved on: _____	
Starodoj	_____
DiMarzio	_____
Urban	_____
Kopacz	_____
Knight	_____

*Prepared by Karen Cullen
Director of Planning & Community Development*