



GAC Minutes
APPROVED
7/14/2020

Town of Northborough

Office of the Town Engineer

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Groundwater Advisory Committee

June 24, 2020

Remote Zoom Meeting

6:00 p.m.

Present (Remotely): Jason Perreault (Board of Selectmen), Amy Poretsky (Planning Board), Bryant Firmin (Water and Sewer Commission), Theresa Capobianco (Board of Health)

Members Absent: Diane Guldner (Conservation Commission)

Attendees (Remotely): Patricia Teixeira; Sebastian Gomez; Attorney Michael Norris; Attorney Lou Mountzoures

Mr. Perreault called the Zoom meeting to order at 6:00 p.m. and announced that the meeting was being conducted remotely consistent with Governor Baker's Order of March 12, 2020 due to the current state of emergency in the Commonwealth due to the outbreak of the COVID-19 virus. In order to mitigate the transmission of the virus, we have been advised by the Commonwealth to suspend all public gatherings and, as such, the Governor's Order suspends the requirements of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of the public bodies are allowed and encouraged to participate remotely. The Order on the posted Agenda allows the public bodies to meet entirely remotely so long as reasonable public access is afforded so the public can follow along with the deliberations of the meeting. This meeting will not feature public comment. The process for the meeting was explained.

Member and Staff roll call was taken: Jason Perreault; Amy Poretsky; Theresa Capobianco; Bryant Firmin; Fred Litchfield; Melanie Rich (Committee Secretary); David Kane (GIS Director/Host)

6:00 p.m. To consider the petition of New Bridge Granite Corp., for Site Plan Approval and a Special Permit per Groundwater Protection Overlay District, to occupy a portion of the existing building located at 329 West Main Street, Map 81, Parcel 13 in the Business West District and located within Groundwater Protection Overlay District Area 3.

Applicant: New Bridge Granite Corp.

Representative: Michael J. Norris, Esq.

Before proceeding, Mr. Litchfield asked if Ms. Poretsky wanted to recuse herself because she filed an appeal which is going before the ZBA for this property next month. Ms. Poretsky stated she had no conflicts and will attend.

Mr. Litchfield reviewed the application; it is for a lease for only a portion of the building (not the entire site) to run a granite countertop company where they cut the granite and prepare it for installation at customers property. He reviewed the application on strictly what happens within the area that is being leased, not the entire site. The application is for a Special Permit to operate this business within Groundwater Area 3. There is also a requirement for a Site Plan Special Permit which is going before the ZBA on July 1st; the response tonight is only for what is going on in the building. The applicant provided a proposed cabinet for storage of chemicals. Mr. Litchfield spoke with Attorney Norris to confirm a quantity so (1) the amount specified can be relayed to the ZBA, and (2) verify that the cabinet being proposed could contain as much as 45 gallons. Mr. Litchfield wants to make sure that the number they have on site under the worst-case scenario is less than the amount the cabinet can hold.

Attorney Norris said his client is renting a portion of the building. The front portion would be a showroom; the rear portion is where they will use a bridge saw to cut the slabs to make granite countertops. The storage area will house the cabinet which can hold 45 gallons, but they will never have that amount of chemicals. The applicant entered into a letter of intent with the landlord (who is doing an extensive amount work to the building under the jurisdiction of the Building Department). There is a sprinkler system in the garage area; the area where the showroom and office will be are sprinkled as well. There is a 6" drain in the area where the bridge saw and table are. A bridge saw and water is used to cut the granite. The water from the bridge saw will go into the opening around the table; the bridge saw drains into a pit; it separates fragments and muck from the granite; no water goes into the ground; it goes into a machine that recycles the water. Fragments go into a bag and are disposed of properly; it is all contained with the building; nothing goes into groundwater. There are some chemicals being used; most are not hazardous, two chemicals that are hazardous are: Rust-Oleum (used for cleaning; 1 gallon), and Professional Impregnator Sealant (used to seal around the countertops; 5 gallons kept on site for use at the homeowners' property). The rest are silicone chemicals (non-toxic, various sizes and colors which are ordered as needed) and also disposed of properly. Hazardous materials will be stored on the 2nd or 3rd shelf of the cabinet, nothing on ground level. The cabinet proposed is used specifically for these types of materials and has a lock.

Mr. Gomez detailed the process of cutting the granite and the recycling of the water. They order the stone, it is delivered, is placed on the table and cut with a bridge saw. The water goes on the floor and is collected by a pump and filtration system which separates the mud and small particles from the water which is collected into a bag. There is a container outside where the scraps are disposed of. Ms. Capobianco wanted to confirm that when the water is collected and filtered, the filtered material (mud and pieces) is being collected and disposed of, are they recyclable materials, and what happens once they are collected. Mr. Gomez said the material is used to make stone for construction; a specific hauler is used (not regular trash). Ms. Poretsky asked if the drain is a recirculation of the water and was told yes. Attorney Norris said there is a trench around the entire area where they work. The water goes into the trench to a collection area and is pumped into a dehydrator. Mr. Litchfield has reviewed it; there is no release to the drainage system or parking lot in any way. He said spoke with Lou Mountzoures who said there was a floor drain in the building and provided documentation that the floor drain has been sealed. The applicant will have to fill the floor drain and cut a new area around the table which can be verified with the as-built plan. Mr. Mountzoures said the floor drain does not extend to the granite space; it stops before that portion of the building. Mr. Perreault asked if the material collected by the dehydrator is taken out and stored inside in a container until it is picked up. Mr. Litchfield said it is a dumpster. Mr. Perreault asked if the material stored is dry and was told yes. Ms. Poretsky asked how much area they have. Attorney Norris said only a small portion of the garage. Mr. Monteiros said there are seven bays; New Bridge would occupy two. Ms. Poretsky asked if the cutting is done with the doors open; Mr. Gomez said they can be closed.

Regarding Mr. Litchfield's June 22, 2020 review memo, as indicated earlier, it deals only with the space that is being rented, not the entire building or site, the application is only for Groundwater Special Permit

under Section 7-07-010 D(3)(C)(5). He said every application is required to submit several items: a list of chemicals, quantities and MSDS sheets (this was all submitted). There is an additional item that is required in that Section of the Bylaw about a statement by a qualified expert that says nothing being done as part of the process that is being proposed could pose a threat or hazard to the public or ecological damage to the groundwater quality (that was not submitted). Because they are not proposing any changes to the drainage or the exterior of the building, there is no drainage statement. The applicant will have less than 10 gallons of material stored in the cabinet which can hold 45 gallons, it is in a storage room, and it does not have the ability to mix with sprinkler water. Mr. Litchfield recommended that Attorney Norris request a waiver to the requirement to submit a statement from a qualified expert; Attorney Norris said they are requesting a waiver. Mr. Litchfield said the original information showed a picture of a cabinet and specifications; he was unable to identify the model number. Attorney Norris has since provided another photo so the model number could be verified. He recommended the Committee approve a maximum storage of 10 gallons of hazardous materials in a cabinet that can hold as many as 45 gallons. Attorney Norris said they would agree to the storage of 10 gallons of hazardous materials. The list of chemicals was provided and the amount of storage has been confirmed. No Earthwork Permit is required because there is no earth moving operations proposed. Attorney Norris, along with the applicant, have indicated that there are sprinklers in the building; the sprinkler water cannot mix with the chemicals that are stored in the cabinet. Mr. Litchfield said each of the statements required in Section 7-07-010 D(3)(C)(5) of the Zoning Bylaw need to be listed as conditions of recommendation for approval to the ZBA.

Ms. Poretsky asked how many deliveries they expect and how many trucks do they have. Mr. Gomez explained the deliveries and said they only have one truck. Mr. Litchfield said they are applying for use of one portion of the building; the building is owned by someone else. He explained that when the project was previously reviewed for the Labadini Landscape application, there were several items that were not operating, but the applicant committed to correcting them. Work stopped because the project was denied by the ZBA. After discussions with the ZBA, the Committee will need to confirm that the building is in compliance with the original Special Permit Site Plan that was given. He said it does not seem appropriate for a tenant of a small portion to be responsible for all the work on site, but it's also not appropriate to have someone who owns the building not have it in compliance and be able to lease to other people. The discussion will involve Mr. Mountzoures and his client regarding the bigger picture of the building when it goes to the ZBA (which is why site plan issues were not addressed in the review memo). Part of it will be confirmation that the drainage system is working and that there are oil/water separators wherever there is a parking lot that captures runoff or drippings from a vehicle before it can go into the detention basin. More information will come on the Site Plan prior to the ZBA meeting, but is not necessarily the responsibility of this applicant.

Mr. Perreault said we are doing the evaluation from the perspective of the tenant and the operation they are proposing to conduct; it is separately the owner of the property who has the greater responsibility for some of the other conditions that will be transacted through the ZBA. Mr. Litchfield said the Building Inspector approved a change of ownership of the building; he was asked for a zoning interpretation of the proponent of the building now as to how that use compared to the previous owner of the building and he determined that it was the same use and therefore no additional Special Permit was needed. The Building Inspector, Town Planner and Mr. Litchfield met and reviewed the application and discussed the site in general. The Building Inspector will send a letter to the current owner that he needs to verify that he is in compliance with the original Special Permit; otherwise he would be operating with a zoning violation. Mr. Litchfield said he could write a letter with some recommended conditions for approval. A separate note advising the ZBA that verification should be provided to the Building Inspector that all aspects of the previous Special Permit are in effect and operating properly in order for the parking lot to be utilized for vehicles, could also be included. Mr. Firmin commented that this Committee does not approve anything; it only makes recommendations and suggestions to the ZBA. Mr. Mountzoures said when he spoke with Mr. Litchfield yesterday, it was the first he heard about any of this. He received a letter prior to the

vacuum company coming in saying they were allowed to do it, then received a complaint and follow up letter after he toured the property with the Building Inspector and went through everything. He understands there will be an appeal, but as of this moment thinks they are in compliance with everything they've been asked to do. Mr. Perreault said it is clear that the purpose of this Committee is to make a recommendation with respect to Groundwater and, as Mr. Litchfield has clarified, it is some narrow sense with respect to the tenant who is going to be operating at this facility. The subject of whether or not other requirements or conditions imposed on the site under Special Permit is outside of this Committee's purview; those matters will have to be addressed in whatever manner is necessary to ensure that there is compliance which, more than likely, will have some effects on all the tenants of the property, including this one.

The Committee could make a recommendation to the ZBA to approve the Special Permit as requested by New Bridge Granite Corporation with recommended conditions that they store no more than a maximum of 10 gallons of chemicals within a cabinet that can contain 45 gallons of materials; they submit an annual statement indicating that they are in compliance with the portion of the Bylaw that requires compliance with all federal, state and local regulations to both the Building Department and the Board of Health; indicate that the Committee is in agreement with the request for the waiver on the section that requires a statement by a qualified expert regarding the impact to the groundwater for this site, based upon the way it has been presented (there is almost no chance of impact to the groundwater); an as-built plan for confirmation of the exact size and location of the drain around the table along with the pit that carries the water; and a statement about the dehydrator and how it works. The Operation & Maintenance Manual should be required as part of the approval, and the location of the 15-yard dumpster should be included on the Site Plan as well as statements required in Section 7-07-010 D(3)(C)(5) of the Zoning Bylaw. Mr. Firmin wanted to make sure that the applicant and their attorney were fully comfortable with the 10-gallon limit. Mr. Gomez said there is frequent restocking so 10 gallons at any one time is sufficient.

Ms. Poretsky wanted clarification. She wondered if she should abstain from voting because the discussion had included the outside of the building. Mr. Perreault told her it was her prerogative if she felt that was a better approach. Mr. Litchfield pointed out that generally when someone recuses themselves, they leave the public hearing. They don't participate in the conversation because it could be considered that you, as a board member, are influencing other board members through your questions but then not voting. He said the Committee is an Advisory Committee but suggested she read up on reasons for recusing, not recusing, and the proper way to do it. He believes that Town Counsel has indicated that you recuse yourself at the beginning of the meeting and exit the room; that is the appropriate way to do it; it covers all bases. Even sitting in the room can sometimes give the appearance of trying to influence other board members. He said staff is not supposed to tell you what to do; he advised Ms. Poretsky that in the future if she wanted to recuse herself, that is what he was told is the way to do it. Ms. Poretsky said maybe she should abstain, as it is not the applicant themselves, she didn't have a problem, or maybe she should vote. Mr. Perreault told her it is her decision on how she wants to approach it. We have conducted all the discussion questions. We are approaching it narrowly on the merits of the tenant's proposal. If there are other issues with the broader site perhaps those are not conditions that relate directly with this decision.

Ms. Capobianco made a motion to approve subject to conditions based on the details previously noted by Mr. Litchfield; Mr. Firmin seconded; roll call vote: Firmin-aye; Poretsky-aye; Capobianco-aye; Perreault-aye; motion approved.

Old/New Business:

Approval of the March 10, 2020 Meeting Minutes – Ms. Poretsky wanted revisions made to her statement on page 5 to read “Ms. Poretsky said there has always talk through the previous Planning Board rep that the groundwater zones weren't as important because they were going off line but she heard through recent MVP meetings that the wells are an important backup system for our town.” in place of “Ms. Poretsky

said she heard talks that the wells were going to go off line but found out they are not going to go off line.” Mr. Firmin shared his minor edits. The minutes were deferred to the next meeting pending clarification of Ms. Poretsky’s statement. Melanie will be asked to provide the precise wording.

Mr. Litchfield briefly discussed the wells. Ms. Capobianco is correct; the wells are currently off line; we are currently getting all of our water from MWRA. There was originally a theory that the wells could go off line and we would not be able to use them again. We have never officially filed with the DEP to close them; it’s still an available option for the future should the need arise to have additional water. There is a mixing problem between the water that MWRA provides and the water that we get out of the wells when you mix them because the pH is different and there is some iron in our water. It turns water red and although it may be safe to drink, it’s not pleasing to the eye. At this point he didn’t know of a situation that would require us to activate those wells and put them back on line; there is a process we would have to go through with the DEP to do that. Mr. Firmin said that by maintaining them we do have the option to turn them back on with treatment; it is a safety backup. Ms. Poretsky said she did hear it in the MVP program that it was listed as a strength, the town’s strength is they had MWRA as a water source and they do have backup wells. Mr. Firmin said that is why they are off line and not abandoned.

July 14, 2020 was tentatively scheduled for the next meeting if needed. It is not known when in-person meetings will begin again; Zoom meetings will likely continue through the summer.

Ms. Capobianco made a motion to adjourn; Mr. Firmin seconded; roll call vote: Firmin-aye; Poretsky-aye; Capobianco-aye; Perreault-aye; motion approved. The meeting was adjourned at 7:16 p.m.

Respectfully submitted,

Melanie Rich
Committee Secretary