

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING
THURSDAY, JUNE 17, 2010**

The North Attleboro Planning Board held its Regular Monthly Meeting on Thursday, June 17, 2010 at 6:30 P.M. in the Planning Board Office located at 43 South Washington Street, North Attleborough, Massachusetts. Board members Thomas Welch, Richard Peterson-vice chair, Mary Signoriello, Richard McCarthy and Mary Burgess-town planner.

Planning Board Business:

Approval of Minutes (5/13/10) present McCarthy, Welch and Signoriello.

Mrs. Signoriello, Make motion to approve minutes of 5/13/10, seconded by Tom Welch.

All in favor 3 to 0 to 1 abstain Richard Peterson.

Endorsement of Vouchers.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 17, 2010**

6:45 P.M.- Continuation of public hearing to determine if Thomas Fitzgerald should be declared in default of carrying out his obligations to complete the Bally Heather Subdivision, including Garrett Road, Jonathan Drive and Massand Road;

Lenny Stanley present.

Mary Signoriello left table at 6:46 P.M.

Ms. Burgess, Reading in notice. Myself, Tom Fitzgerald, Lenny from A-1 Paving, Bill McDowell and Jeff Kane went out to site and marked up the sidewalks. Some of them needed full depth reclamation and some of them just could be milled if that is the way the developer so wished to move forward. The report you have in your package is giving the comments of Earthworks and areas that they recommend for full depth replacement or mill and overlay. One thing we talked about in the past is the ADA compliance as well. Lot of the major stuff was right where it sunk on other side of curb line and the heaving and some of it is just pulling away and stuff like that.

Mr. Peterson, Was there any comment made about the size of the aggregate?

Ms. Burgess, I did ask that question and he said it really doesn't matter it was more of the compaction and thickness of pavement itself. If it wasn't thick enough it wasn't laid thick enough obviously it is going ...(inaudible) that is what they said when they were out there. Tom Fitzgerald called and said he won't be available tonight and said Lenny would be talking for him.

Mr. Peterson, To make the sidewalk ADA compliance because of the location of those posts do we have room to go around those post?

Ms. Burgess, No.

Mr. Peterson, Sidewalk is right up to the boundary of the property?

Ms. Burgess, No I thought you meant the post in place there isn't 40" on post in place now. On back side there is 2ft. As far as I know most of the mail carriers ...(inaudible). What will end up happening is the homeowner will move them back. Now that we have changed our regulations for the grass curbing/grass strip.

Mr. Peterson, If you could go around back pick up another.

Ms. Burgess, Good point. Only other situation to is I'm not sure how ADA compliant the driveways are.

Donald Cerrone, I was very involved on this project. Can you tell me when the board went out and looked at the sidewalks?

Ms. Burgess, Saturday May 18th.

Mr. Cerrone, Why don't you go down there when water table is high and frost and look at the sidewalk. You have problem with your base the binder underneath. I think the whole thing should be ripped out.

Ms. Burgess, That is what they're doing.

Mr. Cerrone, Ripping out putting new base underneath gravel the whole thing?

Lenny Stanley, Yes.

Mr. Cerrone, That has been the problem down there the high water table.

Lenny Stanley-A1 Paving, Dug down like 6 or 8" and all new gravel, base and there is just one section where it is not very bad at all they recommended that we just mill it but it is only like 200ft.

Mr. Cerrone, That project has been nightmare since day one with that developer.

Mr. Stanley, I had nothing to do with that I'm just trying to fix it.

Ms. Burgess, I don't know where they're going from here.

Mr. Stanley, Everything got marked off what we discussed to do at meeting down there. I was just going to do exactly what we said remove all the bad areas, regrade it all new gravel.

Ms. Burgess, This is opening new hearing because we didn't have enough acting members from the old board in order to continue public hearing so we had to open new public hearing.

Mr. Fitzgerald was going to complete sidewalk issues. I would suggest we continue this to July 15th. meeting and that time still have one month to complete the work. Then at that time if the work is not done you guys can...(inaudible).

Mr. Peterson, Work has to be completed and reviewed and inspected and signed off by you and Earthworks.

Fred Bottomley, Regulations driveway has to be 6" above within the layout. Horizontal plain on driveway continuation of sidewalk, driveway has to be in compliance with the sidewalk.

Mr. Welch, Is this going to correct the ADA issue?

Ms. Burgess, I don't know what would board like to see done. I'm sure the other two sidewalks don't and it might involve tearing out all the driveways we just put in. It is up to board how they want to proceed.

Mr. Peterson, It was already determined to put another driveway or meet ADA compliance.

Ms. Burgess, They won't when you start trying to get sidewalks to meet in order to get them to meet.

Mr. Peterson, We're going to redo the sidewalks where they weren't installed correctly.

Ms. Burgess, I think the intention was to keep the driveways.

Mr. Stanley, When we met down there with the engineer he had his recommendations nothing else is going to work. Fix the bad areas and that was agreed upon at our meeting.

Ms. Burgess, We didn't agree upon anything.

Mr. Peterson, Curb cuts at driveways difference to not meet ADA?

Ms. Burgess, Some of them don't.

Mr. McCarthy, I'd like to go back and look at it.

Mr. Welch, It is totally different than what we discussed when we went out as board and discussed it. We discussed some sidewalk issues.

Ed Spalding-19 Cedar Ridge Rd., I'm an abutter to the Bally Heather. My question is this conversation on sidewalks I have serious drainage problem as result of the development. Is that part of this discussion?

Mr. Peterson, Can you describe drainage problem?

Mr. Spalding, Water runoff from the development down to my property.

Mr. Peterson, Off the street?

Mr. Spalding, I can only say that it comes from the development. I abut two of the lots on Jonathan the runoff from that area has increased dramatically since the development went in. They put in level spreaders in the back it is hole there with rocks. Now the seasonal and storm runoff get lot much more than I ever had before.

Mr. Peterson, Work we're trying to do is we're trying we have several subdivisions and work in town that has not been completed properly or hasn't been completed at all. In order to try and bring all the roads up to completion the roadways we've been thriving to resurface where they need to be and anything that was not installed correctly corrected. This is the first knowledge I've had about.

Ms. Burgess, I've heard of water issues but not this specific one.

Mr. Cerrone, This gentleman was here when we started the public hearing on the project he complained then that he was getting runoff. I think if you look at the plan look at the grading there should be grading plan houses on those lots. He was one of the neighbors that came in when we had public hearing on the subdivision. That was same issue he was complaining about.

Ms. Burgess, How did you deal with it then?

Mr. Cerrone, There is grading plan when you build house it is built to the grade it should be in the plan that was signed.

Mr. McCarthy, There was inspection when constructed?

Ms. Burgess, Private property.

Mr. Cerrone, We can't go on lots board could be able to get topo to satisfy this person it was part of the agreement if you go back to the minutes.

Ms. Burgess, Situation now is these houses are lived in grading is already done it was approved in 2001. I don't know how board would like to proceed to come up with the grading. I won't know what the grading is on everybody's lot.

Mr. McCarthy, We can look at it.

Mr. Spalding, Comment at that time was that because there was paving in there that all of that water that was formerly of sorts into the aquifer would now I'd actually have much less runoff because of the paving because it was all going to go down storm drain.

Mr. McCarthy, Challenge I guess the board at the time approved the grading plan subject to approved outside the process.

Mr. Cerrone, There is plan with top of foundation of the house. You guys should open up plan and look at it.

Ms. Burgess, They've looked at the plan.

Mr. Peterson, That was not topic of conversation tonight. We can look into it for Mr. Spalding. Could be combination of things could have something to do with the way road is graded and such how the septic system was put in how the house was put in whether it was put in according to what was originally intended for the grade. I'm not trying to put you off but that wasn't what we were planning to discuss this evening so we don't have information in front of us to go through it.

Stewart Snyder- 5 Jonathan, Sidewalks issues where is that?

Ms. Burgess, Massand.

Site visit scheduled for 6/22 Tuesday at 5:15 P.M. meet at Massand.
Mr. McCarthy, Motion to continue hearing until 7/1/10 at 6:45 P.M., seconded by Tom Welch.
All in favor 3 to 0.

Respectfully Submitted,

Mary Signoriello returned at 7:08 P.M.

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Other Business:

Request of Fred Bottomley to release the bank passbook held for completion of Cliffs Section E and Cliffs Village II Subdivisions.

Request of Fred Bottomley to release the bank passbook held for completion of Albert St. Lawrence Way;

Fred Bottomley present.

Ms. Burgess, Mr. Bottomley is asking for bond release for Cliffs Section and Cliffs Village II they were combined Wagon Wheel and Olde Wood and also for St. Lawrence Way I and II. One thing we need deeds recorded for road acceptance and we need the mylars recorded for road acceptances. I'm proposing to retain some to do that Fred is still going to pay for and then we'll release the remainder of his money.

Fred Bottomley, Certainly yes to have mylars and recorded but we didn't talk dollar amount.

Ms. Burgess, It is \$75 a page.

Mr. Bottomley, As for the deeds is the town going to put the other deeds because this is something new?

Ms. Burgess, Yes it is just a boiler plate it is quick claim.

Mr. Bottomley, We'd be more than happy to have that money withheld from the release. Town meeting accepted all of these roads. I know I had delivered all of the mylars to Mary before town meeting.

Ms. Burgess, Apparently the correct way to do it is accept the roads. Record the deeds the road and also the mylar in order for town to show proper ownership. In past it has just been voted on at town meeting.

Mr. Peterson, With no record no asbuilt record?

Ms. Burgess, Correct.

Mr. McCarthy, Plan is already on record at Registry of Deeds and then you record the deed. Description for the roadway doesn't mean record the asbuilt plan I never heard of that done before actually.

Mr. Bottomley, In the past neither procedure has ever been done in the 40 years that I've been before this board.

Mrs. Signoriello, Make motion for bond release of Fred Bottomley Cliffs Section E and Cliffs Village II for \$8500 Wagon Wheel and Olde Wood. Next one is St. Lawrence Way I and II for \$15,500.

Mr. Bottomley, Would the board consider that after the payment of recording of plans and recording of deed that any balance be released.

Mrs. Signoriello, And remaining balance shall be released upon proof of recording, seconded by Tom Welch.

All in favor 4 to 0.

Executive Session ongoing litigation;

Mr. Welch, Motion to go into executive session ongoing litigation, seconded by Mr. McCarthy at 7:18.

Roll Call;

Richard Peterson- Yes.

Thomas Welch- Yes.

Richard McCarthy- Yes.

Mary Signoriello- Yes.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 17, 2001**

7:30 P.M.- Continuation of public hearing on the proposed modification to Special Permit No. 145, for Lewicki Plain Street Properties, LLC;

Mr. Peterson, We have 4 voting members.

Ms. Burgess, You don't have problem proceeding?

Carol Lewicki, No we don't.

Mr. Peterson, It will have to be unanimous today in your favor in order for it to pass.

Ms. Burgess, From this point on it is going to be 4 voting members.

Ms. Lewicki, At our initial hearing lot of questions were raised and we didn't have all the answers so tonight we're hoping to answer your questions. We have a professional here tonight Bob Spielvogel who is going to be helping us.

Robert Spielvogel, Talk about who he is and what he does and why he is here. Carol had contacted me to ask my assistance to hopefully provide some information that might help answer some of the questions that were raised at last meeting. Regarding storage of products chemicals at the garage on Plain St. I will give little information about assessing the risk of storage of those chemicals and how I evaluated it. Also provide some information about what I do for my clients. I have environmental health and safety consultant firm, certified industrial hygenist safety profession, registered environmental manager. I work with my client to help them understand and come into compliance with the OSHA, EPA, DEP regulations. Basically what I do is I'm an interpreter I translate the regulations into language they can understand and also prepare them to comply with the requirements. I understand little bit about some of the issues regarding the types of materials the quantities of materials and risk of discharge of those chemicals to the ground and possibility that it could adversely effect drinking water. The way I approach this and virtually any reulation is to review the regulations so I understand the expectation is. I did look at drinking water regs and also apply laws with understanding of what some of the issues might be. I'm here to explain little bit about how I did asses the risk and also if you have any questions. I teach at Harvard School of Public Health one of the coarses I teach is title of coarse is Protecting Workers and Communities from Hazardous substances. I've been doing this for over 30 years I had previously been with Clean Harbors. Trained employees to respond to emergencies in compliance with regulations and safely. Submitted resume about experiences, certifications, education. The drinking water regulations don't necessarily prohibit

the hazardous materials or even hazardous waste storage in a Zone II area. What they do is restrict or limit basically what that translates to is they don't say you can or can not handle that material they say if you are going to have that material in Zone II area these are the restrictions. This is way you can have them there safely in a way to prevent or limit the possibility that it could cause hazard or risk to drinking water.

Mr. Peterson, What entity is saying this?

Mr. Spielvogel, This is in the DEP regulations this is 310 CMR 22 drinking water. The government isn't trying to and this is what I've seen throughout my career with the government, which included stint with OSHA. They're not trying to tell you what you can and can't do they're telling you if you are going to do something this is how to do it safely and with minimum impact to the environment. I looked at your regulations and took look at the definitions and saw definition of hazardous materials and hazardous waste. What Carol has asked me to do was take look at the chemical that was stored in the garage on Plain St. and make determination of the risk. Are we dealing with something that has significant or potential to have significant impact to the environment and to drinking water or is it something that will have minimal impact. Looking at the types of materials that After Math plans to store based on review of the MSDS and the quantity as well as other factors that I would normally factor in are the type of facility. When we talk about something with drains in Zone II area you can not have drains that is one of requirements of DEP Treatment Water. Is the surface impervious surface so that if there is spill it is not going to permeate the ground. This is new construction the surface is in good shape. What are other factors that come into play such as do they know what they're handling are these informed educated employees people who know what to do in event of spill? The primary objective is prevention nobody wants to respond to a spill no one wants to deal with a spill. Do they have preventive measures in the facility itself, storage the handling, the training? Carol had a emergency response or contingency plan prepared for each of the tenants, which specifies this is what to do in event you have chemical spill respond to it appropriately.

Ms. Burgess, Do you have one for each specific tenant or just for overall?

Ms. Lewicki, Use the same one for each tenant and it is incorporated in each and everyone's lease.

Mr. Welch, What is your opinion on containment of those types of chemicals in storage? We had asked about that at first meeting.

Mr. Spielvogel, One of the other things you look at is the chemical constituents of products kept there and then hazardous components or in some cases the regulated components. These products contain anywhere of the materials of data sheets that I had reviewed one product contains 65% isopropyl alcohol. That was a toxic chemical that was in highest concentration the rest were relatively low on order of 25% or less remainder being water. I believe total quantity is only approximately 150 gallons of that material. Typically when you look at spills or emergency it is either going to be container that failed or some catastrophic event that releases either one container or all the containers. We're dealing with 150 gallons of total material of that smaller portion is what are regulated chemicals listed hazardous. Containment within the building I think Lewicki's had mentioned that had hose running for long period of time and the even though concrete slab is pitched the water remained in that building. I would suspect if we're looking at as they're transferring one container I think largest container is gallon container. If that were to spill the way I looked at it was it is relative small quantity it is not going expand out leave that facility not going to discharge from the facility. Other way I look at it is not large quantity but it is also you have people there so in event they are transferring them and it spills or container fails there is somebody right there who is going to be able to

take action to clean material up. Carol has provided a spill kit that has containment as well as the fact that in this particular case After Math this is their trade. They go in and clean up accident scenes, crime scenes and they use this material to decontaminate the biological material blood, etc. We're not looking at 150 gallon tank where if you have leak at the bottom all that material would be on the floor here we're talking about individual containers. I also looked at it from standpoint of any material leaving. I know one of issues that was brought up at last meeting was in event of fire. If that were to occur you would further dilute the material you'd reduce the concentration of chemical further.

Mr. Peterson, Couple things I want to go back to our previous meeting. I don't feel I have any better handle on the materials that you're asking to store. I believe our zoning ordinance says for aquifer protection that uses are prohibited that means nothing prohibited doesn't mean from special permission to store something. This says storage is prohibited. Second issue we did receive some cut sheets on the materials the products being used. From laymans point of view some of these chemicals are pretty serious they're not allowed to get into water systems. I think comment mentioned at previous meeting that perhaps if it is same chemical that is in dishwashing detergent if you get that in a cup you don't get sick but if you guzzle down gallon or bottle of dishwashing detergent you're going to get sick. I would feel comfortable with some information that showed me what kind of amounts of these materials are to point where they start to be serious and we have to worry about. I know you're saying that we're not storing lot but what is lot depending on kind of material we're talking about. I've gone online looking some of these up and I'm certainly not going to speak about what I read because I'm a lay person but some of these things look they have some serious characteristics. We're not trying to make life difficult for anybody but we're trying to ensure that our aquifer is protected. I know this is real stretch but there are companies that were suppose to do what they were suppose to do with all rules and regulations and we have ocean full of oil right now. I'm not saying that this would happen with this piece of property but this is same kind of mentality where we have rules and regulations and we think it is not quite as serious as something else then we get in trouble later on down the line. I would feel comfortable if I had better idea of what these chemicals can do and when does it kick in that they are dangerous?

Ms. Burgess, One thing with regard to our bylaw as you received via email DEP looked over our bylaw again and it said that we are more stringent in Wellhead Protection Act with our prohibiting certain things and we're less stringent in other areas. She did state that she had provided letter and done amended bylaw for us so no fault of our own but we will need to make it more stringent in the future. Bring it up Wellhead Protection Action in the future. However being a home rule state we are allowed to be more stringent not less.

Mr. Spielvogel, Regulations are written in regulatory language and they are very difficult even for somebody that has as much as my experience to understand what they mean. This is from drinking water standard Wellhead Protection Standard. What it says the drinking water regulations don't say in this case as far as hazardous materials and hazardous waste they don't say you can't store those materials or have those materials in Zone II area they say if you are going to have them these are the restrictions these are the requirements that you must meet. If you look at #7 facilities generate, treat, store or dispose of hazardous waste. They say you can store hazardous waste but if you are going to store hazardous waste you're limited to the amount that you can store. There are different levels of generators of hazardous waste. They are restricting in a Zone II area very small quantity generator of hazardous waste. 310 CMR 30 explains what very small quantity generator of hazardous waste is. If you go to storage of liquid hazardous materials is defined by MGL 21E storage of liquid is defined and/or liquid petroleum products unless such storage is above ground, on impervious surface, it is in containers or

above ground within a building or if it is outside the building they want to make sure that there is some sort of adequate containment so that if there is a breach of that. They're not saying you can't have these materials in Zone II area they are saying that if you are going to have these materials these are the limits.

Mr. Peterson, I think the problem is our zoning ordinance prohibit.

Mrs. Signoriello, They are here to modify this.

Mr. Peterson, They're modifying for their special permit.

Ms. Lewicki, Are you questioning the NA bylaw?

Mr. Peterson, NA bylaw says in aquifer protection district following uses are prohibited. If you can show that these chemicals are not considered hazardous that is what I'm trying to get at.

Raymond Loughlin, Definition in your bylaw of hazardous materials significant present or potential hazard.

Ms. Burgess, You had said is this significant impact or minimal impact. I think you got off track with that.

Mr. Spielvogel, As Ray mentioned this is in back of your bylaws under the definitions that say significant.

Mr. Loughlin, As definition of hazardous materials in your bylaw.

Ms. Burgess, We're just trying to determine if it is significant.

Mr. Peterson, I would like to see some written documentation of what these chemicals are and whether they are significant or whether they are hazardous. Then we can decide if we can amend the permit.

Peter Lamb-Fire Chief, Wearing two other hats tonight and I'm here for two other reasons. As you may or maynot know in Mass Fire Dept. is legally responsible for hazardous materials. In addition I am towns Right to Know Coordinator and further than that I serve as Chairman of the Greater Attleboro Regional Emergency Planning Committee. When you read these asteriks on these material safety data sheets that talk about Sara Title III Reporting, Super Fund Amendments Reauthorization Act. These chemicals do not even meet the reporting requirements. When we talk about cabinets under the storage of hazardous materials in State Fire Code I could not even mandate these things to be in cabinets. If you're looking at these material safety data sheets it says PEL and TLV permissable exposure limit and threshold limit value we have the data. When I go to an emergency they hand me this sheet and my job is risk assessment. I don't have all the luxury that Bob has to do the research. As I looked at these chemicals we have 132 gallons total quantity. If there are 5 vehicles in the parking lot with gasoline I suspect to you that you have bigger problem with hole in 22 gallon gasoline tank in parking area than you do with case of quarts of a material that is 80% water. My job is life safety fix the problem and property conservation. Water and all of that environmental concern is clearly on my to do list and I would suggest to you that when you look at these things permissable exposure limit. Little perspective for the layman if we were to drive 16 miles in car the last 3" I drive is part per million. When I'm talking about things here and it says what is permissable exposure not applicable doesn't apply. There is chemical that has asterik next to it one of the ethynol compounds when you look under percent it is 4% by weight. I say to you when that quart falls on the ground things are going to get better. As I looked at this situation is there some toxicity in a fire no more than going to house fire. This thing about fire being risk we're in a sprinkled non combustible building. I'm not going to say it's not a risk the carboard box is going to be as dangerous as the plastic bottle it comes in so I don't think that is part of the equation. I would tell you and I'd be remiss if I didn't tell you I could not regulate this quantity of material. In terms of accidents I think you're talking about gallon of material lets take worse case my guess is there are 4 gallons in a carton 4 gallons of material dropped on

the floor while there is a human present. I would speak to you both as my role as Fire Chief, as Right to Know Coordinator and as someone who is responsible for some hazardous material I was little taken aback by the restriction on these types of chemicals. We have some significant problems in town I'm not seeing this as one of them. If I thought there was some toxicity here I'd be right up front saying no. I don't choose sides I'm being very clinical here and I'm just saying to you if we Plain St. represents more of a risk than this does. In once past I chased waste management truck that lost 45 gallons of hydrolic oil. That street out in front of this property represents far greater danger. We could build containment room we could force them to put it in cabinet. If it comes off the shelf to go into vehicle to go to scene it has to come out of the cabinet. I would speak just very clinically from risk perspective I'm not seeing it. You're really talking about household disinfectant. Isopropyl alcohol do I need to check medicine cabinets? I suggest to you that gallon of isopropyl alcohol on the floor will be gone by time someone could clean it up. If this was dangerous I would be telling you I don't want my firemen going in. I have to tell you in the simpliest of speak I think the legal document MSDS you have in front of you will never get better document than that. If I can assist the board in trying to read that and talk about percentage by weight or ppm or any of those things I think you have right document in your hand. As I read them I think we're in a pretty good place. That is my 2% from fire protection and Right to Know reporting requirements and all of those things I'm not seeing it. I'll be here if questions arise.

Ms. Burgess, When they were talking about fire I think it was more when you go to put out the fire and water comes out and gets into catch basin, etc. Do you see any impact there?

Chief Lamb, I don't the issue with these chemicals everyone of these chemicals maybe with acception of one gets better when I add water. They're mixable with water they're missable is what chemical term with water. The sprinkler in the building puts out 12 to 15 gallons per minute it takes me 3 or 4 minutes to get there. I'm then going to spray water at 100 gallons per minute this 132 gallons means nothing. If this building is on fire I'm going to put 1000gallons in there in 10 minutes those chemicals are gone. Water is clearly going to leave the building I'm not sure water will leave the building when the sprinkler is operating but I think if it is the big war and it shouldn't be because its sprinkler building. I think they will only get better the chemicals are going to missable with water.

Paul Belham-Vice chair of Industrial Park Assoc., As Narragansett Bay authority would dilution is not the solution but in this case dilution is the solution. As former selectmen our bylaws in so many cases contradict themselves. You'll see where special permitting authority requires that a list of all hazardous materials be provided. One case it says you can't have it but other case says when we authorize this and we permit it you have to give us list. This is something that needs to be cleaned up and needs to be looked at but in interim I hate to see this project held up while it is being cleaned up. I'm here to offer to 2 letters.

Ms. Burgess, Are Plain St. properties included in the Industrial Park Association?

Mr. Belham, No they are not but we're here in support of the business. Letter dated 6/15/10 Timothy O'Niel Industrial Park Association (insert). Letter Dept. of Police Services Chief Michael Gould dated 6/17/10 (insert). This is good advocation for good business in town of NA and we in the Industrial Park would really like to see you unanimously approve this application tonight if possible.

Mr. Spielvpgel, One of the other questions you raise was about the hazardous chemicals and I do have that information. I did want to address one other point that is material safety data sheets. MSDS are required under OSHA regulations hazardous communication standards that standard is designed to protect the health and safety of employees. It is administered under OSHA, which has only one mandate and that is to protect or to address an employee/employer

relationship. The objective of that standard and the product of that standard in MSDS sheet is how to communicate information to employees so they can protect themselves. In my experience and I do training on hazardous communication for employees/employers even at college level the information varies. As demonstration I will have same chemical MSDS for same chemical one would be one page other would be 15 pages. It depends on the philosophy of the company the is preparing it or whether lawyer was involved in some cases they want to provide all the information that people make their own decisions in other ways. I've seen need for respiratory protection. Value of that information I think like Chief Lamb and I look at is some of those characteristics that give us the understanding of what are we dealing with. Are we dealing with something that is going to catch fire something that is going to explode are we dealing with something that is going to be as in this case diluted or may have become less hazardous in the situation. I know one of issues in last meeting was fact that it says in there do not discharge to a storm drain. That is good practice regardless of anything you do not want to discharge product or chemical or concentrated material into drian because it is prohibited by regulations in this case storm water or sewerage discharge regulations. In most cases where those type of issues they use standard language that say do not do something with this that could cause harm or put employees or environment at risk. It is not designed or intended to provide regulatory guidance from environmental it is designed to communicate the hazards and in very general way what is appropriate and what is not appropriate.

Mr. McCarthy, Motion to recess public hearing until 8:17 P.M., seconded by Tom Welch.
All in favor 4 to 0.

**NORTH ATTLEBOROUGH PLANNING BOARD
PUBLIC HEARING
THURSDAY, JUNE 17, 2001
8:15 P.M.**

8:15 P.M.- Public hearing for the proposed modification to Special Permit #128, for Carmax Superstores, Inc;

Ms. Burgess, We have not opened public hearing but for record I would like to state request made by John Jacobi on behalf of Carmax. Because of the lack of full board they would like to open hearing on 7/15/10 at 6:45 P.M.

Mr. McCarthy, Make motion to continue until 7/15/10 at 6:45 P.M. for Carmax Special Permit #128, seconded by Mary Signoriello.
All in favor 4 to 0.

8:17 P.M.- Continuation of public hearing on proposed modification to Special Permit No.145, Lewicki Plain Street Properties, LLC;

Mr. Spielvogel, To address your first question about risk or hazard what I had done I analyzed the MSDS. I identified the hazardous materials and then I compared it to several environmental regulations. One of them which was addressed in one of the other town bylaws was the EPA regulation (emergency planning community right to know act). This is regulation that Chief Lamb had mentioned that requires recording on regular bases tier two reports and toxic relation

and comparable Mass law called ...(inaudible) reduction. The materials that I was provided MSDS for I had looked at the EPA has a list there are certain chemicals that are regulated also comparable regulation called CERCLA. They have certain thresholds that if you exceed you must plan, prepare and report of the chemicals. I'm going to give you idea the quantity of these chemicals and products I looked at one I had looked at was called extreme lemon or orange probably very similar to product you can get at Home Depot. I looked at the regulated chemical that was in that product quantity of that chemical and then the regulation in this case...(inaudible). There were 4 lbs. little over 4lbs of that chemical in that product. Regulation requires reporting if you discharge more than 5000 lbs. so you're talking about .4%. Another material that was not listed third it is a decontamination, which has ammonium compound this is one with isopropyl alcohol. The ... regulations kick in when you have more than 10 or 25000 lbs. That total is I think it is per container I don't have quantity of this container but even if we took all of the chemicals it still wouldn't be more than about 5% of that 25000. I have others as well for example one other that the weight was about 6lbs. I believe that is total weight and regulation was 1000lbs. so we're talking about .6%.

Mr. Peterson, I would think if we were to approve something that we should have this all in writing.

Ms. Burgess, I was going to suggest that if board wants to approve tonight that we request condition of approval basically everything that Robert has stated in a letter so we have it for our file. Also from the Chief if he wouldn't mind as well. We can do that as condition of approval until they get that no occupancy permit would be issued.

Mr. Belham, I was supposed ask you to indulge and hear comment or two from Mr. Lang from Chamber of Commerce.

Jack Lang- president of United Regional Chamber of Commerce, We are in support of granting this permit because one of the things it is going to do is going to bring some jobs to NA. Biggest thing of all lets not give other companies that are looking to come to NA an excuse not to. Lets make sure that we don't make it so difficult for companies to come to this area that they look elsewhere. This is very simple procedure I think you've heard all the technical data that you need to hear. The chief is behind this 100% lets not give companies the excuse not to come to NA.

Mr. Spielvogel, Carol does have some other letters that support the risk assessment.

Ms. Lewicki, Did you receive letter from Plainville Director of DPW? (No). I have letter from him I don't know since you haven't received it. I think we're all set.

Ms. Burgess, You can submit it for the file if you'd like.

Ms. Lewicki, Alright there are no other letters that you have received? There should have been one from Cambara.

Ms. Burgess, Yes we did.

Mrs. Signoriello, Make motion to close public hearing at 8:25 P.M., seconded by Tom Welch.

Ms. Burgess, At this time we're not taking anymore comments board is going to discuss their decision. I have as if the board chooses to approve letter from Chief, letter from Robert Spielvogel. Did board want to entertain cabinet maybe secondary treatment cabinet to be on site? I know they don't have any floor drains.

Mr. Peterson, I think that would be good and also good if we had on record Ms. Lewicki's contingency plans so we know what you have in mind.

Ms. Lewicki, It is pretty lengthy.

Chief Lamb, I have that on file so I could provide that. She is required to provide that to us so the town has it your office doesn't have it but it is on file.

Ms. Burgess, I don't know if this would be appropriate for the board but if you want to refer in your letter that you have it on file.

Mr. Peterson, That is good idea because then we know it does exist. That is good coordination effort so that everybody knows if it is not in one place it is somewhere else.

Mr. McCarthy, Container they use 100% volume some type of 20 % volume. Was there some kind of quantity you want to associate with?

Ms. Burgess, I'm not sure I was throwing that out to the board.

Mr. Welch, If you have 150 gallons how are you going to contain that in a cabinet.

Mr. Spielvogel, There are pallets that you put under containers they are called spill pallets in event that material leaks it will be contained on that pallet. Those are readily available and could be the storage shelving be stored in that kind of pan type situation.

Mr. Peterson, Do we want to have any sort of requirements to how much of the product can be stored at one time? Does the chief have any input in that?

Chief Lamb, I'm very comfortable I would support the idea of the pallet containment that is very reasonable request and basically the boxes are just stored in there so if there is a breach it collects. It may be 2 required we'd have to figure out the gallonage is. What I saw there is 132 gallons if you said 150 I think that is reasonable quantity being proposed here.

Mr. Peterson, Say like not to exceed 150 or something like that?

Chief Lamb, If you said not to exceed 150 I don't believe that would cause any hardship. I don't know answer to that but I would be very comfortable with that.

Gary Allen-After Math, They are individually packaged all of our containers. It is not like a large container per say but 50 gallon drum or something of that nature that is kind probably the question puttin in that cabinet. Even at that the necessity of it is minimal because they are individually wrapped. If there was a leak maximum amount of volume that would be leaked out would be 1 gallon.

Mr. Peterson, Do we still want to require the cabinet?

Ms. Burgess, I think spill pallet.

Mr. Welch, Pallet with shelving.

Ms. Burgess, Use variance was granted in order to facilitate having After Math come in here. Because we are modifying the uses we'd have to include this. Do you want to just refer to the Zoning Board decision that granted the variance? I don't know exactly how you classify the use.

Mr. Allen, Truthfully it is storage we do nothing on site.

Mr. Peterson, I know but accessory to running your business.

Ms. Burgess, They were very specific to After Math in zoning decision?

Ms. Lewicki, That is right I don't even know if it said what use it was it just said specifically After Math.

Mr. Loughlin, We feel if it is under what is already in your special permit just storage it was just they required us to come back and affirm that.

Rod Palmer-building inspector, I think at ZBA hearing that variance. I think After Math describing their business and what they did and what they stored there because that particular use is not included in their district. Variance was granted to After Math and in that hearing there was very detailed description of what it was they did. Board granted them a variance based on their description of their proposed use.

Ms. Burgess, So we refer to decision number. If After Math changes their name to something else they would have to come back. Conditions I have is letter from Chief with referance to contingency plan, letter from Robert Spielvogel, spill pallet and provide detail sheet.

Mr. Spielvogel, Can you say spill containment?

Ms. Burgess, I would suggest that detailed sheet of what you're going to install or have be presented as well and possibly if the chief could look at it for us.

Chief Lamb, Yes prior to occupancy we're going to inspect this facility anyway. I certainly will look out for the interest of your decision.

Ms. Burgess, Also whatever quantity is needed in order to facilitate 150 gallons, which you are not going to exceed this is also prior to occupancy. Affidavit from After Math saying that they will not violate the conditions of special permit.

Mr. Peterson, If you have this chemical there you're going to be using these chemicals primarily at site when you go out is that correct? You're not going to come back and hose things down?

Mr. Allen, Exclusively there is zero work done at the shop it is simply spot for us to store our vehicles.

Mr. Peterson, Maybe you can put the chemicals that are going to be used there in conjunction with their business are to be used off site.

Ms. Burgess, As usual the last condition all other conditions of special permit still apply. This is going to be referred to as addendum C.

Mrs. Signoriello, Make motion to accept proposed modification to Special Permit #145 for Lewicki Plain Street Properties LLC. Addendum C conditions of approval we receive letter from Fire Chief with reference to contingency plan, letter from Robert Spielvogel, spill containment with detailed sheet quantity is needed not to exceed 150 gallons. All conditions have to be done prior to occupancy, affidavit from After Math with conditions of special permit they won't violate and all other conditions for special permit apply, materials are to be used off site, seconded by Tom Welch.

All in favor 4 to 0.

**NORTH ATTLEBOROUGH PLANNING BOARD
REGULAR MONTHLY MEETING (Continued)
THURSDAY, JUNE 17, 2010**

Clerk applications;

Mr. Welch, Make motion that Mary Burgess interview the Board Commission Clerk that we are going to hire, seconded by Mary Signoriello.

All in favor 4 to 0.

Mrs. Signoriello, Make motion to adjourn at 8:47 P.M., seconded by Richard McCarthy.

All in favor 4 to 0.

Respectfully Submitted,