

Approved 6/30/2022

Zoning Board of Appeals Meeting Minutes
May 5th, 2022 7:00 p.m.
Public Hearing
Northfield Town Hall

Members Present: Jennifer Cox, Chair, Erin Jaworski, Shawn Foster, Al Dietrich, Timothy Rogers, Michael Bird and Vivien Venskowski, administrative assistant.

Applicant present: Robert Mitchell, Tony Wonseski, SVE, Ken Parsons, attorney and Jacqui Beaman, Connecticut River Realty

Audience members present: See attached sign in sheet.
 Meeting was digitally recorded.

Jennifer Cox, Chair opened the meeting at 7:05 p.m. and read the public hearing notice. The Zoning Board of Appeals of the Town of Northfield will hold a public hearing at 7:00 p.m. on Thursday, May 5th, 2022 at the Town Hall, 69 Main Street, Northfield on the application by Connecticut River Realty, LLC/Rob Mitchell, 191 Reynolds Road, Shelburne Falls, MA 01370 for a Special Permit or whatever relief is needed for a new gravel pit at 122 Old Bernardston Road, Northfield, MA 01360 (Assessors Map Parcel ID 29-E1) as required by the Northfield Zoning Bylaws, Section 5.4F. The Chair noted she had the certified mail receipts, tear sheets for this public hearing and that all abutters and attendees of the first public hearing had been notified by certified mail. There had been irregularities with the original hearing expansion vs new gravel pit.

Attorney Ken Parsons, P.O. Box 133, Shelburne Falls, MA, spoke regarding the special permit for the removal of sand and gravel at 122 Old Bernardston Road. There was discussion regarding the sale from The Lanes Construction Corporation in 2015. He commented on:

- this was a new application, but the site was previously used as a gravel pit
- extraction/removal of gravel and sand
- there will be no blasting as there is no ledge
- the building inspector referred this application to the ZBA
- 16.77 acres or about 20% of the total property area will be mined
- Robert Mitchell is planning on building a house on this location in the future
- approximately 700,000 yards are estimated to be removed
- requested hours 6:00 am – 5:00pm Monday – Saturday
- temporary exception for unanticipated road work requiring repairs/infrastructure during natural disaster
- traffic will vary and would be dependent on market and projects
- this is not a daily operation
- may need crusher for some stone
- 4 employees
- Site is remote so noise/dust will have minimal impact on neighborhood
- Business will be consistent with other businesses of same type in area

- He is available to discuss conditions

Tony Wonseski, SVE did a presentation, discussed phases and the history of this parcel. He noted:

- there was a negative determination from the Conservation Commission
- outside the reservoir area (Bennett Brook and river front), not an aquifer concern
- some areas seeded in the past
- Turkey Shoots in the past
- noted abutters/distance from property lines
- 4-boring tables were done in August
- Acreage
- signage/conservation area
- 5 acres or less per phase
- State Permit/run off
- reclamation plan/not decided yet/no time frame
- depth of material removed will not impact water filtration in the area
- not changing character of area drastically

Responses to questions from ZBA Members

- traffic difficult to predict
- should not introduce more traffic, will be taking traffic from other pits and it the same community of trucks that already exist
- Mitchell does not own a fleet of trucks and isn't planning to
- Materials will be processed from stockpiles for need
- 100,000 yards a year would be a big year, average year 70-80,000 yards
- Could take approximately 7 - 10 years to mine
- Hours discussed 7:00am is an option
- Customers supply the trucks
- Mitchell does have equipment on site
- Mitchell cannot dictate route for trucks to take when they leave
- No site plan review from the Planning Board was required for this special permit

At 7:55 pm the Chair closed the presentation portion of the meeting and opened the floor to public comments.

Comments from abutters/members of the public included:

- Concerns about noise
 - During operation
 - During recent clearing
 - Back up beeping
- No Saturday hours
- Concerns about personal wells
- Would prefer no crusher, thereby reduce dust emissions
- Land was cleared and has caused flooding on local hiking trails (on Town land)
- Flooding on abutter property that did not happen before land was cleared

- Trucks are a concern to those walking on roadways as there is no shoulder
- Hours of operations, trucks will arrive prior to opening time
 - Stricter limits on hours of operation
- Concerns regarding the impact on historical area
 - Field work permit/PNF Form
 - Drainage
 - King Philip's Hill
 - Historic National Register
- Mitchell had not lived up to previous commitments
- Requests there be site visits to determine if conditions have been met
- Concerns about enforcement of conditions
 - Better enforcement
- Does Northfield need another gravel pit
- Heavy machinery and impact on aquifer
- Logging without permission
- Permit should not be issued
- Consultant should be hired for water testing

The Chair closed the public comment portion of the meeting at 8:28pm.

Attorney Parsons responded to public comments

- Flooding of trails and abutters was new information and will be addressed
- Can't control truck traffic coming to/from pit
- There will be no blasting
- The aquifer would not be impacted
- Disagreed with some comments from the public
- There was a negotiated settlement with the town and there has been no violations
- Willing to work with ZBA regarding enforcement
- Will accept reasonable conditions, annual or semi-annual inspections and building inspector access at any time
- 50,000 performance bond
- Object to individuals coming on to property, unauthorized individuals are not welcome on property

On a motion by Rogers seconded by Foster it was unanimously voted to close the public portion of the meeting.

The Board Members discussed the following:

- Need time to read all materials that have been presented
- Site visit findings
 - Property was well maintained
 - Clearing had been done
 - Unclear what had been removed
 - location where gravel would be removed from was well marked

- Water run off concerns
- Was the road built properly permitted by the Town
- Distance between neighbors and area to be worked
- King Philip's Hill
- Concerns about past issues with Mitchell's previous mining operation
- Adequate and clear conditions to protect abutters and facilitate enforcement
- Town officials need to be allowed to inspect property
- Current flooding issues to be addressed by Mitchell
- Option for the Town Counsel to review conditions
- More information on Mass Historic Commission/PNF form would be helpful
- Mr. Wonseski noted they do not have a signed Negative Determination from the Conservation Commission yet. One more signature is required
- How to address neighbor concerns about traffic
- The Chair will scan and email the documents received tonight to the ZBA members for review.

On a motion by Jaworski, seconded by Foster it was unanimously voted to suspend the deliberations until May 19th, 2022.

On a motion by Dietrich, seconded by Bird it was unanimously voted to adjourn the meeting at 9:04 p.m.

Respectfully submitted,

Vivien Venskowski
Administrative Assistant to
The Zoning Board of Appeals