

Approved 6/30/2022

Zoning Board of Appeals Meeting Minutes
June 9th, 2022 7:00 p.m.
Continuation of Public Hearing
Northfield Town Hall

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

Absent: Al Dietrich

Applicant present: Ken Parsons, attorney and Jacqui Beaman,

Audience Members: Attached

Meeting was digitally recorded.

Jennifer Cox, Chair opened the meeting at 7:05 p.m. and read the following public hearing notice for a continuation 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 that the Board needed to come to a consensus regarding a quorum. With only 5 members present and Tim having missed the May 26th continuation do we have a quorum? After discussion it was determined that Tim was present for the May 5th presentation and site visit. It was noted these meetings established necessary facts deliberations. Therefore Tim is eligible to vote on this application. The Chair handed out an updated draft of the conditions.

Reopen deliberations

- Historical issue
 - Does ZBA have the authority to request applicant to fill-out PNF application
 - Cost
 - Private individual with no state funding
 - Conditions to protect historical site
 - In the past the applicant has done a good job/cares about property
 - Proximity to Historical Site
 - Nonbinding condition - historical commission notified of findings as site is so close to King Philip's Hill to record items found and location to preserve historical knowledge.
 - Applicant keeps any found items

The Board reviewed and discussed the draft version of the conditions. The conditions were revised and renumbered. A point of clarification was requested and discussed regarding the reclamation process.

The Board noted that all materials presented will be a part of the permanent record.

On a motion by Jaworski, seconded by Bird, it was unanimously voted (Cox/yes, Jaworski/yes, Foster/yes, Rogers/yes, Bird/yes) to grant the special permit to Connecticut River Realty, LLC/Rob Mitchell, 191 Reynolds Road, Shelburne Falls, MA 01370 for the purpose of mining gravel at 122 Old Bernardston Road with the following conditions.

Conditions for Gravel Pit – Old Bernardston Rd, Northfield Ma

Pursuant to Section 5.4 of the Northfield Zoning Bylaw, Table 1F, Industrial and Related Uses, this Special Permit allows for the mining of sand and gravel, processing and reclamation at 122 Old Bernardston Road, Northfield, MA, Assessor's Map Parcel ID 29-E1 as outlined in the site plan titled, Gravel Pit Expansion, engineer stamped and dated January 3, 2022, and approved by the Northfield Zoning Board of Appeals on June 9th, 2022.

- 1. Connecticut River Realty LLC/Rob Mitchell must follow and comply with mining of sand and gravel, processing, and reclamation as outline in their Gravel Pit Expansion plan and submitted to the ZBA on or about February 9, 2022.**
- 2. The hours of operation of the mining and processing of sand and gravel, and trucking in and out of the pit shall be from 7:00am to 5:00pm Monday through Friday and 7:00am to 12:00pm on Saturday. There will be no Sunday operation in the mining area subject to the Special Permit. Temporary time extensions for unanticipated demands due to natural disaster or emergency infrastructure repairs only shall be allowed with verbal notification to and approval by Code Enforcement Officer at 413-498-2901 x122. This condition does not preclude the applicant's ability to perform maintenance work after stated work hours. The intent of this condition is to reduce noise during non-business hours.**
- 3. Blasting or the use of any explosive for the purpose of conducting mining operations shall not be permitted.**
- 4. Crushing shall be limited to no more than 60 days per calendar year.**
- 5. Connecticut River Realty/Rob Mitchell shall utilize best management practices to mitigate dust associated with the mining operation**
- 6. Loaded trucks shall be tarped before exiting the property.**
- 7. Equipment used in the mining operations shall be operated and maintained in accordance with manufacturer specifications and powered by ultra-low sulfur diesel.**
- 8. No fuels, lubricants, or other hazardous materials shall be stored in the pit area unless in compliance with local, state, and federal regulations pertaining to such materials.**
- 9. No artificial materials or non-reclamation material from offsite shall be buried within the mining area.**

10. Prior to commencing operations in the mining area, the wetland boundary of Bennett Brook within the mining area shall be marked with visual delineation that will remain in place for the duration of the mining.
11. No excavation or mining activities shall be allowed on the Property that adversely impacts or contaminate water resources or water supplies. Connecticut River Realty/Rob Mitchell shall perform or maintain grading adequate to direct all drainage from the mining area away from Bennett Brook and Connecticut River. And Connecticut River Realty/Rob Mitchell shall ensure that drainage will not adversely impact abutting properties.
12. With 30 days notice, an annual inspection of the Special Permit mining area may be conducted, jointly, by the Zoning Board of Appeals, Select Board and/or the Code Enforcement Officer for compliance with the terms and conditions of the Special Permit.
13. Connecticut River Realty LLC/Rob Mitchell shall provide the Town of Northfield with a bond of \$25,000, which amount may be reduced at the discretion of the Northfield Zoning Board of Appeals as the Property is restored.
14. At termination of the excavation, all structures, vehicles, machinery and building materials not part of the approved plan shall be removed from the mining area.
15. The terms and conditions of the Reclamation Plan shall be adhered to regarding phase 1 prior to the commencement of any excavation or mining activities in phase 3. The same pattern shall be followed for the completion of reclamation plan.
16. Connecticut River Realty LLC/Rob Mitchell must re-apply for extension of the special permit after a period of 10 years from date of approval. Renewals shall be awarded in 5 year increments provided that the conditions set forth herein have been satisfied. This condition shall not supersede the 2-year lapse provision for non-use.
17. This permit shall be non-transferable.
18. The ZBA requests, but it is not a condition, that Connecticut River Realty LLC/Rob Mitchell report any objects or artifacts of historical significance to the Northfield Historical Commission.

The Board discussed the previously owned Mitchell property on Route 142 and if new owners were meeting terms & conditions. Administrative assistant will contact the Town Clerk.

The Board reviewed the minutes of April 28th, 2022.

On a motion by Jaworski, seconded by Foster, it was unanimously voted to accept the minutes of April 28th, 2022 as amended.

The Board reviewed the minutes of May 19th, 2022.

On a motion by Foster, seconded by Bird, it was unanimously voted to accept the minutes of May 19th, 2022 as amended.

The Board reviewed the minutes of May 26th, 2022.

On a motion by Bird, seconded by Foster, it was unanimously voted to accept the minutes of May 26th, 2022 as amended.

It was noted that the minutes for tonight, May 5th and the Notice of Decision for Connecticut River Realty, LLC/Rob Mitchell will be reviewed and signed at the meeting on June 30th, 2022.

On a motion by Foster, seconded by Jaworski, it was unanimously voted to adjourn the meeting at 9:10 p.m.

Respectfully submitted,

Vivien Venskowski
Administrative Assistant to
The Zoning Board of Appeals