

TOWN OF WINCHENDON

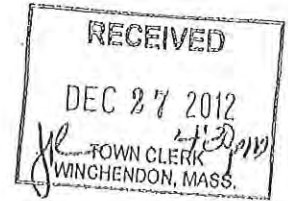
Planning Board

Planning Board



Telephone (978) 297-3308
Facsimile (978) 297-5411

109 Front Street
Winchendon, Massachusetts 01475-1758



NOTICE OF DECISION

Site Plan Approval

Date December 4, 2012

PB # 2012-0822

Notice is hereby given that the Planning Board granted site plan approval in accordance with the requirements of article 12.2.1 A of the Winchendon Zoning Bylaw.

Petitioner Warren Field

whose address is 401 School Street, Winchendon, MA 01475

Approval was granted for a Auto Salvage Yard

To be Located School Street, Winchendon; Assessors' Map 2, Parcel 177

On property owned by Delphi Excavating, Inc., 401 School Street, Winchendon, MA 01475

Deed Reference: Blk 22354 Pg 230

The approved plan is shown on drawings entitled *Site Overview Plan, Proposed Salvage Yard, Route - 12 Winchendon, MA, Prepared for Warren Field/Delphi Excavating, Inc., 401 School Street, Winchendon, MA, Graz Engineering LLC, 323 West Lake Road, Fitzwilliam, NH; Site Plan, Proposed Salvage Yard, Route - 12 Winchendon, MA, Prepared for Warren Field/Delphi Excavating, Inc., 401 School Street, Winchendon, MA, Graz Engineering LLC, 323 West Lake Road, Fitzwilliam, NH; and Details and Notes, Proposed Salvage Yard, Route - 12 Winchendon, MA, Prepared for Warren Field/Delphi Excavating, Inc., 401 School Street, Winchendon, MA, Graz Engineering LLC, 323 West Lake Road, Fitzwilliam, NH; all with latest revision dates of 12-3-2012.; Letter from Graz Engineering, LLC dated October 1, 2012 containing the required Impact Statement; Project Stormwater Report revised November 16, 2012; and Stormwater Operation and Maintenance Manual for Warren Field's Auto Salvage Yard, 401 School Street, Winchendon, MA. The approved drawing has been signed by the Board chairman as has the cover of the other documents. The approved signed plans are on file in the Department of Planning and Development.*

This site plan approval was granted with the following conditions: (Standard conditions)

A. Approval of this site plan is granted to the named applicant only and only for the purpose(s) stated in the application or as it may have been amended. It is not transferable for any other use of the site by the applicant nor to any other person except with the approval of the Board. The Board reserves the right to review any work done on the site even after any proposed construction is completed and to determine that the actual use(s) of the site conform to those allowed by this approval.

B. Any officer, agent or employee of the Planning Board, Conservation Commission, Zoning Board of Appeals or Board of Health may enter upon the site at reasonable times, with or without prior notice to the applicant, in pursuit of official duties, such as examinations and surveys, examination of construction undertaken, and the purposes for which the site is used (Massachusetts General Laws Chapter 41, Section 81CC; Chapter 131, Section 40; Chapter 111, Sections 31, 122 and 127A)

C. The time allowed for any inspection required under these conditions, the Planning Board's regulations, or the town bylaws will be extended by the time during which the site is covered with water, snow, or ice. Such time will be determined by the Board.

D. RESERVED..

E. This site plan approval, together with this list of conditions must be filed at the Worcester Registry of Deeds forthwith, but not later than sixty (60) days after the expiration of the appeals period plus such time as may be consumed in any appeals process. A copy of the receipt from the Registry must be filed with the Planning Board forthwith. No construction may be started until there has been such filing. If these required documents are not filed within the required time, this site plan approval shall be void.

F. Upon completion of the project, notice shall be given as provided for in section 6.5.1 of the regulations.

G. Construction shall be in full conformity with the "Rules and Regulations Governing Site Plan Review" as issued by the Planning Board, unless an exemption is granted by the Planning Board. Such exemption(s), if granted, is stated below as one of the conditions.

H. No sand, soil, loam, sod, gravel, or other natural or quarried earth product shall be removed from the site until the entire parcel has been graded and condition I. satisfied. Loam must be stockpiled and covered so as to be protected from erosion.

I. The clearing, excavation or removal of vegetation or the excavation or removal of sand, soil, loam, sod, gravel, or other natural or quarried earth products is allowed only in accordance with section 10.6 of the Winchendon Zoning Bylaw and specific conditions for such removal or redistribution are included in the special conditions appended to these general conditions.

J. The project must be completed to the satisfaction of the Planning Board within two (2) years from the date of this site plan approval unless an extension of time is mutually agreed upon in writing by the applicant and the Planning Board. If this work is not completed within the required time including approved extensions, this site plan approval shall lapse and become void.

K. If the site contains pond, lake, brook, stream, river, standing water, or any indication of the presence of wetlands, the applicant must comply with all Wetlands Protection regulations, including those found in Sections 4.3 and 4.4 of the Town of Winchendon Zoning By-law.

L. The applicant must comply with all orders of the Winchendon Conservation Commission.

M. Work under this site plan shall be commenced within six months of the date of its approval increased by any time consumed by appeals of the approval and shall be diligently pursued thereafter until the completion of the work. The Planning Board may extend this period if so requested by the applicant. If the work is not so commenced and pursued, this site plan approval shall lapse and become void.

N. This approval and conditions are in addition to other permits and approvals. Nothing in this decision shall be deemed to relieve the applicant from its obligation to obtain other permits and approvals required by law or regulation.

O. Any substantive error in the application or any subsequent filing by the applicant or his successor shall be cause for revocation of the Board's approval. Due notice and hearing shall be required prior to any Board action.

P. The Board on its own motion or on the petition of any interested person reserves the power to modify, amend or rescind its approval of this plan or to require a change in the plan after due notice and opportunity for the applicant to be heard

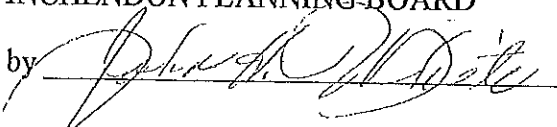
In addition the following special conditions are imposed:

1. The Planning Board determines that a performance guarantee is not needed for the construction of this project as is allowed by section 3.7 of the site plan regulations. Accordingly, standard condition D. as appearing in section 3.6 of the regulations is omitted from this approval.
2. As required by section 6.11.14 b of the zoning bylaw, This site plan will be reviewed by the Planning Board within the first year from date of approval and at intervals of not longer than five years to determine whether the current use and any modifications are in conformity with the plan. Should there be a question of conformity, the Board will call a hearing with the usual notices to consider the matter.
3. Drainage of fluids and dismantling of vehicles will only occur within the building.
4. Operating hours shall conform to the special permit granted by the Zoning Board of appeals.
5. Crushed vehicles shall be promptly be removed from the site. None may remain longer than three days following crushing.
6. No vehicles shall be stored within 10 feet of the property line nor on any berm constructed for stormwater management.

7. All operations shall conform to the Best Management Practices mentioned in the application and included in the Operation and Management Plan for the Low Impact Development permit.
8. If the car crushing operation should occasion noise complaints by neighbors, the Board will require appropriate noise reduction measures be implemented before the next crushing operation occurs.
9. The operator is required to conform to all health and fire department regulations concerning the storage of hazardous, toxic or other liquid wastes and the stacking of vehicles crushed or not crushed. Unless such regulations require otherwise, wastes are to be stored in barrels inside the building. The barrels shall be located in a liquid tight sump with a capacity of not less than 150% of the total barrel capacity. The barrels shall be emptied only by an authorized hauler for the waste involved.
10. Earth materials currently stored on the site such as loam and gravel may remain in place until the permittee can sell those materials.
11. The operator shall install a fence parallel to the street line and not more than 15 feet back from it for the length of the cleared area except for a 25 foot opening for the access road.
12. The operator shall remove the present uncapped foundation, cap it, or protect it with a chain link fence so as to eliminate the hazard of someone or something falling in.
13. The Board determines that the proposed method of dust control, i.e. The occasional application of calcium chloride, is consistent with section 8.5.3 of the zoning bylaw where the site is to be unpaved and traffic will be light.
14. No salvage vehicles will be brought onto the site until the site work required by the plan and these conditions has been completed.
15. The following waivers from the site plan regulations is granted:
 - A. The requirement of section 3.3.4.A. 4 of the regulations which requires proposed improvements be marked on the ground is waived.
 - B. The Board determines that hay bales in addition to the required silt fence will not be necessary unless such hay bales are required by the conservation commission.

The hearing on this site plan approval was opened on September 18, 2012 and was continued to October 16, 2012 and then further continued to November 20, 2012 (meeting was canceled) and then to December 4, 2012 on which date the hearing was closed and approval was voted with conditions.

WINCHENDON PLANNING BOARD

by  chairman

To be mailed forthwith after the decision to:

* applicant _____

* parties in interest _____

* every other person at the hearing who requests one _____