APPLICATION FOR A HAZARDOUS MATERIALS PERMIT

540 Groton Road
Westford, MA

May 16, 2017

Prepared For:
Newport Materials
145 Temple Street
Nashua, NH 03060

Prepared By:
LandTech Consultants, Inc.
515 Groton Road
Westford, MA 01886

LandTech Consultants
Engineering / Planning / Surveying / Permitting

LandTech Consultants

540 GROTON ROAD
WESTFORD, MA

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LandTech Consultants
Engineering / Planning / Surveying / Permitting

Transmittal Letter

May 16, 2017

Westford Health Department
Town Hall, 55 Main Street
Westford, MA 01886

REF: Hazardous Material Permit Application
Asphalt Manufacturing Facility
540 Groton Rd.
Westford, MA

To Whom May Concern,

In accordance with the Town of Westford's Hazardous Materials Storage Bylaw, Chapter 61 ("Chapter 61"), please find attached two copies of an application package for a Hazardous Material Permit for the proposed asphalt manufacturing facility located at 540 Groton Road (the "Facility"). The Facility will store hazardous materials in five aboveground tanks. No underground storage tanks will be used. The aboveground storage tanks at the facility will consist of: one (1) 10,000 gallon tank for #2 fuel oil; two (2) 30,000 gallon tanks for liquid asphalt; one (1) 1,000 gallon tank that is a calibration tank to ensure the meters for the liquid asphalt storage tanks are in proper working order; and one (1) 85 gallon tank that is a reserve tank on the hot oil heater to allow for expansion of the hot oil when heated and for contraction when the oil is cooled.

An index of the materials provided with this package is provided on the following page. As you will see in those materials, the Facility meets or exceeds Chapter 61's requirements.

We ask that the Board of Health schedule a public hearing on this application as soon as possible. Should you have any questions or require additional information prior to the public hearing, please do not hesitate to contact our office.

Sincerely,
LANDTECH CONSULTANTS, INC.

Matthew A. Waterman, P.E.
Senior Project Engineer

Cc: Attorney Doug Deschenes
Attorney Robin L. Main
Richard DeFelice

APPLICATION PACKET FOR A HAZARDOUS MATERIALS PERMIT

Note: Residential Applicants with Underground Fuel Storage Tanks must provide all applicable information including a hand-sketch of the lot showing location of the tank. Residential applicants do not have to provide an interior plan unless the tank is under the foundation.

Type of Application:

1. General Application Information

Is this an application for an underground residential fuel storage tank ONLY?: ☐ Yes ☒ No

Legal Name of Facility or Establishment: New port Materials

Name of Applicant: 540 Groton Rd LLC **Email Address:** mwaterman@landtechinc.com

Site Address: 540 GROTON RD - WESTFORD MA 01886 **Map/Parcel:** 48-11-234

☐ Change Address

Mailing Address: 145 Temple Street Nashua, NH 03060

Business Phone Number: 603-882-1700 **Business Fax Number:** 603-882-2784

Description of Business: Materials Manufacturer. See Narrative and Appendix E.

Property Owner's Name(s): Rick DeFelice **Phone #:** 617-459-9775

Property Owner's Address: 145 Temple Street Nashua, NH 03060

2. On-site Facility Contact Information

Facility Manager: Jon Tucker **Title:** Supervisor

Phone #: 603-494-9115

Emergency Contact Person 1: Rick DeFelice

Home Address: 145 Temple Street Nashua, NH 03060

24 Hour Phone: 617-459-9775

Emergency Contact Person 2: Paul Routhier

Home Address: 145 Temple Street
Nashua, NH 03060

24 Hour Phone: 978-580-1502

3. Generator Information

Does your facility store hazardous materials? ☑ Yes ☐ No

Does your facility generate or process chemicals or hazardous waste? ☐ Yes ☑ No

TABLE 1. List all chemicals used and stored at your facility stored in quantities greater than fifty (50) gallons liquid volume.

	Chemical Name & CAS#	Location of Storage	Number of Containers	Volume of Containers	Maximum Quantity Stored Monthly
1.	*Fuel Oil #2*	*On-site*	*1 Tank*	*10,000 gallons*	*10,000 gallons*
2.	*Liquid Asphalt*	*On-site*	*2 Tanks*	*30,000 gallons*	*60,000 gallons*

TABLE 2. List all wastes stored at your facility in quantities greater than 50 gallon liquid volume.

	Chemical Waste	Location of Storage	Number of Containers	Volume of Containers	Maximum Quantity Stored Monthly	Secondary Containment Present (Yes/No)

Does your facility have any underground or above ground storage tanks? ☑ Yes ☐ No

TABLE 3. If yes, attach a copy of your Fire Department permit and complete the following table. See Appendix A

Residential applicants must complete this section but do not have to provide a Fire Department permit.

	Tank 1	Tank 2	Tank 3	Tank 4
Above Ground or Under Ground?	☑ Above ☐ Under	☑ Above ☐ Under	☑ Above ☐ Under	☑ Above ☐ Under
Date of Installation	n/a	n/a	n/a	-
Date of Last Tank Test	n/a	n/a	n/a	-
Tank Capacity	10,000	30,000	30,000	-
Material Stored	Fuel Oil #2	Liquid Aspha	Liquid Aspha	-
Type (Steel or Fibreglass)	☑ Steel ☐ Fibreglass	☑ Steel ☐ Fibreglass	☑ Steel ☐ Fibreglass	☑ Steel ☐ Fibreglass
Safety Sensor System	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

Attach a copy of your last tank test report

4. Hazardous Waste Disposal, Containment, and Training

A. Waste Disposal Company

Company Name: Mill City Environmenta

Address: 116 John St
Low ell, MA 01852

Telephone #: 978-654-6741

24 Hour Emergency #: 978-654-6741

Email: bchapman@millcityenv.com

Website: w w w .millcityenv.con

B. Emergency Spill Responder

Company Name: Mill City Environmenta

Address: 116 John St
Low ell, MA 01852

Telephone #: 978-654-6741

24 Hour Emergency #: 978-654-6741

Email: bchapman@millcityenv.com

Website: w w w .millcityenv.con

C. List the spill containment materials and equipment present on site and where in the facility the items are stored:

See Appendix B, C & D

List the spill containment location of the spent containment materials:

See Appendix B, C & D

D. Using the checklist provided, check off all of the potential spill pathways that apply to the business:
(If other, please list)

- ☐ Floor Drains
- ☐ Dry Wells
- ☐ Cracked Pavement
- ☐ Loading Docks
- ☐ Abnormal Gradients
- ☑ Other: Lined Sw ales

E. Does your facility have an oil/water separator? ☐ Yes ☒ No

F. Describe the training provided to employees for handling, using, accumulating, and storing hazardous materials or waste and by whom:

See Appendix B

G. Attach a copy of your Emergency Contingency Plan: See Appendix C

If you have previously submitted an Emergency Contingency Plan to the Health Department and there are no changes, check here ☐

Date Plan Submitted:

5. Authorization

I hereby certify that the above information is correct, and I fully understand that any deviation from the above without prior permission from the office may nullify this approval.

Certification Letter

April 19, 2017

Westford Health Department
Town Hall, 55 Main Street
Westford, MA 01886

REF: Hazardous Material Permit Application
Asphalt Manufacturing Facility
540 Groton Rd.
Westford, MA

To Whom it May Concern,

I, Matthew Waterman, a Massachusetts Registered Professional Engineer, have reviewed the Hazardous Materials Application prepared by this office for the storage of Liquid Asphalt and No. 2 Fuel Oil at 540 Groton Road. Based on this review of all of the material provided, including the multiple site specific consultant recommendations provided in the Applications Appendices, I certify that the facility, if constructed as described in the application, will be in compliance with federal and state regulations regarding the storage of Liquid Asphalt and No. 2 Fuel Oil.

This certification relies on the accuracy of the documents provided in the application by others and in no way guarantees accuracy of same. This includes the recommendations by the facility manufacturer, peer reviews and consultant recommendations.

Thank you and please contact me if you have any questions.

Sincerely,
LANDTECH CONSULTANTS, INC.

Matthew A. Waterman, P.E.
Senior Project Engineer

Cc: Attorney Doug Deschenes
Attorney Robin L. Main
Richard DeFelice

LandTech Consultants

540 GROTON ROAD
WESTFORD, MA

HAZARDOUS MATERIALS APPLICATION EXPLANATION OF FACILITY'S COMPLIANCE WITH CHAPTER 61A

EXISTING CONDITIONS

The subject site is located on the northern side of Groton Road along the Westford/Chelmsford Town Line. The parcel is comprised of three (3) separate tracts of land with areas in both the Town of Westford and the Town of Chelmsford. The parcels are mapped as Westford Tax Map 48, Parcels 11.234, 11.248 and 11.249 and Chelmsford Tax Map 10, Block 22, Parcel 1. The total lot area contains 115.52 acres land, of which, 91.70 acres are located in the Town of Westford. The site is zoned Industrial A (IA) in both the Town of Westford and the Town of Chelmsford.

Currently, the site is used as a materials processing site and includes a 14,000 square foot building. Additionally, there are several accessory buildings located throughout the site which are used for on-site activities.

PROPOSED DEVELOPMENT

The proposal, as submitted, will be located entirely in the Town of Westford and would include the construction of an Asphalt Manufacturing Facility. The facility will include a "skidded" plant with the following items:

Gencor Skidded Ultraplant

- Cold feed bins - to mix and blend the aggregate.
- Screens and conveyors - to transport the aggregate and final mix.
- Drum mixer and burner - to heat and mix the liquid asphalt and the aggregate.
- Filler silos – to load trucks.
- Baghouse – used for dust collection.
- Process control center
- Recycle bins – for recycled asphalt product (RAP).
- Silos and slat conveyors – for hot mix storage.

The facility will have an average daily production of 1,000 tons. The majority of materials used for the production of the asphalt include rock aggregate, which can be obtained directly from the project site and the adjacent quarry.

STORAGE OF HAZARDOUS MATERIALS

The Asphalt Manufacturing Facility will also include the storage of hazardous materials required for the production of asphalt. The storage of these materials is consistent with the Town of Westford General Bylaws Chapter 61: Hazardous Materials Storage Bylaw and specifically will be stored in a series of aboveground storage tanks constructed communally in a secondary containment structure – tank farm. The aboveground storage tanks will consist of: one (1) 10,000 gallon tank for #2 fuel oil; two (2) 30,000 gallon tanks for liquid asphalt; one (1) 1,000 gallon tank that is a calibration tank to ensure the meters for the liquid asphalt storage tanks are in proper

working order; and one (1) 85 gallon tank that is a reserve tank on the hot oil heater to allow for expansion of the hot oil when heated and for contraction when the oil is cooled. The location of the tank farm can be found in the Approved Site Plans, in Appendix C.

In addition to this application, the facility was required to obtain numerous permits from state and local agencies. This includes planning permits, environmental permits, air quality permits and a special permit for the storage of hazardous materials within a Water Resource Overlay Protection District (WRPOD). Most of the permits required detailed reviews of the potential impacts the facility would have on the existing and potential groundwater recharge areas, surface waters, and air quality in addition to required fire prevention measures. Specifically, the Special Permit for the storage of hazardous materials within a WRPOD required extensive review to properly store hazardous materials ensuring there are no impacts to the health and safety of the community, to preserve and protect existing and potential sources of drinking water supplies and to prevent temporary and permanent contamination of the environment. Copies of pertinent correspondence, including a copy of the WRPOD Special Permit, have been included with this application to help expedite the review (see Appendices D and E).

In addition, Newport Materials will comply with all obligations under the Major Commercial Project Special Permit that are relevant to the tanks, such as insurance, manual shut off valves and operating protocols (see Appendix E.2, pages 21, 22 and 23 for a detailed list of conditions).

EMERGENCY PLAN

Included with this application is a written emergency plan that details the numerous control features incorporated into the material storage area. This includes leak detection systems, spill prevention systems, spill containment and control measures as well as site specific employee training. These items are highlighted in the Spill Response Plan (Appendix B) and further elaborated in the Supplemental Documents provided in Appendix D. The following items highlight critical prevention measures.

Leak Detection

Several measures have been incorporated into the tank design to provide leak detection. The following excerpt is taken from a letter by the tank manufacturer and is included in Appendix D.3.

> *The proposed tanks will be designed and fabricated in accordance with ANSI/UL-142, "Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids" which is deemed as meeting the requirements of NFPA Code 30 21.4.2.1. Also pursuant to the code each tank is to be provided with an emergency relief device integrated with the roof manway cover. All drawings will be stamped by a Professional Engineer".*[1]

Spill Prevention

The primary storage tanks for the #2 Fuel Oil and Liquid Asphalt are to be state of the art storage tanks fitted with block valves on all pipe feeds. The operating procedures will include the requirement that these valves be shut whenever the plant is not in operation or not attended by

[1] Scott Barlow, Gencor Industries, Inc., Letter to Newport Materials, LLC, 18 April 2017.

the personnel. Additionally, a requirement of the WRPOD Special Permit included that redundant manual shutoffs be installed for the #2 fuel oil and liquid asphalt tanks. These items along with routine employee training will provide multiple spill prevention measures for the storage tanks.

Spill Containment

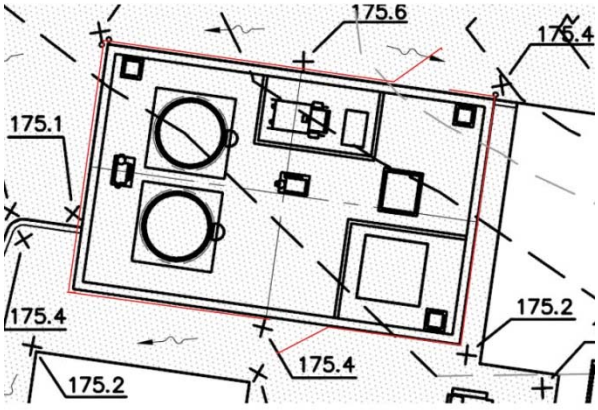
The storage tank farm includes a secondary containment system designed to hold potential spills and eliminate them from spreading to the environment. All of the proposed tanks will be located within this concrete structure which has been designed to hold the volume of the largest tank plus 10% of the aggregate capacity of all tanks as required by state and local regulations (see summary letter prepared by *Engineering Technologies Group, Inc.,* Appendix D.4). Additionally, the secondary containment structure will be impervious and designed by a Massachusetts Professional Engineer in accordance with the Massachusetts State Building Code.

It should also be noted that the stormwater drainage system has been designed to meet Land Use with Higher Potential Pollutant Load (LUHPPL) to further minimize impacts to groundwater or wetland areas if, in a highly unlikely event, a spill breaches the secondary containment system. This includes lining the drainage swales and detention basin with a rubber membrane and providing a manual shutoff to contain spills in the detention basin. These items have been reviewed and approved as part of the WRPOD Special Permit.

Additionally, the tank farm has been designed to meet or exceed the requirements of the Commonwealth of Massachusetts and the Fire Prevention Regulations with respect to the placement of the tanks and the required spacing, venting and structural requirements. These items are also outlined in the letter prepared by *Engineering Technologies Group, Inc.,* Appendix D.4.

Lastly, the secondary containment system will include a 5-foot tall locked chain link fence around the perimeter. This will ensure that the area is secure and only accessible to authorized personnel (see figure 1 below – fence will have two access gates and is shown in red).

Figure – 1



Inventory Keeping and Tank Monitoring

A Spill Response Plan has been prepared (Appendix B) with an emergency plan that includes descriptions of spill prevention, spill containment procedures, emergency procedures, and spill reporting. Inspection logs, inspection forms, spill logs, and employee training logs can also be found in the appendices of the Spill Response Plan. Inventory of hazardous materials will also be kept in accordance with the Spill Response Plan, all of which, can be provided to the Board of Health if requested.

Floor Drains

In accordance with state and local criterion, the tank farm containment area has been designed to not include floor drains that discharge to a storm drain, septic system, or to a wetland or other surface water body. For detailed information see Attachment B.3 *Obligations of Permit Holder* and Attachment B.5: *Cut Sheets – Storage Containment Systems* which prohibit such items.

ADDITIONAL FIRE PREVENTION ITEMS

The facility has been designed to include fire safety features. Manual shut off valves are to be installed on the #2 Fuel Oil Tank and the two Liquid Asphalt Tanks. Two 30,000 (thirty thousand) gallon water cisterns are to be installed and functional as accepted by the Fire Chief prior to the issuance of a building permits. A Mobile Foam Cart has been proposed for donation to the Westford Fire Department that will be mounted on a skid for immediate use by the Westford Fire Department. Training for use of the Mobile Fire Cart will be provided to the Westford Fire Department. For more information on these fire safety devices and fire safety review, see Section D.1: *Douglas C. Deschenes Letter, dated 10-1-09,* and Section D.2: *Lieutenant Donald R. Parsons Letter, dated 10-13-00.*

APPENDICIES

APPENDIX A: TANK LICENSE

FP-002
(Rev. 1.1.2015)

The Commonwealth of Massachusetts

City/Town of WESTFORD

License

Massachusetts General Law, Chapter 148 §13

☒ New License ☐ Amended License

GIS Coordinates
LAT.
LONG.
1701
License Number

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws, a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 540 Groton Road Map 48 / Parcel 11.234 *
Number, Street and Assessor's Map and Parcel ID

Owner of Land: 540 Groton Road, LLC

Address of Land Owner: 145 Temple Street, Nashua, N.H. 03060

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
Asphalt ***	111B	30,000	gals	Steel insulated (U.L.-142)*
Asphalt ***	111B	30,000	gals	Steel insulated (U.L.-142)*
No 2 Fuel Oil ***	11	10,000	gals	Steel (U.L.-142)**

LP-gas *(Complete this section for the storage of LP-gas or propane)* N/A

- Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
  List sizes and capacities of all aboveground containers used for storage _____
- Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
  List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks *(Complete this section for the storage of fireworks)* N/A

- Maximum amount (in pounds) of Class 1.3G: _____
- Maximum amount (in pounds) of Class 1.4G: _____
- Maximum amount (in pounds) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

RECEIVED
FEB 28 2017
TOWN CLERK
WESTFORD

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICIOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

* See attached site plan
** See attached tank details
*** See attached Material Safety Data Sheet

Explosives *(Complete this section for the storage of explosives)* N/A

- Maximum amount (in pounds) of Class **1.1**: _____ Number of magazines used for storage: _____
- Maximum amount (in pounds) of Class **1.2**: _____ Number of magazines used for storage: _____
- Maximum amount (in pounds) of Class **1.3**: _____ Number of magazines used for storage: _____
- Maximum amount (in pounds) of Class **1.4**: _____ Number of magazines used for storage: _____
- Maximum amount (in pounds) of Class **1.5**: _____ Number of magazines used for storage: _____
- Maximum amount (in pounds) of Class **1.6**: _____ Number of magazines used for storage: _____

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:

1. Manual shut off valves be installed for the #2 Fuel Oil Tank and the Liquid Asphalt Tanks.
2. Two 30,000 (thirty thousand) gallon Water Cisterns. Water Cisterns shall be installed and functional as accepted by the Fire Chief prior to the issuance of any building permits.

Signature of Licensing Authority	Title	Date
	Town Manager	5-9-17

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICIOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

APPENDIX B: SPILL RESPONSE PLAN

Spill Response Plan

Name of Business Newport Materials

Address 540 Groton Road. Westford, MA 01886

Facility Phone (978) 392 - 1540

Types of Work or **Hazardous Substances Used:** Asphalt manufacturing plant.
Hazardous material on site is fuel oil #2 and liquid asphalt.

This spill plan is designed to handle the requirements for this system and associated hazardous substances. The spill plan should be updated if the hazardous substance inventory changes.

Spill Prevention

The following are general requirements for any hazardous substances stored or used at this facility.

General Requirements

- Ensure all hazardous substances are properly labeled.
- Store, dispense, and/or use hazardous substances in a way that prevents releases.
- Provide secondary containment when storing hazardous substances in bulk quantities (~55 g).
- Maintain good housekeeping practices for all chemical materials at the facility.
- Routine/Daily checks in the hazardous substance storage area to be performed by _____
- Monthly inspections of the hazardous substance storage area, secondary containment, and annular space (interior cavity of double wall tank) on any Above-ground Storage Tanks (AST) or Underground Storage Tanks (UST) need to be logged in this plan. See Appendix A - Inspection Log.

Facility Specific Requirements

- _____
- _____

Spill Containment

The general spill response procedure at this facility is to stop the source of the spill, contain any spilled material and clean up the spill in a timely manner to prevent accidental injury or other damage.
Small spills will be contained by site personnel if they are able to do so without risking injury. Spill kits are located at the following location(s). See attached site map:

Personnel will properly characterize spill cleanup materials before disposal.

For questions about disposal refer to MassDEP Emergency Response Program, www.mass.gov and the local Board of Health Office.

Emergency Procedures:

- Immediately call **911** in the event of injury, fire or potential fire, or spill of a hazardous substance that gives rise to an emergency situation.
- If a spill has occurred, contact the following persons immediately:

Rick DeFelice	(Primary)	(617) 459 -9775
Paul Routhier	(Secondary)	(978) 580 -1502
	(After Hours Emergency Contact)	(___) ____ - _____

- **In the event of a large spill, a properly trained employee should**:
  - Assess the area for any immediate dangers to health or safety (i.e. a wrecked car on fire). If any dangers are present, move away from the area, **call 911**.
  - Notify the primary and/or secondary contact from the list above and then continue your spill response. The primary contact should assess additional notification requirements (i.e. notify local Board of Health, etc. see Spill Reporting below).
  - Retrieve the spill kit from the closest location.
  - Assess the size of the leak and any immediate threat of the spill reaching the floor/storm drains or permeable surfaces in the area. If there is an immediate threat and there are no safety concerns, then attempt to block the spill from coming in contact with the floor/storm drain or permeable surface. If no drain covers are available, then try to use absorbent (cat litter) and/or sock booms or rags to stop the spill from getting into the drains or to any permeable surfaces.
  - If the spill can be contained with absorbent booms, deploy them around the spill. Use the booms to direct the spill away from any immediate hazards (i.e. a wrecked car).
  - If there is no immediate threat to the floor/storm drains or permeable surfaces, or after controlling the spill, try to plug or stop the leak, if possible. If applicable, put on protective gear (gloves, goggles, protective clothing, etc.) and plug the leak.
  - Once the spill has been contained and any immediate threat to storm drains or permeable surfaces has been minimized, contact the spill cleanup contractor and dispatch them to clean up the spill or commence spill cleanup procedures.

Spill cleanup for large spills should be handled by the Spill Cleanup Contractor

Company Name Mill City Environmental 24-Hour Phone (978) 654 -6741

Spill Reporting

If a hazardous substance spill exceeds 25 gallons or if any amount has been released to soil, surface water, or storm drains, notify the following agencies:

MassDEP Spill Hotline	(888) 304-1133
Westford Board of Health	(978) 692-5509
Westford Fire Department	(978) 692-5542
Clean Harbors	(800) 645-8265
National Response Center (NRC)	(800) 424-8802

Hazardous Substance Inventory

Major Groups Only

Hazardous Substance	Manufacturer	Quantity/Unit of Issue

Plan Management
The primary contact or designee shall administer this plan and will be responsible for updating and including any required documentation.

Training
All personnel who may respond to any spill, need to be trained on the contents and procedures in this plan. Trained personnel will add their names and dates of training to the Training Log (see Appendix D). Only persons trained on this plan shall respond to a spill. If you are not trained and witness a spill, call or notify the primary and secondary contacts listed on Page 2 of this plan.

Spill Tracking
Any spills must be entered into the Spill Log (see Appendix C). If a large catastrophic spill occurs, attach additional pages to describe the event. Include known or possible causes, areas affected, and effectiveness of the cleanup. Include a review of the cleanup contractor and their procedures. For small spills, it is sufficient to fill out the Spill Log, and to take measures to prevent a repeat occurrence.

Facility Inspections
Routine inspections will be conducted daily during regular business hours. Daily inspections will include, at a minimum, a visual inspection of the hazardous substances containers and the area immediately adjacent to it for signs of a spill or leak. These inspections do not need to be logged unless a spill or leak is detected. Ideally, these inspections will be conducted by a manager or by regular employees.

Full site inspections will be conducted monthly by the primary contact or designee and, at a minimum, will include those items on the inspection form in Appendix B. If any item on the inspection form is found unacceptable, the inspection form will be attached to this plan. If all items are deemed acceptable; it is sufficient for the inspector to log only the inspection and the results in the Inspection Log (Appendix A).

Appendix A - Inspection Log

A = Acceptable U = Unacceptable If any items are unacceptable attach Inspection Form with details.

Inspection Month	Year	Inspector Initials	Lids and Labels?	Evidence Of Spills?	Alarms or Sensor?	New Product?	Spill Kit Complete?	Storm Drains?	Items Fixed?
January									
February									
March									
April									
May									
June									
July									
August									
September									
October									
November									
December									
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November									
December									

Town of Westford
Health Department
55 Main Street
Westford, MA 01886
(978) 692-5509 FAX (978) 392-2558

Guide for Using Health Department Sample Tables

The Town of Westford Health Department has provided templates for three sample tables that Hazardous Materials and Hazardous Waste permit holders can use to collect information that will comply with the Health Department's Regulations.

If you store Hazardous Materials (Chemicals) in containers that are larger than 50 gallons you can use **Table A, Hazardous Materials (Chemical Storage) Monthly Inventory Checklist for Containers Larger than 50 Gallons Liquid Capacity**.

This Table should be filled out monthly and the tables should be maintained with other permit records. This Table can be shown to the Health Department inspector upon request and will provide evidence of compliance with record-keeping requirements.

Column 1: Date of inspection
Column 2: Provide identification of each container that you inspect, for example "Degreasing solvent holding container".
Column 3: Approximate amount of material present in the container at the beginning of the inspection period. For the first inspection, this will be the amount in the container. For subsequent inspections, it will be the amount in
Column 9 from the previous inspection period.
Column 4: How much material was purchased and added to the container?
Column 5: How much material was used during the period?
Column 6: If applicable, how much material was sold?
Column 7: How much material was disposed of during the period?
Column 8: How much material that was present at the end of the previous period cannot be accounted for?
Column 9: For inspection periods AFTER the first period, ADD Column 4 to Column 3, and then SUBTRACT the sum of Columns 5, 6, 7, and 8. This is the amount present at the end of the period.
Column 10: Initial the form each month.

Town of Westford
Health Department

TABLE A
Hazardous Materials (Chemical Storage)
Monthly Inventory Checklist for Containers Larger than 50 Gallons Liquid Capacity

Facility Name:_____ **Facility Contact:_____**

1	2	3	4	5	6	7	8	9	10
Date	**Container ID**	**Material Present at Beginning of Period**	**Amount Purchased**	**Amount Used**	**Amount Sold**	**Amount Disposed**	**Amount Otherwise Lost**	**Amount Present at End of Period**	**Initials of Inspector**

Appendix B Inspection Form

Acceptable	Unacceptable	
❒	❒	**Lids and Labels?** Have all lids and caps been returned to their proper place? Do all the containers still have labels?
❒	❒	**Evidence of Spills?** Is there any indication that a spill might have occurred? If so, was the spill properly cleaned up? Was there any spill kit materials used? Was the Spill Log filled out for that incident? Any housekeeping issues?
❒	❒	***For Tanks with alarm systems only*** **Any Alarms or Sensor issues?** Have there been any alarm conditions in the past month? If alarms have occurred, has the monitoring system been serviced by the manufacturer or an authorized service company? Is the system up and working at this time? Is the sensor working? Did you conduct a test of the alarm and the sensor? When was the last time the sensor was serviced?
❒	❒	**New Hazardous Substances?** Have any new chemical products been purchased? Do you have the MSDS for new products? Have you assessed how to store and handle this new product safely? Have you added the new hazardous substance to the inventory sheet in this plan? Is the container properly labeled?
❒	❒	**Spill Kit Complete?** Have any items been used from the spill kit? If items are missing, is there an associated entry in the Spill Log? Are there any items missing that are currently on order? Is the spill kit stored where it is supposed to be stored? Is there a sufficient supply of daily cleanup materials?
❒	❒	**Storm Drains?** Is there a buildup of sediment in the drain traps? Is there any evidence of drain clogging? Are the drain filters still intact? Any need replacing? Have they been replaced?
❒	❒	**Items Fixed?** Have all deficiencies previously noted been fixed or made acceptable?

List any issues, deficiencies, or failures in detail:

_____

_____

_____

_____

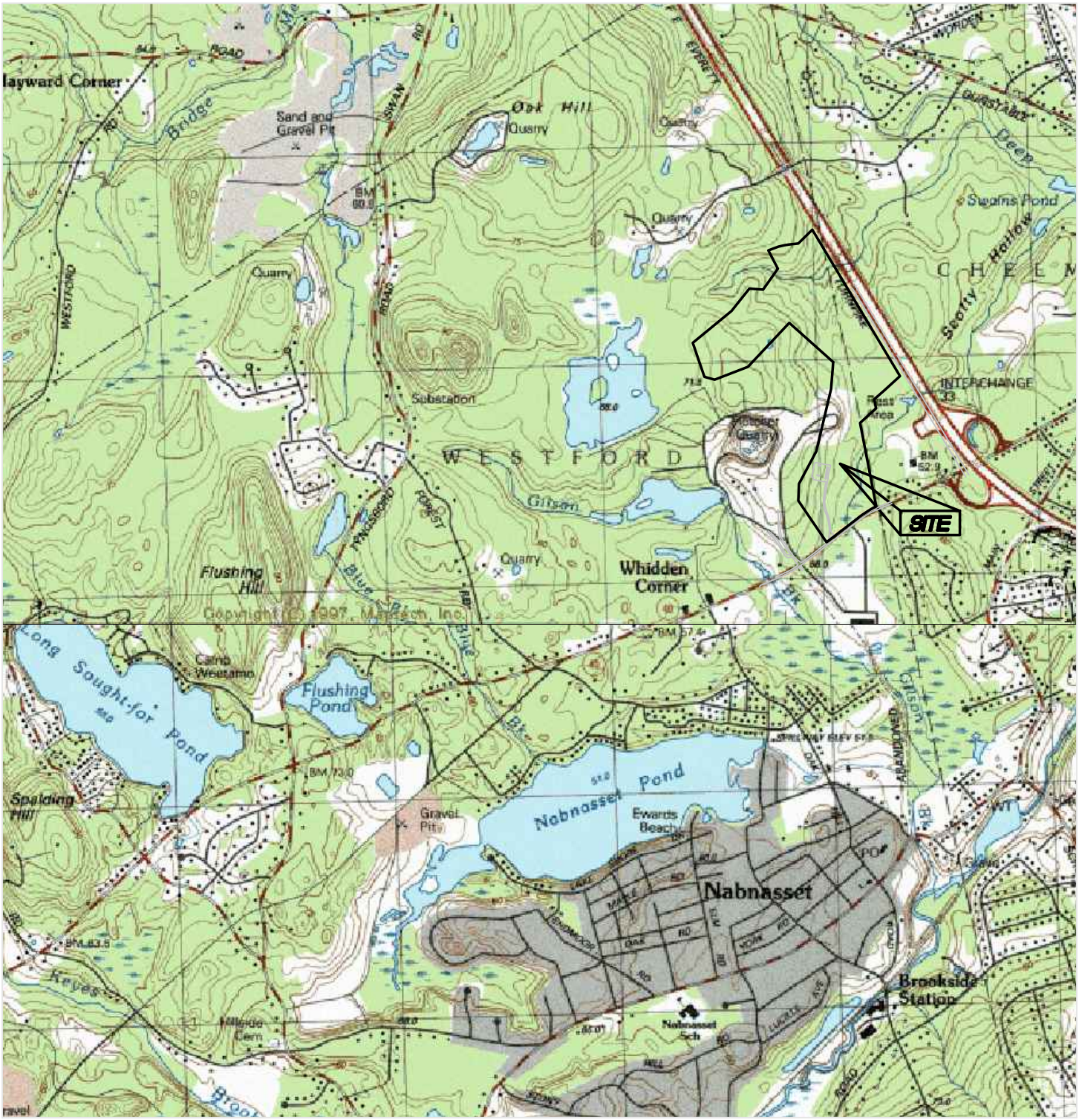
Appendix C – Spill Log

Date of Spill	Location of Spill	Size of Spill (~ gal)	Prevention Measures Taken?	Spill Kit Materials Reordered?	Was the Spill Kit Adequate? (List any deficiencies, i.e. missing equipment, etc.)

Appendix D – Training Log

Employee's Printed Name	Signature	Date Completed

Attachment B.1: Locus Map



USGS QUADRANGLE WESTFORD, MA

Scale: 1:25,000 MARCH 1, 2017

540 GROTON ROAD (ROUTE 40) WESTFORD, MA

Prepared for: NEWPORT MATERIALS, LLC
145 TEMPLE STREET
NASHUA, NH 03060

LandTech Consultants
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692-6100 – landtechinc.com

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Draft SGJ Check SGJ

Job No. 09-102 Sheet 1 of 1

Attachment B.2: Spill Kit & Emergency Response Services

PIG® Oil-Only Spill Kit in UV-Resistant Wall-Mount Cabinet

#KIT4900 - Absorbs up to 9 gal. • Container Type - Cabinet



Mount this weather-resistant spill kit outdoors to keep supplies right where you need them - rain, shine, sleet or snow.

- Weather-resistant, wall-mount cabinet is ideal for outdoor locations near spill-prone areas
- Gasketed door and UV-resistant poly construction keep out moisture and protect absorbents
- PIG Stat-Mat Pads and PIG Oil-Only Socks contain and quickly absorb oil spills but not a drop of water
- PIG Dri Loose Absorbent gets into cracks and crevices and aids final cleanup
- Included PPE helps protect workers during spill response
- Prepacked cabinet provides easy access to contents
- See-through front panel lets you easily check inventory levels
- Cabinet is printed "Spill Kit" for quick identification
- Only PIG Spill Kits feature PIG Absorbents proven for rapid response

Always in stock. Ships within 24 hours.

Pricing (based on quantity)

1-2	3+
$445.00	$425.00

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KIT4900 Specifications

Absorbency:	Up to 9 gal.
Container Type:	Cabinet
Fluid Absorbed:	Oil-Based Liquids - Not Water
High Visibility:	No
See-Through:	No
UV Resistant:	Yes
Wheels:	None
Sold as:	1 each
Weight:	31.06 lbs.
# per Pallet:	12
Composition:	Cabinet - Polyethylene & Polycarbonate Mat - Polypropylene Socks - Skin - Polypropylene Filler - 100% Hydrophobic Cellulose Loose-100% Post-Consumer Recycled Cellulose Waste
Includes:	3 - ext. dia. 3" x 48" L PIG® Oil-Only Absorbent Sock (SKM210) 2 - PIG® Dri Loose Absorbent in Spill Pouch (PLP220) 125 - 8" W x 15" L PIG® Stat-Mat® Absorbent Pad 1 - 13" L Showa-Best Chem Master™ Neoprene Gloves (GLV213-XL) 1 - Economy Goggles (GLS290-AF) 1 - Apron 5 - 18" W x 30" H Polyethylene Disposal Bags (BAG201-S) 1 - Dustpan/Brush 1 - Instructions
UNSPSC:	47131905

KIT4900 Metric Equivalent

Absorbency:	Up to 34.1 L
Weight:	14.1 kg

Technical Information

Warnings & Restrictions:
There are no known warnings and restrictions for this product.

Regulations and Compliance:
40 CFR 122.26 - When applying for a National Pollutant Discharge Elimination System (NPDES) permit, facilities must have a plan in place that describes actions, procedures, control techniques, management practices and equipment available to prevent illegal discharge of pollutants into waterways.

40 CFR 112.7 - SPCC planning requirements state that facilities subject to these regulations must have written plans in place discussing the products, countermeasures and procedures that are in place, or will be taken by the facility to prevent discharge of oil into waters of the United States.

Technical Documents:
(Available at **newpig.com**)
Product Data Sheet (PDS)
Safety Data Sheet (SDS)
Chemical Compatibility (CCG)

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List of Companies licensed as Hazardous Waste (HW) Transporters who provide Emergency Response Services in MassDEP's Northeast Region (NERO)

This list* is provided by MassDEP to assist parties responsible for releases of Oil and/or Hazardous Materials which pose an Imminent Hazard or Public Safety Threat, or for other situations that require the immediate retention of an emergency response contractor. Note that contractors listed below with a double asterisk (**) are contractors who are contractually pre-qualified to undertake necessary response actions on behalf of the MassDEP if the responsible party is unable or unwilling to do so. **MassDEP Staff cannot recommend any particular contractor.**

Responsible parties have additional options for obtaining other qualified cleanup contractors, subject to approval by MassDEP, who can conduct response actions within required timeframes. Options include, but are not limited to:

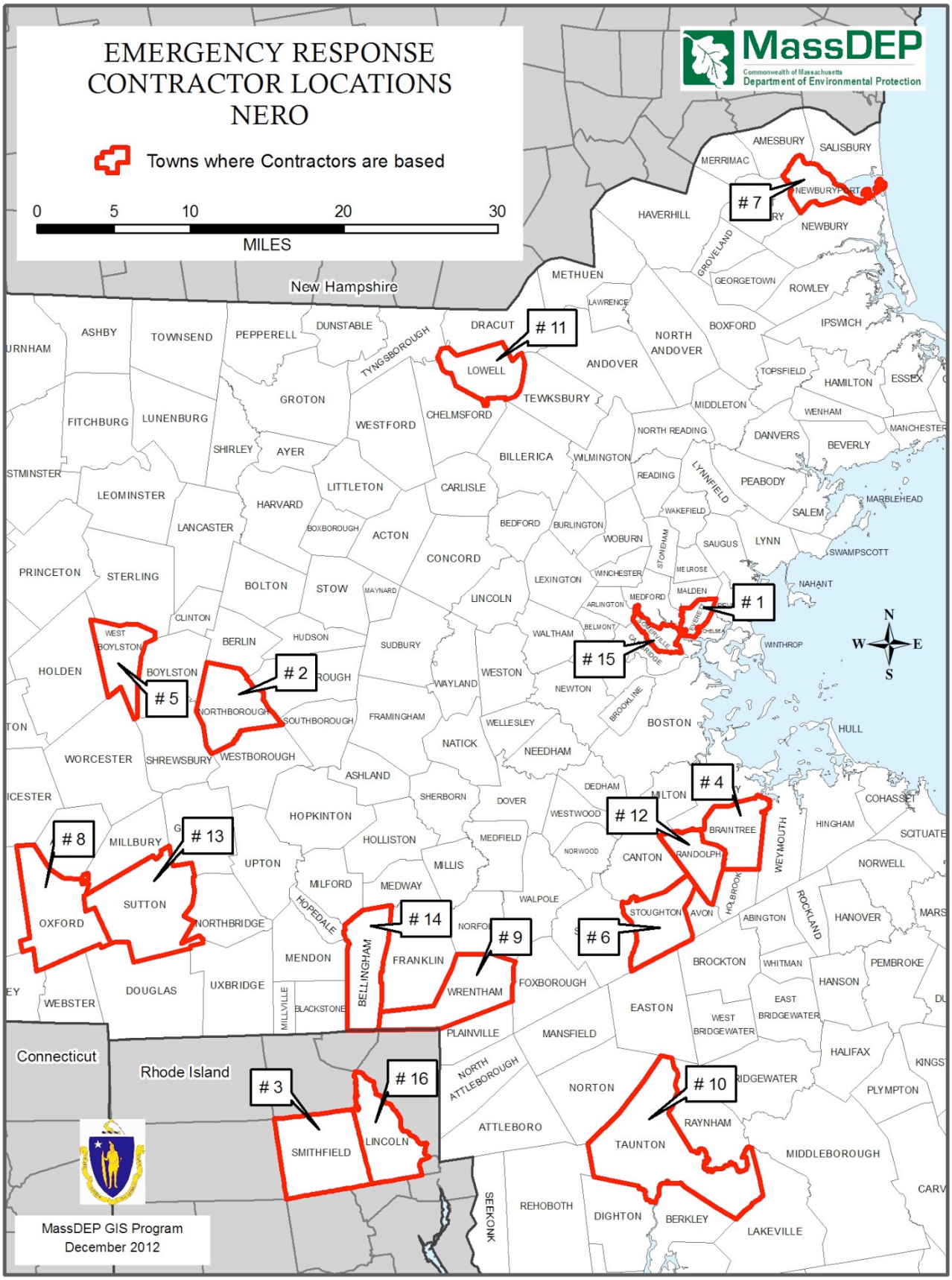
1. Consult your fuel provider;
2. Consult your insurance provider;
3. Do a web search for Massachusetts "oil spill" or "environmental" cleanup contractors;
4. Refer to local yellow pages under "Environmental & Ecological Products & Services"

MassDEP reserves the right to reject a contractor who in MassDEP's judgment will not be able to provide full response within required timeframes.

Name of Company	City, State	Phone	Spill Type
1. All and Inclusive Environmental Inc	Everett, MA	(866) 204-0444	[**Oil**]
2. Allstate Power Vac (APV)	Northboro, MA	(508)393-2537	[**OHM**]
3. ATC Lincoln Associates	Smithfield, RI	(800) 659-3353	[**HM**]
4. Clean Harbors, Incorporated **	Braintree, MA	(800) 645-8265	[**OHM**]
5. Corporate Env'tal Advisors Inc.	W. Boylston, MA	(800) 358-7960	[**OHM**]
6. Cyn Oil Corporation	Stoughton, MA	(800) 242-5818	[**OHM**]
7. Enpro Services Inc. **	Newburyport, MA	(800) 966-1102	[**OHM**]
8. Env'tal Products & Svcs of VT	Oxford, MA	(800) 577-4557	[**OHM**]
9. EQ Northeast, Inc.	Wrentham, MA	(800) 426-9878	[**OHM**]
10. Global Remediation Services	E. Taunton, MA	(508) 828-1005	[**Oil**]
11. Mill City Environmental	Lowell, MA	(978) 654-6741	[**OHM**]
12. Moran Env'tal Recovery LLC **	Randolph, MA	(888) 233-5338	[**OHM**]
13. N. E. Disposal Technologies	Sutton, MA	(800) 698-1865	[**Oil**]
14. TMC Services Inc. **	Bellingham, MA	(800) 223-8865	[**OHM**]
15. Triumvirate Environmental Inc.	Somerville, MA	(617) 799-2511	[**OHM**]
16. Western Oil, Inc. **[Oil]**	Lincoln, RI	(800) 240-5540	

* This List is compiled from MassDEP's database of Hazardous Waste Transporters and Generators and will be updated as needed and at least annually. The inclusion of a company's name on this list does not constitute an endorsement of that company by MassDEP. MassDEP does not recommend nor endorse any particular company.

** MassDEP NERO Emergency Response Contractors


EMERGENCY RESPONSE CONTRACTOR LOCATIONS NERO
Towns where Contractors are based
0 5 10 20 30
MILES
MassDEP
Commonwealth of Massachusetts
Department of Environmental Protection
New Hampshire
Connecticut
Rhode Island
1
2
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MassDEP GIS Program
December 2012

Attachment B.3: Obligations of Permit Holder

OBLIGATIONS OF PERMIT HOLDERS

(1) Owners and operators or other Persons in Charge must take immediate response actions and must report via telephone any discharge of hazardous materials or hazardous wastes, leaking tanks or abnormal loss of material above the Massachusetts Contingency Plan Reportable Quantity (RQ) for the material to the local Health Department and the Fire Chief within 12 hours of knowledge of the event. Leaving a message on the Health Department voice mail constitutes reporting under this regulation. This reporting must be done in addition to any required reporting, if applicable, under the Massachusetts Contingency Plan, 310 CMR 40.0300 et seq. All permit holders must familiarize themselves with the Notification Requirements of the Massachusetts Contingency Plan, including Reportable Quantities.

(2) Although releases, spills and discharges less than the RQ do not have to be reported to the MassDEP, permit holders must arrange for cleanup of the release and proper disposal of the material. Use of sorbent material may be an appropriate response in many situations. Permit holders must notify the local Health Department and the Fire Chief within 12 hours of spills or releases less than the RQ if those spills enter the environment. Additionally the caller should report how the spill was managed. Spills within the confines of a building do not have to be reported provided those spills do not enter a floor drain to the environment.

(3) Areas where materials governed by this regulation are used, stored, or generated may not contain a floor drain that leads to a storm drain, septic system or leaching structure of any kind or to a wetland or other surface water body. Floor drains in such areas must drain to a containment vessel or tight tank and collected material must be removed by a MassDEP-approved hazardous waste hauler for disposal. If the drain cannot meet these requirements it must be sealed.

(4) All hazardous waste and other waste from materials governed by this regulation must be removed by a MassDEP-approved hazardous waste hauler for disposal.

(5) All storage containers and tanks permitted under this regulation must meet the following criteria:

a) Storage areas must provide adequate systems to prevent spills and to prevent discharges that do occur from entering the environment.

b) Tanks and containers stored indoors must have containment systems that will hold a volume equal to 110 percent of the volume of the largest container.

c) Tanks and containers stored outdoors must have containment systems that will hold a volume equal to the volume of the largest container plus 10 percent of the total storage volume. The containment system must be a permanent dike or other structure constructed of impervious material with an impervious, chemical resistant base. The storage area must be under permanent cover and sheltered from the weather to exclude rain and snow from filling the containment area unless otherwise allowed by the local Board of Health. All piping and other appurtenant structures that contain or convey the material being stored must be included within the containment structure.

d) Owners and operators of aboveground storage tanks, with the exception of residential and other heating oil tanks, must monitor tank or container conditions weekly. The monitoring must be recorded in written or electronic form and shall consist of a visual inspection, inventory of materials present, any noted leakage or unaccounted loss, and the condition of the containment/dike structure. The recorded information must be available upon request by the local Health Department. Owners and operators that are required to conduct inspections of storage areas under other state or federal regulations may use the same reporting forms to meet the requirements of this regulation. The local Health Department will provide a form that others can use to record the required information.

e) All records produced to meet the requirements of this regulation shall be maintained by the applicant for at least seven (7) years.

f) All waste containers must be labeled to conform to the requirements of 310 CMR 30 based on their generator status. At a minimum, hazardous waste containers must have a label that includes the words “Hazardous Waste” and must also provide the name of the waste and the category of the waste (ignitable, corrosive, reactive, toxic). Satellite Accumulation Area (SAA) containers must be dated when full and moved to a main accumulation area. The main accumulation area containers must be dated upon the first addition of waste.

g) Hazardous materials that are not hazardous waste must be labeled with the name of the chemical in the container.

h) All commercial, industrial, retail, institutional and municipal permit holders must have in place a contingency plan for managing spills or other releases from containers that have permits under this regulation. Upon request the permit holder must provide documentation to the Health Department that relevant employees are trained in proper response to spills or releases, appropriate personal protection equipment (PPE) is available, and that the relevant employees have been trained in their use.

i) Residential and other owners of aboveground or basement fuel oil tanks used solely to store heating oil used to heat the building, provide hot water or to serve emergency generators do not have to comply with the containment requirements of this Section. Owners of heating oil tanks (or diesel tanks used for emergency generators) must comply with the reporting requirements of Sections 6(1) and 6(2).

j) All owners and operators of aboveground fuel oil tanks, including residential or other fuel oil tanks, upon removal of the tank, must ensure that all appurtenant devices and structures, including fill pipes, vents and fuel delivery piping are removed in such a manner as to prevent accidental release of fuel oil to the basement or to the environment.

Attachment B.4: Material Data Safety Sheets

Asphalt Cement, All Grades
Material Safety Data Sheet

CITGO Asphalt Refining Company
204 Grove Avenue
Thorofare, NJ 08086-2557

MSDS No. ASPLT
Revision Date 3/16/2006

IMPORTANT: Prepared in accordance with 29 CFR 1910.1200. Read this MSDS before handling or disposing of this product and pass this information on to employees, customers and users of this product.

Hazard Rankings

	HMIS	NFPA
Health Hazard	* 2	1
Fire Hazard	1	1
Reactivity	0	0

*** = Chronic Health Hazard**

Protective Equipment

Minimum Recommended
See Section 8 for Details

This recommendation reflects minimum PPE when product is at elevated temperatures.



Emergency Overview

Physical State Liquid.

Color Brown to black. **Odor** Characteristic, sour, tar-like odor.

WARNING:
Hot product can cause burns to skin. If burned by hot product, cool affected area immediately with cool water. Do not attempt to remove solidified material from skin. Seek medical attention immediately.
Hot asphalt can release toxic Hydrogen Sulfide gas (H_2S)!
Hydrogen Sulfide can accumulate in vapor space of tanks and vessels during transfer and storage of this material.
Water contact can cause a violent eruption of hot asphalt
Fumes from hot product can cause irritation to the eyes, skin, and respiratory system.

SECTION 1. PRODUCT IDENTIFICATION

Trade Name	Asphalt Cement, All Grades	**Technical Contact**	(856) 224-7409
Product Number	Various	**Medical Emergency**	(832) 486-4700
CAS Number	Mixture.	**CHEMTREC Emergency (United States Only)**	(800) 424-9300
Product Family	Asphalt Products.		
Synonyms	Performance Graded Asphalt (unmodified) PG 52-28 (15252), PG 52-34 (15253), PG 58-22 (15254), PG 58-28 (15259), PG 64-22 (15264), PG 64-28 (15266), PG 67-22 (15268), and PG 70-22 (15270). Penetration Graded Asphalt (unmodified) 40/50, 60/70 (15044), 85/100 (15871), 135/145 (15045), 180/200 (15025), and 200 (15026). Asphalt Cement AC 5 (15050), AC 10 (15100), AC 20 (15407), AC 30 (15300) and AC 40 (15301). EB-58 (15858). L-619 Roofers Flux (15805), Industrial Asphalt, Bitumen, Asphalt Flux (15040), Bituminous Oil (15031), Recycling Agent RA 500 (15033), RA 1000 (15260), RA 1500 (15261).		

SECTION 2. COMPOSITION

Component Name(s)	CAS Registry No.	Concentration (%)
Asphalt	8052-42-4	88 - 100
Proprietary Process Oils	Mixture.	0 - 10
Proprietary amine complex antistrip additive	Mixture.	0 - 1

SECTION 3. HAZARDS IDENTIFICATION

Also see Emergency Overview and Hazard Ratings on the top of Page 1 of this MSDS.

Major Route(s) of Entry Skin contact. Inhalation.

Signs and Symptoms of Acute Exposure

Inhalation	No significant adverse health effects are expected to occur upon short-term exposure to this product at ambient temperatures. Breathing heated mist or vapor can irritate the mucous membranes of the nose, throat, bronchi, and lungs. Hydrogen sulfide (H_2S) can evolve when this product is stored or handled at elevated temperatures. H_2S can cause respiratory irritation and hypoxia. At low concentrations, H_2S has an odor of rotten eggs. At higher concentrations, H_2S odor is not apparent. At concentrations above 500 ppm, H_2S causes unconsciousness and death by respiratory paralysis. The National Institute for Occupational Safety and Health has determined that atmospheres containing 100 ppm or more of H_2S are immediately dangerous to life and health.
Eye Contact	Hot material can cause burns to the eye. This material can cause eye irritation with tearing, redness, or a stinging or burning feeling. Effects may become more serious with repeated or prolonged contact.
Skin Contact	Hot material can cause burns to the skin. May cause skin irritation with redness, an itching or burning feeling, and swelling of the skin. Effects may become more serious with repeated or prolonged contact. Skin contact may cause harmful effects in other parts of the body.
Ingestion	Contact with hot material may cause thermal burns. If swallowed at ambient temperatures, no significant adverse health effects are anticipated. If swallowed in large quantities, this material can obstruct the intestine.
Chronic Health Effects Summary	This material, or a component of this material, has been shown to cause cancer in laboratory animals. The relevance of this to humans is not clear. See Toxicological Information (Section 11)
Conditions Aggravated by Exposure	Disorders of the following organs or organ systems that may be aggravated by significant exposure to this material or its components include: Skin, Respiratory System, Kidneys, Central Nervous System (CNS)
Target Organs	Contains material which may cause damage to the following organs: kidneys, liver, upper respiratory tract, skin, eye, lens or cornea
Carcinogenic Potential	Certain preparations of this material are classified as carcinogenic by OSHA, NTP, or IARC. See Section 11 of this MSDS for additional information concerning the carcinogenic potential of this product.

OSHA Hazard Classification is indicated by an "X" in the box adjacent to the hazard title. If no "X" is present, the product does not exhibit the hazard as defined in the OSHA Hazard Communication Standard (29 CFR 1910.1200).

OSHA Health Hazard Classification				OSHA Physical Hazard Classification					
Irritant	X	Sensitizer		Combustible		Explosive		Pyrophoric	
Toxic		Highly Toxic		Flammable		Oxidizer		Water-reactive	
Corrosive		Carcinogenic		Compressed Gas		Organic Peroxide		Unstable	

SECTION 4. FIRST AID MEASURES

Take proper precautions to ensure your own health and safety before attempting rescue or providing first aid. For more specific information, refer to Exposure Controls and Personal Protection in Section 8 of this MSDS.

Inhalation Move victim to fresh air. If victim is not breathing, immediately begin rescue breathing. If breathing is difficult, 100 percent humidified oxygen should be administered by a qualified individual. Seek medical attention immediately. Keep the affected individual warm and at rest.

Eye Contact Check for and remove contact lenses. Flush eyes with cool, clean, low-pressure water while occasionally lifting and lowering eyelids. Seek medical attention if excessive tearing, redness, or pain persists.

Skin Contact If burned by hot material, cool skin by quenching with large amounts of cool water. For contact with product at ambient temperatures, remove contaminated shoes and clothing. Wipe off excess material. Wash exposed skin with mild soap and water. Seek medical attention if tissue appears damaged or if pain or irritation persists. Thoroughly clean contaminated clothing before reuse. Discard contaminated leather goods. If material is injected under the skin, seek medical attention immediately.

Ingestion Do not induce vomiting unless directed to by a physician. Do not give anything to drink unless directed to by a physician. Never give anything by mouth to a person who is not fully conscious. If significant amounts are swallowed or irritation or discomfort occurs, seek medical attention immediately.

Notes to Physician SKIN: Hot material may cause skin burns. Immerse skin covered with hot material in cool water to limit tissue damage and prevent spread of liquid product. Consider leaving cooled material on skin unless contraindicated by contamination or potential for tattooing. If removal is necessary, mineral oil may be of assistance in minimizing skin loss when removing cool, hardened asphalt.

EYES: Hot material may cause burns to the eyes. Early ophthalmologic evaluation is recommended.

INGESTION: Check for possible bowel obstruction with ingestion of large quantities of material.

SECTION 5. FIRE FIGHTING MEASURES

NFPA Flammability Classification NFPA Class-IIIB combustible material.

Flash Point Open cup: >232°C (>450°F).

Lower Flammable Limit No data. **Upper Flammable Limit** No data.

Autoignition Temperature Not available.

Hazardous Combustion Products Carbon dioxide, carbon monoxide, smoke, fumes, unburned hydrocarbons and oxides of sulfur and/or nitrogen. Hydrogen sulfide and other sulfur-containing gases can evolve from this product particularily at elevated temperatures.

Special Properties Fight the fire from a safe distance in a protected location. Cool surface with water fog. Molten material can form flaming droplets if ignited. Water or foam can cause frothing. Use of water on product above 100° C (212° F) can cause product to expand with explosive force. Do not allow liquid runoff to enter sewers or public waters.

Extinguishing Media Use dry chemical, foam, Carbon Dioxide or water fog.

Protection of Fire Fighters

Firefighters must use full bunker gear including NIOSH-approved positive pressure self-contained breathing apparatus to protect against potential hazardous combustion or decomposition products and oxygen deficiencies. Withdraw immediately from the area if there is a rising sound from a venting safety device or discoloration of vessels, tanks, or pipelines.

SECTION 6. ACCIDENTAL RELEASE MEASURES

Take proper precautions to ensure your own health and safety before attempting spill control or clean-up. For more specific information, refer to the Emergency Overview on Page 1, Exposure Controls and Personal Protection in Section 8 and Disposal Considerations in Section 13 of this MSDS.

Remove all potential ignition sources. Administer appropriate first aid as needed. Verify that responders are properly HAZWOPER-trained and wearing appropriate protective equipment during cleanup operations. Isolate the area of the spill and restrict access. For small spills, remove released material with shovels and place into containers for disposal.
For large spills, evacuate area immediately. Evaluate potential exposure to response personnel. Respiratory protection may be required. Use protective clothing. Dike far ahead of a liquid spill to ensure complete collection. Do not allow free liquids to enter drains, sewers, ground water, drainage ditches or surface waters. This material is heavier than water. Releases to surface waters will sink. Report releases in accordance with local, state and federal requirements. Some releases must be reported to the National Response Center (800/424-8802).

SECTION 7. HANDLING AND STORAGE

Handling

Use normal precautions when handling hot, molten liquid solutions. Do not breathe fumes or vapor from heated material. Do not allow hot material to contact skin. Wash thoroughly after handling.

Storage

Materials represented by this MSDS are classified as NFPA Class III B combustible liquid. Generally, storage temperatures of 350 °F or below are recommended in cone roof storage tanks to minimize the formation of pyrophoric sulfides and carbonaceous deposits on the tank roof and appurtenant structures. Consult API Recommended Practice 2023 for additional guidance. Store distant from fire and ignition sources. Consult appropriate federal, state and local authorities before reusing, reconditioning, reclaiming, recycling or disposing of empty containers or waste residues of this product.

SECTION 8. EXPOSURE CONTROLS AND PERSONAL PROTECTION

Engineering Controls

Engineering controls are normally required when handling hot materials. Use process enclosures, local exhaust ventilation, or other controls to maintain airborne levels below recommended exposure limits (see below). Engineering controls should meet applicable requirements of the National Electrical Code (NEC) Standards. Ensure that an emergency eye wash station and safety shower are located near the work-station.

Personal Protective Equipment

Personal protective equipment should be selected based upon the conditions under which this material is used. A hazard assessment of the work area for PPE requirements should be conducted by a qualified professional pursuant to OSHA regulations. The following pictograms represent the minimum requirements for personal protective equipment. For certain operations, additional PPE may be required.

This recommendation reflects minimum PPE when product is at elevated temperatures.



Eye Protection

	Use a full-face shield and chemical safety goggles if handling heated material. With product at ambient temperatures, safety glasses equipped with side shields are recommended as minimum protection in industrial settings. Keep a suitable eye wash station immediately available to the work area.
Hand Protection	When handling product at elevated temperatures, use long-cuffed leather or heat-resistant gloves. When product is at ambient temperatures, use gloves constructed of chemical resistant materials such as heavy nitrile rubber if frequent or prolonged contact is expected.
Body Protection	Prevent skin contact when handling heated material. Use insulated, heat-resistant clothing such as a chemical resistant apron or slicker suit. Use a full-body heat-resistant or internally cooled suit when work conditions dictate.
Respiratory Protection	Contaminant air concentrations determine the level of respiratory protection required. Use only NIOSH-approved respiratory equipment within the limits of the protection factors for that equipment. Use supplied air respirators when H_2S concentrations are expected to exceed applicable workplace exposure levels. Do not use air purifying respiratory equipment when considering elevated H_2S concentrations. Respiratory equipment must be selected on the basis of the maximum expected air concentration.
General Comments	Use good personal hygiene practices. Wash hands and other exposed skin areas with plenty of mild soap and water before eating, drinking, smoking, use of toilet facilities, or leaving work. DO NOT use gasoline, kerosene, solvents, or harsh abrasive skin cleaners.

Occupational Exposure Guidelines

Substance	**Applicable Workplace Exposure Levels**
Asphalt	**ACGIH TLV (United States).** TWA: 0.5 mg/m^3 8 hour(s).
Hydrogen Sulfide	**ACGIH TLV (United States).** TWA: 10 ppm 8 hour(s). STEL: 15 ppm 15 minute(s). **OSHA (United States).** CEIL: 20 ppm 8 hour(s). STEL: 50 ppm 15 minute(s). Form: *10 minute peak; once per 8 hour shift

SECTION 9. PHYSICAL AND CHEMICAL PROPERTIES (TYPICAL)

Physical State	Liquid.	**Color**	Brown to black.	**Odor**	Characteristic, sour, tar-like odor.
Specific Gravity	>1 (Water = 1)	**pH**	Not Applicable.	**Vapor Density**	>1 (Air = 1)
Boiling Range	IBP: AP 400º C (AP 752º F))			**Melting/Freezing Point**	Not available.
Vapor Pressure	Not available.			**Volatility**	Negligible volatility.
Solubility in Water	Insoluble in cold water.			**Viscosity (cSt @ 40°C)**	not available
Flash Point	Open cup: >232°C (>450°F).				
Additional Properties	No additional information.				

SECTION 10. STABILITY AND REACTIVITY

Chemical Stability Stable. **Hazardous Polymerization** Not expected to occur.

Conditions to Avoid Keep away from extreme heat, strong acids and strong oxidizing conditions.

Materials Incompatibility Strong oxidizers.

Hazardous Decomposition Products No additional hazardous decomposition products were identified other than the combustion products identified in Section 5 of this MSDS.

SECTION 11. TOXICOLOGICAL INFORMATION

For other health-related information, refer to the Emergency Overview on Page 1 and the Hazards Identification in Section 3 of this MSDS.

Toxicity Data

Proprietary Process Oils
Long-term repeated (lifetime) skin exposure to similar materials has been reported to result in an increase in skin tumors in laboratory rodents. The International Agency for Research on Cancer (IARC) has concluded that this category of untreated and mildly-treated oils are possibly carcinogenic to humans (Group 2B).

Asphalt, unoxidized
Acute effects:
Asphalt fumes have been associated with irritation of eyes nose and throat. Also, lower respiratory effects have been reported.

Carcinogenicity:
Animal Studies:
Certain extracts of asphalt (bitumen) have been shown to produce cancers in mouse skin painting studies. In 1985, the International Agency for Research on Cancer (IARC) concluded that there was insufficient evidence to conclude that asphalts alone are carcinogenic to humans. However, IARC did determine that there is sufficient evidence for the carcinogenicity of extracts of steam refined bitumens, air refined bitumens and pooled mixtures of steam and air refined bitumens in experimental animals.

Skin painting studies have demonstrated that certain high temperature asphalt fume condensates can produce cancers in mice. The causal agent is thought to be 4 to 6 ring polycyclic aromatic compounds. These compounds can be found in asphalt fumes generated at temperatures exceeding normal storage and application temperatures of paving asphalt. Studies on fumes similar to those found in the asphalt paving work environment indicated no mutagenic activity.

Epidemiological Studies:
Epidemiological studies have indicated a link between exposure to asphalt fumes and certain types of cancer, including cancers of the lung and G.I. tract in a cohort of Danish workers. However, these studies apparently either did not evaluate or inadequately controlled for confounders such as smoking and concomitant coal tar exposure.

In a cohort of European paving and mastic asphalt workers, an IARC sponsored study suggested a slight increase in lung cancer mortality when asphalt workers were compared to the general national population. The IARC study further suggested that there is amarginal relationship in increased lung cancers and increased average asphalt fume exposure. However, the IARC study could not exclude confounding from exposure to other agents in the workplace. Further, the study did not conclude that increased lung cancer mortality is linked to increased duration of exposure or to cumulative exposure to asphalt fumes. Consequently, the results of this IARC study are considered equivocal.

SECTION 12. ECOLOGICAL INFORMATION

Ecotoxicity Analysis for ecological effects has not been conducted on this product. Spills into water ways may be harmful to benthic organisms and bottom feeders.

Environmental Fate This product is estimated to have a slow rate of biodegradation. This product is not expected to bioaccumulate through food chains in the environment.

SECTION 13. DISPOSAL CONSIDERATIONS

Hazard characteristic and regulatory waste stream classification can change with product use. Accordingly, it is the responsibility of the user to determine the proper storage, transportation, treatment and/or disposal methodologies for spent materials and residues at the time of disposition.

Maximize material recovery for reuse or recycling. Conditions of use may cause this material to become a "hazardous waste", as defined by federal or state regulations. It is the responsibility of the user to determine if the material is a "hazardous waste" at the time of disposal. Transportation, treatment, storage, and disposal of waste material must be conducted in accordance with RCRA regulations (see 40 CFR 260 through 40 CFR 271). State and/or local regulations may be more restrictive. Contact your regional US EPA office for guidance concerning case specific disposal issues.

SECTION 14. TRANSPORT INFORMATION

The shipping description below may not represent requirements for all modes of transportation, shipping methods or locations outside of the United States.

US DOT Status This material is regulated by the US DOT only when it is offered for shipment at temperatures above 212º F (100º C). This material is deemed as non-hazardous when shipped at ambient temperatures and does not require DOT labeling.

Proper Shipping Name Elevated Temperature Liquid, n.o.s.

Hazard Class 9

Packing Group(s) III

UN/NA Number UN 3257

Reportable Quantity A Reportable Quantity (RQ) has not been established for this material.

Placard(s)



Emergency Response Guide No. 128

MARPOL III Status Not a DOT "Marine Pollutant" per 49 CFR 171.8.

SECTION 15. REGULATORY INFORMATION

TSCA Inventory This product and/or its components are listed on the Toxic Substances Control Act (TSCA) inventory.

SARA 302/304 Emergency Planning and Notification The Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III requires facilities subject to Subparts 302 and 304 to submit emergency planning and notification information based on Threshold Planning Quantities (TPQs) and Reportable Quantities (RQs) for "Extremely Hazardous Substances" listed in 40 CFR 302.4 and 40 CFR 355. No components were identified.

SARA 311/312 Hazard Identification	The Superfund Amendments and Reauthorization Act of 1986 (SARA) Title III requires facilities subject to this subpart to submit aggregate information on chemicals by "Hazard Category" as defined in 40 CFR 370.2. This material would be classified under the following hazard categories: Acute (Immediate) Health Hazard, Chronic (Delayed) Health Hazard
SARA 313 Toxic Chemical Notification and Release Reporting	This product contains the following components in concentrations above *de minimis* levels that are listed as toxic chemicals in 40 CFR Part 372 pursuant to the requirements of Section 313 of SARA: No components were identified.
CERCLA	The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) requires notification of the National Response Center concerning release of quantities of "hazardous substances" equal to or greater than the reportable quantities (RQ's) listed in 40 CFR 302.4. As defined by CERCLA, the term "hazardous substance" does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically designated in 40 CFR 302.4. This product or refinery stream is not known to contain chemical substances subject to this statute. However, it is recommended that you contact state and local authorities to determine if there are any other reporting requirements in the event of a spill.
Clean Water Act (CWA)	This material is classified as an oil under Section 311 of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). Discharges or spills which produce a visible sheen on waters of the United States, their adjoining shorelines, or into conduits leading to surface waters must be reported to the EPA's National Response Center at (800) 424-8802.
California Proposition 65	This material may contain the following components which are known to the State of California to cause cancer, birth defects or other reproductive harm, and may be subject to the requirements of California Proposition 65 (CA Health & Safety Code Section 25249.5): Polynuclear Aromatic Hydrocarbons
New Jersey Right-to-Know Label	For New Jersey R-T-K labeling requirements, refer to components listed in Section 2.
Additional Remarks	No additional regulatory remarks.

SECTION 16. OTHER INFORMATION

Refer to the top of Page 1 for the HMIS and NFPA Hazard Ratings for this product.

REVISION INFORMATION

Version Number	1.00
Revision Date	3/16/2006
Print Date	Printed on 3/16/2006.

ABBREVIATIONS

AP: Approximately EQ: Equal >: Greater Than <: Less Than NA: Not Applicable ND: No Data NE: Not Establishe

ACGIH: American Conference of Governmental Industrial Hygienists
AIHA: American Industrial Hygiene Associatior
IARC: International Agency for Research on Cancer
NTP: National Toxicology Program
NIOSH: National Institute of Occupational Safety and Health
OSHA: Occupational Safety and Health Administration
NPCA: National Paint and Coating Manufacturers Association
HMIS: Hazardous Materials Information System
NFPA: National Fire Protection Association
EPA: US Environmental Protection Agency

DISCLAIMER OF LIABILITY

THE INFORMATION IN THIS MSDS WAS OBTAINED FROM SOURCES WHICH WE BELIEVE ARE RELIABLE. HOWEVER, THE INFORMATION IS PROVIDED WITHOUT ANY WARRANTY, EXPRESSED OR IMPLIED REGARDING ITS CORRECTNESS. SOME INFORMATION PRESENTED AND CONCLUSIONS DRAWN HEREIN ARE FROM SOURCES OTHER THAN DIRECT TEST DATA ON THE SUBSTANCE ITSELF. THIS MSDS WAS PREPARED AND IS TO BE USED ONLY FOR THIS PRODUCT. IF THE PRODUCT IS USED AS A COMPONENT IN ANOTHER PRODUCT, THIS MSDS INFORMATION MAY NOT BE APPLICABLE. USERS SHOULD MAKE THEIR OWN INVESTIGATIONS TO DETERMINE THE SUITABILITY OF THE INFORMATION OR PRODUCTS FOR THEIR PARTICULAR PURPOSE.

THE CONDITIONS OR METHODS OF HANDLING, STORAGE, USE, AND DISPOSAL OF THE PRODUCT ARE BEYOND OUR CONTROL AND MAY BE BEYOND OUR KNOWLEDGE. FOR THIS AND OTHER REASONS, WE DO NOT ASSUME RESPONSIBILITY AND EXPRESSLY DISCLAIM LIABILITY FOR LOSS, DAMAGE OR EXPENSE ARISING OUT OF OR IN ANY WAY CONNECTED WITH HANDLING, STORAGE, USE OR DISPOSAL OF THE PRODUCT.

* * * * * END OF MSDS * * * * *



NFPA 704 (Section 16)

AMERADA HESS CORPORATION

MATERIAL SAFETY DATA SHEET

No. 2 Fuel Oil **MSDS No. 0088**

1. CHEMICAL PRODUCT and COMPANY INFORMATION (rev. Jan-98)

Amerada Hess Corporation
1 Hess Plaza
Woodbridge, NJ 07095-0961

EMERGENCY TELEPHONE NUMBER (24 hrs): CHEMTREC (800) 424-9300
COMPANY CONTACT (business hours): Corporate Safety (732) 750-6000
SYNONYMS: #2 Heating Oil; 2 Oil; Off-road Diesel Fuel

See Section 16 for abbreviations and acronyms.

2. COMPOSITION and INFORMATION ON INGREDIENTS (rev. Sep-98)

INGREDIENT NAME	EXPOSURE LIMITS	CONCENTRATION PERCENT BY WEIGHT
#2 Fuel Oil CAS NUMBER: 68476-30-2	OSHA PEL-TWA: 5 mg/m^3 as mineral oil mist ACGIH TLV-TWA: 1997 NOIC - 100 mg/m^3, skin, A3	100
Naphthalene CAS NUMBER: 91-20-3	OSHA PEL-TWA: 10 ppm ACGIH TLV-TWA/STEL: 10 / 15 ppm, A4	Typically 0.1

A complex combination of hydrocarbons with carbon numbers in the range C9 and higher produced from the distillation of petroleum crude oil.

3. HAZARDS IDENTIFICATION (rev. Jan-98; Tox-98)

EMERGENCY OVERVIEW
CAUTION!
OSHA/NFPA COMBUSTIBLE LIQUID - SLIGHT TO MODERATE IRRITANT - EFFECTS CENTRAL NERVOUS SYSTEM - HARMFUL OR FATAL IF SWALLOWED

Moderate fire hazard. Avoid breathing vapors or mists. May cause dizziness and drowsiness. May cause moderate eye irritation and skin irritation. Long-term, repeated exposure may cause skin cancer.

If ingested, do NOT induce vomiting, as this may cause chemical pneumonia (fluid in the lungs).

EYES
Contact with eyes may cause mild irritation.

SKIN
Practically non-toxic if absorbed following acute (single) exposure. May cause skin irritation with prolonged or repeated contact. Liquid may be absorbed through the skin in toxic amounts if large areas of skin are repeatedly exposed.

INGESTION
The major health threat of ingestion occurs from the danger of aspiration (breathing) of liquid drops into the lungs, particularly from vomiting. Aspiration may result in chemical pneumonia (fluid in the lungs), severe lung damage, respiratory failure and even death.

Ingestion may cause gastrointestinal disturbances, including irritation, nausea, vomiting and diarrhea, and central nervous system (brain) effects similar to alcohol intoxication. In severe cases, tremors, convulsions, loss of consciousness, coma, respiratory arrest, and death may occur.

INHALATION
Excessive exposure may cause irritations to the nose, throat, lungs and respiratory tract. Central nervous system (brain) effects may include headache, dizziness, loss of balance and coordination, unconsciousness, coma, respiratory failure, and death.

WARNING: the burning of any hydrocarbon as a fuel in an area without adequate ventilation may result in hazardous levels of combustion products, including carbon monoxide, and inadequate oxygen levels, which may cause unconsciousness, suffocation, and death.

CHRONIC EFFECTS and CARCINOGENICITY

Similar products have produced skin cancer and systemic toxicity in laboratory animals following repeated applications. The significance of these results to human exposures has not been determined - see Section 11Toxicological Information.

MEDICAL CONDITIONS AGGRAVATED BY EXPOSURE

Irritation from skin exposure may aggravate existing open wounds, skin disorders, and dermatitis (rash).

4. FIRST AID MEASURES (rev. Jan-98; Tox-98)

EYES

In case of contact with eyes, immediately flush with clean, low-pressure water for at least 15 min. Hold eyelids open to ensure adequate flushing. Seek medical attention.

SKIN

Remove contaminated clothing. Wash contaminated areas thoroughly with soap and water or with waterless hand cleanser. Obtain medical attention if irritation or redness develops.

INGESTION

DO NOT INDUCE VOMITING. Do not give liquids. Obtain immediate medical attention. If spontaneous vomiting occurs, lean victim forward to reduce the risk of aspiration. Monitor for breathing difficulties. Small amounts of material which enter the mouth should be rinsed out until the taste is dissipated.

INHALATION

Remove person to fresh air. If person is not breathing, provide artificial respiration. If necessary, provide additional oxygen once breathing is restored if trained to do so. Seek medical attention immediately.

5. FIRE FIGHTING MEASURES (rev. Sep-94)

FLAMMABLE PROPERTIES:

FLASH POINT:	100 °F (38 °C) minimum PMCC
AUTOIGNITION POINT:	494 °F (257 °C)
LOWER EXPLOSIVE LIMIT (%):	0.6
UPPER EXPLOSIVE LIMIT (%):	7.5

FIRE AND EXPLOSION HAZARDS

OSHA and NFPA Class 2 COMBUSTIBLE LIQUID (see Section 14 for transportation classification). Vapors may be ignited rapidly when exposed to heat, spark, open flame or other source of ignition. When mixed with air and exposed to an ignition source, flammable vapors can burn in the open or explode in confined spaces. Being heavier than air, vapors may travel long distances to an ignition source and flash back. Runoff to sewer may cause fire or explosion hazard.

EXTINGUISHING MEDIA

SMALL FIRES: Any extinguisher suitable for Class B fires, dry chemical, CO2, water spray, fire fighting foam, or Halon.

LARGE FIRES: Water spray, fog or fire fighting foam. Water may be ineffective for fighting the fire, but may be used to cool fire-exposed containers.

FIRE FIGHTING INSTRUCTIONS

Small fires in the incipient (beginning) stage may typically be extinguished using handheld portable fire extinguishers and other fire fighting equipment.

Firefighting activities that may result in potential exposure to high heat, smoke or toxic by-products of combustion should require NIOSH/MSHA- approved pressure-demand self-contained breathing apparatus with full facepiece and full protective clothing.

Isolate area around container involved in fire. Cool tanks, shells, and containers exposed to fire and excessive heat with water. For massive fires the use of unmanned hose holders or monitor nozzles may be advantageous to further minimize personnel exposure. Major fires may require withdrawal, allowing the tank to burn. Large storage tank fires typically require specially trained personnel and equipment to extinguish the fire, often including the need for properly applied fire fighting foam.

See Section 16 for the NFPA 704 Hazard Rating.

6. ACCIDENTAL RELEASE MEASURES (rev. Jan-98)

ACTIVATE FACILITY'S SPILL CONTINGENCY OR EMERGENCY RESPONSE PLAN.

Evacuate nonessential personnel and remove or secure all ignition sources. Consider wind direction; stay upwind and uphill, if possible. Evaluate the direction of product travel, diking, sewers, etc. to confirm spill areas. Spills may infiltrate subsurface soil and groundwater; professional assistance may be necessary to determine the extent of subsurface impact.

Carefully contain and stop the source of the spill, if safe to do so. Protect bodies of water by diking, absorbents, or absorbent boom, if possible. Do not flush down sewer or drainage systems, unless system is designed and permitted to handle such material. The use of fire fighting foam may be useful in certain situations to reduce vapors. The proper use of water spray may effectively disperse product vapors or the liquid itself, preventing contact with ignition sources or areas/equipment that require protection.

Take up with sand or other oil absorbing materials. Carefully shovel, scoop or sweep up into a waste container for reclamation or disposal. Response and clean-up crews must be properly trained and must utilize proper protective equipment (see Section 8).

7. HANDLING and STORAGE (rev. Jan-98)

HANDLING PRECAUTIONS

Handle as a combustible liquid. Keep away from heat, sparks, excessive temperatures and open flame! No smoking or open flame in storage, use or handling areas. Bond and ground containers during product transfer to reduce the possibility of static-initiated fire or explosion.

Special slow load procedures for "switch loading" must be followed to avoid the static ignition hazard that can exist when this product is loaded into tanks previously containing low flash point products (such as gasoline) - see API Publication 2003, "Protection Against Ignitions Arising Out Of Static, Lightning and Stray Currents."

STORAGE PRECAUTIONS

Keep containers closed and clearly labeled. Use approved vented storage containers. Empty product containers or vessels may contain explosive vapors. Do not pressurize, cut, heat, weld or expose such containers to sources of ignition.

Store in a well-ventilated area. This storage area should comply with NFPA 30 "Flammable and Combustible Liquid Code". Avoid storage near incompatible materials. The cleaning of tanks previously containing this product should follow API Recommended Practice (RP) 2013 "Cleaning Mobile Tanks In Flammable and Combustible Liquid Service" and API RP 2015 "Cleaning Petroleum Storage Tanks."

WORK/HYGIENIC PRACTICES

Emergency eye wash capability should be available in the near proximity to operations presenting a potential splash exposure. Use good personal hygiene practices. Avoid repeated and/or prolonged skin exposure. Wash hands before eating, drinking, smoking, or using toilet facilities. Do not use as a cleaning solvent or harsh abrasive skin cleaners for washing this product from exposed skin areas. Waterless hand cleaners are effective. Promptly remove contaminated clothing and launder before reuse.

Use care when laundering to prevent the formation of flammable vapors which could ignite via washer or dryer. Consider the need to discard contaminated leather shoes and gloves.

8. EXPOSURE CONTROLS and PERSONAL PROTECTION (rev. Jan-98)

ENGINEERING CONTROLS

Use adequate ventilation to keep vapor concentrations of this product below occupational exposure and flammability limits, particularly in confined spaces.

EYE/FACE PROTECTION

Safety glasses or goggles are recommended where there is a possibility of splashing or spraying.

SKIN PROTECTION

Gloves constructed of nitrile, neoprene, or PVC are recommended. Chemical protective clothing such as of E.I. DuPont TyChem®, Saranex® or equivalent recommended based on degree of exposure. Note: The resistance of specific material may vary from product to product as well as with degree of exposure. Consult manufacturer specifications for further information.

RESPIRATORY PROTECTION

A NIOSH/MSHA-approved air-purifying respirator with organic vapor cartridges or canister may be permissible under certain circumstances where airborne concentrations are or may be expected to exceed exposure limits or for odor or irritation. Protection provided by air-purifying respirators is limited. Refer to OSHA 29 CFR 1910.134, ANSI Z88.2-1992, NIOSH Respirator Decision Logic, and the manufacturer for additional guidance on respiratory protection selection.

Use a positive pressure, air-supplied respirator if there is a potential for uncontrolled release, exposure levels are not known, in oxygen-deficient atmospheres, or any other circumstance where an air-purifying respirator may not provide adequate protection.

9. PHYSICAL and CHEMICAL PROPERTIES (rev. Jul-98)

APPEARANCE

Red or reddish/orange colored (dyed) liquid

ODOR

Mild, petroleum distillate odor

BASIC PHYSICAL PROPERTIES

BOILING RANGE:	340 to 700 ^{o}F (171 to 371 ^{o}C)
VAPOR PRESSURE:	0.009 psia @ 70 ^{o}F (21 ^{o}C)
VAPOR DENSITY (air = 1):	> 1.0
SPECIFIC GRAVITY (H_2O = 1):	AP 0.87
PERCENT VOLATILES:	100 %
EVAPORATION RATE:	Slow; varies with conditions
SOLUBILITY (H_2O):	Negligible

10. STABILITY and REACTIVITY (rev. Sep-94)

STABILITY: Stable. Hazardous polymerization will not occur

CONDITIONS TO AVOID and INCOMPATIBLE MATERIALS

Avoid high temperatures, open flames, sparks, welding, smoking and other ignition sources. Keep away from strong oxidizers; Viton ®; Fluorel ®

HAZARDOUS DECOMPOSITION PRODUCTS

Carbon monoxide, carbon dioxide and non-combusted hydrocarbons (smoke).

11. TOXICOLOGICAL PROPERTIES (rev. Jan-98; Tox-98)

ACUTE TOXICITY

Acute Oral LD50 (rat): 14.5 ml/kg
Acute Dermal LD50 (rabbit): > 5 ml/kg
Guinea Pig Sensitization: negative
Primary dermal irritation: moderately irritating (Draize mean irritation score - 3.98 rabbits)
Draize eye irritation: mildly irritating (Draize score, 48 hours, unwashed - 2.0 rabbits)

CHRONIC EFFECTS AND CARCINOGENICITY

Carcinogenic: IARC: NO NTP: NO OSHA: NO ACGIH: 1997 NOIC: A3
Dermal carcinogenicity: positive - mice

Studies have shown that similar products produce skin tumors in laboratory animals following repeated applications without washing or removal. The significance of this finding to human exposure has not been determined. Other studies with active skin carcinogens have shown that washing the animal's skin with soap and water between applications reduced tumor formation.

This product is similar to Diesel Fuel. IARC classifies whole diesel fuel exhaust particulates as probably carcinogenic to humans (Group 2A) and NIOSH regards it as a potential cause of occupational lung cancer based on animal studies and limited evidence in humans.

MUTAGENICITY (genetic effects)

Material of similar composition has been positive in a mutagenicity study.

12. ECOLOGICAL INFORMATION (rev. Jan-98)

Keep out of sewers, drainage areas and waterways. Report spills and releases, as applicable, under Federal and State regulations.

13. DISPOSAL CONSIDERATIONS (rev. Jan-98)

Consult federal, state and local waste regulations to determine appropriate disposal options.

14. TRANSPORTATION INFORMATION (rev. Jan-98)

PROPER SHIPPING NAME:	FUEL OIL, NO. 2
HAZARD CLASS & PACKING GROUP:	3, PG III
DOT IDENTIFICATION NUMBER:	NA 1993
DOT SHIPPING LABEL:	FLAMMABLE LIQUID

May be reclassified for transportation as a COMBUSTIBLE LIQUID under conditions of DOT 49 CFR 173.120(b)(2).

15. REGULATORY INFORMATION (rev. Feb-01)

U.S. FEDERAL, STATE, and LOCAL REGULATORY INFORMATION

This product and its constituents listed herein are on the EPA TSCA Inventory. Any spill or uncontrolled release of this product, including any substantial threat of release, may be subject to federal, state and/or local reporting requirements. This product and/or its constituents may also be subject to other regulations at the state and/or local level. Consult those regulations applicable to your facility/operation.

CLEAN WATER ACT (OIL SPILLS)

Any spill or release of this product to "navigable waters" (essentially any surface water, including certain wetlands) or adjoining shorelines sufficient to cause a visible sheen or deposit of a sludge or emulsion must be reported immediately to the National Response Center (1-800-424-8802) or, if not practical, the U.S. Coast Guard with follow-up to the National Response Center, as required by U.S. Federal Law. Also contact appropriate state and local regulatory agencies as required.

CERCLA SECTION 103 and SARA SECTION 304 (RELEASE TO THE ENVIRONMENT)

The CERCLA definition of hazardous substances contains a "petroleum exclusion" clause which exempts crude oil, refined, and unrefined petroleum products and any indigenous components of such. However, other federal reporting requirements (e.g., SARA Section 304 as well as the Clean Water Act if the spill occurs on navigable waters) may still apply.

SARA SECTION 311/312 - HAZARD CLASSES

ACUTE HEALTH	CHRONIC HEALTH	FIRE	SUDDEN RELEASE OF PRESSURE	REACTIVE
X	X	X	--	--

SARA SECTION 313 - SUPPLIER NOTIFICATION

This product may contain listed chemicals below the *de minimis* levels which therefore are not subject to the supplier notification requirements of Section 313 of the Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 and of 40 CFR 372. If you may be required to report releases of chemicals listed in 40 CFR 372.28, you may contact Amerada Hess Corporate Safety if you require additional information regarding this product.

CANADIAN REGULATORY INFORMATION (WHMIS)

Class B, Division 3(Combustible Liquid); Class D, Division 2, Subdivision B (Toxic by other means)

16. OTHER INFORMATION (rev. Feb-01)

NFPA® HAZARD RATING	HEALTH:	0	Negligible
	FIRE:	2	Moderate
	REACTIVITY:	0	Negligible
HMIS® HAZARD RATING	HEALTH:	1 *	Slight
	FIRE:	2	Moderate
	REACTIVITY:	0	Negligible
			* Chronic

SUPERSEDES MSDS DATED: 09/03/98

ABBREVIATIONS:

AP = Approximately < = Less than > = Greater than
N/A = Not Applicable N/D = Not Determined ppm = parts per million

ACRONYMS:

ACGIH	American Conference of Governmental Industrial Hygienists
AIHA	American Industrial Hygiene Association
ANSI	American National Standards Institute (212) 642-4900
API	American Petroleum Institute (202) 682-8000
CERCLA	Comprehensive Emergency Response, Compensation, and Liability Act
DOT	U.S. Department of Transportation [General info: (800) 467-4922]
EPA	U.S. Environmental Protection Agency
HMIS	Hazardous Materials Information System
IARC	International Agency For Research On Cancer
MSHA	Mine Safety and Health Administration
NFPA	National Fire Protection Association (617) 770-3000
NIOSH	National Institute of Occupational Safety and Health
NOIC	Notice of Intended Change (proposed change to ACGIH TLV)
NTP	National Toxicology Program
OPA	Oil Pollution Act of 1990
OSHA	U.S. Occupational Safety & Health Administration
PEL	Permissible Exposure Limit (OSHA)
RCRA	Resource Conservation and Recovery Act
REL	Recommended Exposure Limit (NIOSH)
SARA	Superfund Amendments and Reauthorization Act of 1986 Title III
SCBA	Self-Contained Breathing Apparatus

SPCC	Spill Prevention, Control, and Countermeasures
STEL	Short-Term Exposure Limit (generally 15 minutes)
TLV	Threshold Limit Value (ACGIH)
TSCA	Toxic Substances Control Act
TWA	Time Weighted Average (8 hr.)
WEEL	Workplace Environmental Exposure Level (AIHA)
WHMIS	Canadian Workplace Hazardous Materials Information System

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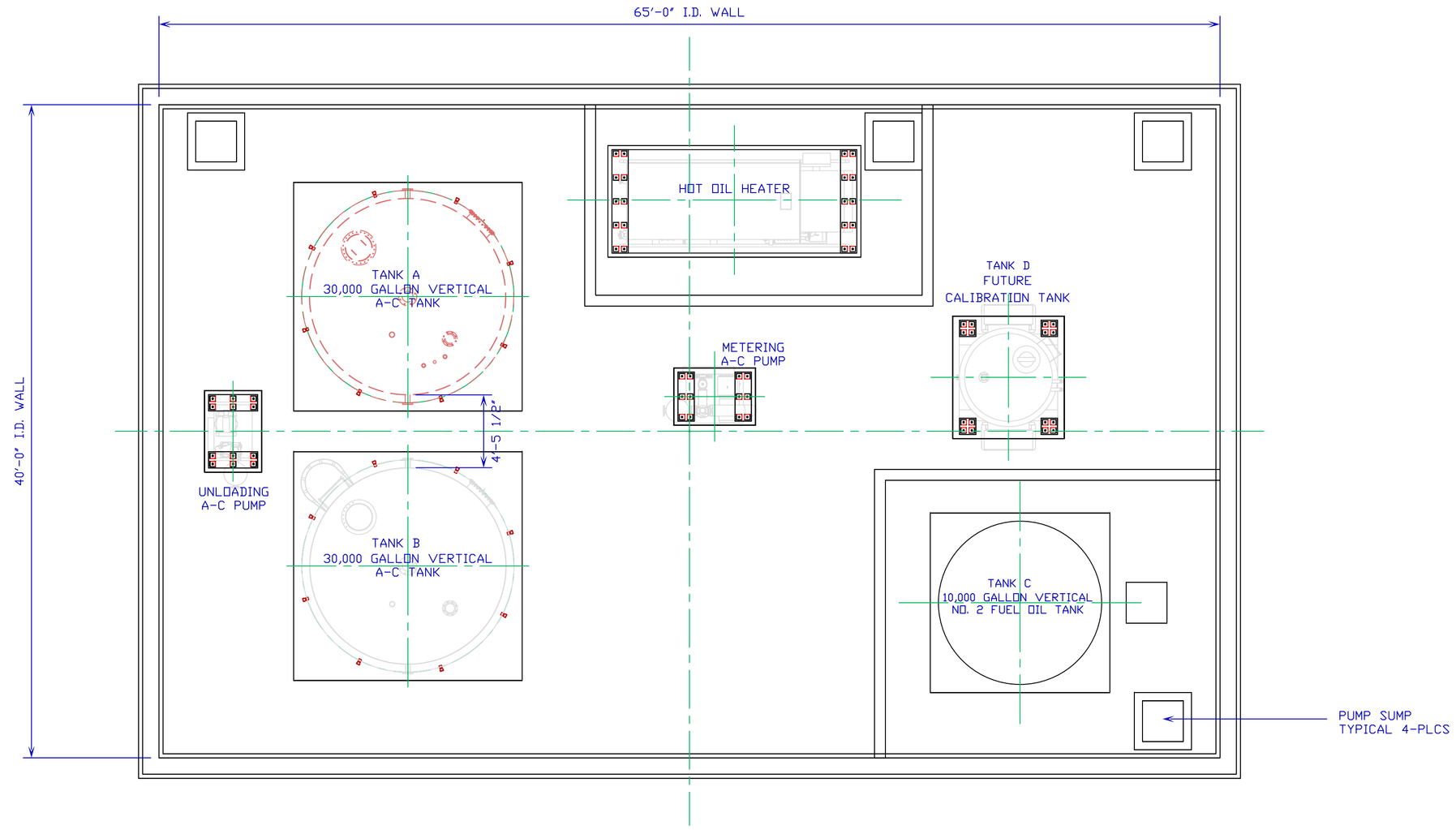
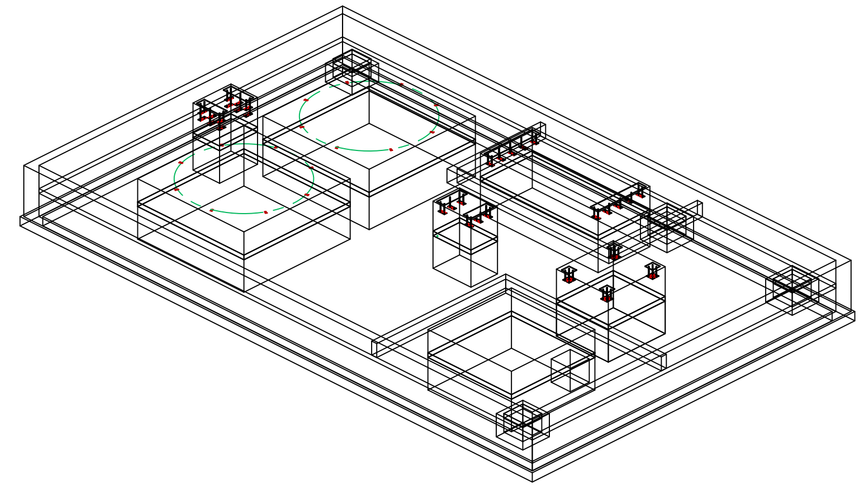
Vendor assumes no responsibility for injury to vendee or third persons proximately caused by the material if reasonable safety procedures are not adhered to as stipulated in the data sheet. Additionally, vendor assumes no responsibility for injury to vendee or third persons proximately caused by abnormal use of the material, even if reasonable safety procedures are followed. Furthermore, vendee assumes the risk in their use of the material.

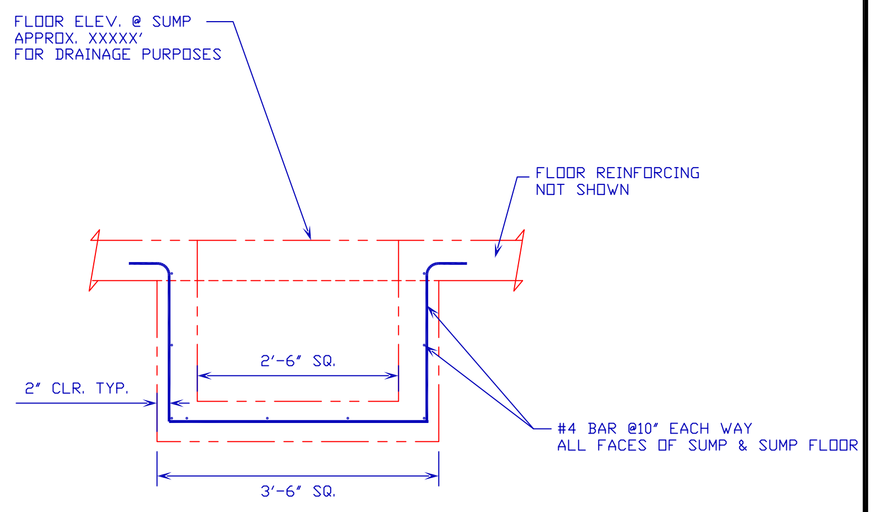
Attachment B.5: Cut Sheets - Storage Containment Systems



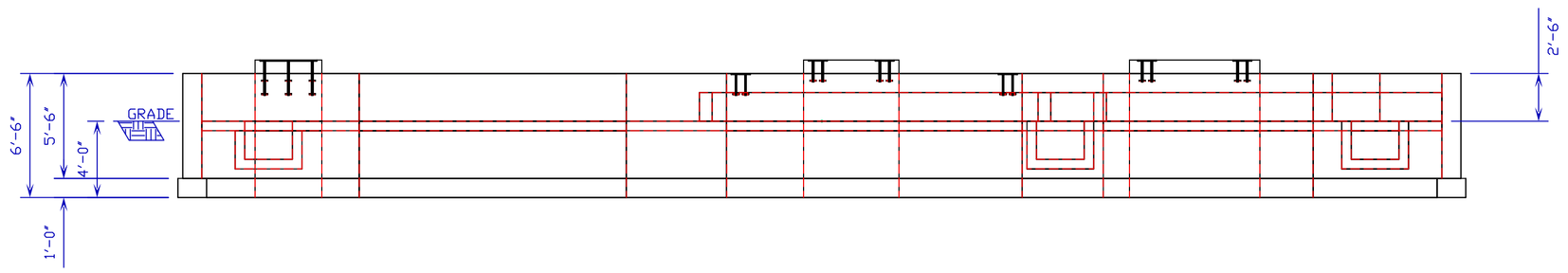
TANK FARM FOUNDATION PLAN



TANK FARM FOUNDATION
SCALE: NTS



PUMP SUMP DETAIL
TYPICAL TWO (2) PLACES
SCALE 3/4"=1'-0"



TANK A - 30,000 GALLON A-C STORAGE TANK, VERTICAL DESIGN
TANK B - 30,000 GALLON A-C STORAGE TANK, VERTICAL DESIGN
TANK C - 10,000 GALLON NO. 2 OIL STORAGE TANK, VERTICAL DESIGN
TANK D - FUTURE CALIBRATION TANK 1,000 GALLON, VERTICAL DESIGN
TANK E - HOT OIL HEATER 85 GAL.

CONTAINMENT AREA REQUIREMENT IS VOLUME OF LARGEST TANK (NFPA CODE 30)
USE 100% LARGEST TANK PLUS 10% OF BALANCE TO ALLOW FOR CHANGES
TOTAL NET VOLUME REQUIRED IS 34,109 GALLONS (4,560 CU. FT.)
TOTAL NET VOLUME AS SHOWN 4,636 CU. FT.

NORMAL PRECIPITATION ACCUMULATION IS COUNTERED BY EVAPORATIVE LOSSES HOWEVER WHEN EXTRAORDINARY WATER ACCUMULATES IT MUST BE REMOVED USING SUMP PUMPS. IF OIL PRESENT ANY LIQUID REMOVED MUST BE HANDLED IN APPROPRIATE MANNER AS REGULATED BY MASSDEP

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DO NOT SCALE DWG.
USE DIMENSIONS ONLY.

REV. NO.	REMARKS	MADE BY	DATE

REVISIONS

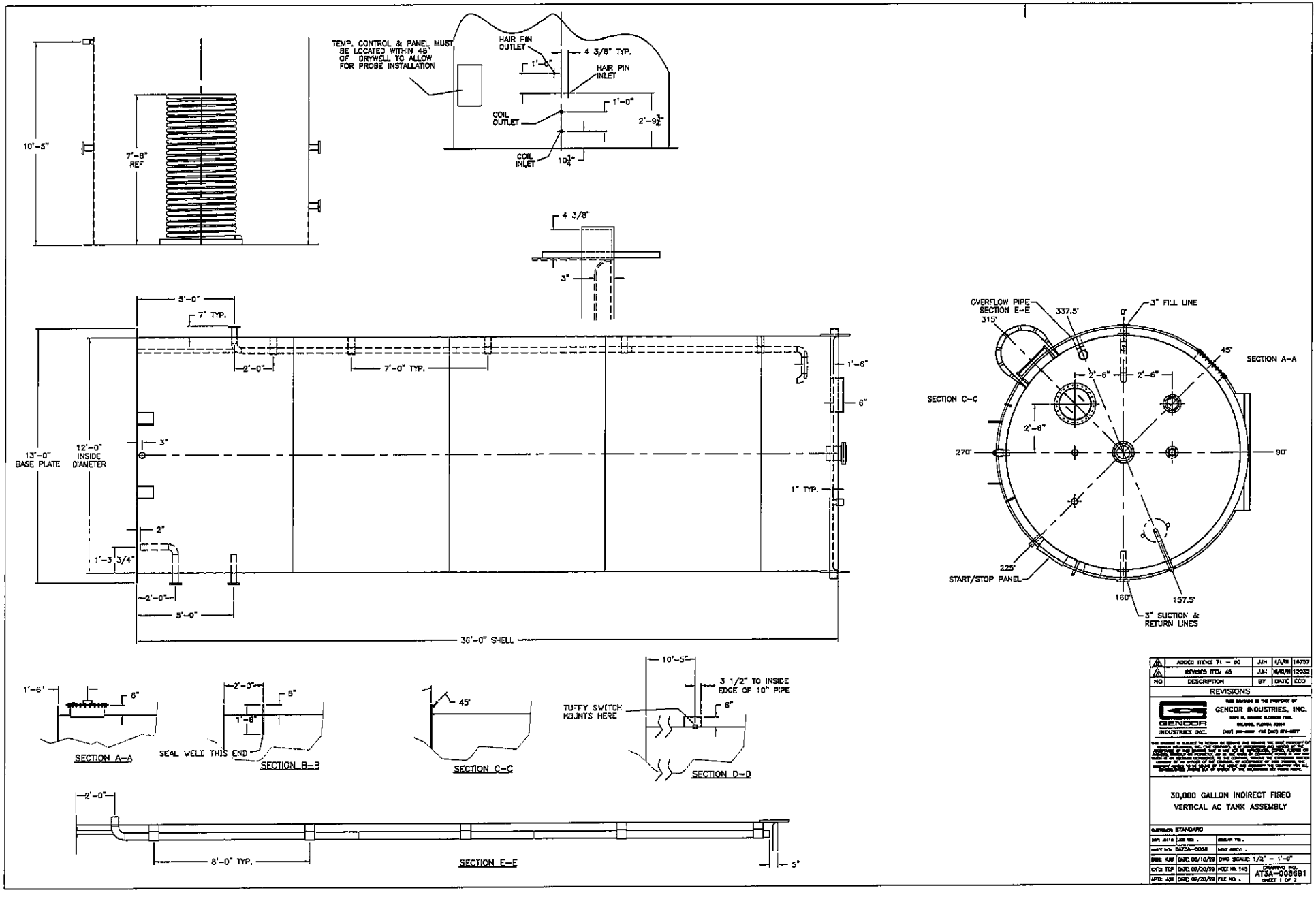
DRAWN	DRJR	DATE	03/31/09
CHECKED		DATE	
ORIGIN. ISSUE	DRJR	DATE	04/02/09
SHEET:	1 OF 1		

ENGINEERING TECHNOLOGIES GROUP, INC.
ENGINEERED PRODUCTS <> DESIGN SOLUTIONS <> ENVIRONMENTAL PERMITTING

HMA DRUM MIX PLANT PROJECT
TANK FARM - PLAN & SIDE ELEVATION
NEWPORT MATERIALS, LLC WESTFORD, MA

SCALES	DWG. NO.	REV.
3/16"=1'-0" U.O.N.	2785-140-1-A1	A

J:\ETG-WORK-FILES\ETG-DRAWINGS\CLIENTS\NEWPORT CONSTRUCTION\WESTFORD\2785\2785-140-1.DWG



NO	DESCRIPTION	BY	DATE	ECO
3	ADDED ITEMS 71 – 80	JJH	1/4/98	16757
2	REVISED ITEM 43	JJH	10/30/98	12032

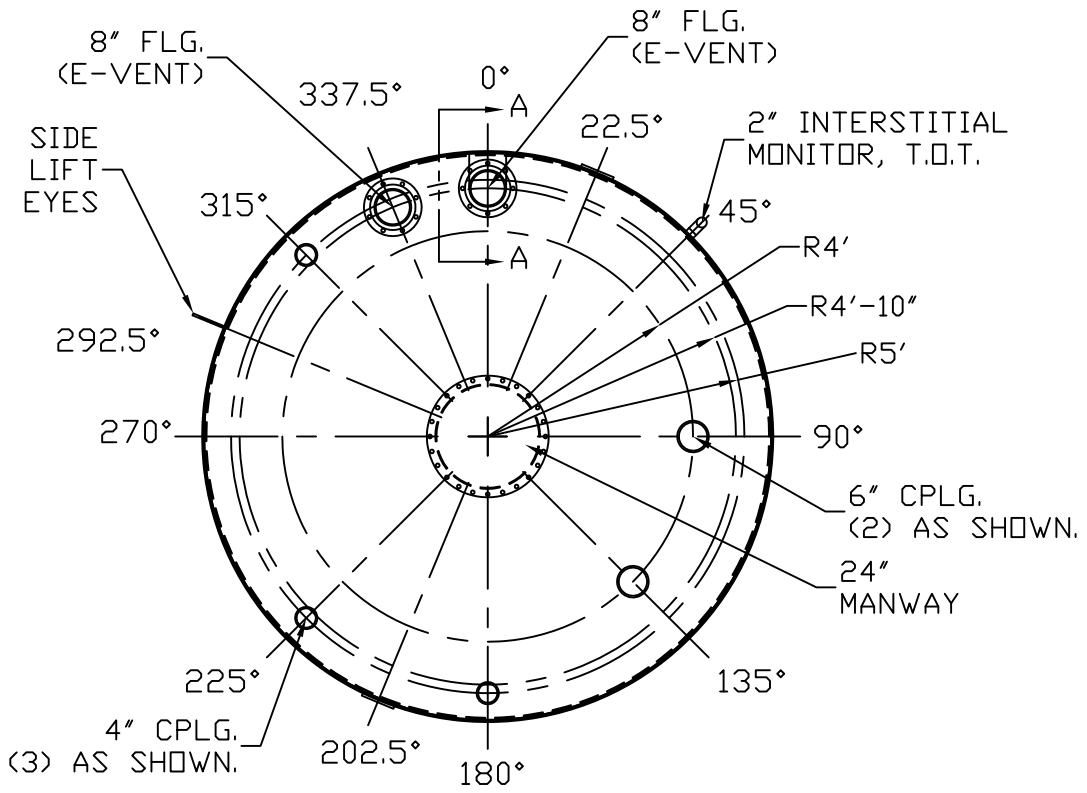
REVISIONS

GENCOR INDUSTRIES, INC.

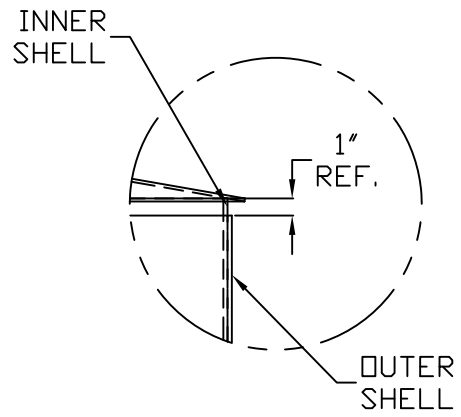
30,000 GALLON INDIRECT FIRED VERTICAL AC TANK ASSEMBLY

CUSTOMER: STANDARD

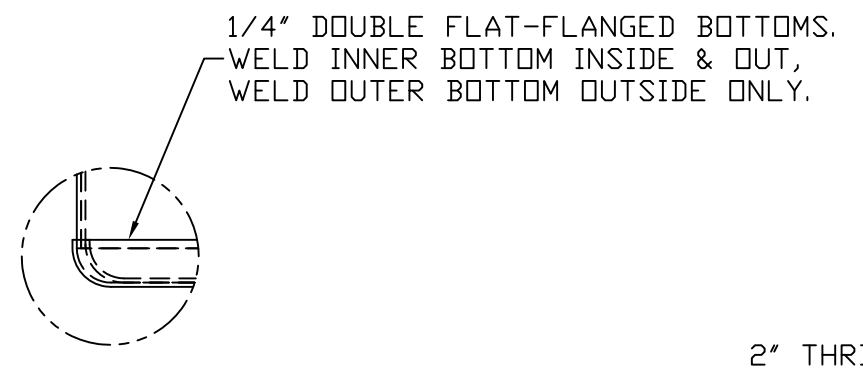
DWN: JJH	DATE: 08/10/99	DWG SCALE: 1/2" – 1'-0"	
CKD: TCP	DATE: 08/20/99	NEXT NO. 145	DRAWING NO. AT3A-008691
APD: JJH	DATE: 08/20/99	FILE NO.	SHEET 1 OF 2



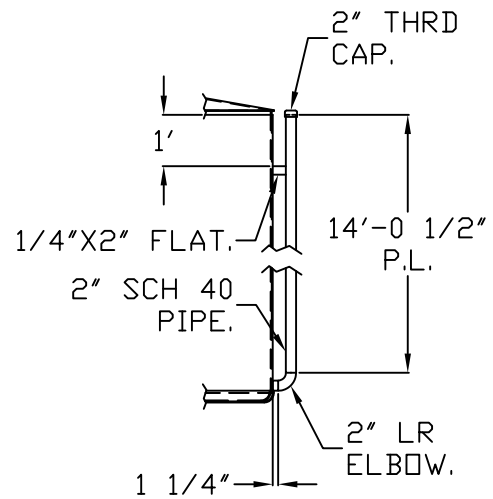
NOTES:
1. SIZE & NUMBER OF OPENINGS MAY VARY PER REQUEST.
2. TANK BUILT, TESTED & LISTED TO UL 142 STANDARDS.
3. BLASTING & PAINTING PER JOB TRAVELER.



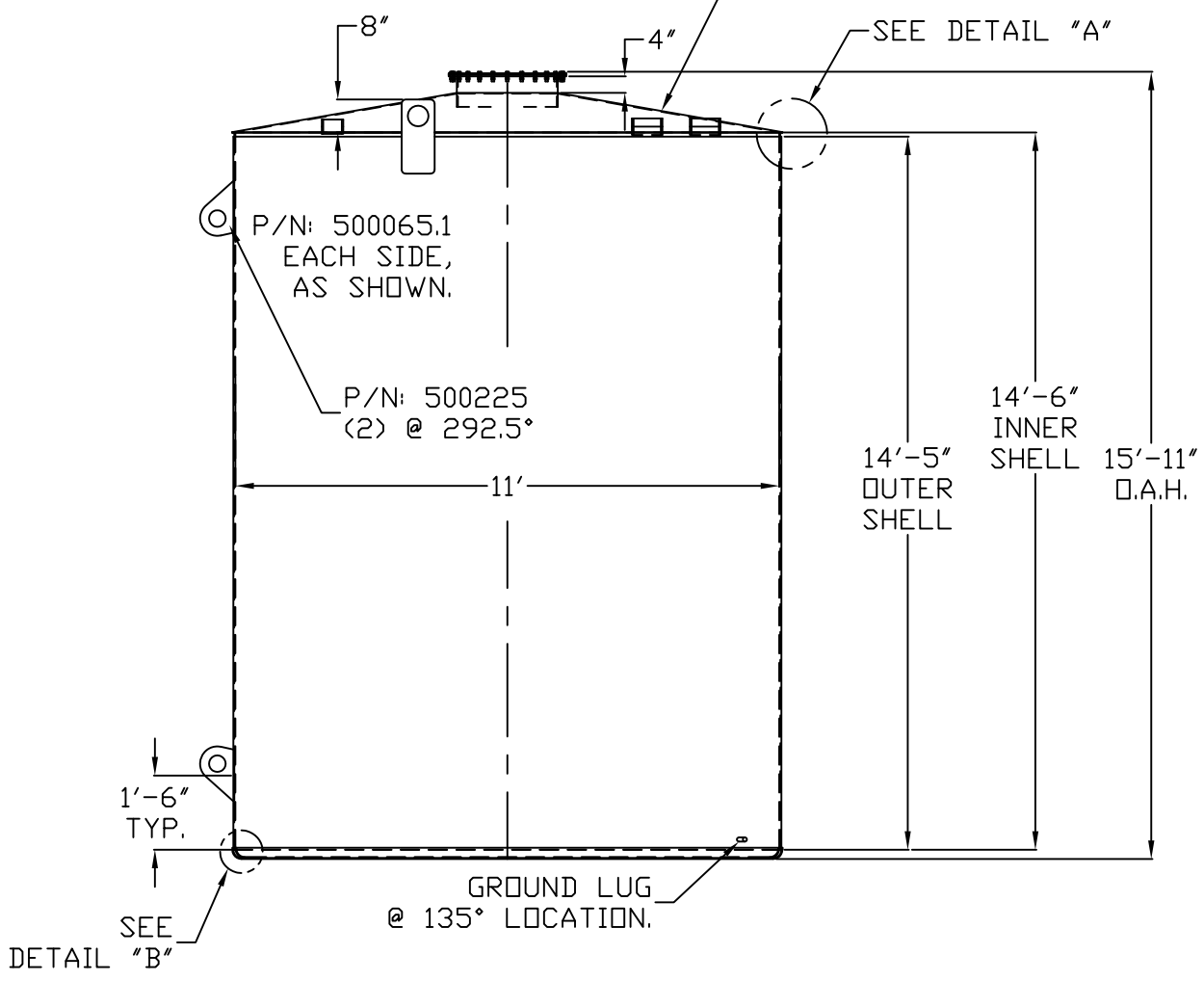
DETAIL "A"

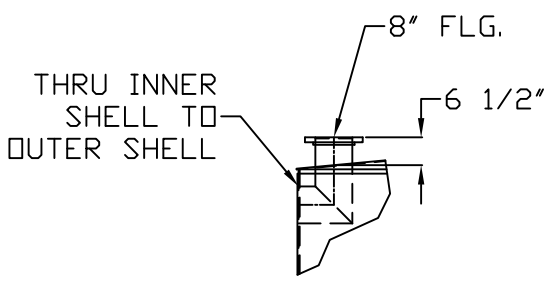


DETAIL "B"

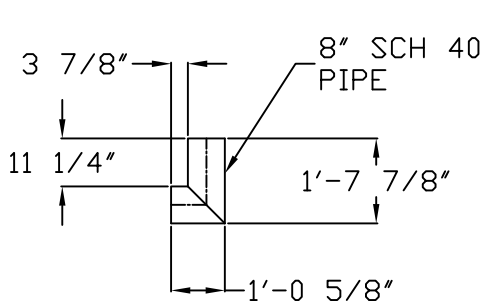


2" MONITOR PIPE DETAILS





VIEW A-A



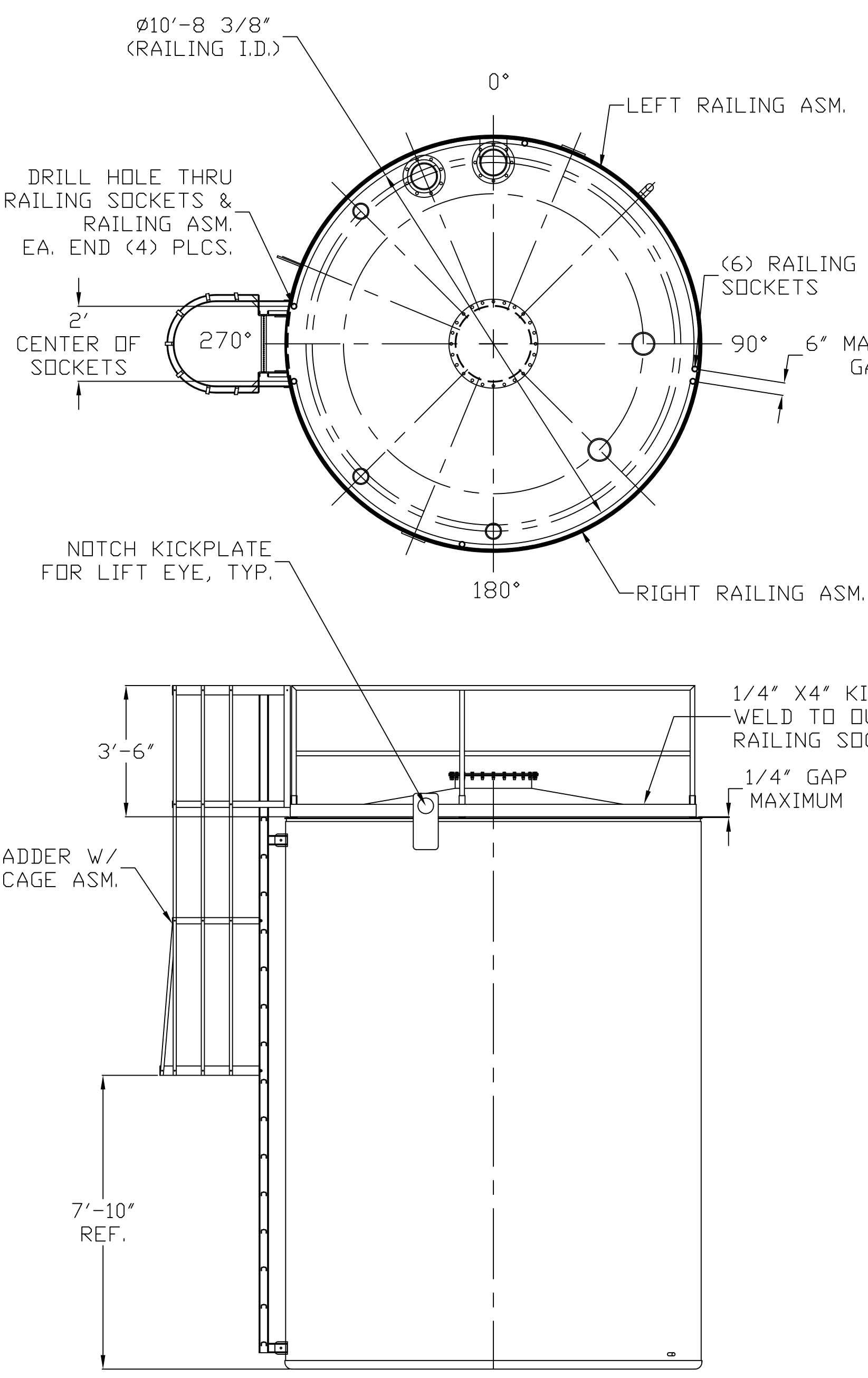
OUTER E-VENT

BTR100132401 10,000 STI FLAMESHIELD VERTICAL
132"Ø X 174" X 1/4" INNER, 1/4" OUTER.

REV. NO.	REVISION	BY CHK'D	DATE
1	OPENING CHANGES	CO	6/6
		CO	06
2	OPENING LAYOUT	CO	6/13
		CO	06
3	OPENING SIZES	CO	6/14
		CO	06

DESIGNED BY: CO	DATE 10/29	USEMCO	
DRAWN BY: CO	DATE 02	USEMCO INCORPORATED	
CHECKED BY:	DATE	P.O. BOX 550 (608) 372-5911 TOMAH WI. 54660	
SCALE		DESCRIPTION: STI FLAMESHIELD VERTICAL TANK	
		DWG. NO. BTR100132-A	

SHEET 1 OF 1



REV. NO.	REVISION	BY CHK'D	DATE
1	OPENING LAYOUT	CO CO	6/13 06

USEMCO

USEMCO INCORPORATED
P.O. BOX 550 (608) 372-5911 TOMAH WI. 54660

DESIGNED BY:	DATE
CO	6/6
DRAWN BY:	DATE
CO	06
CHECKED BY:	DATE

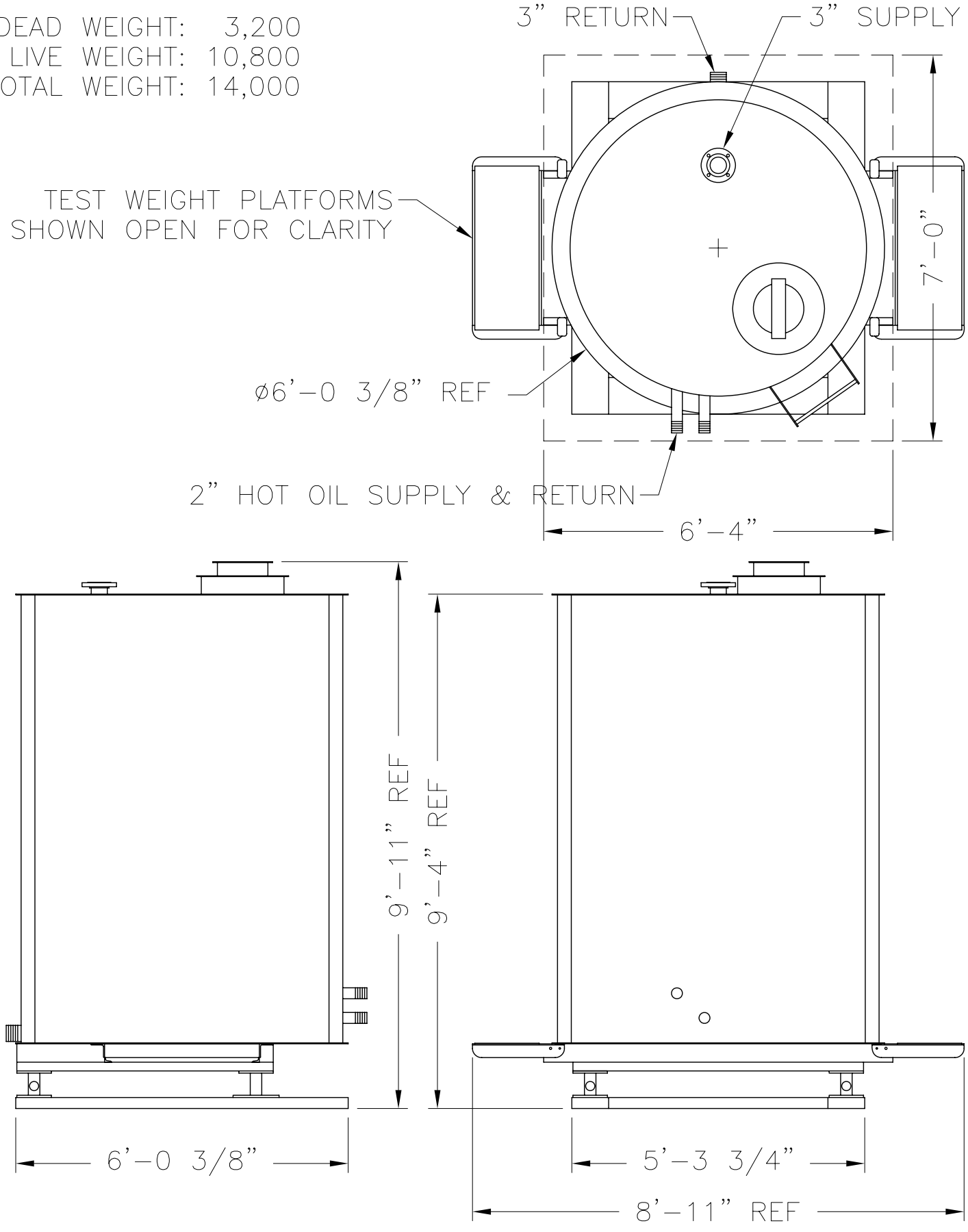
DESCRIPTION: VERTICAL TANK LADDER & RAILING

SCALE

DWG. NO. BTR100132-H

SHEET 1 OF 1

DEAD WEIGHT: 3,200
LIVE WEIGHT: 10,800
TOTAL WEIGHT: 14,000



GENCOR 1,000 GALLON CALIBRATION TANK

APPENDIX C: APPROVED SITE PLANS

DEED REFERENCES

M.N.D.R.D. DEED BOOK 21235, PAGE 250
M.N.D.R.D. DEED BOOK 25597, PAGE 30
M.N.D.R.D. DEED BOOK 25597, PAGE 38

ASSESSOR'S REFERENCES

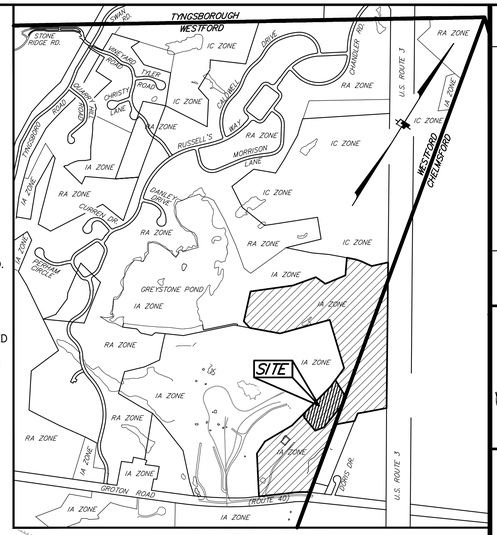
WESTFORD: TAX MAP 48, PARCELS 11.234 & 11.250
CHELMSFORD: TAX MAP 10, BLOCK 22, PARCEL 1

RECORD OWNER

540 GROTON ROAD, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

PLAN REFERENCES

1. PLAN ENTITLED "PLAN OF LAND IN CHELMSFORD & WESTFORD, MA – GROTON ROAD – PROPERTY OF MODERN CONTINENTAL CONSTRUCTION CO. " DWG. NO. 6309, SHEET 1 OF 1, DATED OCTOBER 3, 2000, PREPARED BY LANDTECH CONSULTANTS, INC. M.N.D.R.D. PLAN BOOK 205, PLAN 53.
2. PLAN ENTITLED "PLAN OF LAND IN WESTFORD, MA – GROTON ROAD" DWG. NO. 6309, SHEET 1 OF 1, DATED JANUARY 24, 2002, PREPARED BY LANDTECH CONSULTANTS, INC. M.N.D.R.D. PLAN BOOK 209 PLAN 86.
3. MNDRD PLAN BOOK 233, PLAN 133.



LOCATION PLAN
SCALE: 1"=1250'±

NOTES:

1. TOPOGRAPHIC AND PLANOMETRIC INFORMATION OBTAINED FROM AN AERIAL SURVEY CONDUCTED BY EASTERN TOPOGRAPHICS, WOLFEBORO, NH, SCALE: 1"= 40' CONTOUR INTERVAL: 2' PHOTO DATE: 20 APR 2006 (1:4200) COMPILATION DATE: 12 NOV. 2007.
2. GROUND CONTROL BY LANDTECH CONSULTANTS, INC. THIS MAPPING WAS COLLECTED FROM AERIAL PHOTOGRAPHY AS REFERENCED ABOVE – USING DIGITAL TERRAIN MODELING (DTM) METHODS WITH KLT ATLAS SOFTWARE. DIGITAL FILE NAME: 10633XL.ATL ANY USER SHOULD DETERMINE THE SUITABILITY OF THIS AERIAL MAPPING FOR HIS INTENDED USE AND ASSUME ALL RISK AND LIABILITY IN CONNECTION THEREWITH. NOTE: BUILDING CORNERS AS SHOWN REPRESENT ROOF LINES AS COLLECTED FROM AERIAL PHOTOGRAPHY.
3. TOPOGRAPHIC INFORMATION PARTIALLY UPDATED IN AREA OF SOUND WALL BY USE OF 3D LASER SCANNING CONDUCTED BY LANDTECH CONSULTANTS, INC. ON 12/17/14.
4. BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN NOVEMBER 2007 AND FROM EXISTING DEEDS AND PLANS.
5. UTILITY INFORMATION SHOWN HEREON WAS TAKEN FROM INFORMATION SUPPLIED BY THE VARIOUS UTILITY COMPANIES. LOCATION AND SIZES OF ALL UTILITIES MUST BE FIELD VERIFIED BY ALL CONTRACTORS PRIOR TO THE START OF ANY CONSTRUCTION. 'DIG SAFE' MUST BE NOTIFIED A MINIMUM OF 72 HOURS IN ADVANCE PRIOR TO ANY EXCAVATION.
6. FLAGGED WETLAND LOCATIONS SHOWN ON THIS MAP WERE PROVIDED BY A FIELD STUDY CONDUCTED BY NORSE ENVIRONMENTAL SERVICES, INC., 130 MIDDLESEX ROAD, SUITE 15, TYNGSBORO, MA 01879, NOVEMBER 2007 THROUGH JANUARY 2008 AND FIELD LOCATED BY LANDTECH CONSULTANTS, INC. DECEMBER 2007 THROUGH JANUARY 2008. THE WETLANDS SHOWN ON THIS PLAN WERE APPROVED IN 2008 BY THE WESTFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 334–1402 AND THE CHELMSFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 129–694.
7. THE SUBJECT PARCEL IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA AS DEFINED ON THE FEMA FLOOD INSURANCE RATE MAP, ZONES B & C ON COMMUNITY No. 250225 0005 B, EFFECTIVE DATE JUNE 15, 1983.
8. THE MAIN PORTION OF THE PARCEL IS LOCATED IN WESTFORD LOCATED IN ZONING DISTRICT 'IA' (INDUSTRIAL 'A').

ZONING DISTRICT:	INDUSTRIAL 'A' (IA)
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM LOT FRONTAGE:	200 FEET
MINIMUM BUILDING SETBACKS:	
FRONT:	35 FEET
SIDE:	15 FEET
REAR:	30 FEET

8. A PORTION OF THE PARCEL IS LOCATED IN CHELMSFORD AND IS IN ZONING DISTRICT IA (INDUSTRIAL 'A' LIMITED INDUSTRIAL)

ZONING DISTRICT:	INDUSTRIAL 'A' LIMITED INDUSTRIAL (IA)
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM LOT FRONTAGE:	150 FEET
MINIMUM BUILDING SETBACKS:	
FRONT:	40 FEET
SIDE:	40 FEET
REAR:	30 FEET

ZONING BY–LAW (CHAPTER 173)

1. SECTION 9.4 – SITE PLAN APPROVAL REQUIRED FROM THE WESTFORD PLANNING BOARD.
2. SECTION 9.3A – SPECIAL PERMIT FOR A MAJOR COMMERCIAL PROJECT.
3. SECTON 8.1 – SPECIAL PERMIT FOR THE STORAGE OF #2 FUEL OIL IN A WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD).
4. STORM WATER MANAGEMENT PERMIT – CHAPTER 147 OF THE TOWN OF WESTFORD GENERAL BY–LAWS.
5. AN ORDER OF CONDITIONS FROM THE WESTFORD CONSERVATION COMMISSION.
   - MASSDEP FILE #344–1558
   - MASSDEP FILE #344–1620
6. SIGNED PERMIT IS REQUIRED PER WESTFORD ZONING BY–LAWS SECTION 5.3.2

LEGEND

STONE BOUND (FOUND)	S.B. (fnd.)
IRON PIPE (FOUND)	I.P. (fnd.)
DRILL HOLE (FOUND)	D.H. (fnd.)
PROPERTY BOUNDARY	
BUILDING SETBACK LINE	
EASEMENT LINE	
EDGE OF WETLANDS	
WETLANDS SYMBOL	
TOWN LINE (APPROX.)	

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

0 150 300 450
SCALE IN FEET

BY	DATE	REVISION
DSL	7/31/09	PER PEER REVIEW COMMENTS.
MAW	10/30/09	PER PEER REVIEW COMMENTS.
MAW	12/31/14	SOUND WALL
MAW	2/13/15	TOWN COMMENTS
MAW	3/26/15	TOWN COMMENTS

COMMONWEALTH OF MASSACHUSETTS
MATTHEW A. WATERMAN
CIVIL
No. 45666
REGISTERED PROFESSIONAL ENGINEER

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML/JDS

OVERALL SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 6, 2009

Scale: 1" = 150'

LandTech consultants
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692–6100 – landtechinc.com

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Job. No. 09–102 | Dwg. No. 8915 | Sheet OSP

PROPOSED SITE
6.79 Ac.

PROPOSED 6' CHAINLINK FENCE

BUILDING SETBACK LINE (TYP.)

PROPOSED EMERGENCY ACCESS EASEMENT

PROPOSED GRAVEL HAUL ROAD

PROPOSED 6' CHAINLINK GATE

PROPOSED EMERGENCY ACCESS EASEMENT

PROPOSED DUMPSTER

PROPOSED TANK FARM

EMERGENCY LEAK CONTAINMENT WALL

10,000 GAL. NO.2 FUEL OIL TANK

BIT. PAVEMENT FUTURE BIN

COARSE SAND STOCKPILE

FINE SAND STOCKPILE

PROPOSED GRAVEL ROAD

RAP STOCKPILE

EXIST. EARTHEN BERM

RADIAL STACKER

PROPOSED CRUSHING PLANT

USE LIMITED TO ASPHALT, BRICK AND CONCRETE PROCESSING AREA AND GRAVEL WORK AREA OF THE ASPHALT MANUFACTURING FACILITY

PROPOSED PROCESSED RAP STOCKPILE

PROPOSED GRAVEL WORK AREA

CRUSHED AGGREGATE STORAGE

LAWN AREA

PROPOSED 30,000 GALLON FIRE CISTERN

PROPOSED SIGNS (2) "NO PARKING FIRE LANE"

PROPOSED 6' CHAINLINK FENCE

PROPOSED BIT. DRIVE (TYP.)

MOBILE FOAM FIRE APPARATUS MOUNTED ON SKID

PROPOSED GRAVEL

PROPOSED LOADING RAMP

PROPOSED ASPHALT FACILITY

ASPHALT MANUFACTURING FACILITY

1 1/2" STONE STOCKPILE

1/2" STONE STOCKPILE

3/4" STONE STOCKPILE

PROPOSED CONC. BIN WALL (TYP.)

PROPOSED GRAVEL WORK AREA

PROPOSED GRAVEL ROAD

ASPHALT, BRICK & CONCRETE PROCESSING AREA

1" RAP STOCKPILE

4" RAP STOCKPILE

EXIST. EARTHEN BERM

MAGNETIC NORTH

14°38'21" TRUE NORTH

TRUE NORTH

PROPOSED 6' CHAINLINK FENCE

EXIST. DIRT ROAD

100' WETLAND BUFFER

75' WETLAND BUFFER

50' WETLAND BUFFER

WETLAND

5 SPACES

2 SPACES

MISC. STORAGE TRAILER

OFFICE TRAILER

PROPOSED 6' CHAINLINK GATE

KNOX-BOX RAPID ENTRY SYSTEM KEYED TO WESTFORD FIRE DEPARTMENT

EDGE OF EXIST. GRAVEL ROAD

PROPOSED 6' CHAINLINK FENCE

PROPOSED 6' CHAINLINK GATE

PROPOSED 6' CHAINLINK GATE

PROPOSED 30,000 GALLON FIRE CISTERN

PROPOSED SIGNS (2) "NO PARKING FIRE LANE"

EXIST. EDGE OF GRAVEL ROAD

EXIST. GRAVEL ROAD

EXIST. DIRT ROAD

PROPOSED 6' CHAINLINK FENCE

PROPOSED BIT. DRIVE

EXIST. UTIL POLE

EXIST. EDGE OF GRAVEL ROAD

EXIST. STOCKPILE

EXIST. UTIL POLE

PROPOSED MATERIAL STORAGE BINS (CONCRETE BLOCK WALLS 20' X 40' TYP.)

EXIST. SCALE HOUSE

WESTFORD CHELMSFORD

APPROXIMATE TOWN LINE

EXIST. BLDG.

EXIST. BLDG.

EXIST. STOCKPILE

EXIST. STOCKPILE

EXIST. DIRT DRIVE

EXIST. STOCKPILE

PROPOSED 10'(H)x225'(L) SOUND BARRIER (SEE DETAIL)

PROPERTY LINE (TYP.)

EXIST. TRAILER

EXIST. WETLAND

EXISTING

100' WETLAND BUFFER

75' WETLAND BUFFER

50' WETLAND BUFFER

0 30 60 90

SCALE IN FEET

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

SITE ITEM KEY

A – BITUMINOUS CONCRETE PAVEMENT:
1 1/2" BITUMINOUS CONCRETE WEARING COURSE (CLASS I, TYPE I–1)
2 1/2" BITUMINOUS CONCRETE BINDER COURSE (CLASS I, TYPE I–2)
12" GRAVEL SUBBASE

B – CONCRETE FILLED BOLLARD

C – BITUMINOUS CONCRETE CURBING

D – CONCRETE HANDICAP RAMP

E – SIGN: CONSTRUCTION VEHICLES ONLY

F – SIGN: VISITOR'S ENTRANCE

G – LANDSCAPED AREA

H – LOW SODIUM YARD LIGHT

J – VAN ACCESSIBLE HANDICAP PARKING SIGN

K – PAINTED HANDICAP PARKING SYMBOL

L – 4" PAINTED LINES (WHITE)

M – CONCRETE DUMPSTER PAD

N – SITE SIGN

P – BITUMINOUS CONCRETE SIDEWALK

Q – DRILLED WELL

R – RAMP AND STEPS

S – 30,000 GALLON FIRE CITERN

PROPOSED LEGEND

VEHICLE FLOW DIRECTION

RED MAPLE PLANTING

SHRUB PLANTING

SITE PLAN NOTES

1. SITE AND BUILDING LANDSCAPING WILL MEET OR EXCEED THE MINIMUM STANDARDS AS REQUIRED IN THE WESTFORD ZONING BYLAWS.
2. SEE GENERAL NOTES AND LEGEND SHEET CP3.

MANUFACTURING ITEM KEY

1 Six – 10'x14' skidded cold feed system with two bin vibrators, 1' bin dividers, 36"x10'–2" troughing feeders with eddy currant drives, 36" collector conveyor with drive, and full bulkheads with wing walls.

2 5'x14' Deister aggregate vibrating screen double deck with total remote bypass and drive.

3 30"x70' skidded aggregate scale conveyor with drive.

4 Model 400, 9'–9"x44' skidded insulated ultradrum with 1/2" shell, advanced RAP entry, Ultra II 135 oil/gas fired burner, four drives, feed chute with vibrator and 1/2" NI–Hard Liners remote controlled calibration chute variable frequency AC pump with coriolis meter, fuel pump, and blue smoke capture system.

5 Primary collector mounted over drum.

6 Ultrafoam GX warm mix system.

7 Model CFS 151, 74,092 CFM skidded baghouse with 872 – 7'–2" bags, 15,059 sq. ft. of cloth, 4.92:1 air to cloth ratio, model 490 BCS exhaust fan with one motor.

8 Dust removal system: one 14" diameter auger with drive, calibration port and trickle valve.

9 12'x36' skidded operator's control center, motor control center. UltraLogiks TM process and silo loadout controls, and vector burner control.

10 One 10'x15' skidded recycle bin – series I, one bin vibrator, 42"x13'–3" troughing feeder with eddy current drive, 36" collector conveyor with drive, hinged grizzly, access platform with ladder and full bulkheads with wing walls.

11 4'x10' deister recycle vibrating screen – single deck with drive.

12 24"x70' skidded recycle scale conveyor with drive.

13 Four 200 ton deluxe stationary silos with safety gates, 1/2" ceramic con liners, 1/2"x2' ceramic wall liners and rotary plant air compressor.

14 400 TPH x 86' Deluxe slot conveyor with cleanout, reject chute and drive

15 (Two) 400 TPH x 16' two way top of silo transfer conveyor with drive.

16 (One) 400 TPHx 18' cross transfer conveyor with drive.

17 HYCGO 100 Gencor hot oil hy way heater with expansion tank stand.

18 (Two) 30,000 gallon indirect fired AC vertical tanks with unloading pump and 3" unloading/metering piping.

19 (Two) 11' x 100' rice lake low–profile truck scale.

20 (One) 10,000 gallon vertical No. 2 fuel oil tank.

BY	DATE	REVISION
DSL	7/31/09	PER PEER REVIEW COMMENTS.
MAW	10/30/09	PER PEER REVIEW COMMENTS.
MAW	12/24/14	SOUND WALL
MAW	2/13/15	TOWN COMMENTS
MAW	3/26/15	TOWN COMMENTS

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML

SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 6, 2009

Scale: 1" = 30'

LandTech Consultants
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692–6100 – landtechinc.com

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Job. No. 09–102 | Dwg. No. 8915 | Sheet SP

APPENDIX D: SUPPLEMENTAL DOCUMENTS

Section D.1: Douglas C. Deschenes Letter, dated 10-1-09

October 1, 2009

Don Parsons
Fire Prevention Officer-Westford Fire Department
55 Main Street
Westford, MA 01886

RE: Fire Safety at the Proposed Asphalt Facility

Dear Mr. Parsons,

Enclosed with this letter please find the following information regarding the proposed Asphalt Facility at 540 Groton Road in Westford:

1. Information on the Mobile Foam Cart proposed for donation to the Westford Fire Department that will be mounted on a skid for immediate use by the Westford Fire Department;
2. The Material Safety sheets for the substances that will be maintained on site; and
3. Information on Confined Space Rescue.

Please note that the facility itself has built in fire safety devices. The main burner in the drum mixer is proposed to be fired primarily by natural gas with a back up supply of #2 Fuel Oil in the case of any natural gas disruptions. The piping of these fuels from the source to the burner has regulating and safety shut-off valves consistent with any such commercial and industrial use and are NFPA certified in design. The dust collection system, namely the "baghouse," has an exhaust fan damper that can be closed to suppress a fire if it occurred, although fires in the "baghouse" are highly unlikely. There are also high temperature limit switches on the asphalt tanks and heating system to ensure the product is not over heated.

As to the potential for spills of the #2 Fuel Oil or Liquid Asphalt on site the storage tanks that contain these materials are state-of-the-art storage tanks and will be constructed above ground within a concrete containment structure area that will be constructed to meet or exceed the State of Massachusetts Building Code (Please see attached site plan for detail of the concrete containment structure). The containment area will be sized to meet all the requirements for containment systems set forth in the State of Massachusetts Fire Prevention Regulations and in the National Fire Protection Association Code 30. The

purpose of the containment system is to eliminate the potential risk of a fuel tank spill or leak having an impact on the nearby environment. Furthermore, all tanks will be fitted with block valves on all of the piping that either enters or outlets the containment structure and the facility's standard operating procedures will include the requirement that these valves be shut whenever the plant is not in operation or not attended by the operator's personnel. Please note that the facility will have a gated fence surrounding it when not operational. The keys to the facility will be placed in a Knox Box for access by Westford Fire or Westford Police Departments in the event of an emergency.

In the unlikely situation that a leak occurs outside the containment area, the Applicant has designed the stormwater design to meet a Land Use with Higher Potential Pollutant Load (LUHPPL) as defined by DEP so that there would be no impact to the groundwater or wetland areas. The site is designed to drain into treatment swales and detention basins that surround the proposed asphalt plant area. Should a fire occur on the site, most of the runoff from water/foam usage generated from fighting the fire would find its way into the drainage system. By agreement with the town's reviewing engineer we have agreed to line the drainage swales and detention areas in the vicinity of the asphalt plant with either a clay or rubber membrane liner to inhibit infiltration of runoff. This will be added to a future revision of the plan. By doing so, any runoff generated from fighting a potential fire would be prevented from infiltrating into the ground. We have also agreed to add a manual emergency shutoff valve to the outlet from the detention basin adjacent to the asphalt plant so that should an event occur and the desire is to contain potentially contaminated runoff for clean-up, the valve could be shut and all runoff would be contained within the lined basin and swales. In addition, please keep in mind that should a liquid asphalt tank rupture, the liquid asphalt would quickly harden when exposed to ambient temperature and become much less viscous as it traveled from the area of the tanks until eventually hardening further minimizing the potential for groundwater contamination.

In the case of an unlikely spill or leak of the #2 Fuel Oil or the Liquid Asphalt please note that Facilities that store more than 1,320 gallons of oil above ground are required by EPA to prepare and have a copy available on the site of a Spill Prevention, Control and Countermeasure Plan (SPCC Plan). The plan will be prepared prior to startup of the facility and submitted to the Westford Fire Department for their review. Also, employees on site will be trained to respond appropriately and efficiently in the unlikely event that an accident should occur. The site will also have spill containment pads and a contract with Clean Harbors in place prior to operation.

We are awaiting the report from RJA Associates as to the size of the cistern for the Facility. As soon as that report is available we will forward it to your attention.

Thank you for your time and attention to this matter.

Sincerely,

Douglas C. Deschenes

Enclosures.

Section D.2: Lieutenant Donald R. Parsons Letter, dated 10-13-09

From the Desk of
Lt. Donald R. Parsons
Fire Prevention Officer

October 13, 2009

To: Planning Board

Subject: Fire Protection Review Asphalt Plant

The following is a summary of the Fire Prevention Office review of the proposed Asphalt Plant to be located at 540 Groton Road. Our office recognizes there have been many concerns raised by the community concerning the proposed facility but our focus is specific to fire prevention protection relative to asphalt production at an asphalt facility.

Chief Rochon and I have toured two asphalt plants manufactured by Gencor similar to the one proposed for Westford.

1. Portsmouth New Hampshire
2. Dracut Massachusetts

Both facilities were in full operation during our tour allowing us to make observations as to the process of making asphalt while evaluating fire protection requirements. We observed that neither facility had any specific firefighting protection equipment on site (i.e. firefighting foam) although both facilities had many built in automated fire safety devices. In the event of a catastrophic event requiring continuous water supply both facilities did have access to a hydrant. The Portsmouth Facility hydrant was within the complex but was some distance from the plant; the Dracut Facility hydrant was located outside the main entrance a considerable distance from the plant.

The Portsmouth Facility did have a #2 Fuel Oil (equivalent to home heating fuel) storage tank and two Hot Liquid Asphalt Tanks. The Dracut Facility did not have #2 Fuel Oil as they use Natural Gas for the main burner. At both facilities the tanks were located within a cement containment area sized to meet federal requirements for containment systems. The purpose of the containment system is to protect the environment in the event of a fuel tank spill or leak. The containment area also had a 3 to 4 foot fence protecting the containment area from any personnel entering the area. Both facilities had stormwater protection so that there would be no impact to groundwater in the event of spill or fire. Both facilities have an excellent safety record having no spills or fires.

Our office has had several meetings with the client proposing the Westford Facility. They had an independent fire protection engineer conduct a fire protection review for the proposed facility. Given the Westford Facility will be similar in size and function as those observed by our office, the proposed facility will meet or exceed Federal and State regulations or standards. The proposed Westford Facility will have additional fire protection equipment unlike the facilities we previously toured, namely:

1. Two 30,000 (thirty thousand) gallon Water Cisterns (total 60,000 gallons)
2. Mobile Foam Cart on-site
3. Associated Foam Equipment for the Westford Fire Department
4. Spill Containment Equipment on-site
5. Spill Contract with an independent Spill Contractor
6. Joint safety training with the Westford Fire Department related to the Site

In addition to the above, the Westford Fire Department would request that manual shut off valves be installed at the #2 Fuel Oil tank and Liquid Asphalt tanks. This requirement has been recommended by the State Fire Marshals Office.

In summary, the Chief and I were impressed with the amount of automated safety devices both facilities had as part of their operation. At both facilities we observed that there was NO overloading of trucks to ensure no waste or spillage. With the added fire protection equipment and systems for the proposed Westford Facility we believe the facility will meet or exceeds safety regulations and or standards. Please note that it is highly unlikely for us to anticipate every type of emergency that could occur however, we are relatively certain with the added safety measures for the proposed facility the Westford Fire Department will, to the best of their ability, be able to respond to a fire or spill emergency at this site should one occur.

Respectfully Submitted
Lt. Donald R. Parsons
Fire Prevention Officer

Section D.3: Gencor Industries, Inc. Letter, dated 11-19-09

Gencor Industries, Inc. Letter, dated 04-18-17

GENCOR INDUSTRIES INC.
5201 N. Orange Blossom Trail • Orlando, Florida 32810
(407) 290-6000 • FAX (407) 578-0577

11/19/2009

Rick A. DeFelice
NEWPORT MATERIALS
164 Burke Street Suite 1A
Nashua, NH 03060

Dear Rick,

As previously discussed, please find a list below specifying how Gencor addresses safety issues for our equipment. This information applies to the plant that you have agreed to purchase pending the required approvals.

Vector Burner Control Safeties:
The following safeties must be met or be within operating parameters in order to operate the Vector burner control. Note: The burner will shutdown if any of the safeties fails or fall out of the operating parameters:

1. High Stack Limit – The burner will shutdown if this exceed 400 degrees. Fahrenheit.
2. Baghouse Inlet limit - The burner will shutdown if this exceed 400 degrees.
3. Exhaust Fan Starter or VFD – The burner will shutdown if the Exhaust Fan Starter or VFD auxiliary contacts tripped.
4. Primary Fan (Blower 1) Starter – The burner will shutdown if the Primary Fan Starter auxiliary contacts tripped.
5. Secondary Fan (Blower 2) Starter – The burner will shutdown if the Secondary Fan Starter auxiliary contacts tripped.
6. Exhaust Fan Pressure Limit – The burner will shutdown on loss of Exhaust Fan Pressure.
7. Primary Fan (Blower 1) Pressure Limit – The burner will shutdown on loss of Primary Fan Pressure.
8. Secondary Fan (Blower 2) Pressure Limit – The burner will shutdown on loss of Secondary Fan Pressure.
9. Low Atomizing Air Pressure Limit – The burner will shutdown on Low Atomizing air pressure.
10. Low Oil Pressure Limit – The burner will shutdown on Low Oil pressure.
11. Low Oil Temperature Limit – The burner will shutdown on Low Oil temperature.
12. Low Gas Pressure Limit – The burner will shutdown on Low Gas pressure.
13. High Gas Pressure Limit – The burner will shutdown on High Gas pressure.
14. E-Stop – The will shutdown if the emergency stop is activated.

Safety interlocks for the baghouse:
To operate the cleaning rotors of the baghouse, the collected dust auger must be running and the cleaning cycle must be started by the pushbutton in the control center. The cleaning rotors will stop if:

- The collected dust auger is turned off.
- The cleaning cycle will continue until all rotors are parked once the operator presses the stop pushbutton
- If rotor #1 cleaning cycle lasts longer than the preset time on timer T1.
- If rotor #1 cleaning cycle has not restarted before the preset time of timer T2

The baghouse outlet temperature controller will shut down the exhaust fan when the temperature limit is met.

Safety interlocks for the heater:
All heater safeties are located on the heater itself and are isolated from the control center.
The safe to operate signal for the burner consists of:

- Expansion tank low level switch must not indicate low tank level
- Differential pressure switch must be within range
- Circulating oil pump must be running
- Stack over temperature limit controller not over upper temperature limit (800F)
- Circulating oil high temperature limit controller not over temperature limit (400F)
- Circulating oil temperature is between the upper and lower limits of the temperature controller

Heater burner safety interlocks:

- Burner fan pressure switch
- Burner blower must be running
- Fireye flame management system

Safety Shut-off Asphalt Valves/Tanks:

- Automatic shut-off of asphalt valves in tank farm
- High temperature shut-off on the AC tanks.

If I can be of further assistance in this regard, please feel free to contact me.

Best regards,

Charlie Bartell

Charlie Bartell
Regional Sales Manager
Gencor Industries, Inc.

GENCOR INDUSTRIES INC.
5201 N. Orange Blossom Trail • Orlando, Florida 32810
(407) 290-6000 • FAX (407) 578-0577

April 18, 2017

Proposed Site:

Newport Materials, LLC
540 Groton Rd
Westford, MA 01886

To Town of Westford:

Gencor Industries Inc. intends to manufacture and design new tanks for the above referenced facility. The tanks will meet or exceed the requirements set forth in the Commonwealth of Massachusetts, Board of Fire Prevention Regulations 527 CMR 9.0 “Tanks and Containers”. Further the design will meet the requirements established in the NFPA Code 30 “Flammable and Combustible Liquids Code”.

The proposed tanks will be designed and fabricated in accordance with ANSI/UL-142, “Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids” which is deemed as meeting the requirements of NFPA Code 30 21.4.2.1. Also pursuant to the code each tank is to be provided with an emergency relief device integrated with the roof manway cover. All drawings will be stamped by a Professional Engineer.

We are enclosing our general line brochure on our tanks.

If we can be of further assistance please feel free to contact us at your earliest convenience.

Sincerely,

Scott Barlow
General Manager
General Combustion

Section D.4: Engineering Technologies Group, Inc. Letter

Summary of Pertinent Regulations and Design Criteria
For
Ancillary Tank Farm for use with HMA Drum Mix Plant

Proposed Site: Newport Materials, LLC
540 Groton Road
Westford, MA 01886

To whom it may concern:

The design for the installation of new tanks at the referenced facility meets or exceeds the requirements set forth in the Commonwealth of Massachusetts, Board of Fire Prevention Regulations 527 CMR 9.0 "*Tanks and Containers*". Further the design meets the requirements established in the NFPA Code 30 "*Flammable and Combustible Liquids Code – 2007*".

New storage tanks are proposed for the storage of asphalt cements and fuel oil in support of a proposed new Hot Mix Asphalt Drum Mix Plant. It is proposed that the tanks be installed upon reinforced concrete piers and that the tanks be provided with a secondary containment structure which would also be constructed from reinforced concrete. All foundations and concrete structures will be designed to meet Massachusetts building codes. All drawings will be stamped by a Massachusetts Professional Engineer.

New storage tanks as proposed are listed in Table1 below.

Table – 1 Proposed Tanks

Tank ID	Tank A	Tank B	Tank C	Tank D (Future)	Hot Oil Heater
Material Stored	Asphalt Cement	Asphalt Cement	No. 2 Fuel Oil	Asphalt Cement	Heat Transfer Oil
Material Class	IIIB	IIIB	II	IIIB	(Later)
Tank Capacity, gallons	30,000	30,000	10,000	1,000	85
Tank Diameter	12'-0"	12'-0"	10'-0"	5'-4 1/2"	N/A
Tank Height[1]	36'-0"	36'-0"	17'-0"	9'-4"	N/A
Construction Standard	UL-142	UL-142	UL-142	UL-142	N/A
Shell Material	Steel	Steel	Steel	Steel	Steel
Other	Insulated	Insulated		Insulated	

Note 1: Exact tank height to be established once final vendor(s) have been selected.

Pursuant to 527 CMR 9.03(A) - The State regulation relies upon the requirements of the NFPA Code 30 for the design, construction, and installation of aboveground storage tanks storing

combustible liquids or aboveground storage tanks greater than 10,000 gallons gross capacity used for the storage of flammable and/or combustible liquids.

Pursuant to 527 CMR 9.03(E) "*Location of Aboveground Tanks*" - We have checked the installation for compliance with the distance requirements established both in 527 CMR 9.0 and in NFPA 30.

Table 2 – Distance Requirements 527 CMR 9.03(F)(1)[1] & NFPA Code 30, 22.4

Tank ID	Minimum Distance in feet from Property Line that is or can be built upon, including the opposite side of a Public Way		Actual Distance	Minimum distance in feet from nearest side of any public way or from nearest important building on the same property		Actual Distance
	CMR	NFPA		CMR	NFPA	
Tank A	20	10		5	5	
Tank B	20	10		5	5	
Tank C	20	30		5	10	
Tank D	20	10		5	5	
Hot Oil Htr.	N/A	N/A		N/A	N/A	

Note 1: Applies to Outside Fuel Storage Tanks

The design standard for atmospheric tanks is regulated pursuant to NFPA Code 30 at 21.4.2.1. The proposed tanks are to be designed and fabricated in accordance with ANSI / UL-142, "*Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids*" which is deemed as meeting the requirements of 21.4.2.1.

All tanks are to be provided with an atmospheric vent which shall meet the requirements stipulated at NFPA Code 30 at 21.4.3.

Pursuant to NFPA Code 30, 22.4.2 "*Shell to Shell Spacing of Adjacent Aboveground Storage Tanks*", the spacing of the tanks in the configuration presented in the project drawings complies with the spacing stipulated in Table 22.4.2.1 "Minimum Shell to Shell Spacing of Adjacent Aboveground Storage Tanks". Specifically, all tanks not over 150 feet in diameter and for tanks with a fixed roof or for horizontal tanks the minimum spacing is: 1/6 x sum of adjacent tank diameters, but not less than 3 feet. The tank spacing is listed in the Table 3.

Table 3 – Shell to Shell Spacing

Tank ID	Adjacent Tanks	Code Requirement in feet	Minimum Provided in feet
Tank A	B	3	4.46
Tank B	A	3	4.46
Tank C	B	3	26.5
Tank C	D	3	6.13
Tank D	C	3	6.13
Hot Oil Htr.	N/A	N/A	N/A

Pursuant to NFPA Code 30 at 22.5 "*Installation of Aboveground Tanks*" – The tank supports will be designed to meet current building codes and will be designed to resist loads placed upon the tanks due to wind, seismic events, and the weight of the stored material. The design will be certified by a structural professional engineer registered in Massachusetts.

Pursuant to NFPA Code 30 at 22.7 "*Emergency Relief Venting for Fire Exposure for Aboveground Storage Tanks*" – Each tank is to be provided with an emergency relief device fitted either to a dedicated opening in the roof of the tank or integrated with the roof manway cover.

Containment retention volume is provided to be in compliance with NFPA Code 30 at 22.11 "*Control of Spills from Aboveground Storage Tanks*". Specifically, 22.11.2.2 "*The volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank*". The retention volume shall be greater than or equal to the requirement cited above.

The design places the bottom of the tanks at the same elevation as the top of the containment wall allowing un-impeded access for piping connections. Notwithstanding the retention requirement in NFPA Code 30, the required volume as designed is based upon the greater requirement set forth in earlier editions of 527 CMR 9.0. Specifically the retention capacity is based upon the volume of the largest tank within the diked area plus 10% of the volume of the aggregate capacity of all other tanks within the diked area. A summary of the tank sizes and the design retention capacity is provided in Table 4.

Table 4. Summary of Retention Volumes

Tank ID	Tank Capacity, gallons	Tank Capacity, cu. ft.	Contribution Retention Volume, cu. ft.	Gross Volume Diked Area Cu. Ft.	Net Volume Available, cu. ft.
Tank A	30,000	4,011	4,011		
Tank B	30,000	4,011	401		
Tank C	10,000	1,337	134		
Tank D	1,000	133.7	13		
Hot Oil Htr.	85	11.4	1		
Required per Earlier 527 CMR			4,560	6,500	4,636
Required per NFPA			4,011		

Section D.5: Rolf Jensen & Associates, Inc. Review Package

5-21

ROLF JENSEN & ASSOCIATES, INC.
FIRE PROTECTION CONSULTANTS

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www.rjainc.com
+1 508-620-8900
Fax: +1 508-620-0908

RECEIVED
FEB 12 2010
WESTFORD PLANNING BOARD

February 12, 2010

VIA EMAIL

Mr. Ross Altobelli
Town of Westford
Planning Department
55 Main Street
Westford, MA 01886

WESTFORD ASPHALT FACILITY
FIRE PROTECTION ENGINEERING SERVICES
PROPOSED SAFETY CONTROLS AND PROCEDURES

Dear Mr. Altobelli,

Rolf Jensen & Associates, Inc. (RJA) reviewed the information provided to us regarding the safety controls and procedures proposed for the Asphalt Facility located at 540 Groton Road in Westford, Massachusetts. This information includes:

1. Letter of November 19, 2009 by Charlie Bartell of Gencor Industries, Inc. to Rick DeFelice of Newport Materials, LLC. (Attached Appendix A)
2. An email from Charlie Bartell of Gencor Industries, Inc to Hossein Davoodi of Rolf Jensen & Associates, Inc., dated January 26, 2010. (Attached Appendix B)
3. Letter from RJA to Mr. Douglas Deschenes dated February 3, 2010 regarding request for information. (Attached Appendix C)
4. Reply of Newport Materials, LLC to RJA question s in the letter dated January 22, 2010 to Mr. Douglas Deschenes. (Attached Appendix D)
5. Information received verbally at the working session meeting of February 3, 2010.
6. Material Safety Data Sheet for Heat Transfer Fluid. (Attached Appendix E)
7. Site Plan Drawings.

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There is a safety pull cord that runs along the catwalk side of the conveyors, which when it is activated will shutdown the conveyer and all systems from that point back in the process.

Hand held torches will be used for the purpose of maintenance and fabrication. Other than the burners that are supplied with the plant and the handheld torches, the other ignition sources are the electric welder, auto ignition of asphalt and fugitive hydrogen sulfide (H_2S). Auto ignition of asphalt is controlled via various safety features associated with the system.

Hydrogen sulfide exits in the top of tanks and in the top and bottom of the silos. Hydrogen sulfide gas in a certain range is a flammable gas. In the tanks it is controlled by condenser condensing the gas to a liquid. At the top and bottom of silo hydrogen sulfide is exhausted via a fan system. It is not clear whether dangerous concentrations of hydrogen sulfide exist, but are reported to be addressed in either ignited in burner chamber, condenser process, or exhausted from the top and bottom of silos.

RJA contacted three other manufacturers of drum mix asphalt facility. These were BDM Engineering, Inc. Terex Corporation and Astec, Inc. RJA intended to compare their drum mix plant safety controls with that of Gencor. The above mentioned manufacturers were not responsive and did not provide any information to RJA.

Reportedly, besides the fuel necessary to run the operation, the only other fuel sources on site will be five (5) gallon containers of gasoline, aerosol cans and some touch up paint, which will be secured in a metal cabinet. The oxygen and acetylene will be chained and stored separately.

The employee training will consists of in house safety training for all employees as required by OSHA. Reportedly this training will be conducted by OSHA certified trainers prior to start up of the facility. This will include, but not limited to fire safety training.

Supplementing all the safety features outlined above are fire safety features unique to the site as follows:

1. Two 30,000 gallon water cisterns (total 60,000 gallons).
2. Mobile foam cart on site.
3. Associated foam equipment for the Westford Fire Department.
4. Spill containment equipment on site.
5. Spill control with an independent spill contractor.

6. Joint safety training with the Westford Fire Department related to the site.

RJA would recommend that the operating procedures, including emergencies (e.g. fire), maintenance program, and hot work procedures be developed for the Westford Asphalt Facility to address the safety procedures to avoid or minimize human errors through training and procedures. RJA would also recommend a general HAZOP analysis be prepared for the site. These elements should be completed prior to the plant operations. We would also recommend that if the exhaust system for the conveyor belt, top of the silo and bottom of the silo, are not operational that the manufacturing process stops until remedied.

As part of the HAZOP review, confirmation that the hydrogen sulfide gas is less than 25 percent lower flammability limit for the exhaust system process for determination of electrical hazard classification of nearby electrical equipment is needed.

Please feel free to contact me if you have any questions regarding this letter.

Sincerely,
ROLF JENSEN & ASSOCIATES, INC.

Hossein Davoodi, P.E.

Reviewed by:

David J. LeBlanc, P.E.

HD/mk

APPENDIX A

APPENDIX B

Davoodi, Hossein

From: cbartell@gencor.com
Sent: Tuesday, January 26, 2010 5:46 PM
To: Davoodi, Hossein
Subject: FW: Newport, Westford, Massachusetts Plant
Attachments: image002.jpg

Dear Mr. Davoodi

Attached below is the response back from our controls department regarding your recent inquiry.

Thanks

Charlie Bartell

Gencor, Sales Dept.
Ext. 334
Cell 407 718-1661
cbartell@gencor.com

Dear Mr. Hossein Davoodi,

The Referenced document from Charlie Bartell dated November 19, 2009 was compiled by Gencor's engineering department to describe the standard safety features of various control systems quoted to be on the proposed plant. They are not issues with the existing plant.

The statements in the letter are based upon the standard functionality of each system described, detailing only the safety shutdown interlocks. The interlocks for the Vector burner control and the Oil Heater are dictated by NFPA 70, 85, 86, UL 295, 508A and 795. We may have added some interlocks as we feel are necessary for proper safety. We meet the guidelines for the state of Massachusetts for our Ultra II burner and obtained site approval as recently as last year.

The baghouse interlocks listed are of our independent design to assure that the filtration system is working properly during mix production. Otherwise, poor mix quality could result from an improperly functioning baghouse due to inaccurate control of the dust content of the hot mix.

The AC tank safety feature listed is a standard tank heating control. The desired temperature is set on the independent valve control unit at the end of each tank. The hot oil circulating valves shut when the AC reaches the set point temperature or on loss of power.

Keith Harper
Chief Controls Engineer
Gencor Industries, Inc.

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APPENDIX C

ROLF JENSEN & ASSOCIATES, INC.
FIRE PROTECTION CONSULTANTS

1661 Worcester Road
Suite 501
Framingham, MA 01701-5401 US
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February 3, 2010

VIA EMAIL

Mr. Douglas Deschenes, Esq.
Deschenes & Farrell, P.C.
One Billerica Road
Chelmsford, MA 01824

WESTFORD ASPHALT FACILITY
FIRE PROTECTION ENGINEERING SERVICES

Dear Mr. Deschenes:

Pursuant to your request, Rolf Jensen & Associates, Inc. (RJA) is reviewing the fire protection and safety features of the proposed asphalt manufacturing facility at 540 Croton Road in Westford, Massachusetts. In order for RJA to finish it's review, we need the following information:

1. In his letter of December 19, 2009 to Rick DeFelice of Newport Materials (attached), Mr. Charlie Bartell, of Gencor Industries, addresses the safety issues of the equipment. For our review, RJA needs to know the exact source of each safety issue addressed.

2. Is there a site safety plan?

3. Are the workers trained for fire and safety?

4. What fire prevention practices are implemented at the facility?

5. Is there a fire prevention plan?

6. What does the facility do in case of fire?

7. Is the facility monitoring for explosive gases? Is there a gas collection system treatment in the facility?

8. Is there a plan to control odor?

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9. Is there a maintenance program? If a piece of equipment (such as flame-eye) is not working, how is this handled?

10. Are there any safety interlock associated with the conveyor belts?

11. Will hand held torches be used? Why?

12. What procedures are in place to limit ignition sources?

13. What procedures are in place to limit fuel sources?

14. Is there a fire suppression program?

15. What fire safety procedures are in place for the tanks?

As previously stated, this information is essential to our review.

Please feel free to contact me if you have any questions regarding this letter.

Sincerely,
ROLF JENSEN & ASSOCIATES, INC.

Hossein Davoodi, P.E.

HD/mk

Enc.

APPENDIX D

RJA answers

Question 1. The information was e-mailed from Gencor 1-26-2010 to Hossesein Davoodi.

Question 2. This will take place prior to plant becoming operational and in conjunction with the training listed below.

This training will consist of OSHA standards under 29 CFR and NFPA that would include Compliance with NFPA 101 routes of exit, Fire Protection Plan 1910.139, Fire Protection under 1910 Subpart L Appendix C,1910.1200 Hazcom training that would also include hazardous materials under 1910.119 appendix A. Theses standards do make reference to Respiratory Protection under 1910,134 that will include a Respiratory Plan that can be included in Confined Space training with a policy. This training will consist of 8 hours with an exam pass or fail.

Question 3. Listed below

Newport Materials LLC
Asphalt Manufacturing Facility
Policy and Procedure in Case of Fire

1. Assure that ALL PERSONNEL ARE SAFE.
2. Determine the size and potential danger of fire.
3. If fire cannot be extinguished with the fire extinguishers on site, call the Westford Fire Department.
   Contact Number 978-692-5542
   Or call 911
4. Report the incident to the General Manager of Manufacturing.
   Contact Number xxx-xxx-xxxx.
5. If the situation allows, dike the area with sand to prevent the fire from spreading.
6. If needed, work under the direction of the Westford Fire Dept to perform any tasks required.

Question 4. This would also be developed on a daily, weekly and monthly basis. To answer you question about a flame-eye for either burner the burner could not be fired until the problem were corrected properly.

Question 5. There is a safety pull cord that runs along the catwalk side of the conveyors that when activated will shut down that conveyor and all systems. All systems before the conveyor tripped will shut down and an erro message would be sent to

Question 6. Hand held torches will be used on an as need basis to perform routine maintenance and or break downs if needed.

Question 7. Other than the burners that are supplied with the pant the only other sources of ignition would be the hand held torches and an electric welder.

Questions 8. The only other fuel sources on site would be 5 gals. of gasoline, a small amount of touch up paint, some aerosol cans of cleaner all of which will be kept in a fire proof cabinet built for this use. The oxygen and acetylene will be separated and chain to prevent any accidents.

Question 9. A general HAZOP analysis will also be written prior to the plant starting up.

We at Newport Materials LLC are firm believers in education and training as the best prevention of any type of accidents. This is an on going task. We have contracted with the Philp D Bova Consulting Co. to do all our safety and prevention training.

APPENDIX E

Paratherm Corporation
Material Safety Data Sheet

SECTION 1 PRODUCT AND COMPANY IDENTIFICATION

Product Name: Paratherm HE® Heat Transfer Fluid

Company Identification: Paratherm Corporation
4 Portland Road
West Conshohocken, PA 19428 USA

Product Information: 610-941-4900
info@paratherm.com

Emergency Telephone: 610-941-4900
Chemtrec (USA): 800-424-9300
Chemtrec (outside USA): 703-527-3887

SECTION 2 HAZARDS IDENTIFICATION

Emergency Overview
Almost water white oil with minimal odor when new.
May turn dark and develop characteristic petroleum odor when product is used.
Combustible liquid.

Potential Health Effects:

Eye: Non-irritating to eyes on direct contact before use. Used product may be mildly irritating to eyes.

Skin: Non-irritating on direct single or repeated and prolonged contact when new. Repeated or prolonged contact of used product may cause skin irritation.

Ingestion: No harmful effects are expected from ingesting unused product or small amounts of used product. Ingestion of used product may cause abdominal discomfort.

Inhalation: Exposure to smoke or mist while product is in use may cause irritation to upper respiratory tract and lungs.

SECTION 3 COMPOSITION/ INFORMATION ON INGREDIENTS

COMPONENTS	CAS NUMBER	AMOUNT
Hydrotreated heavy paraffinic distillate	64742-54-7	100%

SECTION 4 FIRST AID MEASURES

Eye: Flush eyes with water. If symptoms persist, seek medical attention. If fluid is hot, treat burns and seek medical assistance.

Skin: Wash exposed areas with warm water and soap. If fluid is hot, submerge injured area in cold water. Seek medical attention for severe burns.

Ingestion: If abdominal discomfort occurs, seek medical attention.

Inhalation: If smoke or mist is generated when fluid is in use, remove victim from exposure. If breathing has stopped or is irregular, administer artificial respiration and supply oxygen if available. If victim is unconscious, remove to fresh air and seek medical attention.

SECTION 5 FIRE FIGHTING MEASURES

Extinguishing Media: Water fog, foam, dry chemical, or carbon dioxide (CO2) should be used. Do not use direct water stream

Fire Fighting Instructions: Do not enter any enclosed or confined fire space without proper protective equipment, including self-contained breathing apparatus. Water spray may be useful in minimizing or dispersing vapors and to protect personnel. Cool equipment (including drums) exposed to fire with water if it can be done with minimal risk. Avoid spreading burning liquid with water used for cooling purposes.

Combustion Products: Airborne solids, liquids, and gases including carbon monoxide, carbon dioxide, and unidentified organic compounds.

SECTION 6 ACCIDENTAL RELEASE MEASURES

Protective Measures: This material may burn but will not ignite readily. Eliminate all sources of ignition in vicinity of spilled material. Use personal protection recommended in Section 8.

Spill Management: Contain release to prevent further contamination of soil, surface water or groundwater. Use appropriate techniques such as non-combustible absorbent materials. Store collected material in a suitable, labeled container. Dispose of contaminated materials in a manner consistent with applicable regulations. If heated material is spilled, allow it to cool to ambient before proceeding with disposal methods. Keep area around hot, spilled material well ventilated.

Reporting: Report spills to appropriate local authorities. This product is classified as an "Oil" under Section 311 of Clean Water Act. Discharge or spills that produce a visible sheen on surface water or in waterways/sewers that lead to surface water must be reported to appropriate authorities.

SECTION 7 HANDLING AND STORAGE

Precautionary Measures: Product is not hazardous. Use good personal hygiene practices. Fire extinguishers should be kept readily available. Clean up any spill promptly.

Storage: Store closed containers away from heat, sparks, open flames, or oxidizing materials. Do not transfer to unmarked containers. Protect metal drums from direct sunlight and water.

SECTION 8 EXPOSURE CONTROLS/PERSONAL PROTECTION

Exposure Limits:

Component: Heavy paraffinic distillate	**OSHA PEL:**	5 mg/m^3 TWA
	ACGIH TLV:	5 mg/m^3 TWA
		10 mg/m^3 STEL
	NIOSH:	2500 mg/m^3 IDLH
	As oil mist if generated:	5 mg/m^3 NOHSC TWA

Engineering Controls: Use in a well-ventilated area

Personal Protective Equipment:

Eye/Face Protection: Where splashing is possible, wear safety glasses with side shields.

Skin Protection: No protection required for short duration exposure to unused fluid. For prolonged or repeated exposure to used fluid, synthetic rubber (nitrile) protective covers (boots, aprons, gloves) may be desirable. If material will be handled while hot, wear insulated clothing. Use good personal hygiene practices before and after fluid handling.

Respiratory Protection: No respiratory protection is normally required. If a mist or smoke is generated during use, wear a NIOSH certified organic vapor respirator with a dust and mist filter.

SECTION 9 PHYSICAL AND CHEMICAL PROPERTIES

Appearance: Almost water white before use
Odor: none
pH: NA
Density: 7.18 lb/gal @ 75 °F
Flashpoint: > 440°F Cleveland Open Cup
Vapor Pressure: <1mm @70F
Vapor Density (Air = 1): >1
Evaporation Rate (BuAc = 1): <1
Boiling Point: >500°F
Solubility: Insoluble in water.
Pour Point: -10°F

SECTION 10 STABILITY AND REACTIVITY

Chemical Stability: Stable under normal storage and handling conditions.

Conditions to Avoid: None

Incompatibility With Other Materials: May react with strong oxidizing agents.

Hazardous Polymerization: Hazardous polymerization will not occur.

Hazardous Decomposition Products: None known.

SECTION 11 TOXICOLOGICAL INFORMATION

Acute Toxicity:
Meets IP346 criteria of less than 3% PAH. No other data available. Not known to have any toxic effects.

Carcinogenicity:
NTP: No
IARC: No
OSHA: No

SECTION 12 ECOLOGICAL INFORMATION

Environmental Toxicity: Product is insoluble in water. Aquatic toxicology testing performed in Water Accommodated Fraction (WAF)

Invertebrates:	Water Flea (Daphnia magna) – 100% survival in WAF
	Mysid Srhimp (Mysidopsis bahia) – 100% survival in WAF
Fish:	Fathead Minnow (Pimphales promelas) – 100% survival in WAF

Biodegradability: Product is not expected to be biodegradable

SECTION 13 DISPOSAL CONSIDERATIONS

Uncontaminated material can be burned for fuel value in an approved facility or can be removed by a licensed waste oil recycler. Used product that has been contaminated with a regulated material may need to be incinerated. Refer to state and local regulations for more detailed information.

SECTION 14 TRANSPORT INFORMATION

US DOT: Not regulated

IATA & IMDG: Not regulated

SECTION 15 REGULATORY INFORMATION

United States

RCRA Hazardous Waste Number and Classification: Not applicable
TSCA Inventory Status: Included
SARA Title III Section 313 and 40 CFR 372: Not subject to reporting requirements
Clean Air Act Section 112: Not classified as a Hazardous Air Pollutant (HAP)
California Proposition 65: This product does not contain materials which the state of California has found to cause cancer, birth defects, or other reproductive harm.

International

Canada (WHMIS): Not controlled

This material is listed on the following inventories;
Australia (AICS)
Canada (DSL)
China
Europe (EINECS)
Korea (Existing and Evaluated Chemical Substances)
Philippines (PICCS)
Japan (ENCS)

SECTION 16 OTHER INFORMATION

Recommended Use: Heat transfer agent

Date of Revision: 9/18/07

Reason for Revision: New

NFPA RATINGS: Health: 0 Flammability: 1 Reactivity: 0
0-Least, 1-Slight, 2-Moderate, 3-High, 4-Extreme

Abbreviations that may have been used in this document

TLV	-	Threshold Limit Value	TWA	-	Time Weighted Average
STEL	-	Short-term Exposure Limit	PEL	-	Permissible Exposure Limit
IDLH		Immediate Danger to Life and Health	CAS	-	Chemical Abstract Service Number
NOHSC		Nat'l Occup. Health & Safety Comm.	TLV		Threshold Limit Value
<	-	Less Than	>	-	Greater Than
<=	-	Less Than or Equal To	>=	-	Greater Than or Equal To

Prepared according to the OSHA Hazard Communication Standard (29 CFR 1910.1200) and the ANSI MSDS Standard Z400.1).

The above information is based on the data of which we are aware and is believed to be correct as of the date hereof. Since this information may be applied under conditions beyond our control and with which we may be unfamiliar and since data made available subsequent to the date hereof may suggest modifications of the information, we do not assume any responsibility for the results of its use. This information is furnished upon condition that the person receiving it shall make his own determination of the suitability of the material for his particular purpose.

Technical Data

Paratherm Corporation
Heat Transfer Fluids

Paratherm HE® Heat Transfer Fluid

Rev. 306

Typical Physical Properties — English Units

°F	°C	Specific Gravity	Density lb/gal	Density lb/ft³	Viscosity cSt	Viscosity cP	Viscosity lb/(ft-hr)	Specific Heat BTU/(lb-°F)	Thermal Conductivity BTU/(hr-ft²-°F/ft)	Vapor Pressure mm Hg	Vapor Pressure psia
0	-18	0.8864	7.40	55.34	2438	2161	5229	0.4172	0.0783		
10	-12	0.8828	7.38	55.17	1352	1193	2888	0.4220	0.0781		
20	-7	0.8793	7.35	54.95	792	697	1686	0.4269	0.0778		
30	-1	0.8757	7.32	54.73	488	427	1034	0.4317	0.0776		
40	4	0.8722	7.29	54.50	314	274	662	0.4365	0.0774		
50	10	0.8686	7.26	54.28	210	182	441	0.4414	0.0771		
60	16	0.8650	7.23	54.06	145	126	304	0.4462	0.0769		
70	21	0.8616	7.20	53.84	104	89.0	216	0.4510	0.0766		
80	27	0.8579	7.17	53.62	76.0	65.0	158	0.4559	0.0764		
90	32	0.8544	7.14	53.39	57.0	49.0	118	0.4607	0.0762		
100	38	0.8508	7.11	53.17	44.1	37.5	90.8	0.4656	0.0759		
110	43	0.8472	7.08	52.95	34.6	29.3	70.9	0.4704	0.0757		
120	49	0.8437	7.05	52.73	27.7	23.3	56.5	0.4752	0.0754		
130	54	0.8401	7.02	52.50	22.5	18.9	45.7	0.4801	0.0752		
140	60	0.8366	6.99	52.28	18.5	15.5	37.5	0.4849	0.0749		
150	66	0.8330	6.96	52.06	15.5	12.9	31.2	0.4898	0.0747		
160	71	0.8295	6.93	51.84	13.1	10.8	26.2	0.4946	0.0745		
170	77	0.8259	6.90	51.61	11.1	9.22	22.3	0.4994	0.0742		
180	82	0.8223	6.87	51.39	9.64	7.92	19.2	0.5043	0.0740		
190	88	0.8188	6.84	51.17	8.39	6.87	16.6	0.5091	0.0737		
200	93	0.8152	6.81	50.95	7.37	6.01	14.5	0.5139	0.0735		
210	99	0.8117	6.78	50.72	6.52	5.29	12.8	0.5188	0.0733		
220	104	0.8081	6.75	50.50	5.80	4.69	11.4	0.5236	0.0730		
230	110	0.8045	6.72	50.28	5.20	4.19	10.1	0.5285	0.0728		
240	116	0.8010	6.69	50.06	4.69	3.76	9.09	0.5333	0.0725		
250	121	0.7974	6.66	49.83	4.25	3.39	8.21	0.5381	0.0723		
260	127	0.7939	6.63	49.61	3.87	3.08	7.44	0.5430	0.0720		
270	132	0.7903	6.60	49.39	3.55	2.80	6.78	0.5478	0.0718		
280	138	0.7868	6.57	49.17	3.26	2.56	6.20	0.5527	0.0716		
290	143	0.7832	6.54	48.95	3.01	2.36	5.70	0.5575	0.0713		
300	149	0.7796	6.51	48.72	2.79	2.17	5.25	0.5623	0.0711		
310	154	0.7761	6.48	48.50	2.59	2.01	4.86	0.5672	0.0708	0.03	
320	160	0.7725	6.45	48.28	2.41	1.86	4.51	0.5720	0.0706	0.04	
330	166	0.7690	6.42	48.06	2.26	1.74	4.20	0.5768	0.0704	0.06	
340	171	0.7654	6.39	47.83	2.12	1.62	3.92	0.5817	0.0701	0.08	
350	177	0.7618	6.36	47.61	1.99	1.52	3.67	0.5865	0.0699	0.10	
360	182	0.7583	6.33	47.39	1.86	1.42	3.44	0.5914	0.0696	0.15	
370	188	0.7547	6.31	47.17	1.77	1.34	3.24	0.5962	0.0694	0.20	
380	193	0.7512	6.28	46.94	1.68	1.26	3.05	0.6010	0.0691	0.26	
390	199	0.7476	6.25	46.72	1.59	1.19	2.89	0.6059	0.0689	0.36	
400	204	0.7441	6.22	46.50	1.52	1.13	2.73	0.6107	0.0687	0.50	
410	210	0.7405	6.19	46.28	1.46	1.08	2.62	0.6155	0.0684	0.67	
420	216	0.7369	6.16	46.05	1.41	1.04	2.51	0.6204	0.0682	0.92	
430	221	0.7334	6.13	45.83	1.38	0.99	2.40	0.6252	0.0679	1.22	
440	227	0.7298	6.10	45.61	1.30	0.94	2.30	0.6301	0.0677	1.63	0.03
450	232	0.7263	6.07	45.39	1.25	0.90	2.19	0.6349	0.0675	2.17	0.04
460	238	0.7227	6.04	45.16	1.19	0.86	2.09	0.6397	0.0672	2.84	0.05
470	243	0.7191	6.01	44.94	1.14	0.82	1.98	0.6446	0.0670	3.7	0.07
480	249	0.7156	5.98	44.72	1.09	0.77	1.88	0.6494	0.0667	4.7	0.09
490	254	0.7120	5.95	44.50	1.03	0.73	1.78	0.6543	0.0665	6.0	0.12
500	260	0.7085	5.92	44.28	0.98	0.69	1.68	0.6591	0.0662	7.4	0.14
510	266	0.7049	5.89	44.05	0.95	0.67	1.62	0.6639	0.0660	9.2	0.18
520	271	0.7014	5.86	43.83	0.92	0.64	1.57	0.6688	0.0658	11.3	0.22
530	277	0.6978	5.83	43.61	0.89	0.62	1.51	0.6736	0.0655	13.8	0.27
540	282	0.6942	5.80	43.39	0.86	0.60	1.46	0.6784	0.0653	16.5	0.32
550	288	0.6907	5.77	43.16	0.84	0.58	1.41	0.6833	0.0650	19.8	0.38
560	293	0.6871	5.74	42.94	0.81	0.55	1.35	0.6881	0.0648	23.2	0.45
570	299	0.6836	5.71	42.72	0.78	0.53	1.30	0.6930	0.0646	27.4	0.53
580	304	0.6800	5.68	42.50	0.75	0.51	1.25	0.6978	0.0643	32.1	0.62
590	310	0.6764	5.65	42.27	0.73	0.49	1.19	0.7026	0.0641	37.6	0.73
600	316	0.6729	5.62	42.05	0.70	0.47	1.14	0.7075	0.0638	45.0	0.87
610	321	0.6693	5.59	41.79	0.68	0.45	1.11	0.6831	0.0636	51.0	0.99
620	327	0.6658	5.56	41.58	0.66	0.44	1.07	0.6880	0.0635	57.0	1.10
630	332	0.6622	5.53	41.34	0.64	0.42	1.03	0.6928	0.0633	63.0	1.22
640	338	0.6587	5.50	41.12	0.62	0.41	1.00	0.6977	0.0631	69.0	1.33

4 Portland Rd. ▪ West Conshohocken PA 19428 USA ▪ 610-941-4900 ▪ 800-222-3611 ▪ FAX 610-941-9191
E-mail: info@paratherm.com ▪ Web: www.paratherm.com

Paratherm HE® Heat Transfer Fluid

Rev. 306

Typical Physical Properties — SI Units

°C	°F	Density g/ml	Density kg/m³	Viscosity mm²/s	Viscosity mPa-s	Specific Heat cal/(g-°C)	Thermal Conductivity W/(m-K)	Vapor Pressure mm Hg	Vapor Pressure kPa
0	32	0.8750	875.0	453	396	0.4327	0.1342		
5	41	0.8718	871.8	303	264	0.4370	0.1338		
10	50	0.8686	868.6	210	182	0.4414	0.1334		
15	59	0.8654	865.4	152	131	0.4457	0.1330		
20	68	0.8622	862.2	112	96.6	0.4501	0.1328		
25	77	0.8590	859.0	84.4	72.5	0.4544	0.1323		
30	86	0.8558	855.8	64.8	55.5	0.4588	0.1319		
35	95	0.8526	852.6	50.7	43.2	0.4631	0.1315		
40	104	0.8494	849.4	40.3	34.2	0.4675	0.1311		
45	113	0.8462	846.2	32.5	27.5	0.4718	0.1308		
50	122	0.8430	843.0	26.6	22.4	0.4762	0.1304		
55	131	0.8398	839.8	22.1	18.5	0.4806	0.1300		
60	140	0.8368	836.8	18.5	15.5	0.4849	0.1296		
65	149	0.8334	833.4	15.8	13.1	0.4893	0.1293		
70	158	0.8302	830.2	13.6	11.2	0.4936	0.1289		
75	167	0.8270	827.0	11.7	9.71	0.4980	0.1285		
80	176	0.8238	823.8	10.2	8.44	0.5023	0.1281		
85	185	0.8206	820.6	9.01	7.40	0.5067	0.1278		
90	194	0.8174	817.4	7.98	6.52	0.5110	0.1274		
95	203	0.8142	814.2	7.11	5.79	0.5154	0.1270	0.00	
100	212	0.8110	810.9	6.37	5.17	0.5197	0.1266	0.00	
105	221	0.8077	807.7	5.74	4.64	0.5241	0.1263	0.00	
110	230	0.8045	804.5	5.20	4.19	0.5285	0.1259	0.00	0.00
115	239	0.8013	801.3	4.74	3.80	0.5328	0.1255	0.00	0.00
120	248	0.7981	798.1	4.34	3.46	0.5372	0.1251	0.00	0.00
125	257	0.7949	794.9	3.99	3.17	0.5415	0.1247	0.01	0.00
130	266	0.7917	791.7	3.68	2.91	0.5459	0.1244	0.01	0.00
135	275	0.7885	788.5	3.40	2.68	0.5502	0.1240	0.01	0.00
140	284	0.7853	785.3	3.16	2.48	0.5546	0.1236	0.01	0.00
145	293	0.7821	782.1	2.94	2.30	0.5589	0.1232	0.02	0.00
150	302	0.7789	778.9	2.75	2.14	0.5633	0.1229	0.02	0.00
155	311	0.7757	775.7	2.57	1.99	0.5676	0.1225	0.03	0.00
160	320	0.7725	772.5	2.41	1.86	0.5720	0.1221	0.04	0.01
165	329	0.7693	769.3	2.27	1.75	0.5764	0.1217	0.06	0.01
170	338	0.7661	766.1	2.15	1.64	0.5807	0.1214	0.07	0.02
175	347	0.7629	762.9	2.03	1.55	0.5851	0.1210	0.09	0.03
180	356	0.7597	759.7	1.92	1.46	0.5894	0.1206	0.13	0.04
185	365	0.7565	756.5	1.83	1.38	0.5938	0.1202	0.17	0.05
190	374	0.7533	753.3	1.74	1.31	0.5981	0.1199	0.23	0.06
195	383	0.7501	750.1	1.65	1.24	0.6025	0.1195	0.29	0.06
200	392	0.7469	746.9	1.58	1.18	0.6068	0.1191	0.39	0.07
205	401	0.7437	743.7	1.51	1.12	0.6112	0.1187	0.52	0.08
210	410	0.7405	740.5	1.46	1.08	0.6155	0.1184	0.67	0.09
215	419	0.7373	737.3	1.41	1.04	0.6199	0.1180	0.90	0.18
220	428	0.7341	734.1	1.37	1.00	0.6243	0.1176	1.16	0.27
225	437	0.7309	730.9	1.32	0.96	0.6286	0.1172	1.51	0.36
230	446	0.7277	727.7	1.27	0.92	0.6330	0.1168	1.95	0.45
235	455	0.7245	724.5	1.22	0.88	0.6373	0.1165	2.51	0.54
240	464	0.7213	721.3	1.17	0.85	0.6417	0.1161	3.18	0.63
245	473	0.7181	718.1	1.12	0.81	0.6460	0.1157	4.01	0.72
250	482	0.7149	714.9	1.08	0.77	0.6504	0.1153	4.98	0.81
255	491	0.7117	711.7	1.03	0.73	0.6547	0.1150	6.14	0.90
260	500	0.7085	708.5	0.98	0.69	0.6591	0.1146	7.40	0.99
265	509	0.7053	705.3	0.95	0.67	0.6634	0.1142	9.00	1.39
270	518	0.7021	702.1	0.93	0.65	0.6678	0.1138	10.88	1.79
275	527	0.6989	698.9	0.90	0.63	0.6722	0.1135	13.05	2.19
280	536	0.6957	695.7	0.88	0.61	0.6765	0.1131	15.42	2.60
285	545	0.6925	692.5	0.85	0.59	0.6809	0.1127	18.15	3.00
290	554	0.6893	689.3	0.83	0.57	0.6852	0.1123	21.16	3.40
295	563	0.6861	686.1	0.80	0.55	0.6896	0.1120	24.46	3.81
300	572	0.6829	682.9	0.78	0.53	0.6939	0.1116	28.34	4.21
305	581	0.6796	679.6	0.75	0.51	0.6983	0.1112	32.65	4.61
310	590	0.6764	676.4	0.73	0.49	0.7026	0.1108	37.60	5.01
315	599	0.6732	673.2	0.70	0.47	0.7070	0.1105	44.26	5.71
320	608	0.6700	670.0	0.69	0.46	0.6880	0.1102	49.60	6.41
325	617	0.6669	666.9	0.67	0.45	0.6865	0.1099	55.20	7.11
330	626	0.6637	663.7	0.65	0.43	0.6909	0.1096	60.60	7.80
335	635	0.6605	660.5	0.63	0.42	0.6952	0.1093	66.00	8.50
338	640	0.6587	658.7	0.62	0.41	0.6977	0.1091	69.00	9.20

APPENDIX E: BACKGROUND, PERMITS, SETTLEMENT DOCUMENTS

APPENDIX E – TABLE OF CONTENTS

Attached in this Appendix E are the various settlement documents and permits between Newport Materials, LLC and 540 Groton Road, LLC and the Planning Board of the Town of Westford and the Town of Westford. The following are provided for the Board of Health's convenience:

E.1 Summary of the chronology of this matter (Background).

E.2 Planning Board Decision for file number PB 1504 SP MCP with attachments

E.3 Planning Board Decision for file number PB 1504 SP WRPOD with attachments

E.4 9/27/16 – **Settlement Agreement and Release** between Newport Materials, LLC and 540 Groton Road, LLC and the Planning Board of the Town of Westford and the Town of Westford;

E.5 10/24/16 – **Assented to Stipulation of Dismissal Without Prejudice** – In connection with Agreement for Judgment filed on 10/5/16 in Case 10 MISC 429867 and Case 15 MISC 000164.

E.6 10/24/16 – **Order Allowing Agreement for Judgment to Enter** – Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 1 – 10 MISC 429867); and Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 2 – 15 MISC 000164);

E.7 11/9/16 – **Order on Defendants' Motion to Vacate Judgment** – Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 1 – 10 MISC 429867); and Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 2 – 15 MISC 000164); and

E.8 Undated – **Agreement for Judgment** – Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli in their capacity as members of the Planning Board of the Town of Westford, and not individually, and the Town of Westford.
(Please note that most Appendices referenced in the document are provided above and have not been provided in duplicate with this document.)

APPENDIX E.1 Summary of the chronology of this matter (Background).

Background

For almost eight years, Newport Materials, LLC, 540 Groton Road, LLC (collectively, the "Newport Parties"), and the Town of Westford ("Westford") have been engaged in a dispute concerning the proposed construction of an asphalt plant (the "Project") on a relatively small site within a massive industrially zoned property located at 540 Groton Road in Westford (the "Property"). The dispute began in April 2009, when the Newport Parties filed applications with the Westford Planning Board (the "Planning Board") to construct the Project. Specifically, the Newport Parties sought Site Plan Review, a Major Commercial Project ("MCP"), and Water Protection Overlay District ("WRPOD") special permits. Between 2009 and 2010, the Planning Board held twenty-one public hearings concerning the Project. In addition, during that same period, the Project was addressed by the Newport Parties, the Massachusetts Department of Environmental Protection ("MassDEP"), and other experts no fewer than ten times at Westford Board of Health (the "Board of Health") meetings. In April 2010, the Planning Board denied the permits after determining that the proposed Project did not qualify as light manufacturing under the Westford Zoning Bylaws ("Zoning Bylaws").

The Newport Parties appealed to the Land Court under G.L. c. 40A, § 17, and a three-day trial was conducted by Judge Alexander H. Sands, III in 2013, which included a site visit, multiple witnesses, sound and traffic experts, and 65 exhibits. On December 8, 2014, the Land Court issued a 33 page decision effectively remanding the case to the Planning Board with instructions to the Newport Parties to modify their applications and reapply for the necessary permits. In particular, the judge instructed the Newport Parties to resubmit a modified Site Plan Review special permit addressing four specific issues, and to reapply for the necessary related special permits – the MCP and the WRPOD. If the Newport Parties reapplied per the judge's

directive, the judge concluded, "it would then appear to this court that the Project would then be permitted as of right as a light manufacturing use at the Locus."

Upon reapplication, the Planning Board granted the Site Plan Review, WRPOD, and Stormwater Management ("SWM") special permits, but denied the MCP special permit. Importantly, the WRPOD was approved per § 8.1 et seq. of the Zoning Bylaws, and, as such, the entirety of the permit was submitted not just to the Planning Board, but also to the Board of Health and other boards for review and comment proceeding the Public Hearing. Per the zoning Bylaws, the decision of the Planning Board granting the WRPOD was required to contain a written explanation for departures from any recommendations from the reviewing parties, such as the Board of Health. There was no written commentary included in the decision granting the WRPOD to indicate that any of the boards, including the Board of Health, disagreed with the Planning Board's decision to grant the WRPOD.

As a result of the denial of the MCP special permit, the Newport Parties once again appealed to the Land Court under G.L. c. 40A, § 17. On September 27, 2016, more than seven years into the dispute, and with a second trial pending, the Newport Parties and the Westford Board of Selectmen (the "Board") and Planning Board settled and filed an Agreement for Judgment with the Land Court that incorporated a MCP special permit for the Project, and the parties' Settlement Agreement, which laid out extensive obligations relating to the Project. On October 24, 2016, after multiple discussions with the parties, the Land Court issued an Order Allowing the Agreement for Judgment to Enter subject to certain modifications. On November 9, 2016, the Land Court issued a Revised Order which entered the Agreement for Judgment as originally filed by the parties. The Revised Order specified that the MCP special permit shall be filed with the Westford Town Clerk (the "Town Clerk") on or before November 14, 2016. In

compliance with the Revise Order, Westford field the MCP special permit with the Town Clerk on November 14, 2016. Contained within the MCP special permit was a clause stating that the "Applicant shall receive a Hazardous Materials permit from the Board of Health." [MCP special permit p. 22, n.] The terms and conditions of the MCP special permit were incorporated into the Settlement Agreement and are enforceable through an action in contempt of the Agreement for Judgment. [Settlement Agreement, p. 5]

The settlement resolved three cases pending at the Land Court relating to this Project, and, through the issuance of the MCP special permit, authorizes the Newport Parties to build the Project. Moreover, under the settlement, the Newport Parties granted Westford substantial mitigation and control over the Project. Specifically, under the settlement, the Newport Parties: (1) are restricted to only two active uses on the subject site in perpetuity; (2) must permanently eliminate the current fill operations, a by-right use, from the subject site by September 27, 2017; (3) must limit and monitor traffic for the subject site to 200 vehicles per day; (4) must provide Westford with more than $8,000,000 in extensive sidewalk construction, roadway paving, and other related services; (5) must pay $750,000 to Westford, $200,000 of which is to be used for neighborhood improvements; and, (6) must provide the Westford Police Department an $85,000 Sports Utility Vehicle ("SUV").

To date under the terms of the Settlement Agreement and MCP special permit, the Newport Parties have: provided Westford with an SUV per the Westford Police Department's specifications; limited the number of daily vehicles to the site to 200; worked with Westford's traffic engineering consultant to prepare a long term traffic plan; provided the Westford Permitting Department with all of the required plan sets; and, made the first payment of $187,500 towards the mitigation payment and reimbursement of legal fees.

APPENDIX E.2 Planning Board Decision for file number PB 1504 SP MCP with attachments

Town of Westford
PLANNING BOARD
Town Hall
55 Main Street
Westford, Massachusetts 01886
(978) 692-5524 · Fax: (978) 399-2732

November 14, 2016

In accordance with the Land Court Order dated November 9, 2016, (a copy of which is included with this package) the attached Major Commercial Project Special Permit Decision is filed with the Office of the Town Clerk on November 14, 2016.

Due to the unusual number of attachments, this cover page provides a list of documents for reference.

1. Planning Board Decision for file number PB 1504 SP MCP (with attachments: DEP Permit, and Plan Set). (see Appendix E.2)
2. November 9, 2016, Land Court Order on Defendants' Motion to Vacate Judgment for 10 MISC 429867 (AHS) (Case 1) and 15 MISC 000164 (AHS) (Case 2). (see Appendix E.7)
3. October 24, 2016, Land Court Order Allowing Judgment to Enter (with Exhibit) (see Appendix E.6)
4. September 27, 2016, Settlement and Release Agreement between Newport Materials LLC / 540 Groton Road LLC and the Board of Selectmen and Planning Board (with Attachment – Illustrative Plan). (see Appendix E.4)
5. October 24, 2016, Land Court Assented to Stipulation of Dismissal without Prejudice; 15-MISC-0000208. (see Appendix E.5)

RECEIVED
NOV 14 2016
TOWN CLERK
WESTFORD

PB 1504 SP MCP
Special Permit for Major Commercial Permit
10 Commerce Way / 540 Groton Road

Applicant:	540 Groton Road, LLC and Newport Materials, LLC
Property Location:	540 Groton Road also known as 10 Commerce Way, Westford, MA 01886
Zoning District:	Industrial A (IA)
Assessors Map and Parcel:	Map 048 Parcel 0011 Lots 0234, 247, 248 and 0250
Lot Size:	115.52 acres (approximately 92 acres in Westford, approximately 6.8 acres designated for proposed asphalt plant and related materials processing and storage areas)
Application Submitted:	January 5, 2015
Public Hearing Dates:	January 21, 2015 February 12, 2015 March 2, 2015 March 16, 2015 April 6, 2015 April 13, 2015

RECEIVED
NOV 14 2016
TOWN CLERK
WESTFORD

DECISION

Pursuant to a Settlement Agreement and Agreement for Judgment filed with the Land Court on October 5, 2016, the Special Permit for a Major Commercial Project shall be issued by order of the Land Court in accordance with the terms and conditions of this written decision.

BACKGROUND

1. In 2009 – 2010, the Planning Board (the "Board") considered applications from 540 Groton Road, LLC and Newport Materials, LLC (the "applicant") to construct an asphalt (also known as "bituminous concrete") manufacturing plant (the "Asphalt Manufacturing Plant") at 540 Groton Road (the "Property"). The Board held 21 hearings over the course of a year and in April 2010 denied Site Plan approval and two Special Permit applications on the basis that the proposed plant did not qualify as a Light Manufacturing Use in accordance with the definition in the Zoning Bylaw (Section 10.2). That denial was appealed in the Land Court by the applicant in the matter of Newport Materials, et al. v. Planning Board of Westford, et al. 10 MISC 429867. Following 4 years of litigation, including a 3-day trial in November 2013, the Land Court issued a Decision (the "LC Decision") that remanded the case back to the Planning Board.

2. On January 5, 2015, the applicant submitted applications to the Planning Board, on "remand" from Land Court, for the following zoning relief: Site Plan Review (SPR), Special Permit for Major Commercial Project (SP MCP), Special Permit for Water Resource Protection Overlay District (SP WRPOD) and Stormwater Management Permit (SWM).

3. On April 13, 2015, the Planning Board granted the applicant Site Plan Approval, a SP WRPOD and a SWM. The Planning Board, by vote of 4-1-0 denied the application for a SP MCP. The applicant appealed the Planning Board's decision to Land Court in the matter of Newport Materials, et al. v. Planning Board of Westford, et al. NO. 15 MISC 000164.

4. On Nov. 9, 2016 by agreement of the parties, the Land Court ordered the issuance of a SP MCP in accordance with the terms of a settlement negotiated by the parties and as set forth in the Settlement Agreement, which is hereby incorporated by reference, and in accordance with the terms of this written decision.

PROJECT SUMMARY

1. The applicant seeks to construct an Asphalt Manufacturing Plant adjacent to an existing Materials Processing Facility. These two facilities will be located on approximately 6.8 acres in the middle of a 115-acre site (approximately 92 acres located in Westford, 23 acres in Chelmsford). Twenty–two (22) acres are presently developed with a solar array, which is currently leased by the applicant to Nextamp/Carthartes Investments.

2. The Property is accessed from Groton Road by a private way (Commerce Way), which the applicant proposes to develop as a 22-foot wide paved road. The applicant's plans show the location of a 20-foot emergency access way through an adjacent property (Fletcher Quarry) and onto Groton Road. A condition of this approval will be obtaining an emergency access easement.

3. The proposed Asphalt Manufacturing Plant consists of the following components according to plans dated April 6, 2009 and last revised September 21, 2016:
    a. 12' x 36' Operator Control Center on skids;
    b. Six 10' x 14' Cold Feed Bins with a loading ramp from the materials yard;
    c. Conveyor belts between the bins, vibrating screener and the processing unit (Gencor 400);
    d. 5' x 14' Vibrating screen between the bins and the Gencor 400;
    e. One proposed 10' x 15' Recycled Asphalt Product (RAP) bin adjacent to RAP stockpile and ramp in materials processing yard;
    f. Gencor 400, a machine that receives the ingredients from conveyor belts, which is controlled remotely and mixes the products together;
    g. An 86' conveyor belt that takes the mixed product from the Gencor 400 to the silos;
    h. Four (4) 200-ton silos (68' in height) that allow the hot asphalt to load into trucks that pull underneath where materials load into the trucks from the top;
    i. Tank Farm with two 30,000-gallon indirect fired Asphalt Cement (AC) vertical tanks with unloading pumps (36 feet in height);
    j. HYCGO Gencor 100 hot oil heater with expansion tank stand;
    k. Lawn area, landscaping;
    l. 3 parking spaces, one handicapped space with ramps and sidewalk with curbing;
    m. Security fence with four entrance/exit gates;
    n. Two truck scales near the silos;

o. One water well with a water line into the control booth;
p. Proposed utilities – natural gas line to provide fuel for the burners in the Gencor 400;
q. Site lighting with 20' fixtures around the Asphalt Manufacturing Plant;
r. Dumpster;
s. Two 31,000-gallon fire cisterns;
t. Ground mounted signs including visitor, truck and directional signs;
u. Stormwater management facilities such as water quality swales;
v. A 10,000-gallon aboveground storage tank for Number 2 fuel oil; and.
w. A new 6,000 square foot office/lab building, with related parking, lighting and landscaping to replace an existing office building which shall be subject to a new application for Site Plan Approval.

4. The Materials Processing Facility as shown on the site plan, dated April 6, 2009 and last revised September 21, 2016: consists of the following:
   a. Recycled Asphalt Product (RAP) stockpiles with a "Radial Stacker";
   b. Crushing plant which includes one rock crushing machine;
   c. Entrance driveway and internal gravel driveway;
   d. Loading ramps and numerous stockpile areas, some for the proposed asphalt operation and some for the existing operation of which are recycled Brick and Concrete;
   e. Office and storage trailers.

5. During the public hearing, the Planning Board retained the services of two peer reviewers for the proposed project, James Barnes of Acentech, a sound expert, and Robert Michaud of MDM Transportation Consultants, Inc., a Professional Traffic Operations Engineer.

6. The Planning Board considered the SP MCP application in accordance with Sections 8.1, 9.3A, 9.4 of the Westford Zoning Bylaw.

7. The written record contains additional materials including, but not limited to the following information. The entire written record is made part of this record of decision. Below is a SUMMARY of materials submitted to the Board during the public hearing process:

   a. Application materials;

   b. Plan entitled "SITE PLAN ASPHALT MANUFACTURING FACILITY 540 GROTON ROAD (ROUTE 40) WESTFORD MASSACHUSETTS" prepared by LandTech Consultants Inc. dated April 6, 2009 and last revised September 21, 2016 and containing the following sheets:
      1) Title Sheet
      2) Existing Conditions Plan
      3) Existing Conditions Plan
      4) Overall Site Plan
      5) Site Plan
      6) Construction Plan
      7) Construction Plan
      8) Construction Plan
      9) Site Utilities and Lighting Plan
      10) Erosion Control Plan

11) Erosion Control Plan
12) Details and Sections
13) Details and Sections
14) Details and Sections
15) Storm Water Pollution Prevention Plan (SWPP)
16) Pre-Development Drainage Map
17) Post Development Drainage Map

Exhibit Plans
18) Entrance Modification Plan Last revised 4/9/15
19) Emergency Access Easement Plan, dated September 21, 2016

Plans By Others
20) Proposed Plant Layout
21) General Component Elevations
22) Tank Farm – Plan and Side Elevations

Supplemental Site Plan Sheets
23) Illustrative Use Plan
24) Site Layout and Grading Plans
25) Site Details

c. Supplemental Data Report entitled "Asphalt Manufacturing Facility 540 Groton Road Westford, MA" prepared by LandTech Consultants, Inc. dated April 6, 2009.

d. "Appendix G Stormwater Report "Asphalt Manufacturing Facility 540 Groton Road Westford, MA" prepared by LandTech Consultants, Inc., dated April 9, 2009, last revised October 27, 2009.

e. "Acoustical Evaluation and Revised Acoustical Evaluation" prepared by Cavanaugh Tocci Associates (CTA) dated January 2, 2015 and March 10, 2015.

f. "Traffic Impact Analysis, Proposed Bituminous Concrete Manufacturing Facility, Westford MA" prepared by Vanasse & Associates, Inc., ("VAI") dated February 20, 2015.

g. Over 60 comments from the public and Town staff and boards as well as additional correspondence from the applicant, peer review reports and staff notes.

FRAMEWORK OF DECISION

1. Land Court Order Issuing Decision

a. The Land Court orders the issuance of the MCP SP as part of the settlement of the consolidated cases of Newport Materials, LLC v. Planning Board of the of Westford et al., 10 MISC 429867 (AHS) and Newport Materials, et al. v. Planning Board of Westford, et al., NO. 15 MISC 000164 and pursuant to the Agreement for Judgment entered in the Land Court on October 5, 2016, and the Settlement Agreement reached by the parties.

2. Major Commercial Project (MCP) Special Permit

a. An application for an MCP Special Permit is reviewed under Section 9.3A of the Zoning Bylaw and other relevant sections of the Bylaw, including, but not limited to, Section 3.1.2 which sets forth the regulatory framework for the MCP.

b. The entirety of the subject site (approximately 90 acres in Westford), including all uses located thereon, is considered subject to the MCP SP and the conditions thereof. The adjacent and integrated Materials Processing Facility is permitted by a Special Permit issued by the Board of Appeals (BOA) in 2009, 2010 and 2011. That Materials Processing Facility is limited to "75 trucks per day" or 150 truck trips, which is currently monitored through submittal of truck logs to the Town by Newport Materials. As conditioned herein all uses on the site shall be limited to 400 trips per day total for all vehicles and subject to a joint traffic monitoring plan.

3. Site Plan Approval Required for New Office Building

The construction of a new 6,000 square foot office building was not reviewed under this Special Permit for Major Commercial Project. The Applicant shall submit an application for Site Plan Approval under Section 9.4 of the Zoning Bylaw for review of that proposed development.

WAIVER

1. The applicant requested a waiver from the MCP standard 9.3A.4.2. *Noise. Ambient Noise Level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.*

a. The applicant demonstrated, and the Town's peer reviewer confirmed that the construction of a 1,200-foot-long sound attenuation wall, 35 feet in height, along the westerly property line along with the installation of sound source attenuation measures will allow the project to meet the sound standard at the western property line. However, the applicant seeks a waiver from the construction of the wall and the performance standards. Specifically, the applicant requests the ability to cause sound that is 75 dBA (and 32 dBA above ambient) at the westerly property boundary.

b. A waiver is hereby granted waiving the noise level requirement at the western property line by not requiring the construction of a proposed 1,200-foot-long 35-foot high sound barrier wall but requiring sound source attenuation as described below. The abutting property to the west, in the vicinity of the proposed barrier, is an operating quarry.

c. The Board of Appeals (BOA) granted a variance to exceed the definition of the term "quiet" in the light manufacturing definition, allowing the applicant to produce sounds of 75 dBA, which is 32 dBA above ambient at the western property line. The BOA decision has been appealed by abutters to the Property in Land Court matter Michael Donnelly et al. v. Robert Herrmann (members of the Westford Zoning Board of Appeals and Town of Westford), Newport Materials, LLC and 540 Groton Road, LLC, 15 MISC 000210.

FINDINGS

Special Permit for Major Commercial Permit (9.3.A.4)

9.3A.4 Standards.
The following standards shall apply to applications for special permits for Major Commercial Projects or Major Retail Projects:

1. ***Lighting.***
   A. Shielding. All outdoor light fixtures shall be shielded so as to meet the goals of this Section.
   B. Light Trespass. Direct light from the light source is to be confined within the property boundaries.

   The applicant shows "low sodium yard lights" on the site plan sheets and the lights are 20-foot high downward facing fixtures. While the applicant did not provide an illumination lighting plan showing illumination levels, the applicant states that the proposed project is located 1,400 feet from the public way (Groton Road) and 1,360 feet from the nearest residence. The location of the lighting is near the center of a large parcel. No abutter or Board member raised a concern about light trespass or the need for further attention to lighting. ***This criterion is met.***

2. ***Noise.***
   A. *Ambient Noise Level. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70 dBA or 10 dBA above ambient, whichever is lower, when measured at the property boundary of the receiving land use.*

   A waiver of this provision is granted, provided the Asphalt Manufacturing Plant include sound attenuation at the sound source on the equipment of the asphalt plant as specified in the March 10, 2015 CTA letter. The applicant shall also construct a sound attenuation barrier along the eastern property line in accordance with the plans dated April 6, 2009, last revised September 21, 2016. The applicant is further conditioned to monitor and report on actual noise levels after plant operation commences, at reasonable intervals using reasonably customary methodology, to ensure that plant operation is consistent with the sound estimates predicted by acoustic analyses. Should sound levels exceed the predicted levels, the applicant shall cease operations until such time that adequate sound mitigation is provided to meet the Noise Standards of Section 9.3A.4.2. Because of the proposed sound attenuation and the reporting of actual sound levels and the requirement to cure sounds if they are in excess of estimated sound levels, ***as conditioned, this criterion is met.*** (Conditions #6 a to d).

3. ***Landscaping.***
   A. ***Street Buffer Strip.*** *Except for a required sidewalk, a landscaped buffer strip at least twenty (20) feet wide, continuous except for approved driveways, shall be established adjacent to any public road to visually separate parking and other uses from the road. The buffer strip shall be planted with grass, medium height shrubs, evergreens and shade trees having a minimum four inches in caliper measured four feet from ground level planted at least every thirty (30) feet along the road frontage. Evergreens and shade trees shall be at least eight feet in height at time of planting.*

The subject Site is 114 acres, and the proposed facilities are 1,400 feet from the Public Way (Groton Road). There is a large wetland area and vegetation across most of the Site's Groton Road frontage. ***This criterion does not apply.***

B. ***District Buffer Strip.*** *A continuous landscaped buffer strip of at least ten (10) feet in width shall be provided and maintained in perpetuity between business and industrial districts and any residential districts and/or property lines. The landscape buffer strip shall be of a density to substantially screen the development in question from view, along the zoning district line in question. Plantings of various approved evergreen species are encouraged and shall be planted at a minimum height of six (6) feet.*

The site is bordered by Industrial A on all sides in Westford, and the Chelmsford Town Line. ***This criterion does not apply.***

C. ***Large Parking Areas.*** *Parking areas containing over 20 spaces shall have at least one shade tree per ten (10) parking spaces, such tree to be a minimum of 2½ inches in diameter and located either in the parking area or within 10 feet of it. At least 5% of the interior of the parking area shall be maintained with landscaping, including trees, in landscape islands or plots.*

The proposed Asphalt Manufacturing Plant has less than 20 parking spaces. The proposed new office building will be reviewed under a separate Site Plan Approval application. ***This criterion does not apply to the proposed Asphalt Manufacturing Plant.***

D. ***Fencing.*** *Fencing may be allowed in lieu or in conjunction with plantings. Design and height of such fencing, with accompanying landscaping, shall be subject to the approval of the Planning Board.*

The applicant proposes six foot (6') high chain link fencing around the asphalt plant and a portion of the materials processing yard. Due to the disturbed nature of the site, and the lack of visibility from all but one abutting property owner (Fletcher Quarry), the proposed fence is adequate. ***This criterion is met.***

E. ***Retaining Walls.*** *Retaining walls shall be constructed to a maximum height of four (4) feet. If site conditions require elevation changes of greater than four (4) feet, retaining walls shall be terraced and landscaped.*

The applicant proposes retaining walls that are 6 feet in height which shall be designed by a licensed professional engineer. The applicant does not show terraced and landscaped retaining walls on the plans. Due to the disturbed nature of the site, and the lack of visibility from all but one abutting property owner (Fletcher Quarry), terraced retaining walls are not needed. The MCP SP is conditioned such that any wall over 4' high shall be designed by a licensed professional and shall require a building permit (Condition #8.j). ***This criterion, as conditioned, has been met.***

F. ***Berms.*** *The Planning Board may require a berm or berms in appropriate circumstances*

to promote the goals of this section.

Due to the disturbed nature of the site, and the lack of visibility from all but one abutting property owner (Fletcher Quarry), berms are not needed for landscape or screening purposes. However, a berm is indicated to be built on the site plans to the east of the proposed Asphalt Manufacturing Plant. The applicant shall construct the project in accordance with the site plans. ***This criterion does not apply.***

G. ***Screened Areas.*** *Exposed storage areas, refuse disposal facilities, machinery, service areas, truck loading areas, utility buildings and structures and other similar uses shall be screened from view from neighboring properties and streets using dense, hardy evergreen plantings, or earthen berms, or wall or tight fence complemented by evergreen plantings.*

Due to the disturbed nature of the site, and the lack of visibility from all but one abutting property owner (Fletcher Quarry), there is no need for screened areas for landscape purposes. ***This criterion does not apply.***

H. ***Maintenance.*** *All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season as a condition of approval.*

The applicant proposes landscaped areas. The MCP SP is conditioned on the requirement that landscaping shall be maintained over the life of the project (Condition # 8.h). ***As conditioned, this criterion is met.***

4. ***Stormwater Management.***

A. ***Consistency with the Massachusetts Stormwater Management Policy.*** *All development shall comply with the Department of Environmental Protection's (DEP) Stormwater Management Policy (including Phase II Stormwater Management requirements), to ensure that the rate of surface water run-off from the site shall not be increased after construction.*

The proposed project is subject to a Stormwater Management Permit from the Town in accordance with Planning Board Rules and Regulations. The Town's Engineering Department and 2009 peer reviewer found that the project's stormwater management provisions are adequate and suggested specific conditions relative to the Operation and Maintenance of all Stormwater facilities (Conditions # 7.a to u). ***As conditioned, this criterion is met.***

B. ***Conservation Commission.*** *Where applicable, no special permit shall be issued unless a report shall have been received from the Conservation Commission or the Planning Board's agent that the storm drainage system is consistent with DEP Stormwater Management Policy and that there is sufficient storm drainage capacity to meet the flow demands of the proposed development on-site, and where applicable, without causing surge in those storm drainage lines which serve the project and are consistent with the standards of the Town.*

The Town's Engineering Department and 2009 peer reviewer found that the project's stormwater management provisions are adequate and suggested specific conditions relative to the Operation and Maintenance of all Stormwater facilities (See Conditions # 7.ato u). ***As conditioned, this criterion is met.***

5. ***Site Development Standards.***

   A. ***Land Disturbance.*** *Site/building design shall preserve natural topography, reduce unnecessary land disturbance and preserve natural drainage on the site to the extent possible.*

   Due to the disturbed nature of the site, the siting of the proposed Asphalt Manufacturing Plant structures are on "skids." Proposed stormwater control measures will result in an improvement to drainage conditions as compared to the existing site. The new office building is being sited on the location of an existing office building which will be demolished, which minimizes disturbance of the property. ***This criterion is met.***

   B. ***Site Design.*** *Placement of buildings, structures, or parking facilities shall relate to the site's scenic qualities and shall blend with the natural landscape.*

   The proposed project is located approximately 1,400 feet from a public road and is only visible to an adjacent industrial use (Fletcher Quarry). The portion of the site adjacent to the proposed Asphalt Manufacturing Plant is highly disturbed. ***This criterion does not apply.***

   C. ***Archeological or Historical Resources.*** *The Planning Board may require applicants to submit the proposed development plan to the Westford Historical Commission and/or the Massachusetts Historical Commission for review and comment regarding possible archaeological or historical resources on the site.*

   The applicant maintains that "there is nothing of Historical or Archaeological nature currently existing within the project site" and no evidence of any such resources was presented during the public hearings. ***This criterion does not apply.***

   D. ***Preservation of Existing Vegetation.*** *Priority shall be given to the preservation of existing stands of trees, trees at site perimeter, contiguous vegetation with adjacent sites (particularly existing sites protected through conservation restrictions), and specimen trees.*

   There is a portion of the site near the entrance that is mapped on the Natural Heritage Endangered Species Program (NHESP). The NHESP staff found that the proposed project would result in "no take" of endangered or threatened species. The proposed development leaves large areas of existing vegetation intact and that there is little vegetation on the site of the proposed asphalt plant. ***This criterion is met.***

   E. ***Finished Grade.*** *Finished grades should be limited to no greater than a 3:1 slope, while preserving, matching, or blending with the natural contours and undulations of the land to the greatest extent possible.*

   With the exception of temporary stockpiles, the project is conditioned on the site

development (including the emergency access road) not having slopes that exceed 3:1. (Condition #5.u). ***As conditioned, this criterion is met.***

F. ***Topsoil.*** *A minimum of 6" of topsoil shall be placed on all disturbed surfaces which are proposed to be planted.*

This project is conditioned on compliance with the site plans, which indicate that areas shown as lawn will be seeded with 6" of top soil. (Condition 9.h.) ***As conditioned, this criterion is met.***

6. ***Pedestrian and Vehicular Access; Traffic Management***

A. ***Access.*** *To the extent feasible, access to nonresidential uses and structures shall be provided via one of the following (i) Access via a common driveway serving adjacent lots or premises; (ii) Access via an existing side street; (iii) Access via a cul-de-sac or loop road shared by adjacent lots or premises;*

Access to the uses on this site is via Commerce Way, a private way off of Groton Road (Route 40), which is shown on the site plans as a 22-foot wide paved private road. The applicant also proposes improvements to the entrance area of Commerce Way at Groton Road

The project is conditioned on the applicant designing and constructing an emergency access road within an easement through the adjacent property (Fletcher Quarry) that provides an alternate emergency access in case Commerce Way is blocked. There are several conditions of approval that relate to the Commerce Way access and to the emergency access (Conditions # 3.a. to 3.i.). ***As conditioned, this criterion is met.***

1. *Access via roadways abutting residential districts shall be avoided where possible.* ***This criterion does not apply.***

2. *Access and egress to a development with frontage on more than one street shall be in a manner that causes the least impact to the surrounding neighborhoods as determined by the Planning Board.*

   The only access to a public way is the entrance of Commerce Way at Groton Road. ***This criterion does not apply.***

3. *Access shall be obtained from existing driveways where such access is safe and efficient. Where two or more access ways now exist, the Planning Board may limit access to the more safe and efficient location.*

   Access to the nonresidential uses on this site is via Commerce Way, a private way off of Groton Road (Route 40) which is shown on the site plans as a 22-foot wide paved private road. The applicant also proposes improvements to the entrance area of Commerce Way at Groton Road. There are several conditions of approval that relate to the Commerce Way access. (Conditions # 3.a. to 3.i.). ***As conditioned, this criterion is met.***

B. ***Curb Cuts.*** *Curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 30 feet in width unless waived by the Planning Board for commercial truck traffic.*

No new curb cuts on a public way are proposed. As stated above, access to the nonresidential uses on this site is via Commerce Way, an existing private way off of Groton Road (Route 40), which is shown on the site plans as a 22-foot wide paved private road. The applicant also proposes improvements to the entrance area of Commerce Way at Groton Road. There are several conditions of approval that relate to the Commerce Way access. (Conditions # 3.a. to 3.i.). ***As conditioned, this criterion is met.***

C. ***Interior Circulation.*** *The proposed development shall ensure safe interior circulation within its site by accommodating and separating pedestrian, bike ways, and vehicular traffic and ensure safe access to all users of the buildings.*

Interior circulation related to the proposed Asphalt Manufacturing Plant is adequate to handle the proposed truck traffic and is contained within a fenced area with paved and gravel interior roadways. The plans show a sidewalk connection along Commerce Way between the Asphalt Manufacturing Plant and a proposed new building. The applicant has not shown bicycle facilities on their plans, but such facilities are not necessary given that only 5 employees will be employed at the Asphalt Manufacturing Plant. ***This criterion is met.***

D. ***Transportation Plan Approval.*** *The proposed development shall be subject to a Transportation Plan approved by the Planning Board. The Transportation Plan shall be prepared by a qualified traffic consultant and consist of the following information:*

1. *A plan showing the proposed parking, loading, and traffic circulation within the site; access and egress points; and other features related to traffic generated by the proposed use.*
2. *A Transportation Impact and Access Study (TIAS), detailing the expected traffic impacts. For proposed development in excess of 25,000 gross square feet or in excess of 20 peak hour vehicle trips, the required traffic study shall substantially conform to Town of Westford Guidelines for Preparation of a Transportation Impact Assessment and the Institute of Transportation Engineers' "Traffic Access and Impact Studies for Site Development: A Recommended Practice," latest edition[1]. The Planning Board shall approve the geographic scope and content of the study. In addition, the applicant shall submit a Transportation Demand Management (TDM) plan tailored to the specific uses and the geographic location of the site.*
3. *Proposed mitigation measures, if any, such as left-turn lanes, roadway widening, signage, signalization of intersections.*

The applicant's site plans show the required elements such as parking, loading and circulation. The applicant has agreed, pursuant to the Settlement Agreement dated September 27, 2016, to limit all vehicle trips to and from the Property, for all uses located thereon, to a daily maximum of 400. The monitoring of such "self limitations" is

[1] Current edition is dated 1991 and is available through the Institute of Transportation Engineers, 1099 14th Street, NW, Suite 300 West, Washington, DC 20005-3438 USA, Telephone: 202-289-0222

crucial to ensuring compliance and minimizing the impact to the community and to the transportation system. Accordingly, this Decision imposes several conditions relating to monitoring (Conditions 3.a to 3.i). ***As conditioned, this criterion is met.***

E. ***Level of Service Maintenance or Improvement.***

The suggested Level of Service (LOS) of intersections impacted by the traffic generated the development shall be:

For newly constructed floor area, LOS "D" or better

a. *For all other projects subject to special permit– present LOS if present level of service is "D" or lower*

where such suggested standard is not met, or where a proposed project will result in an increase of 10 seconds of delay to a signalized intersection, the PB may require the applicant to provide detailed plans (including reconstruction concepts) that when implemented would result in a intersection LOS as set forth above, or a return to existing conditions, whichever is applicable.

As a result of the vehicle limitations imposed on the Property as a whole, and as conditioned below, ***this criterion is met.***

F. ***Dangerous Intersections.*** *The Planning Board may require safety improvements for any net increase in traffic volumes of 10% or more at an intersection that has an accident history of more than 5 accidents in the last three years for which data is available.*

Relying on review of the proposed Asphalt Manufacturing Plant by MDM Transportation Consultants, the Town's peer reviewer, ***this criterion does not apply.***

G. ***Sight Distance.*** *Adequate sight distance shall be provided and maintained at all access locations, egress locations, and all intersections affected by the Development. At a minimum, these site distances shall meet the stricter of the Massachusetts Highway Department and American Association of State Highway Transportation Officials standards for safe-stopping sight distances as detailed in the Town of Westford Traffic and Pedestrian Safety Manual.*

Relying on review of the proposed Asphalt Manufacturing Plant by MDM Transportation Consultants, the Town's peer reviewer, ***this criterion is met.***

H. ***Pedestrian and Bicycle Safety.***

(1) *All development and redevelopment shall provide for pedestrian and bicyclist connections on the property, and allow for possible future connections with adjoining properties, where deemed appropriate by the Planning Board.*

(2) *Pedestrian access shall connect to all building entrances with further connections to local pedestrian arteries.*

(3) *All road and intersection widening and new traffic signals or modification of existing traffic signals required as part of a Development or Redevelopment shall include appropriate bicycle and pedestrian accommodation.*

(4) *The Planning Board may require proposed development and redevelopment to provide sufficient rights-of-way on their properties to accommodate expected needs for bicycle*

and pedestrian use in conformance with the general guidelines in the Route 110 Master Plan, Sidewalk Master Plan, and other Master Plans as adopted by the Town.

(5) If the property abuts a public bikeway/ right-of-way, a paved access route to the bikeway may be required.

The applicant did not request a waiver from these standards, but points out that there will be minimal pedestrian and bicycle traffic from the Asphalt Manufacturing Plant or generated by the project uses (either employees or customers). The plans indicate a sidewalk for employees to move from the asphalt plant and Materials Processing Facility to the restrooms located in the new office building. Based on the limited number of employees and the lack of projected pedestrian and bicycle use by customers, ***these criteria do not apply.***

H. ***Location of Parking Areas.*** *Where feasible, the Planning Board may require parking areas to be located to the side or behind buildings so as to provide an appropriate setting for the building within the context of the site and neighborhood.*

Due to the fact that the proposed Asphalt Manufacturing Plant and the associated 6,000 square foot office/lab building are located approximately 1,400 feet from the public way ***this criterion does not apply.*** It is noted that the proposed demolition of the existing office building and construction of a new, smaller building in its place will require separate site plan review.

I. ***Traffic Calming Features.*** *Traffic calming measures such as crosswalks, bike lanes, rumble strips and landscaped islands may be required.*

Due to the fact that the Asphalt Manufacturing Plant will be located approximately 1,400 feet from the public way and improvements are proposed for the entrance of Commerce Way and Groton Road, no further improvements are required. ***This criterion does not apply.***

7. ***Community Character.***

A. ***Compatibility with Neighborhood.*** *The location, size and design, building materials, and operating characteristics of the proposed development shall be compatible with abutting properties, natural and built environment in the area and the surrounding neighborhood, with consideration to be given to the following:*

1. *harmony in scale, bulk, massing, architectural character, building materials, placement and density;*
2. *generation of traffic and the capacity of surrounding streets;*
3. *consistency with the goals and objectives of the Town of Westford Master Plan and with any other applicable plan that has been adopted by the Town.*

The proposed Asphalt Manufacturing Plant is not visible to the surrounding area, or from the nearest public way (Groton Road). The proposed Asphalt Manufacturing Plant is within the Industrial A (IA) zoning district and is surrounded by other Industrially zoned land in Westford and Limited Industrial (IA) and Residential B (RB) in Chelmsford. The surrounding uses in Westford include a quarry, a processing facility for granite products, and a cement plant. In Chelmsford there are adjacent tractor trailer sales and light

industrial uses that abut the site and residential dwellings along Groton Road in Chelmsford. The abutting property owner to the west submitted an affidavit that he has no objection to the proposal. Because the Asphalt Manufacturing Plant is not visible from the public way. ***the "harmony in scale, bulk, massing architectural character, building placement and density" criterion does not apply.***

As detailed above, and relying on review of the proposed Asphalt Manufacturing Plant by MDM Transportation Consultants, the Town's peer reviewer, and with extensive conditions relating to the limitation of trips to and from Commerce Way, ***as conditioned, the criterion relating to "generation of traffic and capacity of surrounding streets" is met.***

The proposed project is not inconsistent with the 2009 Comprehensive Master Plan nor any other plan. ***As conditioned, this criterion is met.***

8. ***Utilities; Security; Emergency Systems***

Projects may not overburden Town infrastructure services including water, gas, electricity and waste water systems. Building design may make use of water-conserving plumbing and minimize the amount of stormwater runoff through the use of best management practices for storm water management. Further, building may be designed to make use of natural and energy resources efficiently in construction, maintenance, and long term operation of the building, including supporting mechanical systems that reduce the need for mechanical equipment generally and its location on the roof specifically. Compliance with the Leadership in Energy and Environmental Design (LEED) certification standards and other evolving environmental efficiency standards shall be encouraged.

The applicant provided detailed information in the March 27, 2015 submittal regarding the adequacy of existing utilities to serve the proposed Asphalt Manufacturing Plant including sanitary wastewater facilities in the proposed new 6,000 square foot office building for the 5 employees, and an existing well, that will provide water to the two 30,000 gallon Fire Cisterns, a fire alarm system, an underground natural gas line and existing overhead electric power and telephone supply lines that will be supplied to the site. Stormwater is addressed in detail above and with numerous conditions including but not limited to Conditions 7.a to 7.u.). The site is secured by fencing and the applicant proposes fire alarms and training for the Westford Fire Department and provision of a Foam Cart on the site. The Board imposes several conditions relating to these life safety measures. The proposed new 6,000 square foot office building shall be reviewed by the Planning Board when the applicant submits an application for a Site Plan Approval. (Conditions 5.a. to 5.u). ***As conditioned, this criterion is met.***

9. ***Fiscal Analysis.***

The proposed development should not place more demand on public services than it generates in tax revenue, or overburden the Town's utilities and infrastructure. The fiscal assessment will also consider how the proposed development would generate an additional need for, or affect the availability of affordable housing (and schools).

The applicant states that there will be an annual real estate tax benefit of $20,000 to the Town and that the utilities are all private and will not require town services other than police and fire. The conditions of approval require that the applicant shall list the Town of Westford as an additional insured for environmental remediation and provide proof of such coverage, to cover the cost of a potential hazardous materials spill on the site. The applicant shall provide proof of renewals over the term of such insurance until permanent closure of the Asphalt Manufacturing Plant and certification from DEP that the site does not contain hazardous substances. (Condition 4.b.) ***As conditioned, this criterion is met.***

Special Permit Criteria (9.3.2)

1. *Social, economic, or community needs which are served by the proposal;*
   The proposed asphalt plant will add to the Town's general fund by provided increased tax revenues and will provide at least 5 jobs for staff at the Asphalt Manufacturing Plant and will support road construction jobs across the Commonwealth. ***This criterion is met.***

2. *Traffic flow and safety, including parking and loading;*
   As detailed above, the application was reviewed by MDM Transportation Consultants, the Town's peer reviewer, for traffic flow, safety, parking and loading. Specific conditions of approval relating to limitations on the number of trips in and out of Commerce Way and other transportation related improvements are included in this decision. Similarly, the application was reviewed by the Town of Westford Engineering and Fire Departments with respect to internal site circulation to ensure the adequacy of the private driveway and emergency access for emergency vehicles. (Condition 3.d.) ***As conditioned, this criterion is met.***

3. *Adequacy of utilities and other public services;*
   The applicant provided detailed information in the March 27, 2015 submittal regarding the adequacy of existing utilities to serve the proposed Asphalt Manufacturing Plant including sanitary wastewater facilities in the proposed new office building for the 5 employees, and an existing well, that will provide water to the two 30,000 gallon Fire Cisterns, a fire alarm system, an underground natural gas line and existing overhead electric power and telephone supply lines that will be supplied to the site. Stormwater is addressed in detail above and with numerous conditions (Conditions 8.a. to 8.u.). ***As conditioned, this criterion is met.***

4. *Neighborhood character and social structures;*
   The proposed Asphalt Manufacturing Plant is only visible to the property on its western boundary, whose owner has stated no objection to the proposed project. The proposed Asphalt Manufacturing Plant is not visible from the nearest public way (Groton Road). The proposed Asphalt Manufacturing Plant is within the Industrial A (IA) zoning district and is surrounded by other Industrially zoned land in Westford and Limited Industrial (IA) and Residential B (RB) in Chelmsford. The surrounding uses in Westford include a quarry, a processing facility for granite products, and a cement plant. In Chelmsford there are adjacent tractor trailer sales and light industrial uses that abut the site and residential dwellings along Groton Road in Chelmsford. The limitations and monitoring systems imposed with respect to total vehicle traffic for the entire property will result in an overall traffic decrease from current peak hour volumes being generated by activities on the site. ***As conditioned, this criterion is met.***

5. *Impacts on the natural environment; and*
The applicant provides adequate protection for the site's wetland resources. Proposed improvements to the entrance driveway will require application to the Conservation Commission for filling of wetland resource areas.

The proposed Asphalt Manufacturing Plant and Materials Processing Facility received an Air Quality Permit from the Department of Environmental Protection *310 CMR 7.02 – Air Quality Non-Major Comprehensive Plan Application Transmittal No. X227251, Application No. MBR-09-IND-005, Modified Conditional Approval, April 7, 2011* (DEP Permit). The DEP Board found that the proposed plant uses the Beast Available Control Technology (BACT). The DEP Permit contains numerous conditions regarding limits on air pollutant emissions, limits on noise, monitoring and reporting, requirements. The conditions of approval in the SP MCP Decision replicate these conditions should the DEP fail to enforce the conditions of approval and furthermore, the SP MCP is conditioned on the applicant providing an escrow account to enable the Board to hire qualified professionals should such local enforcement be needed.

The SP MCP is conditioned on the applicant listing the Town of Westford as an additional insured for environmental remediation and providing proof of such coverage on an annual basis, to cover the cost of a potential hazardous materials spill on the site. The applicant provides adequate protection for fire and life safety related to the storage of hazardous materials. The conditions of approval require that the applicant obtain a Hazardous Materials permit from the Board of Health prior to operation of the plant. (Conditions 4.a. to 4.g.). ***As conditioned, this criterion is met.***

6. *Potential fiscal impact, including impact on town services, tax base, property values, and employment.*

The applicant states that there will be an annual real estate tax benefit of $20,000 to the Town and that the utilities are all private and will not require town services other than police and fire. The conditions of approval provide that the applicant shall list the Town of Westford as an additional insured for environmental remediation and providing proof of such coverage on an annual basis, to cover the cost of a potential hazardous materials spill on the site. (Conditions 4.a. to 4.g.). ***As conditioned, this criterion is met.***

CONDITIONS OF APPROVAL

1. Decisions – Effective Dates

As used herein, the term "applicant" shall mean Newport Materials, LLC and 540 Groton Road, LLC, as well as their respective successors and assigns, which shall include any individual or entity assuming the right to operate the Asphalt Manufacturing Plant under the terms of the MCP Special Permit. The term "Board" as set forth herein shall mean the Westford Planning Board. The provision of this approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control.

This Decision to approve the SP MCP may become null and void upon any violation of any of the conditions of approval. The following administrative process shall govern the Board's resolution of any alleged violations:

i. The applicant and/or their representative shall be provided with written notice of any alleged violations, and shall appear before the Board at a public meeting within thirty (30) days of said notice to respond to and address said allegations.

ii. The Board shall review the applicable information and make findings with respect to alleged violations.

iii. Should the Board determine that one or more violations have occurred, they may characterize such violations as either minor (i.e. administrative) or major (i.e. substantially deviating from the findings or conditions hereof) in nature.

iv. The Board shall require the applicant to take any reasonable corrective and preventative action measures to mitigate impact from violations and to prevent reoccurrence of similar violations in the future.

v. This Board's administrative process is not intended to circumvent any actions by the Zoning Enforcement Officer, or to discourage the applicant from taking self-corrective action prior to Board review.

vi. The Board may require the applicant to pay any reasonable costs associated with addressing any violation, such as police detail, peer review or legal review costs.

vii. The Board may suspend or revoke the SP MCP approval upon making one or more of the following findings:

1. Willful disregard or neglect by the applicant to prevent recurrence of similar violations; or

2. Occurrence of three (3) or more major violations within a three-year period.

The Board may additionally seek enforcement of the SP MCP through judicial means in any Massachusetts court of competent jurisdiction as set forth in the Settlement Agreement and Agreement for Judgment upon which the issuance of this special permit is predicated.

2. Operating Limitations

a. Hours of operation limited to 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday, no Sunday operations for all uses on the site. There shall be no night operations (i.e. no production or trucking operations between 6:00 p.m. and 6:00 a.m.).

b. No operations of the Asphalt Manufacturing Plant and Materials Processing Facility are allowed from December 15 to March 15.

c. Average monthly production from the asphalt plant is limited to 1,500 tons of bituminous product per diem for the months the plant is operating.

d. The proposed 6,000 square foot office building requires a new application for Site Plan Approval from the Board. Any new or expanded use of the site shall require a modification of the SP MCP. The applicant has agreed in a Settlement Agreement dated September 27, 2016 and an Illustrative Site Plan, that there are three primary uses on the site; 1) solar farm, 2) ABC Materials Processing Facility and 3) an Asphalt Manufacturing Facility.

e. Town staff may inspect the site with 24 hours notice to the property owner or, in the event of a documented complaint regarding noncompliance with any condition hereof, at any time during operation of the Asphalt Manufacturing Plant.

f. Applicant shall provide an annual report to the Board or its designee on or about January 1 of each year. The report shall be certified by the applicant/operator of the Asphalt Manufacturing Plant and the Materials Processing Facility and shall include:
   i. Quantity of asphalt produced per month;
   ii. Quantity of materials brought into the site for processing per month;
   iii. Quantity of RAP used by the Asphalt Manufacturing Facility per month;
   iv. Quantity of crushed stone purchased from adjacent land owner (Fletcher Quarry) per month
   v. Quantity of crushed stone purchased from other sources per month;
   vi. Quantity of sand, liquid asphalt, number 2 fuel oil brought onto the site per month.

3. MCP – Traffic/Transportation

a. Commercial truck access and egress from the site.

   i. All commercial truck traffic entering Commerce Way from Groton Road shall enter westbound on Route 40 (Groton Road). No commercial trucks shall turn left from Groton Road into the site. It shall be the applicant's responsibility to notify all users of the site of this restriction, and applicant shall be responsible for any violation hereof.

   ii. Large trucks (more than four wheels) shall turn left when exiting the site (Commerce Way). Trucks with local destinations (local paving contractors) that require right-turn egress will be managed by a color coded ticket procedures that allows for enforcement by Westford Police Department. In such cases the site management shall provide the truck operator with a written certificate identifying the owner of the truck, the date and time and the destination of the delivery. Such certificate shall be in a form approved by the Chief of Police. It shall be the applicants' responsibility to notify all users of the site of this restriction, and applicant shall be responsible for any violation hereof.

b. Advance Advisory/Warning Signs. Applicant shall install advance warning signs along Groton Road following the Manual of Uniform Traffic Devices (MUTCD) guidance ("Trucks Entering Ahead") in combination with 35 mph speed advisory plaques to alert motorists of truck activity and to encourage slower travel speeds in the Site vicinity.

c. Daily Limitations (Not Averages) on Number of Trips

   i. Total of 400 trips (200 vehicles) per day for all vehicle types and all uses for the entire site, including any activities in Chelmsford.

d. Emergency Access.
   i. Prior to any site clearing the applicant shall provide the Board or its designee copies of emergency access easement documents and evidence that they have been recorded at the Middlesex North Registry of Deeds.

   ii. Prior to any site clearing the applicant shall demonstrate to the Board or its designee that the emergency access will accommodate emergency service vehicles (including but not limited to road construction detail, turning radii and road slope data).

   iii. Emergency access roads shall meet NFPA -1 and 527 CMR Chapter 18:
   (1) minimum access road widths shall be no less than twenty feet (20');

   (2) permeable driving surfaces shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.

e. Monitoring of trips.
   i. Applicant shall arrange for a formal meeting between each of the Parties' respective traffic engineering consultants (VAI and MDM, or such other consultants as the parties may choose to retain) for purposes of jointly preparing a long-term traffic monitoring plan for the Property, which shall be subject to a majority approval by the Board prior to the issuance of any building permits for the Asphalt Manufacturing Plant. The applicant shall fully bear the cost of employing both consulting experts for purposes of the development of the traffic monitoring plan for the Property. The applicant shall place $10,000.00 into a Planning Board account pursuant to G.L. c.53G to cover the cost of retaining traffic experts, and it shall replenish said account as necessary to ensure compliance with this permit. Said monitoring program shall include, at a minimum, the following:

   (1) **Monthly submittal of certified summary of daily records** of time-stamped trip activity logs (including all truck activity, employee activity, delivery and visitor activity associated with the asphalt plant and materials processing yard).

   (2) **Video Monitoring.** Applicant shall pay for the reasonable cost of the services of MDM Transportation Consultants, Inc., or such other consultant as the Town may choose to retain, to install and maintain video monitoring equipment on Commerce Way and to engage in ongoing monitoring of the video feed to verify traffic levels at the intersection of Commerce Way and Groton Road relative to log reports.

   The applicant has agreed, as detailed in the Settlement Agreement dated September 27, 2016, that all traffic coming to this site originating from an offsite location other than the Fletcher Quarry or adjacent property in the same ownership as the site, shall enter and exit the site through the Commerce Way entrance and no other.

f. Site entrance improvements
   i. Applicant shall prepare engineering plans with specific lane dimensions, land striping and sign placement for Groton Road that conforms to MUTCD standards for approval by the Board or its designee. Said plans shall address the areas of encroachment illustrated by the Vanasse and Associates Inc. turn movement analysis in its report dated February 20, 2015.

   ii. Applicant shall prepare engineering plans that show at least a 4 foot widening of Groton Road to increase the useable (paved) shoulder areas on the eastbound approach to the driveway to accommodate trucks turning left from the site driveway. If all necessary approvals for such widening are issued, applicant shall construct such widening at its own expense.

g. Operation of the Asphalt Manufacturing Plant and Materials Processing Facility shall not result in stacking of trucks on Route 40/Groton Road waiting to enter Commerce Way. The Westford Police shall take notice of any such condition and shall immediately report this condition to the Building Commissioner. If the condition cannot be alleviated, or if it develops into a persistent condition, the Board shall take notice and may suspend or revoke this special permit in accordance with Condition of Approval No. 1.

h. The applicant represented to the Board that a minimum of fifty percent (50%) of the aggregate used in asphalt production will be obtained from the adjacent Fletcher Quarry as long as practicable. Any materials obtained from the Fletcher Quarry shall be transported by way of proposed internal quarry roads and shall not result in trucks traveling onto Groton Road. Aggregate transported to the Property from the adjacent LeMasurier quarry shall either be transported to the Property by internal quarry roads or shall be subject to the 400 vehicle trip limitation for vehicles accessing the Property from Commerce Way.

i. Applicant shall provide a barrier, such as large boulders, at the eastern property line to ensure no future use of the cut through to Doris Drive. Said barriers shall be visible on aerial photographs. Should the Town become aware of such "cut through" use of any other access/egress from the site other than Commerce Way, the Board may suspend or revoke this special permit in accordance with Condition of Approval No. 1.

4. Environmental Protection

a. The applicant shall copy the Planning Board and Board of Health on all correspondence, reports, filings, and/or surveys required by the *310 CMR 7.02 – Air Quality Non-Major Comprehensive Plan Application Transmittal No. X227251, Application No. MBR-09-IND-005, Modified Conditional Approval dated April 7, 2011* (DEP Permit) as may be modified over time and any other applicable DEP permits that apply to this site.

b. The applicant shall list the Town of Westford as an additional insured for environmental remediation and provide proof of such coverage, to cover the cost of a potential hazardous materials spill on the site. The applicant shall provide proof of renewals over the term of such insurance until permanent closure of the Asphalt Manufacturing Plant and certification from DEP that the site does not contain hazardous substances.

c. Applicant shall immediately report any violations of the DEP regulations or the DEP Permit to the Board or its designee. Violations of DEP regulations and DEP Permit may result in the

suspension or revocation of the special permit in accordance with Condition of Approval No. 1.

d. Applicant shall use odor control measures to reduce odor associated with the Asphalt Manufacturing Plant and submit information about odor control to the Board of Health. Failure to effectively control odor may result in a suspension or revocation of the special permit in accordance with Condition of Approval No. 1.

e. The applicant shall perform a monthly "visolite test" on the baghouse to ensure that there are no broken filters. The Building Commissioner shall be notified in writing within seven days of any failed tests and the action taken to correct the deficiency. Following notification of a failed visolite test, the Building Commissioner or his designee may conduct a visual inspection of the site to ensure that the baghouse is performing properly.

f. The applicant shall immediately notify the Westford Building Commissioner of any incident in which operations may have caused an increase in emissions over the limits established by the DEP permit.

g. This Decision incorporates all the conditions of the DEP approval *310 CMR 7.02 – Air Quality Non-Major Comprehensive Plan Application Transmittal No. X227251, Application No. MBR-09-IND-005, Modified Conditional Approval* (DEP Permit) (a copy of which is attached hereto). Should the State Department of Environmental Protection (DEP) not adequately enforce the conditions of approval, the Board has the independent right to enforce the requirements of the DEP approval through its Zoning Enforcement Officer or other designee. When the Board's conditions are more limiting than any other DEP permits, the more restrictive condition will be enforced by the Board.

5. Fire and Life Safety and Hazardous Materials (note emergency access road conditions under Transportation)

a. The two 30,000 gallon cisterns shall meet all requirements of NFPA-1142. As a condition of approval, a report documenting the sizing of the fire protection cistern should be prepared by a registered fire protection engineer and submitted to the Board. The Fire Chief should provide comments relative to the cistern and fire alarm system prior to the start of construction.

b. Westford Fire Department (WFD) and its equipment shall be able to access each of the cisterns so that access road(s) are not blocked and so that other WFD vehicles can pass those vehicles accessing the cisterns.

c. The Foam Cart shown on the Site Plans shall be provided throughout the lifetime of the Asphalt Manufacturing Plant's operation. The applicant shall maintain said Foam Cart in good working order and ensure that it is fully supplied. The equipment shall be available for use by the WFD if needed.

d. Applicant shall provide (at no cost to the Town of Westford or the Town of Chelmsford) OSHA's confined space training for the Westford and Chelmsford Fire Department staff on an annual basis and also provide for re-certification for Westford and Chelmsford employees as needed over the lifetime of the asphalt plant's operation.

e. The Asphalt Manufacturing Plant shall have an emergency shutdown mechanism and shut off valves from the fuel source to the burner that will shut down operation if there are any malfunctions of the burner, the exhaust fan damper or the baghouse. Should the emergency shutdown be triggered, the Fire Department shall be notified immediately and the Fire Chief or designee shall have the authority to investigate and inspect the site and shall be allowed to monitor the progress of repairs.

f. Flammable Combustible Storage for the site shall meet the requirements at a minimum as specified in 527 CMR 9.03.
   i. In accordance with MGL c. 148 § 37, any above ground storage tank of more than 10,000 shall secure a permit from the State Fire Marshal and the Fire Chief.

   ii. Storage of flammable combustible liquids greater than 10,000 shall require a License from the local license authority.

   iii. Manual shut off valves shall be installed at the #2 Fuel Oil tank and Liquid Asphalt tanks as recommended by the Town of Westford Fire Department within their memo dated October 13, 2009.

g. On an annual basis, determined by the Fire Chief, the applicant shall provide a detailed briefing to representatives of the Westford and Chelmsford Fire Departments, as designated by the respective Fire Chiefs, with regard to spill containment procedures. The Fire Chiefs may conduct an inspection of the plant on an annual basis. As part of this inspection the Chiefs may ensure that all plan personnel understand procedures related to both hazmat containment control and fire suppression.

h. Keys to the Asphalt Manufacturing Plant shall be placed in a "Knox Box" acceptable to Westford Public Safety personnel.

i. The applicant shall install a sprinkler system in the furnace area, emergency lighting in all interior spaces, and clearly illuminated exit signs within interior spaces of the control room.

j. Following any malfunction or abnormal condition with regard to emissions equipment, the applicant shall forward a written report to the Building Commissioner reporting such malfunction or abnormal condition, in a manner prescribed by the Building Commissioner within 15 days of the incident.

k. For oil Spill Prevention, Control, and Countermeasure (SPCC) plans, any facility that has an oil storage capacity of 1,320 gallons or greater must prepare an SPCC plan. Since the capacity of the No. 2 fuel oil storage tank is 10,000 gallons, a SPCC plan is required. A copy of the SPCC plan shall be provided to the Board and Town Engineer prior to commencement of the asphalt operations.

l. Any breeches in emission controls, fuel storage and containment equipment or fire control issues shall be immediately reported to the Fire Chief and the Building Commissioner.

m. All storage tanks must be rated at UL 142. Block valves on the containment structure shall be shut when the plant is not being operated.

n. Applicant shall receive a Hazardous Materials permit from the Board of Health.

o. Hazardous Materials Data sheets for all material stored at this site shall be provided to the

Fire Chief and the Board of Health. An update to these information sheets shall be provided to the Fire Chief and Board of Health forthwith when materials are added to the site.

p. Zones where dumping, storage or stockpiling of Hazardous Materials are prohibited shall be established on site subject to review by the Town Engineer and Board of Health. These zones must be clearly marked with posted signs plainly visible.

q. The proposed Asphalt Manufacturing Plant shall incorporate all standard and optional controls and safety interlocks Gencor provides.

r. Prior to plant operations and/or occupancy permit the operating procedures, including emergencies (e.g. fire), maintenance program, and hot work procedures shall be developed for the Asphalt Manufacturing Plant to address the safety procedures to avoid or minimize human errors through training and procedures.

s. Prior to plant operations and/or occupancy permit the general Hazardous Operations (HAZOP) analysis shall be prepared for the site. These elements should be completed prior to the plant operations.

t. If the exhaust system for the conveyor belt, top of the silo and bottom of the silo, are not operational, the manufacturing process shall be suspended until remedied.

u. With the exception of temporary stockpiles, the project is conditioned that the site development (including the emergency access road) shall not have slopes that exceed 3:1.

6. Sound

a. No person shall operate or cause to be operated any source of sound in a manner that creates a sound level which exceeds 70dBA or 10dBA above ambient, whichever is lower when measured at the boundary of the receiving land use (except as necessary for tree cutting and other required construction activities), with the exception of the western property boundary between the property and the Fletcher Quarry where a sound level of up to 75 dBA or 32 dbA above ambient, whichever is lower, will be permitted.

b. The Applicant shall provide the Board or its designee with post operational sound analysis report and field testing. Applicant shall provide funding for the Board's peer reviewer to review said reports and field testing.

c. The Applicant shall modify plan details of the Asphalt Manufacturing Plant manufacturing elements to include the enclosures and mufflers around certain sound sources as detailed in the CTA report dated March 10, 2015. Applicant shall construct the sound attenuation barrier on the eastern boundary as specified by CTA and in accordance with the LandTech Plans for a 10-foot by 225 foot easterly sound attenuation wall , dated March 15, 2016.

d. For the first year of operation and every subsequent third (3rd) year, the operator of the Asphalt Manufacturing Plant shall conduct a sound survey at the five closest residential receptors at the following addresses: 263 Groton Road, 255 Groton Road, 268 Groton Road and 264 Groton Road all in Chelmsford, MA . The survey shall be conducted during peak production months of July or August and shall measure ambient sound levels prior to

commencement of operations for the day and shall measure sound levels after full operation of the plant commences for the day. Should sound levels exceed the predicted levels, the applicant shall cease operations until such time that adequate sound mitigation is provided to meet the Noise Standards of Section 9.3A.4.2. If sound levels are not adequately mitigated, the Board shall take notice and may suspend or revoke this special permit in accordance with Condition No. 1.

7. Stormwater Management

a. All conditions imposed by the SWM Permit issued on April 13, 2015 are hereby incorporated by reference.

b. Applicant shall introduce appropriate site measures to prevent sediment from being tracked into Groton Road and to provide the Board with details on those proposed measures.

c. A draft maintenance agreement is required as part of the Stormwater Management Permit application. The agreement is required to comply with the maintenance requirements of the Stormwater Management Regulations including: Sections 6.H, 6.K and 12.0. The final maintenance agreement shall be submitted to the Town for review and approval prior to the completion of construction. The maintenance agreement shall be recorded at the Middlesex North Registry of Deeds once approved by the Town.

d As-built record drawings are required to be completed in accordance with Section 6.H of the Stormwater Management Regulations upon completion of the project. The Engineer of Record shall provide a written certification stating that the project was constructed in accordance with the approved design plans.

e. The applicant shall comply with construction inspection requirements outlined in Section 11.0 and the continuing inspection and maintenance requirements in Section 12.0 of the Westford Stormwater Management Regulations.

f. The infiltration basin shall be protected and other structural stormwater Best Management Practices (BMPs) shall be followed during construction in order to prevent a reduction in the long term infiltration capacity of the soil. All stormwater BMPs shall be cleaned of any silt and sediment once construction is complete and the project has been fully stabilized. This may require the removal and replacement of soil to make certain that the infiltration rate of the soil is met.

g. The final stormwater operation and maintenance plan (O&M) shall be updated to include a simplified site plan that would highlight the location of the various structural pollutant controls and stormwater BMPs outlined in the O&M Plan.

h. The plant operator shall comply with the O&M in perpetuity and as outlined in the final maintenance agreement.

i. Applicant shall demonstrate prior to the commencement of plant operations that post construction drainage areas closely match the drainage areas shown on the post-development drainage map submitted.

j. The project shall comply with the Stormwater Management Permit, which includes compliance with the Storm Water Pollution Prevention Plan (SWPPP) prepared for the project until the project is fully stabilized. Prior to commencement of any site clearing or construction activities, the applicant shall provide the Town's Engineering Department a copy of the final SWPPP. The SWPPP shall be received no later than the required pre-construction meeting.

k. Prior to commencement of plant operations and/ or any issuance of a Certificate of Occupancy, the Applicant shall inspect, clean and repair (if necessary) to the satisfaction of the Engineering Department the existing stormwater management system.

l. The Applicant shall conduct soil testing within the footprint of each subsurface infiltration system and within the stilling basin prior to the start of construction and in the presence of the Engineering Department to verify proposed design assumptions and confirm compliance with the Stormwater Standards.

m. Prior to commencement of plant operations and/ or any issuance of a Certificate of Occupancy, the Design Engineer shall certify that the proposed subsurface infiltration system was installed in accordance with the manufacturer's specifications.

n. The Applicant shall provide copies of the NPDES Construction General Permit to the Engineering Department no later than the required Preconstruction Meeting. Once the contractor is selected, the USEPA Notice of Intent (NOI) for construction activities regulated under the Construction General Permit and Stormwater Pollution Prevention Plan shall be provided to the Town Engineer prior to the start of construction.

o. The Applicant shall provide a copy of the Long-Term Pollution Prevention Plan to the Engineering Department no later than the required Preconstruction Meeting.

p. The Applicant shall protect the subsurface infiltration systems and stilling basin during the construction process to prevent a reduction in the long term infiltration capacity of the soil. Once construction is complete, the Applicant shall clean these stormwater BMPs of any silt and sediment. At the discretion of the Engineering Department, this may require the removal and replacement of soil to make certain that the infiltration rate of the soil is met.

q. The Applicant shall combine the Operation and Maintenance (O&M) Plan and Long-Term Pollution Prevention Plan into a bound letter-sized document that shall be provided to the Owner and Operator. The applicant shall comply with this document in perpetuity. This document shall also include a simplified site plan that highlights the location of the various structural pollutant controls and stormwater BMPs. This document shall apply to post-construction management of the site and shall be separate from the required SWPPP.

r. The O&M Plan shall be recorded with the decision at the Northern Middlesex Registry of Deeds. Compliance with the O&M Plan shall be a condition of approval.

s. Prior to commencement of plant operations and/ or any issuance of a Certificate of Occupancy, the applicant shall have an as-built plan of the site and stormwater systems and provide an engineer's certification stating that the project was constructed in accordance with the approved design plans. The as-built plan shall conform to the specifications

provided in section 218-25 of Westford's Subdivision Rules and Regulations and section 6.H of the Westford Stormwater Management Regulations upon completion of the project.

t. An asphalt plant with a point source discharge to a navigable water body must submit a Notice of Intent (NOI) to the USEPA sixty days prior to discharge in accordance with Sector D (Asphalt Paving and Roofing Materials and Lubricant Manufacturers) of USEPA's Multi Sector General Permit for Industrial Activities (MSGP). Prior to submitting the NOI, the Asphalt Manufacturing Plant must prepare an industrial stormwater pollution prevention plan (SWPPP) that describes potential pollutant sources; structural and non-structural best management practices (BMPs); and other stormwater management procedures such as preventive maintenance, good housekeeping, pollution prevention team, spill prevention and response, training, monthly visual inspections, record-keeping, and reporting. This NOI shall be submitted as draft to the Town for review prior to submission to the USEPA.

u. The applicant shall not be allowed to pave any additional areas on-site without prior SPR and MCP approvals from the Planning Board.

8. General conditions of approval

a. Once the contractor is selected, a construction schedule shall be provided to the Building Commissioner for review. This schedule should be updated on a monthly basis and should address the implementation of erosion control measures during the course of construction.

b. Any fill used in connection with this project shall be clean fill. Any fill shall contain no tree stumps, trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

d All work is to be done in accordance with the aforementioned record plans. Any changes, revisions or modifications to the plans as approved herein shall require approval by the Board. Non-substantive changes, as determined by the Board, may be approved by the Board at a regularly scheduled public meeting. Substantive changes may be approved by the Board through a public hearing process.

e The applicant shall to contact the Building Commissioner to determine sign permitting requirements for proposed facilities.

f Prior to commencing any construction or site work, the applicant shall record this decision with the Middlesex North Registry of Deeds and shall provide evidence of such recording to the Board.

g The Special Permits shall lapse after two (2) years from the grant hereof if a substantial use has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

h All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season. The Board conditions this project on compliance with the site plans, which indicate that areas shown as lawn will be seeded with 6" of top soil.

i The Limits of Work, as shown on the approved plans, shall be staked out in the field by a Professional Land Surveyor. Orange construction fencing (or an approved equivalent) shall be installed at the Limits of Work. All trees within the Limits of Work that are to be retained during the construction process shall be properly flagged to avoid damage or removal during the construction process. Such flags shall be installed prior to any site clearing. The Limits of Work and erosion control measures shall be inspected and approved by the Town Planner prior to commencing any additional site work.

j. Retaining walls over four (4) feet high shall be reviewed and stamped by a Structural Engineer.

k. The Applicant acknowledges that this approval is subject to completion of all necessary filings and any order of conditions issued for this project by the Town of Westford Conservation Commission. In addition, if any of the approved site features are amended by the Conservation Commission in a way that would require an amendment, then the Applicant shall submit these changes to the Board for its review and approval.

l. Prior to commencement of plant operations and/ or any issuance of a Certificate of Occupancy, all required legal documents including but not limited to covenants, easements, agreements, monitoring agreements shall be submitted to the Town Planner and Town Counsel for review and approval. It shall be the responsibility of the applicant to pay all legal cost associated with the review of this decision and documents associated with this decision.

m. Any blasting activity at the site must conform to the requirements of the Town's Fire Department officials, the State Fire Marshall's Office and any other appropriate regulatory official. Additionally, the applicant or its representative shall be responsible for seismograph monitoring, notification to neighbors within the immediate work area prior to blasting and posting a fire detail on the site. If blasting is required for the construction of the site use the following steps will be taken to monitor/rectify any potential damage as a result of the blasting:

    i. The applicant shall provide documented inspections, i.e. videotaping, of any foundations and pools within 400' of any expected blast area prior to the start of any blasting;

    ii. The applicant shall provide pre and post blasting water testing for all residents within 400' of any expected blast area in the subject subdivision prior to the start of any blasting. Water quality, including radon testing, and a specific capacity/short term pumping test shall be included in this testing;

    iii. The applicant or its hired contractors, shall notify those residents within 400' of any expected blast area, when blasting will begin on the site and will again notify them when all blasting is complete;

    iv. Blasting hours will be from 8:00 a.m. to 4:00 p.m., weekdays only;

    v. The applicant shall rectify those problems that are proven to be a result of blasting on the subject subdivision, i.e. foundation cracking and deterioration in water quality;

vi. The use of any perchlorate blasting material is prohibited;

vii. Hours of operations pertaining to air hammering or similar practices shall be limited to weekdays between the hours of 8:00AM through 4:00PM.

n. Within 60 days of the issuance of this decision and prior to commencement of asphalt plant operations and/or issuance of any building permits, the applicant shall provide the Permitting Department with the recordable Mylar plan set (sheets to be determined by Planning Staff), one (1) full Mylar plan set, five (5) sets of full sized and two (2) sets of reduced copies of the final *endorsed* plan set, an electronic copy of the *endorsed* plan set, as well as a digital copy of the final set of approved plans. Final plans shall be received no later than the required pre-construction meeting. The digital copy of the final set of approved plans must follow the five requirements listed below:

i. All plans and specifications must be submitted on electronic media (CD or DVD_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, ArcView *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan.

ii. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88.

iii. Each feature type must be organized in the CAD or GIS data structure as a separate layer using logical layer names. For example, there must be separate CAD layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single CAD layer or GIS file will not be accepted.

iv. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.

v. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.

o. Any minor revisions to the design of any drainage control measures shall henceforth be subject to the approval of the Town Engineer and the Town Planner. Significant modifications will require review by the Planning Board in accordance with Condition No. 1.

p. Impervious areas associated with the development (such as building and pavement areas) shall not exceed those sizes used in the stormwater calculations and as shown on the plans unless reviewed and approved by the Town Engineer.

q. Prior to the commencement of any construction or site work the applicant shall initiate a pre-construction meeting with the Engineering Department, Planning Department and other relevant Town Departments and Town Staff. All relevant contractors and

subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved.

r. All required legal documents including, but not limited to, covenants and easements, shall be submitted to the Town Planner and Westford Town Counsel for review and approval, prior to the pre-construction meeting noted above. It shall be the responsibility of the Applicant to pay all reasonable legal costs associated with the review of this decision, as well as documents associated with this Condition by Town Counsel. It shall be the responsibility of the Applicant to pay all reasonable costs for consulting services, if needed and as determined by the Town, to ensure compliance with these conditions of approval.

Filed with the Town Clerk:

P Duby
Assistant Town Clerk

11-14-2016
Date

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

I hereby certify that this is a true copy of the decision ordered by the Land Court and filed in the office of the Town Clerk on _____, _____; I further certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Westford, and that an appeal (___ has ___ has not) been filed.

Date:

Attest: _____
Kaari Mai Tari
Town Clerk

cc: 540 Groton Road LLC, Newport Materials LLC, Planning Boards of Acton, Carlisle, Chelmsford, Groton, Littleton, Tyngsborough, Abutters within 300 feet; Town Engineer, Building Commissioner, Westford Fire Department, Zoning Board of Appeals, Board of Health

SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD (ROUTE 40)
WESTFORD, MASSACHUSETTS

NOTES:

1. TOPOGRAPHIC AND PLANOMETRIC INFORMATION OBTAINED FROM AN AERIAL SURVEY CONDUCTED BY EASTERN TOPOGRAPHICS, WOLFEBORO, NH, SCALE: 1"= 40' CONTOUR INTERVAL: 2' PHOTO DATE: 20 APR 2006 (1:4200) COMPILATION DATE: 12 NOV. 2007.
2. GROUND CONTROL BY LANDTECH CONSULTANTS, INC. THIS MAPPING WAS COLLECTED FROM AERIAL PHOTOGRAPHY AS REFERENCED ABOVE – USING DIGITAL TERRAIN MODELING (DTM) METHODS WITH KLT ATLAS SOFTWARE. DIGITAL FILE NAME: 10633XL.ATL ANY USER SHOULD DETERMINE THE SUITABILITY OF THIS AERIAL MAPPING FOR HIS INTENDED USE AND ASSUME ALL RISK AND LIABILITY IN CONNECTION THEREWITH. NOTE: BUILDING CORNERS AS SHOWN REPRESENT ROOF LINES AS COLLECTED FROM AERIAL PHOTOGRAPHY.
3. BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN NOVEMBER 2007 AND FROM EXISTING DEEDS AND PLANS.
4. UTILITY INFORMATION SHOWN HEREON WAS TAKEN FROM INFORMATION SUPPLIED BY THE VARIOUS UTILITY COMPANIES. LOCATION AND SIZES OF ALL UTILITIES MUST BE FIELD VERIFIED BY ALL CONTRACTORS PRIOR TO THE START OF ANY CONSTRUCTION. 'DIG SAFE' MUST BE NOTIFIED A MINIMUM OF 72 HOURS IN ADVANCE PRIOR TO ANY EXCAVATION.
5. FLAGGED WETLAND LOCATIONS SHOWN ON THIS MAP WERE PROVIDED BY A FIELD STUDY CONDUCTED BY NORSE ENVIRONMENTAL SERVICES, INC., 130 MIDDLESEX ROAD, SUITE 15, TYNGSBORO, MA 01879, NOVEMBER 2007 THROUGH JANUARY 2008 AND FIELD LOCATED BY LANDTECH CONSULTANTS, INC. DECEMBER 2007 THROUGH JANUARY 2008. THE WETLANDS SHOWN ON THIS PLAN WERE APPROVED IN 2008 BY THE WESTFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 334–1402 AND THE CHELMSFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 129–694.
6. THE SUBJECT PARCEL IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA AS DEFINED ON THE FEMA FLOOD INSURANCE RATE MAP, ZONES B & C ON COMMUNITY No. 25017C0118E, EFFECTIVE DATE JUNE 4, 2010.
7. THE MAIN PORTION OF THE PARCEL IS LOCATED IN WESTFORD LOCATED IN ZONING DISTRICT 'IA' (INDUSTRIAL 'A').

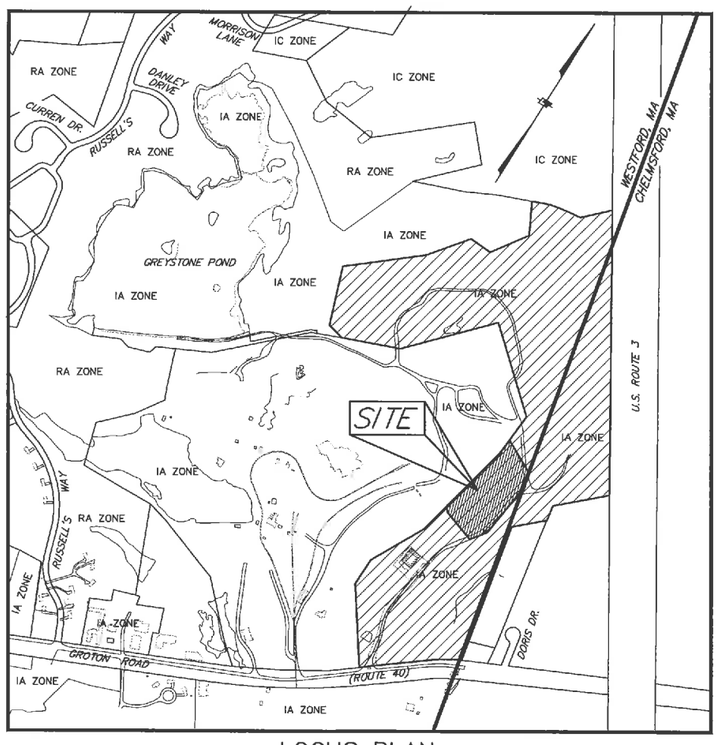
ZONING DISTRICT:	INDUSTRIAL 'A' (IA)
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM LOT FRONTAGE:	200 FEET
MINIMUM BUILDING SETBACKS:	
FRONT:	35 FEET
SIDE:	15 FEET
REAR:	30 FEET

8. A PORTION OF THE PARCEL IS LOCATED IN CHELMSFORD AND IS IN ZONING DISTRICT IA (INDUSTRIAL 'A' LIMITED INDUSTRIAL)

ZONING DISTRICT:	INDUSTRIAL 'A' LIMITED INDUSTRIAL (IA)
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM LOT FRONTAGE:	150 FEET
MINIMUM BUILDING SETBACKS:	
FRONT:	40 FEET
SIDE:	40 FEET
REAR:	30 FEET

ZONING BY–LAW (CHAPTER 173)

9. SECTION 9.4 – SITE PLAN APPROVAL REQUIRED FROM THE WESTFORD PLANNING BOARD.
10. SECTION 9.3A – SPECIAL PERMIT FOR MAJOR COMMERCIAL PROJECT.
11. SECTON 8.1 – SPECIAL PERMIT FOR THE STORAGE OF #2 FUEL OIL IN A WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD).
12. STORM WATER MANAGEMENT BY–LAW – CHAPTER 147 OF THE TOWN OF WESTFORD GENERAL BY–LAWS.
13. FUTURE SITE PLAN APPROVALS REQUIRED FOR THE PROPOSED 6,400 SF BUILDING (AS SHOWN ON THE SUPPLEMENTAL PLAN SETS.)
14. APPROVALS PERTAIN TO THE TOWN ONLY.



LOCUS PLAN

ISSUE DATE:	APRIL 6, 2009
REVISED:	JULY 31, 2009
	OCTOBER 30, 2009
	DECEMBER 31, 2014
	FEBRUARY 13, 2015
	MARCH 26, 2015
	APRIL 26, 2016
	SEPTEMBER 21, 2016

0 600 1200 1800
SCALE IN FEET

LandTech
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692–6100 – landtechinc.com

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JOB No. 09–102 DRAWING No. 8915

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1)	TITLE SHEET	(TS)
2 & 3)	EXISTING CONDITIONS PLANS	(EX1 & EX2)
4)	OVERALL SITE PLAN	(OSP)
5)	SITE PLAN	(SP)
6–8)	CONSTRUCTION PLAN	(CP1 – CP3)
9)	SITE UTILITIES AND LIGHTING PLAN	(SU)
10–11)	EROSION CONTROL PLAN	(EC1 & EC2)
12–14)	DETAILS & SECTIONS	(DS1, DS2 & DS3)
15)	STORM WATER POLLUTION PREVENTION PLAN	(SWPPP)
16)	PRE–DEVELOPMENT DRAINAGE MAP	(PRE) (SEPARATE COVER)
17)	POST–DEVELOPMENT DRAINAGE MAP	(POST) (SEPARATE COVER)
	EXHIBIT PLANS	
18)	ENTRANCE MODIFICATION PLAN	(DWG #9997)
	PLANS BY OTHERS	
19)	PROPOSED PLANT LAYOUT	(D41017D1)
20)	GENERAL COMPONENT ELEVATIONS	(D41017D2)
21)	TANK FARM – PLAN AND SIDE ELEVATIONS	(2785–140–1–A1)
	SUPPLEMENTAL SITE PLAN SHEETS	
22)	ILLUSTRATIVE USE PLAN	(DWG #10231)
23–26)	SITE LAYOUT AND GRADING PLANS	(SP–1, SP–2, SP–3, SP–4)
27–28)	SITE DETAILS	(DS–1, DS–2)

APPLICANT

NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

CO–APPLICANT

540 GROTON ROAD LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

RECORD OWNER

540 GROTON ROAD LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

_____
_____
_____
_____
_____
DATE _____

SITE LOCATION:

GROTON ROAD (ROUTE 40)
WESTFORD, MASSACHUSETTS

ROUTE 3
CHELMSFORD, MASSACHUSETTS

PB 1504: SPR/SPMCP/SPWRPOD/SWM

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JOB No. 09–102
DRAWING No. 8915

MATCHLINE – SEE SHEET EX2

N/F
FG ACQUISITION, LLC
TAX MAP 46, PARCEL 14
DEED BOOK 10055, PAGE 45

TAX MAP 48,
PARCEL 11.234 & 11.250

(ZONED INDUSTRIAL A)
(WESTFORD)

(ZONED INDUSTRIAL A)
(CHELMSFORD)

N/F
JOSEPH P. RIVARD TR.
TAX MAP 17, BLOCK 22 LOT 02
DEED BOOK 19331, PAGE 97

N/F
NANCY L. FINNEGAN ETALS TRS TAX
MAP 16, BLOCK 22 LOT 01 DEED
BOOK 7872, PAGE 285

N/F
BRIAN M. REYNOLDS
TAX MAP 16, BLOCK 22 LOT 02 DEED
BOOK 11683, PAGE 104

N 3056241.24
E 680109.43

N 3056101.56
E 680134.21

N 3055685.40
E 679897.17

APPROXIMATE WESTFORD – CHELMSFORD TOWN LINE

BUILDING SETBACK LINE (TYP.)

EXISTING PAVED ROAD

EXISTING GRAVEL ROAD

EXISTING GRAVEL SURFACE

EXIST. DIRT DRIVE

EXIST. GRAVEL ROAD

EXIST. TREELINE

EXIST. WETLAND

EXIST. BLDG.

EXIST. GAS METER

EXIST. SEPTIC (TYP.)

EXIST. SEPTIC TANK

EXIST. LEACHING PIT

EXIST. DRAIN MANHOLE

EXIST. CATCH BASIN

EXIST. UTIL. POLE

EXIST. GUY POLE

EXIST. SHED

EXIST. GAS VALVE (NOT FOUND)

EXIST. GAS MANHOLE

EXIST. GAS METER

EXIST. CONC. PAD

EXIST. CONC. BARRIERS

EXIST. FENCED AREA

EXIST. CENTER OF STREAM

EXIST. SAN. SEWER MAN.

EXIST. GARAGE

EXIST. HOUSE

EXIST. SCALE HOUSE

EXIST. SCALE

EXIST. METAL PIPE (ABOVE GROUND)

EXIST. PRECLINE

EXIST. GRANITE BLOCK SMALL BUILDING (NH=117.4±)

EXIST. ABANDONED WATER PUMP HOUSE (REBAR) CONCRETE (WAS INSIDE)

EXIST. SAN. MH=113.74
(RIM INVERTED SHED)
INV.=108.50 AS SHOWN ON
SHEET 1/2 TOWN OF
CHELMSFORD SEWER PLANS

EXISTING SIGN
"TOWN OF CHELMSFORD"
"TOWN OF WESTFORD"
& "GROTON ROAD"

EXISTING GRANITE BOULDERS AND BLOCKS (TYP.)

APPROX. QUARRY R.R. TRACKS

OVERHEAD WIRES (TYP.) (APPROX.)

U-POLE (APPROX. LOC.)

APPROX. CHAIN LINK FENCE

EXIST. OLD FIELD OFFICE TRAILER

(3) EXIST. PORTABLE STORAGE SHEDS

EXIST. BLDG. TOWER

EXIST. SAND BERM

OPEN STORAGE AREA

"GAS (APPROX. LOC.)

EARTHEN BERM

EXIST. CONC. MANHOLE

EXIST. DART DRIVE STORAGE

EXIST. SEALS HOUSE

EXIST. CONC. BARRIERS

EXIST. DART DRIVE

EXIST. BLDG.

EXIST. GRANT. (+/-0.7' A.G.)

EXIST. TREELINE

EXIST. UTIL. POLE

EXISTING GRAVEL SURFACE

EXIST. BOULDER

EXIST. GAS METER

EXIST. BLDG.

EXIST. CONC. PARKING

EXIST. GRAVEL ROAD

EXIST. BOULDER

EXISTING DETENTION BASIN

EXIST. GRANITE BLOCK WALL

EXIST. SAN. MH

EXIST. GAS MH

EXIST. GAS

EXIST. WATER

EXIST. ELEC.

EXIST. UTILITIES

EXIST. TELEPHONE

EXIST. CABLE TV

EXIST. DRAIN

N/F
TOWN OF WESTFORD
TAX MAP 48, PARCEL 11.247
DEED BOOK 10986, PAGE 227
(CONSERVATION LAND)

N/F
TOWN OF WESTFORD
TAX MAP 48, PARCEL 11.247
DEED BOOK 10986, PAGE 227
(CONSERVATION LAND)

(ZONED RESIDENTIAL A)

N/F
GESI REALTY TRUST
TAX MAP 48, PARCEL 1
DEED BOOK 2096, PAGE 733

(ZONED INDUSTRIAL A)
(WESTFORD)

(ZONED INDUSTRIAL A)
(CHELMSFORD)

N/F
FG ACQUISITION, LLC
TAX MAP 46, PARCEL 14
DEED BOOK 10055, PAGE 45

TAX MAP 46, PARCEL 11.246

PARCEL 15-TM.R-1
MODERN CONTINENTAL CONSTRUCTION CO., INC.
207,431±S.F.

BUILDING SETBACK LINE (TYP.)

100' WETLAND BUFFER
75' WETLAND BUFFER
50' WETLAND BUFFER

STREAM

INTERMITTENT STREAM

EXISTING GRAVEL ROAD

OLD DRY PATH

OLD ROCK QUARRY

PILE OF ROCKS, BOULDERS AND/OR RUBBLE (TYP.)

PILE OF ROCKS

PILE OF WOOD DEBRIS

PILE OF DEBRIS

EXISTING OUTLET STRUCTURE

EXISTING DETENTION POND

EXISTING OUTLET PIPE

EXIST. SILTFENCE (TYP.)

EXIST. TREELINE

PILE OF ROCKS, STUMPS, DEBRIS AND/OR RUBBLE

TOWN LINE APPROXIMATE

MATCHLINE - SEE SHEET EX1

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

0 100 200 300
SCALE IN FEET

NOTES:

1. SEE SHEET OSP (OVERALL SITE PLAN) FOR NOTES AND LEGEND.
2. SEE SHEET EX1 FOR INDEX OF SHEETS.

MAGNETIC NORTH

TRUE NORTH

BY	DATE	REVISION
DSL	10/30/09	PER PEER REVIEW COMMENTS.
MAW	12/31/14	SOUND WALL
MAW	2/13/15	TOWN COMMENTS
MAW	3/26/15	TOWN COMMENTS

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design N/A | Draft DSL | Check CML/JDS

EXISTING CONDITIONS PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

Scale: 1"= 100'

APRIL 6, 2009

LandTech
Engineering/Design/Surveying/Permitting
515 Groton Road - Westford, MA 01886
Ph: (978) 692-6100 - landtechinc.com

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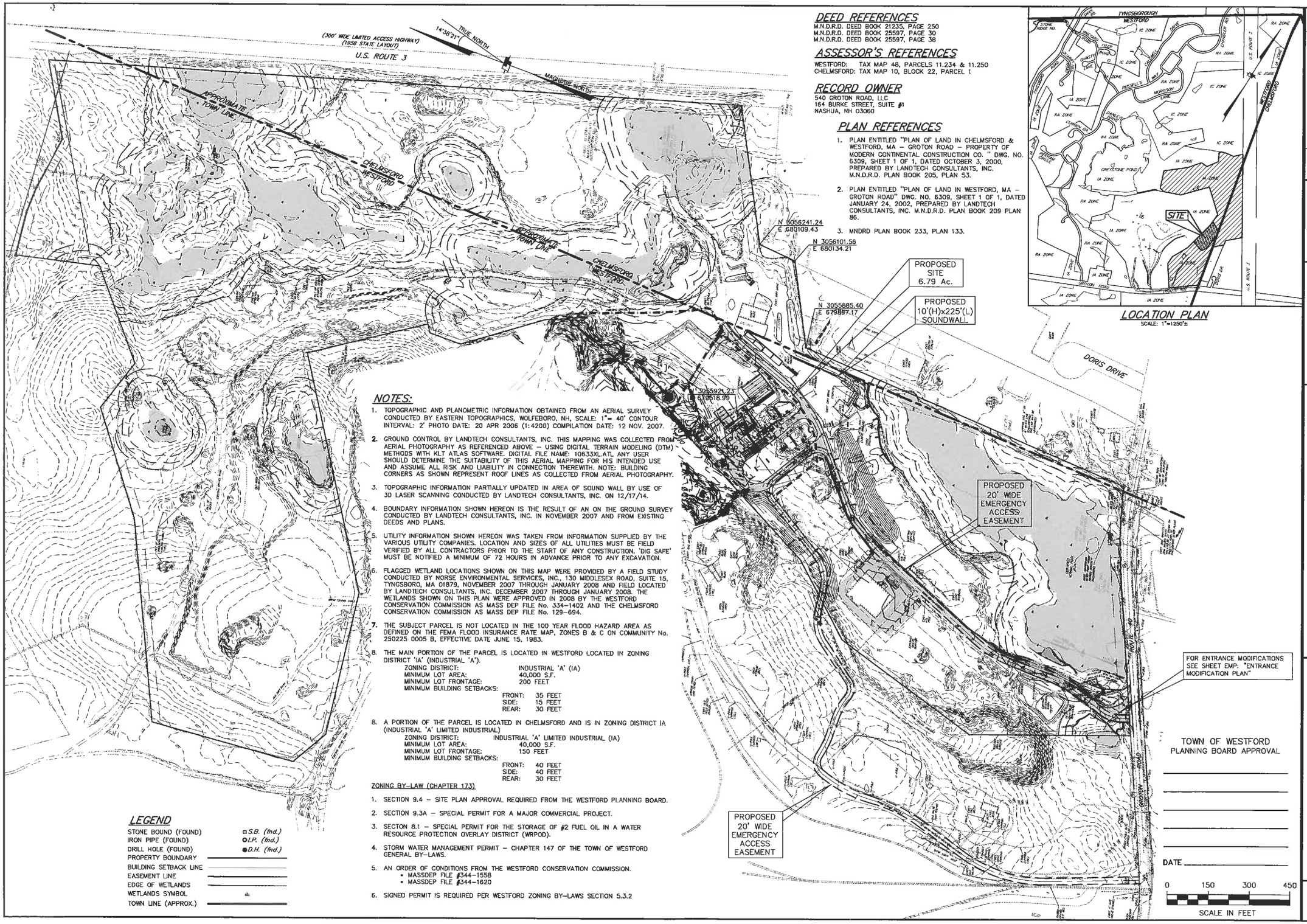
Job. No. 09-102
Dwg. No. 8915
Sheet EX2



DEED REFERENCES

M.N.D.R.D. DEED BOOK 21235, PAGE 250
M.N.D.R.D. DEED BOOK 25597, PAGE 30
M.N.D.R.D. DEED BOOK 25597, PAGE 38

ASSESSOR'S REFERENCES

WESTFORD: TAX MAP 48, PARCELS 11.234 & 11.250
CHELMSFORD: TAX MAP 10, BLOCK 22, PARCEL 1

RECORD OWNER

540 GROTON ROAD, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

PLAN REFERENCES

1. PLAN ENTITLED "PLAN OF LAND IN CHELMSFORD & WESTFORD, MA – GROTON ROAD – PROPERTY OF MODERN CONTINENTAL CONSTRUCTION CO. " DWG. NO. 6309, SHEET 1 OF 1, DATED OCTOBER 3, 2000, PREPARED BY LANDTECH CONSULTANTS, INC. M.N.D.R.D. PLAN BOOK 205, PLAN 53.
2. PLAN ENTITLED "PLAN OF LAND IN WESTFORD, MA – GROTON ROAD" DWG. NO. 6309, SHEET 1 OF 1, DATED JANUARY 24, 2002, PREPARED BY LANDTECH CONSULTANTS, INC. M.N.D.R.D. PLAN BOOK 209 PLAN 86.
3. MNDRD PLAN BOOK 233, PLAN 133.

LOCATION PLAN
SCALE: 1"=1250'±

NOTES:

1. TOPOGRAPHIC AND PLANOMETRIC INFORMATION OBTAINED FROM AN AERIAL SURVEY CONDUCTED BY EASTERN TOPOGRAPHICS, WOLFEBORO, NH, SCALE: 1"= 40' CONTOUR INTERVAL: 2' PHOTO DATE: 20 APR 2006 (1:4200) COMPILATION DATE: 12 NOV. 2007.
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3. TOPOGRAPHIC INFORMATION PARTIALLY UPDATED IN AREA OF SOUND WALL BY USE OF 3D LASER SCANNING CONDUCTED BY LANDTECH CONSULTANTS, INC. ON 12/17/14.
4. BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN NOVEMBER 2007 AND FROM EXISTING DEEDS AND PLANS.
5. UTILITY INFORMATION SHOWN HEREON WAS TAKEN FROM INFORMATION SUPPLIED BY THE VARIOUS UTILITY COMPANIES. LOCATION AND SIZES OF ALL UTILITIES MUST BE FIELD VERIFIED BY ALL CONTRACTORS PRIOR TO THE START OF ANY CONSTRUCTION. 'DIG SAFE' MUST BE NOTIFIED A MINIMUM OF 72 HOURS IN ADVANCE PRIOR TO ANY EXCAVATION.
6. FLAGGED WETLAND LOCATIONS SHOWN ON THIS MAP WERE PROVIDED BY A FIELD STUDY CONDUCTED BY NORSE ENVIRONMENTAL SERVICES, INC., 130 MIDDLESEX ROAD, SUITE 15, TYNGSBORO, MA 01879, NOVEMBER 2007 THROUGH JANUARY 2008 AND FIELD LOCATED BY LANDTECH CONSULTANTS, INC. DECEMBER 2007 THROUGH JANUARY 2008. THE WETLANDS SHOWN ON THIS PLAN WERE APPROVED IN 2008 BY THE WESTFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 334-1402 AND THE CHELMSFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 129-694.
7. THE SUBJECT PARCEL IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA AS DEFINED ON THE FEMA FLOOD INSURANCE RATE MAP, ZONES B & C ON COMMUNITY No. 250225 0005 B, EFFECTIVE DATE JUNE 15, 1983.
8. THE MAIN PORTION OF THE PARCEL IS LOCATED IN WESTFORD LOCATED IN ZONING DISTRICT 'IA' (INDUSTRIAL 'A').

ZONING DISTRICT:	INDUSTRIAL 'A' (IA)
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM LOT FRONTAGE:	200 FEET
MINIMUM BUILDING SETBACKS:	
FRONT:	35 FEET
SIDE:	15 FEET
REAR:	30 FEET

8. A PORTION OF THE PARCEL IS LOCATED IN CHELMSFORD AND IS IN ZONING DISTRICT IA (INDUSTRIAL 'A' LIMITED INDUSTRIAL)

ZONING DISTRICT:	INDUSTRIAL 'A' LIMITED INDUSTRIAL (IA)
MINIMUM LOT AREA:	40,000 S.F.
MINIMUM LOT FRONTAGE:	150 FEET
MINIMUM BUILDING SETBACKS:	
FRONT:	40 FEET
SIDE:	40 FEET
REAR:	30 FEET

ZONING BY-LAW (CHAPTER 173)

1. SECTION 9.4 – SITE PLAN APPROVAL REQUIRED FROM THE WESTFORD PLANNING BOARD.
2. SECTION 9.3A – SPECIAL PERMIT FOR A MAJOR COMMERCIAL PROJECT.
3. SECTON 8.1 – SPECIAL PERMIT FOR THE STORAGE OF #2 FUEL OIL IN A WATER RESOURCE PROTECTION OVERLAY DISTRICT (WRPOD).
4. STORM WATER MANAGEMENT PERMIT – CHAPTER 147 OF THE TOWN OF WESTFORD GENERAL BY-LAWS.
5. AN ORDER OF CONDITIONS FROM THE WESTFORD CONSERVATION COMMISSION.
   - MASSDEP FILE #344-1558
   - MASSDEP FILE #344-1620
6. SIGNED PERMIT IS REQUIRED PER WESTFORD ZONING BY-LAWS SECTION 5.3.2

LEGEND

STONE BOUND (FOUND)	□ S.B. (fnd.)
IRON PIPE (FOUND)	○ I.P. (fnd.)
DRILL HOLE (FOUND)	● D.H. (fnd.)
PROPERTY BOUNDARY	
BUILDING SETBACK LINE	
EASEMENT LINE	
EDGE OF WETLANDS	
WETLANDS SYMBOL	
TOWN LINE (APPROX.)	

DATE	REVISION	BY
7/31/09	PER PEER REVIEW COMMENTS.	DSL
10/30/09	PER PEER REVIEW COMMENTS.	MAW
12/31/14	SOUND WALL	MAW
2/13/15	TOWN COMMENTS	MAW
3/26/15	TOWN COMMENTS	MAW

COMMONWEALTH OF MASSACHUSETTS – MATTHEW A. WATERMAN – No. 39886 – REGISTERED PROFESSIONAL ENGINEER

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML/JDS

OVERALL SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 6, 2009

Scale: 1"= 150'

LandTech
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
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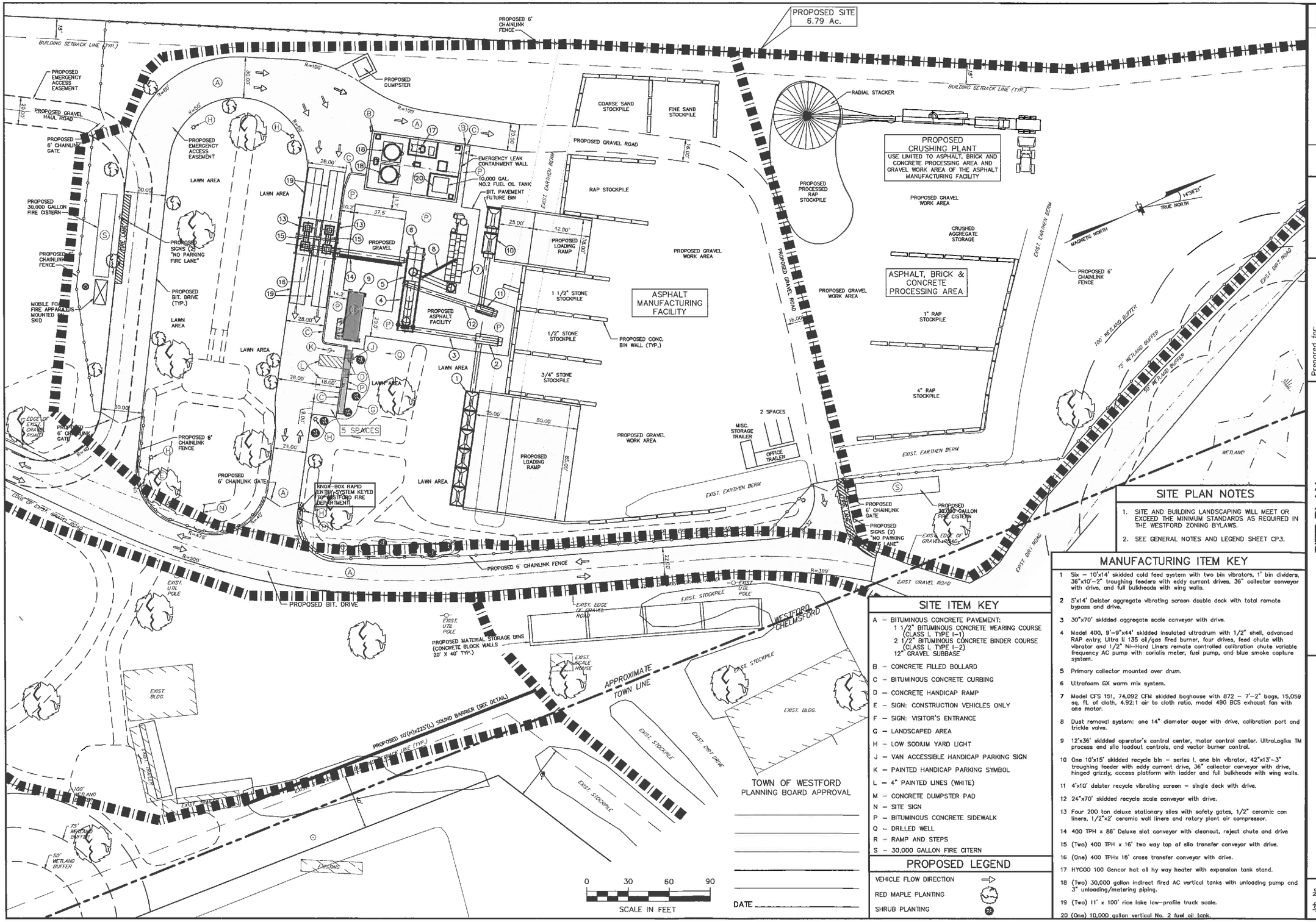

SITE PLAN NOTES

1. SITE AND BUILDING LANDSCAPING WILL MEET OR EXCEED THE MINIMUM STANDARDS AS REQUIRED IN THE WESTFORD ZONING BYLAWS.
2. SEE GENERAL NOTES AND LEGEND SHEET CP.3.

SITE ITEM KEY

- A – BITUMINOUS CONCRETE PAVEMENT:
  1 1/2" BITUMINOUS CONCRETE WEARING COURSE (CLASS I, TYPE I-1)
  2 1/2" BITUMINOUS CONCRETE BINDER COURSE (CLASS I, TYPE I-2)
  12" GRAVEL SUBBASE
- B – CONCRETE FILLED BOLLARD
- C – BITUMINOUS CONCRETE CURBING
- D – CONCRETE HANDICAP RAMP
- E – SIGN: CONSTRUCTION VEHICLES ONLY
- F – SIGN: VISITOR'S ENTRANCE
- G – LANDSCAPED AREA
- H – LOW SODIUM YARD LIGHT
- J – VAN ACCESSIBLE HANDICAP PARKING SIGN
- K – PAINTED HANDICAP PARKING SYMBOL
- L – 4" PAINTED LINES (WHITE)
- M – CONCRETE DUMPSTER PAD
- N – SITE SIGN
- P – BITUMINOUS CONCRETE SIDEWALK
- Q – DRILLED WELL
- R – RAMP AND STEPS
- S – 30,000 GALLON FIRE CITERN

PROPOSED LEGEND

VEHICLE FLOW DIRECTION

RED MAPLE PLANTING

SHRUB PLANTING 28

MANUFACTURING ITEM KEY

1. Six – 10'x14' skidded cold feed system with two bin vibrators, 1' bin dividers, 36"x10'–2" troughing feeders with eddy currant drives, 36" collector conveyor with drive, and full bulkheads with wing walls.
2. 5'x14' Delster aggregate vibrating screen double deck with total remote bypass and drive.
3. 30"x70' skidded aggregate scale conveyor with drive.
4. Model 400, 9'–9"x44' skidded insulated ultradrum with 1/2" shell, advanced RAP entry, Ultra II 135 oil/gas fired burner, four drives, feed chute with vibrator and 1/2" Ni-Hard Liners remote controlled calibration chute variable frequency AC pump with coriolis meter, fuel pump, and blue smoke capture system.
5. Primary collector mounted over drum.
6. Ultrafoam GX warm mix system.
7. Model CFS 151, 74,092 CFM skidded baghouse with 872 – 7'–2" bags, 15,059 sq. ft. of cloth, 4.92:1 air to cloth ratio, model 490 BCS exhaust fan with one motor.
8. Dust removal system: one 14" diameter auger with drive, calibration port and trickle valve.
9. 12'x36' skidded operator's control center, motor control center. UltraLogiks TM process and silo loadout controls, and vector burner control.
10. One 10'x15' skidded recycle bin – series I, one bin vibrator, 42"x13'–3" troughing feeder with eddy current drive, 36" collector conveyor with drive, hinged grizzly, access platform with ladder and full bulkheads with wing walls.
11. 4'x10' delster recycle vibrating screen – single deck with drive.
12. 24"x70' skidded recycle scale conveyor with drive.
13. Four 200 ton deluxe stationary silos with safety gates, 1/2" ceramic con liners, 1/2"x2' ceramic wall liners and rotary plant air compressor.
14. 400 TPH x 86' Deluxe slat conveyor with cleanout, reject chute and drive
15. (Two) 400 TPH x 16' two way top of silo transfer conveyor with drive.
16. (One) 400 TPHx 18' cross transfer conveyor with drive.
17. HYCGO 100 Gencor hot oil hy way heater with expansion tank stand.
18. (Two) 30,000 gallon indirect fired AC vertical tanks with unloading pump and 3" unloading/metering piping.
19. (Two) 11' x 100' rice lake low-profile truck scale.
20. (One) 10,000 gallon vertical No. 2 fuel oil tank.

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

DATE	REVISION	BY
3/26/15	TOWN COMMENTS	MAW
2/13/15	TOWN COMMENTS	MAW
12/24/14	SOUND WALL	MAW
10/30/09	PER PEER REVIEW COMMENTS.	MAW
7/31/09	PER PEER REVIEW COMMENTS.	DSL

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML

SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 6, 2009

Scale: 1" = 30'

Landtech
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692-8100 – landtechinc.com

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DATE	REVISION	BY
10/30/09	PER PEER REVIEW COMMENTS.	MAW
7/31/09	PER PEER REVIEW COMMENTS.	DSL
12/31/14	SOUND WALL	MAW
2/13/15	TOWN COMMENTS	MAW
3/26/15	TOWN COMMENTS	MAW

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design	Draft	Check
MAW	DSL	CML

SITE GRADING AND DRAINAGE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

Scale: 1"= 30'

APRIL 6, 2009

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TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

0 30 60 90
SCALE IN FEET

BY	REVISION	DATE
DSL	PER PEER REVIEW COMMENTS.	7/31/09
MAW	PER PEER REVIEW COMMENTS.	10/30/09
MAW	SOUND WALL	12/31/14
MAW	TOWN COMMENTS	2/13/15
MAW	TOWN COMMENTS	3/26/15

SITE GRADING AND DRAINAGE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 6, 2009

Scale: 1" = 30'

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design	Draft	Check
MAW	DSL	OML

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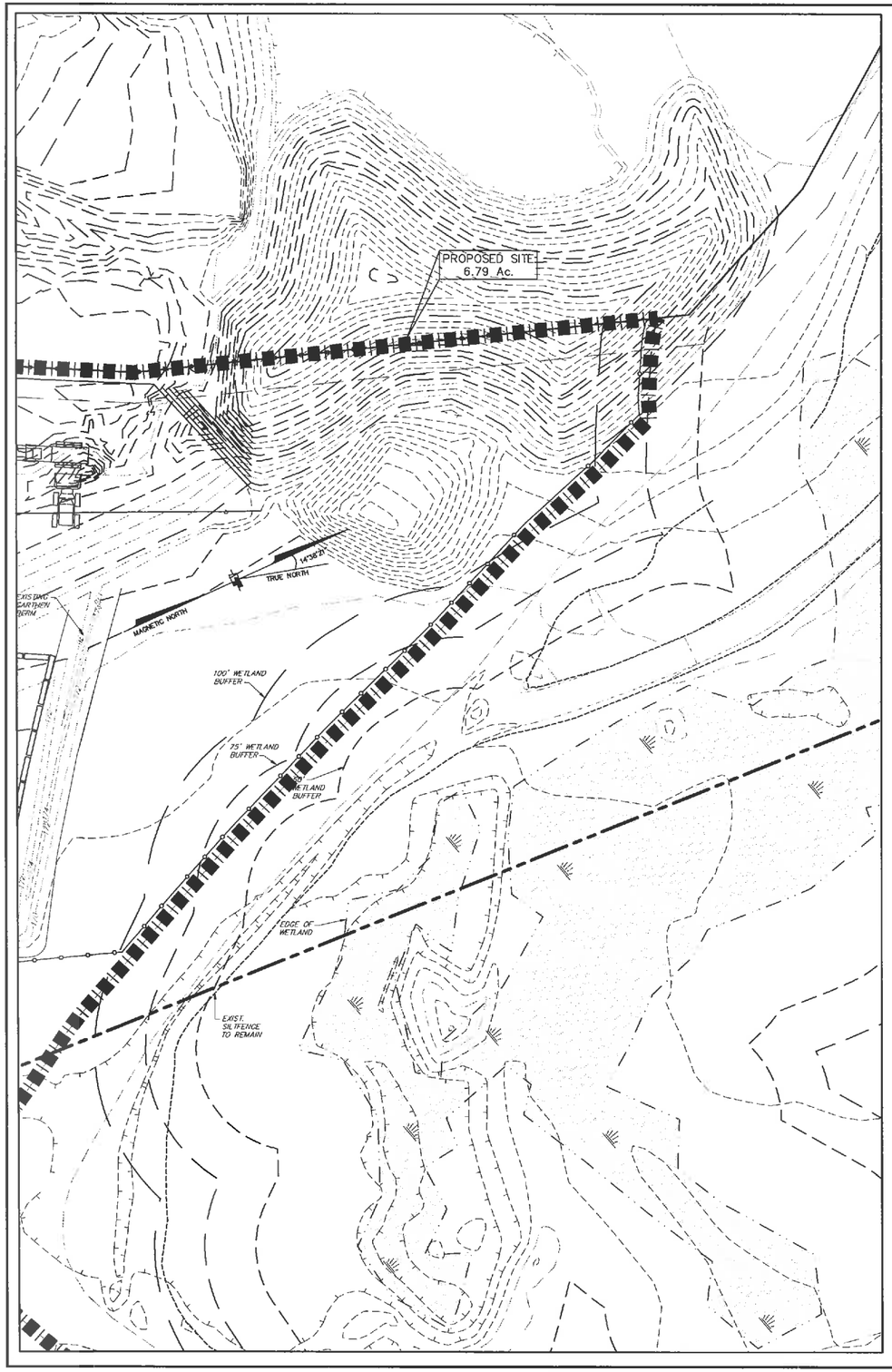
EXISTING GRAVEL ACCESS ROAD
BLEND INTO EXISTING GRAVEL ACCESS ROAD
TRUE NORTH
MAGNETIC NORTH
PROPOSED SITE 6.79 Ac.
PROPOSED DUMPSTER
MAX. SLOPE 5.0% (1:20)
GRAVEL HAUL ROAD
EXISTING WELL
EXISTING SEPTIC TANK
EXISTING SEPTIC SYSTEM
MATCHLINE - SEE SHEET CP1
SWALE BOT=174.0
WCR
WATER QUALITY SWALE #1 L=300' S=0.002 ft./ft
5' WIDE GRAVEL WALK
DRAINAGE SWALE 12' WIDE X 460' L.F. S=0.003 FT./FT.
PROPOSED SIGN: 'NO DUMPING BEYOND THIS POINT' (TYP. 8 SIGNS @ 100 O.C.) SEE SHEET CSP FOR LOCATION OF ALL SIGNS
EXIST. SILTFENCE (TO REMAIN)
CONNECT DRAINAGE SWALE TO EXISTING SWALE
EXIST. STOCKPILES
DRAINAGE SWALE 12' WIDE X 250' L.F. S=LEVEL BOTTOM EL=166.0
100' WETLAND BUFFER
75' WETLAND BUFFER
EXIST. SILTFENCE (TO REMAIN) WETLAND BURIER
PROPOSED 30,000 GALLON FIRE CISTERN
MOBILE FOAM FIRE APPARATUS MOUNTED ON SKID
SUPER-ELEVATE ROAD AND PITCH TO DETENTION BASIN
EARTHEN BERM 80' L.F. TOP OF BERM=172
DRAINAGE SWALE 12' WIDE X 456' L.F. S=0.003 FT./FT.
1' HIGH EARTH BERM TOP=169.0
STEEL PIPE ON GROUND
EXIST. BLDG.
24" INV.=166.0
DRAINAGE SWALE 12' WIDE X 150' L.F. S=0.003 FT./FT.
(3)12"INVs.=165.5 PROVIDE (3) MANUAL GATE VALVES TO SHUT SYSTEM DOWN IN CASE OF AN EMERGENCY SPILL.
(3)12" RCPs L=50' S=0.010 FT./FT.
SWALE BOT=169.0
WATER QUALITY SWALE #6 L=100' S=0.003 ft./ft
SWALE BOT=167.8
EXIST. UTIL. POLE
SUPER-ELEVATE ROAD AND PITCH TO BASIN (WEST)
WATER QUALITY SWALE #7 L150' S=0.003 ft./ft
PROPOSED WATER (CONCRETE BLOCK 20' X 40' TYP.)
SWALE BOT=173.0
WATER QUALITY SWALE #2 L=150 S=0.003 ft./ft
SWALE BOT=172.5
SEDIMENT FOREBAY #2 BOT=165.0
STONE BERM=167.0
WATER QUALITY SWALE #3 L=80 S=0.001 ft./ft
SWALE BOT=170.1
SWALE BOT=170.0
SWALE BOT=168.2
SEDIMENT FOREBAY #1 BOT=165.0
DETENTION BASIN #1 TOP BERM=169.00 BOTTOM=166.00
(3)12"INV=166.0
SEDIMENT FOREBAY #3 BOT=165.0
DETENTION BASIN #2 TOP BERM=169.00 BOTTOM=166.00
(3)12" RCPs L=64' SET LEVEL
SEDIMENT FOREBAY #4 BOT=165.0
PROP. WELL
SWALE BOT=168.7
SWALE BOT=165.7 L=30 170.85 170.95
SEDIMENT FOREBAY #5 BOT=165.0 24" INV.=167.0
CULVERT 24" RCP L=48' S=0.005
PROPOSED 10'(H)X225'(L) SOUND BARRIER

0 30 60 90
SCALE IN FEET

MATTHEW A. WATERMAN CPE No. 39099 REGISTERED PROFESSIONAL ENGINEER COMMONWEALTH OF MASSACHUSETTS

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____



GENERAL NOTES

1. THE PROPOSED USE OF THE BUILDING IS A ASPHALT BATCH PLANT AND REQUIRES SITE PLAN APPROVAL, AND A SPECIAL PERMIT FOR A MAJOR BUSINESS COMPLEX, IN ACCORDANCE WITH THE TOWN OF WESTFORD ZONING REGULATIONS.
2. SIGNAGE WILL CONSIST OF GROUND SIGNS AT SITE ENTRANCES AND SIGNS AFFIXED TO THE BUILDING AND FACADE IN ACCORDANCE WITH THE WESTFORD ZONING BYLAWS.
3. SITE AND BUILDING LANDSCAPING WILL MEET OR EXCEED THE MINIMUM STANDARDS AS REQUIRED IN THE WESTFORD ZONING BYLAWS.
4. THE SITE IS LOCATED IN THE TOWN OF WESTFORD'S WATER RESOURCE PROTECTION DISTRICT 3.

LANDSCAPE NOTES

1. ALL PLANT STOCK SHALL CONFORM TO ANSI Z260.1 – NURSERY STOCK, LATEST EDITION (AMERICAN ASSOCIATION OF NURSERYMEN, INC.).
2. NO TREES OR SHRUBS SHALL BE PLANTED AT THE STREET INTERSECTION WHERE THEY COULD BECOME A TRAFFIC HAZARD BY OBSTRUCTING VISION.
3. ALL TREES SHALL BE GUARANTEED BY THE DEVELOPER FOR THEIR ERECTNESS AND GOOD HEALTH FOR TWO (2) YEARS AFTER PLANTING.
4. EXCEPT AS NOTED BELOW, ALL AREAS DISTURBED DURING CONSTRUCTION SHALL BE LOAMED AND HYDRO-SEEDED. LOAM DEPTH SHALL BE A MINIMUM OF 6 INCHES. ALL LOAM PLACED SHALL BE pH CORRECTED AND FREE OF CLODS, LUMPS, STONES AND OTHER DELETERIOUS MATERIAL.

LIGHTING NOTES

1. ALL EXTERIOR LIGHTING SHALL BE SHIELDED AND AIMED SO THAT THE LAMPS CAN NOT BE SEEN FROM BEYOND THE PROPERTY.
2. NO EXTERIOR LIGHTING MAY BE USED IN A MANNER THAT PRODUCES A BLOOM OR A DIRECT GLARE VISIBLE BEYOND THE PROPERTY.
3. NO LIGHT FIXTURES MAY BE AIMED AT THE SKY OR TOWARD ANY AREA STRUCTURE, OR SURFACE THAT IS NOT SITUATED ON THE PROPERTY.
4. SECURITY LIGHTING IS PERMITTED ONLY IF IT IS DIRECTED TOWARD THE STRUCTURE BEING PROTECTED, NOT AWAY FROM THEM.
5. WALL-MOUNTED FIXTURES SHALL BE AIMED DIRECTLY DOWNWARD AND PROPERLY SHIELDED.
6. NO EXTERIOR LIGHT SOURCE SHALL BE INSTALLED MORE THAN 20 FEET ABOVE GRADE.
7. MOVING LIGHTS, LIGHTS PRODUCING VARYING INTENSITIES OR CHANGING COLORS, AND SEARCH LIGHTS ARE PROHIBITED.
8. TRADITIONAL DECORATIVE HOLIDAY LIGHTS MAY BE OPERATED ON A TEMPORARY BASIS.
9. IT IS RECOMMENDED THAT LAMPS USING THE LOWEST EFFECTIVE WATTAGE ARE INSTALLED, AND, THAT SENSOR-ACTIVATED FIXTURES ARE UTILIZED.
10. PROPOSED EXTERIOR LIGHTING SHALL BE WIRED TO AN AUTOMATIC TIMER THAT REGULATES THE LIGHTS TO SHUT OFF AT NIGHT. THE TIME IS TO BE DETERMINED BY BUILDING MANAGER.
11. SEE LIGHTING PHOTOMETRICS PLAN (SHEET LPP) FOR ADDITIONAL NOTES AND DETAILS.

LEGEND

	PROPOSED	EXISTING
BUILDING SETBACK LINE		
CONTOUR	222	232
EDGE OF PAVEMENT		
BITUMINOUS BERM		
TREELINE		
STONE WALL		
UTILITY POLE		
UNDERGROUND ELECTRIC, TELEPHONE & CABLE	ETC	E
GAS LINE	G	G
STORM DRAIN	D	D
DRAINAGE FLOW ARROW		
HEADWALL		
CATCH BASIN		
RIPRAP		
EDGE OF WETLANDS		
WETLANDS SYMBOL		
WETLAND BUFFER		
CHAINLINK FENCE		
SILTFENCE WITH STRAW WATTLES		
STAKED HAYBALES		
DEEP OBSERVATION HOLE		605
WELL		
TREE		
RETAINING WALL		

CONSTRUCTION NOTES

1. ALL DISTURBED AREAS ARE TO RECEIVE 6" OF LOAM & SEED.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES ON SITE AND SHALL IMMEDIATELY REPORT ANY DISCREPANCIES OR DEVIATIONS FROM THE CONSTRUCTION PLANS TO THE ENGINEER. ALSO REPORT ANY CONDITIONS UNCOVERED IN THE WORK WHICH ARE NOT REFLECTED WITHIN THE PLANS.
3. TOPOGRAPHIC AND PLANOMETRIC INFORMATION OBTAINED FROM AN AERIAL SURVEY CONDUCTED BY EASTERN TOPOGRAPHICS, WOLFEBORO, NH, SCALE: 1"= 40' CONTOUR INTERVAL: 2' PHOTO DATE: 20 APR 2006 (1:4200) COMPILATION DATE: 12 NOV. 2007.
4. GROUND CONTROL BY LANDTECH CONSULTANTS, INC. THIS MAPPING WAS COLLECTED FROM AERIAL PHOTOGRAPHY AS REFERENCED ABOVE – USING DIGITAL TERRAIN MODELING (DTM) METHODS WITH KLT ATLAS SOFTWARE. DIGITAL FILE NAME: 10633XL.ATL ANY USER SHOULD DETERMINE THE SUITABILITY OF THIS AERIAL MAPPING FOR HIS INTENDED USE AND ASSUME ALL RISK AND LIABILITY IN CONNECTION THEREWITH. NOTE: BUILDING CORNERS AS SHOWN REPRESENT ROOF LINES AS COLLECTED FROM AERIAL PHOTOGRAPHY. ELEVATIONS SHOWN HERE ON ARE BASED ON TOWN OF WESTFORD TOPOGRAPHIC MAPS, VERTICAL DATUM U.S.G.S. N.A.D. 1988.
5. TBM#1 – TEMPORARY BENCHMARK TBM: DRILL HOLE IN BOULDER AT ELEV. 166.77
6. BOUNDARY INFORMATION SHOWN HEREON IS THE RESULT OF AN ON THE GROUND SURVEY CONDUCTED BY LANDTECH CONSULTANTS, INC. IN NOVEMBER 2007 AND FROM EXISTING DEEDS AND PLANS.
7. FLAGGED WETLAND LOCATIONS SHOWN ON THIS MAP WERE PROVIDED BY A FIELD STUDY CONDUCTED BY NORSE ENVIRONMENTAL SERVICES, INC., 130 MIDDLESEX ROAD, SUITE 15, TYNGSBORO, MA 01879, NOVEMBER 2007 THROUGH JANUARY 2008 AND FIELD LOCATED BY LANDTECH CONSULTANTS, INC. DECEMBER 2007 THROUGH JANUARY 2008. THE WETLANDS SHOWN ON THIS PLAN WERE APPROVED IN 2008 BY THE WESTFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 334-1402 AND THE CHELMSFORD CONSERVATION COMMISSION AS MASS DEP FILE No. 129-694.
8. THE SUBJECT PARCEL IS NOT LOCATED IN THE 100 YEAR FLOOD HAZARD AREA AS DEFINED ON THE FEMA FLOOD INSURANCE RATE MAP, ZONES B & C ON COMMUNITY No. 25017C0118E, EFFECTIVE DATE JUNE 4, 2010.
9. FOR STORMWATER COLLECTION SYSTEM SEE DETAILS AND SECTION SHEETS.
10. SEE STORM WATER POLLUTION PREVENTION PLAN, SHEET SWPPP, FOR ADDITIONAL EROSION CONTROL NOTES AND DETAILS.
11. LOCATION AND SIZE OF EXISTING UTILITIES IS APPROXIMATE ONLY. CONTRACTOR MUST VERIFY PROPOSED CONNECTIONS WITH RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION. DIG SAFE SHALL BE NOTIFIED AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION (1-888-344-7233).
12. FINAL LOCATION, SIZE, AND DEPTH OF PRIVATE UTILITIES ARE SUBJECT TO THE APPROVAL OF THE RESPECTIVE UTILITY COMPANY.
13. COORDINATE ELECTRIC, CABLE AND TELEPHONE UTILITY CONNECTIONS WITH RESPECTIVE UTILITY COMPANIES.
14. COORDINATE GAS MAIN CONNECTION WITH LOCAL GAS COMPANY.
15. COORDINATE FIRE PROTECTION REQUIREMENTS WITH THE TOWN OF WESTFORD FIRE DEPARTMENT.
16. CONTROL TRAILER SHALL NOT HAVE ANY SANITARY WASTE FACILITIES. SANITARY WASTE FACILITIES PROVIDED IN ADJACENT BUILDING (FORMER MODERN CONTINENTAL BUILDING).
17. THE PROPOSED WELL REQUIRES A SEPARATE PERMIT FROM THE WESTFORD BOARD OF HEALTH.
18. THE CONTROL TRAILER WILL HAVE A 1 1/4" DOMESTIC WATER SERVICE LINE.
19. ALL CONSTRUCTION SHALL CONFORM TO THE MANUFACTURER'S SPECIFICATIONS AND ALL APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF WESTFORD, THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THE COMMONWEALTH OF MASSACHUSETTS.
20. SITE SHALL CONFORM TO ALL APPLICABLE FIRE PREVENTION CODES, STATUTES OR REGULATIONS.
21. SITE SHALL CONFORM TO AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS.

COMMONWEALTH OF MASSACHUSETTS – MATTHEW A. WATERMAN – No. 39855 – REGISTERED PROFESSIONAL ENGINEER

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

DATE	REVISION	BY
10/30/09	PER PEER REVIEW COMMENTS.	MAW
7/31/09	PER PEER REVIEW COMMENTS.	DSL
12/31/14	SOUND WALL	MAW
2/13/15	TOWN COMMENTS	MAW
3/26/15	TOWN COMMENTS	MAW
9/21/16	TOWN COMMENTS	MAW

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CWL

GENERAL NOTES AND LEGEND
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

Scale: NONE

APRIL 6, 2009

LandTech
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
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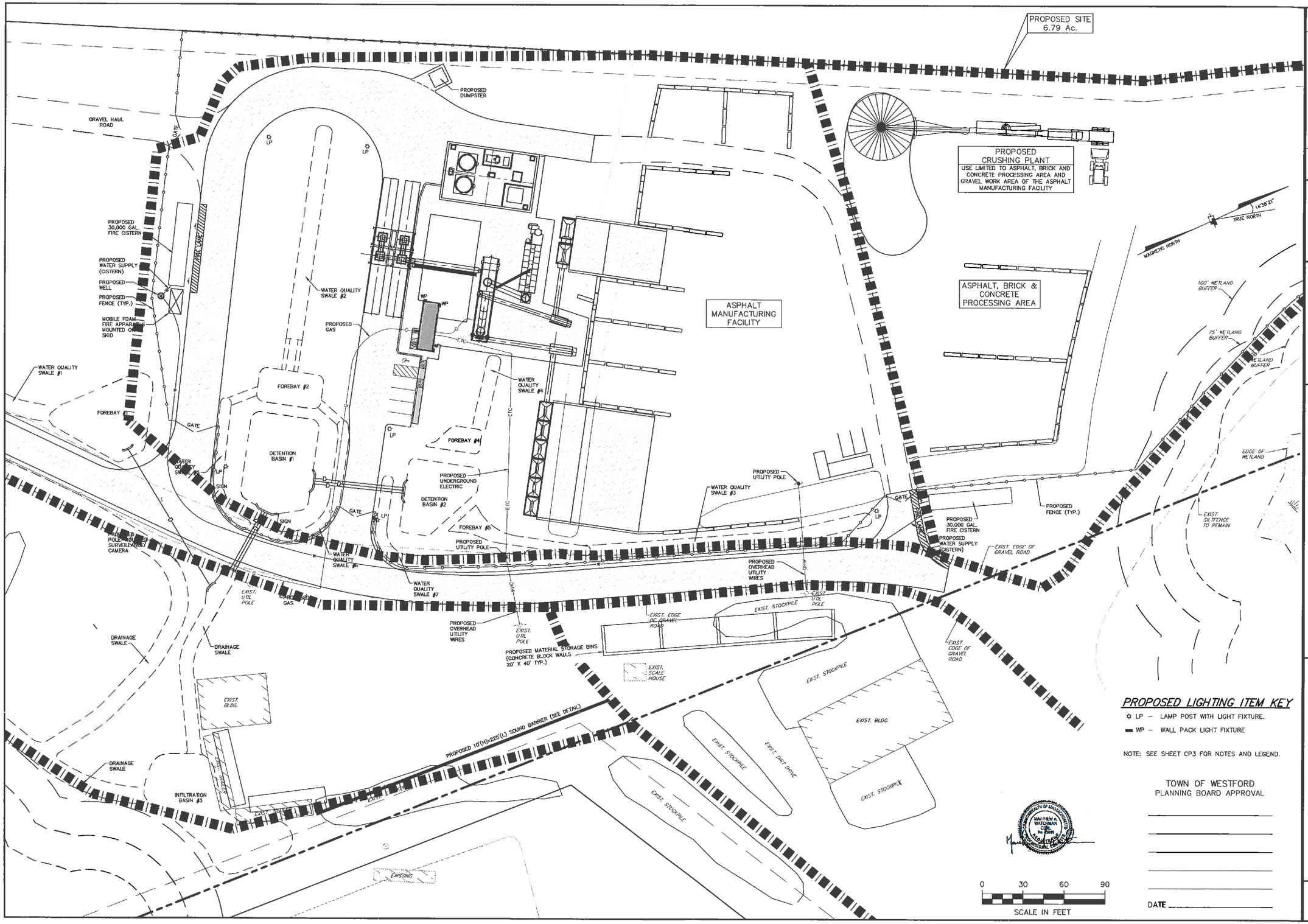

BY	DATE	REVISION
MAW	3/26/15	TOWN COMMENTS
MAW	2/13/15	TOWN COMMENTS
MAW	12/31/14	SOUND WALL
MAW	10/30/09	PER PEER REVIEW COMMENTS.
DSL	7/31/09	PER PEER REVIEW COMMENTS.

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML

SITE UTILITIES AND LIGHTING PLAN
ASPHALT MANUFACTURING FACILITY

540 GROTON ROAD
WESTFORD, MA

Scale: 1"= 30'

APRIL 6, 2009

Landtech Consultants, Inc.
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2/13/15	TOWN COMMENTS	MAW
3/26/15	TOWN COMMENTS	MAW

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design	Draft	Check
MAW	DSL	CML

EROSION CONTROL PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

Scale: 1"= 20'

APRIL 6, 2009

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

NOTE
1. SEE SHEETS CP2 AND SWPPP FOR NOTES AND LEGEND.

0 30 60 90
SCALE IN FEET

Landtech
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
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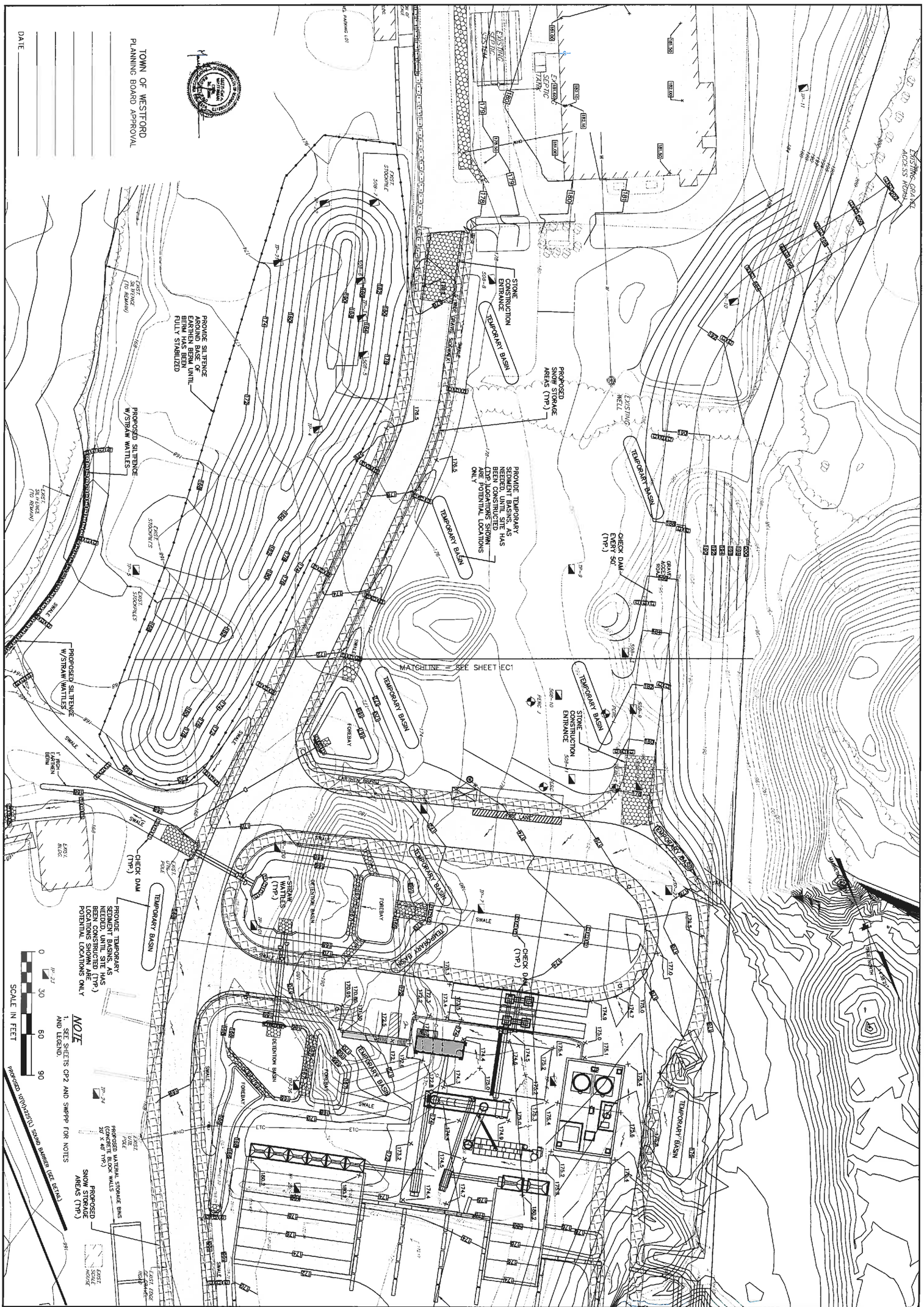
Job. No.	Dwg. No.	Sheet
09-102	8915	EC1

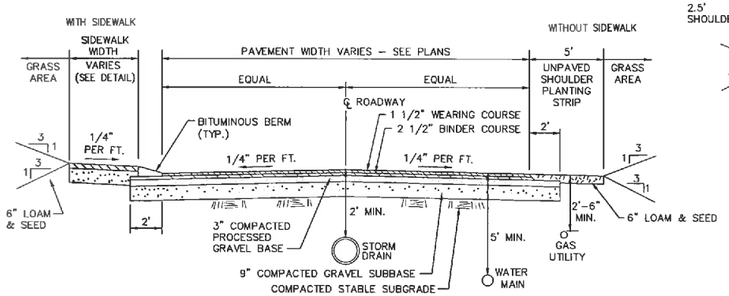


Job. No. 09-102	LandTech Consultants, Inc. Engineering/Design/Surveying/Permitting 515 Groton Road – Westford, MA 01886 Ph: (978) 692-6100 – landtechinc.com	EROSION CONTROL PLAN ASPHALT MANUFACTURING FACILITY 540 GROTON ROAD WESTFORD, MA
Dwg. No. 8915	Copyright ©2015	Scale: 1"= 30' APRIL 6, 2009
Sheet EC2		

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design	Draft	Check
MAW	DSL	CML

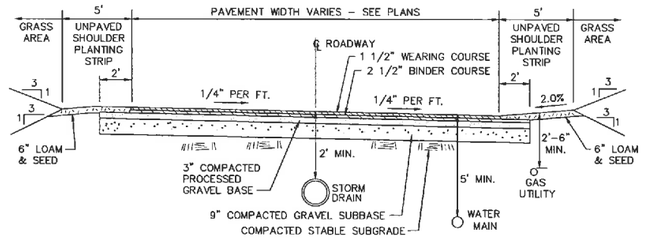
DATE	REVISION	BY
3/26/15	TOWN COMMENTS	MAW
2/13/15	TOWN COMMENTS	MAW
12/31/14	SOUND WALL	MAW
10/30/09	PER PEER REVIEW COMMENTS.	MAW
7/31/09	PER PEER REVIEW COMMENTS.	DSL



CROWNED ROADWAY CROSS SECTION

NOT TO SCALE

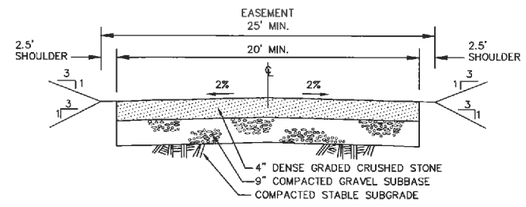
NOTE: SEE PLANS FOR LOCATIONS OF ROADWAY WITH CROWNED CENTER.



SUPER–ELEVATED ROADWAY CROSS SECTION

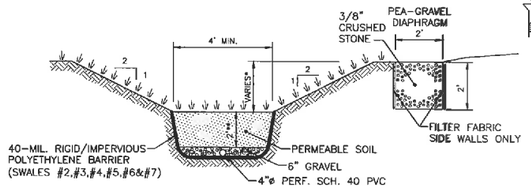
NOT TO SCALE

NOTE: PORTIONS OF ROADWAY ARE TO BE SUPER–ELEVATED AS INDICATED ON PLANS.



EMERGENCEY ACCESS (GRAVEL) ROAD

NOT TO SCALE

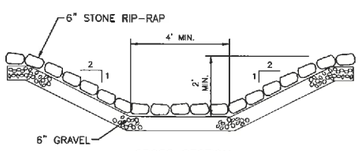


CROSS SECTION

WATER QUALITY SWALE

NOT TO SCALE

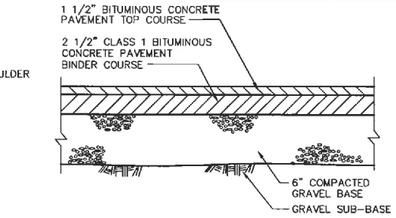
*SWALES #1 THRU #4 ARE 2' DEEP (12' WIDE).
*SWALES #5, #6 & #7 ARE 1' DEEP (8' WIDE).
**SUBDRAIN FOR SWALES #6 & #7 SHALL BE 1'.



CROSS SECTION

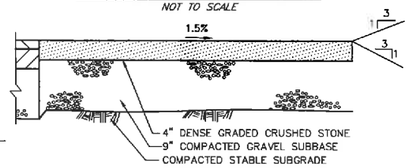
DRAINAGE SWALE

NOT TO SCALE



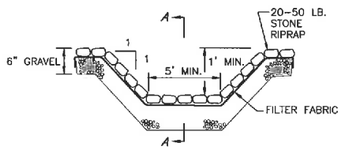
TYPICAL PAVEMENT DETAIL

NOT TO SCALE

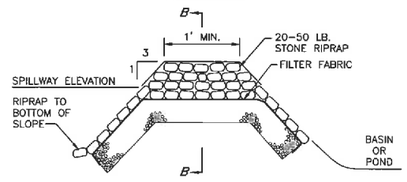


5' WIDE GRAVEL WALK

NOT TO SCALE



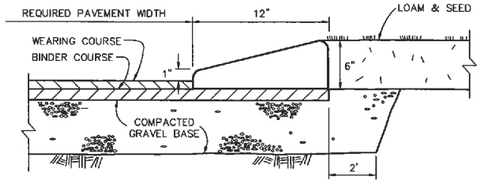
SECTION B – B



SECTION A – A

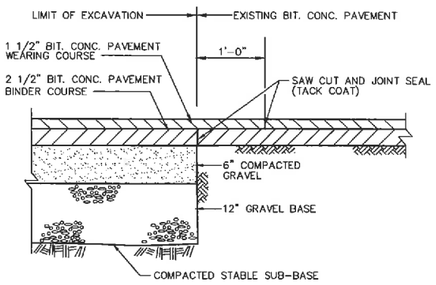
EMERGENCY OVERFLOW SPILLWAY

NOT TO SCALE



BITUMINOUS BERM

NOT TO SCALE



PAVEMENT MATCHING DETAIL

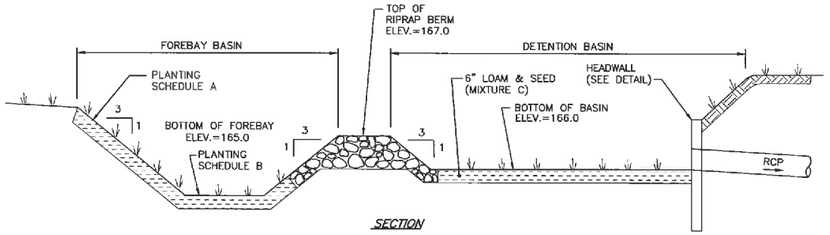
NOT TO SCALE

PLANTING SCHEDULES

PLANTING SCHEDULE A:
REED CANARY GRASS
PERENNIAL RYE GRASS
CROWN VETCH

PLANTING SCHEDULE B:
CATTAIL
BURREED
BULLRUSH
PICKEREL WEED

PLANTING SCHEDULE C:
STANDARD LAWN MIXTURE FOR ACTIVE AREAS



SECTION

SEE EROSION CONTROL PLANS (SHEETS EC1 & EC2) FOR LOCATION OF BASINS

DRY DETENTION BASIN

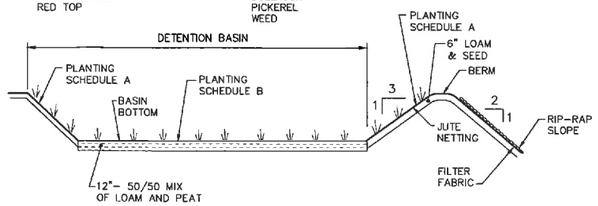
NOT TO SCALE

PLANTING SCHEDULES

PLANTING SCHEDULE A: (SEDIMENT FOREBAY & BERM SIDE SLOPES)
PERENNIAL RYE GRASS
ANNUAL RYE GRASS
SWITCH GRASS
RED TOP

PLANTING SCHEDULE B: (BOTTOM OF DETENTION BASIN ONLY)
CATTAIL
BURREED
BULLRUSH
PICKEREL
WEED

PLANTING SCHEDULE C:
STANDARD LAWN MIXTURE FOR ACTIVE AREAS



SECTION

SEE EROSION CONTROL PLANS (SHEETS EC1 & EC2) FOR LOCATION OF BASINS

INFILTRATION BASIN

NOT TO SCALE

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

BY	DSL	MAW	MAW	MAW	MAW	MAW	MAW
REVISION	PER PEER REVIEW COMMENTS.	SOUND WALL	TOWN COMMENTS	TOWN COMMENTS			
DATE	7/31/09	10/30/09	12/31/14	2/13/15	3/26/15		

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Check CML
Draft DSL
Design MAW

APRIL 6, 2009

DETAILS AND SECTIONS
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

Scale: NONE

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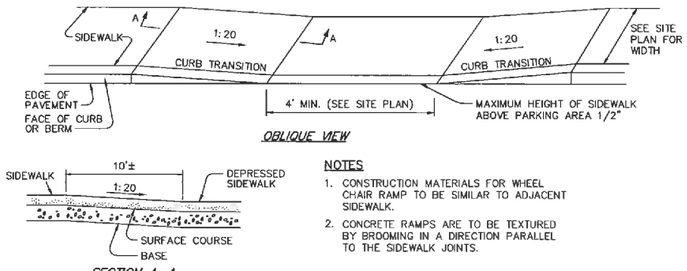
Job. No. 02–109
Dwg. No. 8915
Sheet DS1

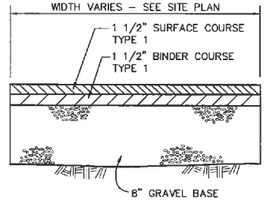


NOTES

1. CONSTRUCTION MATERIALS FOR WHEEL CHAIR RAMP TO BE SIMILAR TO ADJACENT SIDEWALK.
2. CONCRETE RAMPS ARE TO BE TEXTURED BY BROOMING IN A DIRECTION PARALLEL TO THE SIDEWALK JOINTS.

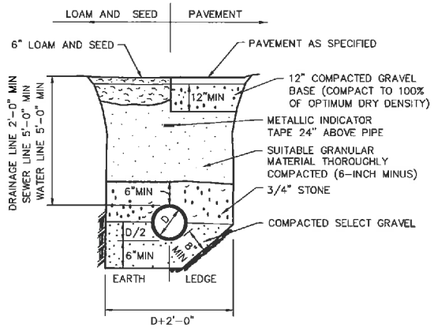
HANDICAP RAMP

NOT TO SCALE



BITUMINOUS SIDEWALK

NOT TO SCALE



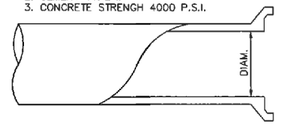
TYPICAL TRENCH DETAIL

NOT TO SCALE

NOTE

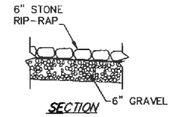
ALL PIPING SHALL BE MORTER JOINT, CLASS III, REINFORCED CONCRETE PIPE OR APPROVED EQUAL.

1. ASTM SPECIFICATION C76
2. CEMENT TYPE II
3. CONCRETE STRENGH 4000 P.S.I.

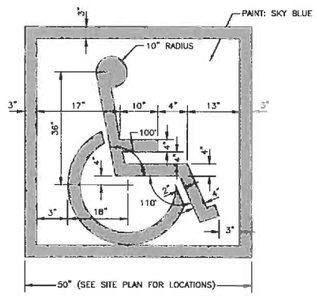


REINFORCED CONCRETE PIPE

NOT TO SCALE



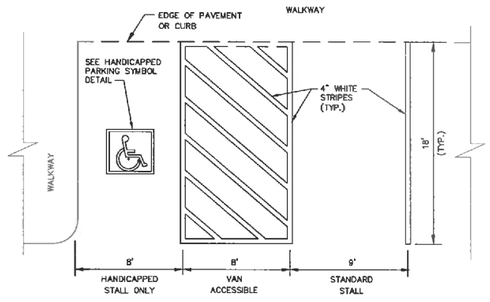
SECTION



ALL STRIPES TO BE 4" WIDE AND PAINTED WHITE. SEE SITE PLAN FOR LOCATIONS.

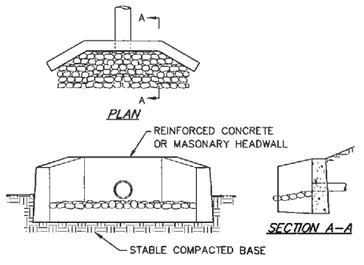
HANDICAP SYMBOL PAVEMENT MARKING

NOT TO SCALE



PARKING SPACE STRIPING DETAIL

NOT TO SCALE



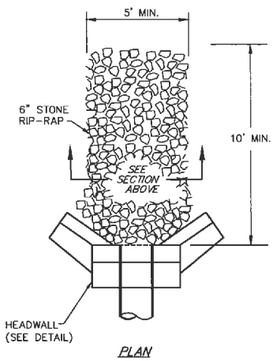
NOTES

1. SEE CONSTRUCTION PLANS (SHEET CP1 & CP2) FOR WALL LOCATIONS.
2. HEADWALLS ARE TO CONFORM TO MASSACHUSETTS HIGHWAY DEPARTMENT SPECIFICATIONS.

HEADWALL

NOT TO SCALE

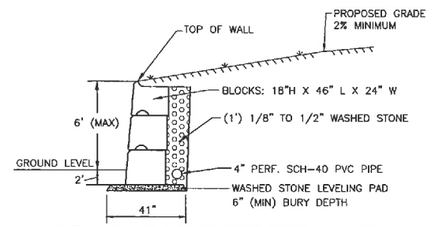
(STRUCTURAL DESIGN BY OTHERS)



PLAN

RIP-RAP AT HEADWALL DETAIL

NOT TO SCALE



REDI-ROCK RETAINING WALL DETAIL

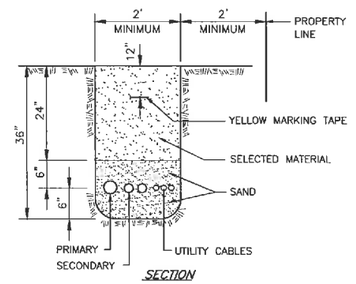
(NOT TO SCALE)

NOTES

1. MAXIMUM WALL HEIGHT SHALL BE NINE (9) FEET.
2. REDI-ROCK RETAING WALL SHALL BE CONSTRUCTED IN ACCORDANCE WITH MANIFACTURE'S SPECIFICATIONS.

GRAVITY WALLS

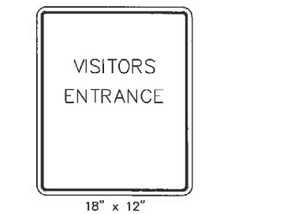
WALL HEIGHTS	BURY DEPTH	LEVELING PAD	BLOCK DEPTH
0'-4'6"	6"	6"	28"
0'-6'	6"	6"	41"
0'-9'	12"	12"	41"



SECTION

UNDERGROUND UTILITY TRENCH

NOT TO SCALE



18" x 12"

VISITORS ENTRANCE SIGN

NOT TO SCALE

(WHITE LETTERING ON BLUE BACKGROUND)

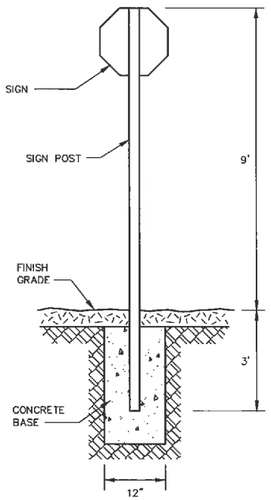


18" x 12"

HANDICAPPED PARKING SIGN

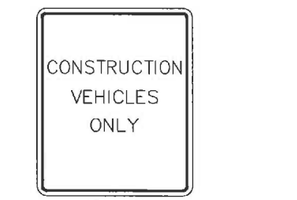
NOT TO SCALE

(WHITE LETTERING ON BLUE BACKGROUND)



SIGN DETAIL

NOT TO SCALE



18" x 12"

CONSTRUCTION VEHICLES ONLY SIGN

NOT TO SCALE

(WHITE LETTERING ON BLUE BACKGROUND)



STOP SIGN

NOT TO SCALE

(WHITE LETTERING ON RED BACKGROUND)

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

3/26/15	TOWN COMMENTS	MAW
2/13/15	TOWN COMMENTS	MAW
12/31/14	SOUND WALL	MAW
10/30/09	PER PEER REVIEW COMMENTS.	MAW
7/31/09	PER PEER REVIEW COMMENTS.	DSL
DATE	REVISION	BY

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML

DETAILS AND SECTIONS
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 6, 2009

Scale: NONE

LandTech
Engineering/Design/Surveying/Permitting
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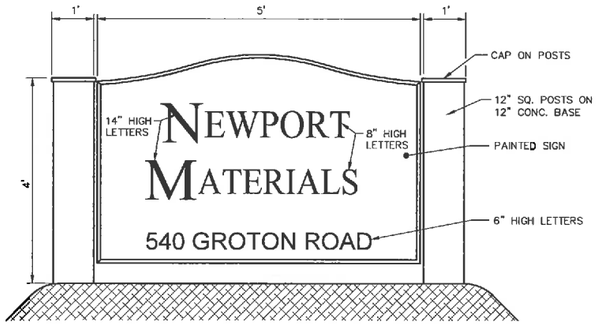
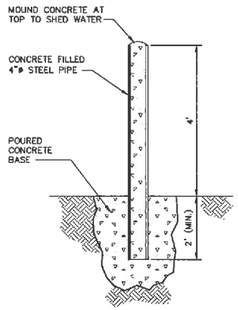
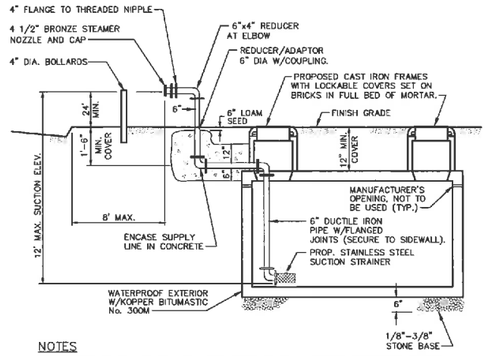


SITE SIGN
NOT TO SCALE

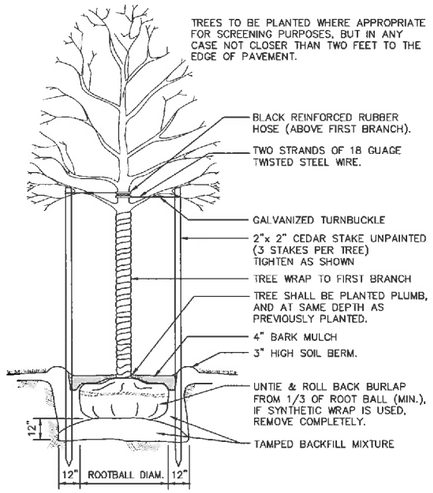


CONCRETE FILLED BOLLARD
NOT TO SCALE



NOTES
1. CISTERN TO BE 30,000 GAL. ROTONDO ST 8x10-30 OR APPROVED EQUAL.
2. TANK TO BE FILLED WITH WATER UPON PLACEMENT TO COUNTERACT BUOYANCY FORCES PRIOR TO BACKFILLING.
3. CISTERN MAY CONTAIN HARMFUL ODORLESS GASES. PRIOR TO PERSONS ENTERING CISTERN TESTS SHALL BE MADE TO PROVE THE ABSENCE OF SUCH GASES.

FIRE CISTERN DETAIL
NOT TO SCALE

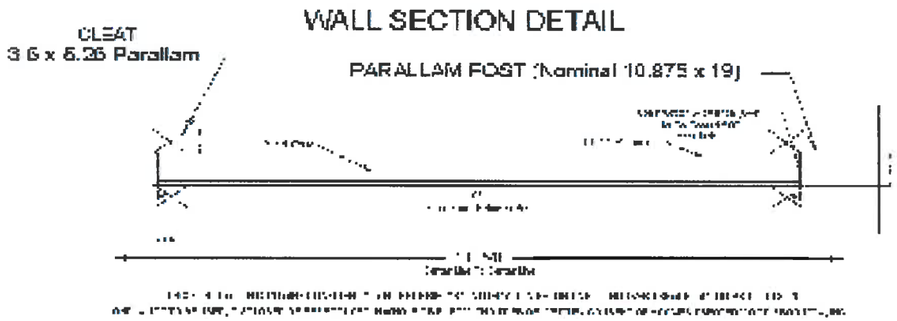


TREE PLANTING DETAIL
NOT TO SCALE



PLYWALL®

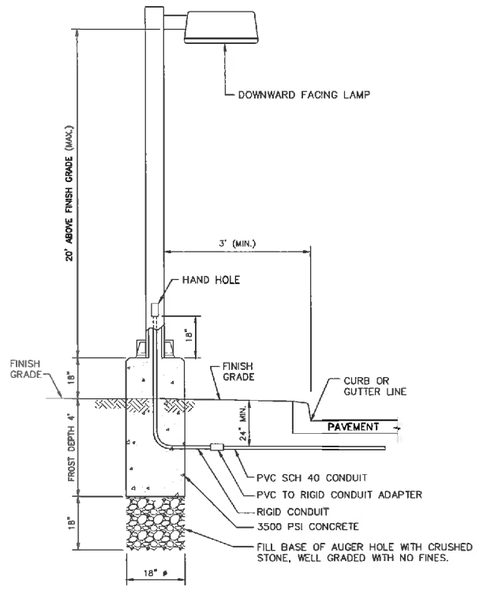
WALL SECTION DETAIL



TYPICAL WOOD SOUND BARRIER
NOT TO SCALE

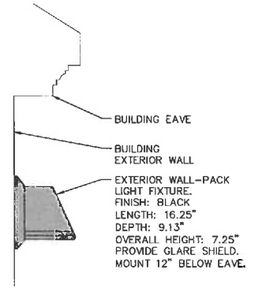
NOTES:
1. DETAIL PROVIDED FOR 10' HIGH WALL (28.8 PSF WINDLOAD). SEE SITE PLAN FOR ADDITIONAL INFORMATION ON THE WALL HEIGHT, LOCATION AND LENGTH.
2. FINAL WALL PLANS, SPECIFICATIONS AND CONSTRUCTION DOCUMENTS TO BE PREPARED AND SUBMITTED BY OTHERS TO THE BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

DISTRIBUTOR
HOOVER TREATED WOOD PRODUCTS, INC.
154 WIRE ROAD,
THOMSON, GA 30824
(800) 832-9663
WWW.PLYWALL.COM

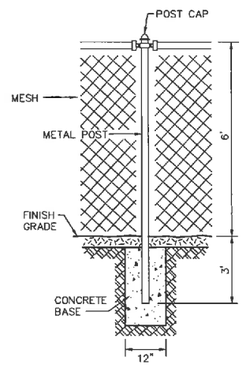


NOTE: SEE SITE UTILITIES & LIGHTING PLAN (SHEET SU) FOR LOCATIONS OF LIGHT FIXTURES.

LIGHT POST CONNECTION
NOT TO SCALE



WALL-PACK
NOT TO SCALE



CHAIN LINK FENCE DETAIL
NOT TO SCALE
(SEE CP-1 FOR LOCATION)

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

BY	DSL	MAW	MAW	MAW	MAW	MAW	MAW
REVISION	PER PEER REVIEW COMMENTS.	SOUND WALL	TOWN COMMENTS	TOWN COMMENTS			
DATE	7/31/09	10/30/09	12/31/14	2/13/15	3/25/15		

Prepared for:
NEWPORT MATERIALS, LLC
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NASHUA, NH 03060

Design MAW | Draft DSL | Check CWL

DETAILS AND SECTIONS
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

Scale: NONE
APRIL 6, 2009

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Job. No. 02-109 | Dwg. No. 8915 | Sheet DS3

GENERAL:

1. THIS PLAN, A STORM WATER POLLUTION PREVENTION PLAN (SWPPP), IS PREPARED UNDER THE PROVISIONS OF THE CLEAN WATER ACT FOR THE THE ENVIRONMENTAL PROTECTION AGENCY (EPA), NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES), STORM WATER PHASE II, NOTICE OF INTENT FORM FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER A NPDES GENERAL PERMIT (EPA FORM 3510-9).
2. AN NPDES NOTICE OF INTENT FORM, EPA FORM 3510-9, MUST BE FILED AT LEAST 48 HOURS BEFORE CONSTRUCTION.
3. THIS PLAN IS INTENDED AS A GUIDANCE FOR THE OWNER/DEVELOPER TO CONTROL STORM WATER. THIS INCLUDES THE SITING, CONSTRUCTION AND OPERATION OF BEST MANAGEMENT PRACTICES (BMP's) TO CONTROL, REDUCE OR PREVENT STORM WATER POLLUTION. ANY DEVIATION FROM AN APPROVED PLAN IS PERMISSIBLE ONLY WITH THE CONSENT OF THE DESIGN ENGINEER.

INSPECTION REQUIREMENTS:

ALL INSPECTIONS SHALL BE PERFORMED BY A QUALIFIED PERSONNEL IN ACCORDANCE WITH THE FOLLOWING MINIMUM REQUIREMENTS:

1. DISTURBED AREAS NOT STABILIZED – ONCE EVERY FOURTEEN (14) DAYS.
2. STORM EVENTS – WITHIN 24 HOURS OF THE END OF A STORM EVENT 0.5" OR GREATER.
3. WINTER (FROZEN CONDITIONS) – INSPECTIONS SHALL BE CONDUCTED AT LEAST ONCE EVERY MONTH.
4. FINAL STABILIZATION – A FINAL REPORT SHALL BE PREPARED SUMMARIZING NAME AND QUALIFICATIONS OF PERSON MAKING REPORT, INSPECTIONS, FINDINGS AND ANY RECOMMENDATIONS MADE DURING CONSTRUCTION. THE REPORT SHALL BE KEPT ON FILE FOR A PERIOD OF THREE (3) YEARS.

INSPECTIONS SHALL BE PERFORMED ON DISTURBED AREAS OF THE CONSTRUCTION SITE THAT HAVE NOT BEEN FINALLY STABILIZED, AREAS USED FOR STORAGE OF MATERIALS EXPOSED TO PRECIPITATION, STRUCTURAL CONTROL MEASURES AND LOCATIONS WHERE VEHICLES ENTER OR EXIT THE SITE.

RETENTION OF RECORDS:

1. THE APPLICANT/PERMITEE SHALL RETAIN COPIES OF THE STORM WATER POLLUTION PREVENTION PLAN AND ALL SUPPLEMENTAL INFORMATION FOR A PERIOD OF AT LEAST THREE (3) YEARS FROM THE DATE THAT THE SITE IS FINALLY STABILIZED.
2. A COPY OF THIS STORM WATER POLLUTION PREVENTION PLAN MUST BE KEPT ON SITE FROM THE DATE OF PROJECT INITIATION TO THE DATE OF FINAL STABILIZATION.

SITE DESCRIPTION:

1. THE PROJECT INCLUDES THE CONSTRUCTION OF A ASPHALT MANUFACTURING FACILITY ON A 115-ACRE PARCEL OF LAND IN THE CITY OF WESTFORD, MASSACHUSETTS (SEE LOCUS MAP). APPROXIMATELY 5.2 ACRES OF LAND ARE TO BE DISTURBED DURING THE CONSTRUCTION PROCESS.
2. THE RUNOFF CURVE NUMBER FOR THE SITE IN THE PRE-DEVELOPMENT CONDITIONS IS APPROXIMATELY 87 AND THE RUNOFF CURVE NUMBER COEFFICIENT FOR THE SITE IN THE POST-DEVELOPMENT CONDITION IS APPROXIMATELY 87.
3. THE RECEIVING WATER FROM THIS PROJECT IS THE MERRIMACK RIVER LOCATED APPROXIMATELY 2 MILES EAST OF THE SITE. ON SITE THERE EXIST A WETLANDS WHICH FLOWS TO AN UN-NAMED BROOK, WHICH FLOWS NORTHEASTERLY TO SWAINS POND IN CHELMSFORD. SWAINS POND DRAINS INTO DEEP BROOK WHICH FLOWS EASTERLY TO THE MERRIMACK RIVER.
4. ALTHOUGH A PORTION TO THE SITE IS MAPPED AS A MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE, NATURAL HERITAGE ENDANGERED SPECIES PROGRAM (NHESP) ESTIMATED HABITAT OF RARE WILDLIFE, NHESP ISSSUED A LETTER FOR THE PROJECT DATED SEPTEMBER 9, 2008 STATING THAT THE PROPOSED ACTIVITY WILL NOT RESULT IN A PROHIBITED "TAKE" OF STATE-LISTED SPECIES.

EROSION AND SEDIMENT CONTROLS:

1. THE OWNER/DEVELOPER IS RESPONSIBLE FOR CONTROLLING THE EROSION AND SEDIMENT DURING THE CONSTRUCTION PROCESS. SITE SPECIFIC CONDITIONS MAY REQUIRE MODIFICATIONS IN THE FIELD, BUT THE OWNER/CONTRACTOR MUST ENSURE THAT THE PROJECT SPECIFICATIONS THAT ARE DEVELOPED IN THE FIELD MEET THE MINIMUM REQUIREMENTS OF THIS PLAN.
2. IN ORDER TO MINIMIZE EROSION AND SEDIMENT RUNOFF FROM THE SITE, THE OWNER/DEVELOPER SHOULD MAINTAIN EXISTING VEGETATION WHERE ATTAINABLE AND STABILIZE DISTURBED PORTIONS OF THE PROJECT AS QUICKLY AS POSSIBLE.
3. THE OWNER/DEVELOPER MUST ALSO ANTICIPATE INCREASED RUNOFF FROM STEEPER SLOPES AND DURING HIGH GROUNDWATER CONDITIONS. THIS MAY OCCUR DURING THE WET SEASON, TYPICALLY MARCH THROUGH APRIL, OR AFTER SIGNIFICANT PRECIPITATION EVENTS.
4. THE OWNER/DEVELOPER IS RESPONSIBLE FOR THE INSTALLATION OF SILT FENCES, DRAINAGE SWALES, EARTH DIKES, TEMPORARY SETTLING BASINS, CHECK DAMS AND TEMPORARY OR PERMANENT SEDIMENT BASINS. THESE PRACTICES DIVERT FLOWS FROM EXPOSED SOILS, LIMIT RUNOFF AND THE DISCHARGE OF POLLUTANTS FROM EXPOSED AREAS OF THE SITE TO THE THE DEGREE ATTAINABLE.
5. ALL DISTURBED SURFACES SHALL BE STABILIZED A MINIMUM OF 14 DAYS AFTER CONSTRUCTION IN ANY PORTION OF THE SITE THAT HAS BEEN COMPLETED OR WHERE CONSTRUCTION HAS TEMPORARILY CEASED.
6. ALL EROSION CONTROL DEVICES SHALL BE INSPECTED WEEKLY OR AFTER A SIGNIFICANT STORM EVENT. ALL EROSION CONTROL DEVICES ARE TO BE MAINTAINED IN PROPER WORKING CONDITION. ANY BUILD UP OF SEDIMENT SHALL BE REMOVED AND DISPOSED OF TO A PROPER UPLAND DISPOSAL LOCATION.
7. NO EROSION OR SEDIMENT RUNOFF SHALL BE ALLOWED TO ENTER THE WETLANDS; ANY SUCH MATERIAL ENTERING THE WETLANDS SHALL BE REMOVED IMMEDIATELY.
8. THE OWNER/DEVELOPER SHALL, AT ALL TIMES, HAVE A STOCKPILE OF STRAW WATTLES AND SILT FENCE ADEQUATE TO REINFORCE/REPLACE EROSION AND SEDIMENT CONTROL AS NEEDED.

PRE-CONSTRUCTION:

1. PRIOR TO CONSTRUCTION, AN EROSION CONTROL BARRIER CONSISTING OF SILT FENCE AND STRAW WATTLES SHALL BE INSTALLED AT LOCATIONS SHOWN ON THE APPROVED SITE PLANS. THESE BARRIERS SHALL REMAIN IN PLACE UNTIL ALL AREAS HAVE BEEN STABILIZED.
2. THE PROPOSED TREELINE SHOWN REPRESENTS THE LIMIT OF CLEARING. NO CLEARING BEYOND THESE LIMITS SHALL OCCUR WITHOUT FURTHER REVIEW. THE OWNER/DEVELOPER SHOULD PRESERVE THE EXISTING VEGETATION WHERE ATTAINABLE.
3. A TEMPORARY STONE CONSTRUCTION ENTRANCE SHALL BE INSTALLED IN ACCORDANCE WITH THE DETAIL TO PREVENT VEHICLE TRACKING OF SEDIMENT ONTO OFF-SITE ROADWAYS. THE ENTRANCE SHALL BE PROPERLY MAINTAINED UNTIL THE PROJECT IS COMPLETED OR PAVEMENT IS IN PLACE.
4. PRIOR TO CONSTRUCTION THE OWNER/DEVELOPER SHALL SITE A STAGING AREA FOR STORAGE OF CONSTRUCTION EQUIPMENT. THIS AREA SHOULD BE OUTSIDE ANY 100-FOOT RESOURCE AREA BUFFER AND STAKED OUT WITH ORANGE CONSTRUCTION FENCING TO DELINEATE THE AREA.
5. THE OWNER/DEVELOPER SHOULD PERFORM A SITE WALK IDENTIFYING ALL RESOURCE AREAS AND THE PROPOSED DISCHARGE LOCATIONS. ADDITIONAL PERIMETER CONTROLS OR EROSION AND SEDIMENT CONTROLS AT CRITICAL DISCHARGE LOCATIONS SHOULD BE CONSIDERED.
6. IT IS THE RESPONSIBILITY OF THE OWNER/DEVELOPER TO DEVELOP A CONSTRUCTION-PHASE PLAN AND THAT EROSION CONTROL MEASURES ARE IN INSTALLED AND MAINTAINED PROPERLY PRIOR TO THE START OF CONSTRUCTION.

CONSTRUCTION POLLUTION PREVENTION PLAN

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PREVENTING POLLUTION DURING THE CONSTRUCTION PERIOD.
2. ALL EROSION CONTROL MEASURE MUST BE INSPECTED DAILY AND MAINTAINED IN GOOD WORKING ORDER.
3. THE STONE CONSTRUCTION ENTRANCE MUST BE INSPECTED DAILY AND MAINTAINED IN GOOD WORKING ORDER.
4. THE LIMIT OF WORK ON THE PLAN SHALL BE MAINTAINED AND CARE SHALL BE TAKEN TO PRESERVE NATURAL VEGETATION WHEREVER FEASIBLE.
5. ALL VEHICLES SHALL BE MAINTAINED IN GOOD WORKING ORDER AND INSPECTED FOR OIL / FUEL LEAKS ON A DAILY BASIS.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLYING AND MAINTAINING ADEQUATE ONSET SANITARY FACILITIES.
7. THE CONTRACTOR SHALL MAINTAIN A COMPLETE SET OF PLANS AND PERMITS ONSITE.
8. THE CONTRACTOR SHALL SUBMIT A LIST OF PROPERLY TRAINED EMERGENCY CONTACTS PRIOR TO THE START OF ANY CONSTRUCTION.

CONSTRUCTION SEQUENCE:

1. INSTALL ALL EROSION CONTROL AND HAVE INSTALLATION APPROVED BY THE TOWN PRIOR TO THE START OF CONSTRUCTION.
2. INSTALL CONSTRUCTION ENTRANCE.
3. CONSTRUCT TEMPORARY SEDIMENT BASINS AS NECESSARY TO CONTROL EROSION.
4. CLEAR AND ROUGH GRADE ROADWAY. SEE NOTE 3 UNDER GENERAL CONSTRUCTION REQUIREMENTS FOR STUMP AND BRUSH DISPOSAL. THE OWNER/DEVELOPER SHOULD PHASE THE CONSTRUCTION TO MINIMIZE THE AMOUNT OF DISTURBED AREA EXPOSED.
5. INSTALL DIVERSION TRENCH AS SHOWN ON THE PLANS.
6. INSTALL CROSS CULVERT AND THE STORM WATER COLLECTION SYSTEMS, STARTING FROM THE DOWNSTREAM END AND WORKING UPWARDS.
8. RIPRAP AND CHECK DAMS SHALL BE INSTALLED AT THE PIPE INLETS AND OUTLETS TO REDUCE THE POTENTIAL FOR CHANNEL EROSION. ADDITIONAL VELOCITY DISSIPATION DEVICES MAY BE REQUIRED. THIS MAY INCLUDE EARTH DIKES, CHECK DAMS OR HAYBALE AND SILT FENCING.
7. INSTALL UTILITIES AND FINISH PREP ROADWAY. TRENCH EXCAVATIONS SHALL BE BACK FILLED AT THE END OF EACH WORK DAYS AND ARE NOT TO BE LEFT IN A CONDITION THAT WOULD RESULT IN CHANNALIZATION OF FLOW TOWARD WETLAND AREAS.
9. PLACE BINDER COURSE ON ROADWAY. PAVEMENT SHALL BE GRADED AS SHOWN ON THE PLANS TO ENSURE RUNOFF IS DIRECTED TO THE DRAINAGE SYSTEM.
10. INSTALL PERMANENT STONE CHECK DAMS. CHECK DAMS ARE TO BE INSPECTED WEEKLY AND AFTER EACH RAINFALL EVENT, AND SHALL BE CLEANED AS NECESSARY. CHECK DAMS ARE TO REMAIN IN PLACE.
11. STABILIZE ALL DISTURBED AREAS WITH LOAM AND SEED AS SOON AS POSSIBLE.

PLANTING SCHEDULE

1. LOAM SHALL SHOULD PROVIDE GOOD DRAINAGE CHARACTERISTICS AND HAVE ADEQUATE PH LEVELS (APPROXIMATELY 6.5). PH SHOULD BE CHECKED AND ADJUSTED PRIOR TO PLACEMENT. APPLY LIME AT A MINIMUM RATE OF 50 LBS. PER 1,000 SQUARE FEET, AS NECESSARY.
2. ORGANIC-SLOW RELEASE FERTILIZER SHOULD BE APPLIED AT A RATE OF 50 LBS. PER 500 SQUARE FEET.
3. SEED SHOULD BE RAKED INTO THE LOAM OR BY HYDRO-SEEDING METHODS AND WATERED IMMEDIATELY.
4. ADDITIONAL LOAM AND SEED SHALL BE APPLIED AS REQUIRED UNTIL FINAL STABILIZATION IS ACHIEVED.
5. HAND SEEDING:
   SEED SHALL BE APPLIED BY HAND OR BY BROADCAST SPREADER UNIFORMLY.

   SEED SHALL BE LIGHTLY RAKED INTO A DEPTH OF 1/2" - 1".

   SEED CAN BE LIGHTLY ROLLED TO ENSURE THAT THE SEED IS EMBEDDED IN THE SOIL. DO NOT COMPACT SOIL.

   AFTER SEEDING ALL AREAS SHALL BE MULCHED USING HAY STRAW.
6. HYDRO-SEEDING:
   HYDRO-SEEDING SHALL BE PLACED UNIFORMLY OVER DISTURBED AREAS.

   TO HELP REDUCE RUNOFF, TRACKS MADE BY A RUNNING TRACK-MACHINE PERPENDICULAR TO THE SLOPE CREATING UNIFORM SURFACE DEPRESSIONS FOR THE PLACED HYDRO-SEED.

   APPLICATION RATES ON SLOPES GREATER THAN 3:1 SHALL HAVE A MINIMUM APPLICATION RATE OF 4 LBS. / 1000 S.F.

   A LATEX OR FIBER TACKIFIER SHALL BE USED ON ALL AREAS AT THE RATE RECOMMENDED BY THE MANUFACTURER AND ON ALL SLOPES IDENTIFIED ABOVE. A MINIMUM RATE OF 50 LBS. OF TACKIFIER PER 500 GALS. OF WATER SHALL BE USED.

   FERTILIZER AND LIME MAY BE INCORPORATED INTO THE HYDRO-SEED MIXTURE. FERTILIZERS SHALL NOT BE PLACED WITHIN 100 FEET OF WETLANDS.
6. GEOTEXTILES AND SOD STABILIZATION:
   GEOTEXTILES SHALL BE USED IN ACCORDANCE WITH MANUFACTURERS SPECIFICATIONS.

   SOD STABILIZATION SHALL BE PLACED IN ACCORDANCE WITH GOOD LANDSCAPING PRACTICE.
7. SEED MIXTURE:
   SEED MIXTURES SHALL BE APPLIED AS FOLLOWS:

SEED MIXTURE "B" NON-LAWN AREAS		SEED MIXTURE "A" LAWN AREAS
20%	ANNUAL RYE	– KENTUCKY BLUEGRASS
15%	RED TOP FESCUE	– CANADIAN NORTHSLOPE
10%	WHITE CLOVER	– UTAH GOLD
5%	LADINA CLOVER	
5%	CROWNVETCH	

   NO MORE THAN 40% OF THE TOTAL MIX, BY WEIGHT, SHALL CONSIST OF ANNUAL RYE OR OTHER ANNUAL SPECIES. APPLY AT A RATE OF 4 LBS. PER 1,000 SQUARE FEET.

FINAL STABILIZATION:

1. STABILIZE ALL DISTURBED AREAS OF THE PROJECT WITH LOAM AND SEED AS SOON AS POSSIBLE TO PROVIDE PERMANENT STABILIZATION OF DISTURBED AREAS.
2. STABILIZATION PRACTICES SHALL INCLUDE LOAMING AND SEEDING, HAY MULCHING, GEOTEXTILES OR SOD STABILIZATION AS NEEDED.
3. A MINIMUM OF 6 inches OF TOPSOIL SHALL BE INSTALLED ON ALL DISTURBED AREAS.
4. APPLY SEED ACCORDING TO PLANTING SCHEDULE.
5. SEED MIXTURE TYPE "B" SHALL BE APPLIED ON ALL DISTURBED SURFACES, EXCEPT WHERE LAWN AREA IS PROPOSED.
6. THE USE OF HERBICIDES AND PESTICIDES ARE PROHIBITED WITHIN 100 FEET OF WETLANDS.
7. TREE AND SHRUB PLANTINGS SHOULD BE INSTALLED IN ACCORDANCE WITH LOCAL REGULATION AND GOOD LANDSCAPE PRACTICE.
8. THE OWNER/DEVELOPER IS RESPONSIBLE FOR PROPERLY MAINTAINING ALL TREES FOR A PERIOD OF TWO YEARS FROM THE TIME OF PLANTING.
9. FINAL STABILIZATION OF THE SITE IS DEFINED AS GOOD GRASS COVERAGE OVER 70% OF THE AREA CONSIDERED.
10. APPLY FINISH PAVEMENT COURSE AND INSTALL ALL FINISH FIXTURES OF THE ROADWAY. STAKED HAYBALES/SILT FENCE AND LIMIT OF WORK FENCE MAY BE REMOVED WHEN ALL DISTURBED AREAS HAVE BEEN STABILIZED.

LONG TERM POLLUTION PLAN

1. EQUIPMENT AND MATERIALS SHALL NOT BE STORED WITHIN 100 FEET OF A WETLAND.
2. VEHICLE REFUELING SHALL NOT OCCUR WITHIN 100 FEET OF A WETLAND AND NO FUELS SHALL BE STORED ONSITE.
3. STUMPS AND BRUSH MAY BE EITHER GROUND UP OR DISPOSED OF OFF SITE. NO STUMPS ARE TO BE STOCKPILED WITHIN 100 FEET OF A WETLAND.
4. ALL CONSTRUCTION DEBRIS SHALL BE DISPOSED OF OFF SITE.
5. NO MATERIALS SHALL BE ALLOWED TO ENTER THE WETLANDS.
6. CONSTRUCTION VEHICLES MAY NOT BE WASHED ONSITE.
7. FERTILIZERS, HERBICIDES AND PESTICIDES MAY NOT BE STORED ONSITE DURING CONSTRUCTION.
8. SNOW MAY NOT BE DISPOSED OF WITHIN THE WETLAND AREAS.
9. CONTRACTOR IS RESPONSIBLE FOR DUST CONTROL. DUST CONTROL SHALL INCLUDE THE WATERING OF UNPAVED ROAD SURFACES AND STREET SWEEPING OF PAVED SURFACES. STREET SWEEPING SHALL OCCUR ON THE PAVED SURFACES WITHIN THE SITE AND OFF THE SITE WHERE VEHICLE TRACKING OF SEDIMENTS HAS OCCURRED.
10. DURING CONSTRUCTION TRENCHES ARE NOT TO BE LEFT IN A CONDITION THAT WOULD RESULT IN CHANNALIZATION OF FLOW TOWARD WETLAND AREAS.
11. ALL SITE WORK SHOULD BE SECURED AT THE END OF THE WORK DAY TO REDUCE EROSION AND SEDIMENT PROBLEMS. THIS COULD INCLUDE COVERING STOCKPILES OF SEDIMENT, INSTALLING TEMPORARY CHECK DAMS AT CRITICAL AREAS, INSTALLING TEMPORARY VEGETATION OR BY USING GEOTEXTILES TO COVER DISTURBED AREAS WITH STEEPER SLOPES.
12. ILLICIT DISCHARGES TO THE STORMWATER SYSTEM ARE PROHIBITED WITH EACH HEADWALL MARKED WITH STENCIL & PAINT MARKED "DUMP NO WASTE – DRAINS TO WETLANDS" TO PREVENT DISCHARGES (SEE DETAIL).
    a) DURING CONSTRUCTION OF THE STORMWATER COLLECTION SYSTEM, THE CONTRACTOR SHALL ENSURE THAT NO ILLICIT DISCHARGES ARE CONNECTED TO THE SYSTEM.
    b) ALL ROOF DRAINS, EXISTING AND PROPOSED, SHALL EITHER DISCHARGE FREELY ONTO THE PAVEMENT OR DIRECTLY CONNECTED TO THE NEW STORMWATER COLLECTION SYSTEM.
    c) PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE, AN ILLICIT DISCHARGE COMPLIANCE STATEMENT MUST BE SUBMITTED TO THE TOWN OF WESTFORD CONSERVATION COMMISSION. THE STATEMENT SHALL BE CERTIFIED BY BOTH THE SITE ENGINEER AND THE SITE CONTRACTOR.
13. THE CONTRACTOR SHALL SUBMIT A LIST OF PROPERLY TRAINED EMERGENCY CONTACTS PRIOR TO THE START OF ANY CONSTRUCTION.
14. THE OWNER SHALL HAVE AN EMERGENCY SPILL MANAGEMENT PLAN IN PLACE FOR THE TANK FARM CONTAINMENT AREA. THE MANAGEMENT PLAN SHALL INCLUDE:
    a) CONTAINMENT PROCEDURES IN THE EVENT OF AN EMERGENCY SPILL.
    b) CONTACT INFORMATION POSTED FOR TRAINED RESPONDERS RESPONSIBLE FOR MANAGEMENT OF THE SPILL.
    c) AS-BUILT PLANS OF THE DRAINAGE SYSTEM SHOULD BE ATTACHED TO THE CONTACT POSTING INFORMATION TO ASSIST EMERGENCY RESPONSE PERSONNEL.
    D) MAINTENANCE PERSONEL SHALL BE INSTRUCTED ON THE LOCATION AND USE OF THE EMERGENCY SHUT-OFF GATE VALVE. PERSONEL SHALL BE ABLE TO QUICKLY SHUT DOWN THE SYSTEM IN CASE OF A SPILL.
    E) ALL OF THE REQUIREMENTS OF THE MASSDEP FACILITY PERMIT.

STORMWATER MANAGEMENT SYSTEM OPERATION AND MAINTENANCE SCHEDULE

ALL DRAINAGE SYSTEM COMPONENTS FOR THE PROPOSED DEVELOPMENT, INCLUDING STORMWATER BASINS, ARE TO BE OWNED AND MAINTAINED BY THE APPLICANT. THE APPLICANT IS RESPONSIBLE FOR THE OPERATION AND MAINTENANCE OF THE STORMWATER SYSTEM AND DRAINAGE DEVICES AS OUTLINED BELOW.

ROADWAY SWEEPING: THE PROPOSED ROADWAY SHALL BE KEPT FREE OF ACCUMULATED SEDIMENT AND DEBRIS AND SHALL BE CLEANED AT LEAST TWICE PER YEAR. ADDITIONAL CLEANING MAY BE NECESSARY TO KEEP ALL AREAS FREE OF SEDIMENT.

DRAIN LINES: ALL ON-SITE DRAIN LINES ARE TO BE INSPECTED AND CLEANED, IF NECESSARY, ANNUALLY BETWEEN MAY AND JULY. MORE FREQUENT CLEANING SHALL BE PERFORMED IF NECESSARY.

SEDIMENT FOREBAYS ARE TO BE INSPECTED MONTHLY. TRASH OR DEBRIS BUILD-UP AT OUTLET PIPES SHALL BE REMOVED IMMEDIATELY. THE FOREBAYS ARE TO BE CLEANED AT LEAST 4 TIMES PER YEAR. GRASS IS TO BE MAINTAINED BETWEEN 3-6 INCHES IN HEIGHT AND ANY SCOURING IS TO BE REPAIRED IMMEDIATELY.

DETENTION BASINS SHALL BE INSPECTED AT LEAST ONCE PER YEAR TO ENSURE THAT THE BASINS ARE OPERATING AS INTENDED. INSPECT DETENTION BASINS DURING AND AFTER MAJOR STORMS TO DETERMINE IF THE BASIN IS MEETING THE EXPECTED DETENTION TIMES. EXAMINE THE OUTLET STRUCTURE FOR EVIDENCE OF CLOGGING OR OUTFLOW RELEASE VELOCITIES THAT ARE GREATER THAN DESIGN FLOW. POTENTIAL PROBLEMS THAT SHOULD BE CHECKED INCLUDE: SUBSIDENCE, EROSION, CRACKING OR TREE GROWTH ON THE EMBANKMENT; DAMAGE TO THE EMERGENCY SPILLWAY; SEDIMENT ACCUMULATION AROUND THE OUTLET; INADEQUACY OF THE INLET/OUTLET CHANNEL EROSION CONTROL MEASURES; CHANGES IN THE CONDITION OF THE PILOT CHANNEL; AND EROSION WITHIN THE BASIN AND BANKS. MAKE ANY NECESSARY REPAIRS IMMEDIATELY. DURING INSPECTIONS, NOTE ANY CHANGES TO THE DETENTION BASIN OR THE CONTRIBUTING WATERSHED, BECAUSE THESE COULD AFFECT BASIN PERFORMANCE. MOW THE UPPER-STAGE SIDE SLOPES, EMBANKMENT, AND EMERGENCY SPILLWAY AT LEAST TWICE PER YEAR. ALSO REMOVE TRASH AND DEBRIS AT THIS TIME. REMOVE SEDIMENT FROM THE DETENTION BASIN AS NECESSARY, BUT AT LEAST ONCE EVERY 5 YEARS.

STONE SWALES SHALL BE INSPECTED MONTHLY DURING THE FIRST FEW MONTHS AFTER INSTALLATION TO MAKE SURE THAT THE SURFACE IN THE SWALES REMAINS STABLE. THEREAFTER, INSPECT SWALES TWICE A YEAR, DURING THE INSPECTIONS, CHECK THE SWALES FOR SLOPE INTEGRITY, SOIL STABILITY, SOIL COMPACTION, SOIL EROSION, PONDING AND SEDIMENTATION. REGULAR MAINTENANCE INCLUDES WEED AND PEST CONTROL. STRING TRIM VEGETATION AT LEAST ONCE PER YEAR. MANUALLY REMOVE SEDIMENT AND DEBRIS AS NECESSARY AND REPLACE STONE IMMEDIATELY. TAKE CARE TO PROTECT WATER QUALITY SWALES FROM SNOW REMOVAL AND DISPOSAL PRACTICES AND OFF-STREET PARKING.

WASTE DISPOSAL: ALL ACCUMULATED SEDIMENT REMOVED FROM STORM DRAINS AND THE DETENTION BASIN ARE TO BE DISPOSED OF IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS.

SNOW STORAGE: ALL SNOW IS TO BE STORED IN THE AREAS DEPICTED ON THIS PLAN. SHOULD STORAGE AREAS BECOME FULL, IT WOULD BE THE RESPONSIBILITY OF THE SITE'S OWNER/MAINTENANCE CONTRACTOR TO HAVE HEAVY EQUIPMENT CAPABLE OF STOCKPILING EXCESSIVE SNOWFALL OR REMOVEIN THE SNOW FROM THE SITE.

RECORDS: RECORDS OF ALL INSPECTIONS ON THE DRAINAGE COMPONENTS ARE TO BE KEPT ON FILE WITH THE SITE'S OWNER AND AVAILABLE FOR VIEWING BY REPRESENTATIVES FROM THE TOWN OF WESTFORD.

REFERENCES
MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION, BUREAU OF RESOURCE PROTECTION, MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES FOR URBAN AND SUBURBAN AREAS, BOSTON, MASSACHUSETTS, MAY, 2003.

LITTLETON ELECTRIC LIGHT AND WATER DEPARTMENT, LOW IMPACT DESIGN/BEST MANAGEMENT PRACTICES MANUAL, LITTLETON, MASSACHUSETTS, MAY, 2007.

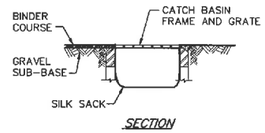
U.S. ENVIRONMENTAL PROTECTION AGENCY, OFFICE OF WATER, LOW IMPACT DEVELOPMENT (LID) A LITERATURE REVIEW, EPA-841-B-00-005, WASHINGTON, DC, OCTOBER, 2000.



20"x30"

STORM DRAIN STENCIL

NOT TO SCALE

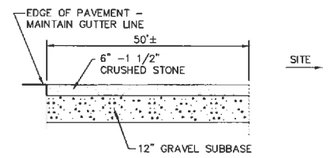


SECTION

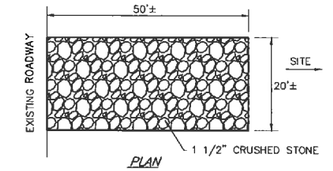
1. INSTALL SILT SACKS IN ALL CATCH BASINS.
2. INSPECT SILT SACKS AFTER EACH RAINFALL EVENT AND CLEAN OR REPLACE AS NECESSARY.

CATCH BASIN INLET CONTROL

NOT TO SCALE



SECTION

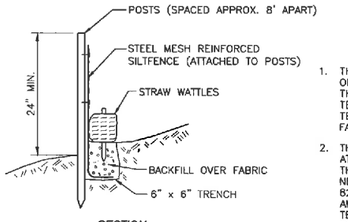


PLAN

NOTES:
SEE EROSION CONTROL PLAN FOR STONE CONSTRUCTION ENTRANCE LOCATION.
CRUSHED STONE TO REMAIN UNTIL JUST PRIOR TO APPLYING BINDER

STONE CONSTRUCTION ENTRANCE

NOT TO SCALE

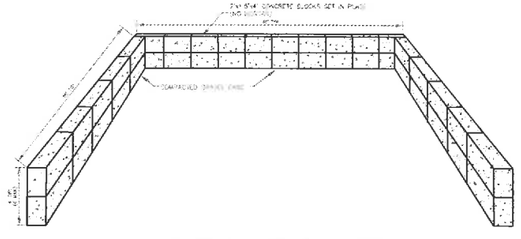


SECTION

1. THE STEEL MESH REINFORCED SILT FENCE CAN BE ORDERED ONLINE AT WWW.DGIINDUSTRIES.COM
   THE COMPANY CAN BE REACHED AT:
   TEL: 1-800-745-8344, OR
   TEL: 1-603-227-0495
   FAX: 1-603-227-0498
2. THE STRAW WATTLES CAN BE ORDERED ONLINE AT WWW.NEWP.COM.
   THE COMPANY CAN BE REACHED AT:
   NEW ENGLAND WETLAND PLANTS, INC.
   820 WEST STREET
   AMHERST, MA 01002
   TEL: 1-413-548-8000
   FAX: 1-413-549-4000

STEEL MESH REINFORCED SILTFENCE & STRAW WATTLES

NOT TO SCALE



CONCRETE BLOCK MATERIAL STORAGE BIN

NOT TO SCALE

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

DATE	REVISION	BY
10/30/09	PER PEER REVIEW COMMENTS.	DSL
12/31/14	SOUND WALL	MAW
2/13/15	TOWN COMMENTS	MAW
3/28/15	TOWN COMMENTS	MAW
8/17/16	TOWN COMMENTS	MAW

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML

STORM WATER POLLUTION PREVENTION PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 6, 2009

Scale: NOT TO SCALE

Job. No. 02-109 | Dwg. No. 8915 | Sheet SWPPP

LandTech
Engineering/Design/Surveying/Permitting
Groton, Massachusetts 01450
Ph: (978) 692-6100 landtechinc.com

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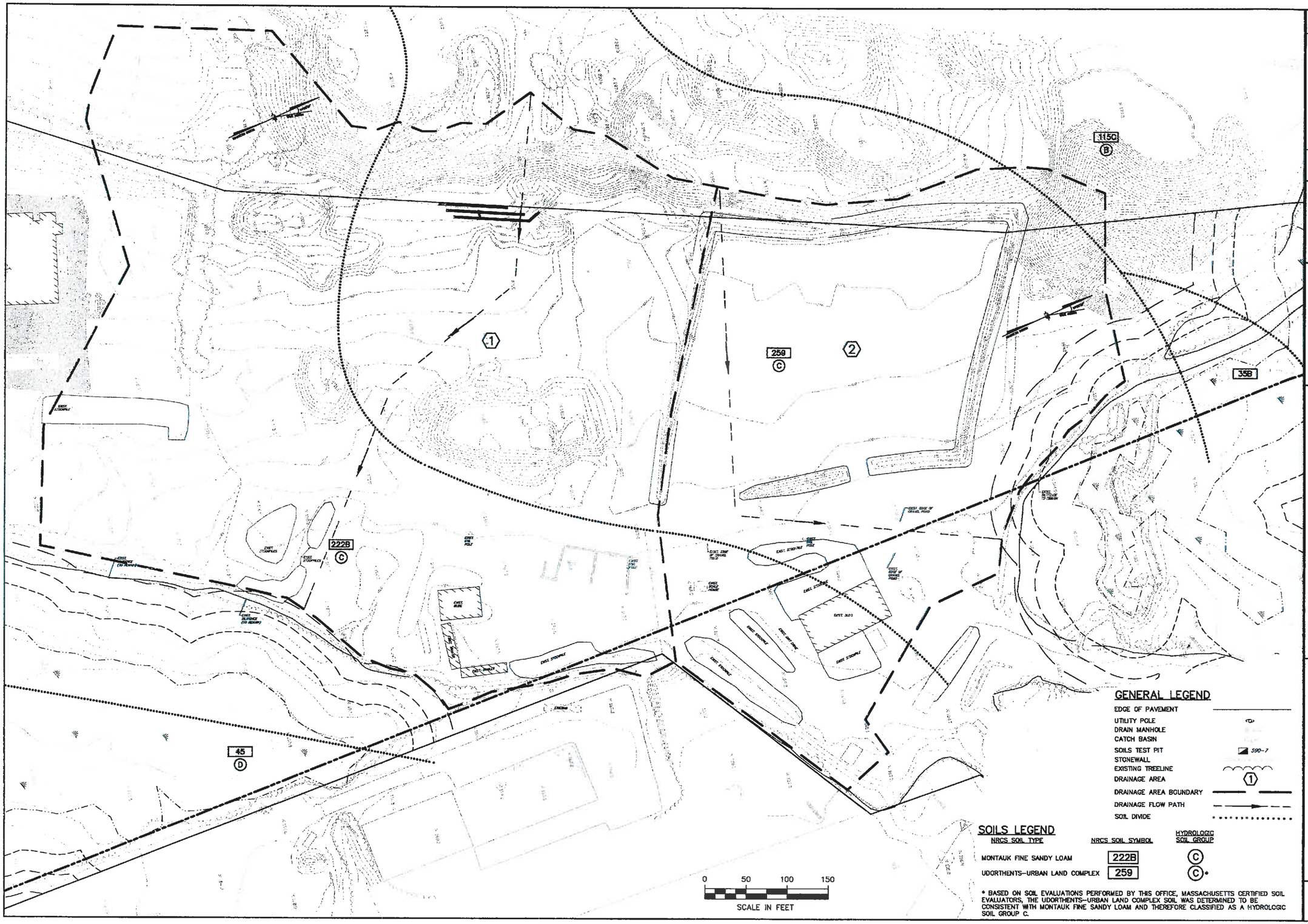
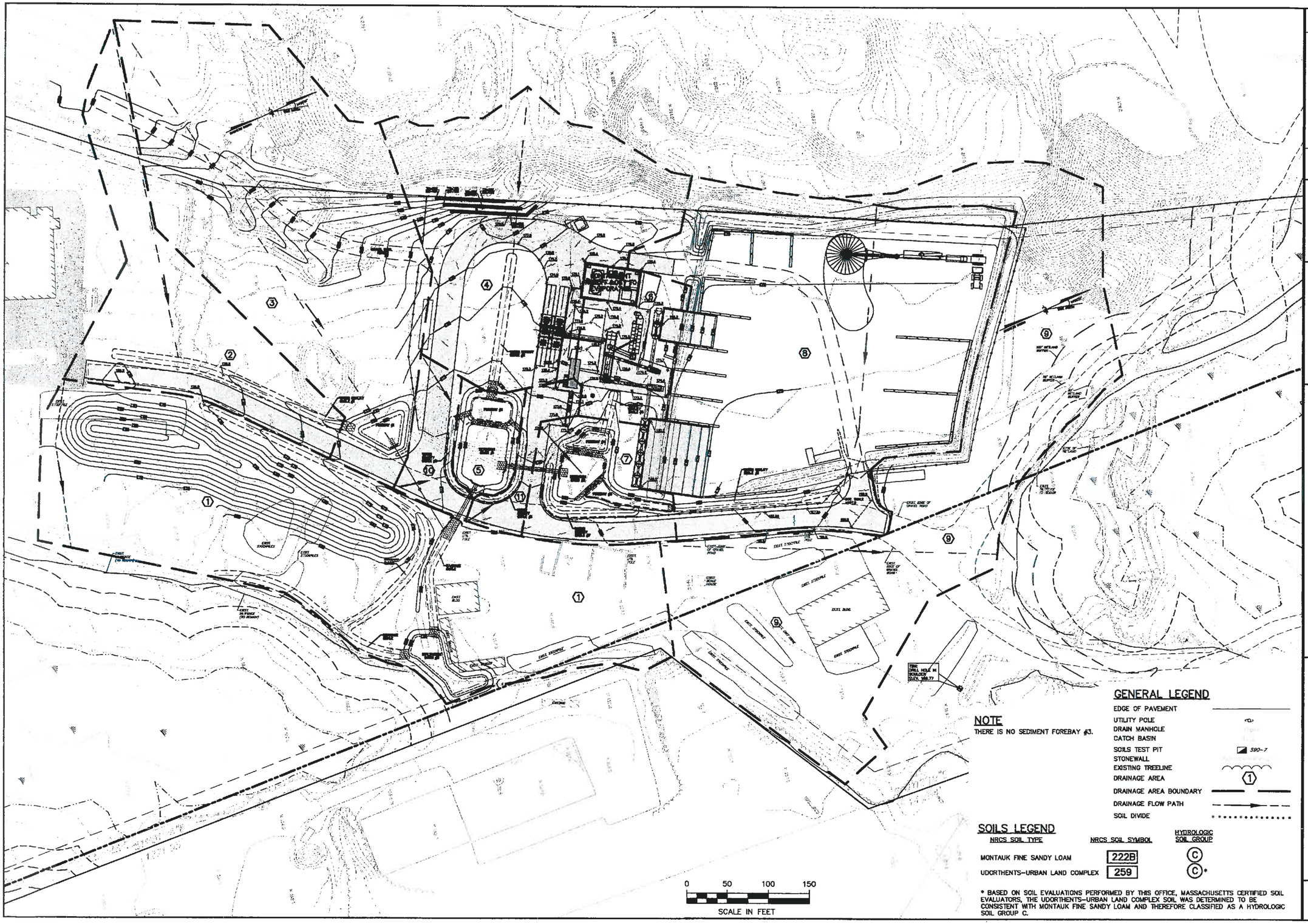

1150
B
258
C
35B
222B
C
45
D
1
2
EDGE OF PAVEMENT
EXIST. STONEWALL
EXIST. TREELINE
EXIST. EDGE OF GRAVEL ROAD
EXIST. UTILITY POLE
EXIST. DRAIN MANHOLE
EXIST. CATCH BASIN
EXIST. SOILS TEST PIT
EXIST. 310
EXIST. BUSH
EXIST. SHED
EXIST. GARAGE
EXIST. SHED
EXIST. BARN
EXIST. SILO
EXIST. SILO
EXIST. BARN
EXIST. GARAGE
EXIST. SHED
EXIST. SHED
EXIST. SHED



NOTE

THERE IS NO SEDIMENT FOREBAY #3.

GENERAL LEGEND

- EDGE OF PAVEMENT
- UTILITY POLE
- DRAIN MANHOLE
- CATCH BASIN
- SOILS TEST PIT
- STONEWALL
- EXISTING TREELINE
- DRAINAGE AREA
- DRAINAGE AREA BOUNDARY
- DRAINAGE FLOW PATH
- SOIL DIVIDE

SOILS LEGEND

NRCS SOIL TYPE	NRCS SOIL SYMBOL	HYDROLOGIC SOIL GROUP
MONTAUK FINE SANDY LOAM	222B	C
UDORTHENTS–URBAN LAND COMPLEX	259	C*

* BASED ON SOIL EVALUATIONS PERFORMED BY THIS OFFICE, MASSACHUSETTS CERTIFIED SOIL EVALUATORS, THE UDORTHENTS–URBAN LAND COMPLEX SOIL WAS DETERMINED TO BE CONSISTENT WITH MONTAUK FINE SANDY LOAM AND THEREFORE CLASSIFIED AS A HYDROLOGIC SOIL GROUP C.

POST DEVELOPMENT DRAINAGE MAP
ASPHALT MANUFACTURING FACILITY

540 GROTON ROAD
WESTFORD, MA

Scale: 1"= 50'

APRIL 6, 2009

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET
SUITE 1A
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML

DATE	REVISION	BY
10/30/09	PER PEER REVIEW COMMENTS.	MAW
7/31/09	PER PEER REVIEW COMMENTS.	DSL

COMMONWEALTH OF MASSACHUSETTS — MATTHEW A. WOJCIK — CIVIL — No. 39017 — REGISTERED PROFESSIONAL ENGINEER

LandTech CONSULTANTS
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Ph: (978) 692-8100 – landtechinc.com

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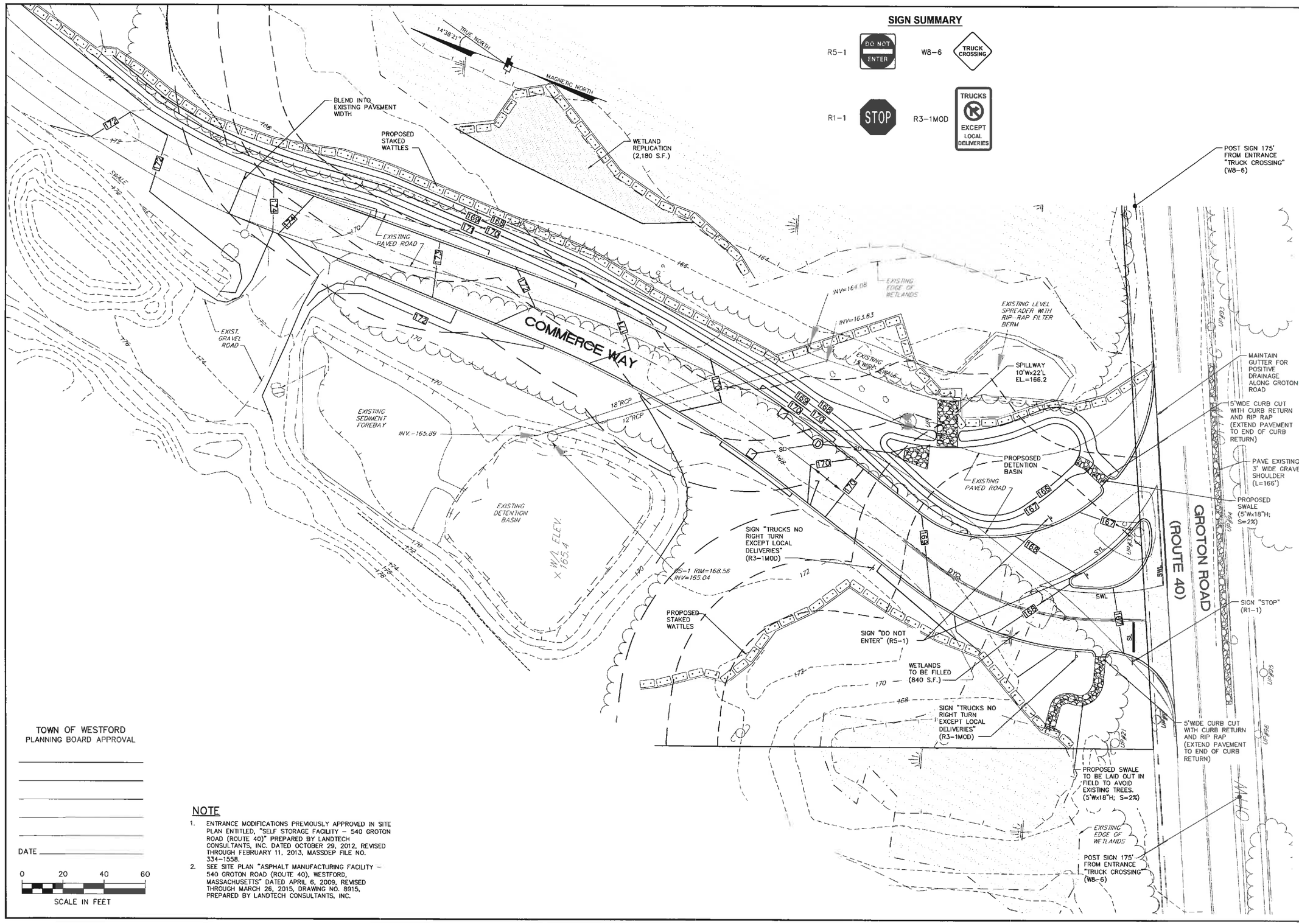
Job. No. 09-102 | Dwg. No. 8815 | Sheet POST

SIGN SUMMARY

R5-1	DO NOT ENTER	W8-6	TRUCK CROSSING
R1-1	STOP	R3-1MOD	TRUCKS EXCEPT LOCAL DELIVERIES



TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE

0 20 40 60
SCALE IN FEET

NOTE

1. ENTRANCE MODIFICATIONS PREVIOUSLY APPROVED IN SITE PLAN ENTITLED, "SELF STORAGE FACILITY – 540 GROTON ROAD (ROUTE 40)" PREPARED BY LANDTECH CONSULTANTS, INC. DATED OCTOBER 29, 2012, REVISED THROUGH FEBRUARY 11, 2013, MASSDEP FILE NO. 334-1558.
2. SEE SITE PLAN "ASPHALT MANUFACTURING FACILITY – 540 GROTON ROAD (ROUTE 40), WESTFORD, MASSACHUSETTS" DATED APRIL 6, 2009, REVISED THROUGH MARCH 26, 2015, DRAWING NO. 8915, PREPARED BY LANDTECH CONSULTANTS, INC.

BY	REVISION	DATE
MAW	SIGN LEGEND/PAINT MARKINGS	4/9/15

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML/JDS

ENTRANCE MODIFICATION PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

APRIL 8, 2015

Scale: 1"= 20'

LandTech
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692-6100 – landtechinc.com

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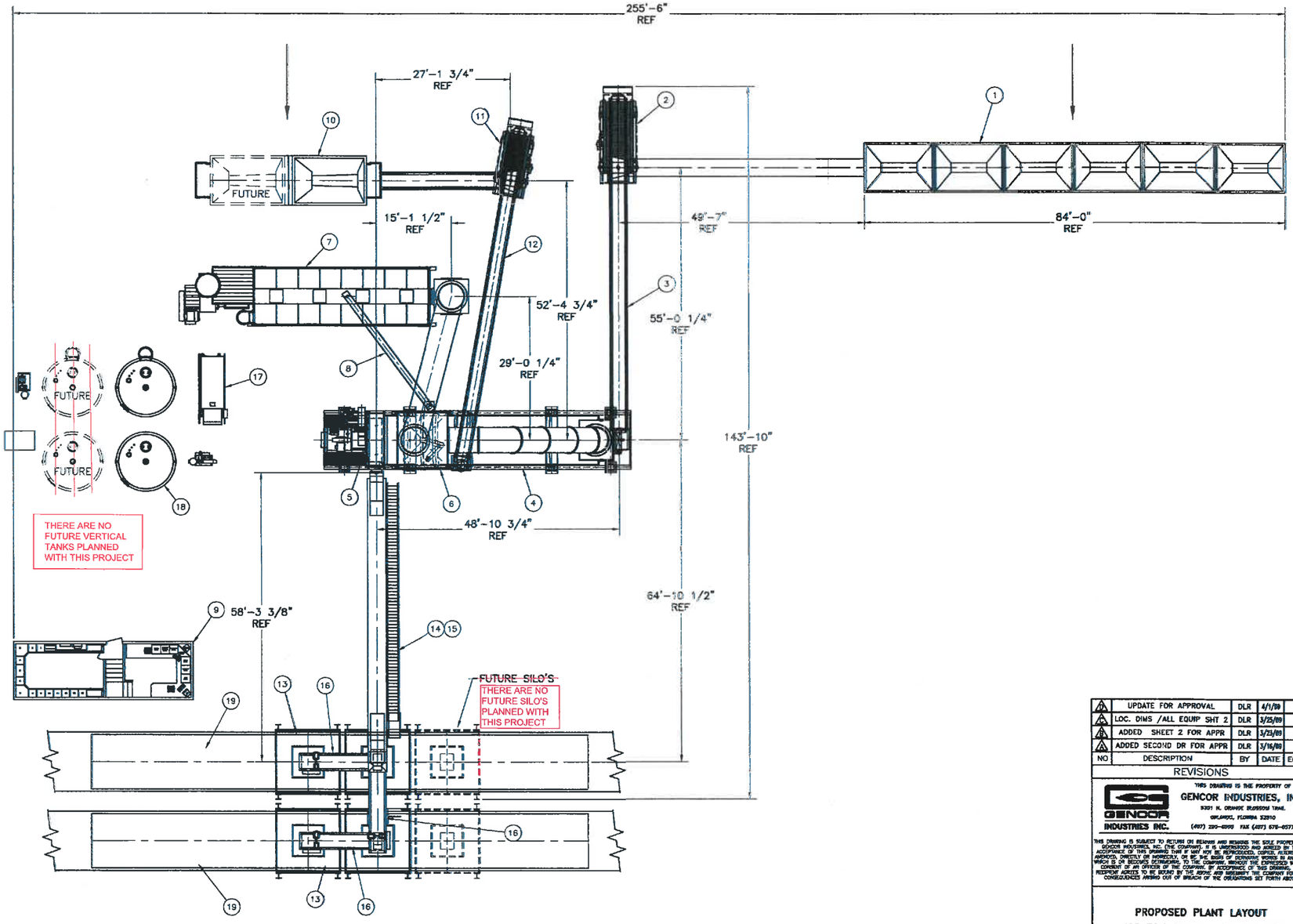
Job. No. 08-102 | Dwg. No. 9997 | Sheet 1 OF 1

1. Six – 10' x 14' Skidded Cold Feed System with Two Bin Vibrators, 1' Bin Dividers, 36" x 10'2" Troughing Feeders with Eddy Current Drives, and 36" Collector Conveyor with Drive.
2. 5' x 14' Deister Aggregate Vibrating Screen Double Deck with Total Remote Bypass and Drive.
3. 30" x 70' Skidded Aggregate Scale Conveyor with Drive.
4. Model 400, 9'9" x 44' Skidded Insulated Ultradrum with 1/2" Shell, Advance RAP Entry, Ultra II 135 Oil/Gas Fired Burner, Four Drives, Flue Gas Recirculation, Feed Chute with Vibrator and 1/2" NI–Hard Liners, Remote Controlled Calibration Chute, Variable Frequency AC Pump with Coriolis Meter, Fuel Pump, and Blue Smoke Capture System.
5. Ultrafoam GX Warm Mix System.
6. Primary Collector Mounted Over Drum
7. Model CFS 151, 74,092 CFM Skidded Baghouse with 872– 7'2" Bags Made of Microdenier Material, 15,059 Sq. Ft. of Cloth, 4.92:1 Air to Cloth Ratio, Model 490 BCS Exhaust Fan with One Motor.
8. Dust Removal System: One 14" Diameter Auger with Drive, Calibration Port, and Trickle Valve.
9. 12' x 36' Skidded Operator's Control Center, Motor Control Center, UltraLogiks™ Process and Silo Loadout Controls, and Vector Burner Control
10. One 10'x 15' Skidded Recycle Bin – Series I, One Bin Vibrator, 42" x 3'3" Troughing Feeder with Eddy Current Drive, 36" Collector Conveyor with Drive, Hinged Grizzly, Access Platform with Ladder, and Full Bulkheads with Wing Walls.
11. 4' x 10' Deister Recycle Vibrating Screen Single Deck with Drive.
12. 24" x 70' Skidded Recycle Scale Conveyor with Drive.
13. Four 200 Ton Deluxe Stationary Silos with Safety Gates, 1/2" Ceramic Cone Liners, 1/2" x 2' Ceramic Wall Liners and Rotary Plant Air Compressor.
14. Top of Silo Blue Smoke for Four Silos over Two–Drives.
15. 400 TPH x 86' Deluxe Slat Conveyor with Cleanout, Reject Chute, and Drive.
16. Two 400 TPH x 16' Two Way Top of Silo Transfers, and One 400 TPH x 18' Top of Silo Cross Transfer Conveyor Each with Drives.
17. HYFGO 200 Gencor Hot Oil Hy Way Heater with Expansion Tank Stand.
18. Two 30,000 Gallon Indirect Fired AC Vertical Tanks with Unloading Pump, and 3" Unloading/Metering Piping.
19. Two 11'x 100' Rice Lake Low–Profile Truck Scales



0 5 10 15 20 25 30 35 40 45 50 55 60 65 70 75 80 85 90 95 100

NOTE; THIS DRAWING IS INTENDED TO SHOW GENERAL ARRANGEMENT ONLY. ALL DIMENSIONS AND EQUIPMENT ARE APPROXIMATE AND SUBJECT TO CHANGE PENDING FINAL ELEVATIONS BY ENGINEERING.

NO	DESCRIPTION	BY	DATE	ECO
1	UPDATE FOR APPROVAL	DLR	4/1/09	.
2	LOC. DIMS /ALL EQUIP SHT 2	DLR	3/25/09	.
3	ADDED SHEET 2 FOR APPR	DLR	3/23/09	.
4	ADDED SECOND DR FOR APPR	DLR	3/16/09	.

REVISIONS

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ORLANDO, FLORIDA 32810
(407) 290-6000 FAX (407) 578-6577
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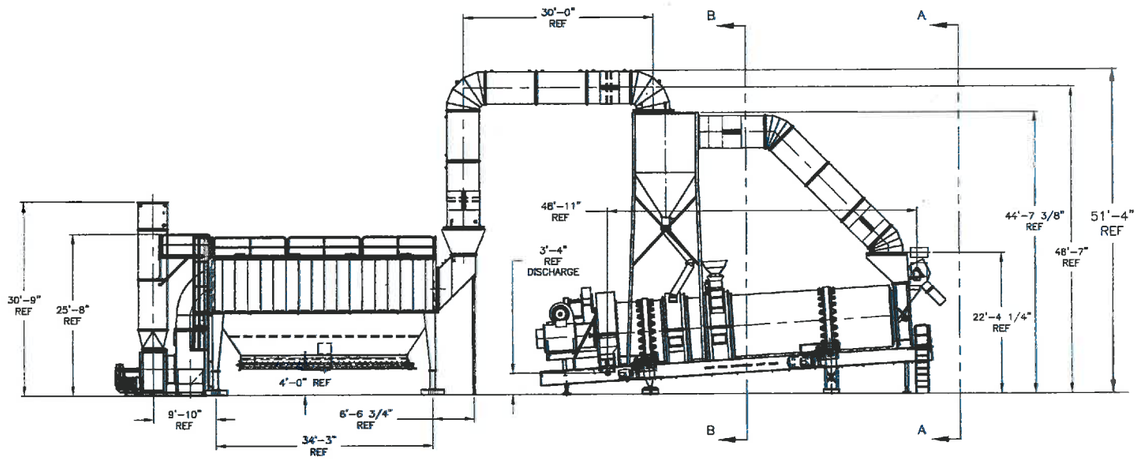
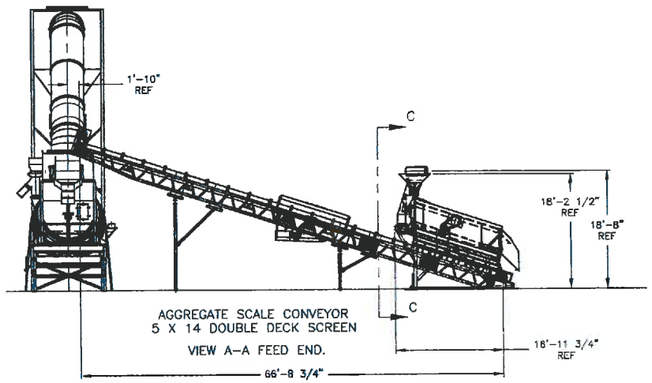
PROPOSED PLANT LAYOUT
400 TON SKIDDED ULTRAPLANT

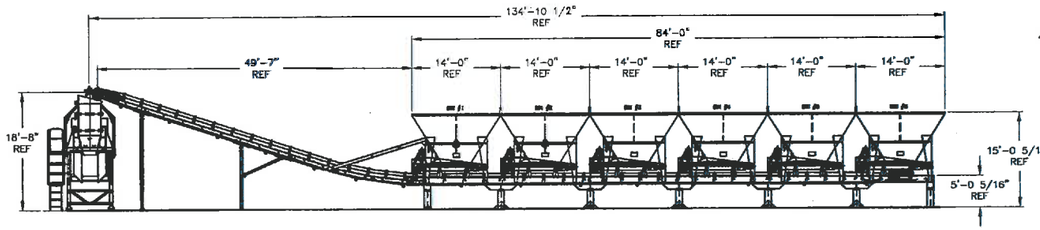
CUSTOMER: NEWPORT MATERIALS			
DSF: 0.026	JOB NO: .	SIMILAR TO: .	
ASSY NO: M41.01.7001		NEXT ASS'Y: .	
DWN: DLR	DATE: 3/4/09	DWG SCALE: 3/32" = 1'–0"	
CK'D: .	DATE: .	INDEX NO: 0	DRAWING NO. D4101701
APP'D: JW	DATE: 3/4/09	FILE NO: .	SHEET 1 OF 1

ALL ELEVATIONS ARE SHOWN IN LINE, OR AT PERPENDICULAR ANGLES FOR CLARITY OF THE VIEW
PLEASE VIEW PLANT LAYOUT PLAN VIEW FOR EQUIPMENT POSTIONING.
THIS DRAWING IS SUPPLIED FOR INFORMATION, AND IS NOT MEANT FOR CONSTRUCTION.

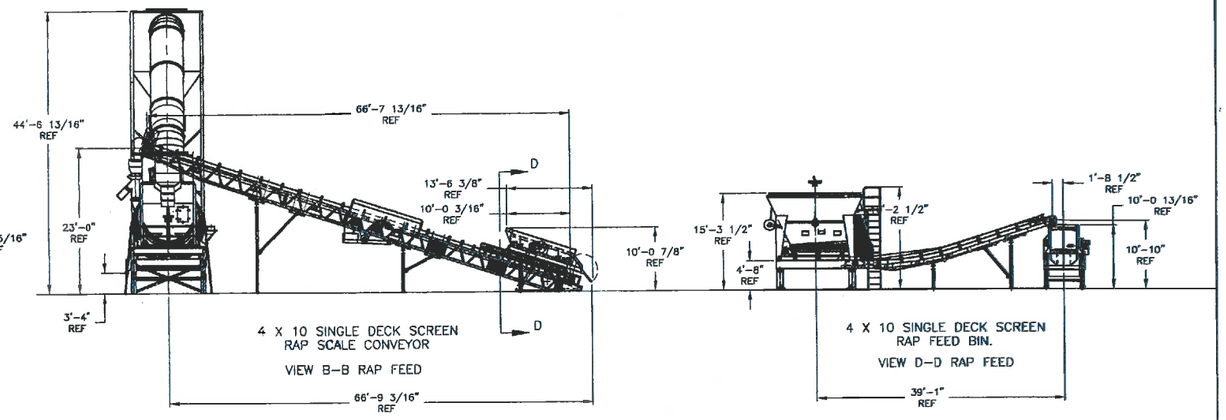




AGGREGATE SCALE CONVEYOR
5 X 14 DOUBLE DECK SCREEN
VIEW A-A FEED END.



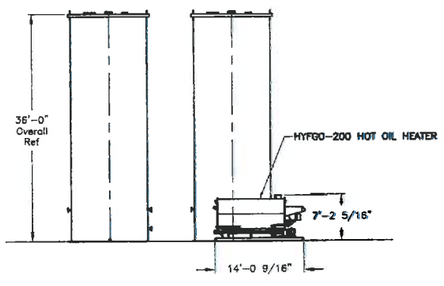
5 X 14 DOUBLE DECK SCREEN
AGGREGATE BINS
VIEW C-C AGGREGATE FEED

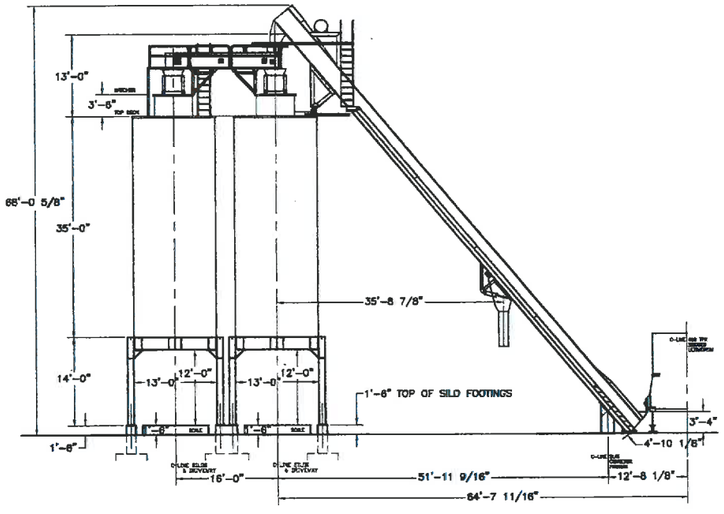


4 X 10 SINGLE DECK SCREEN
RAP SCALE CONVEYOR
VIEW B-B RAP FEED

4 X 10 SINGLE DECK SCREEN
RAP FEED BIN.
VIEW D-D RAP FEED

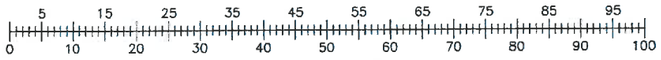
TWO 30K VERTICAL INDIRECT FIRED
AC TANKS.

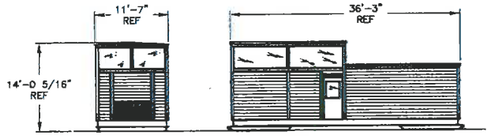




(4) 200 TON DELUXE SILOS
86'-0" SLAT CONVEYOR

NOTE; THIS DRAWING IS INTENDED
TO SHOW GENERAL ARRANGEMENT ONLY.
ALL DIMENSIONS AND EQUIPMENT ARE
APPROXIMATE AND SUBJECT TO CHANGE
PENDING FINAL ELEVATIONS BY ENGINEERING.





SKIDDED 12x36 SPLIT-LEVEL (Left Hand – ABMCC)

NO	DESCRIPTION	BY	DATE	ECO
1	UPDATE FOR APPROVAL	DLR	4/1/09	.
2	ALL PLNT COMP FOR APPROVAL	DLR	3/25/09	.
3	SHEET 2 ADDED FOR APPROVAL	DLR	3/24/09	.

REVISIONS

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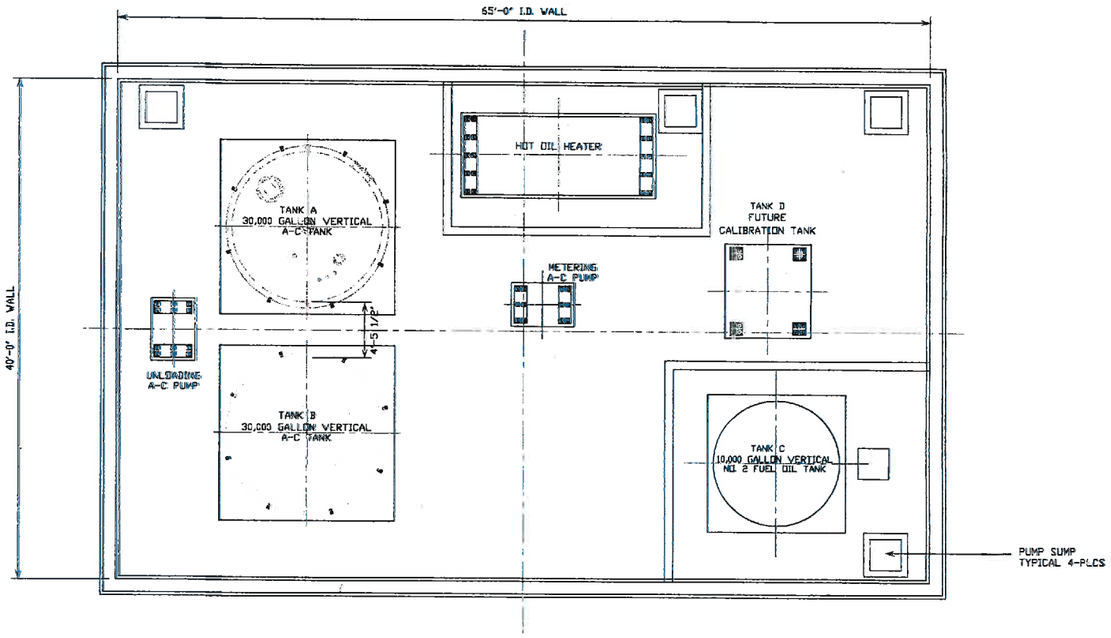
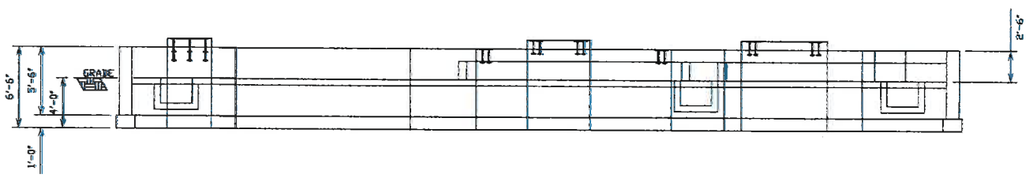
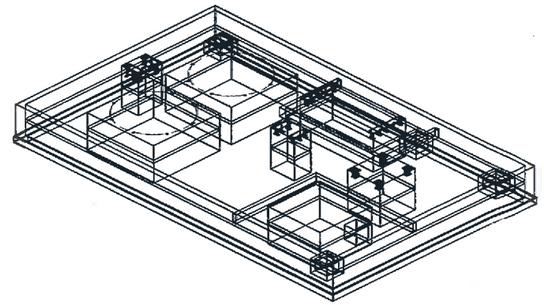
PROPOSED
400 TON SKIDDED ULTRAPLANT
GENERAL COMPONENT
ELEVATIONS FOR INFORMATION

CUSTOMER: NEWPORT MATERIALS			
DSF: 0.010	JOB NO: .	SIMILAR TO: .	
ASS'Y NO: .		NEXT ASS'Y: .	
DWN: DLR	DATE: 3/24/09	DWG SCALE: 1/8" = 1'-0"	
CK'D: .	DATE: .	INDEX NO: 0	DRAWING NO. D4101702
AP'D: JM	DATE: 3/24/09	FILE NO: .	SHEET 2 OF 2

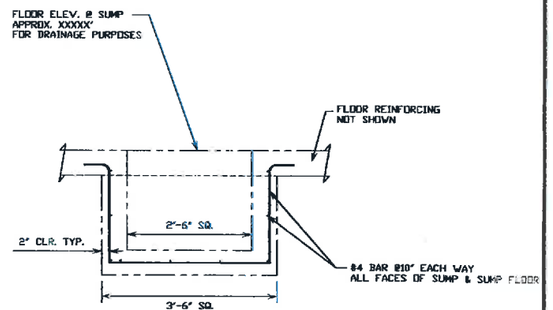


TANK FARM FOUNDATION PLAN





TANK FARM FOUNDATION
SCALE: NTS



PUMP SUMP DETAIL
TYPICAL TWO (2) PLACES
SCALE 3/4"=1'-0"

TANK A - 30,000 GALLON A-C STORAGE TANK, VERTICAL DESIGN
TANK B - 30,000 GALLON A-C STORAGE TANK, VERTICAL DESIGN
TANK C - 10,000 GALLON NO. 2 OIL STORAGE TANK, VERTICAL DESIGN
TANK D - FUTURE CALIBRATION TANK 1,000 GALLON, VERTICAL DESIGN
TANK E - HOT OIL HEATER 85 GAL.

CONTAINMENT AREA REQUIREMENT IS VOLUME OF LARGEST TANK (NFPA CODE 30)
USE 100% LARGEST TANK PLUS 10% OF BALANCE TO ALLOW FOR CHANGES
TOTAL NET VOLUME REQUIRED IS 34,109 GALLONS (4,560 CU. FT.)
TOTAL NET VOLUME AS SHOWN 4,636 CU. FT.

NORMAL PRECIPITATION ACCUMULATION IS COUNTERED BY EVAPORATIVE LOSSES HOWEVER WHEN EXTRAORDINARY WATER ACCUMULATES IT MUST BE REMOVED USING SUMP PUMPS. IF OIL PRESENT ANY LIQUID REMOVED MUST BE HANDLED IN APPROPRIATE MANNER AS REGULATED BY MASSDEP

REV. NO.	REMARKS	MADE BY	DATE
	REVISIONS		

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DO NOT SCALE DWG.
USE DIMENSIONS ONLY.

DRAWN	DMJR	DATE	05/21/09
CHECKED		DATE	
ORIGIN. ISSUE	DMJR	DATE	04/02/09
SHEET:	1 OF 1		

ENGINEERING TECHNOLOGIES GROUP, INC.
ENGINEERED PRODUCTS <> DESIGN SOLUTIONS <> ENVIRONMENTAL PERMITTING

HMA DRUM MIX PLANT PROJECT
TANK FARM – PLAN & SIDE ELEVATION
NEWPORT MATERIALS, LLC WESTFORD, MA

SCALES	DWG. NO.	REV.
3/16"=1'-0" U.O.N.	2785-140-1-A1	A

R:\PW-DWG-TEMPLATES-SHARED\SUBDIVISION\ (SUBDIVISION) KEYPAD STAMP.DWG 140-1.DWG

GRADE AREA TO REDUCE SLOPE AS SHOWN, LOAM AND SEED SURFACE AND PLANT TREES AS SHOWN

(300' WIDE LIMITED ACCESS HIGHWAY) (1958 STATE LAYOUT)

U.S. ROUTE 3

GRADE AREA TO REDUCE SLOPE AS SHOWN, LOAM AND SEED SURFACE AND PLANT TREES AS SHOWN

GRAVEL ACCESS ROAD

APPROXIMATE TOWN LINE

LEVEL TOP OF SLOPE, LOAM AND SEED SURFACE

CHELMSFORD WESTFORD

LEVEL TOP OF SLOPE, LOAM AND SEED SURFACE

APPROXIMATE TOWN LINE

FUTURE INTERNAL ROAD CONNECTION-- NORTHERN VIDEO SURVEILLANCE CAMERA LOCATION

EXISTING SOLAR FARM [2]

GRAVEL ACCESS ROAD

EXISTING SOLAR FARM [2]

EXISTING STOCKPILES ARE TO BE REMOVED AND AREAS GRADED TO MATCH EXISTING GRADES

MATERIAL STORAGE FOR ASPHALT MANUFACTURING FACILITY 5 BINS – EACH APPROX. 40'Wx20'Lx20'H (1)

APPROXIMATE LOCATION OF 10'(H) x 225'(W) WOOD PANEL SOUNDWALL

MAINTENANCE SHED (3)

30,000 GALLON FIRE CISTERN

LANDSCAPED BERM–90'Wx450'L VARIES 10'H TO 14'H, LOAM AND SEED BERM, ALLOW TO STABILIZE

[3] ASPHALT, BRICK, & CONCRETE PROCESSING AREA

[1] ASPHALT MANUFACTURING FACILITY

30,000 GALLON FIRE CISTERN

TRUCK SCALE AND SCALE HOUSE (4)

PROPOSED EMERGENCY ACCESS GATE (2)

UTILITY POLE FARM SOLAR (5)

SOUTHERN VIDEO SURVEILLANCE CAMERA LOCATION

(2) BUILDING TO BE REMOVED, FORMERLY MODERN CONTINENTAL

REPLACEMENT 6,000 S.F. OFFICE/LAB BUILDING AND PARKING (2)

ROUTE 40

GROTON ROAD

PROPOSED 20' WIDE EMERGENCY ACCESS EASEMENT

0 150 300 450

SCALE IN FEET

TRUE NORTH 14°38'21" MAGNETIC NORTH

[A] APPROXIMATE VIEW OF VEGETATED HILLSIDE

APPROXIMATE LOCATION OF FUTURE INTERNAL ROAD CONNECTION

SITE

LOCATION PLAN
SCALE: 1"=1250'±

APPROXIMATE LOCATION OF FUTURE INTERNAL ROAD CONNECTION

TAX MAP 48 PARCEL 2

TAX MAP 48 PARCEL 11.239

TAX MAP 48 PARCEL 1

SITE

ADDITIONAL LAND OF LEMASURIER
SCALE: 1"=400'±

PRIMARY USE:
- [1] ASPHALT MANUFACTURING FACILITY (RETAIL SALES TO INDUSTRIAL/COMMERCIAL BUYERS)
- [2] SOLAR FARM
- [3] ASPHALT, BRICK, & CONCRETE PROCESSING AREA

ACCESSORY USES:
- (1) MATERIAL STORAGE FOR ASPHALT MANUFACTURING FACILITY. 5 BINS – EACH APPROX. 40'Wx20'Lx20'H
- (2) OFFICE-- LAB BUILDING
- (3) MAINTENANCE SHED
- (4) WEIGH SCALE AND TRUCK HOLDING AREA
- (5) UTILITY POLE FARM – SOLAR AREA

PERMITS:
FROM TOWN OF WESTFORD:
1. MAJOR COMMERCIAL PROJECT SPECIAL PERMIT – PB1504SP MCP
2. SPECIAL PERMIT – WRPOD – PB1504 SP WRPOD
3. STORMWATER MANAGEMENT PERMIT – ASPHALT MANUFACTURING FACILITY – PB1504 SWM
4. STORMWATER MANAGEMENT PERMIT – 540 GROTON ROAD – PB1605 SWM
5. ORDER OF CONDITIONS – CONSERVATION COMMISSION – DEP FILE NUMBER 334-1558
6. SITE PLAN REVIEW – PB1504 SPR SITE PLAN REVIEW
7. ORDER OF CONDITIONS – 540 GROTON ROAD ENTRANCE – DEP FILE NUMBER 334-1558
8. ORDER OF CONDITIONS – REAR PROPERTY STREAM CROSSING – DEP FILE NUMBER 334-1620
9. ZBA PERMIT FOR EXTENSION OF PRE-EXISTING NON-CONFORMING (ABC PROCESSING) – BOA 09002SP/SP RENEWAL
10. SOLAR ELECTRICAL – PERMITS FROM BUILDING DEPARTMENT

FROM STATE OF MASSACHUSETTS:
1. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
2. MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MassDEP) – AIR QUALITY NON MAJOR COMPREHENSIVE PLAN APPLICATION – TRANSMITTAL NUMBER X227251 APPLICATION NUMBER MBR-09-IND-005
3. MassDEP ADMINISTRATIVE CONSENT ORDER – 2016
4. MassDEP ADMINISTRATIVE CONSENT ORDER – NOTICE OF NON-COMPLIANCE – ACOP-NE-12-6W007-NT

PRIMARY USE	ACCESSORY USE				
	(1)	(2)	(3)	(4)	(5)
[1]	√	√	√	√	
[2]		√	√	√	
[3]					√

DATE	REVISION	BY
9/21/16	TOWN COMMENTS	MAW

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft GDF | Check MAW

ILLUSTRATIVE USE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

JULY 22, 2016

Scale: 1"= 150'

LandTech Consultants
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692-6100 – landtechinc.com

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Job. No. 09-102 | Dwg. No. 10231 | Sheet 1 OF 1

N/F
FG ACQUISITION, LLC
TAX MAP 46, PARCEL 14
DEED BOOK 10055, PAGE 45

MAGNETIC NORTH
14°38'21"
TRUE NORTH

MAX. SLOPE 3.0%

EMERGENCY ACCESS

LIMIT OF SITE PLAN

121.83'

SNOW STORAGE

AREA TO BE LOAMED & SEEDED

EXISTING PAVEMENT (TBR)

EXIST. BLDG. (FRMLY MODERN CONTINENTAL)

PROPOSED 6,400 SF BUILDING

(MATCH EXISTING SLAB ELEVATION 182.2±)

LAWN AREA

PROPOSED SIDEWALK

CONNECT PLUMBING TO EXISTING SEPTIC SYSTEM

PROPOSED CONC. SIDEWALK

EXTEND EXISTING WATERLINE TO BUILDING

PROPOSED GAS LINE

EXISTING WELL

EXISTING PROPANE TANK

EXISTING SEPTIC SYSTEM

EXISTING SEPTIC TANK

11 SPACES

17 SPACES

5 SPACES

24.0'

18.0'

9.0'

R=48'

R=24'

R=18'

R=5'

R=10'

CURB CUT

END CURB

INSTALL 5'W. STONE SWALE

EXISTING SWALE TO REMAIN

PROPOSED SHADE TREE, TYP. (SEE SHEET DS2 FOR MassDOT APPROVED LIST)

SWALE BOT=174.0

WCR

5' WIDE GRAVEL SIDEWALK

COORDINATE ELECT., TEL & CABLE W/ RESPONSIBLE UTILITY

ACCESS ROAD

APPROX. LOCATION OF EXIST. TRUCK SCALE

EXIST. BLDG.

EXIST. STOCKPILE

684.92' TO PROPERTY LINE

DRAINAGE

GRAVEL PARKING LOT

OHW

SITE ITEM KEY

- A – BITUMINOUS CONCRETE PAVEMENT:
  1 1/2" BITUMINOUS CONCRETE WEARING COURSE (CLASS I, TYPE I-1)
  2 1/2" BITUMINOUS CONCRETE BINDER COURSE (CLASS I, TYPE I-2)
  12" GRAVEL SUBBASE
- B – CONCRETE FILLED BOLLARD
- C – BITUMINOUS CONCRETE CURBING
- D – CONCRETE HANDICAP RAMP
- E – LANDSCAPED AREA
- F – LOW SODIUM YARD LIGHT
- G – VAN ACCESSIBLE HANDICAP PARKING SIGN
- H – PAINTED HANDICAP PARKING SYMBOL
- J – 4" PAINTED LINES (WHITE)
- K – CONCRETE DUMPSTER PAD
- L – SITE SIGN
- M – BITUMINOUS CONCRETE SIDEWALK
- N – LOW SODIUM YARD LIGHT
- O – EOP (NO CURBING)

SITE SUMMARY – WESTFORD – ZONE: INDUSTRIAL A (IA)

DESCRIPTION	REQUIRED	PROVIDED
MINIMUM LOT AREA	40,000 S.F.	5,031,872 S.F. (115.5 Ac.)
MINIMUM LOT FRONTAGE	200 FT.	412.57 FT.
MINIMUM FRONT YARD	35 FT.	858 FT.
MINIMUM SIDE YARD *	15 FT.	121.8 FT.
MINIMUM REAR YARD *	30 FT.	
MAXIMUM BUILDING HEIGHT	40 FT. (4 STORIES)	<40 FT. (2 1/2 STORIES)
MINIMUM OPEN SPACE 30% CONTIGUOUS LAND OF TOTAL LOT	5,031,872 S.F. x .30 = 1,509,561 S.F.	167,105 S.F. (35%)
MINIMUM PARKING SPACES (1 PER 300 S.F.)	6,400 S.F. / 300 S.F. = 21.3 SPACES	33 SPACES

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

NOTE:
LANDSCAPING AND LIGHTING ARE APPROXIMATE AND WILL BE FINALIZED AS PART OF THE FUTURE SITE PLAN APPLICATION

0 20 40 60
SCALE IN FEET

DATE	REVISION	BY

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft MJS | Check CWL

SUPPLEMENTAL SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

AUGUST 26, 2016

Scale: 1" = 20'

LandTech
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692-6100 – landtechinc.com

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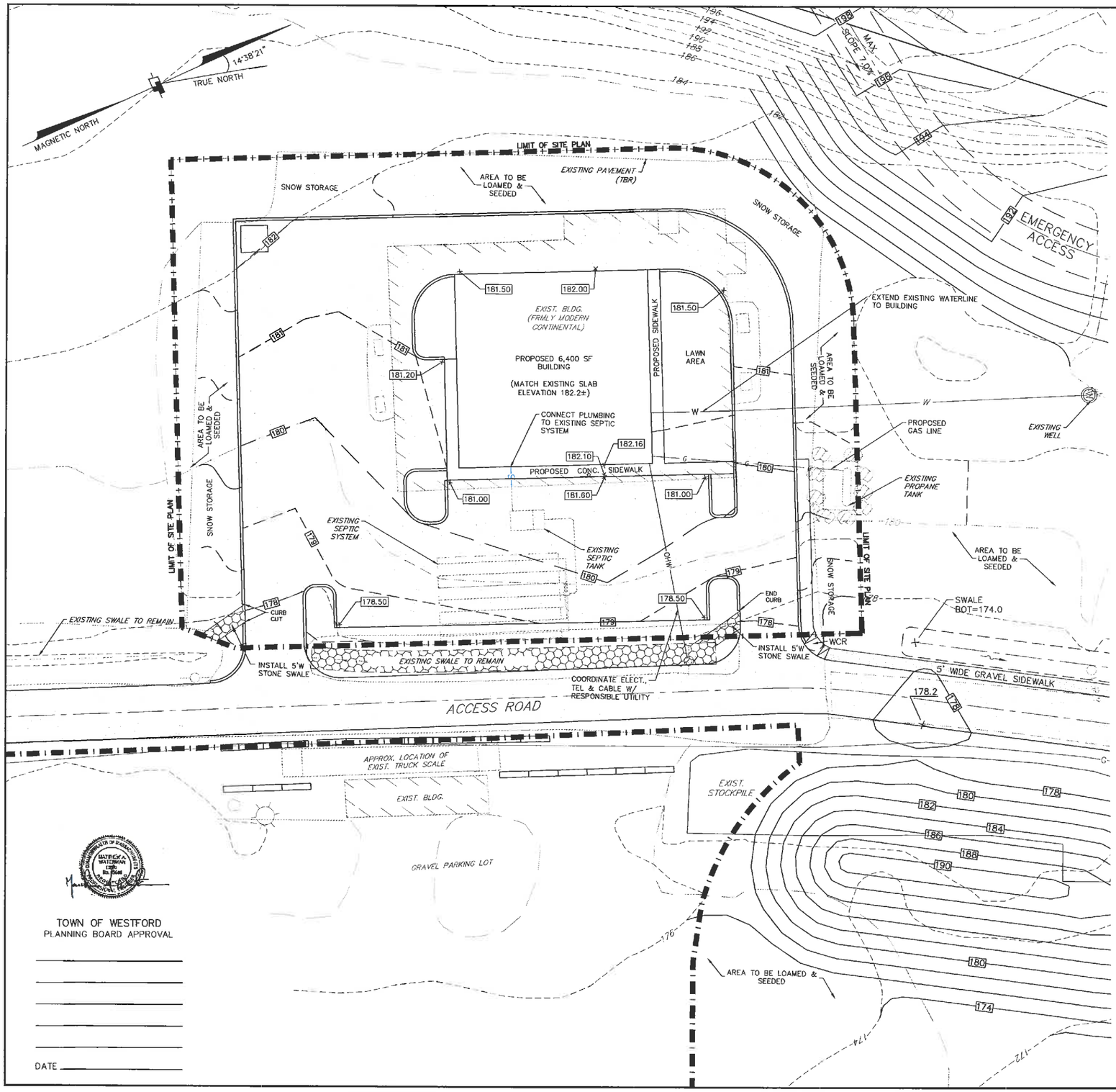

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

CONSTRUCTION NOTES:

1. ALL DISTURBED AREAS ARE TO RECEIVE 6" OF LOAM & SEED UNLESS OTHERWISE NOTED.
2. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND GRADES ON SITE AND SHALL IMMEDIATELY REPORT ANY DISCREPANCIES OR DEVIATIONS FROM THE CONSTRUCTION PLANS TO THE ENGINEER. ALSO REPORT ANY CONDITIONS UNCOVERED IN THE WORK WHICH ARE NOT REFLECTED WITHIN THE PLANS.
3. ANY DISTURBANCE TO EXISTING PUBLIC AND PRIVATE WAYS DURING CONSTRUCTION SHALL BE REPAIRED IN ACCORDANCE WITH THE TOWN OF WESTFORD HIGHWAY DEPARTMENT.
4. LOCATION AND SIZE OF EXISTING UTILITIES IS APPROXIMATE ONLY. CONTRACTOR MUST VERIFY PROPOSED CONNECTIONS WITH RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION. DIG SAFE SHALL BE NOTIFIED AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION (1-888-344-7233).
5. FINAL LOCATION, SIZE, AND DEPTH OF PRIVATE UTILITIES ARE SUBJECT TO THE APPROVAL OF THE RESPECTIVE UTILITY COMPANY.
6. ONLY CLEAN FILL SHALL BE USED FOR THE PROJECT. FILL SHALL BE CLEAR OF TRASH, DEBRIS, ASPHALT, BRICK, CONCRETE, METAL, WOOD OR OTHER RECYCLED CONSTRUCTION MATERIALS.

UTILITY NOTES:

1. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING RECORD DRAWINGS THROUGHOUT THE PROJECT AND PROVIDING THE OWNER WITH A SET OF THE FINAL RECORD DRAWINGS WHEN THE PROJECT IS COMPLETE.
2. ALL TRENCHING, PIPE LAYING AND BACKFILLING SHALL BE IN ACCORDANCE WITH FEDERAL OSHA REGULATIONS.
3. THE CONTRACTOR SHALL NOTIFY THE WESTFORD HIGHWAY DEPARTMENT AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY ROADWORK OR MUNICIPAL CONSTRUCTION.
4. THIS PROJECT IS SUBJECT TO ALL TERMS AND CONDITIONS OF ALL REGULATIONS ADMINISTERED BY THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION, MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, HIGHWAY DIVISION, LOCAL UTILITY COMPANIES AND MUNICIPAL OFFICIALS. THE CONTRACTOR SHALL REVIEW ALL RELEVANT FEDERAL, STATE AND MUNICIPAL PERMITS ASSOCIATED WITH THIS PROJECT. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CERTIFY THAT ALL RELEVANT REQUIREMENTS REGARDING CONSTRUCTION, TESTING, AND REPORTING OF THE PERMITS HAVE BEEN MET AND THE PROJECT HAS BEEN CONSTRUCTED IN COMPLIANCE WITH THESE PORTIONS OF THE PERMITS.
5. AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE.
6. ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE CONTRACTOR AT THEIR EXPENSE.
7. PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO ENSURE INTEGRITY. IF DISTURBED, THEY SHALL BE REPLACED BY A REGISTERED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
8. THE CONSTRUCTION SITE SHALL BE SECURED IN A MANNER SO AS TO PREVENT INJURY OR PROPERTY DAMAGE TO THE RESIDENTS OF THE TOWN.
9. COORDINATE WATER CONNECTION WITH WESTFORD WATER DEPARTMENT.
10. COORDINATE GAS CONNECTION WITH RESPECTIVE UTILITY COMPANY.
11. COORDINATE ELECTRIC CONNECTION WITH RESPECTIVE UTILITY COMPANY.

GENERAL NOTES:

1. UTILITIES AND GRADING ARE APPROXIMATE AND WILL BE FINALIZED WITH FUTURE SITE PLAN APPLICATION.

0 30 60 90
SCALE IN FEET

BY	DATE	REVISION

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CWL

SUPPLEMENTAL GRADING PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

AUGUST 26, 2016

Scale: 1"= 30'

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Engineering/Design/Surveying/Permitting
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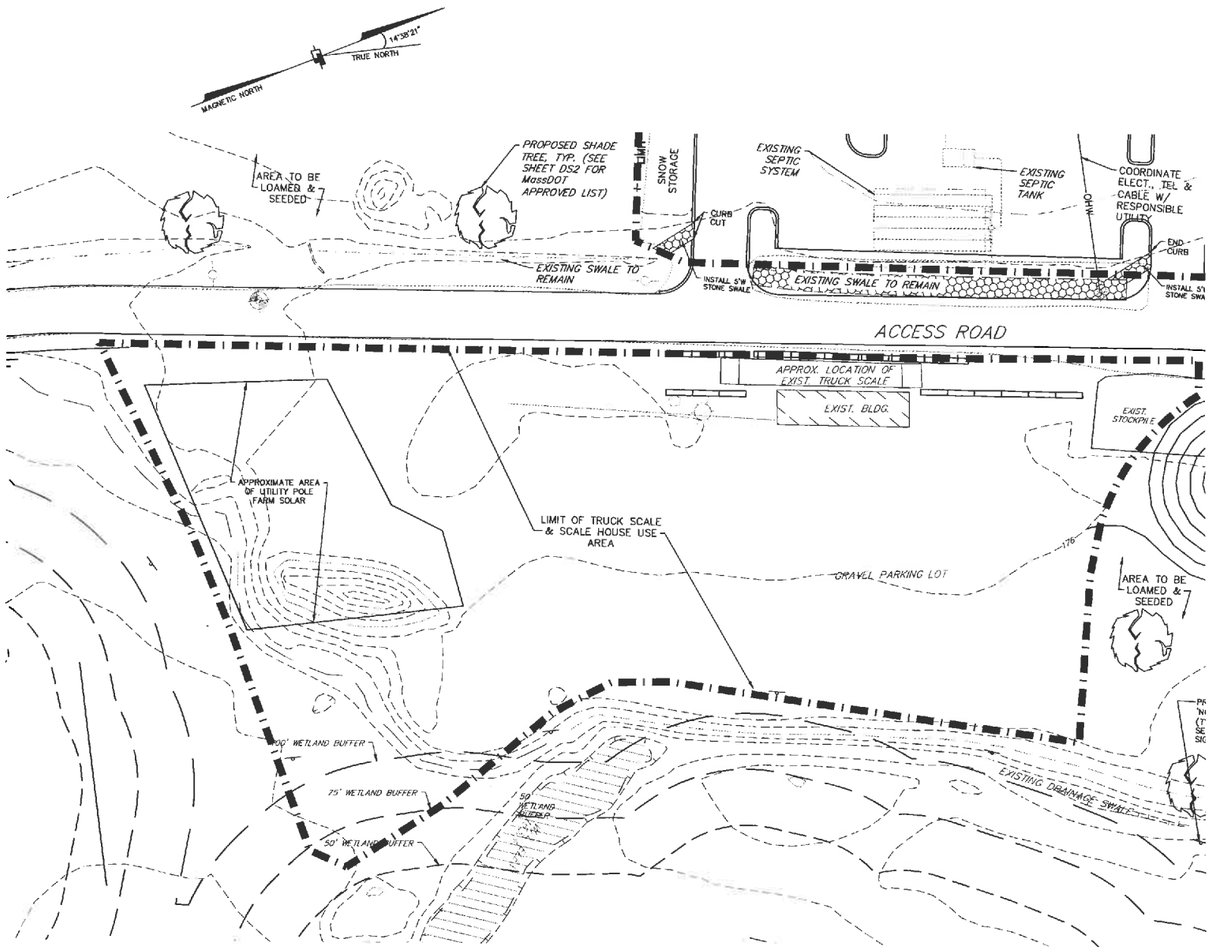
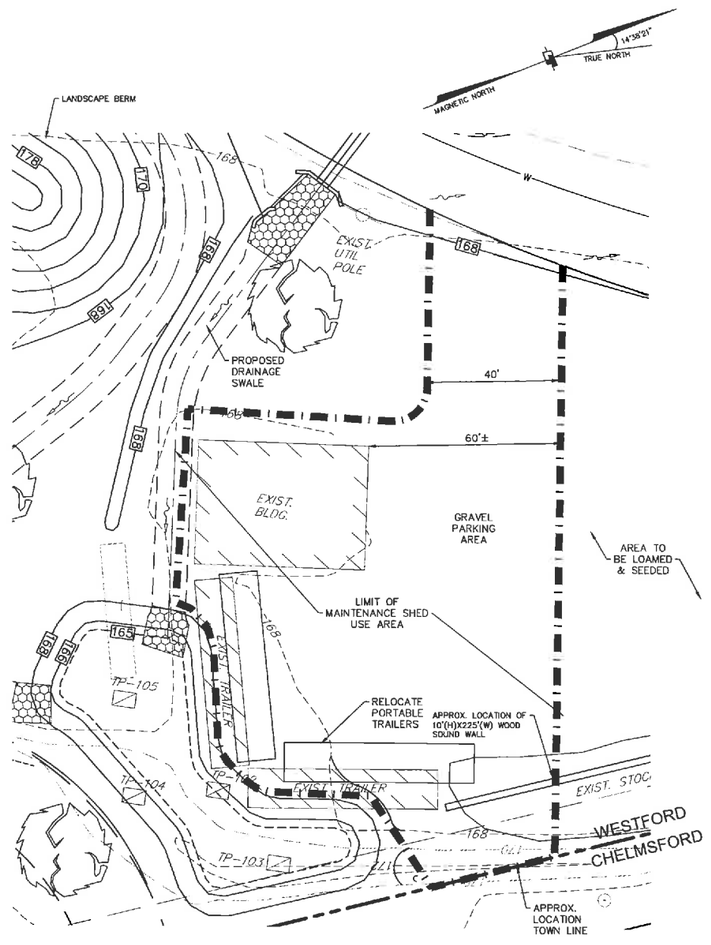


TRUCK SCALE & SCALE HOUSE

SCALE: 1"=30'



MAINTENANCE SHED AREA

SCALE: 1"=20'

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

MATTHEW A. WATERMAN CIVIL No. 35668 REGISTERED PROFESSIONAL ENGINEER

DATE	REVISION	BY

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft MJS | Check CML

SUPPLEMENTAL SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

AUGUST 26, 2016

Scale: 1"= 20'

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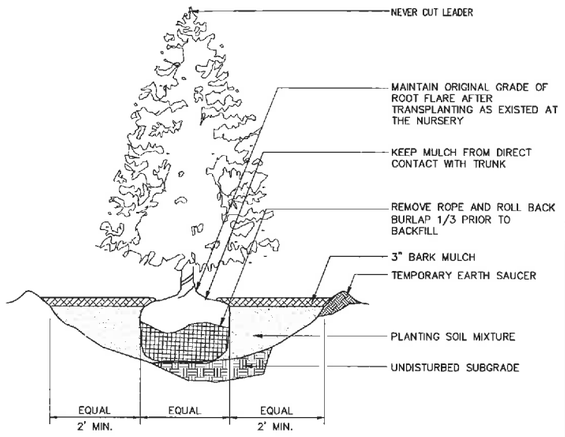
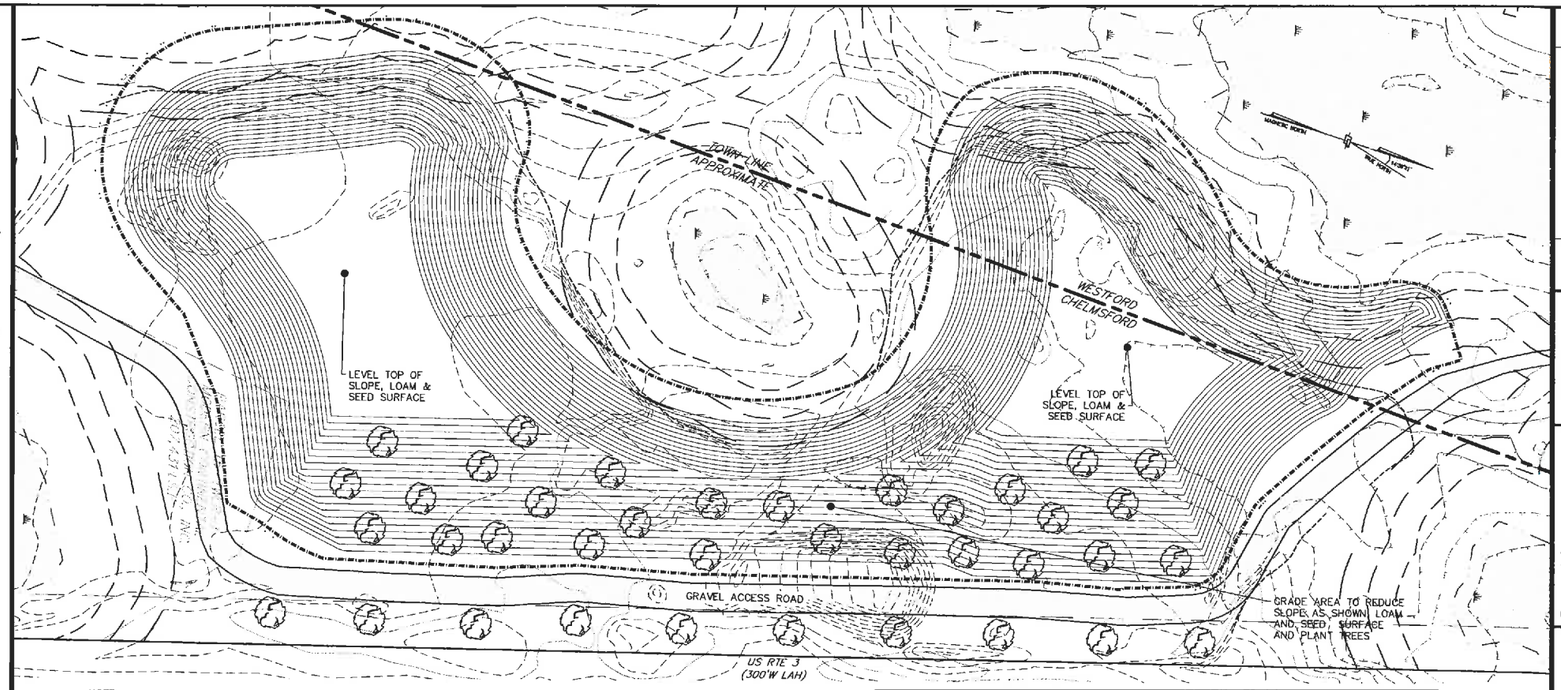
Sheet SP-3



EVERGREEN TREE PLANTING DETAIL
NOT TO SCALE

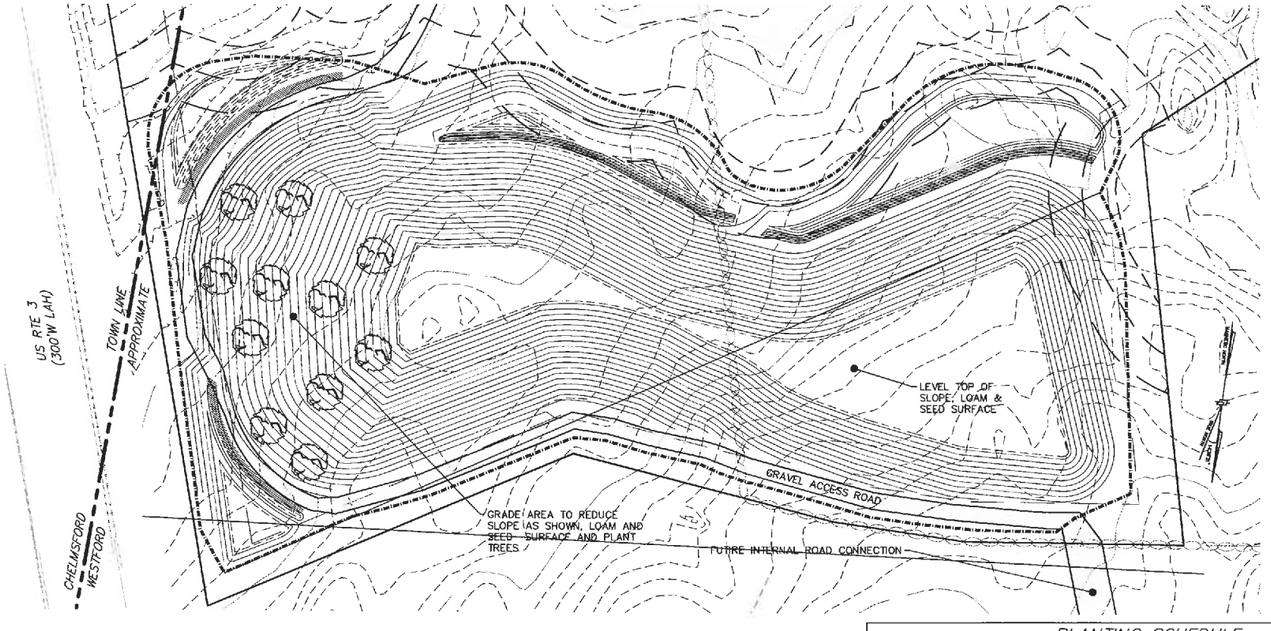


NOTE:
STOCKPILE AREAS TO BE REGRADED, LEVELED, LOAM & SEEDED OR PLANTED AS SHOWN TO RESTORE VEGETATION TO A NATURAL STATE.

FORMER STOCKPILE AREA #1
SCALE: 1"=60'

PLANTING SCHEDULE

QTY.	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
38	WHITE PINE	PINUS STROBUS		B & B



NOTE:
STOCKPILE AREAS TO BE REGRADED, LEVELED, LOAM & SEEDED OR PLANTED AS SHOWN TO RESTORE VEGETATION TO A NATURAL STATE.

FORMER STOCKPILE AREA #2
SCALE: 1"=50'

PLANTING SCHEDULE

QTY.	COMMON NAME	BOTANICAL NAME	SIZE	REMARKS
11	WHITE PINE	PINUS STROBUS		B & B

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

BY	DATE	REVISION

Prepared for:
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164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft MJS | Check CWL

SUPPLEMENTAL SITE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

AUGUST 26, 2016

Scale: 1"= 20'

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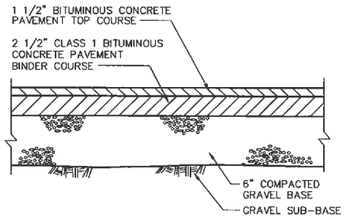
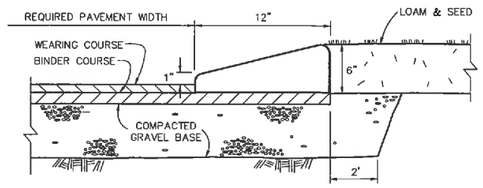
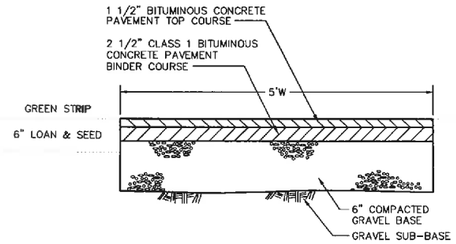


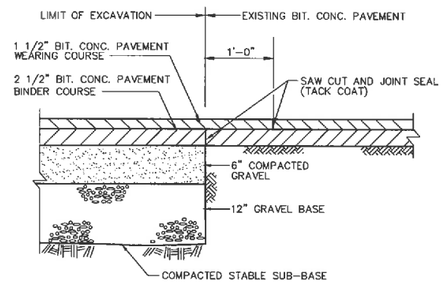
TYPICAL PAVEMENT DETAIL
NOT TO SCALE



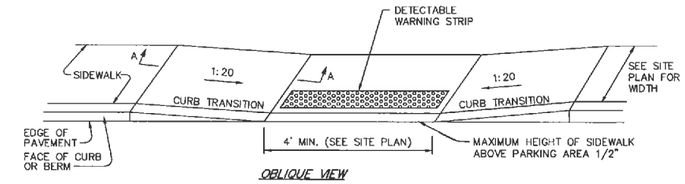
BITUMINOUS BERM
NOT TO SCALE



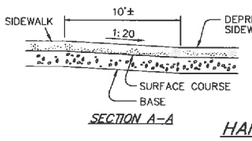
BITUMINOUS CONCRETE SIDEWALK DETAIL
NOT TO SCALE



PAVEMENT MATCHING DETAIL
NOT TO SCALE



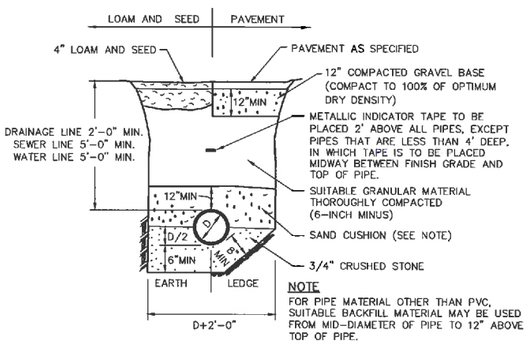
OBLIQUE VIEW



SECTION A-A

NOTES
1. CONSTRUCTION MATERIALS FOR WHEEL CHAIR RAMP TO BE SIMILAR TO ADJACENT SIDEWALK.
2. CONCRETE RAMPS ARE TO BE TEXTURED BY BROOMING IN A DIRECTION PARALLEL TO THE SIDEWALK JOINTS.

HANDICAP RAMP
NOT TO SCALE



NOTE
FOR PIPE MATERIAL OTHER THAN PVC, SUITABLE BACKFILL MATERIAL MAY BE USED FROM MID-DIAMETER OF PIPE TO 12" ABOVE TOP OF PIPE.

TYPICAL TRENCH DETAIL
NOT TO SCALE

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

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NASHUA, NH 03060

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SUPPLEMENTAL DETAIL SHEET
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

AUGUST 26, 2016

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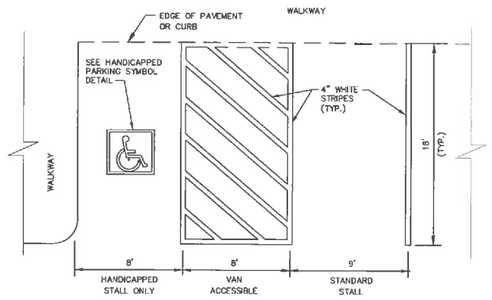
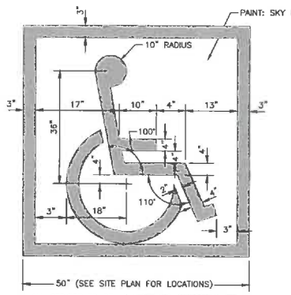


PARKING SPACE STRIPING DETAIL
NOT TO SCALE



ALL STRIPES TO BE 4" WIDE AND PAINTED WHITE.
SEE SITE PLAN FOR LOCATIONS.

HANDICAP SYMBOL PAVEMENT MARKING
NOT TO SCALE

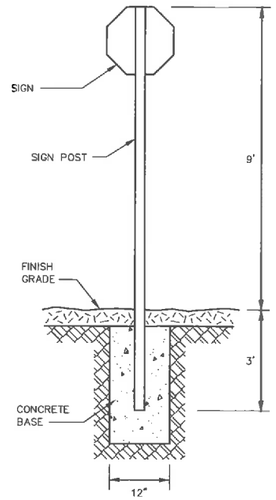


18" x 12"

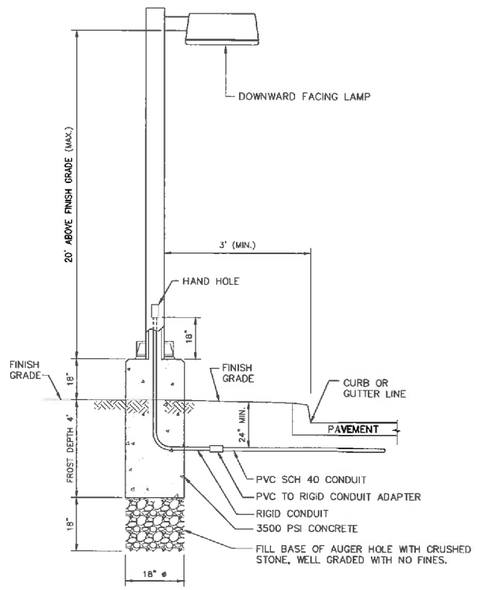
HANDICAPPED PARKING SIGN
NOT TO SCALE
(WHITE LETTERING ON BLUE BACKGROUND)



STOP SIGN
NOT TO SCALE
(WHITE LETTERING ON RED BACKGROUND)



SIGN DETAIL
NOT TO SCALE



NOTE: SEE SITE UTILITIES & LIGHTING PLAN (SHEET SU) FOR LOCATIONS OF LIGHT FIXTURES.

LIGHT POST CONNECTION
NOT TO SCALE

MassDOT Short List of Suggested Urban Street Trees*

Large Trees (mature size more than 40')

Botanical Name	Common Name	Cultivars	Size	Characteristics
Acer rubrum	Red Maple	'Red Sunset', 'Armstrong', 'Bowhall', 'Columnare'	40 – 75'	Does not tolerate heavily polluted areas, dry soils. Prefers acid soils.
Celtis occidentalis	Common Hackberry		40 – 60'	Wind tolerant, salt and drought resistant. Subject to pests and disease.
Fraxinus pennsylvanica	Green Ash	'Marshall's Seedless', 'Summit'	50 – 60'	Tolerant of heat, cold, wet and dry soils. Subject to borers and scale. Select male cultivars.
Ginkgo biloba	Ginkgo	'Autumn Gold', 'Princeton Sentry'	50 – 80'	Tolerates extremes of soil, heat and pollution. Choose male clones only.
Gleditsia triacanthos var. inermis	Thornless Honeylocust	'Skyline', 'Shademaster'	30 – 70'	Very acceptable to soils and tolerant of salt, drought, and soil compaction. Over -used. Subject to pests and disease.
Platanus x acerifolia	London Planetree	'Bloodgood', 'Columbia', 'Liberty', 'Yarwood'	70 – 100'	Tolerates wide range of soils. Select anthracnose resistant cultivars. Best where has large space.
Quercus palustris	Pin Oak	'Crownright', 'Sovereign'	60 – 70'	Fairly tolerant of city conditions. Intolerant of high pH soils. May need to be limbed up.
Quercus robur	English Oak	'Fastigiata'	40 – 50'	'Fastigiata' is good for restricted areas, but red and pin oak are better choices where space allows. Mildew can be a problem.
Quercus rubra	Northern Red Oak		60 – 80'	Tolerates range of soils, withstands pollution. Intolerant of high pH.
Tilia cordata	Littleleaf Linden	'Corinthian', 'Glenleven', 'Greenspire'	60 – 70'	Tolerates pollution and pruning. Susceptible to salt, as well as aphids and Japanese beetle.
Ulmus americana	American Elm	'Princeton', 'Valley Forge', 'New Harmony'	60 – 80'	Withstands extremes of soil conditions, salt tolerant. Subject to pests and decay. Select Dutch elm resistant cultivars.
Ulmus parvifolia	Chinese Elm	'Allee', 'Athena', 'Milliken'	40 – 50'	Adaptable to wide range of soil, tolerant of urban conditions. Resi stant to Dutch elm disease, elm leaf beetle and Japanese beetle.
Ulmus sp.	Elm hybrids	'Frontier', 'Regal', 'Homestead'	40 – 50'	Tolerant of urban conditions. Select resistant cultivars. Susceptible to elm leaf beetle.
Zelkova serrata	Japanese Zelkova	'Green Vase'	50 – 80'	Tolerant of soils, wind, drought, pollution. Good resistance to Dutch elm disease, elm leaf and Japanese beetle.

Medium Trees (mature size approximately 30 – 40')

Botanical Name	Common Name	Cultivars	Size	Characteristics
Acer campestre	Hedge Maple		25 – 35'	Very acceptable, tolerant of dry soils, soil compaction and air pollution. Withstands severe pruning.
Koelreuteria paniculata	Golden Raintree	'Fastigiata'	30 – 40'	Tolerant of heat, drought, wind, compacted soils, and air pollution. Possibly weak
Pyrus calleryana	Callery Pear	'Aristocrat', 'Chanticleer'	30 – 35'	Adaptable to soils, tolerates dryness and pollution. Overplanted. Use only disease/pest resistant cultivars, narrow cultivars for restricted space.

Small Trees (mature size approximately 30 – 40')

Botanical Name	Common Name	Cultivars	Size	Characteristics
Acer ginnala	Amur Maple		15 – 20'	Adaptable to wide range soils, tolerant of wind and drought. Select single stem. May need to be limbed up.
Amelanchier sp.	Serviceberry	'Autumn Sunset', 'Cumulus'	15 – 25'	Adaptable to soil, not pollution tolerant. Subject to insects and diseases. Select resistant cultivars and single stem.
Malus sp.	Crabapple	'Wyman', 'Carcinal', 'Prairifire', 'Snowdrift', 'Zumi'	15 – 30'	Tolerant of drought, salt, air pollution. Wide variety of sizes and shapes. Select disease/pest resistant cultivar. Fruit litter choose species with small fruit, or that hold fruit. Low branching can be issue, especially near walkways.
Syringa reticulata	Japanese Tree Lilac	'Ivory Silk', 'Regent', 'Summer Snow'	25 – 30'	Adaptable to difficult sites. Resistent to mildew, borers and scale.

*List is not a comprehensive urban tree list. Trees in list may not be appropriate for all conditions.

TOWN OF WESTFORD
PLANNING BOARD APPROVAL

DATE _____

BY	DATE	REVISION

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design MAW | Draft DSL | Check CML

DETAILS AND SECTIONS
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

AUGUST 26, 2016

Scale: NONE

LandTech
Engineering/Design/Surveying/Permitting
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APPENDIX E.3 Planning Board Decision for file number PB 1504 SP WRPOD with attachments

Planning Board
Town of Westford
55 Main Street
Westford, MA 01886
Tel: 978 692 5524
Fax: 978 399 2732

Record of Proceedings and Notice of Decision
Application PB 1504 SP WRPOD

Applicant:	Douglas C. Deschenes, Attorney
Property Owner:	Richard DeFelice, 540 Groton Road, LLC & Newport Materials, LLC
Property Location:	540 Groton Road, Westford, MA 01886
Zoning District:	Industrial A (IA)
Assessors Map and Parcel:	Map 048 Parcel 0011, Lots 0234, 0248 & 0249
Application Submitted:	January 5, 2015
Public Hearing Dates:	January 21, 2015 February 12, 2015 March 2, 2015 March 16, 2015 April 6, 2015 April 13, 2015 April 14, 2015
Planning Board Vote:	April 14, 2015 (5-0-0 to approve)
Filed with Assistant Town Clerk:	April 24, 2015
Appeal Period Ends: (20 days after filed with Town Clerk)	May 14, 2015
Available for Pick-up:	May 15, 2015

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WESTFORD

DECISION
At its meeting on **April 14, 2015**, the Planning Board voted 5-0-0 to APPROVE a **Special Permit** for a **Water Resource Protection Overlay District.** The application was submitted by Attorney Douglas C. Deschenes in response to a remand from Land Court for the case Newport Materials, et al v. Planning Board of Westford, et al. 10 MISC 429867. The application was for the addition of a bituminous concrete manufacturing facility (hereinafter "Asphalt Plant") at 540 Groton Road (also known as 20 Commerce Way) to other uses. The Board authorized the Planning Staff to reduce a Decision to writing with benefit of input from Town Counsel, and to submit said Decision with the Office of the Town Clerk no later than close of business on April 24, 2015.

BACKGROUND

1. In 2009 – 2010, the Planning Board considered applications from the Applicant to construct an Asphalt Plant at 540 Groton Road. The Board held 21 hearings over the course of a year and in April 2010 denied the Site Plan Review and two Special Permit applications on the basis that the proposed plant did not qualify as a Light Manufacturing Use in accordance with the definition in the Zoning Bylaw (Section 10.2). That denial was appealed by the Applicant, and following 4 years of litigation at Land Court, including a 3-day trial in November 2013, a Decision was issued that sent the case back to the Planning Board.

2. Therefore, the current applications are being considered by the Planning Board on "remand" from Land Court in accordance with the Court's decision for the case Newport Materials, et al v. Planning Board of Westford, et al. 10 MISC 429867 (LC Decision). In that Decision, the Land Court directed that "*... the Board's assessment of any such resubmitted plans shall be made in accordance with the findings and rulings contained in this decision.*" (Decision, page 32). Therefore, the December 8, 2014 Court Decision, as well as a subsequent January 6, 2015 Order on the Board's Motion for Clarification and the transcript of the January 6, 2015 hearing on that motion are incorporated into the Planning Board's record.

3. In summary, the LC Decision held that the original proposal by the Applicant would not qualify as a Light Manufacturing use and therefore upheld the Board's denial of the original applications on that basis. However, the Land Court identified modifications to the proposal that would, in the opinion of the Land Court, qualify the proposed asphalt plant as a Light Manufacturing use.

4. The Land Court further rejected the Applicant's contention that the proposed Asphalt Plant would not require a Major Commercial Project (MCP) special permit, finding that the anticipated traffic generation from the proposal would itself trigger the requirement for a MCP special permit. Accordingly, the Land Court did not need to address the Board's contention that a property with multiple uses must be treated as a whole (with all uses on the property and their attend traffic generation, parking and square footage being considered cumulatively) for purposes of determining whether a MCP special permit is required.

5. Under the LC Decision, the Applicant was directed to resubmit applications for Site Plan Review (SPR), Special Permit for Major Commercial Project (SP MCP) and Special Permit for Water Resource Protection Overlay District (SP WRPOD). In addition, the Applicants filed for a Stormwater Management Permit (SWM) under General Bylaw 147 and the Planning Board's Rules and Regulations. The Applicant also filed an application for a Special Permit under Section 9.3 of the Zoning Bylaw. On January 16, 2015, the Applicant requested withdrawal of the Special Permit submitted to the Planning Board under Section 9.3.

6. As directed by the Court, the Applicant submitted a Variance application to the Board of Appeals for multiple principal uses on a lot. The Applicant also submitted a Special Permit application to the Board of Appeals for extension of non-conforming use under Section 3.6.2 of the Zoning Bylaw. The Applicant also filed an application for a Special Permit under Section 9.3 of the Zoning Bylaw to the Board of Appeals. On January 16, 2015, the Applicant requested withdrawal of the Special Permit application submitted to the Board of Appeals under Section 9.3. On January 16, 2015, the Applicant submitted to the Board of Appeals a request for a Variance from the term "quiet" in the definition of Light Manufacturing, as that

term has been construed by the Land Court in the LC Decision, so that they might exceed the noise criteria in Section 9.3A, which sets maximum Noise levels.

7. In accordance with the LC Decision, the Applicant must obtain a SP MCP, even if they obtain a Variance to allow multiple principal uses on the lot and/or a Special Permit from the Board of Appeals to extend a non-conforming use.

8. In April of 2011, the Department of Environmental Protection (DEP) issued a Modified Clean Air Permit. The modified DEP permit was the result of a settlement between the Applicant and 47 Chelmsford residents. The DEP permit sets specific conditions including but not limited to:

    a. Specific emission limits and pollution control devices for 4 different emission causing elements of the project (DEP page 6);
    b. 60,000 tons of asphalt per month/300,000 tons per 12 month period;
    c. Operational hours of 6:00 a.m. to 7:00 p.m. Monday through Saturday, and not between December 15 and March 15;
    d. Requirements for noise studies after the plant is operational;
    e. Requirements for testing of emissions with DEP personnel present 120 days after operational;
    f. Specific performance measures relating to air quality and monitoring of air quality; and
    g. Specific equipment and operational procedures.

9. The LC Decision directed the Applicant to resubmit a site plan application that addressed four factors, which are:
    a. Incorporate sound attenuation barriers as recommended by the Applicant's acoustical expert;
    b. Provide that there will be five or more employees at the project;
    c. Request a Variance to operate more than one principal use on the site; and
    d. Address the issue of the project's power source(s) and show the Board that the power source is only electric or is another power source that is "substantially noiseless and inoffensive".

10. The Land Court clarified at a hearing on January 6, 2015 that the Board has discretion to review the SP MCP and the SP WRPOD as allowed by state land use law and at that hearing the Court made clear that it was not ordering the Board to approve the Special Permits.

11. The Board of Appeals is not a party to the Land Court litigation and is NOT under the Land Court's jurisdiction for the pending applications for Variance and Special Permits.

PROJECT SUMMARY

1. On January 5, 2015, the Applicant submitted applications for a Site Plan Review, a Special Permit relative to the Water Resource Protection Overlay District (WRPOD), a Special Permit for a Major Commercial Project (MCP), a Stormwater Management Permit and a Special Permit under Section 9.3 of the Zoning Bylaw for multiple uses. The applications included a narrative, a site plan, and technical information relating to the project.

2. Upon receipt of the applications, the first public hearing on the proposal was noticed in the Lowell Sun on January 7, 2015 and January 14, 2015. On January 9, 2015, notices were sent to abutting property owners within 300 feet of the subject site, which included both Chelmsford and Westford Residents.

3. On January 21, 2015, prior to the opening of any public hearings, the Applicant withdrew the application for Special Permit under Section 9.3 of the Zoning Bylaw. The Planning Board opened a concurrent public hearing for the two Special Permits, Site Plan Review and Stormwater Management Permit on January 21, 2015.

4. The Applicant seeks to construct an Asphalt Plant which is accompanied by an existing material processing yard and two rock crushers. These facilities are located in Westford on approximately 4 acres of a 115-acre site (approximately 92 acres located in Westford, 23 acres in Chelmsford). Twenty–two (22) acres are developed with a solar array which is leased by the Applicant to Nexamp/Carthartes Investments.

5. The subject property is accessed from Groton Road by a private way (Commerce Way) which is proposed to be developed as a 22-foot wide paved road. The Applicant's plans show the approximate location of a 20-foot wide emergency access way through an adjacent property (Fletcher Quarry) to Groton Road. No easement documents for the emergency access road were provided during the public hearing.

6. The proposed Asphalt Plant consists of the following components based on site visit and according to the March 26, 2015 plan set, Sheet SP Site Plan:

   a. 12' x 36' Operator Control Center on skids;
   b. Six 10' x 14' Cold Feed Bins with a loading ramp from the materials yard;
   c. Conveyor belts between the bins, vibrating screener and the processing unit (Gencor 400);
   d. 5' x 14' Vibrating screen between the bins and the Gencor 400;
   e. Recycled Asphalt Product (RAP) stockpile and ramp in materials processing yard;
   f. Seven (7) stockpile areas for bituminous concrete raw materials (sand, RAP, crushed stone with concrete bin walls;
   g. Crushing Plant and Radial spreader with RAP stockpile (within fenced area);
   h. Office trailer and storage trailer;
   i. Gencor 400, a machine that receives the ingredients from conveyor belts, which is controlled remotely and mixes the products together;
   j. An 86' conveyor belt that takes the mixed product from the Gencor 400 to the top of the storage silos;
   k. Four (4) 200-ton silos (68' in height) that allow the hot asphalt to load into trucks that pull underneath where materials load into the trucks from the top;
   l. Tank Farm with two 30,000 gallon indirect fired Asphalt Cement (AC) vertical tanks with unloading pumps (36 feet in height);
   m. HYCGO Gencor 100 hot oil heater with expansion tank stand;
   n. Lawn area, landscaping;
   o. Total of 8 parking spaces: 5 parking spaces and 1 handicapped space adjacent to Operator Control Center with ramps and sidewalk with curbing and 2 spaces near office trailer;
   p. Security fence with four entrance/exit gates;
   q. Two truck scales near the silos;
   r. One water well with a water line to the fire cisterns;
   s. Proposed utilities – natural gas line to provide fuel for the burners in the Gencor 400;
   t. Site lighting with 20' fixtures around the asphalt manufacturing facility;
   u. Dumpster;
   v. Two 30,000 gallon fire cisterns;

w. Ground mounted signs including visitor, truck and directional signs;
x. Stormwater management facilities such as water quality swales; and
y. A 10,000 gallon aboveground storage tank for Number 2 fuel oil.

7. Plan Sheet OSP Overall Site Plan shows that the proposed facility is 2.73 acres and is shown with a dashed line and does not include the materials processing yard. However, Attorney Douglas Deschenes' letter of April 13, 2015 notes **"Therefore, all areas shown inside the fenced area are exclusively for the bituminous concrete facility."** This statement contradicts plan sheet OSP, and confirms that as shown on Sheet SP, the proposed Asphalt Plant is the area within the fence and therefore the Crushing Plant and materials processing yard ***is included*** as part of the Asphalt Plant. Refer to Plan Sheet SP included in this decision.

8. The Planning Board had the benefit of two peer reviewers for the proposed project, James Barnes of Acentech, a sound expert, and Robert Michaud of MDM, a Professional Traffic Engineer.

9. The Planning Board considered the application in accordance with Sections 8.1, 9.3A, 9.4 of the Westford Zoning Bylaw and General Bylaw 147 and the Stormwater Rules and Regulations over the course of seven (7) public hearings, as listed above. At said hearings, an opportunity was given to all those interested to be heard in favor or opposition to said petition. During the course of the public hearing sessions, dozens of residential neighbors of the project site spoke in opposition to the project. On April 14, 2015, the Board voted to close the public hearing.

10. The written record contains additional materials including, but not limited, to the following information. The entire written record is made part of this record of decision.

a. Application materials;
b. Plan entitled "SITE PLAN ASPHALT MANUFACTURING FACILITY 540 GROTON ROAD (ROUTE 40) WESTFORD MASSACHUSETTS" prepared by LandTech Consultants Inc. dated April 6, 2009, with latest revision date of March 26, 2015 and containing the following sheets:

1) Title Sheet
2) Existing Conditions Plan
3) Existing Conditions Plan
4) Overall Site Plan
5) Site Plan
6) Construction Plan
7) Construction Plan
8) Construction Plan
9) Site Utilities and Lighting Plan
10) Erosion Control Plan
11) Erosion Control Plan
12) Details and Sections
13) Details and Sections
14) Details and Sections
15) Storm Water Pollution Prevention Plan (SWPP)
16) Pre-Development Drainage Map
17) Post Development Drainage Map
18) Proposed Plant Layout (by others)

19) General Component Elevations (by others)
20) Tank Farm – Plan and Side Elevations (by others)
21) Emergency Access Easement Plan
22) Entrance Modification Plan Last revised 4/9/15

c. Supplemental Data Report entitled "Asphalt Manufacturing Facility 540 Groton Road Westford, MA" prepared by LandTech Consultants, Inc. dated April 6, 2009.
d. "Appendix G Stormwater Report "Asphalt Manufacturing Facility 540 Groton Road Westford, MA" prepared by LandTech Consultants, Inc., dated April 9, 2009, last revised October 27, 2009 30, 2014.
e. "Acoustical Evaluation and Revised Acoustical Evaluation" prepared by Cavanaugh Tocci Associates (CTA) dated January 2, 2015, supplemented on January 23, 2015 and March 10, 2015.
f. Selected Materials from 2009 – 2010 Planning Board hearings GENERAL CONTENT
   - Bituminous Asphalt Manufacturing Process
   - April 15, 2009 memo from Police Chief Thomas McEnaney
   - May 20, 2009 memo from Eric Fahle, Chair Conservation Commission
   - June 15, 2009 memo from Planning Board members Fred Palmer and Kevin Borselli, about site visit to Portsmouth, NH asphalt plant
   - July 16, 2009 letter from Douglas C. Deschenes regarding comments from Chelmsford residents and Chelmsford Board of Selectmen
   - July 16, 2009 responses to questions. Author unknown but appears to be from applicant
   - July 20, 2009 memo from Planning board member Dennis Galvin regarding site visit to Portsmouth, NH asphalt plant
   - July 31, 2009 letter from LandTech Consultants in response to Woodard and Curran peer review
   - October 30, 2009 letter from LandTech Consultants in response to Woodard and Curran peer review
   - October 30, 2009 letter from Douglas C. Deschenes answering questions raised at earlier public hearing
   - November 25, 2009 letter from Woodard and Curran Site Plan Review Letter #3
   - December 11, 2009 letter from Douglas C. Deschenes regarding current uses on the site
   - January 13, 2010 letter from Alicia Barton McDevitt, Assistant Secretary Executive Office of Energy and Environmental Affairs regarding petition for Fail-Safe Review
   - March 18, 2010 letter from Douglas C. Deschenes in response to questions from resident Don Boesel
   - March 31, 2010 letter from Douglas C. Deschenes in regarding mitigation
g. Letter from Attorney Douglas C. Deschenes, regarding Supplemental Sound Information received February 10, 2015.

h. Peer Review of Acoustical Evaluation" prepared by Acentech for the Town of Westford, dated February 12, 2015.
i. "Traffic Impact Analysis, Proposed Bituminous Concrete Manufacturing Facility, Westford MA" prepared by Vanasse & Associates, Inc., dated February 20,. 2015.
j. Letter and supplemental Information from Attorney Douglas C. Deschenes, including Exhibits A through U, received March 10, 2015
k. Transportation Peer Review Letter from Robert Michaud of MDM, received March 11, 2015
l. Abbreviated Staff Notes for the Planning Board, March 12, 2015.
m. Staff Report to Board of Appeals, March 12, 2015.
n. Letter from Attorney Thomas Reilly and exhibits received March 30, 2015.
o. Letter from Attorney Thomas Reilly regarding use of Executive Sessions, received March 30, 2015.
p. Letter from Attorney Jonathan Silverstein and Joint Motion to Extend Remand, received March 30, 2015.
q. Transcript of January 6, 2015, Land Court Hearing.
r. Letter and supplemental Information and revised plans from Attorney Douglas C. Deschenes, received March 27, 2015.
s. Letter from Attorney Douglas C. Deschenes, requesting that the Planning Board grant permission for multiple principal uses on the site, received April 1, 2015.
t. Acoustical Consulting Services, letter from Acentech regarding further sound analysis, received April 2, 2015.
u. "DRAFT Issues for Consideration" dated April 6, 2015, from Planning Staff.
v. Letter from Attorney Thomas Reilly regarding Issues for Consideration, received April 8, 2015
w. Letter from Richard DeFelice, Newport Materials, received April 8, 2015.
x. PowerPoint Presentation "Newport Materials" received April 8, 2015.
y. Letter from Attorney Jonathan Silverstein, in response to Attorney Reilly's letter of April 8, 2015 received April 10, 2015
z. Letter from Westford Public School Superintendent Everett V. Olsen Jr. received April 8, 2015.
aa. Entrance Modification Plan, Land Tech Consultants, last revised April 9, 2015
bb. DRAFT Special Permit MCP Decision – Approval, April 10, 2015.
cc. DRAFT Special Permit MCP Decision – Denial, April 10, 2015.
dd. DRAFT Site Plan Review Decision – Approval, April 10, 2015.
ee. DRAFT Special Permit WRPOD Decision – Approval, April 10, 2015.
ff. DRAFT Stormwater Management Permit – Approval, April 10, 2015.
gg. A" Quantitative Assessment of Potential Health Risks Due to Operations of the Proposed Newport Materials Asphalt Plant, Westford MA," originally received by Planning Board December 29, 2009, received April 13, 2015 at the Planning Board hearing.
hh. "Review of Greenman-Pederson, Inc. Traffic Study Evaluation of Newport Materials Trucking Sound" prepared by CTA, originally received by Planning Board June 11, 2009, received April 13, 2015 at the Planning Board hearing.

ii. Memorandum to the Planning Board by Dennis Galvin, regarding Portsmouth Site Visit, originally received by Planning Board July 20, 2009, received April 13, 2015 at the Planning Board hearing.

jj. Letter from Attorney Douglas C. Deschenes to the Board of Health and attachments, regarding response to Woodard and Curran mobile source emissions, received April 13, 2015 at the Planning Board hearing.

kk. Letter from Attorney Douglas C. Deschenes, regarding the Draft Decisions, received April 13, 2015 at the Planning Board hearing.

ll. Letter from Everett V. Olsen, Jr. regarding Miller School Air Quality, dated January 21, 2010, and received April 14, 2015.

mm. Letter from Attorney Thomas Reilly regarding mitigation, received April 14, 2015.

nn. Numerous (over 55) comments from the public, Town of Chelmsford Board of Selectmen in opposition to the Asphalt Plant.

oo. One comment from a resident in support of the Asphalt Plant.

FRAMEWORK OF DECISION

1. Land Court Remand

a. The Planning Board (Board) considered the application for a **Special Permit for Water Resource Protection Overlay District** under remand pursuant to the (LC Decision).

b. While the Board issued approvals for the Site Plan Review, the Stormwater Management Permit and the Special Permit for Water Resource Protection District, these approvals are based upon the requirements and holdings of the LC Decision. The Board has not yet had the opportunity to appeal from the LC Decision, as final judgment has not entered in the litigation, and it does not relinquish its rights to appeal the LC Decision. Of particular note, but without limiting the foregoing, the Board notes that the LC Decision holds that the proposed use would constitute Light Manufacturing allowed (with an MCP Special Permit) in the IA Zoning District. The Planning Board does not concur with this holding but is obligated by the LC Decision to accept it for purposes of this remand.

c. In its January 5, 2015, submittal the Applicant included "*All filings previously made to the Board associated with the above referenced permits are hereby incorporated by reference into this filing.*" (Deschenes, cover letter January 5, 2015). Twelve days later (January 17, 2015 staff report) planning staff made its first request to the Applicant to submit information into this Board's record so that the Board would have information needed to make its decision, specifically, requesting that the Applicant identify important information because the previous record from April 2009 to April 2010 includes over 6,000 pages of material. On March 27, 2015, (70 days after the staff request) the Applicant submitted a list of 133 items it felt should be considered by the Board (Deschenes, March 27, 2015, Exhibit A). The documents included on this list range from a 1981 document to an April 2011 document. On March 30, 2015, Applicant submitted 169 pages of duplicate information that was already part of this Board's record (Reilly, March 30, 2015). Finally, on April 13, 2015, approximately 24 hours prior to the Board's closing of the hearing, the Applicant submitted a letter and specific reports and materials from the 2009 – 2010 Board hearings, a total of 162 pages of technical materials (Deschenes April 13, 2015). It is noted that a majority of the current Board's members were not on the Board during the 2009-2010 hearing

sessions. Similarly, neither of the Board's current professional planning staff was employed by the Town at that time.

2. Major Commercial Project (MCP) Special Permit
   a. Section 9.3A of the Zoning Bylaw and other relevant sections of the Bylaw, including, but not limited to, Section3.1.2 sets forth the regulatory framework for the MCP.
   b. An MCP is required **whenever one of the MCP criteria is triggered on a site**. For example, if a site has an existing 10,000 square foot building and the property owner wants to expand by another 10,000 square feet, this expansion requires an MCP because the total site would have 20,000 square feet, which exceeds the 15,000 square feet threshold, even though each segment of the project is under the 15,000 square foot threshold. In other words, the MCP thresholds apply to a property as a whole, and the various uses of that site may not be segmented into smaller individual projects to avoid MCP review.
   c. Therefore, the Board considers the entirety of the subject property within the Town of Westford as being subject to the MCP and the conditions thereof.
3. Materials processing is part of the proposed Asphalt Plant.
   a. The materials processing facility, which recycles asphalt, brick and concrete, was approved as a USE by the Board of Appeals in 2009, and the RAP production portion of that use is an integral part of the proposed Asphalt Plant operations.
      i. The Department of Environmental Protection Permit (DEP Permit) includes both the Asphalt Plant and the rock crushing and materials storage facility. DEP regulated these uses together, and it makes sense for the Board to do so as well.
      ii. The site plan shows that the materials processing area and the asphalt plant are contained within a single fenced area and joined by internal driveways.
      iii. There may be shared trips in which a truck delivering recycled asphalt for crushing at the materials processing facility may then be loaded with asphalt from the silos.
      iv. The Applicant has represented that up to 50% of the Recycled Asphalt Product (RAP) used for manufacturing of asphalt will be provided from the materials processing facility. The DEP permit allows up to 40% of the materials that make up the final bituminous concrete (asphalt) product to be composed of RAP. Given that the Applicant has this material in hand at the materials processing facility, it is common sense to conclude that the Applicant will use this supply in the production of asphalt.
      v. Asphalt manufacturing components such as sand, fine sand, aggregate and RAP are shown on the site plan in the materials processing yard area.
      vi. The Asphalt Plant is designed to operate with RAP, which is manufactured in the materials processing facility and also other ingredients for asphalt such as sand, fine sand, and aggregate are stored within the materials processing yard area.
      vii. The materials processing facility exists without benefit of a Site Plan Review (SPR). The materials processing plant did not receive a Site Plan Review (SPR) approval in 2009 from the Planning Board. Section 9.4.1 of the Zoning Bylaw states that *"The following types of activities and uses are subject to site plan review by the Planning Board. 1. Construction, exterior alteration, exterior expansion of a nonresidential or multifamily structure or tower, or change in use..."* Therefore SPR for the materials processing facility is required.

b. Attorney Douglas Deschenes' letter of April 13, 2015 notes, "Therefore, all areas shown inside the fenced area are exclusively for the bituminous concrete facility." This statement contradicts plan sheet OSP, and confirms that as shown on Sheet SP, the proposed Asphalt Plant is the area within the fence and therefore the Crushing Plant and materials processing yard ***is included*** as part of the proposed Asphalt Plant. Refer to Plan Sheet SP included in this decision.

4. Zoning relief required by LC Decision.
The LC Decision, as clarified by the Court at a Hearing on January 6, 2015, requires a Variance for multiple principal uses on the subject property. The Applicant submitted a petition for Variance to the Zoning Board of Appeals (BOA). On March 25, 2015, the BOA closed its public hearing and denied the Variance petition for multiple principal uses on one site. On March 31, 2015, the BOA voted to re-open its public hearing on the petition, so that this matter is still pending. The BOA's hearing is scheduled to be re-opened on May 6, 2015. The issuance of any approvals/permits by the Planning Board does not obviate the Applicant from securing the necessary Variance relief from the BOA.

FINDINGS

FINDINGS –*Land Court Decision – Criteria relative to Light Manufacturing*
The Planning Board considered the following factors from the LC Decision and found that the Applicant had met the following tests as summarized in the LC Decision (page 32):

1. *Incorporate sound attenuation barriers as recommended by the Applicant's acoustical expert;*
Applicant's revised plan set included a sound attenuation wall and sound source barriers as recommended by the Applicant's acoustical expert, though it should be noted that the Board's peer review acoustical engineer opined that the sound attenuation barrier protecting the western property line could cause the project to violate the applicable performance standard at the eastern property line.

2. *Provide that there will be five or more employees at the project;*
Applicant provided an affidavit that there will be five or more employees at the project and the site plan accommodates 5 employees.

3. *Request a Variance to operate more than one principal use on the site;*
Applicant applied for a Variance for more than one principal use on the site. While the Board of Appeals (BOA) did not approve the Variance, the BOA has decided to reopen the public hearing on the matter, which is scheduled for a May 6, 2015 hearing.

4. *Address the issue of the project's power source(s) and show the Board that the power source is only electric or is another power source that is "substantially noiseless and inoffensive".*
Applicant provided additional information about the project's power source which the Board found to confirm (strictly within the construct of the LC Decision) that the proposed machinery is powered by electricity, although the fuel source of the plant is natural gas with Number 2 fuel oil as the backup fuel.

FINDINGS – Special Permit Water Resource Protection Overlay District

8.1.10 Special Permit Criteria.

Special permits shall be granted only if the SPGA determines, after reviewing the recommendations of the reviewing parties delineated herein, that groundwater quality resulting from on-site wastewater disposal or other operations on-site shall not fall below the more restrictive of federal or state standards for drinking water, or, if existing groundwater quality is already below those standards, on-site disposal or operations shall result in no further deterioration.

8.1.11 Decision.

The Planning Board may approve, approve with conditions, or deny an application for a special permit that is governed, in any manner, by the provisions of this Section.

The proposed development requires the WRPOD Special Permit because it will contain 10,000 gallons of No. 2 fuel Oil and two 30,000-gallon tanks of liquid asphalt in above ground tanks. Applicant provided information about the spill prevention related to the storage of Hazardous Materials. Furthermore, the DEP Permit contains conditions related to the storage, monitoring and reporting of hazardous materials.

The Westford Fire Department reviewed and commented on the proposal in 2009 -10 and referenced the 2009-10 peer review conducted by RJA. Conditions specified by the WFD have been incorporated into this decision.

The Board noted that the project requires a Hazardous Materials Permit from the Board of Heath prior to plant operation and the Board provided numerous conditions related to the protection of groundwater. ***As conditioned, the Board found that this criterion is met.***

CONDITIONS OF APPROVAL

1. Decision – When is it Effective?

a. This Decision to approve the Special Permit for Water Resource Protection Overlay District is not effective unless the Board of Appeals grants relief for multiple principal uses on the site as required in the LC Decision, and until after the Planning Board grants a Stormwater Management Permit, and a Special Permit for a Major Commercial Project (MCP).

b. This Decision to approve the Special Permit for Water Resource Protection Overlay District application shall become null and void should applicable portions of the LC Decision be vacated on appeal or upon lapse of any of Special Permits or Site Plan Review approval.

c. This Decision to approve Special Permit for Water Resource Protection Overlay District application may become null and void upon any violation of any of the conditions of approval. The following administrative process shall govern the Board's resolution of any alleged violations:

   i. The Applicant and/or their representative shall be provided with written notice of any alleged violations, and shall appear before the Board at a public meeting within thirty (30) days of said notice to respond to and address said allegations.

ii. The Board shall review the applicable information and make findings with respect to alleged violations.

iii. Should the Board determine that one or more violations have occurred, they may characterize such violations as either minor or major in nature.

iv. The Board shall require the Applicant to take any reasonable corrective and preventative action measures to mitigate impact from violations, and to prevent reoccurrence of similar violations in the future.

v. This Board's administrative process is not intended to circumvent any actions by the Zoning Enforcement Officer, or to discourage the Applicant from taking self-corrective action prior to Board review.

vi. The Board may require the Applicant to pay any reasonable costs associated with addressing any violation, such as police detail, peer review or legal review costs.

vii. The Board may suspend or revoke this Special Permit Approval upon making one or more of the following findings:

1. Willful disregard or neglect by the Applicant to prevent recurrence of similar violations; or

2. Occurrence of three (3) or more major violations.

2. Operating Limitations

a. Hours of operation limited to 6:00 a.m. to 6:00 p.m. Monday through Friday and 7:00 a.m. to 5:00 p.m. on Saturday, no Sunday operations for all uses on the site. There shall be no night operations (i.e. no production or trucking operations between 6:00 p.m. and 6:00 a.m.).

b. No operations of the Asphalt Plant and materials processing facility are allowed from December 15 to March 15.

c. Average monthly production from the Asphalt Plant is limited to 1,500 tons of bituminous product per diem for the months the plant is operating.

d. Any new or expanded use of the site, including without limitation additional use of the 14,000 office building, shall require a modification of the SPR, and approval of a Special Permit for Major Commercial Project (SP MCP).

e. Town staff may inspect the site with 24 hours notice to the property owner or, in the event of a documented complaint regarding noncompliance with any condition hereof, at any time during operation of the facility.

f. Applicant shall provide an annual report to the Board or its designee on or about January 1 of each year. The report shall be certified by the Operator of the Asphalt Plant and the materials processing yard and shall include:
   i. Quantity of asphalt produced per month;
   ii. Quantity of materials brought into the site for processing per month;
   iii. Quantity of RAP used by the asphalt plant per month;

iv. Quantity of crushed stone purchased from adjacent land owner (Fletcher Quarry) per month
v. Quantity of crushed stone purchased from other sources per month;
vi. Quantity of sand, liquid asphalt, number 2 fuel oil brought onto the site per month.

3. Environmental Protection

a. The Applicant shall copy the Planning Board and Board of Health on all correspondence, reports, filings, and/or surveys required by the *310 CMR 7.02 – Air Quality Non-Major Comprehensive Plan Application Transmittal No. X227251, Application No. MBR-09-IND-005, Modified Conditional Approval* (DEP Permit).

b. The Applicant shall list the Town of Westford as an additional insured for environmental remediation and provide proof of such coverage, to cover the cost of a potential hazardous materials spill on the site. Applicant shall provide proof of renewals over the term of such insurance until permanent closure of the facility and certification from DEP that the site does not contain hazardous substances.

c. Applicant shall immediately report any violations of the DEP regulations or the DEP Permit to the Board or designee. Violations of DEP regulations and Permit may result in the suspension or revocation of the special permit. *(Refer to Condition of Approval 1c.)*

4. Fire and Life Safety and Hazardous Materials (note emergency access road conditions under Transportation)

a. The two (2) 30,000-gallon cisterns shall meet all requirements of NFPA-1142. As a condition of approval, a report documenting the sizing of the fire protection cistern should be prepared by a registered fire protection engineer and submitted to the Board. The Fire Chief should provide comments relative to the cistern and fire alarm system prior to the start of construction.

b. WFD and its equipment shall be able to access each of the cisterns so that access road(s) are not blocked and so that other WFD vehicles can pass those vehicles accessing the cisterns.

c. The Applicant shall provide the Foam Cart shown on the Site Plans throughout the lifetime of the plant's operation. The Applicant shall maintain said Foam Cart in good working order and ensure that it is fully supplied. The equipment shall be available for use by the WFD and Chelmsford Fire Department if needed.

d. Applicant shall provide (at no cost to the Towns of Westford and Chelmsford) OSHA's confined space training for the Westford and Chelmsford Fire Department staff on an annual basis and also provide for re-certification for WFD and CFD employees as needed over the lifetime of the Asphalt Plant's operation.

e. Asphalt Plant shall have an emergency shutdown mechanism and shut off valves from the fuel source to the burner that will shut down operation if there are any malfunctions of the burner, the exhaust fan damper or the baghouse. Should the emergency shutdown be triggered, the Fire Department shall be notified immediately and the Fire Chief or designee shall have the authority to investigate and inspect the site and shall be allowed to monitor the progress of repairs.

f. Flammable Combustible Storage for the site shall meet the requirements at a minimum as specified in 527 CMR 9.03.
   i. In accordance with MGL c. 148 § 37, any above ground storage tank of more than 10,000 shall secure a permit from the State Fire Marshal and the local fire chief.

   ii. Storage of flammable combustible liquids greater than 10,000 shall require a License from the local license authority.

   iii. Manual shut off valves shall be installed at the #2 Fuel Oil tank and Liquid Asphalt tanks as recommended by the Town of Westford Fire Department within their memo dated October 13, 2009.

g. On an annual basis, determined by the Fire Chief, the Applicant shall provide a detailed briefing to representatives of the Fire Department designated by the Fire Chief with regard to spill containment procedures. The Fire Chief may conduct an inspection of the plant on an annual basis. As part of this inspection the Chief may ensure that all plan personnel understand procedures related to both hazmat containment control and fire suppression.

h. Keys to the facility shall be placed in a "Knox Box" or other mechanism acceptable to Westford Public Safety personnel.

i. The Applicant shall install a sprinkler system in the furnace area, emergency lighting in all interior spaces, clearly illuminated exit signs within interior spaces of the control room.

j. Following any malfunction or abnormal condition with regard to emissions equipment, the Applicant shall forward a written report to the Building Commissioner reporting such malfunction or abnormal condition, in a manner prescribed by the Commissioner within 15 days of the incident.

k. For oil Spill Prevention, Control, and Countermeasure (SPCC) plans, any facility that has an oil storage capacity of 1,320 gallons or greater must prepare an SPCC plan. Since the capacity of the No. 2 fuel Oil storage tank is 10,000 gallons, a SPCC plan is required. A copy of the SPCC plan shall be provided to the Board and Town Engineer prior to commencement of the asphalt operations.

l. Any breaches in emission controls, fuel storage and containment equipment or fire control issues shall be immediately reported to the Fire Chief and the Building Commissioner.

m. All storage tanks must be rated at UL 142. Block valves on the containment structure shall be shut when the plant is not being operated.

n. Applicant acknowledges that they must receive a Hazardous Materials permit from the Board of Health.

o. Hazardous Materials Data sheets for all material stored at this site shall be provided to the Fire Chief and the Board of Health. An update to these information sheets shall be provided to the Fire Chief and Board of Health forthwith when materials are added to the site.

p. Zones where dumping, storage or stockpiling of Hazardous Materials are prohibited shall be established on site subject to review by the Town Engineer and Board of Health. These zones must be clearly marked with posted signs plainly visible.

q. The proposed Asphalt Plant shall incorporate all standard and optional controls and safety interlocks Gencor provides.

r. Prior to plant operations and/or occupancy permit the operating procedures, including emergencies (e.g. fire), maintenance program, and hot work procedures shall be developed for the Westford Asphalt Facility to address the safety procedures to avoid or minimize human errors through training and procedures.

s. Prior to plant operations (occupancy permit) a general Hazardous Operations (HAZOP) analysis shall be prepared for the site. These elements should be completed prior to the plant operations.

t. If the exhaust system for the conveyor belt, top of the silo and bottom of the silo are not operational the manufacturing process shall stop until remedied.

5. General conditions of approval

a. Once the contractor is selected, a construction schedule shall be provided to the Building Commissioner for review. This schedule should be updated on a monthly basis and should address the implementation of erosion control measures during the course of construction.

b. Any fill used in connection with this project shall be clean fill. Any fill shall contain no tree stumps, trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

c As used herein, the term "Applicant" shall mean the Applicant, its heirs, successors and assigns. The term "Board" as set forth herein shall mean the Westford Planning Board. The provision of this approval shall apply to and be binding upon the Applicant, its employees and all successors and assigns in interest or control.

d All work is to be done in accordance with the aforementioned record plans. Any changes, revisions or modifications to the plans as approved herein shall require approval by the Planning Board. Non-substantive changes, as determined by the Board, may be approved by the Board at a regularly scheduled public meeting. Substantive changes may be approved by the Board through a public hearing process.

e The Applicant is reminded to contact the Building Commissioner to determine sign permitting requirements for proposed facilities.

f Prior to commencing any construction or site work, the Applicant shall record this decision with the Middlesex North Registry of Deeds and shall provide evidence of such recording to the Planning Board.

g The Site Plan approval shall lapse after three (3) years from the grant hereof if a substantial use has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.

h All landscaping features, structures and areas shall be properly maintained. Dead shrubs or trees shall be replaced within one growing season.

i The Limits of Work shall be staked out in the field by a Professional Land Surveyor. Orange construction fencing (or an approved equivalent) shall be installed at the Limits of Work. All trees within the Limits of Work that are to be retained during the construction process shall be properly flagged to avoid damage or removal during the construction process. Such flags shall be installed prior to any site clearing. The Limits of Work and erosion control measures shall be inspected and approved by the Town Planner prior to commencing any additional site work.

j. Retaining walls over four (4) feet high shall be reviewed and stamped by a duly licensed Professional Engineer.

k. The Applicant acknowledges that this approval is subject to completion of all necessary filings and any order of conditions issued for this project by the Town of Westford Conservation Commission. In addition, if any of the approved site features are amended by the Conservation Commission in a way that would require an amendment, then the Applicant shall submit these changes to the Planning Board for their review and approval.

l. Prior to commencement of plant operations and/ or any issuance of a Certificate of Occupancy, all required legal documents including but not limited to covenants, easements, agreements, monitoring agreements shall be submitted to the Town Planner and Town Counsel for review and approval. It shall be the responsibility of the Applicant to pay all legal cost associated with the review of this decision and documents associated with this decision.

m. Any blasting activity at the site must conform to the requirements of the Town's Fire Department officials, the State Fire Marshall's Office and any other appropriate regulatory official. Additionally the Contractor shall be responsible for seismograph monitoring, notification to neighbors within the immediate work area prior to blasting and posting a fire detail on the site. If blasting is required for the construction of the site use the following steps will be taken to monitor/rectify any potential damage as a result of the blasting:

    i. The Applicant shall provide documented inspections, i.e. videotaping, of any foundations and pools within 400' of any expected blast area prior to the start of any blasting;

    ii. The Applicant shall provide pre and post blasting water testing for all residents within 400' of any expected blast area in the subject subdivision prior to the start of any blasting. Water quality, including radon testing, and a specific capacity/short term pumping test shall be included in this testing;

    iii. The Applicant or their hired contractors, shall notify those residents within 400' of any expected blast area, when blasting will begin on the site and will again notify them when all blasting is complete;

    iv. Blasting hours will be from 8:00 a.m. to 4:00 p.m., weekdays only;

v. The Applicant shall rectify those problems that are proven to be a result of blasting on the subject subdivision, i.e. foundation cracking and deterioration in water quality;

vi. The use of any perchlorate blasting material is prohibited;

vii. Hours of operations pertaining to air hammering or similar practices shall be limited to Weekdays between the hours of 8:00AM through 4:00PM.

n. Within 60 days of the issuance of this decision and prior to commencement of plant operations and/or issuance of any building permits, the Applicant shall provide the Permitting Department with the recordable Mylar plan set (sheets to be determined by Planning Staff), one (1) full Mylar plan set, five (5) sets of full sized and two (2) sets of reduced copies of the final *endorsed* plan set, an electronic copy of the *endorsed* plan set, as well as a digital copy of the final set of approved plans. Final plans shall be received no later than the required pre-construction meeting. The digital copy of the final set of approved plans must follow the five requirements listed below:

i. All plans and specifications must be submitted on electronic media (CD or DVD_ROM using an IBM-PC or compatible file format). Acceptable file formats include: AutoCAD *.dwg, AutoCAD *.dxf, ArcView *.shp, or ArcGIS Geodatabase *.mdb. The files must be identical to the printed plan and contain all information included on the written plan.

ii. All digital mapping data must be delivered in the Massachusetts State Plane Coordinate system with a horizontal datum of NAD83 and vertical datum of NGVD88.

iii. Each feature type must be organized in the CAD or GIS data structure as a separate layer using logical layer names. For example, there must be separate CAD layers for buildings, roads, parcel lines, and wetlands. Having all these features in a single CAD layer or GIS file will not be accepted.

iv. Documentation of the data format must be provided with a description of the CAD layers and list of the types of features placed in each layer. Submission of multiple files must also include a list of the files and their purpose.

v. The data submitted must include documentation on the method used to gather the data, the name of the person(s) responsible for preparing the data, contact information, an estimation of the horizontal and vertical accuracy, and the date of data capture. All media shall be free from any and all defects and viruses, and labeled as to their contents.

o. Any minor revisions to the design of any drainage control measures shall henceforth be subject to the approval of the Town Engineer and the Town Planner. Significant modifications will require review by the Planning Board in accordance with condition 7.d.

p. Impervious areas associated with the development (such as building and pavement areas) shall not exceed those sizes used in the stormwater calculations and as shown on the plans unless reviewed and approved by the Town Engineer.

q. **Prior to the commencement of any construction or site work** the Applicant shall initiate a pre-construction meeting with the Engineering Department, Planning Department and other relevant Town Departments and Town Staff. All relevant contractors and subcontractors involved with site preparation/site construction activities shall attend this meeting. This approval with conditions shall be reviewed by all parties involved.

Planning Board members voting to APPROVE:

Michael Green, Chair
Dennis Galvin, Vice Chair
Katherine Hollister
Matt Lewin
Darrin Wizst

NOT VALID FOR RECORDING UNTIL CERTIFIED BY TOWN CLERK

I hereby certify that this is a true copy of the decision rendered by the Planning Board and filed in the office of the Town Clerk on _____, ____; I further certify that twenty (20) days have elapsed after the within decision was filed in the office of the Town Clerk for the Town of Westford, and that no appeal has been filed, or that if such appeal has been filed, that it has been dismissed or denied.

Date:

Attest: _____
Kaari Mai Tari
Town Clerk

cc: Attorney Douglas C. Deschenes for 540 Groton Road LLC, Newport Materials LLC, Planning Boards of Acton, Carlisle, Chelmsford, Groton, Littleton, Tyngsborough, Abutters within 300 feet; Town Engineer, Building Commissioner, Westford Fire Department, Zoning Board of Appeals, Board of Health

APPENDIX E.4 9/27/16 – **Settlement Agreement and Release** between Newport Materials, LLC and 540 Groton Road, LLC and the Planning Board of the Town of Westford and the Town of Westford;

SETTLEMENT AND RELEASE AGREEMENT

This SETTLEMENT AGREEMENT (the "Agreement") is hereby entered into on this 27th day of September, 2016, by and between NEWPORT MATERIALS LLC and 540 GROTON ROAD, LLC (hereinafter, collectively, "Newport") and the PLANNING BOARD OF THE TOWN OF WESTFORD (the "Planning Board") and the TOWN OF WESTFORD (hereinafter, collectively, the "Town"). Newport and the Town are hereinafter collectively referred to as the "Parties."

RECITALS

WHEREAS in 2009, Newport filed applications for Site Plan Approval, a Major Commercial Project ("MCP") Special Permit and a Special Permit for fuel storage under Sections 8.1 and 9.3 of the Zoning Bylaw with the Planning Board to install and operate an asphalt manufacturing facility (the "Asphalt Facility") on a 114-acre lot located at 540 Groton Road (also known as 10 Commerce Way) in Westford, Massachusetts, 90 acres being in Westford, with the remaining land located in the adjacent Town of Chelmsford (the "Property").

WHEREAS the Planning Board denied Newport's applications by decisions filed with the Town Clerk on April 30, 2010 on the grounds that the Planning Board lacked jurisdiction to approve Newport's applications because it determined that "the proposed use for an asphalt plant is not a permitted use in the [IA] zoning district."

WHEREAS, Newport filed a complaint on or about May 18, 2010 against the Town in the Massachusetts Land Court (the "Land Court"), entitled "Newport Materials, LLC et al., v. Michael Green et al. (members of the Planning Board of the Town of Westford and the Town of Westford), C.A. No. 10 MISC 429867" ("Complaint I"), appealing the April 30, 2010 decisions of the Planning Board.

WHEREAS the Land Court held a trial on November 4-6, 2013 with respect to the following legal issues:

- First, whether Plaintiffs' Project meets the definition of "Quarrying; mining" in Section 10.2 of Westford's Zoning Bylaw.
- Second, alternatively, whether Plaintiffs' Project meets the definition of "Light Manufacturing" in Section 10.2 of Westford's Zoning Bylaw.
- Third, whether Plaintiffs' Project meets the revised definition of Major Commercial Project ("MCP") in Section 10.2 of Westford's Zoning Bylaw.

WHEREAS, by a decision dated December 8, 2014, the Court upheld the Planning Board's determination that the use did not constitute "light manufacturing," and further found that the use did not qualify as "quarrying; mining," but found that, with four modifications, "it would appear to this Court that the project would then be permitted as of right as a light manufacturing use," provided Newport obtained an MCP Special Permit.

WHEREAS the Land Court instructed Newport to modify its proposal and resubmit its application for Site Plan Approval, an MCP Special Permit, a Water Resource Protection Overlay District ("WPROD") Special Permit, and to apply for a variance to allow more than one principal use on the Property.

WHEREAS Newport resubmitted applications to the Planning Board in January 2015 for Site Plan Approval, an MCP Special Permit, a WPROD Special Permit, and a Stormwater Management ("SWM") Permit and also filed applications with the Zoning Board of Appeals for (1) a variance and special permit to allow more than one principal use on the Property; and (2) a variance from the term "quiet" within the definition of light manufacturing with respect to sound levels at the western boundary of the property.

WHEREAS, by decisions dated April 24, 2015, the Planning Board granted Newport's applications for Site Plan Approval, a WRPOD Special Permit, a SWM Permit, and denied Plaintiffs' application for an MCP Special Permit.

WHEREAS, Newport filed a second complaint in Land Court on or about May 13, 2015 against the Town, entitled "Newport Materials, LLC and 540 Groton Road, LLC v. Michael Green et al. (members of the Westford Planning Board and Town of Westford), C.A. No. 15 MISC 000164" ("Complaint II"), appealing the April 24, 2015 decision of the Planning Board to deny the MCP Special Permit.

WHEREAS Newport filed a third complaint in Land Court on or about June 3, 2015, entitled "Newport Materials, LLC, and 540 Groton Road, LLC v. Robert Herrmann et al. (members of the Westford Zoning Board of Appeals and Town of Westford), 15 MISC 000208," appealing the decision of the Zoning Board of Appeals denying a variance to operate more than one principal use at the Property ("Newport Variance Appeal").

WHEREAS a number of abutters and other neighbors to the Project filed a complaint on or about June 4, 2015, entitled "Michael Donnelly et al. v. Robert Herrmann (members of the Westford Zoning Board of Appeals and Town of Westford), Newport Materials, LLC and 540 Groton Road, LLC, 15 MISC 000210," appealing the decision of the Zoning Board of Appeals to grant a variance from the term "quiet" as applied to the western boundary of the Property.

WHEREAS the Land Court consolidated Complaint I and Complaint II (hereinafter collectively the "Lawsuit").

WHEREAS, the Parties desire to resolve the Lawsuit under the terms set forth below and without the burden and expense of further litigation.

NOW, THEREFORE, in consideration of the dismissal of the Lawsuit as set forth herein, the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the Parties, intending to be legally bound, hereby agree as follows:

SETTLEMENT AGREEMENT AND RELEASE

1. RECITALS. The Parties agree that the above Recitals are true and accurate and that they are incorporated herein and made a part hereof.

2. NO ADMISSION OF LIABILITY. In entering into this Agreement, neither of the Parties admits any liability or wrongdoing.

3. PARTIES' OBLIGATIONS.

The Parties agree to enter into, file with the Land Court and seek the Land Court's endorsement of an Agreement for Judgment in the Lawsuit, in the form attached hereto as Attachment 1. The parties further agree as follows:

A. ISSUANCE OF MCP SPECIAL PERMIT. The Agreement for Judgment shall grant Newport an MCP Special Permit to construct and operate the Asphalt Facility in the form attached hereto as Attachment 2. As noted in Attachment 2, the MCP Special Permit shall approve a waiver of the provisions of Section 9.3A.4.2 of the Town's Zoning Bylaws, with respect only to the western boundary of the Property, so as to relieve Newport of any requirement to construct a sound attenuation barrier along the western boundary of the Property. If any provisions of other permits previously issued by Town boards for the Asphalt Facility, including without limitation the Site Plan Approval, WRPOD Special Permit and Stormwater Management Permit, are inconsistent with the MCP Special Permit, the terms of the MCP Special Permit control. Provided, however, that the parties recognize and agree that Newport's

intended demolition of the existing office building and construction of a new office building in the location of the existing building will require Site Plan Approval by the Planning Board. The terms and conditions of the MCP Special Permit are hereby incorporated by reference into this Settlement Agreement and may be enforced by the Town contractually under this Agreement in a court of competent jurisdiction or through an action in contempt of the Agreement for Judgment in the Land Court.

B. NOTICE OF INTENT TO ALIENATE PROPERTY. Newport shall give the Town notice of any intent to sell, lease or otherwise dispose of any portion of the Property, the Asphalt Facility or any interest therein as soon as practicable, but in any case no less than thirty (30) days prior to such sale, lease or other disposition.

C. MITIGATION. Newport, and any of its successors or assigns assuming operation of the Asphalt Facility pursuant to the MCP Special Permit attached hereto, agrees to provide the Town with the following mitigation benefits:

1. Roadway paving services and materials in an amount equivalent to twenty (20) miles of roadway completed to a minimum roadway width of 27-feet, with a 1.5-inch leveling course of bituminous concrete and a 1.5-inch finish course of bituminous concrete. The Town, at its discretion, may require Newport to substitute a portion of the twenty (20) miles as specified herein for other paving projects within the Town, such as the paving of parking lots at municipal buildings. These services and materials shall be provided during a time period not to exceed 12 years from the date on which the Asphalt Facility first becomes operational, provided that the Town may in its discretion choose to have such services and materials provided during a longer period of time.

2. Sidewalk construction services and materials in an amount equivalent to ten (10) miles of sidewalks to be constructed to the Town's required minimum specification of 3" depth and 5-foot width with vertical edge granite curbing. These services and materials shall be provided during a time period not to exceed 10 years from the date on which the Asphalt Facility first becomes operational, provided that the Town may in its discretion choose to have such services and materials provided during a longer period of time.

3. Paving services and paving material sufficient for the complete resurfacing of thirty (30) of the Town's municipal tennis and basketball courts at a rate of between two (2) to four (4) courts per year over a fifteen (15) year time period beginning on the date that the Asphalt Facility becomes operational, except that the number of courts paved in a single year may be modified by the mutual agreement of the Parties based on specific need and the number of courts at a single location requiring resurfacing. The resurfacing of the Town's municipal tennis and basketball courts shall meet the following specifications: 1½" Finished Course and 1½" Base Course of hot bituminous pavement using MassDOT Materials Specification M3.11.0.

4. Newport, or its successors or assigns, agrees to comply with the Massachusetts Prevailing Wage Law, G.L. c. 149, §§ 26 – 27H with respect to all paving and construction services performed for the Town pursuant to this Agreement.

5. Newport, and its successors or assigns, agrees to provide to the Town's Highway Department a supply of bituminous concrete from the Asphalt Facility in the amount of 300 tons Free On Board (FOB) per year for twenty (20) years from the date the Asphalt Facility becomes operational. The Highway Department shall use this FOB

bituminous concrete obtained from Newport at its sole discretion for municipal projects, such as, without limitation, filling potholes. For purposes of calculating the amount of asphalt provided in a single year, the Parties agree to track material supplied based on the Town's fiscal year, which begins on July 1. If, in any given year(s), the Town does not utilize its full 300-ton allotment, it shall be entitled to carry forward the difference between said allotment and the amount actually received by the Town. If, in any given year(s), the Town requires more than its 300-ton allotment, it shall be entitled to obtain up to 300 tons of additional material, which shall be credited to Newport to offset future allotments, provided that the Town shall give Newport prior written notice of its intent to exercise its rights under this paragraph.

6. Within thirty (30) days after entry of the Agreement for Judgment, Newport shall provide as a gift to the Town, in accordance with G.L. c.44, §53A½, one sport utility vehicle for use by the Town's Police Department. The vehicle provided shall meet the specifications to be provided by the Town's Chief of Police, the price of which shall not exceed $85,000.

7. Newport shall provide as a gift to the Town in accordance with G.L. c.44, §53A a $550,000 payment as reimbursement for the Town's legal fees spent in defense of the Lawsuits and an additional $200,000 mitigation payment to be used at the sole discretion of the Board of Selectmen for neighborhood improvements. These monetary gifts shall be paid to the Town in four equal payments of $187,500, the first payment of which shall be made six (6) months from the date of the Parties' execution of an Agreement for Judgment in the Lawsuits, the remainder of which is

to be paid every six (6) months thereafter, with the final payment to be made two (2) years from the date of the execution of the Agreement for Judgment. The parties agree that the first two such payments of $187,500 shall be made notwithstanding any third-party appeal of the MCP special permit, but that Newport may defer the remaining payments hereunder pending resolution of any such appeal unless Newport chooses to exercise the MCP special permit pending such appeal. Upon final disposition of any such appeal in favor of Newport, the payments hereunder shall resume, with the next required payment due and payable within thirty (30) days after such final disposition.

D. LIMITATIONS ON OPERATION OF ASPHALT FACILITY. Newport agrees to operate the Asphalt Facility in full compliance with the following:

1. Final Modified Conditional Approval issued by the Massachusetts Department of Environmental Protections on April 7, 2011, (Application No. MBR-09-IND-005), all requirements of which are hereby incorporated by reference into this settlement;
2. Planning Board Site Plan Approval, dated April 24, 2015, to be amended by the Planning Board for consistency with the MCP Special Permit, all requirements of which are hereby incorporated by reference into this settlement;
3. The Special Permit for a Water Resource Protection Overlay District dated April 24, 2015, to be amended by the Planning Board for consistency with the MCP Special Permit, all requirements of which are hereby incorporated by reference into this settlement;

4. The Stormwater Management Permit dated April 24, 2015, to be amended by the Planning Board for consistency with the MCP Special Permit, all requirements of which are hereby incorporated by reference into this settlement;
5. MCP Special Permit issued by the Planning Board pursuant to this Settlement Agreement, with all conditions in the form attached hereto as Attachment 2;
6. The number of vehicles accessing the Property each day shall be limited to 200 vehicles per day, regardless of vehicle type, for a total of 400 vehicle trips per day. This limitation shall exclude internal trips between the Property and the Fletcher Quarry located at 534 Groton Road or the LeMasurier Quarry located off Ledge Road. This restriction shall take effect immediately upon the date of the execution of the Settlement Agreement by the Parties.
    a. Newport agrees to pay for the reasonable cost of the Town's traffic consultant, MDM Transportation Consultants, Inc. (or such other consultant as the Town may choose to retain), to install video monitoring equipment at the intersection of Groton Road and Commerce Way and to provide the Town with video monitoring services to ensure compliance with the 200 vehicle limitation.
    b. Video monitoring and reporting shall remain in effect under this provision until such time as the Planning Board approves and Newport implements a long-term traffic monitoring plan under the terms of the MCP Special Permit attached hereto, approval of which shall not be unreasonably denied.
7. As soon as practicable, but in any event no more than sixty (60) days following filing of the Agreement for Judgment, and in accordance with the terms of the MCP Special Permit, the Parties shall arrange for a formal meeting between each of the Parties'

respective traffic engineering consultants for purposes of jointly preparing a long-term traffic monitoring plan for the Property. Newport agrees to pay for the reasonable cost of the Town's traffic consultant, MDM Transportation Consultants, Inc. (or such other consultants as the Town may choose to retain), for purposes of the joint meeting and development of the traffic monitoring plan for the Property. The traffic monitoring plan shall be subject to review and approval by the Planning Board.

E. LIMITATIONS ON USE OF THE PROPERTY. The location and extent of allowable uses of the Property, including accessory uses, shall be limited to those uses that are shown on the illustrative site plan attached hereto as Attachment 3. Specifically, Newport agrees to the following limitations of use of the Property:

1. For as long as the Asphalt Facility is in operation, Newport agrees that use of the Property shall be limited to the following principal uses (a through c) and accessory uses (d through g): (a) the existing solar farm; (b) the existing Asphalt, Brick and Concrete Materials Processing Facility, including a single rock crusher; (c) the Asphalt Manufacturing Facility; (d) a 6,000 s.f. office/lab building, to be constructed on the site of the existing office building, which will be demolished; (e) a maintenance shed; (f) a weigh scale and truck holding area and (g) material storage for Asphalt Manufacturing Facility.
2. Use of the Property for importing and/or stockpiling earth materials shall cease on or before one (1) year from the date the Parties file an Agreement for Judgment with the Land Court.
    a. Newport may, during the one (1) year period granted pursuant to this Agreement, clear seven (7) acres of the Property for the purpose of stockpiling 3.5 acres of materials per the Stormwater Management Permit issued by the Planning Board

and filed with the Town Clerk on April 21, 2016, and the Notice of Intent issued by the Conservation Commission, dated January 28, 2016.

b. No materials shall be stockpiled on the Property in locations other than those shown on the illustrative Use and Site Plan for the Property, a copy of which is attached hereto as Attachment 3 and hereby incorporated into this agreement.

c. Within eighteen (18) months after the date of the Parties' filing of the Agreement for Judgment, the areas specified above in which Newport engaged in stockpiling activities shall be graded and landscaped or seeded as shown on the illustrative Site Plan attached hereto as Attachment 3.

3. Any adjacent or proximate property to be later acquired by Newport, its successors or assigns, any individual owner or officer or successor owner or officer of Newport, any corporate entities or partnerships formed by any or all of the owners or officers of Newport or their successors, assigns, or any other person or entity acting at the request or direction of Newport, its owners or officers, including but not limited to land identified by the Town as as tax lots 048-0001-0000 (12.5 acres); 048-0002-0002 (64.5 acres) and 048-0011-00239 (13,790 square feet), which includes the existing LeMasurier Quarry operation, may not be used for any new or expanded Principal or Accessory Uses without issuance of an MCP Special Permit. Should Newport or any related entity acquire the adjacent property, which is the current site of the LeMasurier Quarry, Newport shall not be required to obtain an MCP Special Permit to maintain the current operations of the LeMasurier Quarry as it currently exists for purposes of on-site excavation, crushing and cutting of materials quarried on-site and the sale of these materials to off-site purchasers.

4. The Parties agree that the Property and any later acquired adjacent or proximate property by Newport or related entities as outlined in Subsection E.3 hereof shall be considered merged with the 540 Groton Road Property for purposes of determining jurisdictional thresholds and performance standards for the Major Commercial Project Bylaw, regardless of whether there is access to the newly acquired property from roadways other than Groton Road. Jurisdictional thresholds, including the thresholds triggering requirement for a MCP special permit, and performance standards for the combined properties shall be established based on the cumulative impact of all uses on the combined properties.

5. Materials quarried on adjacent or proximate properties, including the Fletcher Quarry and the LeMasurier Quarry may be brought onto the Property via internal roadways for use in the manufacturing of bituminous concrete. All other vehicles entering or exiting the Property (e.g. 540 Groton Road) shall be strictly prohibited from circumventing the 200 motor vehicle limit imposed on the Property by accessing the Property through the Fletcher Quarry or LeMasurier Quarry sites and any other internal roadways providing access to the various properties. The 200 motor vehicle limit shall not apply to vehicles accessing the LeMasurier Quarry via Ledge Road.

6. Newport shall implement a system of video traffic monitoring between the Property and any newly-acquired adjacent or proximate property for purposes of ensuring that no vehicles access the Property from public or private roadways in the Town other than through the existing access road, known as Commerce Way. Newport shall pay for the reasonable cost of the Town's traffic consultant, MDM Transportation Consultants or such other consultant(s) as the Town may determine, to install video equipment and engage in ongoing traffic monitoring on internal roadways between the Property and the newly acquired property. Such equipment and

monitoring shall be in place within thirty (30) days of Newport's acquisition of such newly-acquired adjacent or proximate property and prior to any vehicles accessing the Property from such newly-acquired property.

7. Trucks travelling between the Property and any newly acquired adjacent or proximate land via internal roadways shall not be covered or enclosed, so that the video monitoring can reveal that no asphalt trucks are entering or leaving the Property via internal roadways connecting to adjacent properties.

8. Newport agrees that the vehicle and use restrictions contained in this Agreement shall be included as a condition of the MCP Special Permit for the Asphalt Facility and shall also be imposed as a restrictive covenant, in a form to be approved by Town Counsel, on any newly acquired adjacent or proximate properties for the maximum period allowable by law.

9. Full compliance with the terms of the Settlement Agreement by Newport and any successors or assigns shall be required in order to operate the Asphalt Facility pursuant to the MCP Special Permit. Failure to comply with any term of the Settlement Agreement shall be grounds for immediate suspension or revocation of the MCP Special Permit by the Planning Board.

4. **RELEASE.** Newport, on behalf of its officers, owners, employees, successors and assigns, hereby remises, releases, and forever discharges the Town, its boards, officers, employees, attorneys, insurers, agents, successors and assigns, from any and all actions, causes of action, suits, controversies, proceedings, demands, agreements, promises, debts, dues, sums of money, accounts, damages and liabilities, including, but not limited to, any and all claims for breach of contract, tort and consumer protection actions, known or unknown, which they have now or ever have had from the beginning of the world to date.

5. DISMISSAL OF NEWPORT VARIANCE APPEAL. The parties agree that the agreements and covenants set forth herein and in the Agreement for Judgment to be filed in the Lawsuit hereunder render moot the Newport Variance Appeal. Within thirty (30) days after entry of the Agreement for Judgment in the Lawsuit, the parties shall stipulate to dismissal of the Newport Variance Appeal with prejudice, pursuant to Mass. R. Civ. P. 41(a)(1).

6. THIRD-PARTY LAWSUITS. In the event of a third-party lawsuit against the Planning Board and Newport as a result of the Planning Board's issuance of the MCP Special Permit, which prevents Newport from constructing and operating the Asphalt Facility, Newport shall be required only to pay the first two of the required four (4) payments of $187,500 to the Town and make the donation of the sport utility vehicle to the Town, according to the schedule set forth in the Settlement Agreement. The remaining two (2) payments and the commencement of any paving materials and services to the Town shall be suspended until the Asphalt Facility is operational. A third-party lawsuit shall not extend the one (1) year time period for stockpiling materials on the Property under this Settlement Agreement or the completion of required grading and landscaping of the stockpiled areas on the Property as required pursuant to Subsection 3.E.2.c of hereof.

7. COMPLETENESS OF AGREEMENT. This Settlement Agreement constitutes the entire agreement between the Parties with respect to the subject matter hereof, and there are no inducements, representations, warranties, or understandings that do not appear within the terms and provisions of this Settlement Agreement. This Settlement Agreement may be modified only by a writing signed by both Parties. No waiver of any provision of this Agreement at any time shall be deemed a waiver of any other provision of this Agreement.

8. INTERPRETATION. This Agreement has been negotiated by the Parties and their respective counsel and shall be interpreted fairly in accordance with its terms and without any strict construction in favor of or against any Party.

9. REPRESENTATION OF AUTHORITY. Each person signing this Agreement hereby represents and warrants that he or she has the full authority and is duly authorized and empowered to execute this Agreement on behalf of the Party for which he/she signs.

10. LEGAL COUNSEL. Each Party represents that before the execution of this Agreement, such Party had the benefit of legal counsel of such Party's selection, and that such Party executed this Agreement only after consulting with such legal counsel.

11. GOVERNING LAW. The provisions of this Agreement shall be governed by the laws of the Commonwealth of Massachusetts, and any civil action arising out of this Agreement must be brought in a Court of competent jurisdiction within the Commonwealth of Massachusetts.

12. ENFORCEMENT. Town staff, including without limitation the Town's Building Commissioner, Conservation Agent, Town Planner and Director of Land Use Management shall be permitted to enter the property during business hours, and by appointment during other times, for purposes of inspecting the Property to determine compliance with this Agreement. The Parties agree that the Agreement for Judgment may be enforced in Contempt, that this Agreement may be enforced in any Massachusetts court of competent jurisdiction and that the Town shall be entitled to recover its costs and counsel fees in any action to enforce this Agreement or the Agreement for Judgment, in which it is the prevailing party.

13. EXCEPTION. This Agreement does not cover or apply to any claims for breach of this Agreement or the fraudulent or unauthorized execution of any document executed in connection

herewith. This Agreement applies only to the subject matter of the Lawsuit and is not intended to grant Newport any other regulatory relief.

14. **CONSTRUCTION.** The Parties hereby expressly agree that this Agreement shall not be construed against any Party on the ground that such Party was responsible for the preparation of this Agreement, or on any related ground. The language of this Agreement shall be construed as a whole and according to its fair meaning. The headings in this Agreement are for convenience and are not intended to affect construction or interpretation.

15. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and shall inure to the benefit of the Parties, as well as their respective successors and assigns, which shall include any individual or entity assuming the right to operate the Asphalt Facility under the terms of the MCP Special Permit attached hereto. The parties agree that Newport shall record this Agreement in the Middlesex North Registry of Deeds.

16. **SEVERABILITY.** Should any term or provision of this Agreement be deemed to be invalid or unenforceable for any reason, such determination shall have no effect on the remaining terms and provisions of this Agreement, which shall remain valid and enforceable independently of the rest of this Agreement.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the Effective Date set forth above.

NEWPORT MATERIALS LLC and 540 GROTON ROAD, LLC

Richard DeFelice
Manager

WESTFORD BOARD OF SELECTMEN,

WESTFORD PLANNING BOARD,

GRADE AREA TO REDUCE SLOPE AS SHOWN, LOAM AND SEED SURFACE AND PLANT TREES AS SHOWN

(300' WIDE LIMITED ACCESS HIGHWAY)
(1958 STATE LAYOUT)
U.S. ROUTE 3

GRADE AREA TO REDUCE SLOPE AS SHOWN, LOAM AND SEED SURFACE AND PLANT TREES AS SHOWN

GRAVEL ACCESS ROAD

APPROXIMATE TOWN LINE

LEVEL TOP OF SLOPE, LOAM AND SEED SURFACE

CHELMSFORD
WESTFORD

LEVEL TOP OF SLOPE, LOAM AND SEED SURFACE

APPROXIMATE TOWN LINE

FUTURE INTERNAL ROAD CONNECTION– NORTHERN VIDEO SURVEILLANCE CAMERA LOCATION

EXISTING SOLAR FARM
2

GRAVEL ACCESS ROAD

EXISTING STOCKPILES ARE TO BE REMOVED AND AREAS GRADED TO MATCH EXISTING GRADES

MATERIAL STORAGE FOR ASPHALT MANUFACTURING FACILITY 5 BINS – EACH APPROX. 40'Wx20'Lx20'H (1)

APPROXIMATE LOCATION OF 10'(H) x 225'(W) WOOD PANEL SOUNDWALL

MAINTENANCE SHED (3)

30,000 GALLON FIRE CISTERN

LANDSCAPED BERM–90'Wx450'L VARIES 10'H TO 14'H. LOAM AND SEED BERM, ALLOW TO STABILIZE

3 ASPHALT, BRICK, & CONCRETE PROCESSING AREA

1 ASPHALT MANUFACTURING FACILITY

30,000 GALLON FIRE CISTERN

TRUCK SCALE AND SCALE HOUSE (4)

PROPOSED EMERGENCY ACCESS GATE (2)

UTILITY POLE FARM SOLAR (5)

SOUTHERN VIDEO SURVEILLANCE CAMERA LOCATION

2 BUILDING TO BE REMOVED, FORMERLY MODERN CONTINENTAL

REPLACEMENT 6,000 S.F. OFFICE/LAB BUILDING AND PARKING (2)

ROUTE 40

GROTON ROAD

PROPOSED 20' WIDE EMERGENCY ACCESS EASEMENT

0 150 300 450
SCALE IN FEET

TRUE NORTH
14°38'21"
MAGNETIC NORTH

A APPROXIMATE VIEW OF VEGETATED HILLSIDE

APPROXIMATE LOCATION OF FUTURE INTERNAL ROAD CONNECTION

SITE

LOCATION PLAN
SCALE: 1"=1250'±

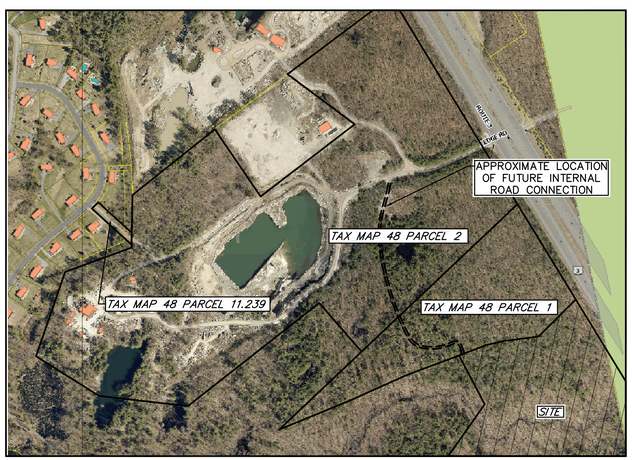
PRIMARY USE:
1. ASPHALT MANUFACTURING FACILITY (RETAIL SALES TO INDUSTRIAL/COMMERCIAL BUYERS)
2. SOLAR FARM
3. ASPHALT, BRICK, & CONCRETE PROCESSING AREA

ACCESSORY USES:
(1) MATERIAL STORAGE FOR ASPHALT MANUFACTURING FACILITY. 5 BINS – EACH APPROX. 40'Wx20L'x20'H
(2) OFFICE– LAB BUILDING
(3) MAINTENANCE SHED
(4) WEIGH SCALE AND TRUCK HOLDING AREA
(5) UTILITY POLE FARM – SOLAR AREA

PERMITS:
FROM TOWN OF WESTFORD:
1. MAJOR COMMERCIAL PROJECT SPECIAL PERMIT – PB1504SP MCP
2. SPECIAL PERMIT – WRPOD – PB1504 SP WRPOD
3. STORMWATER MANAGEMENT PERMIT – ASPHALT MANUFACTURING FACILITY – PB1504 SWM
4. STORMWATER MANAGEMENT PERMIT – 540 GROTON ROAD – PB1605 SWM
5. ORDER OF CONDITIONS – CONSERVATION COMMISSION – DEP FILE NUMBER 334–1558
6. SITE PLAN REVIEW – PB1504 SPR SITE PLAN REVIEW
7. ORDER OF CONDITIONS – 540 GROTON ROAD ENTRANCE – DEP FILE NUMBER 334–1558
8. ORDER OF CONDITIONS – REAR PROPERTY STREAM CROSSING – DEP FILE NUMBER 334–1620
9. ZBA PERMIT FOR EXTENSION OF PRE–EXISTING NON–CONFORMING (ABC PROCESSING) – BOA 09002SP/SP RENEWAL
10. SOLAR ELECTRICAL – PERMITS FROM BUILDING DEPARTMENT

FROM STATE OF MASSACHUSETTS:
1. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
2. MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MassDEP) – AIR QUALITY NON MAJOR COMPREHENSIVE PLAN APPLICATION – TRANSMITTAL NUMBER X227251 APPLICATION NUMBER MBR–09–IND–005
3. MassDEP ADMINISTRATIVE CONSENT ORDER – 2016
4. MassDEP ADMINISTRATIVE CONSENT ORDER – NOTICE OF NON–COMPLIANCE – ACOP–NE–12–6W007–NT

PRIMARY USE	ACCESSORY USE				
	(1)	(2)	(3)	(4)	(5)
1	√	√	√	√	
2		√	√	√	
3					√



ADDITIONAL LAND OF LEMASURIER
SCALE: 1"=400'±

BY	COMMENTS	DATE
MAW	TOWN COMMENTS	9/21/16

Prepared for:
NEWPORT MATERIALS, LLC
164 BURKE STREET, SUITE #1
NASHUA, NH 03060

Design	Draft	Check
MAW	GGF	MAW

ILLUSTRATIVE USE PLAN
ASPHALT MANUFACTURING FACILITY
540 GROTON ROAD
WESTFORD, MA

JULY 22, 2016

Scale: 1" = 150'

LandTech consultants
Engineering/Design/Surveying/Permitting
515 Groton Road – Westford, MA 01886
Ph: (978) 692–6100 – landtechinc.com

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Job. No.	Dwg. No.	Sheet
09–102	10231	1 OF 1

APPENDIX E.5 10/24/16 – **Assented to Stipulation of Dismissal Without Prejudice** – In connection with Agreement for Judgment filed on 10/5/16 in Case 10 MISC 429867 and Case 15 MISC 000164.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

LAND COURT

NEWPORT MATERIALS, LLC, AND
540 GROTON ROAD, LLC

Plaintiffs,

v.

ROBERT HERRMANN, SCOTT MACKAY, JAY ENIS, PAUL MACMILLIAN and SCOTT FITZGERALD, in their capacity as members of the ZONING BOARD OF APPEALS of the TOWN of WESTFORD and not individually, and the TOWN OF WESTFORD,

Defendants.

DOCKET NO:
15-MISC-000208

ASSENTED TO STIPULATION OF DISMISSIAL WITHOUT PREJUDICE

In connection with the Agreement for Judgment filed on October 5, 2016 in Newport Materials, LLC et al. v, Michael Green et al., 10 MISC 429867 and 15 MISC 000164, and consistent with the terms therein, Plaintiffs Newport Materials, LLC and 540 Groton Road, LLC, with the assent of Defendants Robert Herrmann, Scott Mackay, Jay Enis, Paul MacMillian, and Scott Fitzgerald, in their capacity as members of the Zoning Board of Appeals of the Town of Westford and not individually, and the Town of Westford, dismiss the Verified Complaint dated June 3, 2015, without prejudice.

ASSENTED TO:

ROBERT HERRMANN, SCOTT MACKAY, JAY ENIS, PAUL MACMILLIAN and SCOTT FITZGERALD, in their capacity as members of the ZONING BOARD OF APPEALS of the TOWN OF WESTFORD and the TOWN OF WESTFORD,

By their attorneys,

Jonathan M. Silverstein, BBO #630431
Katherine D. Laughman, BBO #657250
KP Law, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110
Tel: (617) 556-0007
jsilverstein@k-plaw.com
klaughman@k-plaw.com

Respectfully Submitted,

NEWPORT MATERIALS, LLC and 540 GROTON ROAD, LLC,

By their attorneys,

Thomas F. Reilly, BBO #416020
Christopher J. Cunio, BBO #634518
Manion Gaynor & Manning LLP
125 High Street, 6th Floor
Boston, MA 02110
Tel: (617) 670-8800
Fax: (617) 670-8801
treilly@mgmlaw.com
ccunio@mgmlaw.com

Dated: October 24, 2016
#1664763

APPENDIX E.6 10/24/16 – **Order Allowing Agreement for Judgment to Enter** – Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 1 – 10 MISC 429867); and Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 2 – 15 MISC 000164);

COMMONWEALTH OF MASSACHUSETTS
Land Court
Department of the Trial Court
10 MISC 429867 (AHS) (Case 1)

NEWPORT MATERIALS, LLC, and 540 GROTON ROAD, LLC,

Plaintiffs,

vs.

MICHAEL GREEN, ANDREA PERANER SWEET, FREDERICK PALMER, DENNIS GALVIN and KEVIN BORSELLI, members of the TOWN OF WESTFORD PLANNING BOARD, and the TOWN OF WESTFORD,

Defendants,

-and -

15 MISC 000164 (AHS) (Case 2)

NEWPORT MATERIALS, LLC, and 540 GROTON ROAD, LLC,

Plaintiffs,

vs.

MICHAEL GREEN, ANDREA PERANER SWEET, FREDERICK PALMER, DENNIS GALVIN and KEVIN BORSELLI, members of the TOWN OF WESTFORD PLANNING BOARD, and the TOWN OF WESTFORD,

Defendants.

ORDER ALLOWING AGREEMENT FOR JUDGMENT TO ENTER

Plaintiffs Newport Materials, LLC ("Newport") and 540 Groton Road, LLC ("Groton") (together, "Plaintiffs") commenced the above-captioned Land Court Case No. 10 MISC 429867 ("Case 1") on May 18, 2010, (a) appealing, pursuant to G. L. c. 40A, § 17, the decision of Defendants members of the Planning Board of the Town of Westford (the "Board") to deny two special permits and a site plan review [1] in connection with Newport's proposed development of an asphalt manufacturing facility (the "Project") at the property located at 540 Groton Road (also known

[1] Specifically, on April 20, 2010, the Board issued decisions denying Newport's proposed site plan for the Project (the "Site Plan Review Decision"), Newport's application for a major commercial project ("MCP") special permit, and Newport's application for a Water Resource Protection Overlay District ("WRPOD") special permit.

as 10 Commerce Way) in Westford[2] and Chelmsford, Massachusetts (the "Property");[3] (b) seeking a judicial determination, pursuant to G. L. c. 240, § 14A, with respect to certain provisions of the Town of Westford Zoning Bylaw (the "Bylaw") relative to the definitions of "light manufacturing" uses and MCPs; and (c) seeking a declaratory judgment, pursuant to G. L. c. 231A, as to whether the Project constituted a "light manufacturing" use and/or an MCP.

On August 15, 2011, the court issued a decision on Plaintiffs' motion for summary judgment ("Land Court Decision 1"), (a) finding that the Board had the authority to determine whether the Project constituted an as of right use, (b) finding that G. L. c. 40A, § 4 invalidated Section 10.2 of the Bylaw (pertaining to special permits for MCPs), (c) remanding to the Board the issue of whether the Board properly denied Newport's WRPOD special permit application, and (d) attempting to clarify the issue of whether the Project was a "light manufacturing" use. On October 14, 2011, the parties filed a joint stipulation, in which they stipulated (a) that only Section 10.2(d) of the Bylaw (defining MCPs) was invalidated, (b) that no issues would be remanded to the Board at that time, and (c) that Plaintiffs would be allowed to amend their complaint.

A site view and trial were held on November 4-6, 2013, following which the parties filed their post-trial briefs. By Decision dated December 8, 2014 ("Land Court Decision 2"), this court held, *inter alia*, as follows:

(a) "the Project does not constitute 'quarrying [and] mining' under Section 10.2 of the Bylaw";

(b) "the Project will constitute 'processing', and therefore meets the first requirement of the Bylaw's definition of 'light manufacturing'";

(c) "th[e] standard set forth in Section 9.3A.4(2)(A) of the Bylaw is a reasonable one for determining whether, for purposes of satisfying the definition of 'light manufacturing', the Project is expected to be quiet";

(d) "the determination that the ambient sound levels [of the Project] would be 43 dBA at the South, East, and West Boundary Lines, and 45 dBA at the North Boundary Line was accurate";

(e) "as presently conceived, the Project is not allowed as of right

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[2] The Town of Westford ("Westford" or the "Town", and together with the Board, "Defendants") was also named as a Defendant in these cases.

[3] The Property (which is owned by Groton and leased to Newport) is a 115.52 acre parcel located near the northeast corner of Westford, Massachusetts. The Groton Parcel is irregularly-shaped (resembling, roughly, a backwards C-shape wrapping around its neighbor to the west), and is bounded by Route 40 to the south, an operating quarry to the west, an industrial lot and Route 3 to the east, and vacant industrial land to the north. Approximately ninety acres of the Property is located in Westford, with the remaining portion (to the east) extending into the adjacent town of Chelmsford.

at Locus";

(f) "the Board's denial of Plaintiffs' site plan review (and MCP and WRPOD special permit applications) was not 'arbitrary and capricious and legally untenable'";

(g) "the requirement to obtain an MCP permit for the Project was triggered";

(h) "the Board's denial of Plaintiffs' application for a MCP special permit was not 'arbitrary and capricious and legally untenable', since such action was taken merely as a corollary to the Board's proper denial of Newport's site plan review application";

(i) "the Project (as presently conceived) does not constitute quarrying and mining or light manufacturing, and is therefore not allowed as of right at Locus; as such, the Site Plan Review Decision was not 'arbitrary and capricious and legally untenable'"; and,

(j) "because the Board properly denied Newport's site plan review, Newport's applications for MCP and WRPOD special permits became moot, so the Board's denial of these applications was proper."

In view of these findings, this court further ruled as follows:

> The Board's decisions to deny Newport's applications are therefore upheld -- albeit for reasons that, as discussed above, are different than those stated therein. The case is remanded to the Board. Plaintiffs should resubmit to the Board a modified site plan review application (a) incorporating the sound attenuation barriers recommended by CTA, (b) providing that the Project will employ five or more employees, (c) requesting a variance to operate more than one principal use on the Groton Parcel, and (d) addressing the issue of the Project's power sources. Such a revised application must be also accompanied by revised applications for MCP and WRPOD special permits. If so submitted, it would appear to this court that the Project would then be permitted as of right as a light manufacturing use at Locus, subject to such conditions as the Board may reasonably require in order to approve Newport's special permit applications.[4]

[4] In a footnote, this court further commented that "it is the opinion of this court that the Project would be an ideal use of Locus, given its proximity to the Fletcher Quarry and Newport's rock crushing facility, and based upon the overall industrial nature of the area."

> In the interest of avoiding future litigation before this court, the Board's assessment of any such resubmitted plans shall be made in accordance with the findings and rulings contained in this decision. . . . This court retains jurisdiction over this matter after it is remanded to the Board. . . . Final judgment in this matter will be held pending the Board's remand decision.

Following the entry of Land Court Decision 2, the Board held a remand hearing, after which, by decision dated April 24, 2015, it granted Newport's applications for site plan approval, a WRPOD special permit, and a stormwater management permit, but denied Plaintiffs' application for an MCP special permit. In response, on May 13, 2015, Plaintiffs commenced the above-captioned Land Court Case No. 15 MISC 000164 ("Case 2"), appealing, pursuant to G. L. c. 40A, § 17, the April 24, 2015 decision of the Planning Board to deny Newport's renewed application for an MCP special permit.

Also while on remand from Land Court Decision 2, Newport filed applications with the Westford Zoning Board of Appeals (the "ZBA"), seeking, alternatively, a variance from the Bylaw's limitation on the number of principal uses that may be conducted at the Property and a special permit authorizing multiple principal uses at the Property. Both such applications were denied by the ZBA. Thus, on June 3, 2015, Plaintiffs filed an appeal from such denials, pursuant to G. L. c. 40A, § 17, in the Land Court case entitled *Newport Materials, LLC v. Westford Zoning Board of Appeals* (Case No. 15 MISC 000208) ("Case 3").

Also while on remand from Land Court Decision 2, Newport filed an application with the ZBA for a variance from the Bylaw's definition of the term "quiet", as applied to the western boundary of the Property. That application was granted by the ZBA. On June 4, 2015, a number of abutters to the Project (the "Abutters") appealed the ZBA's decision to grant such variance in the Land Court Case entitled *Donnelly v. Westford Zoning Board of Appeals* (Case No. 15 MISC 000210) ("Case 4").[5]

On August 12, 2016, Plaintiffs, the Town, and the Board filed a joint motion to continue the trial in Case 1 and Case 2 (which had been scheduled for August 24-25, 2016) on the basis that they had were close to reaching a settlement agreement, which I allowed. On September 29, 2016, Plaintiffs, the Town, and the Board filed a motion requesting the issuance of a Thirty-Day Nisi Order, and reporting that they had reached an agreement to settle after submitting to non-binding mediation before the Hon. Leon J. Lombardi, retired Associate Justice of the Land Court. In connection therewith, they filed a request for approval of a proposed Agreement for Judgment (the "Agreement for Judgment"), which contemplates the issuance of a MCP special permit (the "Special Permit") in the form of the document annexed as Exhibit A to the parties' Agreement for Judgment. Exhibit B thereto was a copy of the parties' Settlement Agreement (the "Settlement Agreement"). In response to these filings, the Abutters filed another motion seeking to intervene in Cases 1-3.[6]

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[5] The Abutters in Case 4 later moved to intervene in Cases 1, 2, and 3 and to consolidate all four cases, which this court denied.

[6] The Abutters also purported to file objections to the Agreement for Judgment and a request for a hearing thereon. No action has been, or will be, taken with respect to that filing, as the Abutters are not parties to these cases.

The Settlement Agreement is signed by Plaintiffs' principal, Richard DeFelice, by a supermajority (4 of 5) of the members of the Westford Board of Selectmen (the "Selectmen") and a simple majority (3 of 5) of the members of the Board.

After reviewing the Agreement for Judgment, the court held telephone status conferences on October 13, 2016 and October 19, 2016 to address several potential issues that the court identified with the Agreement for Judgment. First, the court noted that a supermajority of the Board had not signed off on the Agreement for Judgment. Second, the court wanted to ensure that anyone who objected to the issuance of the Special Permit would have an opportunity to appeal same. Third, the court noted objections filed by counsel to the Abutters with respect to an alleged violation of the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25.

With respect to the first issue, the parties agree that the Selectmen, as executive agents of the Town, have the authority to settle this litigation, even without a supermajority of the Board. While case law does appear to support that position, see Hubrich v. Town of Foxborough, 78 Mass. App. Ct. 1120 (Table), *2 (2011) (unpublished Rule 1:28 mem. & order) (citing Bd. of Pub. Works of Wellesley v. Bd. of Selectmen of Wellesley, 377 Mass. 621, 624 (1979)), nothing in this Order shall be taken as an adjudication on the merits of that issue. As to the second issue, the parties noted that the Agreement for Judgment specifically preserves the standard G.L. c. 40A § 17 procedure for appeals from the Special Permit once same is filed with the Westford Town Clerk. As to the third issue, the parties jointly represented that, to the extent required, their negotiation of and assent to the terms of the Settlement Agreement, the Special Permit, and the Agreement for Judgment, as well as their decision to enter mediation in connection therewith, was done in full compliance with the Massachusetts Open Meeting Law. While the court accepts the parties' representations on this issue, again, nothing in this Order shall be deemed an adjudication of this issue.

Based upon the foregoing, this court hereby **ALLOWS** the Agreement for Judgment to be entered. See Exhibit 1, annexed hereto. Judgment is thus so entered pursuant to Land Court Rule 10, subject to the following conditions and limitations:

(1) The Agreement for Judgment, entered of even date hereof, shall reflect the following amendments made by the court. First, Paragraph 3 of the Agreement for Judgment (set forth on pages 4-5 thereof) is stricken in its entirety. Second, in Paragraph 5 of the Agreement for Judgment (set forth on page 5 thereof), the word "finding" on lines 5 and 7 thereof is stricken and replaced with "such agreement". Third, the line for the court's signature on page 6 of the Agreement for Judgment is stricken.

(2) In allowing the Agreement for Judgment to be entered, the court has not reviewed, approved, or passed upon the terms and provisions of any other agreement, undertaking, document, or conveyance, including without limitation any executed, entered into, or made pursuant to the Agreement for Judgment.

(3) In allowing the Agreement for Judgment to be entered, the court has

not adjudicated any of the above-discussed potential issues with the Agreement for Judgment that had been noted by this court, namely (a) the authority of the Selectmen to direct the settlement of this matter, (b) the adequacy of the appeals procedure from the Special Permit, and (c) any compliance with the Open Meeting Law. Those issues are specifically preserved and may be raised in any prospective G.L. c. 40A § 17 appeal from the Special Permit.[7]

(4) Any breach of, or failure to perform under, the Agreement for Judgment or any agreement, undertaking, document, or conveyance executed, entered into, or made pursuant to the Agreement for Judgment shall not constitute a contempt of this court. Any litigation concerning or arising under any such agreement, undertaking, document, or conveyance may be brought in, and determined by, any court of competent jurisdiction.

(5) A certified copy of this Order may, upon payment of all fees required by law, be recorded in the Middlesex County Registry of Deeds.

In view of the foregoing, and based on the Settlement Agreement, Cases 1 and 2 are hereby closed, with prejudice. As such, the motion filed by the Abutters to intervene in Cases 1-3 is hereby **DENIED** as moot to extent it applies to Cases 1 and 2.

SO ORDERED.

By the Court. (Sands, J.)

Attest:

Deborah J. Patterson
Recorder

Dated: October 24, 2016

[7] Likewise, nothing in this Order shall be deemed to be an adjudication of or to have any preclusive effect on Case 4, which involves different parties and different claims.

Exhibit 1

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

LAND COURT
NO. 10 MISC 429867 – AHS
NO. 15 MISC 000164 – AHS

NEWPORT MATERIALS, LLC, and 540 GROTON ROAD, LLC,

Plaintiffs

v.

MICHAEL GREEN, ANDREA PERANER SWEET, FREDERICK PALMER, DENNIS GALVIN and KEVIN BORSELLI, in their capacity as members of the PLANNING BOARD OF THE TOWN OF WESTFORD, and not individually, and the TOWN OF WESTFORD,

Defendants

AGREEMENT FOR JUDGMENT

The Parties to the above consolidated actions hereby submit this Agreement for Judgment and respectfully request that Judgment enter as follows to fully resolve all claims in the above-referenced matters.

WHEREAS, in 2009, Newport filed applications for Site Plan Approval, a Major Commercial Project ("MCP") Special Permit and a Special Permit for fuel storage under Sections 8.1 and 9.3 of the Zoning Bylaw with the Town of Westford Planning Board ("Planning Board") to install and operate an asphalt manufacturing facility (the "Asphalt Facility") on a 114-acre lot located at 540 Groton Road (also known as 10 Commerce Way) in Westford, Massachusetts, 90 acres being in Westford, with the remaining land located in the adjacent Town of Chelmsford (the "Property").

WHEREAS the Planning Board denied Newport's applications by decisions filed with the Town Clerk on April 24, 2010 on the grounds that the Planning Board lacked jurisdiction to approve Newport's applications because it determined that "the proposed use for an asphalt plant is not a permitted use in the [IA] zoning district."

WHEREAS, Newport filed a complaint on or about May 18, 2010 in the Massachusetts Land Court (the "Land Court") entitled "Newport Materials, LLC et al., v. Michael Green et al. (members of the Planning Board of the Town of Westford and the Town of Westford), C.A. No. 10 MISC 429867" ("Complaint I"), appealing the April 30, 2010 decisions of the Planning Board.

WHEREAS the Land Court held a trial on November 4-6, 2013 with respect to the following legal issues:

- First, whether Plaintiffs' Project meets the definition of "Quarrying; mining" in Section 10.2 of Westford's Zoning Bylaw.
- Second, alternatively, whether Plaintiffs' Project meets the definition of "Light Manufacturing" in Section 10.2 of Westford's Zoning Bylaw.
- Third, whether Plaintiffs' Project meets the revised definition of Major Commercial Project ("MCP") in Section 10.2 of Westford's Zoning Bylaw.

WHEREAS, by a decision dated December 8, 2014, the Court upheld the Planning Board's determination that the use did not constitute "light manufacturing," and further found that the use did not qualify as "quarrying; mining," but found that with four modifications "it would appear to this Court that the project would then be permitted as of right as a light manufacturing use," provided Newport obtained an MCP Special Permit.

WHEREAS the Land Court instructed Newport to modify its proposal and resubmit its application for Site Plan Approval, an MCP Special Permit, a Water Resource Protection Overlay District ("WPROD") Special Permit, and to apply for a variance to allow more than one principal use on the Property.

WHEREAS Newport resubmitted applications with the Planning Board in January, 2015 for Site Plan Approval, an MCP Special Permit, a WPROD Special Permit, and a Stormwater Management ("SWM") permit and also filed applications with the Zoning Board of Appeals for (1) a variance and special permit to allow more than one principal use on the Property; and (2) a variance from the term "quiet" within the definition of light manufacturing with respect to sound levels at the western boundary of the property.

WHEREAS, the Planning Board held a remand hearing, after which it granted Newport's applications for Site Plan Approval, a WRPOD Special Permit, a Stormwater Management Permit, and denied Plaintiffs' application for an MCP Special Permit.

WHEREAS, Newport filed a second complaint in Land Court on or about May 18, 2015 against the Town entitled "Newport Materials, LLC and 540 Groton Road, LLC v. Michael Green et al. (members of the Westford Planning Board and Town of Westford), C.A. No. 15 MISC 000164" ("Complaint II"), appealing the April 24, 2015 decision of the Planning Board to deny the MCP Special Permit.

WHEREAS Newport filed a third complaint in Land Court on or about June 3, 2015 entitled "Newport Materials, LLC, and 540 Groton Road, LLC v. Robert Herrmann et al. (members of the Westford Zoning Board of Appeals and Town of Westford), 15 MISC 000208,"

appealing the two decisions of the Zoning Board of Appeals denying a variance and a special permit to operate more than one principal use at the Property.

WHEREAS a number of abutters to the Project filed a complaint on or about June 4, 2015 entitled "Michael Donnelly et al. v. Robert Herrmann (members of the Westford Zoning Board of Appeals and Town of Westford), Newport Materials, LLC and 540 Groton Road, LLC, 15 MISC 000210," appealing the decision of the Zoning Board of Appeals to grant a variance from the term "quiet" as applied to the western boundary of the Property.

WHEREAS the Land Court on consolidated Complaint I and Complaint II (hereinafter collectively the "Lawsuit").

NOW, THEREFORE, the Parties agree that:

1. Judgment hereby enters granting Newport an MCP Special Permit for the Asphalt Facility in the form attached hereto as Exhibit A. The parties shall file the MCP Special Permit in the form attached with the Westford Town Clerk. In accordance with G.L. c.40A, §9 (13th par.), notice of such filing shall forthwith be mailed to all parties in interest, as defined in G.L. c.40A, §11, and to any person present at the remand hearing who requested that notice be sent to him and stated the address to which such notice was to be sent.

2. The Settlement Agreement of the Parties, attached hereto as Exhibit B shall become a part of this Agreement for Judgment and shall be enforceable, pursuant to the terms of this Agreement for Judgment.

~~3. This Agreement for Judgment, including the Settlement Agreement attached as Exhibit B, shall be deemed to be an Order and Judgment of the Court, enforceable in contempt,~~

~~any breach of which is subject to the remedy of specific enforcement by the Court without limitation to other appropriate remedies.~~

4. A copy of this Judgment, including the Settlement Agreement and MCP Special Permit decision shall be recorded by Newport with the Middlesex North Registry of Deeds and shall be binding on all successors and assigns. Full compliance with the terms of the Settlement Agreement and MCP Special Permit shall be a condition of the continued operation of the Asphalt Facility on the Property by Newport and its successors or assigns. Failure of any individual or entity operating and/or controlling the Asphalt Facility to comply herewith shall justify suspension or rescission of the MCP Special Permit.

5. Owing to the unique circumstances attendant to this Property, including, but not limited to, the permitting history of the Property, the size of the Property, the strict limitations imposed by various regulatory approvals including the MCP Special Permit on future uses, and the existence of pre-existing nonconforming use(s) on the Property, no variance shall be required to add the Asphalt Facility as an additional use on the Property. ~~This finding~~ Such agreement AHS shall not be deemed an adjudication on the merits with respect to the decision of the Zoning Board of Appeals to deny a variance to authorize multiple principle uses on the Property, and ~~this finding~~ such agreement AHS shall have no binding or preclusive effect on the Town or any Town board or official with respect to other applications or proposals for this or other properties within the Town with respect to the interpretation of the Zoning Bylaw for purposes of authorizing multiple principle uses on a single site.

NEWPORT MATERIALS, LLC and 540 GROTON ROAD, LLC,

By their attorneys,

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TOWN OF WESTFORD PLANNING BOARD ET AL.

By their attorneys,

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jsilverstein@k-plaw.com
klaughman@k-plaw.com

~~By the Court.~~

~~Sands, J.~~

APPENDIX E.7 11/9/16 – **Order on Defendants' Motion to Vacate Judgment** – Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 1 – 10 MISC 429867); and Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli, members of the Town of Westford Planning Board and the Town of Westford (Case 2 – 15 MISC 000164);

COMMONWEALTH OF MASSACHUSETTS
Land Court
Department of the Trial Court
10 MISC 429867 (AHS) (Case 1)

NEWPORT MATERIALS, LLC, and 540 GROTON ROAD, LLC,

Plaintiffs,

vs.

MICHAEL GREEN, ANDREA PERANER SWEET, FREDERICK PALMER, DENNIS GALVIN and KEVIN BORSELLI, members of the TOWN OF WESTFORD PLANNING BOARD, and the TOWN OF WESTFORD,

Defendants,

-and -

15 MISC 000164 (AHS) (Case 2)

NEWPORT MATERIALS, LLC, and 540 GROTON ROAD, LLC,

Plaintiffs,

vs.

MICHAEL GREEN, ANDREA PERANER SWEET, FREDERICK PALMER, DENNIS GALVIN and KEVIN BORSELLI, members of the TOWN OF WESTFORD PLANNING BOARD, and the TOWN OF WESTFORD,

Defendants.

ORDER ON DEFENDANTS' MOTION TO VACATE JUDGMENT

On October 5, 2016, Plaintiffs Newport Materials LLC and 540 Groton Road LLC (together, "Plaintiffs") and Defendants Town of Westford (the "Town") and Town of Westford Planning Board (the "Board") (together, "Defendants") jointly filed a request for approval of a proposed Agreement for Judgment (the "Agreement for Judgment"), which contemplates the issuance of a Major Commercial Project Special Permit (the "Special Permit") in the form of the document annexed as Exhibit A to the Agreement for Judgment. Exhibit B thereto was a copy of the parties' Settlement Agreement (the "Settlement Agreement"), which was signed by Plaintiffs' principal, Richard DeFelice, by a supermajority (4 of 5) of the members of the Westford Board of Selectmen (the "Selectmen"), and by a simple majority (3 of 5) of the members of the Board.

After reviewing the Agreement for Judgment, the court held telephone status conferences on October 13, 2016 and October 19, 2016 to address several potential issues that the court identified

with the Agreement for Judgment.[1] After so conferring with the parties, on October 24, 2016, this court issued an Order (the "Order") allowing the parties' Agreement for Judgment to enter, subject to several conditions and limitations. Namely:

(1) "The Agreement for Judgment . . . shall reflect the following amendments made by the court. First, Paragraph 3 of the Agreement for Judgment (set forth on pages 4-5 thereof) is stricken in its entirety. Second, in Paragraph 5 of the Agreement for Judgment (set forth on page 5 thereof), the word 'finding' on lines 5 and 7 thereof is stricken and replaced with 'such agreement'. Third, the line for the court's signature on page 6 of the Agreement for Judgment is stricken."

(2) "In allowing the Agreement for Judgment to be entered, the court has not reviewed, approved, or passed upon the terms and provisions of any other agreement, undertaking, document, or conveyance, including without limitation any executed, entered into, or made pursuant to the Agreement for Judgment."

(3) "In allowing the Agreement for Judgment to be entered, the court has not adjudicated any of the . . . potential issues with the Agreement for Judgment that had been noted by this court, namely (a) the authority of the Selectmen to direct the settlement of this matter, (b) the adequacy of the appeals procedure from the Special Permit, and (c) any compliance with the Open Meeting Law. Those issues are specifically preserved and may be raised in any prospective G.L. c. 40A § 17 appeal from the Special Permit."

(4) "Any breach of, or failure to perform under, the Agreement for Judgment or any agreement, undertaking, document, or conveyance executed, entered into, or made pursuant to the Agreement for Judgment shall not constitute a contempt of this court. Any litigation concerning or arising under any such agreement, undertaking, document, or conveyance may be brought in, and determined by, any court of competent jurisdiction."

(5) "A certified copy of this Order may, upon payment of all fees required by law, be recorded in the Middlesex County Registry of Deeds."

Pursuant to the Order, the Agreement for Judgment entered on October 24, 2016.

---

[1] First, the court noted that a supermajority of the Board had not signed off on the Settlement Agreement. Second, the court wanted to ensure that anyone who objected to the issuance of the Special Permit would have an opportunity to appeal same. Third, the court noted objections filed by counsel to the Abutters with respect to an alleged violation of the Massachusetts Open Meeting Law, G.L. c. 30A, §§ 18-25.

On November 3, 2016, Defendants filed a motion to vacate the Agreement for Judgment pursuant to Mass. R. Civ. P. 60(b)(6), which provides that "[o]n motion and upon such terms as are just, the court may relieve a party or his legal representative from a final judgment, order, or proceeding for . . . (6) any other reason justifying relief from the operation of the judgment." Defendants argue that such relief is appropriate since, they claim, the court's deletion of Paragraph 3 of the Agreement for Judgment constituted a "unilateral change to a material term of a negotiated settlement [which] had the effect of voiding the agreement between the Parties." In particular, Defendants claim that "[t]he language stricken by the Court . . . eliminates the Town's ability to seek enforcement to ensure compliance with both the settlement terms and the MCP Special Permit conditions through an action for contempt, which was a material and essential term of the Agreement." On November 8, 2016, Plaintiffs filed opposition to Defendants' motion, objecting to Defendants' request to vacate the Agreement for Judgment, and consenting to the reinsertion of Paragraph 3 into the Agreement for Judgment.

The court notes that Defendants, in their motion, and Plaintiffs, in their opposition, are in agreement regarding a number of things about the Agreement for Judgment. For instance, both parties agree that the Agreement for Judgment was the result of the parties "voluntarily engag[ing] in a collaborative formal mediation process, which was then followed by extensive negotiations." They further agree that "[t]he result of this process was a detailed and carefully drafted Settlement Agreement and Agreement for Judgment, the terms of which each party carefully reviewed and considered." It goes without saying that the parties' agreement caps over six years of litigation over a proposed asphalt plant that would be located in a zoning district zoned for industrial uses and adjacent to an operating quarry.

As counsel for both sides have emphasized repeatedly to this court, both sides compromised deeply in reaching their settlement, and both secured great benefits for their clients. Plaintiffs, for their part, won the ability to move forward with their proposed development, but agreed to subject themselves to rigorous conditions and limitations in the operation of that development. Defendants conceded their position as to the propriety of Plaintiffs' project, but also secured a firm level of control over the operation of that project, in the process avoiding the possibility of an adverse ruling in this litigation resulting in a directed approval of Plaintiffs' proposed development with no conditions whatsoever. Defendants also secured for the citizens of Westford immense benefits, including over $8 million in public goods and services, and payment of the over half million Dollars incurred, to date, by Defendants in legal fees -- funds that can now be put to use funding yet more public services.

As Defendants acknowledge, whether to allow relief under Mass. R. Civ. P. 60(b)(6) is subject to the broad judicial discretion of this court. Owens v. Mukendi, 448 Mass. 66, 72 (2006). The primary concern expressed by the court in the Order and the reason why the court wanted to strike Paragraph 3 from the Agreement for Judgment was to ensure that it was understood that the Agreement for Judgment would not be construed as an adjudication of the merits of this case, nor of the potential issues noted by this court with respect to the Agreement for Judgment itself. The relief prescribed by the Agreement for Judgment was merely the agreement of the parties. By allowing the Agreement for Judgment to enter, the court gave such agreement legal force and effect, but did not rule on the merits of the relief agreed-to by the parties. Such merits remain subject to review in a G.L. c. 40A, § 17 appeal from the Special Permit.

In addition to the foregoing, having reviewed Defendants' moving brief -- in particular, their explanation of the reason why the parties included Paragraph 3 in their Agreement for Judgment in the first place -- as well as Plaintiffs' opposition brief, this court is now satisfied that there is no risk in allowing the Agreement for Judgment to be enforced by contempt proceedings, and now better understands why Paragraph 3 of the Agreement for Judgment was included therein as a material component thereof. On the specific issue of contempt, it now appears clear that, assuming no appeal from the Order is taken, the Agreement for Judgment will stand as a Judgment of the court, enforceable under Mass. R. Civ. P. 65.3 -- just as would be any other Judgment of this court. Thus, all that is meant by "contempt" in this context is that the court has the same inherent power to enforce its own Judgments as it has in any other instance in which Judgment is entered. Thus, the court now agrees that nothing is gained from removing Paragraph 3 from the Agreement for Judgment, and that Paragraph 3 of the Agreement for Judgment may remain in effect.

Accordingly, the court's deletion of Paragraph 3 of the Agreement for Judgment is hereby vacated, as is the provision of the Order stating that "Any breach of, or failure to perform under, the Agreement for Judgment or any agreement, undertaking, document, or conveyance executed, entered into, or made pursuant to the Agreement for Judgment shall not constitute a contempt of this court." Paragraph 3 is thus reinstated as a part of the Agreement for Judgment.[2]

As the court has thus resolved the sole objection raised in Defendants' Motion to Vacate, such motion is otherwise moot. As such, there is no need for a hearing on Defendants' Motion, as had been requested. Defendants are hereby directed to file the Special Permit with the Westford Town Clerk by or before Monday, November 14, 2016, so as to trigger the twenty-day appeals period set forth in G.L. c. 40A, §17.

As the court has now resolved this matter, and because there was no request to vacate the parties' October 24, 2016 Stipulation of Dismissal of Case No. 15 MISC 000208 (filed in connection with the Agreement for Judgment in these cases), such dismissal remains in place.

SO ORDERED.

AHS

By the Court. (Sands, J.)

Attest:

Deborah J. Patterson
Recorder

Dated: November 9, 2016

[2] The other modifications to the Agreement for Judgment, which were not objected to by Defendants in their Motion to Vacate, shall remain in place.

APPENDIX E.8 Undated – **Agreement for Judgment** – Newport Materials, LLC and 540 Groton Road, LLC vs. Michael Green, Andrea Peraner Sweet, Frederick Palmer, Dennis Galvin and Kevin Borselli in their capacity as members of the Planning Board of the Town of Westford, and not individually, and the Town of Westford.

(Please note that most Appendices referenced in the document are provided above and have not been provided in duplicate with this document.)

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

LAND COURT
NO. 10 MISC 429867 – AHS
NO. 15 MISC 000164 – AHS

NEWPORT MATERIALS, LLC, and 540 GROTON ROAD, LLC,

Plaintiffs

v.

MICHAEL GREEN, ANDREA PERANER SWEET, FREDERICK PALMER, DENNIS GALVIN and KEVIN BORSELLI, in their capacity as members of the PLANNING BOARD OF THE TOWN OF WESTFORD, and not individually, and the TOWN OF WESTFORD,

Defendants

AGREEMENT FOR JUDGMENT

The Parties to the above consolidated actions hereby submit this Agreement for Judgment and respectfully request that Judgment enter as follows to fully resolve all claims in the above-referenced matters.

WHEREAS, in 2009, Newport filed applications for Site Plan Approval, a Major Commercial Project ("MCP") Special Permit and a Special Permit for fuel storage under Sections 8.1 and 9.3 of the Zoning Bylaw with the Town of Westford Planning Board ("Planning Board") to install and operate an asphalt manufacturing facility (the "Asphalt Facility") on a 114-acre lot located at 540 Groton Road (also known as 10 Commerce Way) in Westford, Massachusetts, 90 acres being in Westford, with the remaining land located in the adjacent Town of Chelmsford (the "Property").

WHEREAS the Planning Board denied Newport's applications by decisions filed with the Town Clerk on April 24, 2010 on the grounds that the Planning Board lacked jurisdiction to approve Newport's applications because it determined that "the proposed use for an asphalt plant is not a permitted use in the [IA] zoning district."

WHEREAS, Newport filed a complaint on or about May 18, 2010 in the Massachusetts Land Court (the "Land Court") entitled "Newport Materials, LLC et al., v. Michael Green et al. (members of the Planning Board of the Town of Westford and the Town of Westford), C.A. No. 10 MISC 429867" ("Complaint I"), appealing the April 30, 2010 decisions of the Planning Board.

WHEREAS the Land Court held a trial on November 4-6, 2013 with respect to the following legal issues:

- First, whether Plaintiffs' Project meets the definition of "Quarrying; mining" in Section 10.2 of Westford's Zoning Bylaw.
- Second, alternatively, whether Plaintiffs' Project meets the definition of "Light Manufacturing" in Section 10.2 of Westford's Zoning Bylaw.
- Third, whether Plaintiffs' Project meets the revised definition of Major Commercial Project ("MCP") in Section 10.2 of Westford's Zoning Bylaw.

WHEREAS, by a decision dated December 8, 2014, the Court upheld the Planning Board's determination that the use did not constitute "light manufacturing," and further found that the use did not qualify as "quarrying; mining," but found that with four modifications "it would appear to this Court that the project would then be permitted as of right as a light manufacturing use," provided Newport obtained an MCP Special Permit.

WHEREAS the Land Court instructed Newport to modify its proposal and resubmit its application for Site Plan Approval, an MCP Special Permit, a Water Resource Protection Overlay District ("WPROD") Special Permit, and to apply for a variance to allow more than one principal use on the Property.

WHEREAS Newport resubmitted applications with the Planning Board in January, 2015 for Site Plan Approval, an MCP Special Permit, a WPROD Special Permit, and a Stormwater Management ("SWM") permit and also filed applications with the Zoning Board of Appeals for (1) a variance and special permit to allow more than one principal use on the Property; and (2) a variance from the term "quiet" within the definition of light manufacturing with respect to sound levels at the western boundary of the property.

WHEREAS, the Planning Board held a remand hearing, after which it granted Newport's applications for Site Plan Approval, a WRPOD Special Permit, a Stormwater Management Permit, and denied Plaintiffs' application for an MCP Special Permit.

WHEREAS, Newport filed a second complaint in Land Court on or about May 18, 2015 against the Town entitled "Newport Materials, LLC and 540 Groton Road, LLC v. Michael Green et al. (members of the Westford Planning Board and Town of Westford), C.A. No. 15 MISC 000164" ("Complaint II"), appealing the April 24, 2015 decision of the Planning Board to deny the MCP Special Permit.

WHEREAS Newport filed a third complaint in Land Court on or about June 3, 2015 entitled "Newport Materials, LLC, and 540 Groton Road, LLC v. Robert Herrmann et al. (members of the Westford Zoning Board of Appeals and Town of Westford), 15 MISC 000208,"

appealing the two decisions of the Zoning Board of Appeals denying a variance and a special permit to operate more than one principal use at the Property.

WHEREAS a number of abutters to the Project filed a complaint on or about June 4, 2015 entitled "Michael Donnelly et al. v. Robert Herrmann (members of the Westford Zoning Board of Appeals and Town of Westford), Newport Materials, LLC and 540 Groton Road, LLC, 15 MISC 000210," appealing the decision of the Zoning Board of Appeals to grant a variance from the term "quiet" as applied to the western boundary of the Property.

WHEREAS the Land Court on consolidated Complaint I and Complaint II (hereinafter collectively the "Lawsuit").

NOW, THEREFORE, the Parties agree that:

1. Judgment hereby enters granting Newport an MCP Special Permit for the Asphalt Facility in the form attached hereto as Exhibit A. The parties shall file the MCP Special Permit in the form attached with the Westford Town Clerk. In accordance with G.L. c.40A, §9 (13th par.), notice of such filing shall forthwith be mailed to all parties in interest, as defined in G.L. c.40A, §11, and to any person present at the remand hearing who requested that notice be sent to him and stated the address to which such notice was to be sent.

2. The Settlement Agreement of the Parties, attached hereto as Exhibit B shall become a part of this Agreement for Judgment and shall be enforceable, pursuant to the terms of this Agreement for Judgment.

3. This Agreement for Judgment, including the Settlement Agreement attached as Exhibit B, shall be deemed to be an Order and Judgment of the Court, enforceable in contempt,

any breach of which is subject to the remedy of specific enforcement by the Court without limitation to other appropriate remedies.

4. A copy of this Judgment, including the Settlement Agreement and MCP Special Permit decision shall be recorded by Newport with the Middlesex North Registry of Deeds and shall be binding on all successors and assigns. Full compliance with the terms of the Settlement Agreement and MCP Special Permit shall be a condition of the continued operation of the Asphalt Facility on the Property by Newport and its successors or assigns. Failure of any individual or entity operating and/or controlling the Asphalt Facility to comply herewith shall justify suspension or rescission of the MCP Special Permit.

5. Owing to the unique circumstances attendant to this Property, including, but not limited to, the permitting history of the Property, the size of the Property, the strict limitations imposed by various regulatory approvals including the MCP Special Permit on future uses, and the existence of pre-existing nonconforming use(s) on the Property, no variance shall be required to add the Asphalt Facility as an additional use on the Property. This finding shall not be deemed an adjudication on the merits with respect to the decision of the Zoning Board of Appeals to deny a variance to authorize multiple principle uses on the Property, and this finding shall have no binding or preclusive effect on the Town or any Town board or official with respect to other applications or proposals for this or other properties within the Town with respect to the interpretation of the Zoning Bylaw for purposes of authorizing multiple principle uses on a single site.

NEWPORT MATERIALS, LLC and 540 GROTON ROAD, LLC,

By their attorneys,

Thomas F. Reilly, BBO #416020
Christopher J. Cunio, BBO#634518
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TOWN OF WESTFORD PLANNING BOARD ET AL.

By their attorneys,

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jsilverstein@k-plaw.com
klaughman@k-plaw.com

By the Court

_____

Sands, J.

A-1

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

April 7, 2011

In the Matter of
Newport Materials

Docket No. 2009-062

Westford

FINAL DECISION

I have reviewed the attached Settlement Agreement signed by the applicant's representative Richard DeFelice, on March 25, 2011, by the petitioners' representative Lawrence Sweeney on March 28, 2011, and by Richard Chalpin, Regional Director for the Department on March 28, 2011. The Department issues this Final Decision incorporating the Settlement Agreement and Final Modified Conditional Plan Approval, which I have also reviewed.

Under the terms of 310 CMR 1.01(8)(c), these proceedings are dismissed with the parties waiving whatever rights they may have to further administrative review before the Department as well as appeal to court.

Kenneth Kimmell
Commissioner

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868
MassDEP Website: www.mass.gov/dep
Printed on Recycled Paper

SERVICE LIST

In The Matter Of: Newport Materials Asphalt

Docket No. 2009-062 Chelmsford

Representative	Party
Brian Levey, Esq. Beveridge & Diamond, P 15 Walnut Street Suite 300 Wellesley MA 02481 blevey@bdlaw.com	APPLICANT
John L. Pecora 249 Groton Road N. Chelmsford, MA 01863 lackpecora@comcast.net	PETITIONER Representative
Madelyn Morris, Esq. DEP OGC One Winter Street Boston MA 02108 Madelyn.morris@state.ma.us	DEPARTMENT
Lawrence E. Sweeney 9 Lynn Avenue No. Chelmsford, MA 01863 lsweeneyrph@comcast.net	INTERVENORS
Richard J. Day Town of Chelmsford Health Dept. Chelmsford, MA rday@townofchelmsford.us	TOWN Chelmsford
James E. Belsky Permit Chief Bureau of Waste Prevention DEP-Northeast 205B Lowell Street Wilmington MA 01887 James.belsky@state.ma.us	DEPARTMENT

Date: April 7, 2011

COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS

DEPARTMENT OF ENVIRONMENTAL PROTECTION

In the Matter of Newport Materials Westford Mass

OADR Docket No. 2009-062

Settlement Agreement

Parties

1. The Department of Environmental Protection (the Department or MassDEP) is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7 with a principal office located at One Winter Street, Boston, Massachusetts and a regional office at 205 Lowell Street in Wilmington, Massachusetts. The Department implements the Air Pollution Control Permitting Program which is governed by 310 CMR 7.00.

2. Newport Materials LLC (Newport) is a New Hampshire Limited Liability Corporation with a mailing address at 164 Burke Street in Nashua, N.H. The Massachusetts agent for service of process is Joseph Rossi whose mailing address is 2120 Commonwealth Avenue, Auburndale, MA. On May 7, 2009, Newport submitted an application for a non-major comprehensive plan approval to construct a hot mix asphalt drum plant on property located at 20 Commerce Way in Westford. On September 18, 2009, the Department of Environmental Protection (the Department) conditionally approved that application.

3. The Petitioners are 47 residents of Chelmsford who sought to initiate or intervene in this appeal of the conditional plan approval on the ground that the proposed hot mix asphalt plant would cause damage to the environment. A list of their names is attached to this Settlement Agreement as Exhibit A.[1]

4. The Department, Newport, and the Petitioners are hereinafter referred to as the Parties.

Statement of Facts

[1] At the time of the filing of this Settlement Agreement, a motion to dismiss the Town of Chelmsford is pending before the Presiding Officer and as stated in the Joint Stipulation filed on March 21, 2011, the Parties have agreed to the allowance of this motion.

NEW 003469

5. On March 21, 2011, the Parties filed a Joint Stipulation with the Office of Appeals and Dispute Resolution. In the Joint Stipulation, the Parties agreed that except for Best Available Control Technology (BACT) for NOx, the modified conditional approval attached to the prefiled testimony of James Belsky as Exhibit H (the Modified Conditional Approval) requires BACT. The Parties further agreed that Newport had demonstrated that the proposed hot mix asphalt plant would comply with the National Ambient Air Quality Standard for PM2.5 and NO2 and the Threshold Exposure Limit and Allowable Ambient Air Limit for formaldehyde.

6. Subsequent to filing the Joint Stipulation, the Department determined that BACT for NOx was 0.044 lbs/mmBTU combusting natural gas and 0.113lbs/mmBTU for Ultra Low Sulfur Distillate (ULSD), as suggested by Lynne Santos in her rebuttal testimony. Thereafter the Department further modified the Modified Conditional Approval. A copy of this second modified conditional approval (the Final Modified Conditional Approval) is attached to this Settlement Agreement as Exhibit B.

Terms and Conditions of the Settlement Agreement

7. Pursuant to M.G.L. c. 30A and 310 CMR 1.01(8)(c), the Department, Newport, and the Petitioners agree to the issuance of a Final Decision approving this Settlement Agreement and providing for the issuance of a Final Modified Conditional Plan Approval (Ex. B) authorizing the hot mix asphalt plant. The Parties submit this Agreement for approval as required by 310 CMR 1.01(8)(c) in order to finally resolve all claims and disputes of the Parties arising out of the Modified Conditional Approval under the Air Pollution Regulations, 310 CMR 7.00. Upon the issuance of the Final Decision by the Commissioner of MassDEP, the Parties hereby agree that all rights to additional administrative review before the Department and all rights to further appeal to any Court shall be and hereby are waived.

8. The Parties acknowledge that any violation by Newport of the Final Modified Conditional Approval incorporated into the Final Decision may lead to a future enforcement action by the Department pursuant to M.G.L. c. 111, 142 A-J and 310 CMR 7.00

9. No provision of this Settlement Agreement shall be construed as or operate to bar or in any way affect any legal or equitable right of the Petitioners to initiate a claim, action, suit, cause of action or demand against Newport or any other person, corporation, or other entity under M.G.L. Ch. 214, Sec. 7A, including any purported violation of environmental regulations and/or any alleged creation of a nuisance arising out of the truck traffic generated by the proposed asphalt plant. Further, no provision of this

NEW 003470

Settlement Agreement shall be construed as an admission by the Petitioners that the exclusion of the noise, dust, or tailpipe emissions from truck traffic associated with the facility's operation from the review and issuance of the Final Modified Conditional Approval to Newport was, as a matter of law, proper, but it does bar them from any additional administrative review before the Department of the Final Decision or to further appeal of the Final Decision to any Court as set forth in par. 7 above.

10. This Settlement Agreement constitutes the entire understanding and agreement between the Parties with respect to the subject matter of this Agreement.

11. The provisions of this Settlement Agreement and any amendments hereto shall be binding upon the Parties and their respective successors and assigns.

12. This Settlement Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Massachusetts. This Settlement agreement shall be enforceable at law or in equity in Superior Court of the Commonwealth of Massachusetts for Middlesex County.

13. This Settlement Agreement may be executed in counterparts, each of which when executed and delivered to the Department shall be an original. All counterparts shall constitute one and the same instrument.

14. The Parties voluntarily enter into this Settlement Agreement, because each has mutually agreed that settlement of this matter without costly and protracted litigation is in the best interests of the citizens of the Commonwealth and of the Parties and that execution of this Settlement Agreement without such litigation is the most appropriate means of resolving this matter.

15. Newport shall allow the Department and its authorized representatives to enter and inspect the proposed asphalt plant at reasonable times for the purpose of investigating, sampling or inspecting any records, condition, equipment, practice or property relating to the activities that are the subject of this Settlement Agreement in accordance with existing laws, statutes and regulations.

16. All signatories to this Settlement Agreement certify by the signature(s) below that s/he/it is duly authorized to execute this Settlement Agreement and legally bind their respective parties.

17. The Parties understand that any Final Decision approving this Settlement Agreement and Final Modified Conditional Plan Approval shall not be subject to 310 CMR 1.01(14)(b).

18. This Settlement Agreement shall take effect upon the date that the Commissioner or his designee issue a Final Decision approving this Settlement Agreement.

IN WITNESS WHEREOF, the Parties have duly executed this Settlement Agreement.

On behalf of Newport Materials LLC, By:

3-25-2011

Richard DeFelice, Date

On behalf of the Petitioners by:



5.28.11

Laurence Sweeney — Date

On behalf of the Department of Environmental Protection by:.

Richard Chalpin, 3/28/11 Date

EXHIBIT A

1. Marie M. Burnham
2. Joanne Burnham
3. George H. Burnham
4. Mike Donnelly
5. Gordon Gauntlett
6. Paul Cloutier
7. John L. Pecora
8. Eleanor J. Ferreira
9. Nance J. Gillies
10. David Sturgeon
11. John C. Dearden
12. Deborah F. Williams
13. Andrea Gauntlett
14. Scott B. Leedberg
15. David S. Gillies
16. Mark L. Morin
17. Richard Joseph Saucier
18. Jeffrey H. Gillies
19. Mark R. Timmins
20. Roy Bennett
21. Shawn M. Limerick
22. Cindi B. Limerick
23. Laurence E. Sweeney
24. Sheila A. Anderson-Sweeney
25. Bridget Mello
26. Richard Commins
27. Anthony Maletta
28. Timothy Coit
29. Rowan Kosmin
30. Mark Lemley
31. Karthik Ramamoorthy
32. Burli Sandeep
33. Srinivasulu Chereddy
34. Dinesh Hegde
35. Jill Brennan
36. Mary Dustin
37. Merle Adelman
38. Uzi Barzilai
39. Gagik Manukian
40. Judith Consentino
41. Brian MacPhee
42. R. Pauletti
43. Charles Lemelin
44. Leonard W. Acker
45. Hal Matzkin
46. Nancy J. Smilgis
47. Eileen Keegan

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

APR 07 2011

Mr. Richard DeFelice
Newport Materials LLC
164 Burke Street
Nashua, NH 03060

RE: **WESTFORD** – Metropolitan Boston/ Northeast Region
310 CMR 7.02 – Air Quality Non-Major Comprehensive Plan Application
Transmittal No. X227251
Application No. MBR-09-IND-005
MODIFIED CONDITIONAL APPROVAL

Dear Mr. DeFelice:

On September 18, 2009, the Metropolitan Boston/Northeast Regional Office of the Department of Environmental Protection, Bureau of Waste Prevention, ("MassDEP"), completed its review of your Non-Major Comprehensive Plan Application ("Application") listed above. This Application concerned the proposed installation and operation of a new hot mix asphalt drum mix plant, a hot oil heater and associated equipment located at 20 Commerce Way, in Westford, Massachusetts. The submitted Application was prepared by ETG, Inc. and bears the seal and signature of Paul J. Hanbury, Massachusetts P.E. No. 38757.

As a result of that review, MassDEP determined that your Application was administratively and technically complete and that the Application, specifications, and Standard Operating and Maintenance Procedures for the proposed equipment were in conformance with the then current air pollution control engineering practice. MassDEP also determined that you demonstrated through air quality modeling that the projected emissions from the proposed facility including fugitive emissions from the rock crushing operation and the roadways would not cause or contribute to a violation of the National Ambient Air Quality Standards (NAAQSs) then in effect[1]. This modeling document also documented compliance with MassDEP Air Toxics Guidelines, called the Threshold Exposure Limits (TELs) or Allowable Ambient Air Limits (AALs), for all MassDEP TELs and AALs including formaldehyde. Accordingly, MassDEP granted Conditional Approval to you for the Application. That Conditional Approval was subsequently appealed.

[1] This modeling predicted the emission of the filterable fraction of PM, PM10 and PM2.5 from the proposed facility. It did not predict the condensable fraction of these contaminants, because the EPA had not yet developed guidance on how to perform such modeling.

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868
MassDEP Website: www.mass.gov/dep

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While the appeal was pending, you made certain changes to the hot oil heater for the proposed facility. You reduced the size of the hot oil heater, increased the height of its associated exhaust stack, and agreed to reduce the hours of operation of your proposed facility. You also agreed to pave all the roadways at the proposed facility, including the aggregate handling and rock crushing areas.

To address the issues raised in the appeal, you performed additional modeling. Unlike the earlier modeling, this additional modeling included accounting for the emissions from a nearby quarry, wood chipping operation and concrete plant. Applying recently issued guidance developed by EPA, this additional modeling predicted that the proposed emissions of both the filterable and condensable fractions of PM, PM10 and PM2.5 from the hot mix asphalt plant demonstrated compliance with applicable NAAQS.

MassDEP has modified the Conditional Approval (the Modified Approval) to reflect the modifications to the hot oil heater, the operational modifications, and the additional modeling. The Modified Approval establishes new emission limits that will ensure that the emissions from the facility do not cause or contribute to a violation of any applicable NAAQS, since your modeling has also demonstrated compliance with the recently promulgated one hour NAAQSs for NO_2 and SO_2. Emissions will also comply with all MassDEP TELs and AALs.

Based on the additional modeling, the limits for total PM, PM10 and PM2.5 in the Modified Approval are higher than in the original Conditional Approval. MassDEP has increased this limits not because the proposed facility will emit more contaminants into the air, but because these limits include both condensable as well filterable PM, PM10, and PM2.5. These increased limits reflect a more accurate representation of the particulate matter emissions from the proposed facility.

Please review the entire Modified Approval carefully, as it stipulates the particular conditions with which the facility owner/operator must comply in order for the facility to be operated in compliance with the Regulations. Failure to comply with this Modified Approval will constitute a violation of the Regulations and can result in the revocation of the Modified Approval.

1. BACKGROUND AND DESCRIPTION OF FACILITY

Newport Materials will produce bituminous concrete at the proposed facility. The facility will include a hot mix asphalt (HMA) drum mix plant, a hot oil heater, oil and asphalt storage tanks and a rock crushing plant. The proposed equipment will be constructed on property that was part of a rock quarry operation but that did not previously include similar equipment or processes in the same location.

The proposed new drum plant (Emission Unit One (EU-1)) is a Gencor Model 400 TPH Stationary Ultraplant and will be capable of producing 400 tons of bituminous concrete per hour (this hourly rate may vary slightly depending on the moisture content of the raw materials). Sand and stone will be transported to the plant by truck and/or front end loader from the rock crushing plant or stockpiles, and deposited in cold feed bins. The cold feed bins will be new units

designed to feed the new drum plant. Recycled asphalt product (RAP) will be similarly transported from its respective storage areas to the appropriate feed bins. Material will be metered from the bins onto new belt conveyor systems and transferred to the dryer drum. Aggregate will be dried and heated by direct contact with products of combustion and heated air in the counter-flow technology dryer drum.

After passing through the dryer drum, the hot aggregate will enter the mixing drum unit where liquid asphalt, particulate fines from the dust collectors, and RAP will be added. Up to 40% by weight of the product may be RAP. RAP material will be heated by contact with heated virgin aggregates in the mixing drum. The mixture (bituminous concrete) will discharge from the drum through a chute through an enclosed drag slat conveyor which will transfer the product to initially one (1) of four, 200 ton storage silos. Bituminous concrete will then be discharged directly from one of the silos into trucks for transport.

The dryer drum will be equipped with a new dual-fuel Hauck EcoStar II Low NO_x Burner with Flue Gas Recirculation, or a Gencor Equinox Series Burner, or an equivalent , with a heat input rating not to exceed 135,000,000 British thermal units (Btu) per hour (135 MMBtu/hour). Its primary fuel will be natural gas; ultra-low sulfur No. 2 fuel oil (ULSD), containing 0.0015 weight percent sulfur will be the secondary or back up fuel. Based on using higher heating values of 1,000 Btu per standard cubic foot for natural gas and 140,000 Btu/gallon for ULSD, the maximum fuel firing rates will be 135,000 cubic feet per hour of natural gas and 964 gallons per hour (GPH) of ULSD. The burner has a turndown ratio of 10 to 1.

Exhaust gases from the dryer drum will be vented through a new Gencor dust control system. The system consists of a primary collector (knockout box) integrated with a secondary collector (fabric filter baghouse). The knockout box will operate with a pressure drop of approximately 2 inches of water gauge while the baghouse will operate with a pressure drop of 2 to 6 inches of water gauge. The baghouse is a Gencor Ultraflo Stationary Model No.CFS-151. It will have one compartment containing a total of 872 Nomex felt filter elements. The total filter area will be 15,059 square feet while the nominal air to cloth ratio will be 4.95 to 1. The baghouse cleaning system is a reverse air type utilizing up to 6,000 cubic feet per minute (CFM) of ambient air to clean filter elements. The collected material from the primary collector and the fabric filter baghouse will be removed continuously and recycled back to the process.

The air handling system for the baghouse will be a Twin City Fan Model 490 BCS exhaust fan rated at 74,092 actual CFM at 292 °F. The exhaust flow will be controlled by use of an electronic variable speed drive system with the fan's electric motors. The exhaust fan will discharge to a vertical stack with an exit diameter of 54 inches and discharge at a height of 68 feet above ground. The exhaust gas velocity will range from 43.0 to 77.6 feet per second (fps).

Exhaust gases displaced from the storage silos during filling will be controlled by a Gencor Top of Silo Emissions Capture System. When a volume of product is dropped into a silo, an equal volume of gases contained inside the silo are displaced and are controlled by the Top of Silo Emission Capture System. The displaced gases are induced down the drag conveyor casing by a variable speed centrifugal fan (10,000 SCFM rated) mounted upon the lower end of the conveyor. A slight negative pressure between the sealed silo system and the ambient atmosphere

is maintained by either a manual or automatic modulation of the centrifugal fan's speed. The gases induced from the drag conveyor are directed to a port on the drum burner breaching, thence to the combustion zone where the organic portion of the fumes is oxidized. The centrifugal fan is interlocked to only allow operation when the asphalt cement metering pump control is in the run position, limiting operation to periods when the plant is in operation and the filling of the silos can occur. By design, only one silo can be filled at any one time, therefore this system is suitable to control silo filling emissions independent of the number of silos installed.

A variable speed vapor evacuation fan powered by a ten (10) horsepower electric motor will pull gases, vapors, odors, steam, and organic hydrocarbons from the drum mixing zone that may result from the RAP mixing operation. The vapors are pulled through the breaching and are returned to the combustion zone under controlled conditions, oxidizing any of the organic fumes in the gases. Evacuation takes place in a controlled manner by the modulation of the fan speed using a variable frequency drive (VFD). The fan is interlocked to only allow operation while the asphalt cement metering pump is in the run position, preventing dust buildup on internal surfaces. Automatic and manual controls, including photohelic, are provided for the operator in order to maintain a constant negative pressure in the mixing zone with respect to the combustion zone.

Emissions associated with the truck load out area will be captured and controlled by a Gencor bottom of silo dry filter system. The system consists of an enclosure, which completely covers the area under the silos, excluding the truck entrance and exit openings, and two 25,000 SCFM baghouse style dust collectors. The structure is continuously evacuated through the baghouses and the air is continuously recirculated through the silo containment area during the load out period. The system operates separate from the drum system so the emissions can be controlled even when the plant is not being operated but load out is continuing. Effectiveness of the baghouse system is aided by the addition of an oil absorbent powder which remains on the filtration surface during operation of the baghouses. As the gases flow through this media, particulate and condensable hydrocarbons are captured. Because of the extremely low particulate loading, the filters can operate all day without cleaning and require only a short cleaning period to restore the filter for the subsequent day's operation. Over time, the powder will become impregnated with contaminants, and once spent the powder can be removed and easily replaced in the unit. Spent material, as a powder aggregate, will be utilized back in the hot mix product.

The proposed new hot oil heater (EU2) is a Gencor Model HYCGO-100 helical coil thermal fluid heater equipped with a Powerflame Model C1-GO-12 fully automatic, forced draft burner possessing a maximum energy input rating of 1,000,000 Btu per hour. This unit can combust either natural gas at a maximum firing rate of 1,000 SCFH or ULSD at a maximum firing rate of 7.1 GPH. The heater will exhaust through a 10 X 14 inch rectangular steel stack approximately 20 feet above ground.

The hot oil heater will be used to maintain appropriate temperatures in two new 30,000 gallon capacity, insulated, vertical, liquid asphalt storage tanks. Each of the tanks will be fitted with Gencor vapor condensers to reduce emissions from the tanks. Vapors from the liquid asphalt rise into the condensers, flow through a series of finned tubes that allow the vapors to

cool, where they condense to a liquid and return back to the tanks. This process reduces the amount of volatile organic compounds (VOC) and other emissions from the tanks.

The crushing plant will be powered using line power and will incorporate a jaw crusher (primary) and a cone crusher (secondary), a screen, and several belt conveyors. The crushing plant will produce crushed stone, gravel, and sand of various sizes for use in the HMA drum mix plant. The plant components have been organized in a configuration suitable for the reduction of material size and progressive removal of various sized products.

Rock will be transferred by heavy equipment to the vibrating grizzly feeder. From the vibrating grizzly feeder, material will enter the primary (jaw) crusher. The closed sized settings (CSS) for the primary crusher can be set at a maximum of six inches, which will produce a maximum of 265 tons per hour (TPH) of material; however, the unit will be operated at a lower setting, limiting the production rate to 165 tons per hour. From the primary crusher, the material will be fed by an under crusher conveyor onto an overhead feed conveyor and to a triple deck screen. The troughs will then discharge onto an under screen conveyor, then onto a product conveyor for stockpiling. Material from the top deck and middle deck of the screen will be fed to the secondary (cone) crusher. Cone crusher troughs will then discharge onto an under crusher conveyor that in turn will feed the material to a product conveyor for stockpiling.

The crushing plant will incorporate a medium pressure wet dust suppression system, including fog nozzles located at crusher discharges and various belt conveyor transfer points to control particulate matter emissions therefrom. The material stockpiling areas will also utilize wet dust suppression systems to reduce fugitive particulate emissions. Additionally, the material stockpiling area will be enclosed on three sides by a solid, 16 foot earthen berm topped with trees to further reduce fugitive particulate emissions.

Potential noise emissions from the facility will be minimized through the use of several mitigation measures. These measures will include, but are not limited to: a sealed-in burner design for the asphalt plant burner; a variable fan speed for the main exhaust fan; sound attenuators (silencers) installed on the combustion burner inlet air fan and the baghouse exhaust fan; and dump truck unloading locations shielded behind stock piles and within the bermed stock pile area. In addition, Newport Materials will construct a 12 foot high earthen berm or wall along portions of the eastern and southeastern property perimeter. Upon completion of construction and commencement of continuous operation of the proposed facility, actual noise levels will be evaluated and if necessary further noise mitigation measures will be implemented (See Special Condition 4. b)).

Although mobile source emissions are not within the purview of 310 CMR 7.02, MassDEP has learned that the heavy equipment, i.e. loaders etc., that will be operated by Newport Materials at the proposed facility have been retrofitted with new muffler systems that control particulate and/or other pollutants, as mandated by Mass Highway contract requirements. Further, Newport Materials has indicated that six heavy duty diesel powered trucks owned and operated by Newport Materials were purchased since 2007 and therefore meet the stringent emission standards for such trucks, as mandated by USEPA.

2. EMISSION UNITS AND POLLUTION CONTROL DEVICES IDENTIFICATION

The following emission units and pollution control devices contained in Table 1 below are subject to and regulated by this Approval:

Table 1 +

EMISSION UNIT	DESCRIPTION OF EMISSION UNIT	EU DESIGN CAPACITY	POLLUTION CONTROL DEVICE
EU-1	Asphalt Drum Mix Plant: Gencor Model, 400TPH Stationary Ultraplant: Primary Fuel - NG, Secondary Fuel - ULSD Includes four 200 ton Asphalt Product Storage Silos, two 30,000 gallon vertical liquid asphalt storage tanks, and one 10,000 gallon ULSD storage tank	• 400 Tons Asphalt per hour at 5 % moisture content • Stack Height: 68 feet above ground • Stack Inside Exit Diameter: 54 inches	PCD-1: Low NOx Burner w/FGR PCD-2: Gencor Dust Control System
	PCD-1: Hauck Eco Star II low NOx burner with Flue Gas Recirculation, or a Gencor Equinox Series Burner, or an equivalent	• Max. Burner Heat Input: 135.0 MMBtu/hr • Max Firing Rate on NG: 135,000 SCFH • Max. Firing Rate on ULSD: 964 GPH	
	PCD-2: Gencor Model CFS-151 Dust Control System – Primary Collector > Knockout Chamber, Secondary Collector > Fabric Filter Baghouse	• Exhaust Fan Maximum: 75,000 SCFM • Single chamber baghouse with 872 Nomex filter bags • Air to Cloth Ratio: 4.95 to 1	
EU-2	Hot Oil Heater: Gencor, Model HYCGO-100 helical coil thermal fluid heater with Power Flame, Model C2-GO-12 fully automatic forced draft burner Primary Fuel - NG, Secondary - ULSD	• Max. Burner Heat Input: 1.0MMBtu/hr • Max Firing Rate on NG: 1,000 SCFH • Max. Firing Rate on ULSD: 7.1 GPH	Vapor condensers on asphalt storage tanks
EU-3	Rock Crushing Plant: Cedar Rapids • Vibrating Grizzly Feeder • Primary crusher- JP2236 Jaw Crusher • Under crusher conveyor, 36" x 28'6" • Overhead feed conveyor, 30" x 26' • ELJay triple deck screen, 5' x 14' • Under screen conveyor, 41"x27'	• Max. Raw Material Production rate: 165 TPH	Wet Dust Suppression System
EU-4	Fugitive Emissions		
	Gencor Bottom of Silo Capture System: Two Pulsejet Dust Collectors (Baghouses) and tunnel enclosure for load out area	• Exhaust Fan Maximum: 25,000 SCFM each unit • Each unit contains 92 filter bags Tunnel covers area under silos and truck scales	PCD-3: Gencor Bottom of Silo Blue Smoke System
	Top of Silo Filling Emissions	• 10,000 SCFM centrifugal fan, 90% of exhaust gases displaced from filling process is ducted back to combustion zone of drum mixer	Top of silos enclosed
	Aggregate Stockpiles	• Constrained by space and volume of finished product produced	BMP, earthen berm on three sides
	Paved Roadways	• All roadways, the rock crushing area, and aggregate storage areas shall be paved.	BMP

Table 1 Key:
≤ = less than or equal to
% = percent
BMP = Best Management Practices, (May include watering, sweeping, washing of equipment, limiting vehicle speed on roadways, etc.)
FGR = Flue Gas Recirculation
GPH = Gallons per Hour
MMBtu/hr = million British thermal units per hour
Max. = Maximum
NG = Natural Gas
NOx = Nitrogen Oxides
S = sulfur
SCFH = Standard Cubic Feet per Hour
SCFM = Standard Cubic Feet per Minute
TPH = Tons per Hour
ULSD = Ultra Low Sulfur Diesel fuel containing no more than 0.0015 percent sulfur by weight
w/ = with
Wt = weight
" = inches
' = feet

3. APPLICABLE REQUIREMENTS

A. EMISSION LIMITS AND RESTRICTIONS

The facility shall comply with the emission limits/restrictions as contained in Table 2 below:

Table 2 +

EU	RESTRICTIONS/ OPERATING PARAMETERS	POLLUTANT	EMISSION LIMIT/STANDARD			APPLICABLE REGULATION AND/OR APPROVAL NUMBER
			Emission Rate	Tons per month	Tons per 12 month rolling period	
EU-1	• Burn Only NG and ULSD • 60,000 tons of product per month • 300,000 tons of product per 12 month rolling period • Fuel usage and type shall be limited such that emissions (which are based upon exclusive use of NG) do not exceed the limits specified in this table. Emissions shall be calculated using applicable emissions factors specified herein.	NO_x - NG	0.044 lbs/MMBtu	0.45	2.23	MBR-09-IND-005
		NO_x - ULSD	0.113 lbs/MMBtu			
		SO_2 – NG	0.0006 lbs/MMBtu	0.01	0.04	
		SO_2 – ULSD	0.0017lLbs/MMBtu			
		CO- NG	0.30 lbs/MMBtu	3.04	15.2	
		CO – ULSD	0.39 lbs/MMBtu			
		CO_2	33 lbs/ton	990	4950	
		VOC	0.032 lbs/Ton	0.96	4.8	
		PM (Filterable) PM (condensable)	0.01 grains/dscf 0.0194 lbs/ton	0.22 0.58	1.08 2.91	
		PM_{10}(Filterable) PM_{10}(condensable)	0.01 grains/dscf 0.0194 lbs/ton	0.22 0.58	1.08 2.91	
		$PM_{2.5}$(Filterable) $PM_{2.5}$(condensable)	0.007 grains/dscf 0.0194 lbs/ton	0.156 0.58	0.757 2.91	
		Formaldehyde	Not to exceed MassDEP TEL or AAL (currently 0.33 $ug/m^3$and 0.08 ug/m^3 respectively).			
		Total HAPs	Emission Factors as specified in Application	0.21	0.76	
		Visible Emissions	Opacity <5%, except ≤20% for ≤2 minutes during any one hour, never to exceed 20%			
EU-2	• Burn Only NG and ULSD	NO_x	EPA-AP-42 Emission Factors	0.04	0.18	MBR-09-IND-005
		SO_2		0.001	0.002	
		CO		0.01	0.06	
		VOC		0.001	0.004	
		PM(Filterable) PM (condensable)		0.005 0.003	0.022 0.014	
		PM_{10}(Filterable) PM_{10}(condensable)		0.003 0.003	0.011 0.014	
		$PM_{2.5}$(Filterable) $PM_{2.5}$(condensable)		0.001 0.003	0.003 0.014	
		Total HAPs		0.0001	0.0006	
EU-3	• Maximum raw material production rate: 165 tons per hour • Mineral processing not to exceed 60,000 tons per month • Mineral processing not to exceed 300,000 tons per rolling 12 month period • Operate using line power only • Operate crushers in accordance with all other applicable regulations or requirements • Employ wet dust suppression system as necessary, in accordance with Best Management Practices	PM	EPA-AP-42 Emission Factors	0.167	0.837	MBR-09-IND-005
		PM_{10}		0.064	0.321	
		$PM_{2.5}$		0.010	0.051	
		Visible Emissions (Opacity from fugitive particulate emissions)	• Screening and Conveyer/transfer: Opacity ≤ 7% • Crushing: Opacity ≤ 12%			

Table 2 +

EU	RESTRICTIONS/ OPERATING PARAMETERS	POLLUTANT	EMISSION LIMIT/STANDARD			APPLICABLE REGULATION AND/OR APPROVAL NUMBER
			Emission Rate	Tons per month	Tons per 12 month rolling period	
EU-4	• PCD-3 Bottom of Silo Capture System to be operated and maintained in accordance with Manufacturer specifications, must operating during all load out activities • Top of Silo systems to be operated under negative pressure, with all openings in closed position during silo filling operations • Aggregate stockpiles and Roadways - Employ Best Management Practices to control fugitive emissions, including but not limited to watering, sweeping, spillage removal, and a vehicle speed limit of 10 miles per hour. All facility roadways, aggregate handling areas and the rock crushing area shall be paved.	PM (Filterable)	EPA-AP-42 Emission Factors and as specified in Application	0.195	0.974	MBR-09-IND-005
		PM_{10}(Filterable)		0.051	0.254	
		$PM_{2.5}$(Filterable)		0.016	0.081	
			Tons per Month		Tons per 12 month rolling period	
Facility wide	• As required above, and in other Regulations, if applicable • Facility wide VOC and HAP emission limits include fugitive emissions from plant load out, silo filling, and asphalt storage tanks	NO_x	0.49		2.41	MBR-09-IND-005
		SO_2	0.01		0.04	
		CO	3.05		15.3	
		VOC	1.03		5.68	
		PM(Filterable) PM (condensable)	0.59 0.58		2.91 2.924	
		PM_{10}(Filterable) PM (condensable)	0.34 0.58		1.67 2.92	
		$PM_{2.5}$(Filterable) PM (condensable)	0.18 0.58		0.89 2.92	
		Total HAPs	0.21		0.78	

\+ **Table 2 Key:**
EU# = Emission Unit Number
% = percent
S = sulfur
wt = weight
# = number
NO_x = nitrogen oxides
SO_2 = sulfur dioxide
CO = carbon monoxide
CO_2 = carbon dioxide
VOC = volatile organic compounds
PM = particulate Matter, total of all size particulates
PM_{10} = particulate matter no larger than 10 microns in diameter
$PM_{2.5}$ = particulate matter no larger than 2.5 microns in diameter
HAP = hazardous air pollutant
ug/m^3 = microgram per cubic meter
NG = natural gas
ULSD = Ultra Low Sulfur Diesel fuel containing no more than 0.0015 % sulfur by weight
< = less than
≤ = less than or equal to
Lbs = pounds
/ = per
MMBtu = million British thermal units
MMCF = million cubic feet
dscf = dry standard cubic feet
TEL = Threshold Exposure Limit
AAL = Allowable Ambient Air Limit

B. COMPLIANCE DEMONSTRATION

The facility shall comply with the monitoring/testing, record keeping, and reporting requirements as contained in Tables 3, 4, and 5 below:

Table 3

EU#	MONITORING/TESTING REQUIREMENTS
EU-1	Newport Materials shall take the following actions at the facility during all raw material handling including stone, sand, and recycled asphalt pavement (RAP) unloading, transfer, loading operations, and when the drum mix plant is in operation at the facility: a) Install, operate and maintain an outlet gas temperature and pressure differential monitoring system for PCD-2 which includes an instantaneous reading of the temperature and differential pressure in the plant operator's control station. Additionally, audible and visual alarms shall be present to signal the need for corrective action in the event the temperature or pressure are outside the limits of normal operation established by the manufacturer or through compliance testing; and, b) All corrective actions to be undertaken by Newport Materials under alarm conditions shall be explicitly stated in the facility's Standard Operating and Maintenance Procedure (SOMP).
	Facility personnel shall, at a minimum, conduct a daily inspection of all air pollution control equipment and related operations and activities (i.e., PCD-2: Dust Control System and PCD-3 Bottom of Silo Load Out System). In addition, the plant operator shall routinely observe the discharge stacks during operation of the subject equipment.
	Newport Materials shall conduct initial emissions compliance testing on EU-1, PCD-2 to demonstrate compliance with the short term emission and opacity limits contained in Table 2. The ability of the facility to achieve and maintain emissions and opacity at or below the limits stated in this Conditional Approval shall be demonstrated to MassDEP within one hundred twenty (120) days of the commencement of continuous operation of EU-1. Formaldehyde emissions shall also be tested in order to demonstrate compliance with the applicable Massachusetts Threshold Effects Exposure Limits (TELs) and Massachusetts Allowable Ambient Limits (AALs). Additionally, testing shall include measurement of actual sound levels that emanate from the facility when it is operating. All testing shall be conducted in accordance with requirements and procedures set forth by appropriate US EPA Reference Test Methods, 40 CFR 60 Appendix A, Massachusetts Air Pollution Control Regulations, 310 CMR 7.00, Section 7.13 and this Conditional Approval. This compliance testing shall be witnessed by MassDEP personnel at a mutually agreeable time and date.
	A written pretest protocol must be submitted to this Office for MassDEP approval at least 30 days prior to any required compliance test. The pre-test protocol shall include, but not be limited to, a description of: the emission compliance testing program proposed, applicable emission limits for which testing and demonstration of compliance is required, sampling point locations, sampling equipment, analytical procedures, proposed test methods, the proposed operating conditions for the required testing and identity of the independent third party testing company.
	A final emission compliance test results report shall be submitted to this Office within 30 days after the completion of each required compliance test. The final emission compliance test report shall include, but not be limited to, a description of: the emission compliance testing program conducted, applicable emission limits for which testing was required and a summary of test results demonstrating compliance and/or noncompliance with applicable limits, sampling point locations, sampling equipment, analytical procedures, actual test methods used, and the actual operating conditions for which the testing was conducted.
	Newport Materials shall demonstrate the continued ability of the subject equipment to maintain emission rates at or below the short term emission limits as stated in Table 2 above via an emission compliance retesting program, on a triennial basis. Any deviation from this schedule shall be approved by MassDEP.
	Newport Materials shall conduct a "visolite" leak detection test on PCD-2 prior to the start of the operation season. Additional tests shall be performed as needed to locate leaks, bag failures or other problems with normal operation of the control device.

EU#	MONITORING/TESTING REQUIREMENTS
EU-1, EU-2	Newport Materials shall conduct a "visible" leak detection test on PCD-2 prior to the start of the operation season. Additional tests shall be performed as needed to locate leaks, bag failures or other problems with normal operation of the control device.
	In accordance with Regulation 310 CMR 7.04(4)(a), the subject combustion units shall be inspected and maintained in accordance with the manufacturer's recommendations and tested for efficient operation at least once in each calendar year.
	Monitor process operations, the type of fuel burned, the sulfur content of fuel oil used, and actual fuel usage in order to demonstrate compliance with the applicable requirements in Table 2 above.
EU3	Monitor process operations as required to demonstrate compliance with the limits in Table 2 above.
EU4	Monitor and operate the Bottom of Silo Load Out Emission Control System (PCD-3) in accordance with manufacturer's specifications.
	Monitor Aggregate stockpiles and all roadways for fugitive emissions and take action in accordance with Best Management Practices (BMP).
	Maintain speed limit signs on roadways and take appropriate action in accordance with BMP when vehicles appear to be operating above 10 mile per hour limit.
Facility-Wide (Those emission units listed in Table 1 above)	Monitor facility operations such that compliance with the restrictions and emission limitations/standards contained in Table 2 of this Approval can be determined.
	Monitor operations such that information may be compiled for the preparation of a Source Registration/Emission Statement Form as required by 310 CMR 7.12.
	Perform Emissions Compliance Testing (Stack Testing), in accordance with 310 CMR 7.13, and 40 CFR Part 60, Appendix A or any other testing if and when requested by MassDEP or EPA.

	RECORD KEEPING REQUIREMENTS
EU-1	Newport Materials shall establish and use a maintenance, inspection and testing log to record and document maintenance, inspection and testing activities on the subject equipment and associated air pollution control equipment. These records shall include, at a minimum, including all visible testing performed, replacement of leaking filter cartridges or bags, daily equipment inspections, stack test results, etc.
	Newport Materials shall maintain records for process operations: the type of fuel burned, the sulfur content of fuel oil used, and actual fuel usage, the hours of operation, raw material usage, and the amount of product produced in the subject unit. Further, the equations utilized to calculate emissions from the subject equipment, as well as the resultant emissions, shall be included in these records.
	Newport Materials shall maintain records of all malfunctions of EU-1 and associated air pollution control equipment; including, at a minimum, the date and time the malfunction occurred, a description of the malfunction and the corrective action taken, the date and time corrective actions were initiated, and the date and time corrective actions were completed.
	Newport Materials shall maintain on site and accessible at or near the subject equipment, at all times, a copy of this Approval letter and the most current SOMP for all air-emissions-related equipment at the facility.
	Newport Materials shall maintain all records or reports required by this Approval on-site for five (5) years.
EU-1, EU-2	The results of inspection, maintenance, and testing performed in accordance with Regulation 310 CMR 7.04(4)(a) shall be recorded and posted conspicuously on or near the approved equipment. Said results shall include the date upon which it was performed.
EU-2	Newport Materials shall maintain records which include the type of fuel burned, the sulfur content of fuel oil used, the actual fuel usage, as well as the resultant emissions therefrom.
EU-3	Newport Materials shall maintain adequate records on site to document compliance with the limits specified in Table 2 above, and any other applicable regulation.
EU-4	Newport Materials shall maintain adequate records on site to document compliance with the limits specified in Table 2 above, and any other applicable regulation.

	Newport Materials shall routinely maintain records on site to document any changes and improvements to the BMP employed to reduce emissions from the subject equipment.
Facility Wide	Newport Materials shall routinely maintain records on-site to demonstrate compliance with the emission limits and operational requirements as stated in Table 2 or in the Special Conditions of this Approval. With respect to emissions, at a minimum, the information shall include the calculated emission unit and facility emissions of NO_x, CO, SO_2, VOC, PM, PM_{10}, $PM_{2.5}$, and HAP for the month as well as the prior 11 months. An example of a format that is acceptable to MassDEP is the On-Site Record Keeping form, which can be downloaded at http://www.mass.gov/dep/air/approval/reshome.htm.

	Newport Materials shall submit, in writing, an Exceedance Report to MassDEP should the facility exceed any limitation/restriction established in Table 2 of this Approval. Said Exceedance Report shall be submitted within seven (7) days of determination of the exceedance of the limitation/restriction. The Exceedance Report shall include identification, duration, and reason for the exceedance, and the remedial action plan to prevent future exceedances.
Facility Wide	Newport Materials shall accurately report to MassDEP in accordance with 310 CMR 7.12, all information as required by the Source Registration/Emission Statement Form. The facility shall note any minor changes, which did not require Plan Approval (under 310 CMR 7.02, 7.03, etc.) therein.
	Newport Materials shall maintain all records of reports required by this Approval on-site for five (5) years. All records shall be made available to representatives of MassDEP or EPA upon request.

4. SPECIAL CONDITIONS

The facility is subject to, and shall comply with, the following special conditions:

a) Newport Materials shall operate the subject exhaust stacks in a manner that is consistent with good air pollution control engineering practice and that discharge so as to not cause or contribute to a condition of air pollution. Exhaust stacks shall be configured to discharge the gases vertically and shall not be equipped with any part or device that restricts the vertical exhaust flow of the emitted gases, including but not limited to rain protection devices, "shanty caps" and "egg beaters". Any emission impacts of exhaust stacks upon sensitive receptors including, but not limited to, people, windows and doors that open, and building fresh air intakes shall be minimized by employing good air pollution control engineering practices.

b) Newport Materials shall conduct a noise survey (during daytime), which is in accordance with Department guidelines, to demonstrate that the noise impacts from the operation of the subject equipment are in compliance with Regulation 310 CMR 7.10 and the Bureau of Waste Prevention's Noise Policy No. 90-001. This survey shall be conducted within 120 days of the commencement of continuous operation of the subject equipment. The results shall be submitted to this Office, in writing, attention Permit Chief, Bureau of Waste Prevention, within 30 days of completion of the testing.

c) Newport Materials shall keep all facility roads paved, swept, and/or wetted as applicable, shall keep all raw materials storage piles watered as required, and shall keep sand, RAP, and

drum mix aggregate feed conveyors enclosed at all times to minimize fugitive particulate emissions. Newport Materials shall employ best management practices to minimize fugitive particulate emissions from the facility.

d) Newport Materials shall utilize non-volatile release agents for the trucks, require that all trucks cover their loads with tarps as quickly as possible after loading and limit on-site truck speeds to no more than 10 miles per hour.

e) Newport Materials shall have readily accessible on-site as spares, at all times, the minimum number of filter elements, cartridges, or bags for PCD-2 and PCD-3, as recommended by manufacturer specifications.

f) Within one hundred eighty (180) days of the date of completion of installation and commencement of continuous operation of the new drum mix plant and associated pollution control equipment, Newport Materials shall submit to MassDEP, for approval, the updated SOMP for the facility, which includes but is not limited to, the operating parameters established by the manufacturer, the facility, and as a result of testing, start-up and maintenance procedures of pollution control equipment, emergency measures to be taken should either the subject equipment malfunction and all required record keeping procedures. Newport Materials shall operate the facility in accordance with its SOMP. Future updates to the SOMP shall be submitted to MassDEP within thirty (30) days of said revisions. The updated SOMP shall supersede prior versions of the SOMP and shall include all equipment approved herein.

g) Newport Materials shall ensure that the subject facility complies with all applicable requirements contained in 40 CFR 60, Subpart I, "Standards of Performance for Hot Asphalt Facilities."

h) Newport Materials has indicated that the facility's crushing equipment approved herein may be subject to 40 CFR Part 60, Subpart OOO, "Standards of Performance for Nonmetallic Mineral Processing Plants," and all applicable requirements contained therein. MassDEP has not accepted delegation of authority for 40 CFR Part 60, Subpart OOO. You are advised to consult with USEPA regarding applicability to Subpart OOO including any notification, record keeping, reporting, monitoring, and testing requirements for which you may be subject.

i) Newport Materials shall comply with 310 CMR 7.09 (1) at all times. This Regulation states that no person having control of any dust or odor generating operations shall permit emissions there from which cause or contribute to a condition of air pollution. This Air Pollution Control Regulation is also enforceable by any police department, fire department, board of health officials, or building inspector or their designee acting within their jurisdictional area via 310 CMR 7.52.

j) Newport Materials shall comply with 310 CMR 7.01 (1) at all times. 310 CMR 7.01 (1) states that no person owning, leasing or controlling the operation of any air contaminant source shall willfully, negligently, or through failure to provide necessary equipment or to take necessary precautions, permit any air emissions from said air contamination source of such

quantities of air contaminants which will cause, by themselves or in conjunction with other air contaminants, a condition of air pollution.

k) Newport Materials shall limit the hours of operation of their asphalt plant and associated equipment to 6 a.m to 7 p.m., Monday through Saturday. Newport shall not operate between December 15th and March 15th.

l) Newport Materials shall pave all roadways, aggregate handling areas, and the rock crushing area at the Newport facility. In addition, Newport Materials shall pave all roadways at Granite State Concrete, the rock quarry, and the wood chipping operation.

5. GENERAL CONDITIONS

The facility is subject to, and shall comply with, the following general conditions:

a) Should any nuisance condition(s), including but not limited to smoke, dust, odor or noise, occur as the result of the operation of the facility, then the facility shall immediately take appropriate steps to abate said nuisance condition(s).

b) The facility shall allow MassDEP personnel access to the site, buildings, and all pertinent records at all reasonable times for the purpose of making inspections and surveys, collecting samples, obtaining data, and reviewing records.

c) This Final Modified Conditional Approval consists of the Application materials and this Approval letter. If conflicting information is found between these two documents, then the requirements of the Approval letter shall take precedence over the documentation in the Application materials.

d) This Final Modified Conditional Approval does not negate the responsibility of the facility to comply with this or any other applicable federal, state, or local regulations now or in the future. Nor does this Approval imply compliance with this or any other applicable federal, state, or local regulations now or in the future.

e) This Final Modified Conditional Approval may be suspended, modified, or revoked by MassDEP if, at any time, MassDEP determines that the facility is violating any condition or part of this Approval.

f) Failure to comply with any of the above stated conditions will constitute a violation of the "Regulations", and can result in the revocation of the Approval granted herein and/or other appropriate enforcement action as provided by law. MassDEP may also revoke this Approval if the construction work is not begun within two years from the date of issuance of this Approval, or if the construction work is suspended for one year or more.

g) MassDEP has determined that the filing of an Environmental Notification Form (ENF) with the Secretary of Energy and Environmental Affairs, for air quality purposes, was not

required prior to this action by MassDEP. Notwithstanding this determination, the Massachusetts Environmental Policy Act and Regulation 301 CMR 11.00, Section 11.04, provide certain "Fail-Safe Provisions" which allow the Secretary to require the filing of an ENF and/or an Environmental Impact Report at a later time.

Should you have any questions concerning this Final Modified Conditional Approval, please contact Thomas A. Hannah by telephone at (978) 694-3287, or in writing at the letterhead.

Sincerely,

Thomas A. Hannah
Environmental Engineer

James E. Belsky
Permit Chief
Bureau of Waste Prevention

cc: Sandy Collins, Director of Health Care Services, Board of Health, 55 Main Street, Westford, MA 01886
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