

Brayton Point LLC, Zoning Board of Appeals Conditions  
January, 2020

- 1.) Scrap and Salt storage shall be conducted at all times in accordance with the Fugitive Nuisance Control Plan (FNCP);
- 2.) FNCP Approach and Methods – associated with the loading of vessels with recycled metals:
  - a. Consultant’s name and contact information
  - b. Dust monitors installed on site
  - c. Procedure:
    - i. The project team will be notified via text or email
    - ii. Response actions will be taken if dust is caused by vessel loading operations
    - iii. Dust reductions techniques include covering piles with plastic sheeting, or spraying water on the work area to suppress the dust
- 3.) Decision
  - a. Metal and Salt only
  - b. No processing
  - c. Confined to Site Layout Plan
  - d. Height of scrap and salt is limited to 35’
  - e. Salt should be covered at all times, spillage cleaned up immediately, no salt shall be allowed to enter stormwater
  - f. No processing or packaging of salt
  - g. Only clean scrap
  - Dust
    - Comply with FNCP (see above, dated 12/16/2019);
    - No dust or fumes incident to storage or handling of scrap or salt shall leave the site;
    - Monitors in place (at least one on site, one on the south end of Perkins Street);
    - Water Sprinkler systems (misting cannons) shall be utilized to contain all dust at all times;
    - Trucks shall be fully covered, sufficient enough to prevent any material from escaping during transport;
    - Have procedure to shut down operations upon good evidence that dust is evident (see FNCP);
    - Provide results to Building Commissioner;
    - Repeated failure to contain dust shall be good cause for suspending operations.
  - Noise
    - Noise shall not exceed the limits under 310 CMR 7.10 and MassDEP policy and/or 10 dBa above ambient;
    - Loading and unloading operations will be suspended by the Petitioner upon evidence that noise has exceeded legal limits;
    - Notice to Building Commissioner

- Monitoring
  - Dust:
    - Provide expert monitoring: Pine Environmental Services, LLC;
    - Monitoring shall take place for a period of no less than 4 continuous days of operation for salt and scrap during which loading and unloading operations are being conducted for each of the 1<sup>st</sup> 12-months of operation;
    - Monitoring results shall be reviewed daily by the persons in charge of the businesses on site, and made available to Building Commissioner;
    - If dust appears not to be contained on site, the Building Commissioner may require further monitoring;
    - Monitors in place on site, downwind from operations, and one on the south end of Perkins Street;
    - The businesses shall not commence operations at the site until the Building Commissioner has confirmed that the monitoring equipment is in place and ready for operation.
  - Noise:
    - Provide expert monitoring of noise resulting from the scrap metal operations: L.P. Larson Corporation set forth in the Sound Testing Report prepared by Patriot Stevedoring (12/16/2019);
    - Monitoring shall take place for a period of no less than 4 continuous days of operation for scrap during which loading and unloading operations are being conducted for each of the 1<sup>st</sup> 12-months of operation;
    - Monitoring results shall be reviewed daily by the persons in charge of the businesses on site, and made available to Building Commissioner;
    - If noise is not maintained within legal limits, the Building Commissioner may require further monitoring;
    - Monitors in place on the south end of Perkins Street;
    - The businesses shall not commence operations at the site until the Building Commissioner has confirmed that the monitoring equipment is in place and ready for operation.
- Lighting
  - Comply with FNCP.
- Parking
  - Provided on site as depicted on the Parking Plan.
- Truck Access
  - All trucks traveling to or leaving the site shall comply with the traffic route plan submitted on November 26, 2019;
  - No trucks shall use Route 103/Wilbur Avenue;

- Petitioner shall implement the truck traffic monitoring and enforcement plan, (12/16/2019 page 2, itemized paragraph #3 Enforcement Plan);
- Monitoring data will be collected and summarized on a spreadsheet and forwarded to the BC every Wednesday, and upon request;
- Monitor truck on Brayton Point Road/Rte 103 with a camera.
  - Monitoring will take place per enforcement plan;
  - Petitioner is responsible for implementing the enforcement plan;
  - Business shall not commence operations until the Building Commissioner has confirmed that the monitoring is in place and ready of operation;
  - Monitoring records by the cameras should be maintained for a period of no less than 1-year, or as the Town may reasonably require.
- Petitioner shall keep a log of all trucks entering and leaving the site, including the type of materials carried.
- The number of trucks associated with the scrap should not exceed: 50 trucks/day.
- The number of trucks associated with the salt should not exceed: 20 trucks/day.
- No queuing, idling, jakebraking and/or parking shall take place on Brayton Point Road.
- Truck traffic will adhere to 7:30 AM – 6:00 Pm for any trucks over 15 tons, and truck beds, containers, and bodies shall be covered when entering and leaving the site.
- Truck monitoring data will collected, summarized on a spreadsheet and forwarded to the Building Commissioner, consistent with the type provided to the ZBA.
- Petitioner and the businesses are responsible for monitoring and compliance.
- Petitioner shall utilize the disciplinary program described in the Enforcement Plan.
- Information provided to all tenants and truck operators;
  - Route Plan
  - Truck companies will be informed of designated route
  - No queuing, idling, jakebraking or parking shall take place on Brayton Point Road;
  - Hours of truck operation will be adhered too 7:30 AM to 6:00 PM
- Parking
  - Provided on site as depicted on the Parking Plan.
- Stormwater
  - Obtain approval from ConCom for Stormwater Management Plan.
  - Submit a copy of the Order of Conditions approved by Somerset Conservation Commission to the Building Commissioner

- Municipal oversight
  - Petitioner shall compile data related to the FNCP and make it available upon request to the Building Commissioner;
  - Provide all logs, data, and other information collected by the Petitioner and/or businesses, including logs of trucks entering and leaving the site, and materials;
  - Petitioner shall provide a check to the Town in the sum of \$10,000 for expert consultants to review the noise, dust, traffic monitoring data required to be gathered by the Petitioner; to assess compliance and to assess if further monitoring is required;
  - Petitioner shall replenish the account as necessary upon the Town's request;
  - Consultants engaged by the town shall be professionally licensed, certified, qualified, with 5-years' experience;
  - Town review monitoring data collected by the Petitioner as required for a period of 1-year, not to exceed one additional year.
  - Petitioner shall provide Name, Address, telephone number and email address of the POC for the Petitioner to all use of the site for 24-hour purposes.
  - Any violations as determined by the Building Commissioner may require a responsible representative of Petitioner to meet with an affected property owners to discuss the source of the violation(s) and requisite corrective measures, and to report the results of such meeting to the Building Commissioner.
  - Conform to all applicable state, federal and local laws and regulations, including but not limited to State Building Codes, Fire Code, Electrical Code, Licensing laws, Health Codes, Wetlands Protection Laws, and the provisions of the Somerset Zoning Bylaw.
  - All hydrants within the deep water dock must be functioning and to code.

| Condition  | Resolved  | Date       | Outstanding |
|--|---|------------|-------------|
| <b>FNCP</b>  |   |            |             |
| Consultant's name and contact information                | Yes   |            |             |
| Dust monitors installed                                  | Onsite/Perkin's during loading/unloading            |            |             |
| <b>Decision</b>  |   |            |             |
| Confined to Site Layout                                  | Yes   | 1/9/2020   |             |
| Height of scrap and salt limited to 35'                  | Yes   | 1/9/2020   |             |
| <b>Dust</b>  |   |            |             |
| Comply with FNCP   | Yes   |            |             |
| Monitors in place (on site, Perkins St.)                 | Onsite, Perkin's (during loading/unloading vessel's |            |             |
| Water Sprinkler Systems                                  | Yes   |            |             |
| Trucks fully covered                                     | Yes   |            |             |
| Procedure to shut down operations                        | Yes   | 12/16/2019 |             |
| Provide results to Building Commissioner                 | Pending Activity                                    |            |             |
| <b>Noise</b>   |   |            |             |
| Comply with limits under 310 CMR 7.10 & MassDEP policy   | Ongoing   |            |             |
| Monitors in place (Perkins)                              | Yes   |            |             |
| Procedure to shut down operations                        | Yes   | 12/16/2019 |             |
| Provide results to Building Commissioner                 | Pending Activity                                    |            |             |
| <b>Lighting</b>  |   |            |             |
| Comply with FNCP (during loading/unloading vessel)       | Ongoing   |            |             |
| <b>Truck Access</b>                                      |   |            |             |
| Monitoring data will be provided to BC (every other Wed) | Ongoing   | 1/29/2020  |             |
| Log of trucks entering and leaving the site              | Ongoing   |            |             |
| Monitor trucks on BP Rd/103 camera                       | Yes   | 1/18/2020  |             |
| Information Provided to all tenants and drivers          | Yes   | 1/13/2020  |             |
| 1.) Route Plan   | Yes   | 1/13/2020  |             |
| 2.) Truck companies informed of route                    | Yes   | 1/13/2020  |             |
| 3.) No queuing, idling, jakebraking or parking           | Yes   | 1/13/2020  |             |
| 4.) Hours of truck operation adhered to                  | Yes   | 1/13/2020  |             |
| <b>Parking</b>   |   |            |             |

|   |                         |            |           |
|---|-------------------------|------------|-----------|
| Provided on site as depicted on the Parking Plan  | Yes                     | 12/16/2019 |           |
| <b>Stormwater</b>   |                         |            |           |
| Obtain approval from ConCom for Management Plan   | Obtained                |            |           |
| Obtain OOC from ConCom and record at registry   | Pending (10 day appeal) |            | 2/25/2020 |
| <b>Municipal Oversight</b>  |                         |            |           |
| Petitioner shall compile data related to FNCP   | Ongoing                 |            |           |
| Petitioner shall provide a check to the Town  | Yes                     | 1/22/2020  |           |
| Provide all logs, data and other information collected by the Petitioner and/or businesses, including logs of trucks entering and leaving the site and materials; | Ongoing                 |            |           |
| Review consultant   | Yes                     | Jan-20     |           |
| Petitioner shall provide contact information  | Yes                     | 1/29/2020  |           |
| All state, federal, local laws and regulations  | Ongoing                 |            |           |
| All hydrants on deep-water dock functioning/code  | Yes                     | 1/29/2020  |           |

Four complaints were received by the Building Commissioner and Zoning Enforcement Officer during the week of 2/26/2020.