

The regular meeting of the Bridgewater Planning Board convened at 6:30 pm in the Council Chamber of the Academy Building.

MEMBERS PRESENT: Pat Driscoll, Frank Sullivan, Ray Ajemian and Tom Hall

ALSO PRESENT: Andrew Delonno, ECD director; Azu Etoniru, Town Engineer

**FIREFLY LANE-438 SUMMER STREET**

The public hearing re-convened at 6:31 pm. A request received from Attorney Daniel Vieira, on behalf of his client, Maroney Building & Contracting, to further continue the hearing to June 7<sup>th</sup> and that the time to act on the application is extended to June 30<sup>th</sup>.

**On a motion by Mr. Ajemian, seconded by Mr. Hall, it was unanimously voted to continue the hearing to June 7<sup>th</sup> at 7:00 pm and accept time for action to June 31<sup>st</sup>.**

**FORM A-SOUTH STREET REALTY TRUST**

Mr. Silva presented the plan. The owner is Jay Leach; the Assessor's reference is Map 74, Lot 39 and the plan prepared by SEA is creating three lots on South Street. Mr. Delonno and Mr. Etoniru had previously reviewed the plan and the plan meets the requirements for Residential C. The land is presently in 61A, but that does not affect the signing of the Form A plan.

**On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to endorse the plan.**

**BOARD BUSINESS**

Mr. Driscoll requested that the members think about the possibility of posting all hearings at 6:30 or at least scheduling them very close together due to the number of continuations requested recently and the lag time that it causes.

**On a motion by Mr. Hall, seconded by Mr. Ajemian, it was unanimously voted to take a 15 minute recess until the next hearing posted for 7:00.**

**PUBLIC HEARING CONTINUATION-IMHOFF SOLAR FARM-AUBURN STREET**

The public hearing reconvened at 7:00 pm.

Correspondence received/recorded for the record:

1. Letter dated 3/6/17 from Delija Valiukenas – 32 Plumfield Lane-read into the record.
2. Letter dated 4/27 from Frederick Chase-read into the record
3. Solar Glare Report dated 2/7/17
4. Noise report dated 4/4/17
5. Continuation request received from Attorney John McCluskey dated 5/1/17.

Attorney McCluskey informed the Board that he requested the continuance because they had requested a superseding order of conditions from DEP. They had a site walk scheduled several times, however, it was cancelled due to weather; it is scheduled now for tomorrow. He said, although they don't anticipate any changes to the plan based upon the site walk, it is always possible that the results of the on-site will change the plan. He said they would be willing to discuss this evening reasonable screening that the Board might want to impose. He suggested a meeting continuance to July.

Dan Zani-20 Old Farm Road-questioned if the zoning issues would be discussed this evening. Attorney McCluskey stated that there will be a change made to the plan; the zoning issue as far as the mixed use on a lot, will be addressed by a submittal of a form A plan separating out the Imhoff house.

Lynette Chase-60 Old Farm Road-stated that they had previously questioned why a stream that runs thru there was not included on the plan and asked if new plans had ever been given showing that stream? Mr. Driscoll informed her that was a Conservation issue; DEP walk tomorrow, so it might be addressed then. Attorney McCluskey added that he thought the DEP might address that with the neighbors out at the street tomorrow.

Mr. Ajemian questioned if there had been any talk on the applicant's end to making the solar field smaller? Attorney McCluskey said no.

Mr. Sullivan noted that he previously had mentioned buffering and he suggested that a double row of arborvitaes be planted. Attorney McCluskey stated that seemed reasonable to him.

Mr. Zani mentioned that he plan shows solar panels within the existing cranberry bog. He was told that will no longer be a cranberry bog and will be filled. Mr. Zani noted that in the bylaws it states that only minor re-grading or less than 25% of the total area should be allowed. Chris Gallagher said it would be a minor re-grading that would be done just to level it off. He said that the bog is an upland bog.

Laura Walsh-55 Old Farm Road-asked what the buffering was for....if it is to screen the project from the abutting homes, the arborvitaes would have to be very tall because this site is much lower than Old Farm Road and Hopkins Drive. She also stated that she has a skin condition which is directly attributed to the sun that she has mentioned before and those 14,000 solar panels will produce glare no matter which way they are faced. She did comment that it was her personal opinion, not a professional one. Lynette Chase agreed and stated that there is no way to buffer her view.

Nicole Holmes-80 Old Farm Road- stated that she too has some photographs that she would like to share after Mr. Chase gives his presentation. Mr. Driscoll asked that she send a PDF to Mrs. Dorr so she can send it out to the Board members. She submitted a notebook with the pictures.

Mr. Berolini asked if there had been any revised plans submitted. Mr. Gallagher stated that the plans haven't changed since October 16, 2016

Mr. Fred Chase gave his video presentation. He said the pictures were taken from the eastern part of Lot 4 via a telephoto lens.

Maureen Hancock questioned how bright would the lights be? She said she had heard “stadium type” lighting around the project. Mr. Driscoll advised her that there is reference to lighting in the bylaw. He would rather have a full discussion on this when the final plans are submitted, but stated that there will not be football like stadium lights.

Mr. Berolini commented that it would have been nice to get some kind of plan that shows how they plan to address the various concerns. Mr. Gallagher stated that they fully intend to furnish a revised plan after the site walk with the DEP and any findings they make; they will address buffering. He suggested that the Board may want some kind of condition that they have the right to re-address any buffering as they deem fit after the project begins.

Bill Lee-700 Auburn Street-asked if the revised plans would be available for the neighbors to review before the Planning Board takes a vote? Mr. Driscoll advised him that the plans will be in the Planning Board office and should be electronic as well and they should be there at least two weeks before the continued hearing date.

Nicole Walsh spoke about a mapped stream on USG maps located on the western side of the property (Old Farm Road side) that is not identified on the plan at all. Under the Town’s solar bylaw, there is a 200’ set back requirement....the Planning Board needs to be aware of that to make sure that is adhered to. Mr. Delonno noted that is part of the DEP process and Mr. Driscoll noted that if DEP makes that determination, the Board will hold them to that setback line. She then made her slide presentation and said she can submit a PDF for the board members.

Lois Poule-15 Auburndale Hgts - stated that she would like to make a point that there are other neighbors to this parcel of land. She spoke about the Great River Preserve which is located adjacent to this site and one of Bridgewater’s greatest assets. It is the habitat for many rare species, including the Eastern box turtle. She commented that if you put a solar farm in this area is counterproductive and injurious. She cited information from the Mass. Dept. of Energy Resources about its position of “sighting preferences for solar farms” which discourages locations that result in significant loss of natural resources and encourages sightings in Industrial and Commercial Districts.

Mr. Ajemian asked Mr. Gallagher that considering the issues that have been raised, why would you not decrease the size of the project? Mr. Gallagher stated that this is what the applicant is requesting to meet their agreements with the Power Company and solar people.

Mr. Dyer stated that the whole parcel is approximately 200 acres and we are talking about 7 acres in the field that is already cleared out. The Wildlands Trust acreage will all stay as it is today. We are talking about 5% or less coverage of the property, he said.

After a bit more discussion, **a motion was made by Mr. Ajemian, seconded by Mr. Hall, to continue the hearings to September 6<sup>th</sup> at 7:00 and accept the extension in time for action on both applications to September 30<sup>th</sup>. It was unanimously voted.**

#### **TRINITY CIRCLE PUBLIC HEARING CONTINUATION**

The public hearing re-convened at 8:16 pm.

A request for further continuance received from Silva Engineering.

**On a motion by Mr. Ajemian, seconded by Mr. Sullivan, it was unanimously voted to continue the hearing to May 17, 2017 at 7:45 pm.**

#### **COPART SPECIAL PERMIT/SITE PLAN PUBLIC HEARING CONTINUATION**

The public hearing's reconvened at 8:19 pm.

Mr. Etoniru arrived at 8:22 pm.

Correspondence received read into the record:

1. Silva Engineering response to Town Engineer's report dated April 13, 2017.
2. Operation/Maintenance plan dated April 4<sup>th</sup>.
3. Drainage report –revised April 12, 2017.

Mr. Silva explained his responses to the Town Engineer comments.

*TE Comment 1: The stormwater management report includes recharge volume computations for the paved portion of the site based on the use of "Cultec R-150XLHD (Cultec Recharger 150XLHD)" system but the site plan does not reflect the use of the system. The site plan needs to be harmonized with the stormwater management report;*

**SEA Response:** The infiltration chambers were inadvertently "turned off" prior to printing the site plans. The sketch below shows the location of the proposed roof infiltration chambers and will be incorporated on the final set of plans.

**SEA Follow-up:** Sheet C.2.4 of the revised site plan illustrates the location of the chambers. Details can be found on Sheet 3.0

*TE Comment 2: The use of gravel surface is proposed for the majority of the 20+ acre area where the vehicles are to be stored. Gravel surfaces are conducive for runoff control and infiltration but the use of limestone as noted on the "storage yard" detail on plan sheet C.3.0 is not desirable as it has binding properties and would function as a paved surface, in which case, stormwater runoff from the area should be treated as runoff from a paved*

*surface, and treatment volume computation consistent with the DEP Stormwater Management Handbook should be provided. If gravel surface is to be used, specifications for a pervious gravel surface should be included. The applicant noted at the February 1, 2017 public hearing meeting that snow plowing will not be required because the "fork lifts" they use for storing and retrieving vehicles from the platforms can be operated over snow; therefore, it does not appear that the finished gravel surface grades would be impaired by snow plowing operations;*

**SEA Response 2:**    **An 8"-12 compacted gravel base (impervious) with 3 "stone top layer (pervious gravel) is proposed.**

**.SEA Follow-up:**    **Stormwater runoff has been revised to treat 1.0 inch for all impervious surfaces . The sediment forebays have been exchanged for water quality swales at each of the six basin locations. The water quality swale provides 70% TSS removal rate with pretreatment device. The pretreatment prior to each water quality swale is a pea stone diaphragm. The swale and diaphragm provide the necessary water quality (44%TSS minimum) prior to an infiltration basin. Test pits completed during previous designs have been utilized to ensure four foot separation to groundwater. The basins have been regraded and adjusted in size to accommodate these design elements. Basin 1, in the front of the site, is the only deviation as it has one catch basin discharging to a sediment forebay prior to the water quality swale. The revised calculations documenting compliance with Standard 3 and 4 as well as TSS and Peak rate and Volume are included in the revised Drainage Evaluation.**

Mr. Silva commented during his presentation that he reached out to the DEP and their response was that they were

Not in favor of using any kind of reclaimed asphalt or anything that in of itself may have some sort of contaminants in it the for purposes of using that as construction of the gravel base. Their opinion was that a compacted gravel base, if it is done with the right gradation in the way it is installed, would be treated as an impervious surface. They view it in the same way as a paved surface in the sense that they look at it as nothing penetrating it..so this is the basis of the design, he said as far as the use of a compacted gravel base which would have a supervised installation to make sure that it is done in a way that it achieves the impervious nature and design grades adhered to so that the water that would go thru the pervious surface would hit the compacted gravel surface, would have a slope to it, and would be directed to the storm water management sytem which would then intercept that lateral flow and treat it before it ultimately discharges to the wetlands, primarily to the rear of the property. He believes this is all in compliance with the Stormwater Management Regulations. He commented that he knows that the Board is used to seeing things on a paved surface and that is the normal thing you see in most kind of parking lots. He said that this is a different type of animal in the sense that this is not a mobile kind of situation; it is not vehicles coming and going in which there is a higher risk of things leaking out with motors running, fans going around, and basically you have more opportunity for hoses and otheer things to be having potential leaks. When the vehicles arrive at Copart locations, they

pretty much have any kind of issues taken care of and once it has been taken on site and placed in a spot, it doesn't move from that spot until it is sold at the internet auction. The location that the vehicle was taken from is also looked at and evaluated to make sure that there wasn't anything that was missed as far as any issues related to it, and if there was, it is a localized cleaning up of that area prior to using that space again. He reiterated that it is not the same as an active parking lot.; he described it as an inactive inertia. He said that the company has a safeguard for any environmental risks and has to be very diligent about it; the company has 190 sites around the world and has a reputation to uphold.

*TE Comment3:*            *Given the size and scope of the proposed site use, Elm Street which is already in serious disrepair would be subject to additional and incalculable repeated volumes of heavy traffic wheel loads that would exacerbate the poor condition of the road. As part of a special permit condition, the Board should require the applicant to provide mitigation fund that would go towards improving Elm Street;*

**SEA Response 3:**        **This should be discussed at the Public Hearing.**

*TE Comment 4:*            *The document titled: " Environmental Responsibility Making a Difference Copart Inc. 2016" should be revised, and tailored specific to the site as an Operation and Maintenance Manual for the proposed facility, and shall bear original wet ink seals and signatures of Massachusetts Registered Professional Engineer and Licensed Site Professional responsible for preparing the document. The manual should include emergency response protocols for handling, containing, and disposing vehicle fluid spills consistent with the Massachusetts Contingency Plan (MCP), 310 CMR 40, including the names, addresses, and phone numbers of in-state agents and representatives of the firm responsible for the facility;*

**SEA Response 4:**        **The plan will be resubmitted as an O&M specially tailored to this facility. The endorsement of the plan should be signed by either a Professional Engineer or LSP.**

**SEA Follow-up:**        **A revised Site Operations and Maintenance Manual has been provided to the Board for review.**

*TE Comment 5:*            *The Board should include an on-going condition of site plan and special permit approval that requires submission to the Board, a facility-wide inspection report prepared by a Massachusetts Registered Professional on a semi-annual basis, starting from the date the facility becomes operational. The report should document the conditions of the site, including but not limited to the conditions of all stormwater management system components, site surface conditions, etc.*

**SEA Response 5:**        **We suggest that an annual inspection and report should be sufficient and tied to annual license or review.**

**SEA Follow-up:        Site specifics for inspection can be found in the revised Site Operations and Maintenance Manual.**

A site operation manual has been provided; they had provided a draft; comments came back which required additional enhancements; it is certified by himself as a professional engineer and also by a licensed site professional which is the category of a professional in hazardous waste. He commented that how you do the construction of it is the most important aspect and if you have the oversight of that compacted gravel base is an area that this board and conservation need to have conditions in there that there is oversight of that process with certifications that all grades have been met so everything flows the way it is supposed to and that it is built in the manner that it needs to create that impervious layer. He stated that he felt it would be a good use for the area. He said that there had been several 40B inquiries, but the Church was not interested in that type of use.

Mr. Ajemian requested that Mr. Silva revisit the traffic that this will bring. Mr. Silva said there were roughly 2200 spots shown; the average time a car is there is approximately 45 days; approximately 150 trips per day. That is a combination of employees coming to the site and trailers dropping off vehicles or picking up vehicles; there are very few trailer trucks, he said. He explained how cars are brought to the site. The site is open from 6:00-6:00 and may have 12-13 vehicles per hour.

Mr. Ajemian questioned Mr. Etoniru's opinion about gravel versus asphalt. Mr. Etoniru stated that the DEP guidelines clearly prefer impervious materials over two pervious surfaces for the simple reason that asphalt has a higher run off potential? If the question were from an operational standpoint terms of maintenance of surface, asphalt would be better only because it is a more stable surface to work with; but, we have to look at it from an environmental standpoint in terms of receiving downstream waters. In that case, the pervious materials will reduce the long term impact of runoff. In this particular area, you do not have what could be potentially considered an environmentally sensitive receptacle. (For example a zone 2 which is a water supply area) This area is an area of critical environmental concern; however, they are not disturbing any receptacles or altering any bordering wetlands, or physically altering the veins of any streams. So, basically what he is saying is from a Storm water aspect, DEP gives preference to gravel. The use is characterized as high pollutant loading area, by the sheer fact that you have cars stored there; however, to Mr. Silva's comment regarding moving vehicles, you only have vehicles being transported and being stored and not moving; Whereas in a parking area, you have cars coming and going all day, so that would be a high pollutant loading area and more impact. In terms of operation, yes, if he were to drive over a parking area, he would prefer a paved surface. He told the board that they have to weigh what their interests are in terms of overall environmental impact. Mr. Ajemian questioned if it was a gravel surface, what would be the lifespan in terms of breaking down? Mr. Etoniru noted that it could be a concern and would be very emphatic in that, if it was an area that required plowing; but they have given testimony that they do no plowing where the vehicles are stored, so you wouldn't have the movement or disturbance of that gravel. Thru plowing operations If you have to disturb that gravel for a cleanup operation, he would suggest to the Board, if they choose to approve the project, to have a condition of some record keeping of their maintenance and be aggressive in that. He commented for what they are proposing, from a stormwater management standpoint, is preferred.

Mr. Driscoll commented that he knows that this is in an Industrial E zone and in 2006 the sales of automobiles was eliminated from this district, but this was determined by the Building Inspector to be a special permit. With it being a special permit, we have to look at the Health, Welfare and safety of abutters and surrounding properties and the Town as a whole. He said he agrees that this meets Storm Water Management, but, he asked if this is the best practice for this use. He asked Mr. Etoniru how the

stormwater will perform overtime if fines get into those stones and how is that treated? The other question is dust...there is a potential for a large amount dust, he said. The other concern he expressed was that this may work in a perfect world, but the maintenance really relies on a lot of employee awareness...there are 2200 cars out there that could potentially be leaking....that is why he has been a proponent of asphalt in those parking areas because there are structures that any spills will run into. He commented that this use is intense and in an area of critical concern; it is a high pollutant business, and to rely on employees to monitor these cars he would want to see asphalt with structures that can collect and mitigate these issue so we don't have to worry about spills or relying on employees and their best management practices to identify problems. This is a big operation with 25 acres of gravel that needs monitoring. Mr. Silva commented that he is treating this as there is an active issue happening that causes vehicles to leak; there is not an activity that is causing that to happen; they are stationary and do not move, he said. He commented that the impervious layer, above the stone, is they layer that the fork lift will affect when picking up a vehicle; not the layer below. If it was a paved surface, that could be destroyed with all the moved that a fork lift may be making; the stone surface can just be leveled off where there was activity. He emphasized the fact that there will be no snow plowing; not taking any actions that will cause issues. He also noted that there were structures in there; every one of those basins is a structure, he said. Each one is intercepting that lateral flow that would come across at the top of the compacted gravel surface thru the loose layer that is above it. Mr. Driscoll commented that this is a special permit that we have the ability to condition and he asked Mr. Etoniru if this is the best practice for this use. Mr. Etoniru stated that this is the best practice that the applicant has chosen to pursue; what he feels is best for his project. Mr. Driscoll asked, from the Town's perspective, is it beneficial or less beneficial to have this surface paved in terms of dust, pollution and all the things we have discussed. Mr. Etoniru stated that the dust component will be a construction impact. He said that the gravel has different gradations; the gravel that they are proposing doesn't have the fines that can readily become airborne. As far as the special permit, it is the Board's prerogative to impose whatever conditions it sees fit. He recommended that the conditions be reasonable and achievable.

Mr. Sullivan felt that it is more reasonable not to use asphalt for the simple fact that the automobiles leak fluids that are petroleum based, and they eat thru asphalt. You could have puddling under the asphalt and not recognize it. The whole idea of having compacted surfaces, required in most salvage yards, is so they can identify, recognize and clean and contain. This localizes it and makes it easier to clean. He stated that in looking at the plan, he only sees one catch basin (CB1-paved area out front) and he asked why wouldn't you catch basins and grease/water traps in the roadways for the length of the parking lot. Mr. Silva said that the compacted layer is down below the loose layer that is on top. He said if you put in a rigged structure in an unriggered environment, you will then create holes in that surface. He said you will end up with, around that structure, pathways that will allow something to go thru it. Mr. Silva commented that he felt that asphalt, in this application, has more potential for allowing something to get away from you because it will develop rutting and the surface will be impacted when bringing in a vehicle....the stone is forgiving and will give you the safeguards you need and the best design for this project and he stands by it.

Fred Kern-77 South Street-wanted to bring to the Board's attention that this is a very nice use for the property. As a member of the Church board, they have been trying to sell this property for three years; there were a lot of offers from others that would be unsuitable for our town, he said. As a citizen of this town, he felt the taxes that would come from this business would be very significant for our town. He spoke about the importance of this sale for the sake of the church.

Mr. Ajemian commented that he is coming from the Town's perspective and that is of the environment and we make sure that we have the least potential of runoff affecting the area. Mr. Etoniru commented that if we were talking about a parking lot like Roche Bros where cars are coming in and out constantly, he would not recommend gravel; however he stated that gravel is suitable for this type of use and this site; in time, asphalt will break down from this operation and will require maintenance in time. Mr. Driscoll questioned how do we make them maintain the crushed stone? Mr. Etoniru noted that they have an operational and maintenance plan. Mr. Driscoll questioned why can't we do that for asphalt? Mr. Etoniru stated that it will not include that type of inspection for replacement that you would get with the gravel surface. One of the things you could do, if you elect to approve the project, in the conditions of approval, to require quarterly inspections by a person appointed by this Board and the applicant to pay for that. We do have an Inspectional department that can be responsible for verifying that compliance and enforcement. As time goes on, say after five years, and all is complied with, you can change the inspections to semi annually then annually if you so choose; operations shall be shut down if not complied with. He stated that it is not his position to sit here and tell the Board what they should require; he can only tell the Board what their options are and what the ramifications would be for each. Mr. Driscoll commented that this is not a small area that we are talking about....it is 25 acres of damaged cars. He commented that he doesn't know how much they leak or if they leak at all; but, I am looking at a salvage yard. He stated that he was uncomfortable with it. He felt if it was approved, there must be safeguards. Mr. Silva suggested the possibility of having 4 or 5 monitoring wells across the site as a part of the installation which would be sampled and tested at certain intervals. Mr. Silva spoke about Copart having 189 sites and they go over the top in terms of making sure that they actually manage that part of what they do because they know that is the biggest impediment that would put them out of business. Mr. Driscoll commented that Copart may do a great job, but, five years down the road they might sell it...the use will not go away; it will stay there, he said. Mr. Silva noted that the special permit could be issued to Copart only; if there is a change in ownership, they would have to come back before the Board; you could issue a new special permit based upon the performance of Copart.

The pastor of the South Shore Community Church wanted to make a couple of points: First, Copart has 189 sites and have never had an infraction, so it isn't like that don't have a tract record, which is the best indicator of future success. He suggested that should be considered. Secondly, you have an engineer that you all respect and his opinion on this should be highly considered. He stated that Copart will walk if you make them use asphalt. This will affect their church and their members and will also affect who they sell to because they have to sell; he asked that the board look at this with a larger perspective.

Harry Bailey –Vice Chairman of the Conservation Commission-spoke about what he learned while working for Simeone Corp.... they can put a certain amount of contaminated oil from a gas station! Do I want 20 acres of contaminated material draining into wetlands, he said! "I want it going into the ground and being filtered; so the asphalt is definitely out. " He said he will be working with Azu and it will be done correctly, if approved. He commented that he was in favor of the asphalt last Wednesday night, but he has had time to think about it. He stated that the cars will leak and what would you see when it rains....you would see a rainbow going down to the wetlands. If it went into the ground that acts like a filter, he said. Mr. Driscoll commented that he doesn't want it to go into the ground or the wetlands; we would want it to go into a structure and be treated. Mr. Silva pointed out that deep sump catch basins are only as good as how well they are maintained. There is no provision that is enforceable that basically says that you do the right thing and take out the contents of it and make sure that it doesn't get to the point where it doesn't go out with the rest of the drainage. There is a perception

that some of those structures are better, but it is all in how they are actually managed and whether or not it is managed well.

Mr. Driscoll commented that this is a big operation that could impact a large area and he just doesn't feel that the safeguards are in place. It is a special permit that we need to make sure promotes the health, safety and welfare of the people around it and he doesn't see how this scale of a business, with the lack of safeguards, in his opinion, do anything but have the potential to harm the health, safety and welfare of the area. He felt it might detract somebody from putting an office building or something else of that nature, across the street. In 2006, he said, we zoned out a lot of "offensive uses"; this zone goes all the way out to where Ron Emma's and D'Angelos are located. He said he thought that if we are going to allow a use like this, it needs to be top notch with the best safeguards in place possible to guarantee there is no downside to the health, safety and welfare of the area. The pastor noted that they do inspect the cars when they come in and before they leave to make sure that there is no leakage; if there is, they do put a leech pan under it or wrap it and they do have a track record of success at the 189 sites; their reputation is at stake, he said.

Mr. Ajemian commented that "we don't know about whether or not they have had problems at any of those sites; from this Board's perspective, we can only make the assumption that something can go wrong; therefore, we want something that is safe as possible." He asked Mr. Silva if he could add more safeguards into his proposal. Mr. Silva commented that the only other thing he would add would be that a condition be that monitoring wells be installed, so you do have the ability to know if there was any potential for impact below. He stated that the Board could approve it and come up with reasonable conditions with the help of the Town Engineer to make sure that you have the comfort. He said the reality is that if the Board does not approve this tonight, there is no next meeting because Copart has basically said they don't see any hope and they have put the church on notice that they are withdrawing their offer without an affirmative vote this evening.

Dr. Gilson commented that it is important to listen to the experts; the EPS, the DEP who all have their recommendations of what works best. He said that it is confusing to him why there should be any doubt.

Steve Solari, Building Inspector, commented that he went on the Copart website and noticed that they sell a lot of cars from their sites. You are not giving them a class I or class II license, or Class III for Junk Yard. He expressed concern that one this is told and then other things happen. This area is not zoned for car sales, he said. Mr. Silva noted that they have given testimony that it is strictly internet sales; no handling of the vehicles by the public or going in to view the cars ; what they see are the pictures of when the car came into the facility at the time of the auction and they make their decision based on that. Mr. Solari stated that the state only issues the three licenses and they will have to get the Class 3- Junk yard. Mr. Delonno stated that it isn't a junk yard. Mr. Solari stated that junk cars stored have to be licensed. Mr. Delonno said that this is not the sale of automobiles; it is a third party and the determination was made by the previous inspector that a license wasn't necessary. Mr. Sullivan stated that they are not selling the cars; they are marketing them for a third party; the title is actually held by the insurance company; for the issue might be that Copart doesn't actually own the cars.

Mr. Sullivan then made a motion to close the public hearing in order to have a discussion amongst themselves to come up with some conditions. There was no second; the motion was withdrawn.

Mr. Ajemian commented that right now, he could vote either way on this; however, there have been a lot of serious questions raised and it disturbs him that it was stated that Copart will walk if we don't vote tonight. He suggested that this be continued to another date so issues can be resolved and we can go forward with it. Mr. Delonno stated that he had a one hour conversation with the Vice-President of Copart just to get to this point. It was not a threat; it was a fact and the hearing cannot be continued. Mr. Driscoll said if the hearing can't be continued, he couldn't vote for it; he said he had too many questions and too many concerns.

Mr. D'Angelo commented that he is the broker who has sold all the lots on Elm Street. He has been marketing his property for almost three years. The problem with the site is because of the jetting out of the wetlands which makes it very difficult to subdivide and has been a very big challenge. This has been the first legitimate company that has come to Town and done everything proper. He explained all the inspections that they do to the vehicles before and after they are on site. He commented that maybe some more discussion could be about some of the critical things they do and perform that might address the Board's concerns. He said they did go over all the operations with Joe O'Leary who is the head of the environmental and the Conservation Commission. He said he appreciated the fact that Mr. Bailey was here this evening with his support. He stated that he is not in favor of the board making a decision tonight. He said he is representing both the church and Copart and they did everything they could to make sure it was a good fit for the town. and the fact that that Harry Bailey was here this evening speaking in favor of this project, speaks volumes and if Larry can talk more about the things the Board is worried about and get Azu involved, we could get the issues resolved. The operations and maintenance manual was made specifically for Bridgewater, he said. He said he would do everything in his power to have this meeting extended. He said they are on hold with Conservation until the 25<sup>th</sup>. He will go back to Copart tomorrow and tell them what has transpired, especially with Conservation. He stated that he would not be thrilled with a continuation, but, if the vote is a negative tonight, they wouldn't be coming back; he doesn't know what is next. Mr. Ajemian stated he wanted to clarify where we are at....he could be convinced, but he would prefer to carry this hearing over to the next meeting just to let things settle and to ask a few more questions. Mr. Silva said Copart was at the Conservation meeting and they came away very discouraged which lead them to the feeling they weren't getting anywhere with the town. Mr. Ajemian questioned why they would cut it off now when progress is being made and they seem to be moving in the right direction. Mr. Silva stated that he feels much more optimistic with the fact that Mr. Bailey was here and confident that they will come up with conditions that they would be comfortable with that would allow the project to go forward. He will go back to Copart to explain everything, but he has no idea what they will do.

**On a motion by Mr. Ajemian, seconded by Mr. Hall, the hearing was continued to June 7<sup>th</sup> at 7:00 pm.**

**On a motion by Mr. Sullivan, seconded by Mr. Ajemian the meeting was adjourned at 10:14 pm.**

MINUTES APPROVED: \_\_\_\_\_



