

Background Materials – April 25, 2022 – Planning Board Meeting

Prepared by Anne Capra, Director of Planning and Conservation, 4/22/22

Cable Access Channel 15 – Cable Access Channel 15 – The Cable Studio has indicated that this meeting will be live streamed on Channel 15.

AGENDA ITEM #1: Open Comment Period

This 10-minute period is set aside for the public to offer comments on items not on the posted agenda, in accordance with the adopted policy posted on the Town of South Hadley Planning and Conservation Department webpage here: [Policy-on-Open-Comment-Period---As-Adopted-2021-03-08 \(southhadley.org\)](https://www.southhadley.org/Pages/Policy-on-Open-Comment-Period---As-Adopted-2021-03-08)

Action Needed: Allow members of the public to offer comments to the Board.

AGENDA ITEM #2: Minutes

Planning and Conservation Coordinator Colleen Canning will forward the minutes of the March 28 and April 11, 2022 meetings.

Action Needed: Vote to approve the minutes.

AGENDA ITEM #3: Correspondence

A list of correspondence received is attached.

Action Needed: No action needed.

6:30 PM AGENDA ITEM #4: Special Permit and Stormwater Management Permit Public Hearing Continuance – Elnk Corporation, 7 Gaylord Street

The proposed project is for the expansion of an existing manufacturing facility and will include demolition of an existing 17,500 building on the east end of the site, construction of a new 17,900 SF facility and loading dock in the same location, construction of ink material storage tanks (“tank farm”) and an associated spill containment area, and re-paving of the site to accommodate truck deliveries. The expansion of an existing industrial facility requires Site Plan Review.

The site is located within the Industrial B Zoning District. “Other manufacturing uses commonly considered hazardous or noxious, as provided in Article VII” require a Special Permit. Per 255-28 Noxious Industrial Uses, noxious or hazardous uses permitted within the Industrial B zoning district allowed by Special Permit are listed. The chemicals identified by the applicant for use in the expanded manufacturing processes and to be stored on site in the tank farm qualify as “other enterprises or uses commonly regarded as hazardous or offensive” within 255-28 and trigger a Special Permit application and approval.

The project requires a Stormwater Management Permit because per Chapter 200, all construction projects disturbing 1 acre or more of land require such.

The following is a summary of the Public Hearings conducted and links to new materials submitted by the applicant since the 4/11/22 hearing.

Public Hearing timeline to date:

2/7/22	Public Hearing opened; Elnk representatives presented an overview of the project and application materials; Board asked questions; no public comment submitted; Board voted to engage peer review; motion to continue hearing until 2/28/22.
2/28/22	Hearing continued; contract for peer review with Weston and Sampson had been executed and were awaiting response.
3/14/22	Hearing held; peer review team from Weston and Sampson presented their review of application materials submitted thus far; public comment taken; motion to continue hearing until 3/28/22.
3/28/22	Hearing continued without discussion to 4/11/22 to await peer review of additional Elnk submittals
4/11/22	Elnk presentation on response to peer review, department and public comments; Board asked questions; public comment taken; motion to continue hearing until 4/25/22.

All application materials and project plans are online here:

<https://www.southhadley.org/1164/11004/Gaylord-Street-7---Redevelopment-2022?activeLiveTab=widgets>

NEW materials received from Elnk since 4/11/22 Public Hearing continuance:

DOCUMENT	ONLINE POSTING
Revised Site Plans and Renderings	Site-Plans-and-Renderings---Rev3-04-11-22 (southhadley.org)
Elnk Presentation, 4/11/22	Elnk-Presentation---Response-to-Peer-Review-Report-and-Department-Comments---04-11-2022 (southhadley.org)

Emergency Response Plan 950-1028 REV F - Rev 04-08-22	https://www.southhadley.org/DocumentCenter/View/9446/Emergency-Response-Plan-950-1028-REV-F---Rev-04-08-22 Highlighted changes are in: <ul style="list-style-type: none"> Appendix E Specific Emergency Response Plans – Tank Farm Sections 5&6, Pages 43-44 Appendix F Specific Emergency Response Plans – Pigment Plant Section 6, Page 48
Email from Bob Heumann, 4/20/22	Response to public comment about risk assessment. See attached email correspondence.

Peer Review Reports: No new peer review materials have been requested or submitted.

Weston and Sampson Peer Review Report, 3/14/22

<https://www.southhadley.org/DocumentCenter/View/9256/EInk-Peer-Review-Report--March-14-2022-Presentation-Weston--Sampson-03-15-2022>

Weston and Sampson Peer Review Report – Additional Review, 4/1/22

<https://www.southhadley.org/DocumentCenter/View/9394/EInk-Peer-Review-Report---Additional-Review-Weston-and-Sampson-4-1-22>

EInk Response to 3/14/22 Peer Review Report

<https://www.southhadley.org/DocumentCenter/View/9408/EInk-Response-to-Peer-Review-Report-Narrative---Corrected-03-25-22>

NEW EInk Response to Peer Review and Department Comments at 4/11/22 Planning Board Meeting

[EInk-Presentation---Response-to-Peer-Review-Report-and-Department-Comments---04-11-2022 \(southhadley.org\)](https://www.southhadley.org/DocumentCenter/View/9408/EInk-Response-to-Peer-Review-Report-Narrative---Corrected-03-25-22)

Departmental Comments: No new comments have been received.

Status of Notice of Intent Application with Conservation Commission:

The Conservation Commission has continued their public hearing to 4/27/22 to allow time for review of all of the additional materials submitted by the applicant.

Director’s Recommendations:

Special Permit and Site Plan Review – At this time, the standards that have outstanding revisions include 255-129 (A) 6, 7, 8, 9 as indicated below. I recommend the Board discuss the status of compliance with each of the Special Permit and Site Plan Review Standards (spreadsheet attached) to assess project conformance.

6	Provide safe access for fire, police, and other emergency vehicles.	Awaiting final response and approval from FD#1 for plan revisions.
7	Provide adequate water, drainage, and waste disposal systems without causing significant harm to any natural water system or overloading any public water, drainage, or sewer system, or any other municipal facility.	Per peer review report dated 4/1/22, Stormwater Management Permit standards mostly met with the exception of a long-term operation and maintenance plan (Standards 8 and 9). Drainage Report dated Revision 3/28/22 does not appear to be updated (Sec. 2.0 Long Term O&M)

		Request signed agreement with Fuel Services regarding shared stormwater infrastructure maintenance and easement for connection/use.
8	Not cause significant traffic congestion, impair pedestrian, or bicycle safety, or overload existing roads, sidewalks, and trails, considering their current width, surfacing, and condition, and any improvements proposed to be made to them by the applicant.	Peer Review Report dated 4/1 – suggests signed agreement for shared driveway as Special Permit condition. Requested new garage on Fuel Services property be added to project plan sheet C-5.1
9	Not result in excessive air, water, noise, or light pollution, or create any other public or private nuisance;	Applicant is required to seek state and federal air quality management permits. MassDEP has confirmed they are coordinating with the applicant. Peer Review Reported dated 4/1 – Suggested requesting Town copied in emissions notifications to DEP. Recommended perimeter monitoring for VOCs or other HAPs to confirm closed loop system functioning properly. Final SOP for toluene tank venting as Special Permit condition. Plan Sheet C-3.0 includes “Unloading Sequence of Operation” <i>Where are these processes and BMPs codified and how are they regulated to ensure compliance?</i>

Additional Special Permit Standards – Standards 1-5, 10 and 11 are more subjective. I recommend the Board discuss each standard and evaluate how the proposed project addresses each.

1	Comply with all applicable land use district, overlay district, and other specific requirements of this and other bylaws and regulations, and be consistent with the purpose and intent of this bylaw and of the land use district in which it is located;	Industrial B Zoning District “The purpose of this district is to allow industrial and business uses with a greater impact than those permitted in Industrial A.” South Hadley Falls Overlay District 255-45 https://ecode360.com/30053631 “The purpose of this overlay district is to encourage redevelopment of South Hadley Falls in a manner consistent with its historic urban pattern.”
2	Be suitable to the surrounding neighborhood and the "Land Use Area" in which it is located. Land Use Areas are identified and described in the section of South Hadley's Master Plan entitled "Land Use Area Vision Statements" (pages 1-10 through 1-19). In making this determination, the Planning Board shall take into consideration any guidance provided by the land use goals articulated in South Hadley's Master Plan, goals articulated in South Hadley's open space and	The subject property is partially abutted by the South Hadley Falls 40R District. https://ecode360.com/30820792 The subject property is bordered by Industrial B, Industrial A, Residence B, Business B, and Residence A-2. See attached maps. 2020 Master Plan Update – p.11 South Hadley Falls Preserve the existing character of the neighborhood core. Increase the number of small businesses such as retail shops, small grocery stores or farmer’s market, ice cream shops, cafés, or restaurants near the neighborhood core.

	recreation plan, and input from relevant boards, Town officials, and the public;	Provide opportunities for an art gallery and artist studios. Develop affordable mixed-use housing. Expand light industrial uses around the neighborhood periphery. 2010 Master Plan Land Use Vision Statement – South Hadley Falls (see attached)
3	Be compatible with existing uses and uses allowed by right in the neighborhood, Land Use Area, and zoning district;	See above.
4	Be compatible with the existing character of the neighborhood and Land Use Area, and/or zoning district. "Character" shall be understood to include prevalent patterns of: site design; setbacks from property lines; amount and location of parking; amount, type, location and quality of open spaces and landscaped areas; amount, type, and location of impervious surfaces; distances and relationships between buildings; density of building(s) relative to land area; building massing; architectural style and detailing; materials; buffering from adjacent uses; traffic volume and timing; noise; odors; and light.	See above.
5	Be suitable for the property on which it is proposed, considering the property's, scenic, cultural and historic significance, and its ability to be buffered or screened from neighboring properties and public roads.	See above.

Special Permit Standard 12 – comply with applicable site plans under 255-148 Site Plan Review.
<https://ecode360.com/30053968>

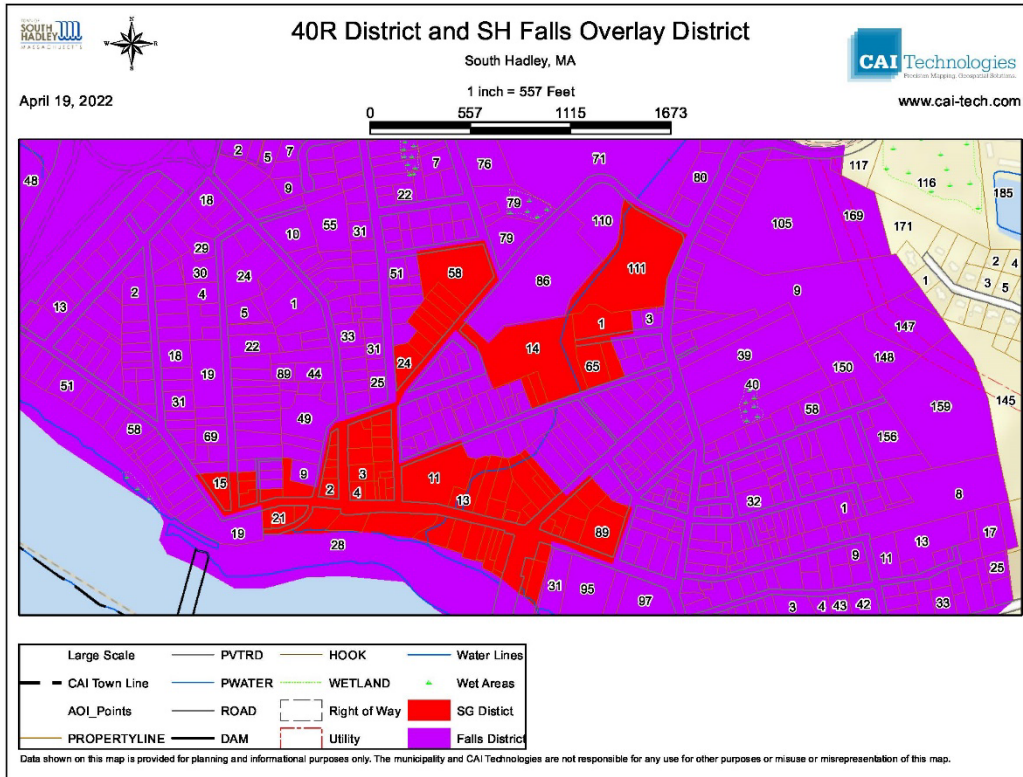
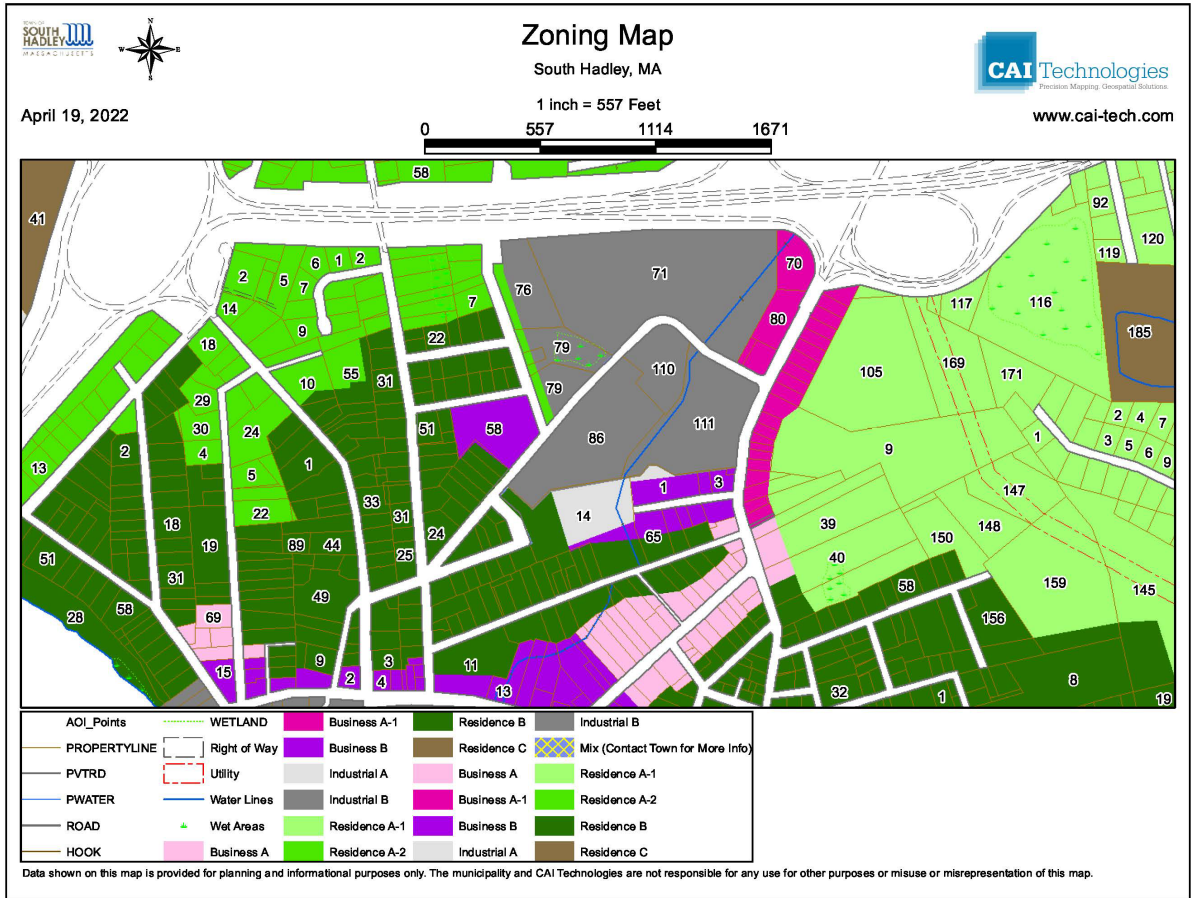
Stormwater Management Permit

Per peer review report dated 4/1/22, Stormwater Management Permit standards mostly met with the exception of a long-term operation and maintenance plan (Standards 8 and 9). Request signed agreement with Fuel Services regarding shared stormwater infrastructure.

Revised plan sets include covered tank farm delivery area. Processes and best management practices for loading and unloading of chemicals at tank farm, delivery into building, and use within the building appear to still not be fully documented in submittal materials.

Recommended Motion: Continue the Public Hearing unto May 9, 2022 at 6:30pm.

Action Needed: Hold the Public Hearing. If the Board closes the Public Hearing, a Decision must be made within 90 days and filed with the Town Clerk.



South Hadley Falls

The South Hadley Falls area consists of a variety of land uses, including many municipal buildings, such as Town Hall, Police Department, SHELDT, and the Library. Industrial and commercial establishments line the main streets in the Falls, with residential land uses mixed in. The density of residential in this area varies, from high density Mill style housing to low density, single-family housing. The Falls serves as one of the gateways into Town and is a critical component of South Hadley's history. Particular characteristics and considerations for this area include:

- The Falls serves as a visible gateway to the Town, and, as such, should be given priority funding for aesthetic improvements. Funding, through grants or the development of a special fund, should aim to assist property owners with maintenance and landscaping as well as contribute to the general beautification of the area.
- Consistent with Town-wide revitalization strategies, the main corridors of the Falls area should consist of mixed-use development whenever possible. New development should be diverse and generally consist of a mixture of office space, retail and residential, with the support of a pedestrian-friendly environment.
- Easy and convenient access to the waterfront in the Falls should be a high priority. This will be made possible with the development of the riverfront

08/30/2010 Adopted

1-10 Land Use and Community Design

and could also be achieved with the rehabilitation and reuse of vacant, older mill buildings.

- The revitalization of the Falls should be strongly connected to the future riverfront parks as it will become a new destination that attracts new foot traffic to the Falls. When a bike/walking/hiking path is developed to connect Chicopee, Holyoke, and Amherst, it too should be connected with the Riverfront Park.
- The creation of an Economic Development Committee for the Falls can help guide the vision for this area. This committee can help identify existing and future target areas for economic development and seek to attract new developers to the area.
- While architectural diversity is highly valued, development immediately adjacent to a highly valued landmark or historical place should complement the existing character of that place in order to help preserve the historic character of the Falls.
- A design review process should encourage and provide assistance with on-site improvements to pedestrian facilities, landscaping, and aesthetics.

AGENDA ITEM #5: Planning & Conservation Department Report on Planning Projects and Development Updates

Town Meeting – May 11th

Two Warrant articles will be before TM for a vote: Endorsement of the 2020 Master Plan Update, and repeal and replace of Chapter 200 Stormwater Bylaw.

Master Plan Implementation

I'd like to add a section to the Department report on Master Plan Implementation. Information presented will be in the spirit of working toward Goal #4 Excellent Communication. This will be a "news and notes" section with short updates on projects and efforts as reported to me by other Implementation Plan responsible entities. The intent is to increase awareness of the Master Plan status for the Board and the public and keep implementation moving forward with lots of clear transparency and good communication.

Falls Prevention Program – Age and Dementia Friendly Community Initiative

South Hadley Fire Departments 1 and 2, in cooperation with the Senior Center, and Age and Dementia Friendly Community Initiative, have launched a Falls Prevention Program for senior citizens. Fire Department personnel will come to your home to identify home safety issues and offer recommendations to correct them. Free smoke alarms, house numbers (physical street address numbers) or other safety devices needed can be supplied through the program.

To schedule a home safety visit, contact the Senior Center at (413) 538-5030

Master Plan Annual Workshop – Friday, November 4, 2022, 9am-noon

We will hold the first Master Plan annual workshop for all Implementation Plan responsible entities on 11/4 from 9am to noon. The Workshop will be jointly hosted by the Planning Board, Selectboard and MPIC. I will be working on an agenda and format for the workshop to share with our co-hosts. The purpose of the workshop is bring together all boards, committees and departments identified as responsible entities for actions in the Implementation Plan to discuss shared tasks, prioritize actions, and identify existing and needed resources and capacity for getting the work done. More to come!

Town Meeting Endorsement

The 2020 Master Plan Update will be on the May 11th Town Meeting Warrant for endorsement by Town Meeting. Town Meeting begins at 6pm at the South Hadley High School. The Board should identify a Planning Board member to speak to the Article at Town Meeting if needed.

The final adopted 2020 Master Plan is now posted to the website here:

<https://southhadley.org/1078/2020-Master-Plan-Update>

Lyman Street Reconstruction – MassWorks Grant

Water main replacement work has been completed and reclamation of the road base will start on Monday 4/25 thru Tuesday 4/26. Thereafter, the contractor will begin removing the excess road base from the top by Whiskey Barrel heading down toward Route 116/Newton Street. This should take approximately 2 weeks to complete, before fine grading for pavement.

AGENDA ITEM #6: Other New Business (topics which the Chair could not reasonably expect to be discussed/considered as of the date of this notice)

No new business had been submitted as of today.

OSHA PSM and PHA requirements

1 message

Robert Heumann <rheumann@eink.com>

Wed, Apr 20, 2022 at 4:44 PM

To: Anne Capra <acapra@southhadleyma.gov>, Colleen Canning <ccanning@southhadleyma.gov>

Cc: Keith Jacobsen <kjacobsen@eink.com>, Wayne Ashworth <washworth@eink.com>, Anthony Vinciguerra <AVinciguerra@eink.com>, Robert Troccoli <rtroccoli@ifdesignllc.com>, "Newton, Robert" <rnewton@bscgroup.com>, "Biancavilla, David" <dbiancavilla@bscgroup.com>

Anne and Colleen,

During the April 11th Public Hearing, the concept of a risk assessment was raised. Ahead of the April 25th Hearing, we wanted to direct you to the last line item in the attached Permit List (submitted as part of our March 25th submission to the Planning Board), OSHA Process Safety Management (PSM). We thought it might be helpful to elaborate on the requirements of a PSM before the next Public Hearing.

The Occupational Safety and Health Administration (OSHA) Process Safety Management of Highly Hazardous Chemicals standard (29 CFR 1910.119) requires that companies that process certain chemicals, including toluene and Isopar-E, conduct various safety reviews, risk assessments, and training to assure the safe handling, moving, storing, and use of these chemicals. The standard mandates written operating procedures, employee training, pre-startup safety reviews, evaluation of mechanical integrity of critical equipment, and written procedures of managing change. It is a federal requirement with OSHA as the governing body.

A key provision of a PSM is Process Hazard Assessment (PHA). A PHA is a careful review of what could go wrong and what safeguards must be implemented to prevent the release of hazardous chemicals. It is a thorough, orderly, systematic approach for identifying, evaluating, and controlling the hazards of processes involving these solvents. It is, in effect, an OSHA-required risk assessment. A PHA identifies risks and creates a plan for addressing those risks. As an air permit is required before the construction of any emissions-creating equipment, a PHA must be completed before these solvents can be delivered. E Ink has enlisted a third party environmental and safety consultant to help it to conduct its PHA and to comply with the requirements of the PSM standard. Additionally, pursuant to OSHA requirements, all processes that are the subject of a PSM program must be audited every three years.

We hope this information is helpful. We also want to confirm that we are both aware of the need for a thorough process safety review of our entire process (not just the tank farm) and are fully committed to completing such a review above and beyond the stated requirements with the assistance of a professional third party who specializes in this area. We will spend some time discussing the requirements of the PSM and PHA process during the April 25th Hearing.

Best Regards,

Bob

Bob Heumann

Associate VP, Operations E Ink Corporation

1000 Technology Park Drive, Billerica, MA 01821

Mobile 857-253-9520 | Office 617-499-6140 | Fax 617-499-6200

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Permit List 02 4 2022 Revised.pdf

61K

EInk Permits Required – 2/4/22

Permit	Type	Permitting Authority	Plan Number	Date	Expiration Date	Current	Needed for Expansion	Further Review Needed
Non-Major Comprehensive Plan	Air	MassDEP	1-P-09-021	10/27/2009	None	X		
Limited Plan Approval - Spray Dryer	Air	MassDEP	In Process				X	
Non-Major Comprehensive Plan Approval - Pigment Plant Expansion	Air	MassDEP	Will be started when final design approved				X	
National Emission Standards for Hazardous Air Pollutants	Air	EPA	Would need to submit a new notification to EPA and update the management program to comply with the 6V requirements if any of the new pigments contain any of the listed NESHAP chemicals					X
Environmental Results Program (ERP) and Boilers, Emergency Engines and Turbines, Non-Emergency	Air	MassDEP	If we are adding any combustion equipment (boilers or generators) we will need to conduct monthly recordkeeping					X
Permit to Process Hazardous Materials	Hazardous Materials	SHFD	FY2022-H2-1	12/2/2021	12/2/2022	X	X	
Flammable Storage Permit	Hazardous Materials	SHFD	FY2022-G-12/2/2021	12/2/2021	12/2/2022	X		
Flammable Storage License	Hazardous Materials	SHFD	In Process				X	
Hazardous Materials Transportation - Registration	Hazardous Materials	US DOT	n/a	Due annually		X		
EPCRA (Section 312) Hazardous Chemical Inventory (Tier II Reports)	Hazardous Materials	US EPA	n/a	Due annually		X		
Toxic Use Reporting (TURA) & Toxics Release Inventory (TRI)	Hazardous Materials	US EPA	Will need to submit a TRI and TURA report and will need to start TURA Planning after the first reporting period				X	

EInk Permits Required – 2/4/22

Large Quantity Generator of Hazardous Waste	Hazardous Waste	MassDEP	MAC30001312 5		None	X		
Biennial Hazardous Waste Report	Hazardous Waste	EPA	n/a	Submit every 2 years				
Solvent Still Class A Notification	Hazardous Waste	MassDEP	Will be started when final design approved			X		
Hazardous Waste / Material Contingency Plan for South Hadley	Hazardous Waste	Mass DEP OSHA	950-1028 REV E	6/18/2021	None**	X		
General Wastewater Discharge Permit - Category 2***	Wastewater	South Hadley POTW	004-20	6/1/2020	6/1/2023	X		
Spill Prevention Control & Countermeasures Plan (SPCC)	Water	EPA	n/a	2/26/2020	2/26/2025*	X		
Protection of Public Water Supply - Cross Connections	Water	MassDEP	n/a	Have BFPD inspected on a semi-annual basis		X		
No Exposure Certification****	Water	US EPA	MANOE3833	2/26/2021	2/26/2026	X		
Aboveground Storage Tank (AST) Permit	Hazardous Materials	MA Department of Fire Services	Will be started when final design approved				X	
OSHA Process Safety Management	Safety	OSHA	We will complete a complete program prior to filling the Toluene tanks. Program includes a Hazard Assessment, training, SOP's, maintenance action items and emergency planning				X	

* Or if the nature of the facility operations change or the nature of oil storage at the facility changes such that it impacts the plan

** No expiration date but the plan needs to be updated and distributed when the facility operations change

*** The new expansion will not be hooked up to our current wastewater system

**** We will revisit the No Exposure Certification once construction is completed to ensure we still fall under the requirements

**SOUTH HADLEY PLANNING BOARD
LIST OF CORRESPONDENCES
APRIL 25, REGULAR MEETING**

Letters & Memos

- Email received April 22, 2022 from Robert Murphy, South Hadley resident, regarding the Planning's Board's hearing on April 11, 2022 to consider the Special Permit application filed by E-Ink Corporation

Legal Notices

Amherst

- Notice received from the Amherst Zoning Board of Appeals for a public hearing on April 28, 2022 to consider a special permit to allow construction of apartment buildings and associated site improvements at 164 and 174 Sunset Ave.
- Notice of decision received from the Amherst Planning Board for approval of a site plan to construct a two-story addition to an existing barn at 305 North East Street.

Chicopee

- Notice received from the Chicopee Planning Board for public hearing on May 5, 2022 to consider a waiver from Site Plan review to construct new travel center with associated site work at 357 Burnett Rd.

Granby

-

Hadley

- Notice received from the Hadley Planning Board for a public hearing on May 3, 2022 to consider proposed amendments to the Zoning Bylaw.

Holyoke

-

E Ink

Robert Murphy <captbob500@comcast.net>

Fri, Apr 22, 2022 at 1:09 PM

To: acapra@southhadleyma.gov

Cc: ccanning@southhadleyma.gov, LWong@southhadleyma.gov

Anne,

I understand there is a planning board public meeting this coming Monday at 6:30.

While I certainly appreciate and am grateful for the hard work and effort by all board members, I was deeply disappointed in the 4/11 meeting. I joined the zoom meeting and in spite of "raising my hand" numerous times I was never allowed to speak. Seems to defeat the meaning of calling it public. E Ink dominated and greatly exceeded the ENTIRE time scheduled with a PowerPoint presentation Intentional on their part ?

Very poor meeting management and very disrespectful to those residents who took the time to join in.

Needless to say, this is a topic I am keenly interested in voicing my concerns about.

It is my deep concern that nothing any resident can say will prevent the board from granting approval of this project.

It would seem to me that a topic of this potential long term impact on the town should go to town vote.

Admittedly, I don't fully understand the town process for handling such matters. I do however have a strong grasp of the potential risk to our town should the project be approved.

I have many many concerns and questions. One very simple example is a question which must be posed to E Ink. What is the company/ corporate position on aggressively pursuing green chemistry alternatives to toluene. Alternatives do exist though these tend to be costly. The health and safety of residents must take priority over the financial impact to E Ink.

Yes they will argue they are "meeting " requirements however a complex and high risk project must EXCEED and not simply meet requirements. From a technical viewpoint this is referred to the difference between "Best Available Control Technology "(BACT) and Maximum Available Control Technology (MACT). These are terms EPA and MassDEP are very familiar with and logic frequently applied when reviewing programs of this scope.

I could not find email addresses to the other planning board members. Kindly forward my email along to them. Please also copy the fire chief and fire inspector.

Thank you for hearing my concerns.

Robert Murphy

Sent from my iPhone