

April 28, 2004

RE: Comments on E.L. Harvey & Sons, Inc. Application for Special Permits

Wayne Davies, Esq.
Office of Board of Appeals
Hopkinton Town Hall
18 Main Street
Hopkinton, MA 01748

Dear Mr. Davies,

We respectfully request that the Board of Appeals deny the following E.L. Harvey & Sons, Inc. special permits:

1. Special Permit for use of property as a recycling center. Zoning Bylaw § 210-37(F).
2. Special Permit for use of property for automobile and truck repair. Zoning Bylaw § 210-37(H).
3. Special Permit for use of property for storage of gasoline or fuel oil as an accessory use. Zoning Bylaw § 210-37(I).
4. Special Permit for use of property for warehousing for distribution. Zoning Bylaw § 210-37(A).
5. Special Permit for use of property as a solid waste transfer station in an overlay district. Zoning Bylaw § 210-70(C)(1).
6. Special Permit for use of property that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater, in an overlay district. Zoning Bylaw § 210-70(C)(3).
7. Special Permit for activities involving handling of toxic or hazardous materials in an overlay district in quantities greater than normal household use. Zoning Bylaw § 210-70(C)(7).

In as much as towns enact zoning ordinances and by-laws “to protect the health, safety and general welfare of their present and future inhabitants” (MGL Chapter 40A, Section 1A), if the Board approves any of these permits, it will irreparably damage the health, safety and general welfare of families abutting the facility, and families living along the trucking routes.

We feel an expansion of the ELH facility, bringing ELH operations closer to our home, will make existing ELH problems worse. It will substantially and adversely impact the health, safety and general welfare not only of our family, but all the families nearby. We live a quarter mile away from the Westborough facility, and ELH already has an adverse impact on our general welfare and property.

We feel there is no way ELH can mitigate the following problems, should they be allowed to operate one of the largest trash transfer facilities in Massachusetts a few hundred feet from our home. Should the Board feel compelled to approve one of these permits, we have included comments for additional information or conditions that we feel the Board should seek for each problem.

1. **Noise:** ELH is already the primary and dominant source of nuisance noise in our neighborhood. ELH creates this nuisance noise from these parts of their operation:
 - a. Vehicle backup alarms.
 - b. Moving containers.
 - c. Loading containers onto trucks.

- d. Unloading containers off of trucks.
- e. Trucks dumping trash out of containers.
- f. Trucks entering the facility.
- g. Trucks leaving the facility.
- h. Other processing noises.

ELH presents no proven, tested mitigating measures for any of these nuisance noise sources. We respectfully ask the Board to have ELH present a comprehensive noise control program that can be measured and tested over time to eliminate nuisance noise.

2. **Odor:** ELH is already the primary and dominant source of nuisance odors that affect our lives and general welfare. Contrary to ELH's laughable claims, trash does smell. Whether ELH will be processing C&D debris, recyclables, or municipal waste, it smells. They have offered no comprehensive odor control program, beyond the platitudes of "nonputrescible municipal solid waste". It should be noted that during the Board of Health site assignment hearings, ELH indicated they would accept overflow from the Westborough facility at the Hopkinton MRRF building.

We respectfully ask the Board to have ELH present a comprehensive odor control program that can be measured and tested over time to eliminate nuisance odors.

3. **Diesel exhaust:** ELH is already the primary and dominant source of diesel exhaust fumes in our neighborhood. The EPA, as well as numerous other health organizations, have shown a strong link between exposure to the fine particulate matter found in diesel exhaust and a substantial increase in the risk for cancer, heart and lung disease. The people most at risk to these effects are the elderly and children.

The heavy trucks used by ELH pollute far more than cars, and the on site diesel vehicles pollute even more than their heavy trucks. If the Board allows ELH to operate a large number of diesel vehicles a few hundred feet from our family, it will have a substantial impact on our health and general welfare.

4. **Traffic:** ELH is already the primary and dominant source of heavy truck traffic in our neighborhood. Heavy trucks congest streets more than cars, and are statistically much more dangerous than cars. While ELH has, quite unsurprisingly, lowered the estimated increase to heavy truck traffic, it will still result in an enormous increase to the amount of heavy trucks along the roads around our neighborhood.

If the Board allows ELH to greatly increase the number of heavy trucks along the roads around our neighborhood, it will have a substantial impact on our health, safety and general welfare.

5. **Light pollution:** ELH is already the primary and dominant source of light pollution in our neighborhood. ELH has already set up an egregious number of flood lights on their property, casting unnecessary and unwanted light onto their neighbor's property. We've lost our nights. ELH is turning our residential neighborhood into an industrial flood light soaked zone.

While the ELH property is zoned industrial, allowing a trash handling facility on this property is in complete discordance with the surrounding locale. The ELH property is sandwiched between state "no touch" conservation land on one side, and residential property on the other. ELH can not mitigate the impacts it will have on the families living next to and nearby this property. ELH will permanently and substantially degrade the health, safety and general welfare of those living near the proposed facility.

ELH has done their best to make their property feel like an industrial zone, a natural fit for an extension of their trash facility. After ELH won approval to rezone the property from agricultural to industrial, they proceeded to remove almost all the natural vegetation, and contour the land for container and waste storage.

While ELH successfully created a desolate waste land of waste handling, it does not change the fact this is still, as ELH stated in their Final Environmental Impact Report, a residential area.

Please do not sacrifice our homes and lives to E.L. Harvey & Sons, Inc. Our land isn't zoned "sacrificial", it is zoned residential: a place to raise our family and children, a place where we should be able to enjoy our property and home. We invite the Board to conduct a site visit on our property, so that you can appreciate the impact this facility will have on our family and home.

Finally, we would like to reserve our right to comment further on these permits after ELH has presented at the hearing, where there will be, presumably, additional information brought forth.

Sincerely,

Stephen & Deborah Scaringi