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As hearings on concrete plant proposal near an end, locals petition

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By Matt Rocheleau, Globe Correspondent

Local residents plan to present a petition against a proposal to build a concrete batch plant near a residential and conservation area during next month's Zoning Board of Appeals (ZBA) meeting, which may be the second-to-last public hearing on the controversial issue now more than four years old.

Those who neighbor the proposed site, at 597 Old Connecticut Path, are leading the charge against Paulini Loam LLC's request for a special permit.

Abutters and other town residents have claimed since the proposal was first introduced in 2005 that the concrete plant would negatively impact the surrounding area by creating noise, vibration, smoke and pollutants that could pose health hazards, increased traffic, decreased property values, and would generally be an eye sore.

However, by amending their initial design for the concrete plant, Paulini believes they have addressed concerns raised by local residents, said the company's attorney Jeffrey Roelofs.

"We believe this facility has been designed in a way that will not harm any of the neighboring areas," Roelofs said.

An [online petition](#), which was drafted by the 100-plus-household, 300-member Oaks Neighborhood Association and has 377 and counting signatures, voices concerns about how the plant might affect the nearby Oaks Neighborhood, Reardon Park, Cochituate Rail Trail, Cochituate Brook Reservation, and local businesses.

"Concrete plants shouldn't be put next to wetlands. Concrete plants shouldn't be put next to neighborhoods. It's not the right place for something like this," said neighborhood association spokesman Andrew Ferguson, a Boston attorney who moved with his wife to the area several months before the Paulini company filed its first application for a building permit to construct the concrete plant in summer 2005.

"There's no upside to this," Ferguson added.

When town meeting members got wind of the first proposal filed four years ago, they voted at a special town meeting to change the zoning of the parcel to be for office and professional use so such a building would not be allowed. However, because Paulini already owned the property and had already filed for a building permit, the parcel's previous zoning laws for general manufacturing were grandfathered in.

The permit process continued, but after being rejected by town officials in early 2006, Paulini brought the matter to court, where a lawsuit against the town is currently stayed so another permit proposal could be submitted.

In early 2008, the company drafted an amended plant proposal and applied for another building permit.

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That request was also denied by the town in May 2009, and Paulini was told that a special permit request would need to be filed instead.

Paulini has filed another lawsuit, which is pending, against the town's requirement of a special permit.

However, anticipating the potential requirement of a special permit, Paulini, in the meantime had submitted a special permit request in Feb. 2009, and that request has been before the ZBA since.

In its most-recent request, Paulini states, "The site is appropriately suited for the proposed use; the proposed use will be an improvement over existing operations at the site and more compatible with the neighborhood than many other uses allowed by right in this district; and the Board can maintain control over the future operations of the proposed concrete manufacturing facility through appropriate special permit conditions."

According to members from the zoning board, the Oaks Neighborhood Association and Paulini's attorney, public hearings on the latest permit request, which have been ongoing for 10 months so far, may end after two more sessions.

The next ZBA meeting is scheduled for Dec. 9 at 7 p.m. in the Blumer Community Hearing Room. The discussion on the concrete plant is set for 8:30 p.m. Due to the state special election being held on the meeting's originally planned date, the ZBA hearing moved the meeting ahead one day.

Based on the board's meeting schedule, which is subject to change, the final hearing on the concrete plant would be held Jan. 12. After public hearings close on a given issue, the board has 90 days to make its decision, however they usually announce their ruling much sooner than the 90-day deadline, said ZBA Chair Philip Ottaviani Jr. and Administrator Eugene Kennedy.

"We're hopeful we'll get approval for a special permit," said Roelofs, but, if rejected again by the ZBA, he said he is "pretty confident" that Paulini would appeal the decision.

If a special permit is approved, it remains unclear whether Paulini would need any additional approval from the town to be cleared to begin construction on the facility, however residents would also have the option to appeal an approval by the ZBA.

Neither Ottaviani Jr. nor Kennedy would comment on the current permit request because it is an open matter, but referring to the town's rejection in 2006 of the concrete plant's original proposal Kennedy said, "I think there was a sense that the location was not an appropriate location."

He called the signatures on the online petition a "significant number," but both Kennedy and Ottaviani Jr. said decisions on proposals brought before the ZBA take all factors and information presented at hearings into consideration.

"Petitions are a good thing," said Ottaviani Jr. "We will evaluate that project on its merits."

The findings of a study done by a consultant company hired by Paulini will be discussed at the upcoming meeting, and results from study by an independent consultant hired by the town are expected to be completed by and presented at one of the next two meetings.



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