



February 20, 2024

Via Hand Delivery

Town of Hardwick Select Board
Myron E. Richardson Municipal Building
307 Main Street
P.O. Box 575
Gilbertville, MA 01031

Re: Proposal for Town Meeting Action in Furtherance of Hardwick Landfill Project

Dear Members of the Select Board:

As you are aware, at the initiation of certain residents of the Town, Casella Waste Systems, Inc., through its subsidiary Hardwick Landfill, Inc. (collectively, Casella), seeks to reopen and expand the solid waste landfill on Patrill Hollow Road. Casella has been in discussions with local business owners David G. Roach & Sons regarding their collaboration on this project.

The reopening and expansion of the Hardwick Landfill would provide significant benefits to the Town of Hardwick. As stated in our presentation to the Select Board in July of 2023, we expect that a Host Community Agreement between Hardwick and Casella would provide substantial revenue to the town. Casella would also continue to provide revenue to the Gilbertville Wastewater Treatment Facility for leachate treatment and disposal.

In order to proceed with the landfill project Casella seeks support from the town in the form of certain Town Meeting votes. Enclosed are Casella's requested bylaw amendments as well as a proposal to reconfigure a portion of Patrill Hollow Road. We have also provided draft language for Town Meeting warrant articles to accomplish the requested changes. Casella requests that the Select Board include these articles in a warrant to be considered at a Special Town Meeting.

Received

FEB 20 2024

**Board of Selectmen
Town of Hardwick**

Thank you for your consideration of this matter. You can reach me at brian.oliver@casella.com with any questions. We can also put you in touch with our attorneys at your request.

Thank you.

Sincerely,

CASELLA WASTE SYSTEMS, INC.

A handwritten signature in black ink, appearing to read "B. Oliver".

Brian Oliver
Vice President

REQUESTS FOR TOWN MEETING ACTION CONCERNING HARDWICK LANDFILL PROJECT

1. AMENDMENT TO GENERAL BY-LAWS¹

We are requesting a modification to the Town of Hardwick General By-laws to increase the allowable height of a landfill from 670 feet to 850 feet above Mean Sea Level. Article XV, Section 2 of the General By-laws would be changed as shown in italicized red text below:

ARTICLE XV Landfill

Section 2, Landfill Height Limit

The top surface of a landfill, including any landfill cap or covering material, shall not exceed "~~670~~ 850 feet above Mean Sea Level."

The peak elevation of the existing landfill is approximately 610 feet above Mean Sea Level. The peak elevation of the future landfill (at final cap) is expected to be approximately 800 feet above Mean Sea Level. Therefore, the maximum increase in height for the expansion will be 190 feet. Having the bylaw reflect a maximum height of 850 feet is necessary to allow for changes in height during daily waste placement and stockpiling activities. The total height of the landfill at its highest elevation is expected to be 350 feet from ground level.

A proposed Town Meeting warrant article for this amendment is attached.

2. AMENDMENTS TO ZONING BYLAWS AND ZONING MAP:

A. Requested Amendment to the Zoning Map to Re-Zone Existing and Proposed Landfill Parcels

We are requesting that certain parcels of land on Patrill Hollow Road be re-zoned from Agricultural Residential (AR-60) to Industrial (I-40). Those parcels are identified in the table below.

Accessor's Parcel ID	Map	Lot	Address
082.0-0000-0005.0	82	5	Patrill Hollow Road
083.0-0000-0001.0	83	1	1276 Patrill Hollow Road
083.0-0000-0001.A	83	1.A	Patrill Hollow Road
083.0-0000-0002.0	83	2	1123 Patrill Hollow Road

¹ The bylaw amendment proposals are based on the compilations of the General By-laws and Zoning Bylaws available on the Town's website. Casella will confirm the accuracy of the bylaw provisions upon receipt of certified copies of the General By-laws and Zoning Bylaws from the Town Clerk.

083.0-0000-0003.0	83	3	Patrill Hollow Road
085.0-0000-0001.0	85	1	Patrill Hollow Road
085.0-0000-0001.A	85	1.A	1320 Patrill Hollow Road

The proposed use of these parcels is for solid waste landfilling and associated setbacks.

A proposed Town Meeting warrant article for this zoning amendment is attached. The parcels are shown on the attached figure.

B. Requested Amendment to Schedule of Land Intensity Regulations for Building, Structures and Uses

In support of the requested zoning change described in Section 2.A above, we are requesting a change to Section 2.3.2 of the Town of Hardwick Zoning Bylaws, which addresses land intensity regulations for buildings, structures, and uses. Below is an excerpt from Section 2.3.2 of the current (amended June 16, 2018) Zoning Bylaws, with the requested change shown in italicized red text:

2.3.2 Schedule of Land Intensity Regulations for Buildings, Structures and Uses¹

Zoning District	Min. Lot Size Sq. Ft.	Min. Lot Frontage Ft.	Min. Yard Depth (Ft) <i>d</i>			Max. Height Ft. <i>C</i>
			Front <i>A</i>	Rear	Side <i>b</i>	
AR-60	60,000	200	35	40	20	35
R-40	40,000	150	35	40	20	35
V	20,000	100	25	20	20	35
I-40	40,000	200	60	50	50	35 <i>e</i>
C-40	40,000	150	35	40	20	35
G-V	20,000	100	25	15	10	35

Notes:

- a. To be measured from the right of way where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty-five (25) feet from and parallel with the centerline of the traveled way.
- b. On lots abutting streets on more than one side, the front yard shall apply to each of the yards of the abutting streets. See definition of Frontage.
- c. The limitation on height may be exceeded by grant of a special permit by the Planning Board if it is determined that it is in the best interest of the Town to do so.
- d. Accessory Building: No accessory building or structure shall be located within the required front yard area. No accessory building shall be located in any side yard area nearer to the side lot than ten (10) feet, or in a rear yard area nearer to the rear lot line than ten (10) feet.
- e. Solid waste landfills are not subject to the limitation on height for the I-40 zoning district.

¹For Open Space Subdivision, see §6.1.7; for Senior Residential Development, see §6.2; for Residential Compound, see §6.3; and for Mill Conversion Overlay, see §6.13.

A proposed Town Meeting warrant article for this zoning amendment is attached.

C. Requested Amendment to add Solid Waste Landfilling to uses allowed in the Industrial District

In support of the requested zoning bylaw changes described in Sections 2.A and 2.B above, we are requesting a change to Section 3.2.6 of the Town of Hardwick Zoning Bylaws, which addresses allowable uses in the Town’s Industrially- and Commercially-zoned districts, to allow solid waste landfilling in the I-40 zone after Site Plan Approval by the Planning Board. Below is an excerpt from Section 3.2.6 of the current Town of Hardwick Zoning Bylaws, with the requested change shown in italicized red text:

Y --- Use Permitted By-Right

SP -- Use Allowed by Special Permit Issued by the Planning Board under Section 4.0

R --- Use Allowed after Site Plan Approval by the Planning Board under Section 5.0

N --- Use Prohibited

USE	DISTRICT					
3.2.6 INDUSTRIAL/COMMERCIAL	AR-60	R-40	V	I-40	C-40	G-V
<i>a. Commercial Manufacturing, including sales to the public</i>	SP	SP	SP	Y	SP	SP
<i>b. Scrap metal and other materials storage yards including scrap automobiles and trucks</i>	N	N	N	SP	N	N
<i>c. Research and development in the pharmaceutical, biotechnology, and biomedical field. Scientific or research laboratories and accessory uses thereto, including related assembly, production and testing</i>	SP	SP	N	SP	SP	SP
<i>d. Facilities engaged in disposal of hazardous, medical or biological waste</i>	N	N	N	N	N	N
<i>e. Saw mill or lumber producing facility, including incidental sales of wood products produced at the site</i>	SP	SP	N	SP	SP	N
<i>f. Temporary sawmill for not more than 30 days</i>	Y	Y	Y	Y	Y	Y
<i>g. Fuel oil dealers, fuel storage or distribution facility</i>	N	N	N	SP	SP	N
<i>h. Contractor’s yard</i>	SP	SP	N	R	SP	SP
<i>i. Self-storage facility</i>	N	N	N	SP	SP	SP
<i>j. Recycling facility or transfer station for locally-generated solid waste</i>	N	N	N	SP	SP	N

<i>k. Earth removal greater than 100 cubic yards, unless exempted by §6.10.2</i>	<i>SP</i>	<i>SP</i>	<i>N</i>	<i>SP</i>	<i>SP</i>	<i>N</i>
<i>l. Ground-mounted solar energy facility (Refer to §9.)</i>						
<i>1. Having a nameplate capacity of 5 or less kilowatts</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>	<i>R</i>
<i>2. Having a nameplate capacity between 5 and 10 kilowatts</i>	<i>R</i>	<i>R</i>	<i>SP</i>	<i>R</i>	<i>R</i>	<i>SP</i>
<i>3. Having a nameplate capacity of 10 or more kilowatts</i>	<i>R</i>	<i>SP</i>	<i>N</i>	<i>R</i>	<i>R</i>	<i>N</i>
<i>m. Warehouse</i>	<i>N</i>	<i>N</i>	<i>N</i>	<i>R</i>	<i>SP</i>	<i>N</i>
<i><u>n. Solid Waste Landfilling</u></i>	<u><i>N</i></u>	<u><i>N</i></u>	<u><i>N</i></u>	<u><i>R</i></u>	<u><i>N</i></u>	<u><i>N</i></u>

A proposed Town Meeting warrant article for this zoning amendment is attached.

3. DISCONTINUANCE OF A PORTION OF PATRILL HOLLOW ROAD

In furtherance of the actions to allow the Hardwick Landfill to reopen and expand, including the bylaw amendments described above, we request that the Town take certain actions to terminate a portion and reconfigure a portion of Patrill Hollow Road. The conceptual plan is to terminate the road at two points at the northwest and southwest boundaries of land owned by Hardwick Landfill, Inc. on the east side of Patrill Hollow Road, as shown in the enclosed figure. We expect that the roadway modifications and improvements, which would be at no cost to the Town, would not likely take place until 2026 or later.

A proposed Town Meeting warrant article for this action is attached.

DRAFT TOWN MEETING WARRANT ARTICLES

1. General Bylaw Amendment

Article [#]. To see if the Town will vote to amend the Town’s General Bylaws under Article XV: “Landfill,” Section 2, “Landfill Height Limit” by deleting the number “670” and substituting “850”, so that the resulting Article XV: Section 2 shall read:

Section 2, Landfill Height Limit

The top surface of a landfill, including any landfill cap or covering material, shall not exceed “850 feet above Mean Sea Level.”

Sponsor: [TBD]

2. Zoning Bylaw Amendment

Article [#]. To see if the Town will vote to amend the Town’s Zoning Bylaws to allow the Hardwick Landfill to reopen and expand by amending the following:

2a. Rezone Certain Parcels to Industrial Zoning – Zoning Map Amendment

Amend the Zoning Map to re-zone the below parcels from Agricultural Residential (AR-60) to Industrial (I-40), as shown in [Exhibit [X]]:

Accessor’s Parcel ID	Map	Lot	Address
082.0-0000-0005.0	82	5	Patrill Hollow Road
083.0-0000-0001.0	83	1	1276 Patrill Hollow Road
083.0-0000-0001.A	83	1.A	Patrill Hollow Road
083.0-0000-0002.0	83	2	1123 Patrill Hollow Road
083.0-0000-0003.0	83	3	Patrill Hollow Road
085.0-0000-0001.0	85	1	Patrill Hollow Road
085.0-0000-0001.A	85	1.A	1320 Patrill Hollow Road

[The affected parcels are shown on the plan attached hereto.]

2b. Landfill Height – Zoning Bylaw Amendment

Amend the Town’s Zoning Bylaw, Section 2.3.2: “Schedule of Land Intensity Regulations for Buildings, Structures and Uses” by inserting an italicized “e” to column 7 (“Max. Height”), row 6 (“I-40”) after the number “35”, and by further adding to the “Notes” therein, after “d. Accessory Building...or in a rear yard area nearer to the rear lot line than ten (10) feet”, the following: “e. Solid waste landfills are not subject to the limitation on height for the I-40 zoning district,” so that the resulting Section 2.3.2 reads as follows:

2.3.2 Schedule of Land Intensity Regulations for Building, Structures and Uses¹

Zoning District	Min. Lot Size Sq. Ft.	Min. Lot Frontage Ft.	Min. Yard Depth (Ft) d			Max. Height Ft. c
			Front a	Rear	Side b	
AR-60	60,000	200	35	40	20	35
R-40	40,000	150	35	40	20	35
V	20,000	100	25	20	20	35
I-40	40,000	200	60	50	50	35 <u>e</u>
C-40	40,000	150	35	40	20	35
G-V	20,000	100	25	15	10	35

Notes:

- a. To be measured from the right of way where a plan of the way is on file with the Registry of Deeds or, in the absence of such a plan, from a line twenty-five (25) feet from and parallel with the centerline of the traveled way.
- b. On lots abutting streets on more than one side, the front yard shall apply to each of the yards of the abutting streets. See definition of Frontage.
- c. The limitation on height may be exceeded by grant of a special permit by the Planning Board if it is determined that it is in the best interest of the Town to do so.
- d. Accessory Building: No accessory building or structure shall be located within the required front yard area. No accessory building shall be located in any side yard area nearer to the side lot than ten (10) feet, or in a rear yard area nearer to the rear lot line than ten (10) feet.
- e. Solid waste landfills and supporting uses are not subject to the limitation on height for the I-40 zoning district.

¹For Open Space Subdivision, see §6.1.7; for Senior Residential Development, see §6.2; for Residential Compound, see §6.3; and for Mill Conversion Overlay, see §6.13.

2c. Landfill an Allowed Use in the I-40 Zoning District

Amend the Town’s Zoning Bylaw, Section 3.2.6: Schedule of Use Regulations for “Industrial/Commercial” uses by inserting after Section 3.2.6.m. (“Warehouse”) a new row with the following text: “*n. Solid Waste Landfilling* | N | N | N | R | N | N” so that the resulting Section 3.2.6 reads as follows:

USE	DISTRICT					
	AR-60	R-40	V	I-40	C-40	G-V
3.2.6 INDUSTRIAL/COMMERCIAL						
<i>a. Commercial Manufacturing, including sales to the public</i>	SP	SP	SP	Y	SP	SP
<i>b. Scrap metal and other materials storage yards including scrap automobiles and trucks</i>	N	N	N	SP	N	N
<i>c. Research and development in the pharmaceutical, biotechnology, and biomedical field. Scientific or research laboratories and accessory uses thereto, including related assembly, production and testing</i>	SP	SP	N	SP	SP	SP
<i>d. Facilities engaged in disposal of hazardous, medical or biological waste</i>	N	N	N	N	N	N
<i>e. Saw mill or lumber producing facility, including incidental sales of wood products produced at the site</i>	SP	SP	N	SP	SP	N
<i>f. Temporary sawmill for not more than 30 days</i>	Y	Y	Y	Y	Y	Y
<i>g. Fuel oil dealers, fuel storage or distribution facility</i>	N	N	N	SP	SP	N
<i>h. Contractor’s yard</i>	SP	SP	N	R	SP	SP
<i>i. Self-storage facility</i>	N	N	N	SP	SP	SP
<i>j. Recycling facility or transfer station for locally-generated solid waste</i>	N	N	N	SP	SP	N
<i>k. Earth removal greater than 100 cubic yards, unless exempted by §6.10.2</i>	SP	SP	N	SP	SP	N
<i>l. Ground-mounted solar energy facility (Refer to §9.)</i>						
1. Having a nameplate capacity of 5 or less kilowatts	R	R	R	R	R	R
2. Having a nameplate capacity between 5 and 10 kilowatts	R	R	SP	R	R	SP
3. Having a nameplate capacity of 10 or more kilowatts	R	SP	N	R	R	N
<i>m. Warehouse</i>	N	N	N	R	SP	N
<i><u>n. Solid Waste Landfilling</u></i>	<u>N</u>	<u>N</u>	<u>N</u>	<u>R</u>	<u>N</u>	<u>N</u>

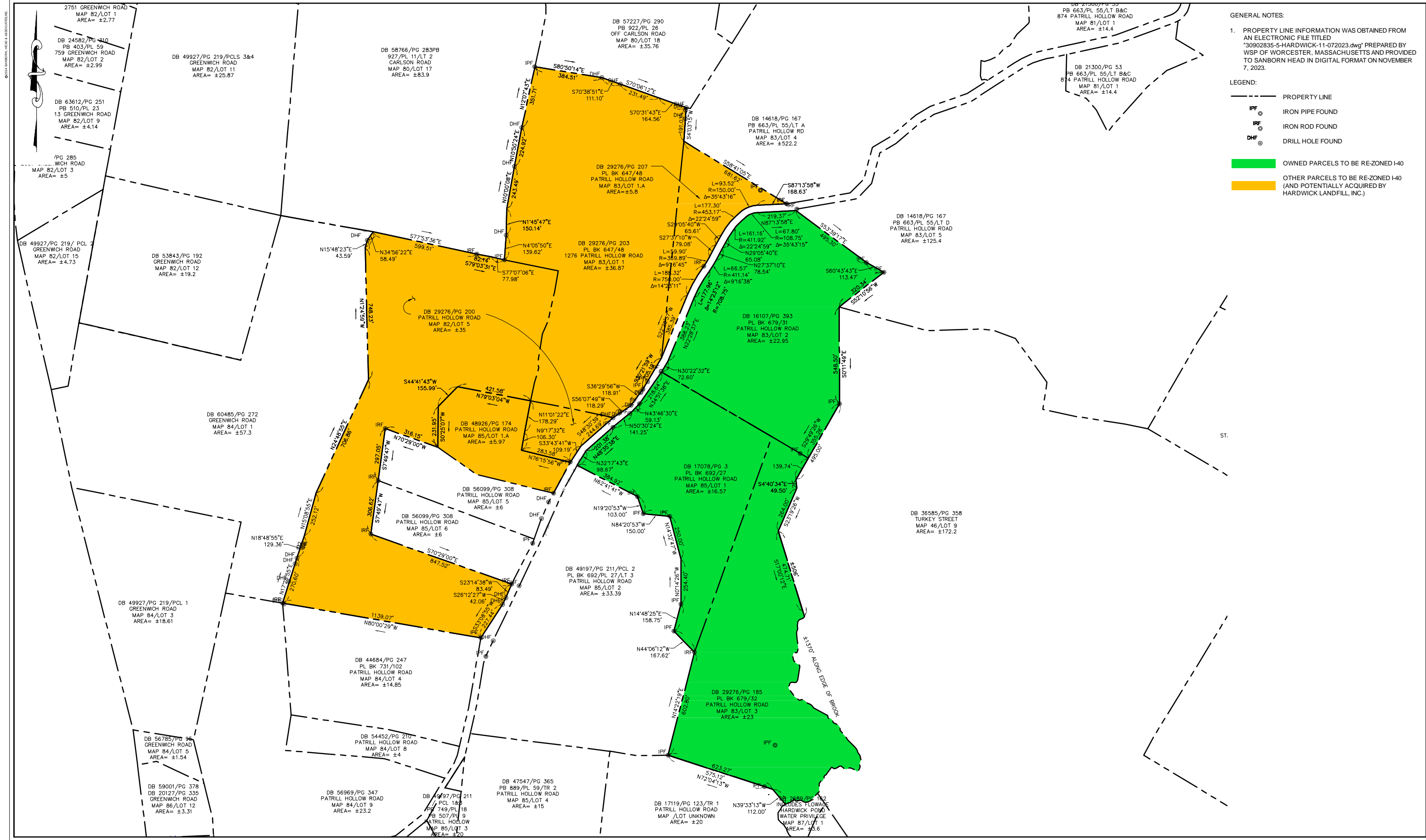
Sponsor: [TBD]

3. Terminate a portion and reconfigure a portion of Patrill Hollow Road

Article [#]. To see if the Town will vote to take the following several actions in furtherance of public necessity and convenience and in conjunction with certain improvements, changes and alterations to the location lines of a reconfigured roadway layout as shown on a plan set entitled [TITLE] dated [DATE] prepared by [PLANNERS] (“Roadway Plans”), all to be done for the purpose of expansion of an existing solid waste landfill on Patrill Hollow Road:

- (A) To authorize the Select Board to acquire at no cost to the Town such land or interests in land to lay out a portion of Patrill Hollow Road as a town way and widen a portion of this layout where necessary, as shown on the Roadway Plans, for putting in one or more cul-de-sacs preventing through traffic, on terms acceptable to the Select Board, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town or take any other action relative thereto as is necessary to reconfigure Patrill Hollow Road as shown on the Roadway Plans and designated thereon as “Reconfigured Road.”
- (B) To discontinue a portion of Patrill Hollow Road substantially as shown on the Roadway Plans and designated thereon as “Discontinued Roadway Area,” such discontinuance to be effective at such time as is determined by the Select Board in consideration of related roadway improvement plans in the project area, and to authorize the Select Board to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said discontinuance, and to accept temporary right-of-way easements for public travel and infrastructure facilities over any land necessary to serve as temporary replacement rights of way until completion of applicable portions of related infrastructure and roadway reconfiguration.
- (C) To authorize the Select Board, upon finalization of the discontinuance of Discontinued Roadway Area as set forth in clause (B) above, any of said area being owned in fee by the Town, to dispose of any interest in said discontinued portion, on terms acceptable to the Select Board, provided that the proposed use of such land shall be limited to a solid waste landfill, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.

Sponsor: [TBD]



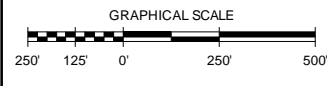
GENERAL NOTES:

- PROPERTY LINE INFORMATION WAS OBTAINED FROM AN ELECTRONIC FILE TITLED "30902835-5-HARDWICK-11-072023.dwg" PREPARED BY WSP OF WORCESTER, MASSACHUSETTS AND PROVIDED TO SANBORN HEAD IN DIGITAL FORMAT ON NOVEMBER 7, 2023.

LEGEND:

- PROPERTY LINE
- IPF (Iron Pipe Found)
- IRF (Iron Rod Found)
- DHF (Drill Hole Found)
- OWNED PARCELS TO BE RE-ZONED I-40
- OTHER PARCELS TO BE RE-ZONED I-40 (AND POTENTIALLY ACQUIRED BY HARDWICK LANDFILL, INC.)

SANBORN HEAD



DRAWN BY: D. LONG
 DESIGNED BY: D. LONG
 REVIEWED BY: S. WRIGHT
 PROJECT MGR: D. LONG
 PIC: S. WRIGHT
 DATE: JANUARY 2024

HARDWICK LANDFILL, INC.
 HARDWICK, MASSACHUSETTS

PROPOSED PARCEL RE-ZONING PLAN

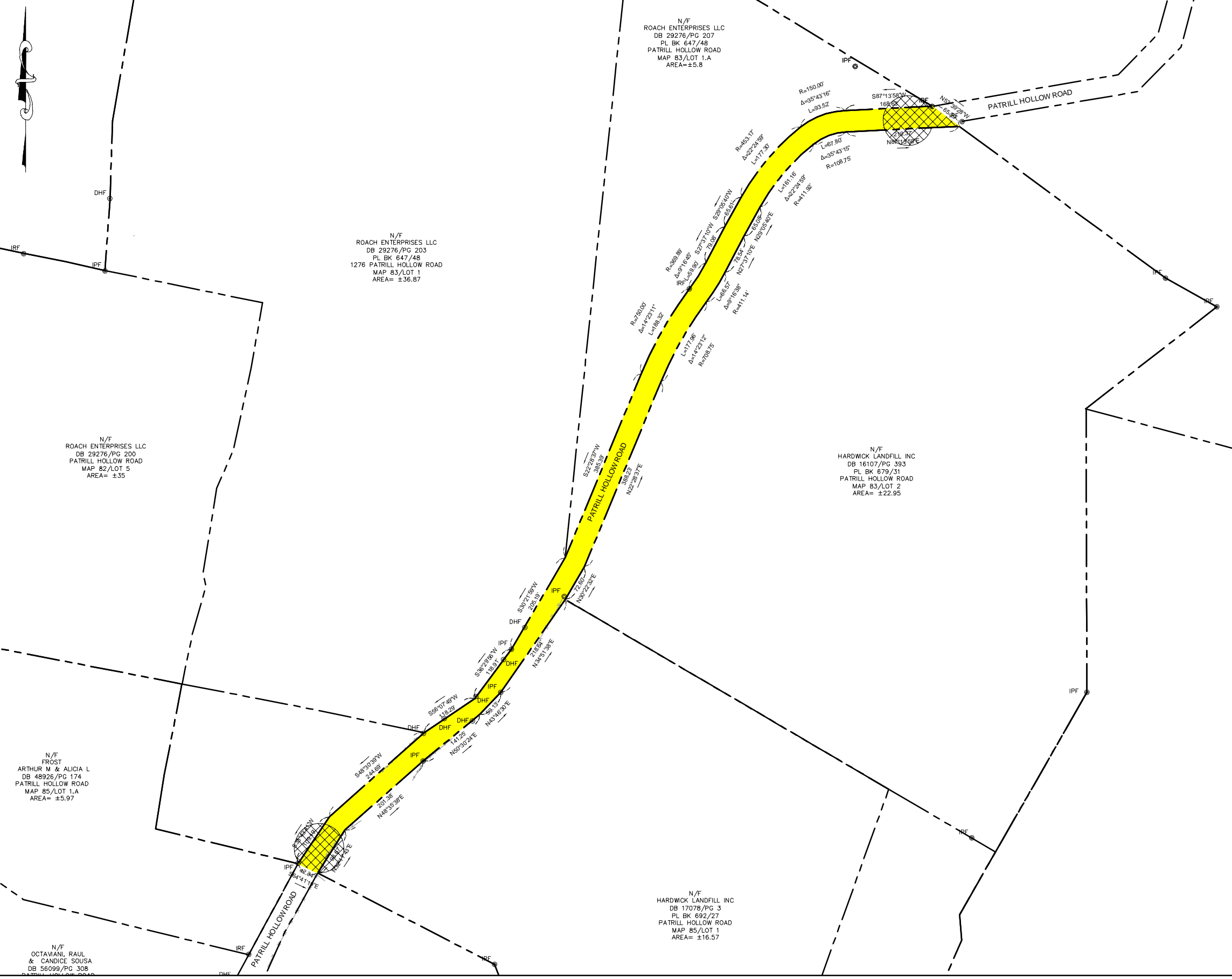
PROJECT NUMBER:
5033.20

SHEET NUMBER:
1

NO.	DATE	DESCRIPTION	BY

FILE: P:\0000\0033\0033\0033.dwg
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 PLOT DATE: 1/23/24 10:14 AM
 PLOT BY: D.LONG
 PLOT DATE: 1/23/24 10:14 AM
 PLOT BY: D.LONG

MASS: P:\0800\0803\2023\0803-5-HARDWICK-11-072023.dwg
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LAYOUT: P:\0800\0803\2023\0803-5-HARDWICK-11-072023.dwg
PLOT DATE: 1/3/24 12:54



N/F
ROACH ENTERPRISES LLC
DB 29276/PG 207
PL BK 647/48
PATRILL HOLLOW ROAD
MAP 83/LOT 1.A
AREA= ±5.8

N/F
ROACH ENTERPRISES LLC
DB 29276/PG 203
PL BK 647/48
PATRILL HOLLOW ROAD
MAP 83/LOT 1
AREA= ±36.87

N/F
ROACH ENTERPRISES LLC
DB 29276/PG 200
PATRILL HOLLOW ROAD
MAP 82/LOT 5
AREA= ±35

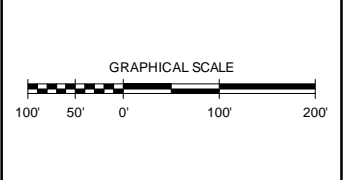
N/F
HARDWICK LANDFILL INC
DB 16107/PG 393
PATRILL HOLLOW ROAD
MAP 83/LOT 2
AREA= ±22.95

N/F
FROST
ARTHUR M & ALICIA L
DB 48926/PG 174
PATRILL HOLLOW ROAD
MAP 85/LOT 1.A
AREA= ±5.97

N/F
HARDWICK LANDFILL INC
DB 17078/PG 3
PL BK 692/27
PATRILL HOLLOW ROAD
MAP 85/LOT 1
AREA= ±16.57

N/F
COMMONWEALTH OF MASSACHUSETTS
DB 14618/PG 167
PB 663/PL 55/LT D
PATRILL HOLLOW ROAD
MAP 83/LOT 5
AREA= ±125.4

- GENERAL NOTES:
1. PROPERTY LINE INFORMATION WAS OBTAINED FROM AN ELECTRONIC FILE TITLED "30902835-5-HARDWICK-11-072023.dwg" PREPARED BY WSP OF WORCESTER, MASSACHUSETTS AND PROVIDED TO SANBORN HEAD IN DIGITAL FORMAT ON NOVEMBER 7, 2023.
- LEGEND:
- PROPERTY LINE
 - IPF IRON PIPE FOUND
 - IRF IRON ROD FOUND
 - DHF DRILL HOLE FOUND
 - PORTION OF ROAD TO BE DISCONTINUED
 - ▨ PROPOSED CUL DE SAC (2018 IFC - 96" DIA)



NO.	DATE	DESCRIPTION	BY

DRAWN BY: D. LONG
DESIGNED BY: D. LONG
REVIEWED BY: S. WRIGHT
PROJECT MGR: D. LONG
PIC: S. WRIGHT
DATE: JANUARY 2024

HARDWICK LANDFILL, INC.
HARDWICK, MASSACHUSETTS

PROPOSED ROAD TO BE DISCONTINUED PLAN

PROJECT NUMBER:
5033.20

SHEET NUMBER:
2