



# TOWN OF DALTON

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Dalton, MA 01226-1601

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**DALTON PLANNING BOARD  
(SPGA)  
NOTICE OF DECISION**

**PETITION OF: BERKSHIRE CONCRETE CORPORATION TO RENEW SPECIAL  
PERMIT #2-R/2024**

**PROPERTY AFFECTED: 40 BRIDLE ROAD**

**ASSESSORS MAPS #217 & 106, LOTS # 3 & 55.1**

Referring to the above petition for a **SPECIAL PERMIT RENEWAL** to allow **EARTH REMOVAL: excavation, processing and reclamation**, the Dalton Planning Board voted unanimously on November 20, 2024 that the application be **GRANTED FOR THE PERIOD OF DECEMBER 1, 2024 THROUGH NOVEMBER 30, 2025**, with the following conditions that are subject to all previously placed conditions & requirements

**CONDITIONS:**

**November 2, 1992 special permit conditions:**

1. **Hours of Operation:** Monday through Friday 6:45 a.m. to 5:15 p.m. Gate at entrance to site (off Bridle Road) to be locked Monday through Thursday from 5:15 p.m. to 6:45 a.m., and from 5:15 p.m. on Friday to 6:45 a.m. on Monday.

In addition to the above, the Town of Dalton requires a suitable gate at the entrance to the Petricca Industries operation that may be locked if deemed necessary by the Selectmen.

Key issue will be restricted. Lock to be changed at the discretion of the Selectmen. Dalton Police to be provided a key.

2. **Traffic:** Only via Park Avenue using largest vehicles possible to reduce traffic volume. Speed limits strictly adhered to.
3. **Restoration:** The applicant will apply annually to renew the permit as required by (former) Section 11.27, F of Dalton's Zoning By-laws. Permits are granted for one year periods only.

X Ninety (90) days prior to the permit renewal date, the SPGA will be provided a plan of the area to be restored during the next calendar year. The plan shall delineate the area to be restored and show appropriate finish grades within two feet.

**Emission Safeguards and Limitations per the February 28, 1994 Stipulation of Dismissal between Crane & Co., Inc., et al vs. Berkshire Concrete Corp., et al:**

1. Topographical map of land in Dalton, MA, compiled by Photogrammetric Methods by Col-East, Inc., North Adams, MA, controlled by Petricca Industries, Pittsfield, MA, CE Project No. 13814, compilation date January 19, 1993, photo date December 30, 1988, negative no. 11760, submitted by Berkshire Concrete Corp. December 20, 1993, as a reclamation plan and signed by Perri C. Petricca is approved as a plan of reclamation on the following conditions:
  - a. All land shown on said plan to be reclaimed shall be reclaimed in good and workman like manner in calendar year 1994.
  - b. There shall be a continuing obligation to replant pine trees and other vegetative cover where and if necessary in the spring of 1995. Replanting and hydroseeding, if advisable, shall continue periodically thereafter with each planting season until there is established a proper permanent vegetative cover.
  - c. There shall be no extraction of any materials from any of the area shown on the plan.
  - d. In succeeding years, reclamation is to progressively proceed on the remainder of the land shown on the reclamation plan in order that there be established a proper permanent vegetative cover on all of the land shown on the reclamation plan by no later than one year following the cessation of the removal of materials from the premises.
2. Topographic map of land in Dalton, MA, submitted by Berkshire Concrete Corp. as an earth removal and reclamation plan bearing the handwritten legend "1994 Earth Removal Plan Submitted by Berkshire Concrete Corp., Scale 1" = 100'" is approved as a plan of earth removal and reclamation on the following conditions:
  - a. All land shown on said plan to be reclaimed shall be reclaimed in good workman like manner in calendar year 1994.
  - b. There shall be a continuing obligation to replant vegetative cover where and if necessary in the spring of 1995. Replanting and hydroseeding, if advisable, shall continue periodically thereafter with each planting season until there is established a proper permanent vegetative cover.
  - c. In succeeding years, reclamation is to progressively proceed on the remainder of the land shown on the plan in order that there be established a proper permanent vegetative cover on all of the land shown on the plan excluding land used for processing by no later than one year following the cessation of the removal of materials from the premises.
  - \* d. There shall be extraction of materials only from within the area designated "Removal."
  - \* e. There shall be processing of material sonly within the area designated "Processing."
3. No excavation or removal of any material or processing of material shall occur below an elevation which is six feet above the seasonal ten-year high ground water table level. The seasonal ten-year

high ground water table level shall be determined from information to be obtained from the Comprehensive Site Assessment to be undertaken in connection within the Dalton/Warren Landfill Closure. Pending receipt of such information, which is expected to be received during 1994, extraction and removal of material shall continue at elevations which do not reasonably appear, based on information presently known, and as developed, such as though test pits, to be below an elevation which is six feet above the seasonal ten year high ground water table.

4. Berkshire Concrete Corp. shall take such action as is necessary to try to prevent the recreational use of motorized off road vehicles on the premises.
5. Monday through Friday, 6:45 a.m. until 5:15 p.m. are the approved hours of operation. The gate to the site (off Bridle Road) shall be locked Monday through Thursday from 5:15 p.m. to 6:45 a.m., and from 5:15 p.m. on Friday to 6:45 a.m. on Monday.

In addition to the above, the Town of Dalton requires a suitable gate at the entrance to the Petricca Industries operation that may be locked if deemed necessary by the Selectmen.

Key issue will be restricted. Lock to be changed at the discretion of the Selectmen. Dalton Police to be provided a key.

6. Traffic shall be only via Park Avenue using largest vehicles possible to reduce traffic volume. Speed limits strictly adhered to.
7. The following is prohibited on the premises:
  - a. Storage of petroleum products in underground tanks.
  - b. Washing of equipment.
  - c. Storage or disposal of hazardous material and waste except that this shall not prohibit the storage of reasonable amounts of lubricants and other materials necessary for use in the earth excavation and processing business conducted.
8. This permit shall expire one year from the date hereof but may be renewed as provided by (former) Section 11.27, F of Dalton's Zoning By-law except that prior to any such renewal persons and entities who request notice at any meeting of the Board of Selectmen to discuss such renewal shall be given notice of such meeting. Permittee shall submit a written report on the stats of previously restored areas and other such plans delineating "Reclamation," "Removal" and "Processing" areas and containing such information as is required by the Board of Selectmen. Permits are granted for one year periods only.

**August 16, 2000 special permit conditions:**

1. Restoration of previously excavated areas shall be done following the procedures outlined in the "Canon Report" and to the satisfaction of the Dalton Planning Board. Note: Restoration of the entire Berkshire Concrete Corporation site is expected to be a multiyear process with the ultimate goal of stabilizing and permanently revegetating all excavated areas.

2. All restoration work activity is to be shown on a topographical map of the area which meets or exceeds the detail of Drawing #E1356W01 prepared by Foresight Services.
3. Restoration efforts of previously excavated areas will be based on the following priorities:
  - a. Stabilize badly eroded areas to prevent further erosion.
  - b. Grading and revegetation of areas to establish adequate ground cover.
  - c. Maintenance grading and/or revegetation as required to in order to meet Dalton Planning Board restoration approval requirements.
4. Restoration of newly excavated areas and previously excavated areas may be implemented using the materials and methods specified in the "Canon Report" regarding restoration of this site, in place of the restoration requirement of (former) Dalton Zoning By-law section 11.2.9.E.3, provided that said restoration is to the satisfaction of the Dalton Planning Board. However, the applicant is responsible for subsequent restoration, up to and including 4 inches of top soil, should alternate methods not produce results acceptable to the Dalton Planning Board.
5. No new excavation for gravel extraction shall occur below an elevation of 1150 feet.
6. The initial excavation area shall not exceed an area of five (5) acres. This area is to be delineated on a topographical map (Drawing #E1356W01 prepared by Foresight Services or equivalent).
7. Subsequent excavation may occur only after an area of equal or better size of the proposed excavation is satisfactorily restored in the previous excavation work area. (No more than 5 acres shall be in an active excavation state at any time.)
8. One (1) ground water level monitoring well, at a location to be designated by the Dalton Planning Board, must be installed on or before May 30, 2001.
9. Test pits shall be excavated to a depth of 15 feet or more, (or to ground water level), at 200 lineal feet (or less) intervals as the faces of the excavation migrate. Notification of the date and time of these excavations shall be provided by the applicant to the Dalton Planning Board and to Crane and Company at least 48 hours in advance of the excavation.
10. A Performance Bond for the amount of \$25,000 shall be provided to the Town of Dalton before work in any new excavation areas can begin. This bond is to be used only to ensure adequate restoration of newly excavated areas.
11. All reasonable efforts (including roadway graveling and periodic watering) shall be implemented to reduce dust emissions at the Berkshire Concrete Corporation operation site.
12. Topsoil previously piled in various locations in areas marked "to be excavated" on the applicant's application map may be removed provided that:
  - a. Adequate measures are taken to prevent erosion.
  - b. Any disturbed areas are reseeded within two weeks of activity.

c. Subsequent restoration is done to ensure adequate ground cover is established.

**July 3, 2013 special permit conditions:**

1. The silt fence between the settling ponds & the adjacent pond shall be adequately maintained to prevent silt from infiltrating the pond.
2. No earth removal operations shall be conducted without additional permission from the Dalton Planning Board.
3. Existing vegetation on the earthen berm between the processor and High Street shall be maintained and/or added to as required to prevent wind and/or rain erosion.
4. Areas being filled with excess material shall be vegetated in a timely manner to prevent wind and/or rain erosion.
5. Roadways & materials piles shall be watered or otherwise treated to prevent dust from being carried beyond the Berkshire Concrete Corporation property lines.
6. Existing efforts to prohibit unauthorized use of the property by ATV or motorcycle riders shall be continued. The Dalton Planning Board may request the postings of additional signage and/or the creation of additional barriers to negate this use.
7. The name & contact number for the onsite operations manager shall be provided to the Dalton Planning Board.

The decision of said Board is on file with the papers and plans in the office of the Town Clerk and the Board of Appeals.

Signed and certified this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Dalton Planning Board  
(SPGA)

\_\_\_\_\_  
Andrew Perenick, Chairman

\_\_\_\_\_  
Date

The record title standing in the name of: Perri C Petricca  
Whose address is: 550 Cheshire Road, Pittsfield, MA 01201

By a deed duly received in the Berkshire Middle District Registry of Deeds in Berkshire  
County,

Book \_\_\_\_\_, Page \_\_\_\_\_, Document No. \_\_\_\_\_.

OR

Registry District of Land Court, Certificate No. \_\_\_\_\_, Book \_\_\_\_\_, Page \_\_\_\_\_,

This is to certify that twenty (20) days have elapsed since the filing of the above decision with this office, and no appeal has been filed pursuant to M.G.L. Chapter 40A, Section 17.

Certified this 10<sup>th</sup> day of December, 2024 \_\_\_\_\_  
Town Clerk, Dalton, Massachusetts

**Note: Any appeal from the decision of the SPGA must be made pursuant to Ch. 40A, S17 as amended, and must be filed within twenty (20) days after the filing of the decision with the Town Clerk**