

ORANGE ECONOMIC DEVELOPMENT AND INDUSTRIAL CORPORATION

AMENDED INDUSTRIAL PERFORMANCE STANDARDS

RANDALL POND INDUSTRIAL PARK

The Orange Economic Development and Industrial Corporation (OEDIC) was created and empowered by Massachusetts General Laws 121 C, and by vote of Town Meeting on December 2, 1996, to carry out industrial development in the Town of Orange according to the development plan approved at the same town meeting, and more specifically, the creation of an industrial park at the site of the Randall Pond Industrial Park (RPIP). In achieving its specific mission according to MGL 121 C, and in generally protecting the health, safety and welfare of the community, the OEDIC may legitimately protect the public, as well as other occupants and users with in the RPIP, from nuisance conditions.

The OEDIC intends to create an industrial park that will draw business and industry that will provide a strong supply of good employment opportunities for the residents of the North Quabbin Region. It is the OEDIC's position that so long as industrial enterprises can operate in a fashion that avoids the creation of various enumerated nuisances, they should be encouraged to locate and operate within the RPIP. Through these Performance Standards the OEDIC offers firms the flexibility of achieving compliance with these standards in the best way they see fit, thus allowing a broad spectrum of industries to demonstrate their creativity in designing their operations to meet these standards. The OEDIC will work with potential occupants of the RPIP who are attempting to comply with these standards, recognizing that compliance will be more difficult for some businesses than for others.

Through these Performance Standards the OEDIC offers the community the means to preclude or significantly mitigate nuisance conditions by means of (a) providing a complaint mechanism for parties affected by potential violations and (b) in certain circumstances where the potential impacts are likely to affect receptors beyond the perimeter of RPIP, providing review criteria for the consideration of permit applications requiring site plan approval.

Notice is hereby given that purchasing property in the RPIP, signifies agreement with the OEDIC Performance Standards, establishes a willingness to abide by these Performance Standards and recognizes the authority of the OEDIC to enforce these Performance Standards.

- **Purchasers hereby agree to abide by the OEDIC Performance Standards.**
- **Failure to abide by the Performance Standards will subject purchasers to among other things, the OEDIC Complaint and Enforcement Process (CEP).**
- **Purchasers hereby agree to abide by any order issued by the OEDIC.**
- **Any party owning, leasing, controlling or otherwise occupying a site within the RPIP for the purpose of constructing a building for speculation of future sale or lease shall be responsible to assure that any party purchasing, leasing or otherwise controlling the site or building is aware of their obligation to comply with these performance standards. Failure to cause said awareness shall leave the original party owning, leasing, or otherwise controlling the site to be responsible for whatever violation may occur relative to said site.**

THIS REVISION ADDS THE WAIVERS SECTION

The OEDIC reserves the right to amend these Performance Standards in order to comply with non-exempted Federal, State and Local regulations as well as to make reasonable amendments for the mutual benefit of the Town of Orange, the OEDIC and the occupants of the RPIP. All parties will be subject to said amendments upon notice.

Abutters within the RPIP are referred to as Internal Receptors. Community residents of the North Quabbin Region are referred to as External Receptors. The RPIP is located within proximity to special entities such as the Mahar Regional High School, the Orange Municipal Airport, the Water Recharge Areas for the municipal water supply for the Town of Orange, the Orange Municipal Wastewater Treatment Facility and the Orange Fire Department, which are referred to as Special External Receptors. These Special External Receptors may cause additional standards to be required.

The subject areas of impact include but are not limited to: Air Quality, Odors and Emissions; Lighting; Electromagnetic Interference (EMI); Noise and Vibration; Radiation; Outdoor Storage and Waste Disposal; Wastewater Generation; Traffic; Job Creation; Building Design, Site Design and Landscaping; Water Consumption; Fire and Explosive Hazards; Toxic and Hazardous Materials; and other interferences or nuisances not enumerated but which may be determined to create an impact on Internal, External and/or Special Receptors. Impacts on Internal Receptors are referred to herein as "Internal Impacts," and impacts on External Receptors and/or Special External Receptors are referred to as "External Impacts." Internal Receptors, External Receptors, and Special External Receptors are referred to collectively as "Receptors."

These Performance Standards are established as a mechanism for accepting and acting locally upon complaints to the OEDIC that are filed by affected users or receptors and in certain circumstances where the potential impacts are likely to affect receptors beyond the perimeter of the RPIP, providing review criteria for the consideration of permit applications requiring site plan approval. In addition there are certain instances where the enforcement process may be significantly enhanced by requiring pertinent data at the time of a request for a building permit, such as with electromagnetic interference, or where further enforcement referral might be to a pre-emptive or higher jurisdiction, such as with air quality.

Regulatory standards are established herein with which every occupant of the RPIP must comply. In addition, these standards establish a process for requiring effective mitigation of conditions found to be in violation.

ACCEPTANCE

I have read the Performance Standards for the Randall Pond Industrial Park of the Orange Economic Development and Industrial Corporation. I acknowledge the authority of the OEDIC to enforce these Performance Standards and intend to abide by these Performance Standards.

, President

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COMPLAINT AND ENFORCEMENT PROCESS

Overview

While it is the intent of the Complaint and Enforcement Process (CEP) to provide a local complaint mechanism for receptors that might be experiencing interference or nuisance, it is recognized that several performance standards involve preemptive or higher jurisdictional structures of the Commonwealth or Federal governments. The OEDIC will defer to and /or involve, as noted in specific performance standards, the appropriate authorities for permits, complaint resolution and mitigation enforcement whenever possible.

In the case of several performance standards, it is uniquely difficult from a technical perspective to attribute interference or nuisance to a particular point source.

Complaint and Enforcement Process

1. Upon receipt of an interference or nuisance complaint in writing from a Receptor or other interested party, the President, or Director of the OEDIC(if one is hired) or other duly authorized OEDIC official, herein after referred to as “Inspection Official”, shall proceed as follows:
2. Notify in writing within a reasonable amount of time the party alleged to have violated these standards;
3. To the degree possible, involve the appropriate permitting and enforcement authorities (especially those of preemptive or higher jurisdiction), to respond to said complaint;
4. Investigate the complaint within thirty(30) days and notify the business of Determination Of Violation determination within a reasonable amount of time upon completion of the investigation or notify the business of the Determination Of Violation when the responses are forthcoming from the appropriate federal, state and local authorities;
5. Within seven(7) days of receipt of the Determination Of Violation the offending business may request a hearing;
6. If requested a hearing shall be scheduled within twenty-one(21) days;
7. If after a hearing is held or no hearing is requested, the OEDIC has the right to order compliance to stop the violation;
8. If the business fails to comply with the order to stop the violation the OEDIC has the right to levy fines for non-compliance.

Where such attempts fail to reliably identify a point source and where the pattern of interference is judged by the Inspection Official to be of a repeated and pronounced nature, then the Inspection Official may, at his or her discretion and with the concurrence of the appropriate Town of Orange Official, as noted in the Performance Standards, acquire necessary, appropriately certified, technical expertise to increase the likelihood of reliably attributing the interference or nuisance to a particular user. Should the user be identified as the source of interference or nuisance, then the user may be required to reimburse the OEDIC for the cost of the services of this technical consulting expertise.

Once it is found that there is an interference or nuisance source, the violator shall be subject to provide mitigation measures that stop the violation.

Potential violators will be given, during the investigation, up to thirty (30) days in which to respond to a complaint or otherwise provide reasonable confirmation to the Inspection Official, that the problem

did not exist or has been eliminated. If the Inspection Official determines it is likely that an interference or nuisance exists, a second period of up to thirty (30) days will be granted in which to correct the interference or nuisance or to demonstrate that good faith efforts have been initiated to correct the objectionable circumstances. If such efforts are not initiated, the violator may be subject to remedies in the Town of Orange Zoning By-Laws, plus levying of fines, requirements to post performance guarantees, permit reconsideration by the Town of Orange or legal action.

Emergency interference or nuisance conditions may, at the discretion of the Inspection Official, require more expeditious remediation. No Orders To Comply shall be made before a business shall have been given written notice and an opportunity for a public hearing to be held within twenty-eight(28) days of receipt of the Determination of Violation, unless the OEDIC determines in writing that the danger to the life and health of the Receptors and the Community is so immediate that no delay may be permitted.

PERFORMANCE STANDARDS

The following standards present first the Preemptive Authority to which OEDIC will defer or the Town of Orange Official to which the OEDIC will defer or from which seek collaboration. Where possible reference to specific regulations is provided.

A partial list of Preemptive or Collaborative Authorities includes but is not limited to:

Massachusetts Department of Environmental Protection (MADEP)

Federal Aviation Administration (FAA)

Massachusetts Aeronautical Commission (MAC)

Massachusetts Department of Public Health, Bureau of Radiation Control (MDPHBRC)

Federal Nuclear Regulatory Commission (NRC)

Town of Orange, Inspector of Buildings

Town of Orange, Fire Chief

Town of Orange, Manager, Wastewater Treatment Facility

Town of Orange, Manager, Water Department

Site Plan or Building Permit relationship or requirements will be highlighted.

Finally the OEDIC's intent is presented, which is not to be construed as having any limitation upon any Preemptive Authority.

For quick reference at least the following permits or certifications are required prior to site plan approval or building permit issuance:

Site Plan

MADEP Air Quality Permit

Certification of EMI non-impact on External and Special Receptors

Certification of notice and compliance with FAA, 77, B, re: EMI, Lighting and Building Height

Certification of Lighting non-impact on External and Special Receptors

Certification of Noise and Vibration non-impact on External Receptors within 500 feet of any perimeter boundary of the RPIP

MDPHBRC Permit and/or NRC Permit

Certification to the unlikelihood of exceeding the Wastewater generation allowance

Certification to the unlikelihood of exceeding the Traffic generation allowance

Certification to the unlikelihood of Job Creation deficiencies

Certification to the unlikelihood of exceeding the Orange Municipal water consumption allowance

Certification to the unlikelihood of potential Fire and Explosive Hazard violations

MADEP Toxic and Hazardous Materials Permit

Building Permit

Certification of EMI non-impact on Internal Receptors

Certification of Lighting non-impact on Internal Receptors

Certification of Noise and Vibration non-impact on Internal Receptors

Certification to the unlikelihood of generating Outside Storage and Waste Disposal nuisances

Preemptive Authority

Massachusetts Department of Environmental Protection (MADEP), 310 CMR sections 6-8 inclusive, Air Quality Permit.

Collaborative Authority

Town of Orange, Inspector of Buildings
Technical Experts

Site Plan

MADEP Air Quality Permit

Air Quality Standards

The intent of the air quality, odors and emissions performance standards is to preclude or significantly mitigate conditions that could cause nuisance impacts to area residents and businesses or other users within or around the RPIP.

No party owning, leasing or otherwise controlling a potential source of air emissions within the RPIP may at any time exceed the air quality, odor and emissions standards established in 310 Code of Massachusetts Regulations by the Department of Environmental Protection (MADEP). Specifically, the OEDIC shall have the authority to review any use, person or activity within the RPIP with regard to the following concerns:

- a. Visible Emissions
- b. Open Burning (not permitted except by special permit from the Chief of the Town of Orange Fire Department)
- c. Dust, Odor, Construction, and Demolition

Internal Impacts

No party owning, leasing or otherwise controlling a potential source of odor within the RPIP, shall permit emissions therefrom which cause or contribute to a condition of air pollution within the RPIP.

External Impacts

No party owning, leasing or otherwise controlling a potential source of odor within the RPIP, shall permit emissions therefrom which cause or contribute to a condition of air pollution beyond the boundary of the RPIP.

ELECTROMAGNETIC INTERFERENCE (EMI)

Preemptive Authority

Federal Aviation Administration and Massachusetts Aeronautical Commission, FAA Regulations, Part 77, Subchapter B.

Town of Orange, Inspector of Buildings

Collaborative Authority

Technical Experts

Site Plan

Certification of EMI non-impact on External and Special Receptors

Certification of notice and compliance with FAA, 77, B, re: EMI, Lighting and Building Height.

Building Permit

Certification of EMI non-impact on Internal Receptors

Electromagnetic Interference Standards

The purpose of the Electromagnetic Interference (EMI) performance standards is to preclude or significantly mitigate conditions (emanating either from direct electromagnetic radiation at any point in the frequency spectrum, or indirectly from electric power distribution lines), that could cause interference to any Internal, External or Special External Receptor.

Internal Impacts

No party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall be allowed to cause pronounced, multiple patterns of nuisance to or interference with any Internal Receptor, either as a result of direct radiation or by means of a power distribution system. Direct, or indirect electromagnetic radiation (EMI), shall be defined as interference from any licensed or unlicensed sources involving communication, broadcasting, radar, electric processing or business equipment emanating from within the RPIP. An Internal Receptor in this section shall be defined as any electric or electronic receiving, entertainment or convenience device within the RPIP, which can be significantly impacted by RPIP-based disturbances.

As a supplement and enhancement to the preceding complaint process, the EMI performance standards generally require that the Director of the OEDIC attempt to preclude or minimize potential interference to the maximum possible degree to Internal Receptors at the beginning of the process, or the building permit application stage. Accordingly, the following procedure is described. Prior to the issuance of a building permit, the applicant proposing the construction or use of a potentially interfering facility, as generally defined in the preceding paragraph, shall be required to demonstrate the unlikelihood of interference, or that proper mitigation measures will be taken as a condition of permit issuance.

External Impacts

No party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall be allowed to cause pronounced, multiple patterns of nuisance to or interference with any External Receptor or Special External Receptor, either as a result of direct radiation or by means of a power distribution system. Direct, or indirect electromagnetic radiation (EMI), shall be defined as interference from any licensed or unlicensed sources involving communication, broadcasting, radar, electric processing or business equipment emanating from within the RPIP outside the perimeter boundaries of the RPIP. An External Receptor or Special External Receptor in this section shall be defined as any electric or electronic receiving, entertainment or convenience device located outside the perimeter boundary of the RPIP, which can be significantly impacted by RPIP-based disturbances.

Special consideration shall be given to interference with the operation of the Orange Municipal Airport communication, landing and takeoff facilities.

As a supplement and enhancement to the preceding complaint process, the EMI performance standards generally require that the Director of the OEDIC attempt to preclude or minimize potential interference to the maximum possible degree to Special External Receptors at the beginning of the process, or the site plan approval stage. Accordingly, the following procedure is described. Prior to the issuance of a site plan approval, the applicant proposing the construction or use of a potentially interfering facility, causing potential EMI interference to any Special External Receptor, shall be required to demonstrate the unlikelihood of interference, or that proper mitigation measures will be taken as a condition of approval of site plan.

License Requirements

All facilities within the RPIP requiring applicable federal licensing shall be further obligated to pursue compliance with the Regulations and Procedures of the National Telecommunication and Information Agency (NTIA) and the licensing requirements of the Federal Communication Commission (FCC).

LIGHTING

Preemptive Authority

Federal Aviation Administration and Massachusetts Aeronautical Commission, FAA Regulations, Part 77, Subchapter B.

Town of Orange, Inspector of Buildings

Collaborative Authority

Technical Experts

Site Plan

Certification of Lighting non-impact on External and Special Receptors

Certification of notice and compliance with FAA, 77, B, re: EMI, Lighting and Building Height.

Building Permit

Certification of Lighting non-impact on Internal Receptors

Lighting Standards

The intent of the lighting performance standards is to preclude or significantly mitigate conditions that could cause nuisance impacts to area residents and businesses or other users within the RPIP.

It is recognized that the collective impact of illumination associated with all future uses and improvements in the RPIP potentially could have an impact upon the surrounding communities in general and flight operations at the Orange Municipal Airport. In order to preclude any negative impacts, it is necessary to regulate the overall illumination level emanating from the RPIP at night. Said levels can be reasonably controlled by means of standards and criteria controlling light sources; illumination levels and types; reflective surfaces; signs; and the external lighting of buildings, landscaping, travel ways and parking lots. At the same time it is necessary to assure that public safety concerns will be fully satisfied for night time activity within the RPIP.

While it is the intent of the performance standards to provide a local complaint mechanism in regard to illumination, it is also recognized that most interference problems can be precluded by addressing such concerns at the time of application for site plan approval with respect to facilities in proximity to the perimeter boundary of the RPIP or at the time of application for a building permit with respect to facilities that have the potential of exceeding performance standards within the RPIP.

Applicant/owners and engineers and architects should be made familiar with the standards to follow, as a supplement and enhancement to the complaint process, in order to incorporate them into the earliest stages of their project design process.

Internal Impacts

Types of Fixtures

Fixed Focus Luminaries:

Pole-mounted (typically used for parking areas, streets and roadways, and pedestrian ways; or Wall-mounted (“wall Packs”) shall meet the Illuminating Engineering Society (IES) criteria for “sharp cutoff” luminaries; candlepower per 1,000 lamp lumens shall not exceed 25 candelas at an angle of 90 degrees above nadir, and 100 candelas at an angle of 80 degrees above nadir. Mounting height of these units may not exceed 30’ above the ground plane.

Variable Focus Luminaries

(typically used for athletic fields and large trailers-storage, intermodal operations yards; i.e., large open areas that must be lighted solely from the perimeter due to function):

Fixtures must, by a combination of aiming and shielding, permit no more than 100 candelas per 1,000 lamp lumens to be emitted above a line that is struck through the lamp center and extends at an angle of 80 degrees relative to nadir after the luminaries are in their finally-focused position. Mounting of these units may not exceed 50’ above the ground plane.

Sources:

High-pressure sodium lamps are not permitted.

Low-pressure sodium lamps are not encouraged.

Metal halide sources, fluorescent and incandescent lamps are permitted.

Light Levels:

Refer to the IES Lighting Handbook/Reference & Application (8th edition, 1993), Chapter 24 for appropriate lighting levels for parking lots and street/roadways. No street or roadway is to be classified higher than “Collector - Residential”; see Figure 24-8 (Collector - Residential is considered highest from the viewpoint of pedestrian nighttime safety requirements). All parking areas are to be considered “Low” activity areas (See Figure 24-23). Although these *Recommended Average Maintained Illuminance Values* are minimum recommendations from the IES they are to be considered target values for the RPIP, and may not be exceeded by more than 25%.

Pavement Finishes:

All finish surfaces on paved areas (parking areas, storage yards, streets, and roadways) shall be black asphalt with dark aggregate, or other surfaces of no greater reflectance.

Landscape Lighting:

No uplighting of landscaping shall be permitted. Further, any pole- or tree-mounted landscape lighting fixtures shall be the IES criteria for “sharp cutoff” luminaries; candlepower per 1,000 lamp lumens shall not exceed 25 candelas at an angle of 90 degrees above nadir, and 100 candelas at an angle of 80 degrees above nadir.

Building Facade Floodlighting:

No building floodlighting is permitted.

Sign Lighting:

(All sign, billboard, advertising and/or identity lighting)

Illuminated signs may not occupy more than 3% of the building facade on which they are mounted.

Front lighted: all front-lighted signs shall be lighted from the top, and aimed and/or shielded so that no more than 100 candelas per 1,000 lamp lumens are emitted above a line that is struck through the lamp center and extends at an angle of 80 degrees relative to nadir after the luminaries are in their finally-focused position.

Internally- and rear-lighted signs: On signs with a surface area larger than 10 sq. ft., no surface luminances on or around the signs shall exceed 30 foot lamberts, and no exposed lamps may be used. On signs that are composed primarily of letter-forms, only the letter-forms may be illuminated - no luminous backgrounds are permitted.

No illuminated portion of any non-building-mounted illuminated sign may exceed a height of 20' above the ground plane.

Operational Controls:

Unless a building maintains an evening or night operation, other than security personnel, all general parking lot lighting and identity signage lighting shall be turned off as early as possible when the facility is not in active use, or not later than 11:00 p.m., whichever is earlier. Minimal site and limited-area parking lighting may be operated beyond these hours with illumination for security purposes, but should be confined to as small an area as possible. This area may include some spaces for overnight parking among personnel who are traveling for the firm.

Exceptions:

Temporary holiday lighting.

External Impacts

The same Lighting Standards apply to all users within the RPIP. However, with respect to facilities and improvements located within 500 feet of the perimeter boundary of the RPIP which may give rise to particular concerns by External Receptors, the applicant for site plan approval for such facilities or improvements shall demonstrate anticipated compliance with the Lighting Standards.

Special consideration shall be given to interference with the operation of the Orange Municipal Airport communication, landing and takeoff facilities. Applicants for site plan approval shall demonstrate that they have filed or are not required to file notice in compliance with FAA Regulations, Part 77, Subchapter B.

NOISE & VIBRATION

Preemptive Authority

Town of Orange, Inspector of Buildings

Collaborative Authority

Technical Experts

Site Plan

Certification of Noise and Vibration non-impact on External Receptors located within 500 feet of any perimeter of the RPIP

Building Permit

Certification of Noise and Vibration non-impact on Internal Receptors

Noise and Vibration Standards

The intent of the Noise & Vibration Performance Standards is to preclude or significantly mitigate conditions that could cause nuisance to any receptors within or without the RPIP.

While it is the intent of the performance standards to provide a local complaint mechanism for receptors that might be experiencing nuisance from the generation of noise or vibration, it is recognized that complaints can often be minimized by identifying and acting upon potential problems before they become contentious. For this reason, the complaint mechanism is supplemented and enhanced by a process described below which attempts to minimize or preclude potential noise and vibration issues at the time of application for site plan approval with respect to facilities in proximity to the perimeter boundary of the RPIP or at the time of application for a building permit with respect to facilities that have the potential of exceeding performance standards within the RPIP. Applicant/owners and engineers and architects should be made familiar with the standards to follow, as a supplement and enhancement to the complaint process, in order to incorporate them into the earliest stages of their project design process.

Noise Internal and External Impacts

No party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall be allowed to cause pronounced, multiple patterns of noise or vibration nuisance to or interference with any Receptor.

No party owning, leasing or otherwise controlling a facility within the RPIP shall be allowed to:

- A. Produce a broadband sound pressure level which exceeds an existing background sound pressure level by the following margins:
 1. 10 dBA as measured at any property line of an Internal Receptor within the RPIP;
 2. 5 dBA as measured at any RPIP perimeter boundary abutting a residential External Receptor; or

3. 10 dBA as measured at any RPIP perimeter boundary abutting a commercial or industrial External Receptor.

B. Produce a broadband sound pressure level which exceeds the following levels:

1. 60 dBA as measured at any property line of an Internal Receptor within the RPIP;
2. 45 dBA Nighttime/55 dBA Daytime, as measured at any RPIP perimeter boundary abutting a residential External Receptor; or
3. 60 dBA as measured at any RPIP perimeter boundary abutting a commercial or industrial External Receptor.

C. Produce a “pure tone” condition. (definition to follow)

D. Produce “impulsive” noise in excess of decibel limits and durations established herein (definition to follow):

1. Background sound pressure level is defined as the A-weighted sound pressure level that is exceeded 90% of the quietest one-hour time interval during the equipment operating hours.
2. Residential receptors shall be defined to include Churches (during hours of worship), Nursing Homes, Hospitals, Rest Homes, Schools, Day Care Centers, and any property in use as a residence.
3. Daytime hours are 7:00 a.m. to 6:00 p.m. weekdays. Nighttime hours are all other times, including legal holidays.
4. All sound pressure level measurements are to be performed with slow sound level meter response.
5. Measurement may include but not be limited to establishing existing background sound levels, or noise modeling. Mitigation may include, but not be limited to the following: Constructing appropriate housing for building systems; adding mufflers or other devices to engines used exclusively for handling material on site; or adaptation of any other noise control devices and procedures for noise producing equipment and activities. All expenses incurred for on-site mitigation measures shall be the responsibility of the facility.
6. All measured noise readings and mitigation efforts shall correspond to the time of day for which the complaint was reported.
7. A “pure-tone” is sound concentrated in a narrow frequency range, and is perceived as a humming, buzzing, whirring, or other such distinctive continuous sound. Pure-tone sound is often produced by industrial equipment such as fans, blowers, grinders, and transformers. A pure-tone condition is defined to exist when the sound pressure level in a one-third octave band exceeds the sound pressure levels in both adjacent one-third octave bands, and if the average amount exceeded in both adjacent bands is greater than the following:

1/3 Octave Band mid Frequency (Hz)	Amount by which the 1/3 Octave Band average of both adjacent bands is <u>exceeded.</u>	1/3 Octave Band mid Frequency (Hz)	Amount by which the average of both adjacent band is <u>exceeded.</u>
100	16	1250	4
125	14	1600	4
160	12	2000	3
200	11	2500	3
250	9	3150	3
315	8	4000	3
400	7	5000	4
500	6	6300	4
630	6	8000	5
800	5	10000	6
1000	4		

8. “Impulsive” noises are sounds which occur intermittently rather than continuously. Impulsive noise may exceed existing background sound level for a cumulative duration of not more than one minute within any given one hour period, and subject to the following limits: 10 dBA as measured at any residential property line or receptor, or 15 dBA as measured at any commercial/industrial property line or receptor. Impulse noise, as measured at any residential receptor shall one be allowed to occur during normal daytime hours. Readings for impulsive noise shall be recorded with fast sound level meter response.
9. Equipment employed in landscape and open space maintenance, or any construction related activity shall be kept in good repair so as to minimize noise and vibration beyond the RPIP perimeter boundary. In all cases, such equipment shall meet or exceed industry standards for noise muffling.
10. All terms not defined herein shall be understood to comply with those definitions established by the American National Standards Institute (ANSI).

Vibration Internal and External Impacts

No party owning, leasing or otherwise controlling a facility within the RPIP shall be allowed to:

- A. Produce vibration which exceeds the combine-axis one-third octave band vibration accelerations of ANSI sec. 3.29, Guide to the evaluation of human exposure to vibration in buildings. (Table one, as read in (meters/second)).
- B. Produce sound level in the 31.5 Hz octave band, and in lower bands that exceed 65 dB.

Exceptions:

The above Noise and Vibration standards shall not apply to noise and vibration emitted during and associated with the following:

- A. Parades, public gatherings, sporting or special short duration events for which permits have been issued, provided that said parades, public gatherings, sporting and special events within the RPIP do not cause noise in an adjacent community;
- B. Emergency, police, fire and ambulance vehicles;
- C. Police, fire, and civil and national defense activities;
- D. Maintenance equipment such as lawn mowers and power saws between the hours of 7:00 a.m. and 8:00 p.m.; and
- E. Unlimited operation of emergency generators, pumps, lighting or other equipment during prolonged utility power outages caused by hurricanes, tornadoes, severe ice storms, flooding or other emergency conditions, if extraordinary steps are required to protect valuable or perishable property or perform disaster recovery beyond normal working hours.
- F. Temporary construction activity associated with a permitted facility, operating within normal daytime hours.

RADIATION

Preemptive Authority

Massachusetts Department of Public Health, Bureau of Radiation Control Permit
Nuclear Regulatory Commission Permit

Collaborative Authority

Town of Orange, Inspector of Buildings
Technical Experts

Site Plan

MDPHBRC Permit
NRC Permit

Radiation Standards

The intent of the Radiation Performance Standards is to preclude or significantly mitigate conditions that could cause nuisance impacts to area residents and businesses or other users within or around the RPIP.

No party owning, leasing or otherwise controlling a potential Radiation Hazard within the RPIP may at any time exceed the License standards established by the Massachusetts Department of Public Health, Bureau of Radiation Control and/or Nuclear Regulatory Commission. In addition, the OEDIC shall have the authority to review any use, person or activity within the RPIP with regard to the presence, use and/or production of any Radiation Materials within the RPIP.

Internal Impacts

No party owning, leasing or otherwise controlling a potential source of Radiation Hazard within the RPIP, shall permit emissions therefrom which cause or contribute to a hazardous condition within the RPIP.

External Impacts

No party owning, leasing or otherwise controlling a potential source of Radiation Hazard within the RPIP, shall permit emissions therefrom which cause or contribute to a hazardous condition beyond the boundary of the RPIP.

OUTDOOR STORAGE AND WASTE DISPOSAL

Preemptive Authority

Town of Orange, Inspector of Buildings
Town of Orange, Fire Chief, 527 CMR

Collaborative Authority

Technical Experts

Building Permit

Certification of unlikelihood of generating a nuisance

Outdoor Storage and Waste Disposal Standards

The intent of the Outdoor Storage and Waste Disposal Performance Standards is to preclude or significantly mitigate conditions, that could cause nuisance impacts to any Internal, External or Special External Receptor.

Internal Impacts and External Impacts

Any party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall:

- A. Store materials or wastes in such a manner that they cannot be transferred off the occupied lot by natural causes or forces.
- B. Store all materials or wastes which might cause or constitute a fire hazard in accordance with 527CMR. Store all materials which might cause fumes or dust or which may be edible by or otherwise attractive to rodents or insects, outdoors only in closed containers.
- C. Comply with the following limitations on the above-ground storage of certain materials:
 1. No flammable gases or solids, combustible or flammable liquids, or explosives shall be stored in bulk above ground except that:
 - a. Fuel tanks for energy or heating devices or appliances, tanks containing compressed natural gas, and the fueling of vehicles operated in association with a permitted use may utilize above-ground tanks provided that they are a minimum of 1,000 feet from a protected use. A protected use is any residential use, a hospital, an auditorium, or other building used for public assembly. The 1,000 foot spacing may be reduced at the discretion of the Orange Fire Department, providing the owner submits evidence that the proposed storage facility will not create a hazard for nearby protected uses.
 - b. Vaulted tanks as approved by the Orange Fire Department.
 2. Liquefied petroleum gas shall be stored no closer to any boundary line of a lot upon which located than that allowed by the Orange Fire Code.

3. Explosives shall be stored no closer to any boundary line of the lot upon which located than that allowed by the Orange Fire Code.
- D. Roll off type containers and box trailer storage shall be allowed only on a temporary basis, less than one year, with a permit issued by both the Director of the OEDIC and the Chief of the Town of Orange Fire Department. Such permitted storage units must be at least 25 feet from buildings.
- E. Outside storage units and areas shall be screened from adjacent lots, both internal and external to the RPIP and from the street by a wall, fence or densely planted trees sufficient to prevent view of the stored materials or storage units from a height no greater than eight (8) feet at the lot line.

WASTEWATER GENERATION

Preemptive Authority

Town of Orange, Manager, Wastewater Treatment

Collaborative Authority

Town of Orange, Inspector of Buildings
Technical Experts

Site Plan

Certification of unlikelihood of exceeding wastewater generation allowance

Wastewater Generation Standards

The intent of the Wastewater Generation Performance Standards is to preclude or significantly mitigate conditions that could cause interference to the Orange Wastewater Treatment Plant.

Wastewater Generation Standards

External Impacts

No party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall be allowed to generate Wastewater in excess 900 gallons per day per acre of lot size upon which the facility is located. Exceptions to this formula are allowed if the proposed generator provides the OEDIC with a binding agreement from another generator within the RPIP to restrict its wastewater generation by an equivalent amount.

All wastewater generated shall comply in quality to such standards as provided by the Town of Orange Sewer Ordinance of December 24, 1975 as amended and the Commonwealth of Massachusetts Regulations Chapter 7 as amended.

Overall wastewater generation from the RPIP may at the discretion of the Town of Orange be increased. Such increase will be used to adjust the daily per acre generation allowance for parties owning, leasing controlling or otherwise occupying a facility within the RPIP.

TRAFFIC

Collaborative Authority

Town of Orange, Inspector of Buildings
Town of Orange, Chief of Police
Technical Experts

Site Plan

Certification of the unlikelihood of exceeding the traffic generation allowance.

Traffic Standards

The intent of the Traffic Generation Performance Standards is to preclude or significantly mitigate conditions that could cause nuisance impacts to area residents and businesses or other users within or around the RPIP.

Internal Impacts

Any party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall be allowed to generate traffic by vehicles with a GVW in excess of 26,000 pounds within the RPIP between the hours of 6:00 AM and 9:00 PM. Exceptions may be negotiated with the OEDIC with a total exception limit for the RPIP of ten(10) single vehicle trips, one way per month.

Any party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall generate traffic in such a manner as to prohibit the use of “Jake Brakes”.

External Impacts

No party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall be allowed to generate Traffic in excess of one vehicle trip, one way per 147 sq. ft. of built commercial/industrial space exclusive of parking space. No more than 10% of the trips will be made by trucks and other large commercial vehicles. Exceptions to this formula are allowed if the proposed generator provides the OEDIC with a binding agreement from another generator within the RPIP to restrict its traffic generation by an equivalent amount.

Vehicles with a GVW in excess of 26,000 pounds will enter the RPIP from the south and exit the RPIP to the south except in emergency or if involved in pickup and delivery within the central business district of the Town of Orange.

JOB CREATION THIS ENTIRE SECTION IS VOIDED AS OF JANUARY 2015

Site Plan

Certification to the unlikelihood of job deficiencies.

Job Creation Standards

The intent of the Job Creation Performance Standards is to assure that the RPIP provides significant economic strength to the Town of Orange and the surrounding communities.

The OEDIC is clearly aware that a wide variety of events and situations influence job levels within businesses, and therefore maintains significant resources for job development assistance which employers should use in resolving their job deficiency situations.

Internal Impacts

All parties owning, leasing, controlling or otherwise occupying a facility within the RPIP shall employ a minimum of one person per 900 sq. ft. of built commercial/industrial space exclusive of parking space, or maintain an average wage rate for non-management personnel of three times minimum wage as defined by the Commonwealth of Massachusetts.

BUILDING DESIGN, SITE DESIGN AND LANDSCAPING

Preemptive Authority

Federal Aviation Administration and Massachusetts Aeronautical Commission, FAA Regulations, Part 77, Subchapter B.

Town of Orange, Inspector of Buildings
Town of Orange, Fire Chief, 527CMR25

Collaborative Authority

Technical Experts

Site Plan

Site Plan

Certification of notice and compliance with FAA, 77, B, re: EMI, Lighting and Building Height.

Building Permit

Building Permit

Building Design, Site Design and Landscaping Standards

The intent of the Building Design, Site Design and Landscaping Performance Standards is to assure that the RPIP provides a significant esthetic environment to further assure that the RPIP provides significant economic strength to the Town of Orange and the surrounding communities.

Internal Impacts

All parties owning, leasing, controlling or otherwise occupying a parcel within the RPIP shall comply with the following standards:

1. Specifications and Plans Approvals:

A site plan showing the location and type of improvements shall be submitted to the Inspection Official and the Town of Orange Inspector of Buildings. No improvements shall be erected or started until such plan has been approved in writing by the Inspection Official and the Town of Orange Inspector of Buildings. Action or approval may include but not be limited to comment upon design of site, location and sufficiency of structures, driveways, parking, loading, storage, fire protection, storm water management system and all other improvements exterior to the outer walls of the principal structure, and to such other specific matters as are included in these Performance Standards. Site plan design shall comply with the current Federal ADA regulations

Once construction has begun, significant changes proposed to the prior approved plan, shall also require approval of the Inspection Official and the Town of Orange Inspector of Buildings. Failure by both the Inspection Official and the Town of Orange Inspector of Buildings or solely by the Town of Orange Inspector of Buildings to act upon such

plans or changes thereto within 30 days of such submission, shall constitute de facto approval unless the Inspection Official has issued a written notice of disapproval in which case the proposed change is considered disapproved. Proposed major changes to site or additions to completed facilities shall be approved in like manner.

Disapprovals issued by the Town of Orange Inspector of Buildings may be appealed to the Zoning Board of Appeals within 30 days of the written issuance of disapproval or the thirty day review period, whichever comes first. Disapprovals issued by the Inspection Official may be appealed to the Board of Directors of the OEDIC within 30 days of the written issuance of disapproval or the thirty day review period, whichever comes first. Where both the Town of Orange Inspector of Buildings and the Inspection Official have issued the disapproval the appeal shall go first to the Board of Directors of the OEDIC.

2. Building Design

Building design, materials and workmanship should be appropriate to the building function. Buildings should be simple and restrained as feasible and should, whenever possible, make a visual contribution to the surrounding environment. Use of the following exterior wall materials should be encouraged: finished concrete; finished masonry units such as stone veneer face brick; structural facing, tile and ceramic tiles; factory assembled panel units with painted metal surfaces; glass or plastics; factory painted preformed metal siding and panel system. Building design shall comply with the current Federal ADA regulations.

Applicants for site plan approval shall demonstrate that they have filed or are not required to file notice in compliance with Federal Aviation Regulations, Part 77, Subchapter B.

Building Heights, Set-backs and Yard Requirements shall be as contained in the Town of Orange Zoning By-Laws for Commercial/Industrial Zone B.

3. Parking, Driveway and Loading Criteria

Every developed site shall have off-street one parking space for every 1.25 employees at the expected peak period of operation. Customer and visitor parking shall be separately designed and may not be used to meet the above employee parking criteria.

Driveways providing ingress and egress between streets and site shall be limited to a total of two and shall be designed in accordance with 527CMR25.

Structures used for manufacturing shall have at least one loading dock or area for each 20,000 sq. ft. of manufacturing floor area or part thereof. Truck maneuvering room shall not cover designated parking areas. No shipping or receiving docks or areas shall be located on the front of a building.

All parking, driveway and loading areas shall be constructed with a suitable base and surfaced with a good durable and dustless material which will not be removed by freeze/thaw conditions or snow plowing operations.

4. Stormwater Controls

- a. All Paved areas used for parking or vehicle traffic shall be swept clean of winter sand each spring by lot owners
- b. Roof runoff must be infiltrated on-site and not connected to the stormwater management system of the RPIP.
- c. Existing trees and shrubs within 20' of the side and rear property lines shall not be disturbed.
- d. Water quality swales must be utilized wherever practicable in site design.
- e. Deep sump catch basins/drop inlets as defined in the Stormwater Management Policy portion of the Wetlands Protection Act, shall be incorporated into the site design wherever catch basins or drop inlets are necessary.
- f. For any impervious areas, excluding roof runoff, which cannot be discharged into the RPIP stormwater management system, the site developer must address stormwater management by adhering to the nine standards of the Stormwater Management Policy of the Wetlands Protection Act.
- g. An Operation and Maintenance (O&M) plan for all stormwater structures and best management practices (BMP) on the individual lots shall be as recommended in the Stormwater Management Policy portion of the Wetlands Protection Act. Site owners shall be responsible for the O&M portion of these BMPs.
- h. Lot #3 and Lot #7B as shown on the attached Figure 1- Lot Layout Plan, cannot be incorporated into the RPIP stormwater management system due to the lower elevation of these lots. The site owners will be responsible to address the nine standards of the Stormwater Management Policy portion of the Wetlands Protection Act.
- i. The maximum amount of impervious area which may be discharged from each lot (excluding building square footage) must not exceed that shown in the attached Table 1. The maximum amount of impervious area (excluding building square footage) which may be discharged to each detention basin must not exceed that shown in Table 2. Refer to Figure 1- Lot Layout Plan for lot layout and locations.

5. Landscaping

Landscaping must be shown on site plans required in section 1 above. All undeveloped area between the walls of the principal building and the road right of way abutting shall be landscaped and/or grassed and such area shall be maintained in good and sightly condition. Landscaping shall be designed to comply with fire safety access conditions contained in 527 CMR 25.

IMPERVIOUS AREA PER LOT
RANDALL POND INDUSTRIAL PARK
TABLE 1
REVISED JANUARY 2001

Lot #	Approx. Acres of Development¹	Maximum square footage of impervious area from each building lot to be discharged into the RPIP Stormwater Treatment System²
2A	2.00	23,300
2B	2.317	26,300
3	4.9	0
4	4.6	53,600
5A	2.00	23,300
5B	4.5	52,500
6	6.2	76,000
7B	8.05	0
8B	2.65	32,300
9	4.2	51,400
10A	2.2	27,000
11A	2.0	24,300
Surplus to Detention Basin No. 1 ³	1.53	18,500
Total	47.09	408,500

Table 1 Notes:

1. Approximate lot acreage based on the attached Figure 1 - Lot Layout Plan, developed by Dufresne-Henry, Inc., and revised due to changes in lot sizes. The revisions reflect the splitting of Lot # 2 and 5, and the transfer of a portion of Lot 7B to Lot 8B and a portion of Lot 10A to Lot 11A.
2. All the roof runoff from the buildings must be infiltrated into the ground and will not be directed to the park's storm water management system. Therefore, the buildings will not be included in the square footage of impervious area to be discharged from each lot into the RPIP stormwater management system.
3. A surplus of impervious area of 18,000 square feet to Detention Basin No. 1 exists due to the current size of Lot 8B and is reserved to an option on a portion of Lot 7B for potential transfer to Lot 8B. There is no longer any plan by the OEDIC to distribute this surplus to Lots 6, 9, 10A and/or 11A.
4. Review and update of this Table may be required if the layout of the building lots are altered after this Table was compiled.

IMPERVIOUS AREA PER DISCHARGE BASIN
RANDALL POND INDUSTRIAL PARK
TABLE 2
REVISED JANUARY 2001

Discharge Basin¹	Contributing Area²	Maximum square footage of impervious area from building lots to be discharged to each detention basin³
Detention Basin # 1	Lots # 6, #8B, #9, #10A, and #11A and Surplus of 29,000 sf	229,500
Detention Basin # 2	Lots #2A and 2B, #4, and #5A and 5B	179,000
Total:		408,500

Table 2 Notes:

1. Due to the lower elevations of the developable portion of Lot #3 and Lot #7B, no storm water management is proposed within the park's storm water management system for these two lots. The individual developers of these two lots will be required to address all nine standards of the Storm Water Management Policy portion of the Massachusetts Wetlands Protection Act.
2. The total impervious area to each basin shown in Table 2 represents the amount of impervious area on each lot which can be discharged to the RPIP stormwater management system, excluding building square footage. Roof runoff shall be infiltrated.
3. Review and update of this Table may be required if the layout of the building lots are altered after this Table was compiled.

6. Wetland Resources

Wetland Resources protected under the Massachusetts Wetlands Protection Act Regulations, and the Federal Clean Water Act exist on some of the individual lots within the Randall Pond Industrial Park. The Wetlands Protection Act is administered by the local Conservation Commission and the Massachusetts Department of Environmental Protection (MaDEP). Section 404 of the Clean Water Act is administered by the United States Army Corps of Engineers. Section 401 of the Clean Water Act is administered, in most cases, by the regional MaDEP office.

The wetland resources which currently exist on some of the proposed lots include Land Under Water and Bank associated with Shingle Swamp Brook, Bordering Vegetated Wetlands, the 100-Foot Buffer Zone around these resource areas, and the 100-foot Inner and Outer Riparian Zones associated with the perennial stream running through Shingle Swamp. Table 3 outlines the wetland resources found on the individual lots. Refer to Figure 1 for lot locations.

The following outlines the wetland restrictions imposed upon the development of the individual lots by the Industrial Performance Standards:

1. The maximum impacts to Bordering Vegetated Wetlands (BVW) associated with the development on all of the building lots cannot exceed 1,100 square feet total, and any impacts must be approved by the Town of Orange Conservation Commission, in conjunction with the MaDEP. The development of the infrastructure for the park has already impacted 3,880 square feet of regulated wetland resources which has been mitigated through the construction of a 5,000 square foot wetland replication area. Impacts to Bordering Vegetated Wetland and Land Under Water from the completed project (infrastructure and full build out on all the building lots) cannot exceed 5,000 square feet. Any building lot developer who proposes to impact any wetland resources (as defined by the Massachusetts Wetlands Protection Act) must submit a Request for Determination of Applicability and/or a Notice of Intent to the Orange Conservation Commission and the Massachusetts Department of Environmental Protection (DEP), in accordance with the Wetlands Protection Act. In addition, any developer proposing to impact any wetland resource areas (except the 100' Buffer Zone) must submit a Notice of Project Change in accordance with the Executive Office of Environmental Affairs, Massachusetts Environmental Policy Act (EOEA No. 11786).
2. No impacts to the banks of Randall Pond, Red Brook, or Shingle Swamp Brook are allowed by the development on the building lots.
3. No impacts to Land Under Water are allowed by the development on the building lots.
4. No impacts to the 100' Inner Riparian Zone to Shingle Swamp Brook are allowed by the development on the building lots. This restriction includes impacts to existing vegetation and trees. This restriction prevents the removal of vegetation within 100' of Shingle Swamp Brook and prevents any direct stormwater discharges to the Brook which is required to protect possible native Brook Trout within Shingle Swamp Brook.
5. Any proposed impacts to the Outer Riparian Zone of Shingle Swamp Brook must adhere to the requirements of the Wetlands Protection Act and must show, to the satisfaction of the Orange Conservation Commission, the MaDEP, and the Executive Office of Environmental Affairs MEPA Office, that no other practicable alternative exists which would eliminate or minimize impacts to the outer riparian zone.

Wetland Resource Areas on Each Lot
Randall Pond Industrial Park
Table 3
REVISED JANUARY 2001

Building Lot #¹	Wetland Resources on the Building Lot
2A	<ul style="list-style-type: none"> • Bordering Vegetated Wetlands (from replication area) • 100' Buffer Zone from Wetlands
2B	<ul style="list-style-type: none"> • Bordering Vegetated Wetlands (from replication area) • 100' Buffer Zone from Wetlands
3	<p>No Wetland Resources</p> <ul style="list-style-type: none"> • Must meet the nine standards of the Stormwater Management Policy portion of the Wetlands Protection Act.²
4	<ul style="list-style-type: none"> • Bordering Vegetated Wetlands (around Shingle Swamp Brook) • 100' Buffer Zone from Wetlands • Riparian Zone (from the bank of Shingle Swamp Brook)
5A	No Wetland Resources
5B	<ul style="list-style-type: none"> • Bordering Vegetated Wetlands (around Shingle Swamp Brook) • 100' Buffer Zone from Wetlands • Riparian Zone (from the bank of Shingle Swamp Brook)
6	<ul style="list-style-type: none"> • Bordering Vegetated Wetlands (around Shingle Swamp Brook) • 100' Buffer Zone from Wetlands • Riparian Zone (from the bank of Shingle Swamp Brook)
7B	<ul style="list-style-type: none"> • Bordering Vegetated Wetlands (around Shingle Swamp Brook) • 100' Buffer Zone from Wetlands • Riparian Zone (from the bank of Shingle Swamp Brook) • Must meet the nine standards of the Stormwater Management Policy portion of the Wetlands Protection Act.²
8B	No Wetland Resources
9	No Wetland Resources
10A	<ul style="list-style-type: none"> • 100' Buffer Zone from Wetlands
11A	<ul style="list-style-type: none"> • Bordering Vegetated Wetlands (around Randall Pond) • 100' Buffer Zone from Wetlands

Notes to Table 3:

1. Lots #1, #12, and #13 as shown on Figure 1 are not building lots.
2. Developers for Lots #3 and #7B shall provide certification that they have adhered to the Stormwater Management Policy portion of the Wetlands Protection Act during their Site Plan review process. If a Notice of Intent is submitted for either of these lots, the developer shall submit the necessary information within the application, as well as provide certification during the Site Plan review process.

3. Review and update of this Table may be required if the layout of the building lots are altered after this Table was compiled.

WATER CONSUMPTION

Preemptive Authority

Town of Orange, Inspector of Buildings
Town of Orange, Manager, Water Department

Collaborative Authority

Technical Experts

Site Plan

Certification to the unlikelihood of exceeding the Orange Municipal water consumption allowance

Water Consumption Standards

The intent of the Water Consumption Performance Standards is to preclude or significantly mitigate conditions that could cause interference to the Orange Municipal Water supply system.

External Impacts

No party owning, leasing, controlling or otherwise occupying a facility within the RPIP shall be allowed to consume Orange Municipal water in excess 900 gallons per day per acre of lot size upon which the facility is located. Exceptions to this formula are allowed if the proposed generator provides the OEDIC with a binding agreement from another generator within the RPIP to restrict its consumption of Orange Municipal water by an equivalent amount.

Additional on-site water supplies must comply with the then current regulations of the Massachusetts Department of Environmental Protection.

FIRE AND EXPLOSIVE HAZARDS

Preemptive Authority

Town of Orange, Fire Chief

Town of Orange, Inspector of Buildings

Collaborative Authority

Technical Experts

Site Plan

Certification to the unlikelihood of potential Fire and Explosive Hazard violations

Fire and Explosive Hazard Standards

The intent of the Fire and Explosives Hazards Performance Standards is to preclude or significantly mitigate conditions that could cause nuisance impacts to area residents and businesses or other users within or around the RPIP.

Internal Impacts

Any party owning, leasing or otherwise controlling a potential source of fire or explosive hazards shall comply with 527CMR.

TOXIC AND HAZARDOUS MATERIALS

Preemptive Authority

Massachusetts Department of Environmental Protection (MADEP), 310 CMR sections 12-14 inclusive

Town of Orange, Inspector of Buildings
Town of Orange, Fire Chief as HAZMAT Official

Collaborative Authority

Technical Experts

Site Plan

Certification to the unlikelihood of potential Toxic and Hazardous Materials violation

Toxic and Hazardous Materials Standards

The intent of the Toxic and Hazardous Materials Performance Standards is to preclude or significantly mitigate conditions that could cause nuisance impacts to area residents and businesses or other users within or around the RPIP.

No party owning, leasing or otherwise controlling a potential Toxic or Hazardous Materials hazard within the RPIP may at any time exceed the Toxic or Hazardous Materials hazard standards established in 310 Code of Massachusetts Department of Environmental Protection (MADEP). Any facility for the permanent disposal of hazardous waste shall have secured approval by a two-third (2/3) vote at an Annual or Special town meeting of the Town of Orange. In addition, the OEDIC shall have the authority to review any use, person or activity within the RPIP with regard to the presence, use and/or production of any Toxic or Hazardous Materials within the RPIP.

Internal Impacts

No party owning, leasing or otherwise controlling a potential source of Toxic or Hazardous Materials hazard within the RPIP, shall permit emissions therefrom which cause or contribute to a hazardous condition within the RPIP.

At a minimum floor systems will provide secure containment for the equivalent of 110% of all material stored in containers, tanks and piping systems located above their respective floor systems.

External Impacts

No party owning, leasing or otherwise controlling a potential source of Toxic and Hazardous Material hazard within the RPIP, shall permit emissions therefrom which cause or contribute to a hazardous condition beyond the boundary of the RPIP.

Waiver of Standards

Strict compliance with these standards may be waived if the Orange Economic Development Industrial Corporation (OEDIC) finds that granting of the waiver is in the public interest or the standard is irrelevant to the project, and is consistent with the intent and purpose of the standards.

Application for Waiver

Any request from an applicant for a waiver of these standards must be submitted, in writing, to the OEDIC at least fourteen (14) days before an OEDIC meeting at which the waiver will be considered. The OEDIC shall invite comments from other park occupants, the Orange Municipal Airport commissioner, and the public regarding the waiver. The OEDIC will render a written decision at least fourteen (14) days after the meeting at which the waiver request was considered. Failure to act by the OEDIC will be deemed a denial of the waiver request.

Reason for Granting Waiver

Any request must clearly identify the standard(s) from which relief is sought and a statement setting forth the reasons why, in the applicant's opinion, granting such a waiver would be in the public interest or the specific standard is irrelevant to the project, and why a waiver would still be consistent with the intent and purpose of the standards.