

**BERWICK PLANNING BOARD
MINUTES
February 17, 2011**

Present: Kerry Ashburn, Paul Boisvert, Judy Burgess, Ron Morrell, Peter Perri, Tom Wright, Mary Gagnon (Alternate), Jon St. Pierre (Town Engineer), Jim Webster (CEO), and Susie Scott (Planning Coordinator).

APPROVAL OF MINUTES

- Minutes – February 3, 2011: Approved.

PUBLIC HEARING: Berwick Iron & Metal Recycling / Sketch Plan for Metal Shredder

Present: Tom Harmon, Jay Stephens and Mike Peverett from Civil Consultants, Matt Manahan, Esq. and BI&MR owners, Robert and Richard Brenna.

Tom Harmon presented several plan sheets and discussed:

- Expansion of project with 5,000 square feet of impervious surface.
- Automobile shredder to be added to current business.
- Business located among Boulanger Paving, Pepin concrete plant, Transfer Station and the Berwick Sewer Department.
- Improvements include shredder installation powered by a diesel engine housed in a concrete building, conveyor belts and noise attenuations structures including walls, fences, and enlarged earth berms planted with evergreens. Access to the site limited with berms/fences.
- Business purchased in 2004 on a previously existing non-conforming lot. With purchase/transfer of property between Pepin and Brenna, both lots will become conforming. Pepin has provided a letter confirming property transfer.
- Access to BI&MR via the Pepin ROW per CEO review and approval.
- DEP Solid Waste Processing permit required for shredder: Currently under DEP review. Permit previously not required.
- DEP Air Emission permit to operate a diesel engine received and submitted to Town.
- Noise Study: With proposed attenuation, business can operate in conformance with local and state requirements at lower levels than required. Local level requirements, measured at the property line are 65 decibels during the day and 55 decibels at night.
- Traffic Study: Minimal increase in traffic. Entranceway is deficient so applicant proposes to widen and pave driveway and adding southerly access way.
- Designated parking spaces for 16 employees/clients. Applicant amenable to striping.
- Stormwater Treatment includes all but 6% of site. Includes basins, filter and discharge.
- Water line with hydrant to provide fire protection per Berwick Fire Chief.

- Sewer discharge to a waste disposal system will be for domestic use only. Site large enough to enlarge system if required.
- Shredder has not been started to date.
- Engine has been started and was run.
- Fuel: Fire Marshal permit and SPCC plan in place.
- Swale at end of driveway with 12" culvert.

Chairman Kerry Ashburn read aloud notes taken at the January 8, 2011 site walk along with notes taken by the applicant. *Rob Brenna, BI&MR owner, clarified engineered highly absorptive sound wall will be installed. Shredder will size and separate products. Whole operation currently makes noise. Applicant will plant evergreen trees to fill out berm.*

Jon St. Pierre, Town Engineer: State roads determined by way traffic moves inter-town/state. Selectmen and State will have to be involved if road issues to be addressed.

- Planning Board:
 - o 70 decibels sounds like a passenger car traveling at 65 mph 25 feet away.
 - o Hours of Operations: Proposed to be 8am – 4pm. All businesses permitted by the Planning Board require proposed Hours of Operation.
 - o Traffic Study: Truck trips to decrease with consolidated materials.
 - o Tax Benefits can be addressed by Town Assessor.
 - o Board depends on DEP to serve as expert review of environmental issues.
 - o Air Emission Standards dictated by DEP approval
 - o Site currently has no storm water controls; Proposed, tiered systems of control has to help current conditions.
 - o Property values determined by buyer; Need to be a well-informed buyer, knowing where property is located within what type of District.
 - o Conditions for operation of the metal shredder can be listed on a Conditional Use permit should one be issued.
 - o Site plans tend to change during the review process, and the new plan presented at this meeting solely addresses changes to frontage requirements unrelated to operational aspects of proposal.
 - o Possible road signage to address truck traffic.
 - o Conditional Use permit runs with the property.
 - o Board not making a decision at this meeting.

Individual comments

- Diane Bright, Saw Mill Hill Road: Discussed road traffic related to BI&MR trucks, and enforcement and maintenance of Saw Mill Hill Road. She previously presented a complaint to the Town, and inquired to an effective mechanism for addressing noise and safety issues, and potential cost consequences related to proposal.

Town Engineer confirmed road is a State Aid road. The Board discussed possible re-routing of truck traffic. State would address signage of Saw Mill Hill Road per Selectmen request.

- Johna Mayo, Powerhouse Road:
 - o Noted she attended the Planning Board meeting a few years back during which BI&MR trucks, debris and traffic were discussed.
 - o Recommended any Saturday maintenance be detailed in the Conditions.
 - o Inquired when the motor had been tested. *Motor had been started just 1 time on December 11, 2010 around 2pm.*
 - o Inquired to the designated Use per the Land Use Ordinance, and whether it is in conformance with designated Use. *Considered Auto Recycler/Junkyard/Graveyard. DEP requires a waste processing permit for the shredder. This Use specifically falls under Auto Recycling, page 39 of the Town Land Use Ordinance.*

- Jan Roberge, Hussey School teacher: Discussed concerns of noise and pollution, and inquired to comparative noise limits to better understand actual noise. *All proposed noise will be within required State and local limits measured at the property lines.*

- Gayle Gary, 92 Route 236, discussed and inquired:
 - o Opposed to anything that will negatively affect her quality of life including noise/pollution.
 - o Property values/Resale value of her house.
 - o Water and air quality.
 - o Noise: Would like 65 decibels compared to something.
 - o Hours of Operations.
 - o Traffic Study completed?
 - o Who will pay for road if/when business is expanded.
 - o Road usage with increased traffic, and road condition and maintenance.
 - o Property taxes: What are the tax benefits and will her tax bill go down?
 - o Air Emission standards – Established EPA number?
 - o Cars with Freon.
 - o Vibration affecting neighborhood foundations.
 - o Why BI&MR doesn't locate at the Prime Tanning site.

- Christine Appleby, Route 236, discussed:
 - o Previous proposal for a facility to burn hazardous waste near the Transfer Station years back: Researched other communities, fought against facility and was successful.
 - o Need ways to gauge air quality issues.
 - o Berwick as a small, country community.
 - o Other communities with shredder wanting to get rid of them.
 - o Wish she didn't have to worry about noise and pollution.
 - o Traffic and speed limits on Route 236.

- Distance from river. *There is a 75 foot setback for the structure and 100 foot setback for storm water facilities resulting in a 170 foot setback from the brook, and a 1,000+ foot setback from Salmon Falls River which is beyond the Sewer District property. The Dept. Inland Fisheries & Wildlife required only a 100' setback from the brook.*
- Aryn Lake:
 - Discussed a difficult turning radius for trucks at Cumberland Farms.
 - 70 or 75 noise decibels is equal to a toilet flushing or a hair dryer per her smart phone.
- Tom Williamson, Route 236: Inquired about Hours of Operation as he has seen metal trucks on Saturday and Sunday. *Hours of Operation are Monday – Friday only, 7am to 4:30 pm. BI&MR is not open Saturday nor Sunday, so metal trucks operating weekends traveling to other facilities.*
- Laura Costello, Hussey parent: Discussed metal fragments in the air, the shredding process, and whom a concerned citizen should address at Town Hall with concerns/complaints. Stated her husband was cut with metal fragments floating within air particles near the Everett, MA site. *DEP Air Emission License addresses any metal particles emanating from the shredder which will be contained in the shredder shroud. Metal is denser than air, and no metal particles will leave their site. The Code Enforcement Officer would be the contact at Town Hall for anyone with concerns/complaints.*
- Jimmy Chandler, Boulanger Paving: Noted that as a direct abutter to BI&MR, he hears the Hussey School PA system over BI&MR.
- Jim Kaszynski: Inquired how often the shredder would actually run. *Shredder would only run 8-4pm if there is enough material.*
- Bill Begin: Inquired to Hours of Operation. *Gates are open 7am – 5pm, Monday through Friday. Saturdays are reserved for maintenance only with no operational activities occurring.*
- Cynthia Mayo, Hubbard Road: Discussed the growing movement to “Go Green” and encouraged Berwick to do so.
- Tom Planche: Inquired about “fluff” byproduct. *The term “fluff” is outdated, and new recycling technology allows all shredder output to be valuable. Therefore, all shredder product is worth money and is sold. No storage of residue on site.*
- Tim Murphy, Attorney for residents Seivwright/Planche/Duffy/Provencher/LaPierre:
 - Introduced Nancy McBride, Preti Flaherty Environmental Attorney.
 - Anxiety from Berwick citizenry attending meeting.

- Project continues to morph, did not receive latest information, insufficient time to review frontage issues.
 - His job is to help the Board achieve a better project by identifying and resolving issues.
 - Frontage does not provide access to site.
 - Potential 500' DEP rule.
 - DEP postponed hearing for the Air Emission license until March 17, 2011.
 - Project will most likely be approved as a Conditional Use.
 - Grateful the Board has been open to suggestions, and making time for him to present his arguments.
 - Asked the Planning Board chair her home address. *Chairman Ashburn stated her home address.*
- Matt Manahan, BI&MR attorney: Not uncommon to have required frontage that doesn't access the lot. Frontage is a technical issue and does not affect the operation of the facility. Clearly meets Ordinance requirements.

The Town Engineer and CEO have both reviewed the latest submittal, and the plan meets both lot width and frontage requirements.

The Planning Board confirmed that no decision was being made at this meeting.

Public Hearing concluded at 8:22 pm.

PUBLIC HEARING: Briana Duga / Proposed Conditional Use – Chiropractor (Medical Care Facility), 209 Route 236

Present: Briana M. Duga, Doctor of Chiropractic Medicine

Dr. Bri Duga stated she was a doctor of the nervous system. Her proposal for in-home chiropractic services will be low volume as she will be balancing being a stay-at-home mother of 2 small children with meeting with a limited amount of clients. She will have no employees, and has equipment to serve only one person during any given 30 minute treatment.

CEO stated that due to Bri Duga being a doctor, this Use is considered a Medical Care Facility. Otherwise, this Use would function purely as a home occupation, not requiring Planning Board review and/or approval.

The Planning Board discussed parking requirements for the use and site.

The Planning Board scheduled a site walk visit for Saturday, February 19, 2011 at 8:00 am.

OTHER

- Signage Requirements: Consider review and amendment to Section 7.12 of the Land Use Ordinance.

Present: Jeff Maldonis, Tim and John Flynn – The Links at Outlook Golf Course.

The Planning Board and The Links’ representatives discussed signage requirements, and lit message center type signs that would provide announcements including wedding information, upcoming events and related items of interest. Currently, “intermittent” signs are not allowed though lit signs are allowed. Mr. Maldonis received a petition with 6 surrounding businesses interested in having the opportunity to have such signage. Signs like these could be considered for commercial zones only such as the RC/I District. The Planning Board stated the proposed signage could be installed so long as the message did not change until such time the Ordinance was amended.

CEO and Mrs. Scott will research “intermittent” for further review by the Planning Board.

UNFINISHED BUSINESS

- Hall Ponds Subdivision / Creation of 2 residential lots / Old Pine Hill Road: Major Subdivision Amendment. Present: Mylar Signing.

The Planning Board executed approved plans.

OTHER – continued:

- CMP poles and snowplowing: Selectmen to better address CMP pole location.

Meeting adjourned at 9:14 pm.