

BERWICK PLANNING BOARD
MINUTES
October 20, 2011

PRESENT: Peter Perri, Judy Burgess, Kerry Ashburn, Paul Boisvert, Ron Morrell, Mary Gagnon (Alternate), Tom Wright (Alternate), Jim Webster (CEO), Alan Shepard, Esq. (Town Attorney), Joan Michaud (Planning Coordinator)

The meeting was called to order at 6:30 p.m.

NEW BUSINESS

• **Berwick Iron & Metal Recycling, 106 Route 236 (Map R-57, Lot 32)**

Present: Thomas Harmon (Civil Consultants), Matthew Manahan, Esq. & Dixon Pike, Esq., (Pierce Atwood), Robert and Richard Brenna, Owners, (Berwick Iron & Metal Recycling), Timothy Murphy, Esq., (Prescott Jamison Nelson & Murphy) and several abutters to BI&MR.

Tom Harmon, representing the applicants, referred to a report that specifically addressed Berwick's air standards. Tom requested that the site walk and public hearing be scheduled as soon as possible so that the application can be wrapped up by the end of the year.

The site walk was scheduled for Saturday, November 5 at 8:00 a.m. and the Public Hearing for Thursday, November 17th. A notice to include both dates will be mailed out to abutters. The Chairman reminded the Board to stay together as a group, when asking questions of the applicant, one person to speak at a time and wear appropriate foot wear at the site walk.

Tim Murphy, attorney for residents Seivwright/Planche/Duffy/Provencher/LaPierre, was in attendance. He submitted an air quality study for the Planning Board by email Thursday afternoon and copies were handed out to the Board for their review.

Alan Shepard mentioned that it had been suggested that the original voting members of the Board from the previously approved Conditional Use Permit state on record whether they feel they can review new information in a fair and unbiased manner and, if not, they should reclude themselves from voting. Keri, Judy, Peter, Paul and Ron individually agreed that they felt they could review the new information submitted in an unbiased manner.

Tom Harmon stated that Mr. Murphy is asking for a live sound assessment and to run the equipment. Alan Shepard stated that there are two separate reports (Epsilon and Tech). One of the

original conditions of the Permit was that a sound test be done. He asked the Board whether they would like a peer review of the sound tests that have already been done or accept the scientific data that has previously been submitted.

Jim Webster stated BI&MR they would have to have a Conditional Use Permit before the equipment could be run; and if they did run it without the permit, they would be in violation.

Tom Harmon stated that the equipment would have to be run for approximately a week before an actual sound test could be done.

Judy reminded the Board that one of the original conditions was that a live sound test be done within 30 days of operation and a live sound report documenting the results specific to whether sound mitigation measures meeting or exceed engineered findings be provided by Epsilon Associates, within 30 days after conducting the test.

Judy questioned the statement in the two noise studies regarding the decibel limits in the residential zone. Jim stated that the ordinance requires no more than 75 dB(A) in the rural/commercial/industrial zone and 60 dB(A) in the residential zone. Alan Shepard said that the discussion should be done during the Public Hearing and questioned again whether the Board would like a peer review of the reports they have already received. It was decided that Epsilon and Tech will be requested to be on-site during the live test and obtain data and share the data they collect with each other. The machine would be required to run off and on for a week prior to the test.

After discussion, it was agreed that the applicant's attorney will contact the MDEP to see if they could receive a temporary permit to run the equipment to get a live sound test done by qualified experts.

Joan Michaud was requested by the Board to send out a notice to the abutters that the machine would be running for a live sound test. The sound test is for the experts only; the abutters are not to be invited.

Alan Shepard brought up the air emissions studies that have been submitted and asked whether or not a peer review would be beneficial for the Board. The Board agreed that they would like a peer review of the two reports already submitted from AMEC Earth & Environmental and Woodard & Curran and asked that Joan Michaud contact Jon St. Pierre, Town Engineer, for his recommendation for an expert that could give a peer review at the Public Hearing on November 17th.

- **Michael Hennessey, 6 Sullivan Street (Map U4, Lot 4)**

Michael Hennessey presented to the Board his idea for a Community Outreach program at 6 Sullivan Street in the former Einstein Restaurant building. He would like to reestablish a restaurant (soup kitchen) on the second floor and offer breakfast and dinner at no cost to the under-employed, unemployed, elderly and homeless of the area. The restaurant would be open six days a week (excluding Wednesdays). The first floor would house a food pantry and would leave space available for other Christian outreach programs. He is looking at the possibly of putting a church in on the third floor.

The Public Hearing can be scheduled for Thursday, November 3, 2011 if the application is submitted by Monday to give enough notice to the public and abutters about the meeting.

APPROVAL OF MINUTES

- Minutes – October 6, 2011: Approved

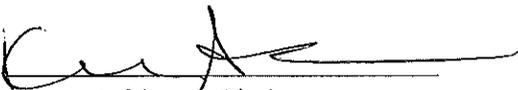
COMMENTS & NON-AGENDA ITEMS

- Outdoor Storage Ordinance – The Town Manager requested the Planning Board to review the language in the Ordinance. The Board members confirmed that it was a definition and correctly written.

OTHER

- NECU Site Walk – The site walk held on October 12th was an ‘informal’ site walk. NECU has not submitted a new application for their proposal. Once the application is received, than a Public Hearing will be scheduled and an official site walk will be conducted with notices sent to abutters.
- Judy Burgess gave a brief summary of the Field Trip she took of the Spruce Creek and Shorey’s Brook Watershed Restoration on October 5th. The Kittery officials were very hospitable. It was discussed how to keep the storm water away from the catch basins and designing landscaping for that benefit. Rain gardens have been put in at the Kittery Town Hall and Public Works Building. She also noted that it has been proven to save money. Judy found the workshop very informative.

Meeting adjourned at 8: 47 p.m.


Kerry Ashburn, Chairman