



**BERWICK PLANNING BOARD
MINUTES
December 1, 2011**

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

Public Audience: 35+ attendees

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

PUBLIC HEARING

- **Berwick Iron & Metal Recycling, 106 Route 236 (Map 57, Lot 32) -** Reconsideration of a previously submitted Conditional Use Permit/Site Plan for a metal shredder - CONTINUED

Present: Tom Harmon and Jay Stephens from Civil Consultants, Matt Manahan, Esq. and Dixon Pike, Esq. from Pierce Atwood, Mike Provost, Surveyor, Rob O'Neil with Epsilon, Jeff Harrington with AMAC and BI&MR owners, Robert and Richard Brenna.

Tom Harmon gave an overview of the project which started in February 2010, a full application was submitted in September and the Brenna's were given approval by the Planning Board in March 2011 to operate the metal shredder. The decision was appealed by the abutters, it went to Court, and the Court remanded it back to the Planning Board for further consideration for procedural issues and air and noise concerns by the abutters. Tom presented a revised plan of the property and reviewed the process that the scrap metal goes through before it can be sold. In addition to the new sorter on the conveyor that was added to the site plans, fire fighting protection (water tower and water guns) and items that were listed as 'proposed' on the previous site plans were explained by Tom.

Kerry Ashburn read a memo from Jon St. Pierre, Town Engineer that was submitted to the Planning Board with his review of the site plans.

The Board had no questions for Mr. Harmon on the site plans.

Johna Mayo, Powerhouse Road, asked how many plans had been submit, whether the Board had time to review them and where each of the Board members lived.

Tim Murphy, Attorney for residents Seivwright/Planche/Duffy/Provencher/Perrow, requested time to speak.

Attorney Tim Murphy passed out an Exhibit Book with 12 tabs to the Board members which addressed the abutters concerns about current permit violations, bogus auto shredder residue firms, 1977 and 1978 Surveys and copies of 2007 and 2011 Deeds. In his opinion, the surveys and Deeds were incorrect and that there was not adequate frontage owned by the applicant.

Attorney Matt Manahan felt that there was no merit to his arguments. He rebutted each point that Attorney Murphy addressed. Rob Brenna shared his shipping documents with the Board to confirm that the companies he has shipped to for over 20 years are not bogus and do exist.

Joe French, Blackberry Hill Road, asked if the shredder was portable. Attorney Manahan replied that it is portable, that it is a piece of equipment and, therefore, does not require a permit.

Christine Appleby, Nursery Lane, had concerns about the pile of fluff on the site that is toxic and how it will be monitored in the future. Also, she asked if the fluff could be placed in a container so it wouldn't be exposed to the elements.

Paul Boisvert asked how much the fluff pile would be exposed over an extended period of time. Tom Harmon stated that it would be between 0 to one truckload that would be sitting on concrete.

Peter Perri asked about the run off that goes through the sand filter. Tom Harmon stated that it will be monitored by the DEP.

Judy confirmed what Tom Harmon stated in that the storm water treatment is governed, monitored and enforced by the DEP. In addition, the Town Engineer must be satisfied with the water monitoring plan.

Jeff Talbert, Environmental Law Attorney, stated he did not agree with the statement that Tom Harmon made that the sound test passed the Town's Ordinance.

The boundary surveys that were done in the past for the property were questioned by Attorney Murphy and were discussed at length.

The Public Hearing was closed and the Board voted three to one to approve the Conditional Use Permit/Site Plan for the operation of the medal shredder subject to the Findings of Fact that will be voted upon at the January 5, 2012 meeting.

- **Stacey Brooks / Proposed Conditional Use** – Massage and Nail Business, 85 School Street (Map U-3, Lot 37)

Stacey introduced herself to the Board and stated that she has been a licensed Massage Therapist since 1999 and in 2003 she was licensed in Berwick. She is considering purchasing the property at 85 School Street and using two of the rooms for her massage and nail business. Stacey currently has a business in North Berwick.

There was concern about parking and she felt that six cars would fit in the driveway at one time. She also stated that on street parking is allowed in that district.

Wayne Reynolds, an abutter, asked what her hours would be and she stated that they would be 7:30 a.m. until 9:00 p.m.

A site visit was scheduled for Wednesday, December 28th at 3:00 p.m.

- **Northeast Credit Union / Proposed Conditional Use** – Erect a 24 hours ATM modular kiosk, corner of Route 4 and Pond Road (Map 70, Lot 16-1)

In Attendance: Devon Parker, USAF (Ret.), Facilities Supervisor, NECU and William J. Gallot, PLS, CPESC, Roaring Brook Consultants

Bill Gallot reviewed the revised site plans that were submitted to the Board for the ATM modular kiosk that NECU wishes to build on the property they purchased about three years ago. The plans show that the entrance and exit will both be from Route 4 and a turning lane will be installed on Route 4 according to MDOT requirements.

Concerns and questions were raised by abutters regarding where the kiosk will be placed on the property, drainage, noise and the lights shining on their homes. Devon Parker stated that the NECU wants to be a good neighbor and will try to accommodate concerns from the neighbors.

The site walk was scheduled for Wednesday, December 28th at 2:00 p.m.

APPROVAL OF MINUTES

- Minutes – November 17, 2011: Pending

COMMENTS/NON-AGENDA ITEM

- **Town Owned Land Committee** – Tom Wright told the Board that he was asked to be on the new committee that was formed to look at uses for town owned property. The first meeting is scheduled for December 10th. Tom was requested by the Planning Board to clarify the name of the committee as there was some confusion as other committees have had similar names.

OTHER

- **Community Center** – Kim Taylor confirmed that there is enough square footage for a Community Center in the Sullivan Street School. The money has been appropriated for the repair of the roof. Kim was instructed to check with the Code Enforcement Officer to find out whether the committee will have to come before the Planning Board for their approval on the use for the building.

Meeting adjourned at 10: 17 p.m.


Kerry Ashburn, Chair