



PLANNING BOARD MEETING MINUTES

Thursday May 21, 2020

Zoom Virtual Meeting

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Regular Member Absent: Michael LaRue; Nichole Fecteau

Alternate Member Absent:

Staff Members Present: Lee Jay Feldman, Director of Planning; James Bellissimo, Planner; Jenifer McCabe, Code Enforcement Officer

Public Comment

Approval of Minutes

1. May 7, 2020

Motion: Sean Winston motioned to approve the minutes as presented.

Second: David Ross-Lyons

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Public Hearing

2. Site Plan Review. Solar Array (Essential Services & Construction over 3,000 ft²). 193 Route 236 (R66 6-A) R2 Zone. Berwick Solar, LLC.

David Dagan of 189 Route 236 introduced himself as an abutter to the project. Mr. Dagan expressed concern about their well being contaminated by the elements in the solar array.

Mr. Dagan said it will also be an eye sore and it will impact the beauty in the area. Debra Dagan said her main concern is if one of the solar panels gets damaged, it could contaminate their well.

Margaret Wilson-Dagan of 15 Pigtail Lane introduced herself as an abutter to the project. Ms. Dagan's concern is that they are going to see the array from their house. Ms. Dagan asked where the fence will be placed.

Old Business

2. Site Plan Review. Solar Array (Essential Services & Construction over 3,000 ft²). 193 Route 236 (R66 6-A) R2 Zone. Berwick Solar, LLC.

James Bellissimo said since last meeting, staff requested a decommissioning plan. The applicants said the expected life cycle of the array is 30-50 years. Mr. Bellissimo said what happens if it is 20 years? Mr. Bellissimo said it appeared the main concern of the abutters is the risk of contamination. The applicants said their panels would be certified and Mr. Bellissimo said this certification should be submitted as part of their application.

There was a discussion on how to ensure the decommissioning plan is followed when it was time. Lee Jay Feldman recommended not going with a bond or letter of credit due to the need to renew the letter or hold funds for an extended period of time.

Mr. Bellissimo clarified the issue with the decommission plan is forty years from now, will there be an issue of who is the owner and who is responsible? Zac Gordon of Berwick Solar, LLC said the land will continued to be owned by Les Bodwell of LRB Leasing. Mr. Gordon said the panels will have value and will not be forgotten.

Jay Conroy of Berwick Solar, LLC said the panels are made of solid material. Mr. Conroy said the panels are certified nonhazardous. Mr. Conroy said there is a very unlikely possibly that the panels pose an environmental risk and if the panels are damaged, they will be repaired within 72 hours or sooner in case of an emergency. The system is monitored. Mr. Conroy said the rating comes from UL and Mr. Feldman said this agency is a known entity.

Mr. Andreesen asked about the fencing. Gil Paquette of VHB, engineer of the project, said there will be a chain link fence seven feet in height. Mr. Paquette said the screening will be outside the fence. The screening will be six or seven species of evergreens and the heights will be seven feet at installation.

David Ross-Lyons asked about maintenance. Mr. Conroy said the maintenance is minimal.

Frank Underwood asked if there was a risk for the inverters leaking. Mr. Paquette said the old inverters used to have PCBs in them and now they have a mineral oil. Mr. Underwood asked if a lien could be placed against the property. Mr. Feldman said there

would be no reason to do so on day one. Mr. Underwood asked if decommissioning was part of the lease agreement. James Bellissimo suggested when the farm reaches 10% of production ability, that would start the clock on a decommission plan and if it was not followed then it would be subject to land use violations. Mr. Gordon requested that the proposed condition would apply to after year 30.

There was an extended discussion on landscaping. Lee Jay Feldman suggested the landscaping be planted in a way so it looks natural and not just a row of planted trees.

Mr. Underwood asked about a fill permit, Mr. Bellissimo said it will be permitted at the local level. Mr. Underwood asked about seeing soils on a map and asked about access to the lot.

Les Bodwell said lot 6A will merge into lot 6 if the project is approved.

New Business

- 3. Subdivision Amendment. Final Plan. Lot Line Adjustment. 565 Portland Street (R72 9-2) RC/I Zone. Route 4 Self Storage, LLC.**

Mr. Bellissimo said the first order of business is a lot line adjustment to a previously approved subdivision plan. Neil Rapoza, engineer for Route 4 Self Storage, LLC said the adjustment is to address a setback violation. There was a question raised about the new septic for an abutting property (569 Portland Street). Lee Jay Feldman said the new septic on the abutting property will not be impacted by the lot line adjustment.

Motion: Frank Underwood motioned to find the application complete.

Second: David Ross-Lyons

**VOTED – 4-0 in favor
Motion Passed**

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

- 4. Site Plan Review. Expansion of Self-Storage Facility. 565 Portland Street (R72 9-2) RC/I Zone. Route 4 Self Storage, LLC.**

Mr. Bellissimo read his memo to the Board. The expansion requires a DEP site location permit. The applicant requested a waiver on landscaping.

Neil Rapoza said the stormwater systems are designed to make the best use of limited space on the site to treat the water. Mr. Rapoza said the storm filters will need to be checked annually as prescribed by the DEP permit.

Mr. Underwood asked about the Site Plan procedure and if the ordinance should ask for responses to the letters sent to Town Departments.

Motion: Sean Winston motioned to grant the waiver for the landscape plan.

Second: Frank Underwood

VOTED – 3-1 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood

Opposed: David Ross-Lyons

Abstain: None

Site Walk Scheduled for July 16th 5PM and Public Hearing 6:30PM

5. Conditional Use Application. Sawmill. 96 Cemetery Road (R37 15-A) R2 Zone. Thomas Wright.

Mr. Bellissimo read his memo to the Board. Tom Wright of 96 Cemetery Road requested to operate his 36-horsepower sawmill. Because the sawmill is over 30 horsepower it requests a Conditional Use through Planning Board. The Berwick Land Use Ordinance sets a limit of 60 decibels in a residential zone, however maintenance on property is exempted and the primary use for the sawmill is maintenance of his and his family's abutting properties.

Mr. Wright explained he operated an 8-horsepower bandsaw mill and then bought his 36 horsepower saw mill as he was informed by the Town at the time of purchase the limit was 40 horsepower. Mr. Wright operated the sawmill for two years and then stopped using it for a period of time, he discovered the limit was 30 so that is why is seeking a Conditional Use permit.

Motion: Frank Underwood motioned to approve the waiver of the external plumbing submittal requirement.

Second: David Ross-Lyons

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: Sean Winston motioned to grant the waiver for LID requirement.

Second: David Ross-Lyons

VOTED – 4-0 in favor
Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: David Ross-Lyons motioned to find the application complete.

Second: Frank Underwood

VOTED – 4-0 in favor
Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: David Ross-Lyons motioned to approve the Findings of Fact.

Second: Sean Winston

VOTED – 4-0 in favor
Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Motion: Sean Winston motioned to approve the application.

Second: David Ross-Lyons

VOTED – 4-0 in favor
Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Public Comment

Informational Items

Adjournment

Motion: David Ross-Lyons motioned to adjourn.

Second: Sean Winston

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Sean Winston; Frank Underwood; David Ross-Lyons

Opposed: None

Abstain: None

Minutes prepared by Berwick Planner James Bellissimo, for consideration at the next Berwick Planning Board meeting.

Signed as Approved by the Board:
