



PLANNING BOARD MEETING MINUTES

Thursday August 6, 2020

Burgess Meeting Room, Berwick Town Hall

6:30 p.m.

Call to Order

Pledge of Allegiance

Introduction of Board Members

Dave Andreesen; Frank Underwood; Michael LaRue; Nichole Fecteau

Regular Member Absent: Sean Winston

Alternate Member Present: David Ross-Lyons

Staff Members Present: James Bellissimo, Planner; Jenifer McCabe, Code Enforcement Officer

Public Comment

Approval of Minutes

- June 18, 2020
No action taken.
- July 16, 2020

Motion: Michael LaRue motioned to approve the minutes as presented.

Second: Frank Underwood

VOTED – 4-0 in favor

Motion Passed

In favor: Dave Andreesen; Frank Underwood; David Ross-Lyons; Michael LaRue

Opposed: None

Abstain: None

Public Hearing

- Land Use Ordinance Amendments
- Conditional Use Application. Adult Use Marijuana Storefront and Adult Use Cultivation Facility. 468 Portland Street (R71-7) RC/I Zone. Herbal Pathways

Old Business

- Conditional Use Application. Adult Use Marijuana Storefront and Adult Use Cultivation Facility. 468 Portland Street (R71-7) RC/I Zone. Herbal Pathways

James Bellissimo said a site walk was held earlier in the evening. The storefront is proposed to be ADA accessible and identification cards will be required at the door. The outstanding items from the last meeting included the septic, which was in the file and additional information on the wastewater from cultivation. The applicant uses an aeroponic cultivation process, which requires less water and any extra water will go through a reverse osmosis system.

Frank Underwood asked what would happen if the water is not reusable and if the water goes into the leech field, that the water is analyzed. The following condition was proposed:

A sample shall be taken before any cultivation wastewater is discharged into the septic or to a holding tank, and that it tested for priority pollutants and nutrients.

Motion: Frank Underwood motioned to approve the Findings of Fact.

Second: David Ross-Lyons

**VOTED – 5-0 in favor
Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Frank Underwood motioned to approve the Condition of Approval.

Second: David Ross-Lyons

**VOTED – 5-0 in favor
Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Frank Underwood motioned to approve the application.

Second: David Ross-Lyons

**VOTED – 5-0 in favor
Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

New Business

- Site Plan Amendment (lot line adjustment on Site Plan). Solar Array. 193 Route 236 (R66-6A). R3 Zone. LRB Leasing & Berwick Solar, LLC.

The Site Plan was previously approved showing three lots, the amendment proposed the Site Plan as two lots. Frank Underwood said this amendment is what the Board previously discussed.

Motion: Frank Underwood motioned to approve the Site Plan amendment.

Second: Nichole Fecteau

**VOTED – 5-0 in favor
Motion Passed**

In favor: Dave Andreesen; Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

- Site Plan Amendment & Expansion. Medical Marijuana Storefront & Medical Marijuana Production Facility. 357 Portland Street (R70 12-1 & 12-2). Paper Birch Property.

Dave Andreesen recused himself.

The applicant requested to a 20,000 ft² Adult Use Cultivation Facility with a Phase II expansion of 5,200 ft² on lot 12-2. A detailed odor control plan has been submitted for the cultivation facility. There will be a maximum of 20 employees for the cultivation building and the parking area will have 22 spaces. The building will be sprinkled.

Geoff Aleva said the applicant received a revised DOT permit. Mr. Aleva explained the justification for the two waivers requested: Landscaping (9.8.2.I.1.b) & Off-Street Parking (7.8.5). Mr. Aleva explained the Phase II expansion would be for added demand for cultivation. Mr. Aleva said the cultivation should result in very little wastewater and that the wastewater will be captured in a holding tank.

Nichole Fecteau said the landscaping waiver was granted during prior applications.

Motion: Frank Underwood motioned to approve the waiver for landscaping.

Second: Michael LaRue

VOTED – 4-0 in favor

Motion Passed

In favor: Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Frank Underwood motioned to approve the waiver for 7.8 (off-street parking landscaping requirements).

Second: David Ross-Lyons

VOTED – 4-0 in favor

Motion Passed

In favor: Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Frank Underwood motioned to find the application complete.

Second: Michael LaRue

VOTED – 4-0 in favor

Motion Passed

In favor: Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

A Public Hearing was set for August 20th. A site walk was not scheduled.

- Site Plan Review. Adult Use Cultivation Facility. Off Portland Street (R72-17) RC/I Zone. 3G's Realty.

Dave Andreesen re-joined the Board.

3G's Realty proposed to construct 12 industrial buildings: 10 for Adult Use Marijuana Cultivation and 2 for general industrial buildings with specific uses to be determined. Each building will be 6,600 ft² for a total of 79,200 ft². The project overall will result in 7.6 acres of developed area, with 3 acres of pavement and 1.8 acres of building area. The 12 industrial buildings are expected to have 57 employees and the parking area has 57 parking stalls. The project requires a DEP permit.

Neil Rapoza said a DOT permit was obtained and recorded at the Registry of Deeds. Holding tanks are included for each building. Plantings and landscaping may change depending on the DEP requirements. The septic will be a gravity system. Frank Underwood asked what a dewatering area is. Mr. Rapoza said during excavation, the area holds water and traps sediment and the purpose of it is to protect silt fences from being overwhelmed by the water volume and sediment.

The Board and Staff discussed licensing and whether the landlord or tenants should hold the license.

Motion: Frank Underwood motioned to waive 9.8.F.2.b.i

Second: David Ross-Lyons

**VOTED – 5-0 in favor
Motion Passed**

In favor: Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Motion: Nichole Fecteau motioned to find the application complete.

Second: Michael LaRue

VOTED – 5-0 in favor

Motion Passed

In favor: Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None

Site Walk scheduled for August 20th.

Land Use Ordinance Amendments

- Village Overlay District Amendments

James Bellissimo said a special Town Meeting can be held January 5th at a relatively low cost to the Town and that would put the deadline for changes to September 18th.

Public Comment

Informational Items

Frank Underwood pointed out in the Comprehensive Plan it establishes vistas to protect (Page 117).

Adjournment

Motion: David Ross-Lyons motioned to adjourn.

Second: Michael LaRue

VOTED – 5-0 in favor

Motion Passed

In favor: Nichole Fecteau; David Ross-Lyons; Michael LaRue; Frank Underwood

Opposed: None

Abstain: None