

LIMERICK PLANNING BOARD MINUTES – approved 4-7-21

March 3, 2012

Dottie opened the meeting at 7:00 pm. Laura and Dottie was joined by Wendy on zoom, Aaron was absent.

WALK-INS:

None

PUBLIC HEARING: CIA Salvage Map 6 Lots 1-1A and 2A

Dottie asked Shawn Girard to give an overview of his conditional use renewal for his used car and salvage yard.

Shawn stated there were no drastic changes to his operation since the last time.

Charles Pellegrino could be heard asking Dottie about the application.

Dottie stated the board has his application and did the site walk earlier this afternoon, after the public hearing we normally go into our regular meeting and may do the 16-conditions but where there is only two voting members we will not be doing the 16-conditions tonight because Wendy has to recuse herself.

Merrill Farrand spoke in opposition and gave the following reasons:

Number 1 I look at the conditional uses and hear many concerns. I will read the ones that come up pretty quickly because on a re-application I assume the same conditions have to be met at each and every renewal, nothing in the ordinance seems to suggest otherwise.

Number 2 Merrill read number 2 of the sixteen conditions concerning detrimental effects of the use.

Number 3 Merrill read number 3 concerning abutters and property values.

Number 5 concerning fire danger.

Number 6 concerning flood, drainage problems, ground or surface water contamination or soil erosion.

Number 9 concerning buffers and on site landscaping, plantings shall be maintained not less than 15 feet to conceal the operation from vehicles and stored containers from other properties or public rights of ways.

Number 11 concerning again ground water contamination.

Number 13 concerning storm water runoff and other drainage problems from the site, this is the third reference to how important water runoff and surface water contamination appears to be to the voters who approved these 16-conditions.

Number 15 concerning disposal of substances not allowed as defined by state law.

Merrill stated that he talked with Eric Hamlin of DEP back in January 2020 and he continued by reading an email from Mr. Hamlin concerning some ongoing issues with storm water and monitoring conditions that have not been constructed as the plan was approved by the state in 2014, that's 7-years and still not constructed. The state is now in a suit situation because these things have not happened. So this board has a problem to approve this conditional use where there is continued contamination, we have neighbors, we have downstream, we have the lakes and all those sites there is the possible contamination and after 7-years there is no construction of that plan or monitoring that was approved. There has been some good fortune as I spoke with Mr. Hamlin on Monday and he has just done an inspection and I believe the town has received some information but there is more to come and I am hoping that before you consider anything you will read that very carefully there is some pretty impressive information there. Merrill continued by reading the preliminary report sent to him by Mr. Hamlin along with some photos this started at 27:30 minutes on the CD.

There was a brief pause in testimony to cover a hearing issue by Wendy.

Merrill continued so to continue we have fire dangers as taken up under number 5 there are open gasoline containers, 5,000 tires everyone knows presents fire danger, wood and propane tanks. Merrill showed the board a copy of the preliminary report from Eric Hamlin DEP and showed copies of the photos taken during the inspection. Merrill continued by asking the board not to go through the conditions before getting the final written report from the DEP that supports what I have been saying here tonight because this is constantly being pushed under the rug and constantly being renewed with violations that are flagrante and effect our neighbors it is your job to make sure these conditions are met.

Dottie stated some of the things that have been mentioned do not apply to the salvage yard that is what we look at. We also look at the used cars what we saw today everything was covered we can only look at what was in his application.

Merrill asked what is in the application.

Dottie said the salvage yard and used car lot.

Merrill stated so the other things he does are permitted uses is that correct.

Dottie said those things are to do with the state.

The conversation continued with Merrill going over information he has previously discussed and then thanked the board.

Dottie asked if Charles Pellegrino an abutter wanted to speak.

Charles stated there is no need for me to say anything because you guys don't have the jurisdiction on any of this and I am going to be harassed for the rest of the year from being here. Charles stated he asked to see the permit and he was told by the chairman that a verbal permit was given.

Dottie stated a verbal permit has never been given.

Charles stated the opposite was told him by the chairman, a heated discussion continued between Charles and the board members present this exchange can be seen at 43 minutes into the meeting.

Merrill continued stating that another permit given to Steve McLean for his equipment sales up there and there was a lot of discussion and conditions put on that one and I don't understand the difference.

Dottie stated that Shawn has a storm water application in place from the DEP.

Merrill stated he has another storm water plan pending but it has not been approved, he has nothing in place for any storm water plan; this discussion continue for several more minutes.

Shawn got up and stated it takes from 2,200 to 3,000 tires to make a load this is something that the DEP asks but it is not feasible, as far as the waste gas we are on the waiting list for 6 to 8 months to have them come and get it, as far as the retention pond we have in place now it is there it has been there, the retention pond that they are asking us to use is for the transfer station so the retention pond that was approved in 2014 was for the transfer station and we do not have a transfer station so when that is in for the transfer station which is already licensed with the DEP will be able to be used; as far as the sheen you can go anywhere in some parking lot and see some. We do everything we can to take care of everything and we have no groundwater contamination, we get rid of our tires, we get rid of our gas, we get rid of all of that. We do have an application to get modified and the multi sector permit for the two different businesses we have a meeting to get that pond approved so we can build that pond this year.

Wendy Farrand stated that she was going to bring this up at the meeting but since she is to be recused she will bring it up now, if the members had read this on page 30 of the Planning Board Manual then some of the previous discussion should not have been said. Page 30 in the manual is "Taking Adequate Time to Make a Decision: Seeking Technical and Legal Advise" Wendy proceeded to read this from the manual.

Shawn got back up and stated that they do storm water monitoring they have since 2007, the DEP has all that paper work and what the parameter's are for all of that.

The board should be privy to that information that Mr. Girard just discussed as far as I knew there are no monitoring wells and the board should ask for this information.

Laura stated that before we go on with this we need the DEP report and we need to read that report hopefully we will be getting that soon.

Merrill stated he hopes the board will ask for a copy of this report when it comes in.

Dottie closed the public hearing at 7:38 and opened the regular meeting.

MINUTES:

Laura motioned and Dottie seconded to accept the minutes for January 6, 2021

Vote 3-0 In Favor

Wendy motioned and Laura seconded to accept the minutes for February 3, 2021.

Vote 3-0 In Favor

Limerick Range Solar 1 Map 35 Lots 1 & 1B

Date was set for the site walk on April 7, 2021 at 3:00 PM and public hearing that night at 7:00 PM

The next meeting will be March 17, 2021

ADJOURNMENT:

Wendy motioned and Laura seconded the motion to adjourn.

Vote 3-0 In Favor

Respectfully submitted:

Joanne L. Andrews

Planning Board Secretary