

**Brentwood Planning Board
Minutes –March 19, 2015**

Members Present: Bruce Stevens, Chairman Kevin Johnston
Steve Hamilton Mark Kennedy
Ken Christiansen, BOS rep Glenn Greenwood, Circuit Rider Planner

Also present: Nick Cricenti, PB fire protection engineer

7:00 open

Minutes – Mail – Board Business

Chairman Stevens opened the meeting at 7:00 pm.

7:00 Public Hearing: Amendment to a previously approved site plan: Eric Lambert, LLC; tax map 209.066
Paperwork is in order and abutters legally notified from the list provided.

Motion made by Stevens, 2nd by Kennedy to accept the application: all were in favor.

Eric Lambert was present for tonight’s hearing. There were no abutters present. Lambert is proposing to change the use of the area over the pizza shop from office space to a residence, and wants to continue the use in the lower space of the store as a fitness center.

Lambert said the use now in the basement is for training, and there are usually only 15 people at a time there, and there are no showers. He said his septic designer said the capacity on the septic is based on the usage, and he would have to evaluate. He said that the apartment is on an older system on the site. Stevens asked that his septic designer write a letter for the Board with regards to the septic system on the site and the proposed use. Lambert said he has reduced his staff down from 15 to two people.

Stevens showed photos he took today of the side of the building on Scrabble Road that shows garbage and storage outside, along the side of the building. Stevens said that this is not allowed and they have been asked in the past to clean that area up. Lambert said he will be sure to have that taken care of. Stevens said there used to be No Parking signs there, that someone has removed. Stevens suggested continuing this hearing to April 2, to allow Lambert time to get his letter from his septic person. Lambert will also meet with Greenwood on his next day in Brentwood, April 1.

Motion made by Johnston, 2nd by Hamilton to continue to April 2, at 7:00 pm: all were in favor. Lambert thanked the Board for their time this evening.

Chris Zickell from M & T Holding was present, along with their environmental engineers from AE Com, Gary Garfield, principal engineer and Jon McRobbie, senior Environmental Scientist.

Garfield said they are present as a result of the PB concerns for any contamination issues that may be on the site as a result of the materials there. He said they have completed Phase 1 and 2 of the environmental site assessment, and are here to present those results. He said there are three business operations on this site: MTI Poly Corporation manufactures plastic coatings and silicone liners; RAS-Tec Manufacturing that recycles asphalt products, and Hard-Core spiral tube liners, a manufacturer of cardboard tubes. Garfield provided a copy of a 2012 site plan along with photos of the site that show the piles of shingles. He said the the dust suppression system is almost back up and running.

At the ASTM (American Society for Testing and Materials) Phase 1 investigation, they looked both on-site and off-site for potential sources of contamination, and testing of the shingle location, where no asbestos was detected. Zickell said they test everything that comes into the site, testing every layer of every shingled roof that is dropped off. He said it is visually inspected, then samples are sent to a third party lab, tested, then once cleared they can drop the materials. He said almost 90% of everything that comes to them is pre-tested before it arrives at the yard. Stevens asked for logs from M & T that show the testing, and asked for a statement from AE Com that will state that M & T has a credible

**Brentwood Planning Board
Minutes –March 19, 2015**

protocol. McRobbie will look at the results that Zickell will provide, and will provide the PB with a short memo saying they have reviewed the results, and whether they agree or not with those results. He said they also tested the surrounding soil and it all came back negative. He said when an ASTM Phase 1 assessment comes back negative, they do not require a Phase 2 testing, but M & T asked that it be done anyway. McRobbie said they installed borings and wells, tested soil and groundwater sediment.

They did 5 soil borings and collected and analyzed samples. He said as a result of the soil testing, they found no concentrations of VOC's (volatile or organic compounds) or metals. After the soil borings they installed 3 monitoring wells and collected groundwater samples, as well as a sample from the existing well. Garfield said they had no exceedents of any groundwater 1 or groundwater 2 standards, with the exception of arsenic. He said arsenic is inherent in NH groundwater and in monitoring well #2 at 11 ½ parts per billion. He said the standard is 10 parts per billion and said it was interesting that this sample was collected upgrading of all the operations. He said they also sampled sediment in the fire pond, and said that the fire pond is there for fire suppression, and is not intended to be an ecological system, and not intended to be a wetland, and Kennedy said that it is part of the environment. Garfield said there was arsenic in the samples taken from the pond, and there is a level that the EPA sets for ecological risk, and he said this doesn't apply to this pond because it is not an ecological setting; it is a man-made fire pond. Kennedy disagreed, saying that ducks can fly into it, deer can drink it, and said it is part of some ecological chain of some form. McRobbie said that the EPA set the standards for ecological function, and this is a man-made structure with a man-made purpose. Garfield said the ecological standard (for arsenic) is 9.79 and their results were 30 and 27. He said in the world of analytical results, they were pretty much the same number. He said he would be concerned if the numbers were in the 100's or 1,000's. Kennedy wants proof that the arsenic is not coming from the shingles. McRobbie said they did not test the shingles for arsenic, that the surrounding ground was tested, saying the logic is that the shingles have been on a roof for 20 plus years in the weather and snow; and they don't believe it leaches out. Hamilton said they should just be asked to remove the piles, to comply. Garfield said that he understood that the first priority of the PB was safety and potential contamination. He said they now would like to have an open discussion with the PB on what the PB wants, and what they can and can't do, and how to mitigate these situations. Hamilton suggested they just truck it off the site and be compliant, then come to the PB with a plan with what they want to do going forward. Garfield said, from a business prospective that it is not possible, because of the trucking costs, etc. Zickell said to move the material would bankrupt them. Garfield said there is a difference between hazardous waste and solid waste, saying this material is classified as solid, and they have demonstrated that they're not contaminating groundwater or soil. He knows the piles are not where they are supposed to be, and asked what can they submit that they can all agree on. Hamilton said they intentionally ignored their site plan, and now they want to say that it isn't bad stuff, so let's work it out. He recommends that they be made to get rid of everything that doesn't belong there and then come back to the PB.

McRobbie said they are working with M & T to better understand how they can come to an equilibrium to how they can manufacture at the same rate they are bringing in material. Stevens asked for the letter from Tom Zickell that was promised, that said they would not receive more material until this site is compliant. He said they were promised this letter a month ago when Tom Zickell was before the Board. McRobbie said once they get their operations going in depleting the piles, and they can revise their facilities operation manual, to reflect what is going on. Zickell said the hood should be up in running the week after next, and they hope to process 120 tons per day. Garfield said the dust has been tested for flammability, and will provide a report. Stevens asked that all information the PB needed be funneled through Garfield.

Garfield said he has a list of what the PB needs to see, first and foremost a letter that no more material will come into the site. He said they need to talk about the site plan at some point. He said he understands that even though they are not contaminating the soil and water, that airborne emissions may be an issue, so they need to figure a way to cover the material. Stevens suggested they come back in a month with an update, continuing to make forward progress.

Garfield and the PB agreed on three items that need to be addressed ASAP

1. The report on the flammability of the dust

**Brentwood Planning Board
Minutes –March 19, 2015**

2. Letter from Tom Zickell stating that no more materials will be brought in until compliant
3. Letter from AE Com that they have reviewed the routine contractor testing done and lab reports for MTI

Garfield said they will request a return visit as soon as they have all three items. They thanked the Board for their time this evening.

Motion made by Kennedy, 2nd by Hamilton to approve the February 19 minutes: the motion carried with Christiansen abstaining as he was not present.

Motion made by Kennedy, 2nd by Hamilton to appoint Stevens as Chairman and Johnston as Vice-Chair: all were in favor.

Motion made by Hamilton, 2nd by Johnston to adjourn at 8:20: all were in favor.

Respectfully Submitted,

Kathy St. Hilaire

Administrative Assistant, Planning Board