



November 6, 2019

Dear Mr. Marshall:

Attached are a copy of the slides that we plan to present at the October 13, 2019 Planning Board meeting. Also included to the attached file is a request for information (RFI) that was recently provided to DEP with respect to air, odor, noise, dust, visual and other potential impacts to nearby uses. We ask the Planning Board to make a similar request of the applicant. Much of the data requested is listed under the “noise” umbrella, but the data requested also would be used for air quality, so that is why it is appended at this time. To be clear, we are not requesting to testify on noise at this hearing.

Attached to that RFI is a Technical Bulletin that was published in cooperation with a number of state agencies, including DEP. The Bulletin is intended to help municipalities develop noise standards and to help Boards and public officials understand the intent of the individual standards. The bulletin is set up in an excellent two column format with individual “standards” in one column and a “discussion” in the other for maximum understanding and reference. While this public bulletin was developed for noise, the general approach and “discussions” can be applied to all potential impacts on nearby uses to the proposed project. Again, even though this is a Noise Ordinance Bulletin, we are not requesting to testify on noise at this hearing, as it is our understanding from your email posting to us that this hearing is limited to air emissions.

As you will see from the slides, there is significant information provided that was not provided to the City in the application. We anticipate that this presentation will take 20 minutes to complete properly. It really should not be shortened as it is important to travel from the beginning, through the regulations, to the concerns, and to the two example model runs, so the Planning Board can best visualize the concerns. While I understand that a 20 minute presentation may exceed the allotted 10-minute window for Interested Parties, it has been my professional experience when presenting to municipal volunteers that when (1) someone is providing new information to a Board that can aid in their understanding, that they often see the benefit and make an exception, especially if it is requested in advance like herein, and (2) the time limits and the number of systematic hearings have drastically reduced the number of commenters at any one hearing. They have served their purpose. The focus now should be on the best public review process possible.

Lastly, after the proponent reviews the attached presentation, and if they would like to provide additional comments to the Board outside of their application in response to the attached testimony, Upstream Watch is willing to agree to reduce the 7-day window for them to provide comments to the Board, so that the meeting on November 13, 2019 does not need to be rescheduled. As long as we receive a copy of their presentation by Close of Business (5 PM) on Friday, November 8, 2019, Upstream Watch will have time to review and make verbal comments at the meeting in response.

Please note that the model outputs provided in the attached presentation are not intended to be used to confirm or deny actual compliance, and therefore it is not imperative that the proponent respond with models themselves immediately, and especially by this next meeting. They are intended simply to illustrate our concern, and to suggest future compliance work as the public review process continues.

Thank you and I will see you next Wednesday.

Sincerely,

Michael Lannan, P.E.

On behalf of Upstream Watch