

**TOWN OF NEW HAMPTON
PLANNING BOARD
MEETING MINUTES
NEW HAMPTON TOWN OFFICE
NEW HAMPTON, NH 03256**

August 20, 2013

MEMBERS PRESENT:

Mr. Kettenring, Mr. Mertz, Mr. Luciano, Mr. Love, and Mr. Joseph were present.

OTHERS PRESENT:

Mrs. Lucas, Town Administrator, ZBA Vice Chairman Paul Tierney, Deputy Fire Chief Lang

CALL TO ORDER:

Mr. Kettenring called the meeting to order at 7:00 p.m.

Mr. Kettenring appointed Mr. Joseph to vote in place of Mr. Conkling.

MINUTES:

7/16/13

It was noted that as Selectmen Irvine was not at that meeting there was no one appointed to vote on his behalf as the Selectmen haven't appointed anyone to be a Selectman Alternate. Mr. Irvine advised he would speak with the other Selectmen about this appointment.

Mr. Joseph made a motion, seconded by Mr. Luciano, to accept the minutes as written. The motion passed.

CORRESPONDENCE:

1. NH DES Wetlands application from John Purdy to stabilize a stream bank that is eroding on Bay View Road.
2. Letter from BOS to Hilshar Inc. relative to the ZBA denial on June 26, 2013. The BOS advised him the sale of landscaping materials by Dion's Landscaping could continue until November 1, 2013.
3. Letter from BOS to Robert & Ella Ford relative to the use of a manufactured home on their property, advising them to obtain the appropriate permits.
4. NH DOT driveway permit approval for NHS.

MASTER PLAN UPDATE

Mr. Irvine advised that the Committee did not meet this week as the members are continuing their individual work on portions of the plan. Mr. Mertz is reworking the order and verbage in the Master Plan and Ms. Gregg is working on a draft of the introduction to the Economic Development section.

Mr. Irvine and Mr. Mertz advised the sub-committee would

**ZONING ORDINANCE CHANGES
FOR 2014**

meet on 9/3/13 at 7:00 pm.

Mr. Irvine has drafted some language for the Planning Board members to review. He asked the members to review and mark-up the draft, submitting it to Mrs. Lucas prior to the next meeting. The board agreed to meet on 9/10/13, at 7:00 pm to hold a work session to discuss the possible changes.

Mr. Irvine advised that he is working on:

- Addressing agricultural use in the Village District.
- Additional language relative to signage, especially in the Mixed Use zone.
- Limited Special Exception
- Language related to landscaping standards for commercial business practices as the community survey showed a lot interest in this.

**PRELIMINARY HEARING/
SUBMISSION OF APPLICATION**

Jean Kempton Trust; 596 Dana Hill Road; Tax Map R-19, Lot 4 - three lot subdivision; R19, Lot 2A & 4 - boundary line adjustment

Colin Brown, Central Land Surveyors, was present to represent the application.

Mrs. Lucas stated that state subdivision approval was given and lot sizing calculations were on file.

Mr. Brown explained that the existing house is on a parcel that is 8 ½ acres and they own a vacant piece of land south of that. They wish to subdivide the house lot into 3 lots and as the vacant land's boundary is very close to the existing garage, they'd like a boundary line adjustment to change that.

Abutters Richard & Lorraine Mazur were present. Mr. Mazur expressed concern with his SE boundary pin being moved by the Public Works Department many years before, though pointed out they were not direct abutters. Mr. Brown advised that review of all pins in the survey relative to abutting lots, gives him confidence that the Kempton pins are correct and did not use the Mazur pin as a reference point at all.

Abutter Emily Verrill was present and said she was aware of the Mazur pin being moved but didn't express any objection to the proposed plan.

Mr. Love pointed out that there had been several surveys done over the years in that area with no changes.

Mr. Mertz advised that there is no proposed driveway location shown for lot 2A. Mr. Brown said as that was an existing lot of record he only obtained driveway permits for the new subdivided lots. Mrs. Lucas advised that the standard distance suggested between driveways is 50 feet and with this area on Dana Hill Road having good site distance, she said there

shouldn't be an issue with a driveway permit, if lot 2A was developed in the future.

Mr. Mertz made a motion, seconded by Mr. Joseph, to accept the application as complete. Vote was unanimous.

Mrs. Lucas advised that Fire & Police Chiefs have copies of the plans and will submit any comments for next month's meeting.

**PRELIMINARY HEARING/
SUBMISSION OF APPLICATION**

Rymes Heating Fuels Inc. on property owned by LW Packard; 20 Packard Drive; Tax Map R-11, Lot 23 - two lot subdivision and site plan review

Mr. Kettenring advised that the applicant is proposing installation of a propane storage facility.

In response to a question from the previous month's meeting relative to the condition of the private road – Packard Drive, Mr. Kettenring read a letter from Public Works Director Jim Boucher stating that it is in good condition with good drainage, 24 feet wide, and appears to be constructed to town standards.

Chuck Cosseboom, Rymes Operations Manager, and Nick Cricenti, SFC Engineering, were present. Mr. Cosseboom advised he is proposing to separate the lot into 2 parcels as Log Pro is presently on the lot, and will be continuing their operation. He said this was in response to the board's requirement so 2 operations would not take place on one lot.

Relative to the subdivision portion of the plan, Mr. Kettenring advised he would like to see the ROW boundaries defined on the plan, as the road serves several parcels and so this could be applied when determining the setback to the propane tank during site plan review. If Packard Drive were ever accepted as a town road he advised that the 35' setback to the propane tank would need to be met.

Mr. Cricenti advised the 30 gallon propane tank would be used for storage and distribution in the area. He said they used the 60' setback from property lines set by NFPA for placing LP gas tanks, which is different than the setback to a ROW. He said it would be possible to move the tank back further from the ROW. The tank will be enclosed with a chain link fence with room for a delivery vehicle inside the fenced area. The fenced area and tanks will be locked when not being used. The tank meets NFPA standards. A Fire Safety draft was been submitted, along with photos of the valves with their safety features.

Mr. Mertz asked if shifting the location of the tank would impact the placement of the well or septic areas and Mr. Cricenti said it would not. Mr. Kettenring asked there was a plan to locate a structure on the lot and Mr. Cosseboom said not at this time, but the situation could change if the Log Pro

operation goes away.

Mrs. Lucas asked if the fenced area would meet the setback from the ROW and Mr. Cosseboom said they could make that adjustment.

Mrs. Lucas asked if there is any storage of fuel for the Log Pro operation that should be considered and Mr. Cricenti advised that the 60' NFPA setback is to everything.

Mrs. Lucas advised that Fire and Police Chiefs have copies of the plans and will be submitting any comments.

Abutter Bob Levin, DIRECTV, was present. He asked about numbers of deliveries. Mr. Cosseboom said that in the winter - the busiest season, there are typically 4 tractor trailer deliveries, with 12 smaller delivery trucks traveling in and out - during one week's time.

Mr. Cosseboom and Mr. Cricenti explained the various safety features in the operation.

Resident Paul Tierney asked who performs the inspection on the operation. Mr. Cosseboom advised that the State Fire Marshall's Chief Mechanical Inspector does that. He also said that the local emergency response departments are trained.

Mr. Levin asked if any specific ongoing tests were required. Mr. Cosseboom stated drivers were trained, Homeland Security keeps track of tanks, local Fire Departments are involved, and the State Fire Marshall's office performs regular inspections.

Mr. Levin asked what the applicant's next step is so he would have an opportunity to ask questions at future meetings. Mr. Kettenring explained that it was up to the board tonight whether they would accept this application as complete, with the applicant's coming in September with updated plans, potentially being approved at that time.

Mr. Mertz asked what the life expectancy is of the tanks. Mr. Cosseboom advised there is none and pointed out that there are several in NE that were constructed in the 1930's.

Mrs. Lucas, pointing out that the minimum distance to property lines is 60 feet, asked if Rymes would consider moving the tank even further from the property near DirecTV. Mr. Cricenti advised that the proposed placement made the most sense for truck movement while allowing for future development on the site.

After the board discussed the site plan checklist, Mr. Irvine made a motion, seconded by Mr. Joseph, to accept the subdivision and site plan application as complete, contingent upon plans moving the tank and delivery area locations further from the ROW, per the setback requirements.

The applicant was advised to discuss the plan with the Fire and Police Chiefs for their input. Vote was unanimous.

**PRELIMINARY HEARING/
SUBMISSION OF APPLICATION**
*Resource Management Inc. on property
owned by Pemiprospect Holdings LLC;
270 NH Route 132N; Tax Map R-11,
Lot 24 - site plan review*

Mr. Kettenring advised the applicant is proposing the construction of 2 buildings, 1 for the purpose of receiving and processing residuals, and 1 for the storage of residuals on the property.

Charley Hanson, RMI & Barry Salta, Bonnette Page & Stone Corp., were present. Mr. Hanson reviewed the existing conditions plan and a topography map to show where the structures are being proposed.

Mr. Hanson explained that the smaller structure will be for receiving solids and will include an air treatment process. Residuals will be stored in a larger structure. These structures will be anchored to an asphalt pad. Relative to the area experiencing earthquakes in the past, Mr. Joseph asked about the stability of the soil and Mr. Hanson advised it was firm but would give.

Mr. Irvine asked about plans to monitor groundwater and prevent contamination of Harper Brook. Mr. Hanson explained that this is one of the reasons for enclosing the residuals. Mr. Hanson advised that the current groundwater monitoring system is being revised with a report due in the near future and that the construction of the structures will further contain any release into the ground. He stated that NH DES would also be reviewing the results and the monitoring plan. Mr. Irvine commended RMI for addressing the concerns of town officials in the recent past. He suggested that he would like to have an independent hydro geologist perform a 3rd party review of that groundwater report and monitoring plan, in addition to DES. Mrs. Lucas advised that the town should get estimates for hiring of this consultant so that the applicant can approve those costs. Mr. Mertz stated his support of the 3rd party review based on previous responses by the state agency relative to this site.

Mrs. Lucas advised that with recent concerns with odor, these buildings will address that with the air handling system.

Mr. Irvine asked if the surfaces the residuals would sit on were impermeable and Mr. Hanson said the asphalt pad would be.

Mr. Kettenring asked for abutter's questions or comments.

Edward and Nina Huckins were present. Mr. Huckins asked what was being processed. Mr. Hanson advised it was solids from waste water treatment plants in which wood ash is added, creating a Class A biosolid product sold to farmers. Mr. Hanson explained that RMI has operated on the site since 1994. Mr. and Mrs. Huckins advised that smell has forced them to keep their windows closed at times. Mr. Hanson said he did not get any odor complaints until November 2012 and worked to address that. He explained that the treatment plants had changed the process for removing water from the material which increased the odor.

Mr. Hanson stated that it was his understanding that at their previous informational meeting with the Planning Board it was the consensus of the board that this application could be handled as expedited. Mr. Kettenring advised that if it was full site plan review additional information would be necessary on the plans submitted. He said the only additional requirement beyond the expedited review was for 3rd party hydro geologic review.

Mr. Tierney asked what measures would be taken to prevent liquids from exiting the containment area as asphalt is semi permeable. Mr. Hanson said he's been advised that the asphalt pad will accomplish the containment. The pad would likely have a slight pitch, which would go to a catch drain. Mr. Kettenring advised that the 3rd party hydro geologist can determine if the asphalt pad is sufficient.

Mr. Joseph expressed concern with the high water table he's seen over the years especially during periods of heavy rain and flooding.

Mr. Kettenring advised the applicant to address the concerns brought up during this meeting.

There was discussion on whether or not to accept the application as complete given the concerns relative to the structure and pad, and the hydro geological study.

Mr. Hanson advised that their purpose for filing for expedited review is that they are trying to get the material uncovered by the end of the year.

Mr. Joseph made a motion, seconded Mr. Luciano, to accept the application as complete contingent upon updated plans showing the construction of the structure's floors and 3rd party hydro geological review of the study. Vote was unanimous.

INFORMATIONAL/CONCEPTUAL MEETING:

Northstar Contractors, Tax Map R11, Lot 22, two-lot subdivision

Seeing no one was present on this item, Mr. Mertz made a motion, seconded by Mr. Irvine to table this discussion until later in the meeting. Vote was unanimous.

INFORMATIONAL/CONCEPTUAL MEETING:

Phil Harker on property owned by Jeffrey & Janet Hiltz, backland off of NH Route 132N and Huckleberry Road, Tax Map R16, Lot 11 & R20, Lot 4

Mr. Kettenring read correspondence into record which was a response the Board of Selectmen gave to conceptual ideas on the property, previously submitted by Mr. Harker. The Selectmen advised Mr. Harker that relative to his proposal to develop land for a tree farm and OHRV park, that the tree farm use was a permitted agricultural use and does not typically fall under site plan review. Relative to the OHRV park the Selectmen determined the use is not permitted. This use would require review by the Zoning Board of Adjustment for the unpermitted use and possibly as an obnoxious use due to it being non-residential, and also require site plan review with the Planning Board. The Selectmen's response went on to state that the use did not represent special events as the proposal was to hold OHRV events almost every other weekend. They stated the use was commercial and not agribusiness.

Phil Harker was present to discuss the proposal, as were Realtor Kendall Hughes and abutter Kenneth Longphee.

Mr. Harker submitted some sketches. He stated that the use of these parcels, 64 acres total, was discussed with the Planning Board on 2 occasions over the last 10 years. He advised he selected these parcels as they were unique, being bordered by commercial activity, previously used as a gravel pit, and is undeveloped. There is a significant PSNH easement (approx 900,000 feet) running the entire length and there are significant slopes. It has approximately 10 miles of preexisting logging roads. The easement makes it very difficult to create residential structures and is part of the proposed Northern Pass route. Mr. Harker said the borders are heavily forested. He stated his observation that the homes on Huckleberry Road are closer to their road than these parcels.

Mr. Harker advised he does not intend to change the land but wants to take the agricultural use and allow OHRV use through it. He stated that the driveway is off of NH Route 132N, accessed by a 50' ROW. Parking would occur around a flat gravel area. He showed the approximate area for OHRV use, being the logging roads and cleared area. He said he spoke with an abutter and Jellystone Park, who supported the idea. He advised he has been through this process 2 times previous and said that noise is the biggest issue. The noise generated is over 65 decibels and that the noise level along Route 93 is 70 decibels. He advised that the noise of 93 will cancel out the OHRV noise for the Colony Woods development and that the cliff will block the noise for the Huckleberry Road residents.

The events can be twice a month; once a month; he is flexible. No lighting or overnight camping is necessary.

Mr. Luciano asked about noise levels having a cumulative effect, as opposed to Hwy 93 cancelling out noise. Mr. Harker agreed, but said he still feels it won't have a negative impact, but would likely affect Huckleberry Road residents more.

Mr. Joseph advised that 93 is elevated in many areas through New Hampton and has natural vegetation abutting it, and pointed out that this location is in a low, unprotected area and the noise will spread.

Mr. Kettnering advised that the tree farm is an agricultural use and is an allowed use, but the OHRV would require he go to the ZBA for a variance. If the ZBA approved a variance then the application would to the Planning Board were noise levels would be discussed in detail, with studies required. In addition to noise issues, Mr. Kettnering explained that traffic could be a problem and would require discussion.

Realtor Kendall Hughes said this area is already being used by local people with OHRV's.

Mr. Tierney, resident on Huckleberry Road, advised that he has made formal complaints relative to the OHRV use, as he can hear it, and has been told that those users are trespassing. He pointed out that he can hear activity at Jellystone Park, even further away, on Friday and Saturday nights when they have concerts.

Mrs. Lucas pointed out that the PSNH easement may not be completely cleared and advised Mr. Harker to investigate that further as some of the tree buffer that Mr. Harker spoke of, could potentially be cut.

Mr. Irvine asked about the outcome of the 2 other processes Mr. Harker went through to create this use. If they were approved this could be a potential location for a site visit. Mr. Harker advised his 2 attempts were unsuccessful – Belmont and Columbia. He said this activity has been approved in a different location in Belmont, by someone else.

Mr. Longphee said he is the closest residence to this operation and said he is in support of it, and that his children enjoy the sport.

Mr. Harker asked for the meaning of "obnoxious use" and Mr. Kettnering read the definition in the Zoning Ordinance. Mrs. Lucas asked what Mr. Harker was referring to when he mentioned 60 decibels. Mr. Harker said he was referring to a

sound ordinance or something in site plan regulations. Mr. Kettenring pointed out that this is just a conceptual discussion.

Mr. Harker asked for the meaning of “special event” and the board agreed it was something that happens once or twice a year and Mr. Harker said he may be agreeable to that. Mrs. Lucas advised that a special event wouldn’t override the permitted uses, as the event is commercial.

Mr. Harker asked if there were variance waivers and Mrs. Lucas advised that there were not, that an applicant must meet all criteria, as defined by case law.

INFORMATIONAL/CONCEPTUAL

MEETING:

*Northstar Contractors, Tax Map R11,
Lot 22, two-lot subdivision*

This agenda item was brought back before the board but no one was present to discuss this item.

OTHER BUSINESS:

There was none

ADJOURNMENT

Motion to adjourn was made by Mr. Mertz, seconded by Mr. Joseph. Vote was unanimous. The meeting was adjourned at 9:19 p.m.

Respectfully submitted,

Pamela Vose

