

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

September 17, 2013

MEMBERS PRESENT:

Mr. Mertz, Mr. Luciano, Mr. Conkling, Ms. Gregg, Mr. Love, Mr. Joseph, and Mr. Fielding were present. Mr. Irvine,

OTHERS PRESENT:

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

CALL TO ORDER:

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

MINUTES:

8/20/13

Mr. Conkling noted the following errors:

1. Page 3 – increase the propane tank size from “30” gallons to “30,000” gallons.
2. Page 6 – 2nd paragraph from the bottom...*get the material “under” cover.*

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

CORRESPONDENCE:

1. Request from the Selectmen for 2014 budget.
2. Letter from Pemi River Local Advisory Committee advising of their yearly assessment plan.

MASTER PLAN UPDATE

Mrs. Gregg advised that as Mr. Irvine was not present, there was nothing to report. Mr. Mertz stated that the sub-committee had met and discussed some language on the Economic Development section

Mr. Mertz and Ms. Gregg advised the sub-committee would meet on 10/15/13 at 6:30 pm unless there was a need to meet sooner.

**ZONING ORDINANCE CHANGES
FOR 2014**

Mr. Mertz advised that they had met last week to discuss possible changes. As some edits discussed at that meeting would be done by Mr. Irvine, and as he was not present, there was no further discussion. This was continued to next month.

Mr. Hofling asked if the Planning Board would provide the ZBA a copy of the draft changes. Mr. Mertz advised they would.

PUBLIC HEARING/

Colin Brown, Central Land Surveyors, was present to represent

ABUTTERS HEARING

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

the application.

Mr. Mertz advised of 2 letters from the Fire and Police Chiefs. Fire Chief Drake stated that he reviewed the plan and had no issues with it.

The board reviewed the plans. The only concern noted at the previous meeting was relative to a pin the abutter questioned, and that issue was resolved at that meeting.

Mr. Conkling made a motion, seconded by Mr. Joseph, to approve the plans. Vote was unanimous.

PUBLIC HEARING/
ABUTTERS HEARING

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. Mertz reminded the board that the applicant wishes to locate a 30,000 gallon propane tank to be used for storage and distribution in the area.

Chuck Cosseboom, Rymes Operations Manager, and Nick Cricenti, SFC Engineering, were present and submitted revised plans.

Mr. Mertz read the following correspondence into record:

1. Police Chief Salmon advised he reviewed the plans and asked that the proposed fence around the tank area be changed from 6 feet to 8 feet, for security reasons. Chief Salmon requested that the entire fenced enclosure area meet the 50 foot setback to the property lines, not just the tank.
2. Fire Chief Drake advised he reviewed the plans and requested the following:
 - a) Nighttime lighting is installed
 - b) The installation meets all NFPA and ASME code requirements for this type of facility.
 - c) Than no gas vehicle delivery trucks be stored or left in close proximity of the storage tank.
 - d) Annual facility training is provided by the owner for all Fire Department personnel.
 - e) The board gives due consideration to the lack of water (?) supply in this immediate area. If an event were to occur the Fire Department would find it very difficult to sustain a large flow to extinguish or disperse product from this facility in addition to providing sufficient personnel at different times of the day to respond to an incident at this location.
 - f) Access keys be provided and stored in a secure Knox box for access to the facility.

Relative to the Police & Fire Chief's requests, Mr. Cricenti advised he has no issue with the 8 foot fence. He said they could create parking on the outside of the enclosure. He stated that an offset from the boundary from Packard Drive easement

is shown, as are all setbacks to property lines. He advised that all NFPA and ASME codes have been met. Mr. Cricenti said that NFPA has no additional requirements for a water supply and pointed out that the code establishes a tank design that prevents fires from starting. Additional safeguards are on the trucks to prevent any fire from starting. For this reason he doesn't feel a water supply is necessary.

Mr. Mertz asked relative to changing the location for vehicle parking – if it would be fenced. Mr. Cosseboom said that area would be fenced in.

There was some discussion on where the parking area would be relocated to and Mr. Cricenti said it would be halfway around the horseshoe driveway.

Mr. Joseph asked if it was possible for a valve in the tank, or on truck, to fail and Mr. Cricenti said redundant safeguards shut valves off.

Mr. Luciano asked if there was any security system built into the tank and Mr. Cosseboom advised there was not and they would not be needed.

Relative to training, Mr. Cosseboom and Mr. Cricenti advised that would happen and would include tank and trucks.

Mr. Mertz asked about the nighttime lighting, and Mr. Cosseboom said they could do whatever is appropriate. Chief Drake advised he wants the area lit at night. Mr. Cosseboom agreed to downward lighting on either end of the tank.

Relative to a Fire Analysis Report, Chief Drake stated his concern with manpower and maintaining a fire flow of 500 gallons during an incident, and doesn't have the capabilities to do that. He brought up the local fire departments' water supply, response time, and training. He said that the requirements with NFPA are minimum standards and that as the local jurisdiction, more could be required. He said he would like to look at other similar operations to see what fire protection they have in place. Chief Drake advised that Mr. Cricenti was going to provide a letter from the State Fire Marshall's office stating that a water supply was not necessary.

Mr. Joseph expressed concern to residents living nearby. Mr. Cricenti pointed out the safeguards.

Mr. Cosseboom said they could install an underground mounded tank at the facility instead of an aboveground tank. Mr. Mertz asked if the mounded tank would result in a less critical situation during an emergency. Chief Drake advised

that the off gassing is the problem.

Mrs. Lucas advised that as the area is a mutual aid area, the limitations are the same for any development in town. Chief Drake said this facility creates a higher level of hazard than other locations in town. Mrs. Lucas advised that this issue would need to be resolved between the applicant, the Fire Chief and the State Fire Marshall. Mr. Cosseboom pointed out that several years ago Rymes came to the town to discuss locating an operation in town and the Planning Board directed them to this particular area. He said with an underground tank less water is needed and less than 500 gallons would be needed to disperse a vapor cloud. Mr. Mertz expressed appreciation with Rymes' responses to the concerns and feels there will be a consensus of Rymes, Chief Drake and the Fire Marshall.

There was discussion of using DirecTV's water system and discussion of a substantial aquifer in that area.

Mrs. Lucas advised that the board could grant conditional approval if the only issue to be resolved is between the applicant, the Fire Chief and the State Fire Marshall and doesn't require further review by the PB. Mr. Mertz stated a revised plan would be necessary to reflect the new parking location, the 8 foot fence, and the lighting. There was discussion relative to whether the tank needed to go underground, and discussion about other possible risks to underground tanks, odors released into the area. Mr. Cosseboom advised the risks and odors were extremely low.

Mr. Conkling made a motion, seconded by Mr. Luciano, to be approved based on the condition that the plans be revised to show the following:

1. New parking location
2. 8 foot fence height
3. Lighting
4. Possibility that the tank will be buried based on discussion between Fire Chief and Fire Marshall.
5. Satisfaction of Fire Chief Drake on the concerns outlined in his letter.

Vote passed.

Mr. Mertz appointed Mr. Fielding to vote in place of Mr. Love, who had to leave.

PUBLIC HEARING/
ABUTTERS HEARING
*Resource Management Inc. on
property owned by Pemiprospect
Holdings LLC; 270 NH Route
132N; Tax Map R-11, Lot 24 - site*

Mr. Mertz reminded the board that the applicant wishes to locate 2 buildings, one for the purpose of receiving and processing residuals and one for the purpose of storing residuals on 39.18 acres.

Charley Hanson, RMI, Barry Salta, Bonnette Page & Stone

plan review

Corp., and Shelagh Connelly, RMI President, were present.

Mr. Mertz advised that the board was in receipt of the 3rd party review, by Emery & Garrett Groundwater Inc. (EGGI), which were distributed to board members.

Mr. Mertz read the following into record:

1. Fire Chief Drake's letter stating he reviewed the proposal and had no comments or concerns at this time.
2. Police Chief Salmon stated he had no concerns. He advised that if an alarm system was installed he wanted to review it prior to the board approving the site plan.
3. Letter from S.W. Cole Engineering's geotechnical engineers, to Mr. Hanson, relative to the asphalt pavement permeability under the fabric shell canopy being used for sludge storage. The letter stated that the proposal slopes the pavement. Surface liquid will then run into a drain leading to a containment tank. Sealcoating would be applied to the asphalt and industry standard information stated the permeability would be less than 5%.

Mr. Mertz asked about a maintenance plan. Mr. Hanson pointed out that with using asphalt over cement, it is much easier to patch and maintain. Mrs. Lucas advised that this letter was provided to Emery & Garrett Groundwater, and they had no concerns with the statements made by S.W. Cole.

Mr. Mertz asked Mr. Hanson if he had any comments on the report from EGGI. Mr. Hanson advised that the report mentions the mixing materials, being wood ash, when the material they are actually using uses nitrogen as its main component. Relative to the setback issue, Mr. Hanson advised the calculation in the report for the front setback may not be correct and the waiver from Ambrose Bros. Inc., allowing for the reduction in the setback distance to the side property line, can be updated. Mr. Mertz pointed out that the report from EGGI mentions a potential wetland issue. Mr. Hanson advised he has spoken with NH DES relative to these areas and intends to meet with DES to discuss the future monitoring program for this site, and EGGI is welcome to attend that meeting. Mr. Hanson stated that DES currently does not have an issue with these wetland areas. Mr. Hanson advised that the area previously used for storage and mixing was discontinued in June, will be cleaned out, and eventually reclaimed by the end of the year.

There was further discussion on the setback distance to NH DOT right-of-way (I93) and how it should be calculated. Mr. Hanson advised he would seek a waiver from NH DOT if necessary.

Mr. Hanson pointed out that the report advised the importance of covering up the material, which is what RMI wishes to accomplish in a timely manner. Mr. Fielding asked if the containment system was in the design and Mr. Hanson said there would be. Mr. Mertz asked if there would be some type of alarm system with that containment system to monitor liquid level and Mr. Hanson stated there would be.

Mrs. Lucas asked the applicant if he would be agreeable to a condition that the concerns raised by EGGI be satisfied and that RMI would pay the cost of the EGGI services. Mr. Hanson pointed out that there were some issues raised by EGGI that may be up for interpretation. Mr. Hanson advised he was agreeable to addressing the concerns over groundwater monitoring. Mr. Hanson agreed to pay the costs of the EGGI services provided on behalf of the town.

Mr. Mertz listed EGGI's recommendations for the board.

1. *Existing stockpiles of materials must be removed and areas reclaimed, no later than 12/31/13.*
2. *All new wells be sampled and analyzed for chemical parameters to aid in development of groundwater monitoring plan.* Mr. Hanson advised he would like to more closely review the well areas noted by EGGI.
3. *All monitoring items should be surveyed for accurate elevation data.* Mr. Hanson advised that 2 elevations previously not surveyed, will be done.
4. *All NH DES setbacks be met, or waivers obtained and copies provided to the town.*
5. *Relative to 2 wetland areas that do not meet the 250 ft. setback, EGGI requests confirmation that no surface waters exist in those locations, as defined by NH DES.*
6. *Current stockpile of ash is within the 500' setback of a property line and EGGI requests a plan to move the piles to meet the setback, and revise the plan to minimize the stormwater runoff in the vicinity of these piles.* Mr. Hanson advised that there is no 500' setback for ash.

Mr. Mertz advised that the Fire and Police Chiefs are satisfied with the plan. Relative to issues raised by EGGI, a meeting with EGGI, RMI, and NH DES can address those issues to the satisfaction of the town. Mr. Hanson said they want to resolve these issues, lay the asphalt, and construct the structures as soon as possible.

Mr. Fielding made a motion, seconded Mr. Luciano, to approve the application with the condition that the concerns raised in EGGI's report be satisfied for all parties involved and as discussed during the site plan review process.

Mr. Salta asked if this conditional approval would allow for the applicant to obtain approval for a building permit, to allow the construction to move forward. Mrs. Lucas advised that there have been occasions where the Selectmen have approved a phased approach to construction, but said it would be up to their discretion. Mr. Mertz advised that the Selectmen could put a condition that it be constructed but that no activity took place until the conditions of the Planning Board were satisfied.

Ms. Connelly expressed disagreement with condition #5 & #6, in EGGI's report, stating she did not want this conditional approval to dictate satisfaction of those issues, if NH DES did not have a problem with them.

Mr. Fielding made a motion, seconded by Mr. Joseph, to amend the previous motion, that the application be approved with the condition that RMI, NH DES, and EGGI (on behalf of the town) come to an agreement on the permitting conditions. Vote was unanimous.

Mrs. Lucas advised that as-built plans should be submitted for the record.

10-YEAR UPDATE

Pemigewasset Local Advisory Committee (PRLAC)

Barry Draper was present on behalf of PRLAC. He provided copies to the board outlining the information in the 10 year update plan.

Mr. Draper and the board discussed milfoil, the monitoring of flood runoff, water testing. Mr. Draper advised that PRLAC publically opposed Northern Pass as they are concerned with the disturbance that would take place wherever it crosses the Pemi, including the areas along the Pemi that have significant historical significance. Mr. Draper advised that the town could write specific rules relative to shoreland protection of the Pemi, which are more stringent than DES Shoreland Protection rules. Mrs. Lucas pointed out that there are large areas along the river that belongs to PSNH and the US Government (floodplain) so much of the Pemi through town won't be developed.

OTHER BUSINESS:

There was none

ADJOURNMENT

Motion to adjourn was made by Mr. Joseph seconded by Mr. Conkling. Vote was unanimous. The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Pamela Vose