

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
March 19, 2019**

**DATE: March 19, 2019      TYPE: Public Hearing      APPROVED: April 2, 2019**

**TIME: 7:00 pm**

**CALL TO ORDER: 7:00 PM**

**ROLL CALL MEMBERS:** Jonah Ketola, Sam Bouchie, Dennis Casey, Jason Paolino, Kim McCummings, Holly Koski, Sam Bouchie

**ROLL CALL ALTERNATES:** Cheves Walling

**ABSENT:** none

**EX OFFICIO:** Roberta Oeser

**PLANNING DIRECTOR:** Kirk Stenersen

**APPOINTMENT OF ALTERNATES:** Dale Farm Road, Cheves Walling for Dennis Casey

**OTHERS PRESENT:** Liz Weston, John Weston, Nancy L. Rivers, Elizabeth Blanchette, Ron Osimo, Debra Fabions, Carol A. Heil, Carol Crawford, Ellen and Richard LaFountain, Sharon and Bob Deschenes, Mary Ring, William Blane, Thomas Connoly, Eleanor Marceau, Paul Brand, Philip Simeone, Raymond H. , Sally Dunbar, Dawn Dunbar, Orlette Jaillet, Richard Jaillet, Suzanne Hepburn, Elaine Dal, Paul Miller, Judy Unger-Clark, Catherine Leray, Michael Taylor, Shron Boudreau, Emily Beauregard, Paul Cartier, M. Hughgill, Carl Hagstrom, Dana Hastings, Stephen Gray, Cole Upicen, Deborah Opramolla, Debra Stewart, Paul Lusbrh, Gerry Gerbrands, Bill Child, Paul Grasewicz, Carey Rossignol, Marc P. Tieger, John Padron, Kelen Geiger, Jamison Van Dyke, Isaac French, Liz Knight, Stephen Gagnon, Michael Romana, Gwen Halvistarl, Mark and Renee Tremblay, Kathy John, Christine Dipre, Lynne Samuelson

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**Call to order and Pledge of Allegiance**

**Roll call by Chairperson**

**Election of Officers**

**MOTION:** Roberta Oeser moved to elect Jonah Ketola as Chairman. Cheves Walling seconded the motion. **Vote: 7-0-0**

Roberta Oeser asked Jason Paolino if he would be willing to serve as Vice Chairman. Jason Paolino said that he has some work commitments coming up where he may not be in attendance for a few months. Roberta Oeser asked Jonah Ketola if he would be in attendance during those months. Jonah said that he expected to be.

**MOTION:** Roberta Oeser nominated Jason Paolino to serve as Vice Chairman. Holly seconded the motion. **Vote: 7-0-0**

Sam Bouchie asked what would happen if both Jason and Jonah were absent. Roberta Oeser said that the Board would decide who would chair that meeting.

Chairman Jonah Ketola asked Planning Director Kirk Stenersen to speak to the Dale Farm Road application.

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

Planning Director Kirk Stenersen welcomed Kim McCummings and Holly Koski as members of this Board following the March elections and thanked them for serving. He said that the Board requested that Town Counsel review the correspondence from Attorney Panciocco and he has received a response to that request. Until such time as the Board makes a decision on whether or not this response is Attorney-Client privilege, it is considered to be Attorney-Client privilege. Planning Director Kirk Stenersen said that he would suggest that the Board enter into a Non-Public Session per RSA 91A:3.II.(l) "*Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.*"

Roberta Oeser said that she realizes this is an inconvenience to all those who came to this meeting, but unfortunately, this response just arrived, leaving no time for the Board to meet earlier.

**MOTION:** Roberta Oeser moved to enter Non-Public Session per RSA 91A:3.II.(l). Sam Bouchie seconded the motion. Roll Call Vote: Sam-YEA; Kim-YEA; Dennis-YEA; Jonah-YEA; Jason-YEA; Roberta-YEA; Holly-YEA.

The Planning Board left the conference room at 7:07PM to meet in the Planning Office for a Non-Public Session.

Chairman Jonah Ketola re-opened the Public Meeting at 7:36PM

**MOTION:** Roberta Oeser moved to seal the minutes to the Non-Public Meeting because it could render a proposed action ineffective. Sam Bouchie seconded the motion. **Vote: 6-0-1 Dennis** abstained.

### **Approval of Minutes**

1. Approval of March 5, 2019 minutes

**MOTION:** Dennis Casey moved to approve the minutes. Jason seconded the motion. **Vote: 5-0-2,** Kim and Sam abstained.

### **Old Business/Continued Public Hearings**

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| <ol style="list-style-type: none"><li>1. <b>Continued from March 5, 2019: Consideration of</b> an application for Major Site Plan and Major Subdivision review submitted by Barkley Enterprises LLC. The property is located at Tax Map 2, Lot 45 on Dale Farm Road, Rindge, NH in the Residential-Agricultural District. The applicant is seeking approval for a 27 unit (4 six unit buildings and 1 triplex) Planned Unit Residential Development (PURD).</li></ol> |
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*Kim McCummings and Dennis Casey recused and left the table. Chairman Jonah Ketola appointed Cheves Walling to sit for Dennis Casey.*

Planning Director Kirk Stenersen said that a third letter from Panciocco Law was received on March 13, 2019. (See file for letter). He read the letter into record.

Chairman Jonah Ketola asked the Board if they had any questions on this letter.

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

Roberta Oeser asked Kirk Stenersen if he had reviewed the calculations on the developable land. Roberta Oeser said that she knows you can use land under powerlines perhaps not for buildings, but septic systems can be installed there. Kirk Stenersen said that there is a formula in the PURD Regulations. The definition of developable area is the total area of parcel minus the undevelopable minus the area of right of way. Undevelopable lands shall include all surface waters on the parcel and all lands designated as wetlands or floodplains.

Roberta Oeser asked about the conditions on this project. She said that the Planning Board may want to consider making recommendations to the Board of Selectmen for this project.

Planning Director Kirk Stenersen provided the following suggested conditions.

- 1) All applicable governmental permits shall be obtained, which may include, but are not limited to:
  - a. NHDES Alteration of Terrain Permit
  - b. NHDES Public Water Supply Approval
  - c. NHDES Subsurface Systems Approval for the proposed septic systems
  - d. NH DOT approval for the Dale Farm Road upgrade and Route 202 intersection
- 2) Prior, during and after recording of the decision, the applicant shall be made aware that any conditions placed on this Planned Unit Residential Development through other governmental or permitting agencies are hereby included in this approval.
- 3) The applicant shall provide an affordable housing restrictive covenant which will need to be reviewed by Town Counsel at the expense of the applicant.
- 4) The portion of the class VI roadway that will not be upgraded will be blocked off on both ends by a means acceptable to the Board of Selectman and the Director of Public and Life Safety.
- 5) The roadway name from Route 202 to the site shall be changed to a different name for E-911 purposes. Road name approval is required from the Board of Selectman.
- 6) The project shall be phased such that occupancy permits will be granted in the following manner:

Year:	Number of Units:
1	6
2	6
3	6
4	6
5	3

- 7) The section of Dale Farm road that shall be renamed and proposed to be upgraded shall not be considered a road in an approved subdivision
- 8) Subject to upgrade requirements as needed that may be required by the Board of Selectmen.

Roberta Oeser said that NH RSA 674:41 speaks to the requirements of the Board of Selectmen in issuing building permits on a Class VI road.

Roberta Oeser said that the Board of Selectmen have designated the Fire Chief to issue building permits. Roberta Oeser said this Board needs to provide their recommendations and the Board of Selectmen will take care of the plans for the road, including the bonding issues. Plans for the

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

upgrade have been submitted. Jason Paolino asked if the Board wanted to expound upon condition #8. Roberta Oeser said there are upgrade details in the plans.

Chairman Jonah Ketola said he would consider a motion from the Board at this time.

**MOTION:** Roberta Oeser moved to grant approval of the Dale Farm Road PURD with the 8 aforementioned conditions: Jason Paolino seconded the motion. **Vote: 5-1-0** Jason Paolino opposed.

*Kim McCummings and Dennis Casey returned to the table.*

Chairman Jonah Ketola read the case before the Board:

2. **Continued from March 5, 2019: CONSIDERATION OF** an application for a Major Site Plan submitted by Christopher Stewart, Colonial Green Products, 1032 NH Route 119, Unit 6, Rindge NH, for property located on Route 202, Map 2 Lot 64 and Map 3, Lot 4-8 in the Business Light Industry Zoning District. The applicant is seeking approval for an office and warehouse/garage.

Planning Director Kirk Stenersen read the following background information from the Planning Dept. memo:

- 1) Christopher Stewart and Colonial Green Products has submitted for approval of a major site plan for a new office and storage garage for Colonial Green Products located on the west side of U.S. Route 202 just north of the intersection of U.S. Route 202 and Main Street.
- 2) The following waivers have been requested by the applicant (see waiver request letter):
  - a. Site Plan Regulations Section VI.A.4 “Existing Grades and Topographic Contours”. The request is to waive this criteria for areas outside of the project area due to the large size of the parcel.
  - b. Site Plan Regulations Sections VI.A.7 “Location of existing roads within 200 feet of the site”. The applicant shows the proposed driveway access but not the access road for the Monadnock Tenants Co-Op which may or may not be within 200 feet of the property but is over 200 feet from the project areas.
- 3) The applicant has provided the Planning Board with the information necessary to make an informed decision on the application. I recommend the Planning Board accept the application as substantially complete, subject to the granting of the requested waivers, and open the public hearing.

**MOTION:** Jason Paolino moved to accept the “Colonial Green Products” major site plan as substantially complete and grant the following waivers:

- a. From the Site Plan Regulations Section VI.A.4 – Existing Grades and Topographic Contours outside of the project area
- b. From the Site Plan Regulations Section VI.A.7 – Location of existing roads within 200 feet of the property. Holly Koski seconded the motion. **Vote: 7-0-0**

Planning Director Kirk Stenersen provided the following regarding this application:

**Regarding the Application:**

- 1) The proposed project is located in the Business Light Industry District and the Residential-Agricultural District. The properties are bi-sected by the zoning line. The areas proposed to be developed are within the Business-

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

Light Industry District. The zoning district line needs to be shown on the plans and note 2 on the Plot Plan by Monadnock Septic Design needs to be updated accordingly.

- 2) The subject parcels are Tax Map 3 Lot 4-8 and Tax Map 2 Lot 64 which will need to be merged prior to final approval.
- 3) There is no public infrastructure or utilities proposed.
- 4) Tax Map 2 Lot 64 is 16.75 acres and Tax Map 3 Lot 4-8 is 26.01 acres, the property will be 42.76 acres once the two parcels are merged.
- 5) The wetlands were delineated by Jonathan Sisson III and were located by Richard P. Drew, LLC.
- 6) The topographic survey was completed by Carl J. Hagstrom.
- 7) The site was designed by Ronald Bell of Bell Engineering.
- 8) The application is for the construction of a 10,198 square foot building, which will be the home of Colonial Green Products, with associated parking and drives. The building will contain offices, storage areas and garage bays.
- 9) Access to the site will be from U.S. Route 202. A NHDOT driveway permit will be required.
- 10) The site will be served by a proposed on-site well.
- 11) The site will be served by an on-site subsurface sewerage disposal system. NHDES approval will be required.
- 12) The area of disturbance is less than 100,000 square feet as shown on sheet 2 "Site Development Plans" so a NHDES Alteration of Terrain permit is not required.
- 13) The proposed driveway will cross Lord Brook. The applicant proposes a bottomless box culvert with no wetland impact. Based on the plans the box culvert is just wider than the width of the wetlands at the crossing point. The applicant should describe the construction process in order to explain how the wetlands will not be impacted as it appears there will be a wetland impact during installation of the box culvert. If a wetland impact is proposed a NHDES Wetland Impact Permit is required.
- 14) There is no site lighting shown on the plan other than the wall packs shown on the building elevation plans. If the applicant desires lighting other than the wall packs it needs to be shown on the site plan and shall be downcast lighting and shall be in compliance with the Town of Rindge Site Plan Regulations.
- 15) The applicant has submitted drainage calculations and they appear to adequately meet the requirements of the Site Plan Regulations.
- 16) The Conservation Commission reviewed the revised site plans at their February 28<sup>th</sup>, 2019 meeting "and found they conform to wetlands requirements." The plan now proceeds to the Planning Board for approval."

Chairman Jonah Ketola asked Chris Stewart to address the Board as it pertains to the application.

Chris Stewart of Colonial Green Products: They have been operating in the town of Rindge for roughly 6 years and have completed approximately 3,000 jobs. This new proposed building will house their materials, office space and parking of vehicles. The building will be a prefab metal building, tan and dark green with a green roof. Mr. Stewart provided plans showing what it being proposed. They will be crossing Lord Brook to access this area. They are proposing a 20 foot wide culvert. Mr. Stewart pointed out the location of the parking area. The spray foam will be housed in

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

a contained room within the building which is kept at 70 degrees at all time. The material comes in 55 gallon drums. Mr. Stewart said that they have handled in excess of 10,000 drums with no history of spills.

Chairman Jonah Ketola asked the Board for questions.

- Cheves Walling asked about the area where the material will be stored. Mr. Stewart said they have raised the warehouse wall 12” so that, in the event that there were a spill, it will be contained within that area.
- Jason Paolino asked if they have rough calculations of gallons of material stored. Mr. Stewart said that the maximum would be about 2,000 gallons of material, 45 or 50 drums, Jason Paolino asked if that the volume of material stored would be much less than the containment area. Mr. Stewart said it would be.
- Dennis Casey asked if the products being stored here meet the definition of hazardous materials. Mr. Stewart said they do not. He said they do not require a DOT placard per OSHA. He said that these materials are not to be considered to be hazardous materials in their raw state. Mr. Stewart said that this is a moisture cured product, so that if you were to pour this material onto the floor, the material would take on the moisture in the air and become a solid in a matter of minutes. It would be difficult to clean up but would not go very far.
- Dennis Casey asked if there would be any processing or manufacturing of these products. Chris Stewart said that it would be mixed at the job site.
- Dennis Casey asked if anything would be stored outside. Chris Stewart said that no, nothing will be outside.
- Cheves Walling asked if there was anything new on the lighting plan. Mr. Stewart said that downcast lighting would be on the wall pack lighting.
- Sam Bouchie asked about the buffer on Route 202 and Lord Brook and the building. Will that remain? Mr. Stewart said the buffer area will remain untouched. Sam Bouchie said that you would barely be able to see this building from the road. Mr. Stewart said that the only trees that might be removed would be dead or diseased for safety reasons.

*Chairman Jonah Ketola opened the public hearing.*

Catherine Leray said she is the Chairman of the Board of the Monadnock Tenant Coop. She read a statement outlining their concerns as follows:

- Contamination of their public water supply (2 wells to service 75 homes)
- Storage of hazardous and toxic materials in an area surrounded by wetlands
- They would like MSDS sheets for all chemicals that would be stored here per the Right to Know act.

Catherine LeRay said that she has a page and a half of questions. Chairman Ketola asked her to ask the Board two questions at this time:

- How will your spills of hazardous or toxic chemicals, large or small be handled?
  - Roberta Oeser said the Board has already discussed that and answered it.
  - Chris Stewart said they would be contained within the warehouse as the foundation wall and the storage room are sealed. They would use speedy-dry to shovel this up. He said over the past twelve years, he has never had a spill over a gallon or two

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

- Do you have a Fire Marshall's Safety Plan in your current location and do you have plans to have this at your proposed location?
  - Chris Stewart said that the fire chief has been to his location and has no issues.

Liz Knight said that her concern is the trucks traveling to and from the site. How wide will this road be? Is there a reason to be concerned that a truck could end up in the creek?

- Chairman Jonah Ketola said that this will be a box culvert. He asked Mr. Stewart if there would be a guard rail on this or a curb edge. Mr. Stewart said he believes there is a curb edge, but he will check with his engineer on that. He said this road is 24 feet wide. Liz Knight said guard rails would be critical.

Nancy Rivers asked what the maximum quantities would be for materials stored on this property.

- Chris Stewart said he has already answered this, but it would be about a truckload.
  - Chairman Jonah Ketola said that Mr. Stewart will not be storing any hazardous materials in this building. He has addressed how to contain a spill within 8000 square feet.

Kathy John said that, according to our wetlands ordinance, if a bridge is to be built, you have to collect all surface water and divert it to at least 50 feet from the high water or vegetated wetlands.

Kathy John asked how far the parking lot is from the vegetated wetlands.

- Planning Director Kirk Stenersen said the only impervious surface that is within 50 feet of the wetlands is the gravel driveway crossing, if you consider this impervious. The parking lot is not within this area.

Michael Romana asked how many employees would be arriving every day. Is there one shift or two shifts? And the ground is gravel, which he would consider a pervious surface, so those vehicles are parked in the parking lot, and those trucks make deliveries, vehicles can have leaky oil pans and that can seep in to the ground. Things can happen when a truck makes a delivery. They can put in a truly impervious surface with drains on the roadway to protect the environment from pollutants.

- Chris Stewart said their plan is to stick to a gravel parking lot. Chris Stewart said they have 22 employees, from 7AM to 5PM.

Chris Dupree said that this material will be used with hoses. Where will these be cleaned?

- Chris Stewart said that the material stays within the truck and the hoses and are not cleaned. The material is under pressure within the trucks. Chairman Jonah Ketola said the material stays contained in the truck, and the truck is contained within the building, so this is double contained.

Renee Tambley said she is concerned about the wetlands, because they feed into Lake Monomonac, and having a road over that with sand and salt, a lot of impact to the wetlands. You are proposing to build near the wetlands. How can you assure that this doesn't get into the wetlands? Our concern is the lake and the wells. What is the construction process for putting in that culvert?

- Chairman Jonah Ketola said that it is his understanding that the reason for using a box culvert is to extend over a river or creek or wetland area, so that way, if you are within 5 feet from bordering a wetland, you can go over it, therefore you are not

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

touching or changing the wetland. Mr. Ketola said there is far more sand coming from Route 202 into the area than this little project is talking about.

- Chris Stewart said he sat down with NH DES (New Hampshire Department of Environmental Services) and was told that he does not need any state permits for what he is doing here.

Phil Simeone asked if there is an aquifer under this area.

- Roberta Oeser said there is not one per our ordinance.
- Planning Director Kirk Stenersen read from the aquifer ordinance and said this does not fall into an aquifer district. This is less than 2000 transmissivity.

Lynn Samuelson said she is a chemist. She does not agree that these are not hazardous chemicals. She said they may come together and cure, but as they are stored, they are hazardous. She asked if the worker's wear respiration masks when they work.

- Chris Stewart said they do. According to DOT, they are not considered hazardous materials.
  - Lynn Samuelson said, according to the MSDS sheets, they are. And if one spills, and seeps into the water system, we have a serious problem. The procedures for spillage is to evacuate and dyke the area which is a concern with so many wells and a lake nearby.

Paul Brand, from the park, asked "If you had your house next to this, would you like that?"

- Jason Paolino said, he thinks what is important, is that we are dealing in a Business-Light Industry Zoning district, so the idea that no businesses will build in this area is improbably. There is a reason for zoning in town and this is zoned for business-light industry.

An unnamed woman asked what type of Fire Suppression system would be in place.

- Chris Stewart said this is a Type IIB building because it is a metal and concrete building. There will be no fire suppression system in there. With this type of material, you would not want a sprinkler system.

An unnamed man said, when he subdivided this piece of property years ago, this land was high and dry, and it was a hill. When the state put in the highway, they took out quite a bit of fill from this land.

Kathy John said that we need open and honest information for the Board. There is debate over whether or not this is hazardous.

Lynn Samuelson said this material is dangerous. We are talking about people's health.

Bill LeBlanc said that the Board Chairman said there is more salt and sand coming from Route 202 than this project will have. Mr. LeBlanc asked Mr. Ketola if two wrongs make a right.

Phil Simeone asked if the Board has considered a Site Walk

- Chairman Ketola said that has not been considered yet.

An unnamed woman asked how many trailer trucks would be going in here.

- Chris Stewart said perhaps one per week.



Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

An unnamed man asked if there were a fire. How would you put this out if you cannot use water? Does the Town of Rindge Fire Dept. have that?

- Chairman Jonah Ketola said the Planning Board cannot answer to how a fire would be put out. This would be handled by the Fire Dept.

Cathy LeRay asked how the empty containers are treated

- Chris Stewart said they make sure they are completely empty and then they are discarded as scrap metal.

Roberta Oeser said the Wetland Ordinance was done with input from the Conservation Commission and the protection area for above and below ground storage is 125 feet from wetlands.

- Kirk Stenersen said the closest point is approximately 110 feet, at the corner of the building.

Phil Simeone asked if this product was delivered in tractor trailers. Would it stay in the trucks? Is there an opportunity that a drum could fall? What is the contingency plan?

- Chairman Ketola said there is a loading dock directly into the building so it could be contained.

Catherine LeRay asked what would happen at the end of the loading dock if a drum fell off and there was a spill on the ground.

- Mr. Stewart said they would clean it up immediately.

Liz Weston asked Mr. Stewart where he was doing business prior to coming to Rindge and why did he leave that other location.

- Mr. Stewart said he was in Jaffrey and they outgrew their space.

Chairman Ketola asked Chris Stewart if he has had any spills in the last 12 years of being in business.

- Mr. Stewart said he has not.

Liz Knight said there is a lot of concern in the room tonight. A couple of thoughts have been put out. That the driveway be pervious. That there be guardrails on the crossing bridge. Mr. Stewart has said that he has no plans to make the driveway pervious. Ms. Knight asked the Planning Board what they can do to ask him to do some of these things.

- Chairman Jonah Ketola said that the board will discuss things and put things in their recommendations after they listen to the public. At this time, they are merely listening to the public.

Dana Hastings said he lives on the lake. He is concerned about how much is stored, he's heard 2000 gallons and 10,000 gallons. How much will be there at one time if business is booming. Can they store 50,000 gallons? Is anyone watching this? Is there a plan to check on this?

- Chris Stewart said that the cost of this stuff is astronomical. He wouldn't want to store much of it that wasn't being used.

Lynne Samuelson asked Mr. Stewart who checks on these things. What can he tell the concerned people to assure them that this will be watched over?

- Mr. Stewart said he has met with an OSHA consultant. These are sealed drums that are moved in and out of the storage area. They are contained. There is no waste material, every drop is used.

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

Michael Taylor asked what the process is to fill this into the truck. Where does the mixing occur?

- Mr. Stewart says they have a special forklift with a clamp on it that picks up the drums. They are strapped in place on the spray foam truck where they are then attached to the pumping mechanism and mixed there and put out through the hoses. It is contained within the truck.

Michael Taylor asked if there were any plans to monitor wells.

- Chairman Ketola said he has spoken with NH DES about this but there are no notes to monitor wells.

Holly Koski asked what the 55 gallon drums are made from.

Mr. Stewart said they are steel.

Jason Paolino said that there is probably a higher likelihood to have a spill on the trucks, while driving to another site, then in the parking lot here. Jason said he has some thoughts on this after the close of the Public hearing.

Paul Cutter asked how many empty containers would be stored in the warehouse at any one time.

- Chris Stewart said the most he has seen is perhaps 20.

Cathy LeRay asked about the protective clothing and how they would be disposed of. She also asked if there were showers for employees in the facility before they leave the site.

- Chris Stewart said that the protective clothing are put in trash bags and no, there are not showers.

Eleanor Marceau asked if any Board members have young children. Would you want this in your area with young kids with all these chemicals? With your animals? Wouldn't you be concerned?

- Jason Paolino said that he does have young children, this is in his area and he does have farm animals. He said he understands the concerns as abutters, but keep in mind, most of us have 250 gallons of fuel oil in our basements without a secondary containment plan. Jason Paolino said it is important to remember what the applicant has told us about his plan for a potential spill. He has a secondary containment in place.

Steve Gray asked if the applicant has spoken to NH DOT about an access point. Chris Stewart said that he has. An access point has been granted to the property further down by Atlas but that they will be moving that access point. Mr. Stewart showed them on his plan where the new access point will be.

An unnamed man asked if there is any plan to do well testing in this area. Chairman Jonah Ketola said that NH DES has looked at this and the wetland crossing coming into this area and at this time, nothing has been said about well testing or monitoring.

Paul Brant said that even one spill could be one spill too many. Lord Brook goes all the way to Lake Monomonac.

Betty Glenn Jack asked if Cathy LeRay would be getting the paperwork she requested on these chemicals. Planning Director Kirk Stenersen said that at this time, the planning office does not have MSDS sheets. If those are submitted, they will be public record and Cathy LeRay may request to see those.

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

Cathy LeRay said that according to the EPA, Mr. Stewart must supply MSDS sheets to anyone who requests them. She said this is under the EPA Right-to-Know.

An unnamed man asked where the trash container would be located where the haz-mat suits will be discarded. Is that stored outside? What happens if it rains? Chris Stewart said the haz-mat suits would only have cured material on them. He said they are bagged at the job site and placed in the normal trash.

An unnamed woman asked what happens after tonight's meeting. Would a decision be made tonight? Would the Conservation Commission be involved? Planning Director Kirk Stenersen read an email from Con Com into record. This email was received on Wednesday, March 14, 2019.

Susan,

In retrospect, I should have sent you something formally, and if there were issues with this project, I would have sent something right out. This project does not impact the wetlands buffer and the access road with a stream crossing does not need a DES permit. There are no known plans at this time to further develop the site. We thought it was a well designed plan and had no issues with it. The Coop Park tenants were able to come and see the details, they had some questions regarding chemical use, storage and handling as well as their well radius. All those questions were answered in a satisfactory manner.

Regards,

David Drouin  
Chair, RCC

Chairman Jonah Ketola said he would be taking one more question from the public and then he will be closing the public hearing. At that time, The Board will discuss this case.

Ellen LaFountain said there are a lot of chemicals being used today at these plants. She asked why it is that we have to have a chemical company near our homes. Why not just stop it so that people don't have to be so concerned about these chemicals.

An unnamed woman said that she doesn't think ConCom did their due diligence in this case. She said that she is asking the Planning Board to do their due diligence.

Roberta Oeser said this business has been in town for the past six years. It has been in Rindge.

*Chairman Jonah Ketola closed the public hearing. The Board took a five minutes break.*

Chairman Jonah Ketola called the meeting back to order.

Jason Paolino said he would like to better understand the procedure. He asked Mr. Stewart to clarify the procedure of using this material. He asked if, at some point, was there a routine to clean these trucks. Jason Paolino said that he understands that the drums are loaded on the truck and that the mixing process takes place far away from the storage area. Jason Paolino asked what the process is for a potential spill at that point. Chris Stewart said the material stays within the system and stays pressurized at all times. He said this is a hydraulic proportioning machine. You have a 55 gallon

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

drum, you have a drum pump which pumps it up to the proportioning machine. Then it goes through a pre-heater which brings it up to about 128 degrees. Both the A side and the B side go through separate heaters and are then brought up to a piston style pump which brings it up to roughly 1430 psi . This is all computer controlled. Those then go out to pressurized, electrically heated hoses. These are 5000 psi rated hoses. They have radiant electric heat that is monitored for pressure and temperature as it passes through a thermos couple. It goes into a specialized spray gun, with a pinhole where it becomes foam. The air pressure is pushing it out onto the wall where it continues to make foam for about 3 seconds. Jason Paolino asked if these guns needed to be cleaned. Mr. Stewart said they are cleaned at a work bench with carb cleaner. Jason Paolino said that this would be a very small gun. Mr. Stewart said that it was. Mr. Stewart said, even if you burst a hose, you wouldn't lose more than ½ to 1 gallon as the machine will sense a problem and shut down. Jason Paolino thanked Mr. Stewart and said he wished the public had stayed here to hear this description of the process.

Kim McCummings said that she would like to do a site walk. Roberta Oeser asked if this was really wooded out there. Carl Hagstrom said that it is and if you are going to do a site walk, you would need to wear waders at this point. That would be to get across the brook which is about 10 feet wide. Jason Paolino said that a site walk would be welcomed if they were able to do it. Holly Koski asked if there was something that could be put across the brook to make a site walk possible.

Jason Paolino asked if Mr. Stewart could provide the MSDS sheets to the Board.

Dennis Casey said there was a lot of discussion about containment and he is satisfied that the containment is adequate, due to the nature of these products. Mr. Casey said there is a lot of concern about the environment, but we always have to wrestle with the fact that the Zoning does allow for this use. The Zoning was voted on by the Town's people. He said the Board is restrained by that. Mr. Casey said he agrees with Jason Paolino about providing the MSDS sheets. He said it seems there is a difference of expert opinion on what constitutes hazardous materials. Mr. Casey said that someone mentioned something about a monitoring well. Dennis Casey said he does not know what the impact to that is to the applicant, but it is a question. He said that he thinks a site walk, if possible, would be a good thing.

Kim McCummings said that hazardous materials and having an MSDS (Material Safety Data Sheet) are two different things. The MSDS sheet is a document that outlines what you should do if there is an issue, i.e. splashing a product in your eyes. Kim McCummings said that most places in town who use chemicals of any sort have an MSDS in their establishment.

Roberta Oeser said that this is not considered a hazardous material. Chris Stewart said that they are not required by DOT to have placards stating this is a hazardous material.

Planning Director Kirk Stenersen read the definition from the Wetlands Ordinance.

E. Hazardous Material- A product, waste or combination of substances which because of its quantity, concentration, or physical, chemical, toxic, radioactive or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare or the environment when improperly treated, stored, transported, used,

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

disposed of, or otherwise managed. Hazardous materials include, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defined as "toxic" or "hazardous" under EPA list found in 40 CFR Ch. 1 Section 302.4

Cheves Walling said that he was not familiar with the EPA list found in 40 CFR, Ch. 1 Section 302.4. He said this would be applicable if it were within the 125 feet from the wetlands. This would need to be looked into. Roberta Oeser said Mr. Stewart would know if this was on a list of hazardous materials. Mr. Stewart said, to the best of his knowledge, these are not on any list. But he cannot be sure as he is not familiar with this particular list.

Chairman Jonah Ketola asked the Board what they needed at this point in time. Does the Board want a site walk, do they need additional documentation.

Jason Paolino said he would like to add, as part of the requirements, "All materials stored on site shall be stored inside, and only handled and unloaded adjacent, against, or within the loading dock area and shall not exceed the quantity of the volume of the secondary containment provided by the concrete foundation." Jason Paolino said he doesn't believe this is a burden to the business and can address a need.

Roberta Oeser said she is fine with the site walk but she's not sure we will be able to get out there as a group. Perhaps it should be a visit, but not an official site walk. Kim McCummings said a formal site walk would be open to the public.

Jason Paolino said he would like to make a motion to continue this hearing for two weeks which would give time to anyone who wanted to see this site, to go visit it. In the meantime, he would like to get the MSDS sheets and include Chief Donovan in this list of chemicals so he could formally weigh in on these chemicals and that he doesn't have a concern about fire suppression.

Roberta Oeser asked Mr. Stewart if the access is marked. Chris Stewart said if you look to where the real estate sign is, there is a path by the brook. He is not recommending that you go there, there is no insurance on this property, but that is how you would get to the site.

Sam Bouchie said he has seen the site and if it were up to him, he would make a motion to vote on this tonight.

Planning Director Kirk Stenersen said, that if the Board wants to continue this, they need to supply the applicant with a list of what they are looking for at the next meeting.

Roberta Oeser said she would like to see a list of chemicals and have them cross checked to the 40 CFR Ch.1 Section 302.4 list. Jason Paolino said he would like to see Fire Chief Donovan weigh in on this.

Chris Stewart said most of this is addressed in the building code. This is a Type II B building and it has very specific requirements on whether it not fire suppression or not, what can be in the building,

Meeting Minutes  
March 19, 2019  
JK, JP, DC, KM, HK, SB, RO, CW, KS

and all that is already being taken into consideration. Mr. Stewart said he is working through this with his architect.

Jason Paolino said his concern is more about firefighting. He wants to be sure Rick Donovan is aware of this discussion. Chris Stewart says all this comes into play with the building permit process. He would be more than happy to supply the MSDS sheets tomorrow.

Cheves Walling said perhaps there should be something said about the buffer and he thought the guardrail on the bridge was a good idea. Chris Stewart said there are standards for this type culvert and if guardrails are required, then they will be put up. He has the specs and he has the pricing, but whether or not they would have a railing would happen during the final design, which he would have done after this approval.

Planning Director Kirk Stenersen said that he just wants to review what the Board is looking for.

1. The MSDS sheets for the list of chemicals stored on site.
2. Input from Rick Donovan
3. A chance to see the site
4. Curbing or guardrails on the bridge
5. Maintaining buffer to Route 202 as shown.

Roberta Oeser said the only thing they need supplied are the chemical list. Members can go see the site on their own, at their own risk.

**MOTION:** Roberta Oeser moved to continue this hearing until April 2, 2019 at 7:00 PM. Jason Paolino seconded the motion. **Vote: 6-1-0** Sam Bouchie voted no.

Adjourned: 9:47 PM

Respectfully submitted,  
Susan Hoyland  
Planning Secretary