

**TOWN OF NORTHFIELD
PLANNING BOARD**

June 3, 2013

MINUTES

Members present: Doug Read, Mike Murphy, Jason Durgin, Wayne Crowley and Kevin Waldron. Also present: Dari Sassan, LRPC.

Minutes: Mike Murphy moved, seconded by Jason Durgin to accept the minutes of May 6, 2013 with a spelling correction in paragraph 1. Motion passed.

Robert Kidder Revocable Trust: Continuation of an application for a revised site plan to expand the Ciao Pasta Restaurant at 133 Park Street (Tax Map U8 Lot 143) in the Comm/Ind. Zone. Mike Hanley, representing the applicant, informed the Board that he has received a Special Exception from the ZBA for 90 seats, he has submitted a letter from the applicant, parking is not an issue and state licensing is simply a matter of notifying the state liquor board that there is an increased number of seats. There is no building footprint change, no change in signage or lighting. Ciao Pasta is currently only open for dinner 6 nights from 4 – 9 pm. Members discussed whether to limit the hours of operation in an approval and it was agreed to not specify the hours so that the applicant can expand hours if appropriate. A letter from the Fire Department indicated that an inspection will help to determine the exact number of seats.

Public hearing opened: Fred French commented that the restaurant is good and a benefit to the community. Keith Murray explained that the ZBA wanted to clarify that the extra seating was for the expanded space and that if that space became unavailable the existing seating would remain at 60. Public hearing closed.

After further discussion, Mike Murphy moved, seconded by Kevin Waldron to approve the revised site plan as submitted with the condition that the Fire Department conduct a final inspection. Motion passed. Mike Hanley asked about the number of seats if the Fire Department approves a different number. Wayne Crowley responded that the Planning Board has approved a maximum of 90 seats.

Freudenberg-NOK: Application for a major site plan review to allow expansion of the existing facility at 6 Axle Drive with a 25,600 sq. ft. addition with associated parking, utilities and storm water management (Tax Map U4 Lots 1-1,1-2,1-3) in the Comm/Ind zone. Steve Smith, representing the applicant, provided a brief history of the development of this property which was originally approved in 1998 for a 30,000+ Sq. ft. building and 206 parking spaces. Smaller additions have been built since then making the existing building 41,309 sq ft. The property is 7.49 acres made up of 3 lots which are taxed as one but not officially merged. Freudenberg operates with three shifts, 24 hours Monday through Friday and on Saturday when necessary. This property includes part of the old town dump which is regulated by NH DES and is under an activity and use restriction. Some of this old dump was removed during the original building construction.

The majority of the proposed 25,600 sq ft addition will be within the existing parking area with a loading dock on the back corner. A sewer line will be connected to the main line on Forrest Road. Water will be connected to the existing building. The Fire Department has suggested installation of a fire hydrant on Axle Drive, an outside access to the roof area and a gravel access road around the building. The existing sprinkler and fire alarm system will be expanded into the new building.

Wayne Crowley asked about the location of the new building relative to the dump area. Mr. Smith stated that some of the building will be within the dump area which will require removal of the dump material. The removed material would be relocated within the restricted area and covered with 2 feet of dirt as per DES requirements.

The total area to be disturbed during construction will be 70,000 sq. ft. which requires a storm water management plan to be submitted to EPA. Permits needed are the Storm water Management Plan, Sewer, Water, building permit and NH DES approval for dump material removal. The original 206 parking spaces exceeded the parking requirements and the new plan calls for 135 spaces. There will be 30 additional employees with 10 on each shift. The new building is for expansion of the existing use of the property. Re-grading of the parking lot and in back of the building will be required.

Truck traffic is not expected to increase as the current 6 trucks that leave daily are not filled. It is expected to have the same 6 trucks leave with full loads when expansion is completed. There would be an additional 10 cars per shift. Lighting will be similar to existing and the compacter and dumpster will be screened.

The storm water management plan is designed for water to flow toward the existing drainage swales that are functioning well. Roof drains are directed to a natural detention area. Impervious surface on the lot will be increased by 5,000 sq ft increasing it from 41% to 42% leaving 58% of green space.

Kevin Waldron questioned the installation of a new fire hydrant and the increased cost to the town which pays for the water supplied to hydrants. Mr. Smith explained that the reason it was requested is so that Forrest Road would not have to be closed down in the event of a fire. Kevin Waldron responded that Forrest Road would be closed anyway and a new hydrant shouldn't be necessary.

Amy Doherty from GZA Environmental explained that the outlined area shown on the map indicating the dump area is under a management restriction with DES. The applicant will be submitting a work plan for handling the materials to be removed along with an analysis of that material. DES recommends removing the material and relocating it within the same footprint and then enhancing the cover material with 2 feet of soil. Mike Murphy asked how close to the property line the material would be located. Amy Doherty responded that they are still determining exactly how much material will need to be relocated and the best place to relocate it. It is expected that the relocated area will be about 100'x100' as the dump material is not very deep in the area to be removed. Mike

Murphy asked if this is hazardous material. There is no methane shown in the monitoring and there should not be any hazardous material. Jason Durgin asked what the current landscape of the proposed relocation is. It is shrubbery and small trees.

Mike Murphy moved, seconded by Kevin Waldron to accept the application as complete. Motion passed.

Public hearing: Randy Barclay, abutter, commented that the old dump goes all the way to the brook and old material is still visible. He added that there is traffic 24 hours a day, tractor trailers all day, people trespassing on his property to get to work as well as noise and drifting material issues. He stated that there had been a problem with a drain that washed out part of the old dump area. The smell of burned rubber is offensive and the traffic is unbearable during the time of shift changes. He said the place looks clean, but there is a brook right behind the property and it is on the town aquifer. Fred French stated that he has had issues over the years with Freudenberg. Black material from the stacks is all over his property and house and he is no longer able to keep bees. Although he has had extra insulation added and new tight windows installed the noise from the fans is still bothersome. The noise from trucks backing up to the loading dock happens all night and the traffic is dangerous. He expressed concern that the new building will only add to the noise and traffic. Wendy French added that she is concerned about disturbing the dump as the last time this happened they were infested with rats. She is concerned about health issues with exposing the dump materials as well as the rats. Wendy also expressed concern about the possible impact to their artesian well when the dump material is exposed. Wayne Crowley commented that he is concerned that the Planning Board does not know the planned location of the relocated dump material. Mike Murphy asked if there can be any plan for mitigation of the disturbance of the rats.

Keith Murray, abutter and President of Northfield Economic Development Committee stated that NEDC supports the expansion as it brings in more taxes and added employment to the area. As an abutter he agreed with the concerns of Mr. Barclay and Mr. French stating that the speeding during shift changes is an issue. He commented that this is the difficulty of allowing residences within a commercial/industrial zone.

Randy Barclay took issue with the statement that Freudenberg operates weekdays only as he sees cars in the parking lot 7 days a week. He added that police try to monitor speeding traffic but it continues. Keith Murray asked if the Board can make a condition of approval that Freudenberg will have a rat mitigation plan.

Wayne Crowley stated that the Planning Board will want to schedule a site walk to see where the building will be and the location of the dump, etc. Amy Doherty explained that the Use and Restriction Plan defines the location of the dump. There is no plan to expand the dump, but rather to remove some of it to another area within the define area. Although the dump extends beyond Freudenberg's property, the State has stated that Freudenberg will only study that area which is on the Freudenberg property. She added that the new study will result in a more accurate surveyed location of the dump and a new activities restriction will be created based upon the new study.

Fred French stated that he wants the noise issue to be addressed. Randy Barclay expressed concern that moving landfill material will result in more material in the brook. Amy Doherty responded that it will be removed within the same footprint and not to a new pristine location. She added that the groundwater was tested in 1997 and there is no contamination. Fred French asked what will happen if his well is contaminated after the removal. Keith Murray suggested that wells should be tested before any removal occurs. Kevin Waldron asked if the building could be moved so that it does not impact the dump. Mr. Smith responded that the building has been designed to fit the equipment and making a longer, narrower building would not work. Public hearing closed.

Kevin Waldron moved, seconded by Mike Murphy to continue this application to June 15, 2013 at 8 am for a site walk on the property. Motion passed.

Other:

- **Pike Industries:** Ryan Crosby explained to the Board that Pikes is planning to add a 13,000 gallon asphalt tack tank. Tack is sprayed on the surface before putting down asphalt. The tack is currently stored in transport tanks which is no longer satisfactory. The proposed vertical tank allows the tack to be heated at all times. It will have a concrete foundation and electricity. There are existing asphalt cement tanks on the property. Asphalt tack is different from asphalt as it is a liquid that would not solidify if spilled. The tank would be 10-15 feet high. The property is located within the groundwater protection zone and the regulations for this zone will be complied with.
- **DOT:** There will be a meeting on June 6 at the Tilton Town Hall relative to proposed repairs to the I93 bridges near Exit 20.
- The first meeting to discuss the possible creation of a village district will be held June 4.

Public Hearing: The Planning Board will hold a public hearing on a proposal to amend the Northfield Subdivision Regulations to indicate that final approved subdivision plans must be recorded within 2 years from the date of approval with the provision that an extension of one year can be granted by the Planning Board.

Wayne Crowley questioned whether this hearing should be held at this meeting because the actual wording for the changes was not available to the public before the meeting. Dari Sassan explained the proposed changes which would allow 2 years to complete the conditions of approval of a subdivision including the recording of the plan. Mike Murphy commented that NEDC is in favor of the proposed change. Wayne Crowley asked if this would require that all subdivision approvals be conditional. Dari Sassan replied that this would make all approvals be similar and would allow someone to not complete the conditions for up to 3 years. He added that the conditional approval complies with state RSA and doesn't create tax consequences until final approval. Kevin Waldron asked if this is approved would a person have to re-apply if the conditions were

not met and what is wrong with leaving a plan unrecorded Members responded that all permits have a time limit and leaving a plan open ended is not a good plan.

Kevin Waldron moved, seconded by Mike Murphy to postpone this public hearing until July 1, 2013. Motion passed.

Section 14.3 of the zoning ordinance: The Selectmen has asked the Planning Board to look at this provision which allows the Selectmen to make a ruling on a pre-existing non-conforming lot and to consider removing it. Members generally agreed that this provision should remain in the zoning ordinance. The Selectmen have the option of not making a ruling and referring an applicant to the appropriate zoning board if they do not want to make a decision. Doug Read stated that pre-existing lots have rights and the town can't take away the ability to use a lot. Dari Sassan commented that LRPC suggests two options, one to change the wording so that the procedures are clear and two, to leave the wording the same and have a procedure in place so that the Selectboard would consult the ZBA and PB. Wayne Crowley responded that no change is needed as it gives the Selectmen the right to make a decision or not.

Meeting adjourned at 9:20 pm.

Respectfully submitted,

Eliza Conde, Secretary

Minutes approved 07-01-2013