



NORTHFIELD PLANNING BOARD Meeting Minutes of June 1, 2020

Members Present: Jason Durgin, Sel. Scott Haskins, Doug Read, Sheena Duncan, Joyce Fulweiler, Wayne Crowley;
Also Present: Stephanie Giovannucci, Tim Bernier, David Krause
Present by Zoom: Kevin Waldron, Bruce and Melissa Howard, David Frothingham, Dan Grish, Daniel Luker, Regina Nadeau, Susan Slack, Karen and Theodore Woodward, Seth Greenblott, Jennifer Haskins, Steve and Kathy Albert,

Having a quorum established Chairman, Jason Durgin called the meeting to order at 7:00 PM.

Chairman Durgin explained that due to Governor Sununu's Emergency Order 12, this meeting is considered a legal meeting being held through Zoom and at Town Hall.

- **Monique Cormier Family Trust, Suzanne Arena Trustee – Continuation of Application for a Major Site Plan for UPS Distribution Facility located on South Park Drive (Map R14 Lot 5-4) in the C/I Zone.**

Tim Bernier addressed the updates to the plans including on sheet C1-5 which includes the addition of 93 Norway spruce plantings which will reduce potential noise and potential lighting issues, two stop signs at South Park Dr. Mr. Bernier stated that he has received an alteration of terrain permit from NH Department of Environmental Services and presented a copy to the Board. Mr. Bernier went on to state that NH Department of Transportation seems to be requiring a right hand turn lane and in addition an existing 12 foot shoulder to allow vehicles turning right into South Park it acts as a deceleration lane. Mr. Bernier informed the Board that the wetlands permit from NH Department of Environmental Services is still being worked on, the department is mainly working from home so it's been a lot of back and forth responses. Mr. Bernier noted that the applicant did file a waiver request for the Landscaping Plan in the Ordinance talked about inside landscape by the building, but to do that they would need to push the parking lot out into the wetlands.

Mr. Bernier requested to discuss with the Board the portion of the building which is in the Ground Water Protection District, Board agreed to continue the discussion. He added as discussed in prior meetings there is more than 15% of impervious surface as per what is laid out in the Zoning Ordinance. Section 8 of the Ordinance requires that the Planning Board must determine if the use is not a permitted use, however in September of 2019 they receive a letter from the Code Enforcement Officer that the use is compliant as a permitted use. In addition, the site must be in compliance with the performance standards, and they have gone through and made sure their design has met all of these standards. He went onto explain each standard in the ordinance; 9(a) confirmed there is no animal manures on this site, 9(b) confirmed the only storage in the facility is at the other end of the building outside the Zone, 9(c)(d)(e) confirmed there is no outside storage, 9(f) reiterated that any storage of such materials is on the other side of the building outside of the Zone, 9(g) confirmed there are no wells on the property. Mr. Bernier moved onto section (h) i - 1 confirms all storm water control is done outside the district which is located under the two driveways, 2 - UPS has a spill control plan which they use for all of their facilities, which they can supply to the Code Enforcement Officer prior to receiving an Occupancy Permit, 3 & 4 confirms that this is also a requirement for the alteration of terrain permit and they are meeting all requirements, and any adjustments would require a new permit. 5 confirmed that they have done test pits all over the site, have had soil scientist, and have not found any contamination to the site and have found no history of contamination to the site. They did geo tech for the foundation site as well and found nothing. 6 they have continued to try to control the storm water and get as much of it out of the lot as they can, UPS is aware of the sensitivity to the groundwater and they hire a subcontractor to plow the snow and tend to apply good management practices with the hopes to utilize calcium chloride, and noted that the salt utilized on Rt. 140 they have no control over, which adversely could affect the same drainage system. Mr. Bernier reiterated that (h)ii he talked about previously and reiterated that for (h)iii UPS has a Spill Control plan which they will supply the final to the Town once the structure is designed, however reiterated that this is not an issue in this district any all storage is outside this district.

Mr. Crowley asked about the storm water runoff drainage there's 50% impervious that's being collected and treated, where does it go after that? Mr. Frothingham asked the Board to look at Map C1.3 pertaining to the drainage system and stated that it's designed to maintain water quality, water quantity and water rates; water enters the system and goes into the isolated ROW then filters and goes into the ground. He went onto explain how they system is designed per the descriptions on the map. Mr. Crowley asked if there was additional storm water leaving this site due to the development, Mr. Frothingham confirmed there is no additional storm water leaving the property.

Mrs. Fulweiler asked if the NHDOT traffic study in for this development will put restriction on any future developments of the additional lots. Mr. Bernier stated that part of the development of the park there were conditions that every time a lot gets developed they will need a traffic study and get the approval from the state for a driveway.

Classification: Chairman Durgin stated that the Board received two letters one from Attorney Greenblott who is representing the Howards, and the other from Attorney Luker who is representing UPS (see attached). Chairman Durgin added that back in September it was determined by the Planning Board that this development would be considered a warehouse by the definition in the Zoning Ordinance and followed by a letter from the Code Enforcement Officer. Chairman Durgin asked the Board to confirm if they still agree with that determination, all Board members agreed with no additional questions.

Regional Impact: Chairman Durgin stated notices were sent out about regional impact and they received a letter from Lakes Region Planning Commission in April, no additional information came from Tilton or Belmont in regards to concerns, questions, comments, etc. Chairman Durgin asked the Board if they agree they met the requirements and reviewed documentation for Regional Impact, all Board members agreed with no additional questions.

Ground Water Protection Zone: Chairman Durgin stated that this was discussed this evening at great lengths and we will need to make a motion this evening. Chairman Durgin asked the Board if they had any additional questions regarding Ground Water Protection, all Board members had no additional questions.

Noise: Chairman Durgin reviewed that UPS has confirmed they do not have backup beepers, the mechanics garage is on the Rt. 140 side of the building, and add that the garage is not in the Ground Water Protection Zone, the closest residential house is approximately 1000 feet which belongs to Birch Hill Kennels on Rt. 140, and that the Shaker Rd houses are elevated higher than the proposed building and the closest house is over 1500 feet from the boundary line, in addition to resident concerns about noise UPS has added additional site work to minimize the noise by adding trees to their lot as a buffer. Chairman Durgin asked the Board if they agreed the noise concerns have been addressed by the Board and feel that UPS has addressed all concerns, all Board members agreed with no additional questions.

Lighting: Chairman Durgin reviewed the lighting in the plan stating that downward lighting has been implemented in the plan and confirmed that due to downward lighting you do need more lights to illuminate what you are trying to light. Chairman Durgin asked if the Board agrees all requirements have been met and if there were any additional questions from the Board, all Board members agreed with no additional questions.

Landscape: Chairman Durgin noted that we have a waiver request to address when we get to it, in regards to the perimeter being brought in to maximize the forest buffer and with less impact on wetlands, in addition they previously stated that there is a designated smoking area on the property. Chairman Durgin asked if the Board if they had any questions or concerns, Board members agreed with no additional questions.

Driveways: Chairman Durgin stated that the plans show two driveways one for employees and small trucks and the other mainly used for tractor trailer trucks, in addition two stop signs have been placed at each driveway. Chairman Durgin noted that both driveways require a culvert pipe for drainage and will be the responsibility of the property owner to maintain. Chairman Durgin asked the Board if there were any additional questions from the Board. Sel. Haskins asked if there were signs planned to be placed at the driveway saying UPS? Mr. Bernier stated not at this time they don't anticipate needed one, everyone there are employees and should know where they are going, possibly in the future they will put one on the building. Board members agreed to all implementations and had no further questions.

South Park Drive: Chairman Durgin stated that currently South Park Drive is still owned by Cormier, which will change ownership once the first property is sold as agreed by the Selectboard. In addition, this is part of the Northfield TIF district, which has taxes raised in the district and set aside for road maintenance. Mr. Crowley asked once this turns into a Town road why does it need a driveway permit from the State? Mr. Bernier stated that was part of the plan development. Chairman Durgin asked the Board if they had any additional questions, Board members had no other questions.

NHDOT Traffic Study: Chairman Durgin stated this is still being reviewed by NHDOT and was talked about in tonight, he asked the Board if they had any further questions, no further questions from the Board.

NHDES Wetlands: Chairman Durgin stated this is in the final stages at NHDES and UPS has responded and made adjustments as requested, this also discussed tonight, in addition the Board approved the Wetlands Buffer permit a couple meetings ago. Chairman Durgin asked if the Board had anything else to add. Mrs. Fulweiler added that she was concerned about ground water protection and appreciates the presentation that was made and the sensitivity steps UPS has taken with respect to this area. No other questions from the Board.

TN Fire District Requirements: Chairman Durgin stated that the district required a fire hydrant and 360 degree access to the building, he added that looking at the plan he does not see any issues with the access, and asked the Board if they had any further questions. Mr. Crowley asked for the location of the hydrant. Mr. Bernier stated it's in the southerly corner of the driveway. No further questions from the Board.

Chairman Durgin asked the Board if they had any further questions before they hear from the public.

Mr. Crowley asked for clarification of the owner of the sewer pump station located on the property which pumps to South Park Drive, Dave Frothingham confirmed that the property owner is the responsible party for that portion of the sewer.

Chairman Durgin opened the floor for abutters

Mrs. Woodward asked about the quantity of trees being planted on the south side of the property and how tall. Mr. Bernier stated there were 47 Norway spruce trees on the south by the driveway at six feet tall when planted and as discussed they have added 93 Norway spruce trees on the south side on the slope all seedlings, the smallest width is 45 feet wide. Mr. Frothingham added that the Norway spruce trees were selected because of their rapid growing ability.

Mr. Woodward stated that he feels the study has not been adequate in reference to the elevation and feels he will be looking at the building and the lighting coming from the property. Mr. Bernier reiterated that they did a lighting study and they had a professional design the lights, they are all cut off fixtures, downward facing lights, with the fixtures they were able to determine the candle power as to where the lights will go from the fixture. The only place where it leaves the property is at the intersection for the driveway and the down at the right of way line however it does not take into account the trees that will be placed there. Mr. Woodward is not satisfied and feels there should be a better study on elevation.

Mrs. Woodward asked for clarification on the erosion control plan 1.4 sedimentation ponds. Mr. Frothingham stated these are only in place during the construction.

Mrs. Woodward asked if the lights are going to be 24-7 or just during hours of operation. Mr. Grish stated they would be 24-7 during the night. Ms. Woodward asked if they could only be reduced so they are not on 24-7. Mr. Grish reiterated that the lights are designed to not leave the property. Ms. Woodward asked that they only be on during the hours of operation or be a motion light. Mr. Bernier stated safety is a concern and they will need the lights on, but they can talk to the lighting engineer to see if the technology available to with these types of fixtures.

Chairman Durgin opens the floor to the public.

Attorney Greenblott, representative for Mr. and Mrs. Howards, stated that he feels the Board needs to make the decision of the use not the Code Enforcement Officer on the facility. He added that he feels this is not a permitted use in the Ground Water Protection Zone as this use is defined as a truck terminal because there is going to be 60 large commercial vehicles, in addition there is not going to be long-term warehousing storage at this site, which seems to fit the common definition of a truck terminal.

Chairman Durgin read the definition of a warehouse in the Zoning Ordinance and stated that this is the definition in which the Board has been going by, as they discussed in prior meetings. Chairman Durgin asked the Board to confirm if they feel this project falls under the warehouse definition in the Zoning Ordinance. All Board members unanimously agreed.

Kevin Waldron asked who will bear the cost of the fire hydrant. Mr. Bernier stated that UPS will be paying for the hydrant as part of the construction project.

Attorney Luker, representative for UPS stated that he stands by the letter he submitted, and reiterated that in accordance to RSA 676 the determination that Attorney Greenblott wants the Board to make it is initially determined by the Code Enforcement Officer to allow the applicant the ability to go before the Zoning Board for approval before coming to the Planning Board, and the determination was made back in September. These are set up by the State and the voters of Northfield, and it's relied on by all applicants.

Chairman Durgin confirmed that once the CEO makes the decision the appeal would go before the Zoning Board and that's the 30 day.

Mrs. Howard asked if the letter was made public, because they were not notified as abutters, and not being notified how they would know to appeal it. Mrs. Giovannucci stated the Howards were never notified for the UPS project because they are not abutters, the only reason they received any type of notification is because the UPS project was on the same agenda as the Keyse minor subdivision which they were abutters to which was all on the same agenda. And the letter was made public in September and would have been in the Planning Boards packets at their October meeting.

Mr. Howard stated that at the last meeting Chairman Durgin stated when he was growing up he could hear the Coke plant which had a loud speaker and back up beepers, however that factory is a mile away. Chairman Durgin added that UPS has confirmed on several occasions that UPS does not have back up beepers nor do they have an outdoor loud speaker.

Mr. Howard expressed concerns about the entry to Rt. 140 as UPS will already have about 60 vehicles coming and going at once, what happens when another company moves in is it going to be the Towns responsibility to upgrade Rt. 140 to accommodate additional traffic. Chairman Durgin reiterated that any upgrades needed to Rt. 140 is on the lot purchases as previously stated, they will need a traffic study for each lot with a proposed development. And that will be what the state requires.

Mrs. Howard asked why a noise study wasn't done when the Board asked for it. Chairman Durgin stated that the Board never asked for a noise study and just asked them to look into the noise concerns, in the Boards opinion they have satisfied the potential noise issues.

Kevin Waldron wanted confirmation that the town will not be billed by the water district for the hydrant. Mr. Grish stated it's his understanding that the hydrant charges will be to UPS as it's installed specifically for UPS. Mr. Waldron stated that the Water District bills the Fire District for every hydrant and wants to make sure the bills are going to UPS.

Mrs. Woodward asked about the information available in the Planning Board folder, why wasn't it made available on the website. Mr. Crowley stated that it is not the Planning Boards obligation to question the Code Enforcement Officers Decision. Chairman Durgin added that at the time there was no application, they asked the Code Enforcement Officer for a determination which was put in writing. The Planning Board has followed the procedures set forth in the RSA's and the ordinances.

Mrs. Howard asked if the documentation has to be part of a Zoning Board meeting, Chairman Durgin stated no, this was just a question to the Code Enforcement Officer. Attorney Luker stated as part of the site plan review process the applicant needs the determination from the Code Enforcement Officer of the use, which is part of that review process so the applicant does not waste their time and money before the use is determined.

Mrs. Howard asked if adequate information was supplied to make the determination that it was a warehouse since there was no application filed. Chairman Durgin stated that there was a preliminary discussion with a drawing similar to what is being worked off now, and they also discussed the Ground Water Zone.

Attorney Greenblott stated that as part of the determination of the application the Board will be making a decision on the Special Use under 6.2 in the Ground Water Protection District and read number 8 as what the Board needs to determine, upon that decision by the Board it becomes appealable. He added that he wanted to point out that it can be appealed.

Susan Slack confirmed that yes any Planning Board decision can be appealed to the Zoning Board of Adjustments, and added that this is something that will have to play out.

There being no further questions from the public, Chairman Durgin closed public session.

Mrs. Fulweiler asked for additional clarification on the appeal process. Ms. Slack stated that per statute that an applicant or abutter can appeal the decision made by the Planning Board to the Zoning Board if it's a decision made in accordance to the Ordinance, if it's not the Ordinance then it would go to the Superior Court.

Chairman Durgin asked the Board to look at the waiver in reference to the internal landscaping around the building.

Crowley/Duncan moved to accept the waiver for the internal landscape. **Motion Passed by unanimous roll call vote.**

Fulweiler/Crowley moves to grant the special use of a warehouse in the Ground Water Protection District.

Mr. Crowley stated that only a portion of the building and parking lot is in the GWPD, additionally the items that would impact the district are not being stored or utilized in this district. No further discussion. **Motion Passed by unanimous roll call vote.**

Crowley/Haskins moved to approve the Site Plan Application as presented this evening with the following conditions.

Receipt of the NH DOT driveway approval and compliance of those conditions

Receipt of the NH DES wetlands approval and compliance of those conditions

Substantial work must be completed in 18 month of final approval which means all of the conditions have been met.

Ms. Slack asked if that includes the alteration of terrain, Mr. Crowley stated that has already been approved and the Board has received a copy. No further discussion. **Motion passed by unanimous roll call vote.**

- **Minutes:**

Crowley/Haskins moved to approve the minutes of May 4, 2020 as written. **Motion Passed by roll call vote with one abstention.**
Fulweiler/Crowley moved to approve the minutes of May 21, 2020 as written. **Motion Passed by roll call vote with one abstention.**

- **Virginia Livingston Rev Trust, Virginia Livingston Trustee and Steven and Kathleen Albert** – Informal Discussion for a Boundary Line Adjustment located on Payson Road (Map R21 Lot 8C and Map R21 Lot 8C-1) in the Conservation Zone.

David Krause explained that Ms. Livingston purchased a parcel from the Town in April with the condition to merge with her current property which was done. Ms. Livingston purchased the property with the intent to do a lot line adjustment to give the property owned by Mr. and Mrs. Albert road frontage, currently they have a right of way across her property. Unfortunately now by doing the lot line adjustment and reverting the lots frontage as it was prior to April, would leave the lot with less road frontage than required.

Chairman Durgin stated that the Board would need to find out if that was allowed.

Mr. Albert asked about the timeframe in finding out about the frontage

Chairman Durgin stated that Mrs. Giovannucci and he would find out prior to next Friday in case they needed to file for a variance.

- **Durgin Property Investments LLC** – Application for a Major Subdivision to create 4 additional lots for a total of 5 lots located on Shaker Road (Map R19 Lot 5) in the R1 Zone and Ground Water Protection District.

Chairman Durgin recused himself as a Board member, because he is the owner of this property.

Mr. Krause explained the proposed subdivision, stating that they will need a wetlands permit from the State as two driveways cross over a stream. In addition, they are asking this to be treated as a minor subdivision because they have all of the necessary materials, and don't feel they would need to have a second meeting.

Mr. Crowley asked about the lots and how deep they went back. Mr. Krause confirmed they all meet the 4-1, and frontage requirements.

Sel. Haskins asked if culverts were going to be needed for the driveways. Mr. Durgin confirmed that all driveways are going to need culverts.

Vice Chair Fulweiler asked if Mr. Durgin has received driveway permits from the Road Agent. Mr. Durgin stated he has two permits currently, one for temporary logging with the intent that it become a permanent driveway after.

Mr. Crowley stated that the stone walls are not being utilized as boundary lines, making some of the walls go right through the property.

Mr. Krause stated that all the walls are internal of the original lot and they are not doing anything to the boundary walls.

Vice Chair Fulweiler asked the Board to review the waiver.

Mr. Krause stated the waiver is to change the request from a major to a minor to allow one meeting instead of two.

Crowley/Haskins moved to approve the waiver to allow the application to be considered a minor instead of a major subdivision.

Motion Passed 4-1

Crowley/Haskins moved to accept the application for a minor subdivision as complete. **Motion Passed.**

Mr. Waldron asked if the water runoff is going to add more water to the roadside ditches. Mr. Durgin stated that he doesn't feel the water is going to change from what it's been the last 100 years.

Vice Chair Fulweiler asked if there are any existing swales. Mr. Durgin stated yes there are cross culverts and ditches. He added that the water wouldn't change more or less if he had just logged the whole property, and he added that he's barely changing the topography at all and there are existing streams already on the property.

Vice Chair Fulweiler asked about note 5 in regards to subject to easements. Mr. Krause confirmed that the easements were granted in the 70's with the Coop and seems amendable to move it to the roadside.

Vice Chair Fulweiler opened the floor for public comment at 9:37 pm, there being none closed public hearing at 9:38 pm

Mr. Crowley proposed a site visit with the Road Agent. Mr. Durgin confirmed he has walked the site with the Road Agent already and confirmed the drainage that goes down along the road to Twin Bridge Rd, and Andy Buteau, Road Agent mentioned that the ditching along Twin Bridge Rd need to be addressed.

Sel. Haskins suggested a site walk with the Board, applicant and Road Agent.

Haskins/Crowley moved to do a site walk on Wednesday at 3 pm on Shaker Rd. **Motion Passed**

Mrs. Giovannucci stated she will reach out to Mr. Buteau.

Mr. Durgin requested to have a meeting in two weeks.

Crowley/Duncan moved to continue the application to June 15, 2020. **Motion Passed.**

Being no other business the meeting adjourned at 10:54 pm.

Minutes approved July 6, 2020