

**MINUTES  
CHARLESTOWN PLANNING BOARD  
AUGUST 7, 2012**

Members Present: Robert Frizzell (Chair); Sharon Francis (Vice-Chair); Brenda Ferland (Ex-Officio); Pat Royce, Rose Smith-Hull, Roger Thibodeau

Alternates Present: Eric Lutz

Staff Present: David Edkins – Planning & Zoning Administrator  
Regina Borden – Recording Secretary

**CALL TO ORDER:** Mr. Frizzell, Chair, called the meeting to order at 7:00 PM. He noted that regular member Andy Jellie and alternate member James Jenkins are not present. Brenda Ferland is sitting on the Board as an Ex-Officio Alternate for Steve Neill who was unable to attend this meeting. Mr. Frizzell called upon alternate member Eric Lutz to sit on the PB for Andy Jellie. Noting that meetings are tape recorded, he asked anyone wishing to speak to identify themselves for the record.

**APPROVAL OF MINUTES OF JULY 17, 2012:**

**Mrs. Francis moved to approve the Minutes of the July 17, 2012, meeting, as printed. Mr. Thibodeau seconded the motion. Mrs. Royce noted that on page 3, “Rene LeFleur” should be corrected to “Rene LaFleur”. Mr. Thibodeau mentioned that on page 1, Robert Scott, 7<sup>th</sup> line, “property was previously” should be changed to “property is approved”. On page 3, under Planning & Policy Issues, start of second sentence, change “They need to” to “We need to”. Mrs. Francis and Mr. Thibodeau accepted the corrections. With six members in favor, the minutes were approved as corrected. Mrs. Ferland abstained as she was not present at July 17 meeting.**

**WHELEN ENGINEERING CO., INC. – Voluntary Merger of Existing Lots – 99 CEDA Road – Map 106, Lot 3 and Map 103 and Lot 10 – Zones F1 (Business/Industrial) and E (Mixed Use):** Mr. Edkins advised that the Planning Board approved the Whelen Engineering Company building expansion onto an adjacent lot; it will be all one building that will go over the property line. One of the conditions of that approval was that Whelen voluntarily merge the two lots together so that the building would be on one lot. Both lots are owned by Whelen Engineering Co., Inc.

**Mr. Thibodeau moved to approve this Voluntary Merger for Whelen Engineering Co., Inc. Mrs. Francis seconded the motion. With seven members in favor, the motion was approved.**

**LIFE FELLOWSHIP FOURSQUARE CHURCH – Consultation re: Alteration to Previously Approved Site Plan – 85 Wheeler Rand Road – Map 213, Lot 11 – Zone E (Mixed Use):** Pastor David Grasso of the Life Fellowship Foursquare Church was present. Mr. Edkins explained that back in 2009 the Planning Board approved an addition to the church including a new proposed parking area. In the course of constructing that parking area the State Highway Department became aware of the fact that it encroached into their highway right-of-

way and that was because it was not shown correctly on the original site plan. In that area there is a 200-foot right-of-way; it is 100-foot on either side of the centerline on Route 12. They have revised the site plan that was viewed by the PB members. The parking area will be extended further toward Wheeler Rand Road with the hopes that they would not lose more than three parking spaces. This was discovered in the midst of construction so Mr. Frizzell and Mr. Edkins met and determined that this was a minor alteration to the site plan so they approved the go-ahead. Mr. Grenier from the State Highway Department walked the property and is pleased with the modification. Mrs. Ferland asked what their future plans for parking are. Mr. Grasso said the existing parking remains on the north side of the church toward Claremont and their neighbor has been gracious as he has opened up his parking area to the church. The new parking area is almost finished. Mr. Edkins advised that the Subdivision regulations allow him as the Planning and Zoning Administrator to determine whether a modification to an existing site plan is major or minor. If it is minor he can sign off on it but if it is major it has to come back to the PB for another Public Hearing. Unless the PB has an objection he feels that because Mr. Frizzell and he determined that this is a minor modification and the applicant proceeded with their project he does not believe any further action is required. The PB approved this minor alteration to the site plan.

**NATIONAL GRID/LIBERTY ENERGY – Consultation re: Alteration to Previously Approved Site Plan for Electrical Substation – 187 Michael Ave – Map 107, Lots 1 & 4 – Zone A-1 (Rural Residential) and E (Mixed Use):** Mr. Edkins reported that this is an alteration to a previously approved Site Plan for the electrical substation on Michael Avenue. He was not as comfortable making a decision that this was a minor alteration as opposed to a major alteration. He met with Linda Connell and John Cochrane on this matter and it was agreed to refer it to the full Board. Mr. Frizzell advised that this is not a full Public Hearing. Mr. Edkins confirmed that this is a consultation. He displayed the original plan. Ms. Connell is representing both companies; New England Power Company and National Grid. National Grid sold their company to Liberty Energy on July 3, 2012, but they are continuing to work together on this project. What has changed since the last time they came before the PB is that they will be tapping into a different transmission line. The proposed substation located is between the two power transmission lines of Central Vermont Public Service and New England Power. Their thinking at the time was that it was going to be faster to tap into the Central Vermont line than into New England Power line. They now wish to tap into the New England Power line. Time is of the essence because Whelen Engineering is constructing faster than they are getting this substation built. In addition, Charlestown is under-served so needs this substation. This project has priority status even with the change of ownership. In order to construct the switch structure National Grid wants to have a better access to be able to construct and service it. To do this they want to put in a 10-foot wide gravel driveway with guardrails so it will be safe for trucks and emergency vehicles. At the site visit during the last Public Hearing there were questions about why they could not get rid of the driveway that went up to the barn but they need the high quality access to the substation and the driveway to the barn is passable and would serve the barn. Recently a decision was made to look at that again. Sure enough, they determined that that driveway was really right to serve the substation and barn so that has been re-engineered. The culvert will be moved over to serve the new driveway under the power easement. They are proposing to move the second gate from where they are taking away the driveway to the barn and using it on the New England Power transmission line project. The other change is relative to

the drainage. A decision was made that instead of a single level spreader to catch the drainage and keep it from going off-site that it would function better to have two smaller ones. That also allows the removal of some boulders that were proposed as a retaining wall. There are also three new poles that were not shown before. The new plan shows a short spur driveway that was created for snow storage near the barn. They also felt that the need for a turn-around in the driveway would be better served by eliminating the parking spaces as this is not an occupied structure. This right-of-way easement is all on Granite State Electric Company land with the exception of the lot they purchased from Genevieve Stone that is rectangular and the former Boynton property, now owned by Lincourt that has a triangle along Michael Avenue. Their right-of-way goes to Michael Avenue and then continues across the street.

Mr. Frizzell stated that the PB needs to make a decision as to whether or not this is a minor change or do they need to schedule a Public Hearing and notify the abutters. Mr. Thibodeau feels this is minor but it is substantial. Time is of the essence.

Mr. Cochrane represents National Grid and Liberty Energy. He was brought onto this project to expedite the change. The Central Vermont Public Service change cut the project back six months. A lot of relay has been up-graded with the work being in done in Bellows Falls over the past three years. They are still looking to meet the anticipated completion date of June 1, 2013.

There was discussion relative to an impact on the abutters. Mr. Edkins noted that the only abutter who expressed concerns at the first hearing was Mr. Henning but the impact is moving away from him. He had no objections during the Public Hearing. They are moving from one power line to another. Mrs. Ferland considers this a minor change; the Public Hearing clearly defined everything. Mrs. Connell tried to reach the Lincourt family but was unable to find a phone number for them.

Mr. Edkins noted that all of the work is within the right-of-way that the power company owns. Mrs. Francis stated that this is a residential area. She feels the PB members learned a lot on the field trip and does not feel there are any major changes. It is just a matter of public relations for the neighborhood. Mr. Frizzell said this is improving a right-of-way which they would have the right to do anyway. Mrs. Connell felt that the gate will discourage use of the driveway by other vehicles. It will be well maintained. They are not doing anything on the site until they have all the approvals.

**Mrs. Francis moved to ask the applicants to prepare for and come back for a Public Hearing on the proposed changes because it is a major alteration. Mr. Thibodeau seconded the motion. Vote in Favor: Mrs. Francis and Mr. Thibodeau. Opposed: Mrs. Royce, Mrs. Smith-Hull, Mrs. Ferland, and Mr. Lutz. The motion was defeated by a 4-to-2 vote.**

**Mrs. Royce moved that the PB consider this as a minor alteration to the original Site Plan and approve it. Mrs. Smith-Hull seconded the motion. Vote in Favor: Mrs. Royce, Mrs. Smith-Hull, Mrs. Ferland, and Mr. Lutz. Opposed: Mrs. Francis and Mr. Thibodeau. Mr. Frizzell voted to consider it as a minor alteration. The motion passed by a 5-to-2 vote.**

Mrs. Francis' concern is how people in the neighborhood will see the changes. One possibility might be to write a letter of explanation to the neighbors. Mr. Cochrane advised that they have already thought about having an open house when there will be an opportunity for the neighborhood people to ask questions about the sub-station; they are working on that. They are hoping to begin work on the site by the second or third week in October. The people on Michael Avenue will see better service; it will all be state-of-the-art.

Mr. Edkins noted that the applicants have submitted a Wetlands application to the DES on August 3<sup>rd</sup>. All of the abutters were notified of the application and no one contacted him about this.

**AIRGAS EAST – Relocation of Flammable Storage/Propane Filling Operations and Truck Parking Area – 806 River Road – Map 207, Lots 23 & 24 – Zone E (Mixed Use):** Randall Rhoades from M & W Soils Engineering is representing Airgas East. After they were at the last PB meeting for a conceptual consultation they made a few minor changes. One of the buildings has some spot elevations that were not there before. The color aerial photo on the plan is from the latest Google imagery. Airgas is proposing to relocate the storage of their flammable gas cylinders and the location where they do their propane filling. Right now it is labeled as the existing warehouse on the Route 12-A side. Airgas internal safety policies dictate that the facility to move the flammable storage to exterior storage locations. They are taking an existing enclosed truck parking area that right now is sure pac and it has an existing 30,000 gallon propane tank there; they will take out the truck parking and replace it with three storage buildings that are just under 1,500 square feet and in a separate building put in the propane filling and cylinder re-qualification of flammable gas cylinders. The truck parking will be moved to a central location where there is room for 18 slanted truck spaces as shown on the plan; the area will be paved. They have asked for a separation between the truck parking and what is labeled as the existing gravel storage area for empty gas cylinders. There is a 50-foot buffer that will be used as a grass drainage swale with a dry well at the end. M & W Soils has a long history with this site that goes back to the office building. Drainage has always remained on-site and has been handled through a series of dry wells; as a part of this project they will split it up a little more than it is now. This present layout has been in use for about 20 years. He displayed sketches of what the buildings will look like in the upper corner of the plan. These three storage buildings are open structures for the storage of pallets of cylinders; they are open on three sides but divided with a roof over them and there will be fire-proof walls between the bays. There is a double security fence around this area right now; the interior fence will be extended to encompass these buildings so the flammable storage will be within a locked-in fenced area within their overall fenced area. All of the operations are already on the site right now with the same quantities that are being proposed. These changes are to satisfy their own internal requirements. The hours of operation of the main plant will remain as they are now.

Lisa Ramsey, the Facility Manager, and Tom Zampano, Project Manager, were also present.

An abutter asked what creates the vapor that crosses the road. Ms. Ramsey explained that it is from the oxygen and nitrogen being filled; it has no impact on the area at all. There is a stockade fence there to try to keep it off the road. The weather plays an important part of that. Mrs.

Smith-Hull asked how many empty tanks they store. Ms. Ramsey said the amount of cylinder storage will not change, they will just be moving them. The number of cylinders for acetylene is about 1,400. They would be in the bunkers and in an explosion proof area. Mr. Frizzell asked what happens if lightning strikes an acetylene cylinder. Ms. Ramsey never heard of that happening. Mr. Zampano explained that is why Airgas requires these specific bunkers for storage. If it were to happen it would be contained and would not spread. Ms. Ramsey said right now it is inside storage. Airgas wants it moved outside just in case something similar does happen. Airgas has its own set of rules. Mr. Edkins noted that the applicant provided two of their safety policies; each of them is about 40 pages. They are available for anyone to look at.

Mrs. Francis asked them to describe what happens with the tanks arrive there and how they are filled in relation to the new storage bunkers. Ms. Ramsey said they would be set-up where they fill propane now in the inside area. They have a 30,000 gallon tank in the premises that is bulk storage and they fill the 20 pound grille-sized cylinders from it; no cylinder is bigger than 100 pounds. This is done in one area because they have to be weighed on the scale. They would then be stored in a bunker until they are put on the truck to be taken to the retail stores. When the empty cylinders come in they get sorted; they are either ready to fill or are disqualified. If they are ready to be filled they are lifted by hand. Mr. Rhoades noted that each bay can store 25 pallets.

Mrs. Smith-Hull asked about their security; can anyone enter during the day. Ms. Ramsey explained that the property has a fence around it except for the gate out front; there are signs that state that anybody coming in has to sign in. There are security cameras so they can see anybody that comes in or goes out 24 hours a day.

Nancy St. Pierre, an abutter, noted that Ms. Ramsey said that Airgas has their own security. Ms. Ramsey said the SOPs that Airgas has are the most safe, effective way for their employees and other people involved. Mrs. St. Pierre questioned if it is necessary to go outside the building or can it stay inside. Ms. Ramsey said Airgas feels it is safer outside. Responding to Mr. Frizzell's question, Ms. Ramsey said the refilling process is not loud.

Victor St. Pierre, an abutter, noted that when Airgas took over from Merriam-Graves it seemed like a lot of the issues that were brought up during the previous site plan hearings were ignored. The hours and the noise is a lot louder than Merriam-Graves. Ms. Ramsey said they have not changed anything. Mr. St. Pierre mentioned the cylinder bumping noise; the cylinders bounce against each other. It is the ringing and the time of day. Ms. Ramsey advised that everything is palletized. Mr. St. Pierre said one guy starts his motorcycle at 10:30 PM every night. There is a beeping when they back up. Ms. Ramsey noted that the new trucks do not idle more than 8-to-10 minutes or they shut off. They always had a propane filling operation but the scales are now digital. In this new plan they want to put in a re-qualification system where they can take the cylinders that still have some product left in them and refill it into another tank to reuse it. Mr. St. Pierre felt that there is a lot more open area here and it will bring more trucks closer to them. Ms. Ramsey explained that because they are running out of space in that area they have moved some trucks closer to the warehouse but they will be further away from that if they get this plan approved. The truck traffic has not changed. In fact they are now doing more in the daytime rather than at night.

Mrs. St. Pierre has a concern that this is going outside but she feels it should be self-contained and not be able to explode. There are a lot of homes that need to be protected. Ms. Ramsey noted that Airgas is trying to make it safer. The bunkers will make it contained so it cannot spread. They want to segregate the items.

Paul Judd, an abutter, asked for clarification on the bunker as it says there is a concrete wall on one side. Mr. Rhoades explained that the bunkers have three bays with an internal separation wall that is explosion proof, there is no exterior wall. The requalification building has a back wall but is open on three sides with a partial wall. Mr. Judd asked what the hours of operation are. Ms. Ramsey stated that they are open 6:00 am to 4:30 pm five days a week in the pumping plant. Mr. Judd questioned the air horn that goes off about 2:00 or 3:00 am. Ms. Ramsey said the trucks that make night deliveries have access to their facility. She will do some research on the air horn. Their drivers have been told not to use them especially in consideration of the neighbors. They service the medical industry so they have to have oxygen available to deliver to hospitals at any time of the day or night.

Mrs. Smith-Hull asked if the noise is under the OSHA decibel guidelines. Ms. Ramsey said as far as she knows it is.

Mr. St. Pierre does not have a problem with the propane and the way this project is laid out but it is the other things. The noise levels are louder. It echoes up to their property. It is the consistent clanging of the cylinders against each other. The other issue is the lighting. Could it be put on a motion detector? The welding should be back inside because that is loud. Ms. Ramsey said the only machines they work on outside are the large engine driven machines but the other welding is done inside. The welding shop is open from 7:00 am to 4:00 pm.

There was discussion on the clanging of cylinders. Ms. Ramsey explained that there will be some clanging when they are put on and taken off the pallets. She did not feel they could eliminate all the noise. The cylinders are on pallets when they come off the truck and then they get sorted inside. Mr. Rhoades noted that this is done during day time hours. Mr. Zampano felt that if it is done properly it keeps the noise down but sometimes the cylinders loosen up; this cannot be avoided. They do train their employees in proper procedures.

Mrs. St. Pierre said one of her concerns is their property value going down due to the fact that they will be looking at 15,000 cylinders. Ms. Ramsey was not sure they could see those from the St. Pierre house.

Lynn Hennion, an abutter, asked what would happen if there was an explosion in the bunkers. Ms. Ramsey noted that the bunkers would contain it. There will be lighting in the roof area of the bunkers. They have to be able to get a forklift in.

Mrs. Francis felt that looking at the Merriam-Graves site plan approval might be helpful. Mr. Edkins left the meeting and returned with this file. He reported that there were five different applications that go back to 1979. There was one for the original facility; there are no conditions. In 1992 when they put in the cylinder plant; in 1995 it was the warehouse; in 2002 it

was for the 30,000 propane tank. There were no discussions regarding noise. The only one with conditions attached was the one in 2005 for an 11,000 gallon oxygen tank and a 30,000 propane tank. The only two conditions that were attached to that approval were that they did show some future addition and a future parking area but they were excluded because Airgas indicated that they were not going to do them at that time. The other condition was that there be no filling of bulk deliveries on Sundays except in emergency situations.

Mr. Judd said as an abutter to the gravel storage area he finds this more than a minor change. He hoped that Mr. Edkins could bring this to the attention of the appropriate board to see if something can be put in the regulations to avoid having something like this being put in somebody's front yard. Noise has been a concern since day one. If this approval goes through he hopes it will be addressed so it does not continue at all hours of the day and night in the future. Mr. Edkins pointed out that in 2001 meeting minutes there were concerns about the safety and the hydraulic noises. Ms. Ramsey responded that the bulk oxygen tanks are filled about 4:00 pm; some trucks go out at 4:00 am and others at 7:00 am. There is an overlap shift but they are done by 10:30 pm. Mr. St. Pierre stated that the noise level increased about a year ago. Ms. Ramsey said they are trying to limit the noise. Mr. Edkins found a letter in the file from Wakeman Industries, dated December 28, 2001, addressing truck noise during evening hours; he read portions of that letter.

Patrick St. Pierre noted that there was some cutting involved for the storage area. Saws were running for a while. Ms. Ramsey pointed out that there was some cutting when the fence went in as some shrubs and one tree were cut. They have to keep the fence line free; shrubs and trees cannot grow into the fence. Mrs. St. Pierre would like something like a hedge to help filter the sound. Mr. St. Pierre felt the plan is good but it is the light and noise that they would like addressed. Their house is about level with the roof of the Airgas building. There was discussion relative to trees helping to absorb the noise. Mr. Judd is up the hill and about 300-feet away; in the summer they do not see that much of the Airgas property but in the fall and winter when the leaves are gone they do. Ms. Ramsey said in the requalification and testing area the four employees sometimes open the doors in the summer but maybe they could keep the doors closed to contain the noise. Mr. Thibodeau questioned if between the hours of 6:00 and 10:30 pm could the employees in the re-qualification area keep the cylinders inside until the next day. Ms. Ramsey explained that they are moved outside for the safety of their employees. They might do an average of about 150 cylinders in one evening. Relative to a question on the lights; Mr. Rhoades explained that the lights on the poles are aimed where they need to be, which is not toward the abutters; they are aimed down toward the parking lot. There was a consensus that a site visit would be helpful.

**Mrs. Ferland moved to accept this application as complete. Mrs. Royce seconded the motion. Mrs. Francis made a friendly amendment to ask the applicants to come back with their recommendations to address noise and lighting. This will be beneficial to the neighborhood. Mrs. Ferland felt that after the site visit the members will understand the issues better. They cannot tell somebody that works there to not ride his motorcycle to work. They are talking about a new project. Mrs. Ferland and Mrs. Royce did not accept this proposed amendment. With five**

**members in favor, the motion was approved. Mrs. Francis was opposed. Mrs. Smith-Hull abstained.**

The site visit was scheduled for Tuesday, August 21<sup>st</sup> at 5:00 PM. Mr. Edkins will bring a decibel meter. The PB members will meet at the facility. They will drive over to the St. Pierre and the Judd properties to look at it from their perspectives.

**PLANNING & POLICY ISSUES:**

**Enforcement Issues:** Mrs. Francis asked Mr. Edkins if he has any follow-up on the enforcement form. Mr. Edkins replied that he does not have anything to report as he has been doing other projects.

An additional violation discussed was that there has been a recreational vehicle parked on the Old Claremont Road since the first week in May that is connected to the adjacent house. It is between Champney's horse pasture and Clay Brook. However another PB member felt it is parked there for storage only.

A PB member felt that it hurts their credibility when they do not follow-up on violations. The PB needs to continue to discuss this as well as the need for a Code Enforcement officer.

**ADMINISTRATION & CORRESPONDENCE:**

**Mount Ascutney River Subcommittee:** Copies of the letter from the Mount Ascutney Local River Subcommittee of the newly reconvened Connecticut River Joint Commissions were included in the meeting packets. It invites Charlestown to nominate two representatives to join the subcommittee. Currently, there are no representatives from Charlestown but they are entitled to two members. This letter was forwarded to the Selectboard and Conservation Commission. If anyone is interested or knows anybody that would be interested they should contact Mr. Edkins.

**Excavation Permit:** At the last meeting the PB voted to approve the assignment of the Excavation Permit from Smith and Allen to Norm & Mike Excavating. Mr. Edkins read a letter expressing that. The Bond has been posted and the Intent to Cut and the Intent to Excavate have been submitted and approved by the Selectboard. Mr. Frizzell signed the letter of approval.

**Wetlands Permit:** Mr. Edkins has the Wetlands Permit for the National Grid Substation Project if anyone would like to review that.

**The Source:** Mr. Edkins has a copy of the most recent version of the NH DES Drinking Water newsletter.

**ADJOURNMENT:**



**There being no other business, Mrs. Smith-Hull moved to adjourn the meeting. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved.** The time was 10:06 PM.

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 08-16-12

**(Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the August 21, 2012, Planning Board meeting.)