

**MINUTES  
CHARLESTOWN PLANNING BOARD  
AUGUST 21, 2012**

Members Present: Robert Frizzell (Chair); Steve Neill (Ex-Officio); Andy Jellie, Pat Royce, Rose Smith-Hull, Roger Thibodeau

Alternates Present: Eric Lutz, James Jenkins

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 Sharon Francis was absent. He called upon alternate member Eric Lutz to sit on the Board for Sharon Francis. Noting that meetings are tape recorded, he asked anyone wishing to speak to identify themselves for the record.

**APPROVAL OF MINUTES OF AUGUST 7, 2012:**

**Mr. Thibodeau moved to approve the Minutes of the August 7, 2012, meeting, as printed. Mrs. Smith-Hull seconded the motion. Mr. Jenkins noted on page 8, after the motion, it states that “Mr. Edkins will bring a decibel meter” to the site visit however he did not. Mr. Thibodeau noted that on page 3, second paragraph, last sentence, it states that he feels “Time is of the essence” but it should be changed to “Time is not of the essence.” With five members in favor, the motion and corrections were approved. Mr. Jellie and Mr. Jenkins abstained as they were not present at this meeting.**

*Mr. Neill arrived at this time.*

**AIRGAS EAST, Cont’d – Relocation of Flammable Storage/Propane Filling Operations and Truck Parking Area – 806 River Road – Map 207, Lots 23 & 24 – Zone E (Mixed Use):** Mr. Jellie was not present at the last PB meeting but he stated that he was at the site visit and read the Minutes therefore he felt familiar with the application. Mr. Neill was also at the site visit but was not present at the last PB meeting. Mr. Edkins advised that, at the last meeting, the PB accepted this application as complete and scheduled the site visit that was held prior to this meeting; it lasted from 5:00 to 6:30 PM. The group toured the Airgas property and went to the Victor and Nancy St. Pierre property and walked over to the Paul Judd property to get the perspective from there.

Mr. Edkins referenced the yard where the tanks are stored, about a year ago when Airgas approached him he felt this was going to be a minor change because no buildings were involved and they were just putting gravel in a grass area; but had he understood the clanking of the tanks he probably would not have come to that same conclusion.

Mrs. Royce wanted to hear from Mr. and Mrs. St. Pierre as their comments would be helpful because a big issue brought up during the site visit is the noise. Mr. St. Pierre said they cannot see the tanks from their property but the issue is the evening noise. A lot doesn't have to do with the current site plan. He would like to see something done to reduce the noise in front of where

the new truck parking will be and to have lower lights. They also want to be sure they do not inhale some of the gases. Mrs. Ramsey noted that most of the gases at Airgas come from the atmosphere. Mr. St. Pierre feels that a little bit of anything is fine but a lot of anything is bad. Mrs. Ramsey responded that the EPA would be involved if there was a lot.

Mr. Rhoades asked the PB to consider this project as discussed. If there are violations of the existing permits that they have, the Town has a way of handling that and it does not involve what they are asking for on this project.

Mr. Rhoades made a minor change to the site plan and he distributed copies. The only change is they added a 320-foot, 8-foot tall stockade fence between the area by the new truck parking lot and the existing gravel storage. It goes 5-feet past the parking area itself. Mrs. Ramsey noted that this is something that would be effective right away. Mr. St. Pierre felt this will address the issues to try to buffer the noise and the lights from the trucks.

Mr. Rhoades noted that the only other change from their last presentation is the building that houses the propane filling and cylinder requalification that was going to be 24-feet by 44-feet. It wasn't large enough for the facility's needs so he put that back up to a 24-foot by 60-foot building.

Mrs. St. Pierre talked about the light pollution. They spoke about the existing lights being put on motion detectors; could the new lights also be put on motion detectors. Mrs. Ramsey said the new lights will be up under the roof so they will not shine out. There will be very few on after 4:30 PM; there will be just enough for security. Mr. Rhoades was not sure about motion sensors where the trucks are being parked as they need the security. Mr. Edkins said those lights are going to be pointed away from the St. Pierre's, they will be pointed down toward the parking lot. Mr. Frizzell felt it doesn't sound like there are that many lights. Mrs. Ramsey said there is one light that faces the St. Pierre property but that one will be taken down with the new project.

Mr. Jellie noted that there is noise both at the St. Pierre and Judd properties. He questioned if this is an issue that the PB is to deal with tonight. Mr. Frizzell said that when somebody comes in with a new project or a revision it opens up other issues. He asked if the neighbors have a way of talking with the business. Mrs. Ramsey said she is open for communication and is willing to work with people but they have to run their business. They are willing to do the lights and to put up the fence rather than wait for trees to grow. Mr. Jellie noted that this business has been there for the past 25-to-30 years yet it is only within the last ten months that these issues are being brought up. Can they address the issues tonight or not? Mr. Edkins explained that about a year ago when he received a call from Mrs. Ramsey that they wanted to gravel that area and store tanks there; it did not seem to him that this would have any significant impacts. They were not talking about building a building; it was an open area so they could have used it to store the tanks without the gravel. So, he told them to go ahead. Had he known about the clanking of the tanks when they are being moved he might have reached a different conclusion but he did not understand what the full impact of that might be. Mrs. Ramsey noted that they received all the permits.

Mr. Frizzell asked if there is something they can do about it. Mrs. Ramsey said she can ask the guys not to go out there real late at night and to keep the door on the end closed more of the time. She explained that the area did not turn out as well as they wanted it to but paving would have to wait for next year's budget. Mr. Rhoades explained that there will be issues with paving such as the drainage, summer heat, etc. Mrs. Ramsey said the re-test center is open from 2:30 to 10:30 PM. There are four employees that work there; one guy runs the machine, one guy stamps, one guy paints and one guy runs the forklift. Mr. Edkins feels the worst part is when they are transporting the pallets of tanks over the gravel area as the cylinders clank together. They had an example of this during the site visit. Mrs. Ramsey noted that the facility runs from 6:00 am to 4:30 pm and this is the noisiest operation time. They are sensitive to the noise issue. In the new project area the cylinders will be put into the bunkers from 6:00 am to 4:30 pm. The trucks come in around 9:00 am, they load, unload and re-load on Tuesday and Thursday; work is done between 6:00 am and 4:30 pm. There are two different operations on the campus: one is to fill the cylinder and the second is the re-test area where they do not fill the cylinders. Mr. Thibodeau asked if they can bring in enough cylinders before 7:00 pm. Mrs. Ramsey felt that is not the whole problem, the issue is when the painted cylinder area gets over-crowded they have to be taken out. Because of their demand, Airgas wants two shifts.

There was discussion relative to the hours of operation. Mr. Edkins noted that there was never any discussion about a change in hours of operation with regards to the last request. Mrs. Ramsey thought the only time they could not do anything was on a Sunday afternoon except for emergency situations. Mr. Edkins confirmed this as this was a condition in 2001. He looked through the old files to see if regular hours of operation were defined.

Mrs. St. Pierre asked that the Minutes show that this project that they are working on now show the working hours will be from 6:00 AM to 4:30 PM Monday to Friday. Mr. Rhoades noted that within the enclosure this does not include the parking lot as the trucks need to come and go. The area within the security fence where the bunkers are going will be used from 6:00 AM to 4:30 PM. The parking area will be used any time in the morning or when the trucks come back in at night. Mrs. Ramsey said, on occasion, there might be over-time on a Saturday. Mrs. St. Pierre changed her recommendation that the working hours will be in the bunker area only with an exception for emergencies on a Saturday.

Mr. Jellie again asked if they could bring the noise issue into this new application. He wanted clarification. The operation has changed in the past ten months. There is more noise. Mr. Rhoades felt the question is if there was a change of use when they changed what they do in that building. If there were no restrictions on the hours of operations or what they could do in those buildings was noted in the past. Mr. Frizzell explained that the problem is the noise in the evenings as it wasn't there before. If the neighbors complain to the PB they can have the property owner come in for a review. Mr. Edkins agreed if there is a violation. Mr. Jenkins felt that Airgas could come up with a solution and then approach the abutters. He didn't think they could ever get rid of all the noise. Mr. Jellie wondered if paving the gravel area would help solve the noise. Maybe have them work together. Mr. Frizzell felt they could bring up the noise issue at this time.

Mrs. Hennion questioned if they could move the re-furbishing operation to another Airgas facility. Mrs. Ramsey said they have the equipment and there would be fewer jobs if it was moved. Mr. Frizzell said they do not want to send jobs out.

Mr. Thibodeau asked if a small three-sided addition to that building would allow them to bring in the extra tanks before 7:00 PM; something that would be level with the original building to avoid the bump. Mrs. Ramsey felt they would have to move their customer area someplace else.

Mr. Neill did not feel that the noise was so much of tank movement but the pallet where it moves against the frame of the forklift that holds the cylinders is where a major part of the noise is coming from. The bumping is making the slap. Some padding could be used to absorb the noise. Mrs. Ramsey will talk to the shift guys and they will try to discontinue moving the cylinders in the gravel area by 9:00 PM and try to keep the doors closed. Mr. St. Pierre agreed that it would help with the noise. Mr. Zampano agreed that they want to work with their neighbors so are willing to try anything.

**Mr. Lutz moved to grant final approval for the Airgas East latest proposal as presented. This includes putting up the stockade fence. They should continue to work to find ways to reduce the noise. Airgas and the abutters should get together between now and the end of the calendar year to work this out. Mr. Jellie seconded the motion.**

Mr. Thibodeau recommended that Mr. Edkins take some sound measurements as the PB has regulations. Mr. Edkins can take those readings at any time and if they are found to exceed the standard in the regulations then there is a violation that will be addressed. Mrs. St. Pierre noted that it is since the hours of operation changed that the noise level increased. Mr. Frizzell felt with the motion that was just made they should wait to see if the applicant and abutters can solve the noise by the first of the year. Mr. Edkins read the regulations regarding noise levels. Mr. Thibodeau stated that verifying what is there will give them a target. He has no problems with the project but this could be coming back to them in four more months.

**With seven members in favor, the motion was approved.**

**KEADY FAMILY PRACTICE – Sign Permit – 157 Main Street – Map 118, Lot 105 – Zone B (Business):** Mr. Edkins explained that the Keady Family Practice will be occupying the building formerly occupied by Edward Jones. When Mr. Keady originally brought in the Sign Permit the dimensions exceeded the 25 square feet allowed in the Business Zone. The sketch still has the original dimensions but after Mr. Edkins brought this to their attention the Sign Permit dimensions were changed and now conform to the regulations. The colors will be blue and white.

**Mr. Jellie moved to approve the Sign Permit based on the dimensions on the application form. Mrs. Smith-Hull seconded the motion. With seven members in favor, the motion was approved.**

**PLANNING & POLICY ISSUES:**

**Waiting Period:** Mr. Thibodeau felt that applicants need to wait for a PB meeting to obtain permission for a proposed project or amendment. People can wait for two weeks. Mr. Edkins advised that even if the Airgas project of ten months ago had come before the PB that noise would not have been an issue at that time. There have been only a few cases where he did not feel people had to come before the PB.

**ADMINISTRATION & CORRESPONDENCE:**

**Municipal Law Lecture Series:** A brochure was received for the Municipal Law Lecture Series that will be for Planning and Zoning. The closest ones to Charlestown are either in Peterborough on September 12<sup>th</sup>, 19<sup>th</sup> and 26<sup>th</sup> or Grantham on October 10<sup>th</sup>, 24<sup>th</sup> and 17<sup>th</sup>. The topics of the lectures are Procedural Basics for Planning and Zoning Boards; Religion and Land Use Controls – What are the Legal Limits; and Innovative Land Use Controls – Re-examining Your Zoning Ordinance. If anybody wants to attend, let Mr. Edkins know and the Town will cover the cost of admission.

**TransCanada:** Mr. Edkins advised that TransCanada is going through a re-permitting process for their three dams on the Connecticut River. They are located at Wilder, Bellows Falls and Vernon. As a part of this process they are scheduling site visits to the three facilities. The one in Bellows Falls will be on October 2<sup>nd</sup>; the facility dam tour will be at 9:00 AM and the reservoir at 1:00 PM. They will meet at the Pine Street Recreation area in North Walpole. They have asked for an R.S.V.P. by September 15<sup>th</sup> so if anyone would like to attend, let Mr. Edkins know or contact TransCanada themselves.

**Regional Planning Commission:** Mr. Lutz read in the Eagle Times that Newport and other communities in the Upper Valley will be working with the Regional Planning Commission on the future of the area. He wondered if Charlestown will be involved. Mr. Edkins advised that the newspaper article was the first he heard about it but he will follow-up.

**ADJOURNMENT:**

**There being no other business, Mr. Lutz moved to adjourn the meeting. Mrs. Royce seconded the motion. With seven members in favor, the motion was approved. The time was 8:27 PM.**

Respectfully submitted,  
Regina Borden, Recording Secretary

Minutes Filed: 08-29-12

(**Note:** These are unapproved Minutes. Corrections, if necessary, will be found in the Minutes of the September 18, 2012, Planning Board meeting.)