

**FRANKLIN PLANNING BOARD
PUBLIC HEARING MEETING
August 25th, 2010**

Call to Order: The meeting was opened by Mayor Merrifield at 7:03 p.m.

- ❑ Pledge of Allegiance.
- ❑ Roll Call

Present: Brian Colburn, Michael Freeman, Mayor Merrifield, Brian Sullivan, Anthony Giunta, Powell Glenn, Ted Starkweather, Marty Russo, and Bob Sharon.

Absent: Anthony Daniel, David Veysey, and Tim Stangroom.

- ❑ Seating of Alternates in place of absent regular voting members.

Mayor Merrifield sat Alternate Member Bob Sharon in place of absent voting Member Tony Daniel. There were no further alternates to seat present at the meeting this evening.

- ❑ Approval of Minutes
 - ❖ July 28th, 2010 Meeting Minutes

MOTION: Member Sharon moved and Member Sullivan seconded to approve the minutes of the July 28th, 2010 meeting as submitted. All were in favor of approving the minutes as submitted.

Old Business

- Discussion with Thomas A. Corey and his agent, Jim Mason, regarding drainage for the previous site plan approval for the Wildfire Tavern, to be placed on property located at 1 Hill Road, Tax Map/Lot # 096-035-00, Map # L7, in the B-1 (Low-Density Business and Commercial District) Zone.

It was indicated that there would be no discussion on this item, as Mr. Lewis has received certification from the Engineer on the drainage and sent approval to the owner.

New Business

- ❑ **P10-06:** Richard D. Edmunds and Frank M. Edmunds, Applicants/Owners; Theodore Kupper, PE, Agent, request a Design Review Phase approval to construct and operate a 300 ton per hour packaged asphalt manufacturing plant in an existing permitted, industrial zoned gravel pit, including a 50' x 100' maintenance building and aggregate stockpile areas, on property located on the northwest corner of NH Route 3 and Punch Brook Road, identified as Tax Map/Lot # 103-406-00, I-1 Zone (Industrial District).

Chair Colburn arrived at this time, and took over the Chairing of the meeting.

Michael Freeman recused himself at this time.

Theodore Kupper, from Provan and Lorber, was present to speak as the representative for RD Edmunds. He stated he will give overview of the project, will talk about the manufacturing plant

and then will discuss permits. Mr. Kupper stated that the Edmunds own a parcel of land across Punch Brook Road as well; however, this property is not involved in this proposal.

The property has various elevations, following the grade of Punch Brook Road, with the elevation on the top of the hill being 410' and at the base elevation is approximately 310'. The plant would be accessed off of Punch Brook Road, at the existing gate, and the paved access road will be at 5% grade into the plant. There will be a 50' buffer along Punch Brook Road, where the existing vegetation will be maintained, and from the buffer will be an area that will be graded with loam and stabilized.

The trucks coming in to receive asphalt will bear to the right, by the parking lot and maintenance building to the dumping area and will be loaded and then continue out. The asphalt plant is to the west of the loading area, and further west at the higher elevation point will be a secondary point of egress where the aggregate will be delivered. The aggregate will be miscellaneous materials, where some will be stock piled, and the delivery trucks will dump the aggregate over the ledge and into bins. A front end loader will be utilized to move product from the bins to the asphalt manufacturing area. RD Edmunds will maintain the lot.

Member Sharon asked what the distance was from the top of the brook to the plant and it was indicated it would be approximately 100'. Mr. Kupper added that the manufacturing facility is a modular site and the bins and operation area can be moved. Member Sharon asked about the aggregate, and Mr. Kupper stated this is only raw material.

Member Sullivan asked about the permitting process through the State. Mr. Kupper stated there are a few permits that need to be received from the state. He identified them as:

1. AOT Permit (Alteration of Terrain). He stated they have had the scoping meeting, and that this entails storm water management, detention and mitigation, runoff and numerous other aspects of drainage.
2. Air Quality. There are thirty plants currently in the State.
3. Possibility of Tank Permits for above or underground tanks. He stated Asphalt Manufacturing plants use a petroleum product when making the asphalt that needs to be kept in tanks and they are currently checking to see if they need a permit for the tank for storage.
4. No wetlands permits are needed as there will be no construction near the wetlands.

Member Starkweather asked if when applying to DES if noise and emissions would be tested. Mr. Kupper stated they would only be doing the emissions and not the noise. He then introduced Joe Mollich, of GenCor, who was going to speak on the noise.

Mr. Mollich stated that he is a representative of Gen Cor Industries, who manufacture the asphalt plants. He stated their company has been in business for 100 years, and they manufacture the plants and supply components for the plants.

Mr. Mollich explained the EPA (Environmental Protection Agency) sets emissions standards for the release of dust and smoke. He stated that in 2002 the EPA removed Asphalt plants from the list of major sources of Hazardous Air Polluters. The clean air act of 1990 states that this type of operation is approved conditionally and is regulated on a federal basis. The facility has to maintain strict records for compliance, and if they do not then they could face fines or even being shut down for non-compliance. He stated that 180 days after opening a stack test needs to be done. Asphalt plants have adopted stringent standards that exceed those set by the EPA.

The plants have bag houses to collect particulates, dust and soot. The plant that is being looked at for this location is a new plant, with new asphalt technology. Mr. Mollich stated that the aggregates are weighed and are heated to boiling so that the asphalt will stick to them. The aggregates are then heated and mixed with the proper amount of asphalt. The liquid asphalt is stored in a tank. He stated that if there was a leak from the tank the asphalt would not runoff, but would instead harden as soon as it hit the air, as the asphalt needs to be 300° in order to stay in liquid form.

Mr. Mollich stated that people confuse asphalt with tar. He stated that asphalt is petroleum based, where as Tar is a black liquid coal. Tar is used for roofing shingles and patching roadways, and this an asphalt plant, so there will not be any tar kettles. He added that tar is hazardous, and has mercury and other toxins that are not found in asphalt.

The particulate matter is a solid product that is collected in bag houses and returned back to a hard mix asphalt. Mr. Mollich then read from the brochure, indicating: "The isolated mixing section is located behind the burner so there is no change of liquid asphalt coming in contact with the burner flame. This means there is no oxidation of the asphalt, no degradation of the mix, and no asphalt vapors entering the exhaust gas stream. Vapors generated in the mixing section are pulled through the burner by a patented volatile reclaim system and consumed as fuel. There are no odors or blue smoke emissions to pollute the environment."

Mr. Mollich then passed out numerous pictures, of plants in Maine, Pittsburg, New York, Florida, Newark NJ, LA, and Washington DC, showing the plants next to residential developments, and hospitals and colleges. These new plants are environmentally acceptable, and are a state of the art design, and contain the noise and odor with no emissions, with the cleanest environmental friendly technology.

This type of facility has received honors for emissions. It is proven technology, and is accepted in most stringent environments, is technology friendly and fuel efficient. He stated they guarantee their emissions and few companies in the country do this.

Regarding the noise:

He stated that an average home is 50-52 decibels, a department store is 60 decibels, and talking loudly by a busy roadway is 70 decibels. He indicated that 150' away from the asphalt plant the noise would be at 63 decibels. He stated that if you were 200' away then noise would be at 58 decibels. He stated in some cases the neighbors have asked if the plant was running, as they did not hear any noises.

The Mayor indicated that Richard Lewis had visited a site in Rhode Island and asked what the similarities were. Mr. Mollich stated they are of similar size. The Mayor added that he would like to visit a site and stay overnight so that he could see what the noise during the quiet night hours was like. Member Starkweather asked if the amount of asphalt being produced was 300 tons per hour and Mr. Molloch stated that was correct. Mr. Starkweather asked how much asphalt is produced by the Pike's plant and Mr. Kupper stated they do not know and cannot compare the two plants. Mr. Mollich stated there are two different types of plants, and stated that this plant is older technology. It was indicated that a light is sufficient and an air horn is not necessary, just convenient.

Member Sullivan stated that the Pike Plant is closed by December 1st of each year and doesn't reopen until mid April. He asked if this would be the same. Mr. Mollich stated you cannot lay asphalt in the State of New Hampshire if the roadway is below 40°. Mr. Kupper stated an eighteen

month temporary permit would be issued; there would be stack tests within the eighteen months of startup. The permits are then issued for a five year operating permit and the stacks would be tested twice during that time frame. A test would need to be conducted prior to the next five year operating permit was issued.

Public Comment

Chair Colburn indicated that in an attempt to keep the meeting moving, the public will be limited to three minutes per person, and if you have something to say that was already said, if you could just indicate that you would like to state the same as that person.

Elizabeth Jewell was present to speak. She stated that assuming the plant has low emissions, what about the noise of the trucks, the hours of operation, and the constant travel in and out of the plant. Mr. Kupper stated it is unlikely that the plant will operate 24 hours a day, but they may work some days for 24 hours if they are supplying work to a roadway project that is being done at night.

Member Colburn asked what the number of vehicles per day would be and Mr. Edmunds stated it would be approximately 10-15 trucks a day, with each truck carrying approximately 23 tons.

Duane Flanders, of 27 A Street, was present to speak. He stated his taxes have not gone down and if he decides to sell his house, he wants a guarantee that his house will be the same value. He stated the people pay a lot for their houses. He stated that there is only one exit from A Street and that is down Punch Brook Road, he stated a utility truck took down wires and they were stuck at their house for quite some time. He stated He is concerned about the environmental impact, and if nothing is being offered to the people then it should not be allowed.

Gail Rousseau, 745 South Main Street, indicated that contrary to the statements that were made by Mr. Edmunds at the previous meeting, he has not spoken with the abutters about this project. Her concerns were addressed as:

1. Zoning- makes sure it is closely evaluated.
2. Permits- they need AOT, Federal EPA, Construction, and Stormwater, naming just a few.
3. Traffic.
4. Storage of chemicals.
5. Aesthetics.
6. Erosion control, as there is already a problem with run off. A letter was sent to DES just recently for the stormwater running off the property and the silt.
7. She asked that the board make the applicant have all state permits in place before they issue an approval.

Diane Kozak, 15 A Street, stated that A Street is at the end of Punch Brook Road, after the transfer station. She stated there are no city utilities on A Street, and only one exit out of the roadway, through Punch Brook Road, for the seven houses on the roadway. She stated that she has gotten some literature of line and indicated that in a 2005 article, and abutter was quoted as stating, "Nothing could have prepared us for the horrors of that plant." She asked about property values, and stated that studies have shown property values decreasing by 50% due to Asphalt Plants. She stated plants are also known to have a negative impact on health of 45% of the abutters within a mile of the plant. She asked for them to choose a safer solution.

She stated their taxes are high, without utilities, and when a light pole came down some time ago, they couldn't get up the roadway. She stated they were sent up Industrial Park Drive, through the back of the Transfer Station. She stated if something serious happens, they would have problems.

She stated she just built the new house and moved her family into the house; she is concerned about property values.

Betty Tobey, 913 South Main Street, stated she lives 3/10ths of a mile from this proposed plant. She stated a plant should not be sited at this location. She stated this is a historic area, land going back 15000 years to Native Americans. The land across the road from me, Holy Cross Road, houses a house called Webster-Tay House, 1974 national register. The area of Holy Cross Road was considered the 7th most endangered area in the United States and it took people from all over the United States, through the national trust and other organizations, to put that into historic uses. Route 3 has traditionally been the road to get to the lakes and the mountains. She stated it doesn't matter what they say about the plants, the EPA requirements change so much, just like pharmaceuticals, they are crap, a lot of them, they can't stand up to their own standards. The looks of putting an industrial plant in a historic residential area is baloney. The idea of siting a plant like this on known aquifers is baloney, we just cleaned up the Winnepesaukee. How about the fish in the brooks, Shaw Brook, Punch Brook and other little streams that go all the way down to the brooks in Boscawen. She stated they should keep the plant in Boscawen, and out of residential areas. Mrs. Tobey stated that most literature that she has read state to keep these plants out of residential areas. The other plants that were shown are not New Hampshire, keep what we have in New Hampshire and put the other stuff away.

Nita Tomaszewski, 916 South Main Street, stated that Franklin has a history of bad luck. She stated it began with the closing of the mills, the pollution and bad times that followed. She stated in the 1980's the water wells were polluted, and now we were in a National Recession. Housing has dropped in NH and is down by 14.8% in 2009. If you put in an asphalt plant, what will the payoff be, it will only provide 5 additional jobs and this is a historical area. She stated it does not make sense to allow this.

Betty Arsenault, 675 South Main Street, she stated she likes to sit on her porch and listen to the sounds of the birds and nature, and asked why they think they have the right to disturb her ability to do that. She stated traffic is already a problem on this roadway, and Franklin needs to use its natural resources.

Annette Andreozzi, 10 Orchard Street, stated two points need to be considered:

1. An independent consultant needs to be hired to answer the questions of the board and the neighbors regarding decibels, traffic, emissions and all other issues.
2. Besides the plant, traffic is a problem. Fifteen trucks per hour, trucks delivering materials, will add up, she asked that the hours of operation be limited.

Cliff Downs, of 5 Sophie Drive, was present to speak. He stated there will be deliveries, and the turn onto the roadway is a current problem now. He stated he believes the owner is being shady, as he had to find out about the application by reading it in the paper.

Leland Hammond, 916 South Main Street, stated that he works for DOT Highway Maintenance, but he is not here in his capacity as a DOT employee. He stated that in the last four months he has gone to four plants and everyone at the plants that he talked to said they were all for it, they stated the business has not been there for the last thirty years. He stated the area is very crowded and a traffic study is needed. He stated the trucks weigh a lot when full, and if you have 100 trucks a day, with the smoke coming from the trucks, and the buzzing sounds from the plant, there are going to be problems. He stated a light is not going to work for filling trucks and they need to hear the buzzer.

He stated that owners across the river will be able to see and hear the trucks and the plant. He stated he is also concerned about slow trucks pulling out into 50 mile per hour traffic.

Sharon Hosmer, 10 Lawson Avenue, stated that she went on line and looked at asphalt plants. She stated that all the chemicals that are emitted from an asphalt plant are found in the air, but are in elevated levels near asphalt plants. She asked why the workers within the plant need respirators.

Mrs. Hosmer then told Mr. Edmunds that he should put the plant near his house. She stated she has grandkids and it will get into their skin and lungs. She stated the city offers nothing for the kids, that this plant is not a necessary item, isn't a good idea and the money should be put forward for something to benefit the kids of the City.

Harry Sanders, 791 South Main Street, stated he wanted to sign in and be recognized as being present.

Bob Stephen, 50 Oriole Street, asked about the maintenance of the roadways. He stated that with the trucks travelling on route 3, Punch Brook Road, and possibly other portions of Franklin, including Route 11 and Route 127. He stated the Corporate Environmental Plan looks green to the City, but may not be.

Stanley Weglarz, 602 South Main Street, stated that the board has received excellent comments, but no comments for advocacy of the project. He stated this is a design review phase and asked if there would be any approvals this evening to begin the project. Chair Colburn stated this is an information meeting to gather feedback. He stated there is no approval granted this evening, once the final plan is submitted, the abutters will be notified again and another public comment portion will be conducted. Mr. Weglarz indicated that is what he thought. He stated Gen Cor Industries submitted a very convincing presentation. He added that the issues are traffic, deterioration of roads, Traffic at the junction of route 3 and Punch Brook Road. He stated that years ago McKerley wanted to sell gravel and was denied due to traffic. He stated he supports the City using an independent consultant, paid for by Edmunds, to look at traffic, noise and emissions.

Mayor Merrifield indicated that on the visit to a comparable plant, he wants to make sure that if he is the only member and receives information the board is not privy to, that he will still be able to vote. Richard Lewis stated the key issue is the ability exists, and the information gathered needs to be submitted to the board with full exposure. A member of the public asked if interested neighbors could also go and pay their own way. Denise Ordway asked if they could go unannounced, so they don't have time to prepare for them, that he not go alone and that he share the information. Richard Lewis stated these plants are open to site inspections, but they like to know when they are coming due to safety issues and making sure there is someone present that could show the people around.

The Mayor indicated he would like Richard Lewis to speak with the City Attorney and make sure it is appropriate and legal.

There were some questions as to whether the site Richard visited was in a residential area, if it was on a hill. Richard indicated it was not on a hill; however, it was in an industrial area like this one with some residential homes around it.

Angela Swett stated she looked at the pictures and she doesn't see houses, she asked how close the nearest home was during his site visit. Richard Lewis stated he can't say for sure, but was a busy commercial street; there was a commercial strip and then residential homes. Mrs. Swett

asked if the homes were as close as the homes in Franklin would be and Mr. Lewis stated he is not sure.

Mr. Hammond returned to the podium and stated that the four plants he visited were all in the sticks; away from residences and that the Newport plant is the only one close to homes.

Susan Warner, 2 Punch Brook Road, stated she is concerned as this would be right across the street from her.

Mr. Kupper thanked the public for coming out and participating. He stated the first step is AOT and EPA, and that they will cover a lot of the issues that were brought up on drainage and emissions and other items. He stated a lot of good information to absorb was received. He asked the members of the public who had handouts if they could supply the information to him so that he look at the sources.

Gail Rousseau stated that they have already started the site work and nothing is applied for.

Mr. Kupper stated they have not begun the site work and are just continuing the existing use of the property, which is a gravel pit, which has its approvals and an 155e permit.

Closed.

Board Discussion

There was a rather lengthy discussion by the board regarding outside consultant for the city and the areas that the consultant should cover. It was indicated by the applicant that traffic studies will be completed, it was indicated by the board that traffic studies were done on route 3 in this area for the improvements to the roadway near Industrial Park Drive, and there was discussion on whether emissions, drainage, noise and traffic should be handled by this consultant. The AOT permit does look at drainage. It was stated that EPA will look at emissions. The board indicated they may just want to see what DOT has for information on traffic and look into the noise levels. It was indicated the Noise Ordinance needs to be looked at and hours of operation should be reviewed as they relate to the noise ordinance. Member Sharon stated he is concerned about Shaw Brook and runoff into the river.

MOTION: Member Sullivan moved and Mayor Merrifield seconded that the Franklin Planning Board recommend that prior to approval of application P10-06, that the board use a Consulting Engineer to review civil aspects along with traffic, noise, access issues, to help the board make a determination for final approval. All were in favor.

Mr. Kupper stated that he will look at traffic and other facilities within a mile of this plant, and will include the hospital in their model.

Member Sullivan stated that while DES is doing their analysis it is important that the engineer keep in touch with the city, so things not slow down and keep communication open. Mr. Kupper stated that Mr. Lewis and himself have had extensive conversations regarding keeping a direct line of communication open and he is willing to do that and he is planning on submitting a fully transparent application and not hold anything back.

It was indicated that the drainage to the neighbor's properties needs to be looked at in the present tense.

Mr. Lewis asked for clarification on how far the board wants to go with a traffic study. He asked if they want to use DOT's information, review turn radius', entrance on Punch Brook Road, stop and start hazards. Member Sullivan stated he would request a tiered approach and not a full blown traffic study. Member Colburn stated safety aspects should be reviewed, including site views.

Member Giunta spoke about the noise ordinance, how that fits into this project and affects the start and stop time of the proposal.

MOTION: Member Starkweather moved and Member Sullivan seconded to close the design review phase of the application.

The mayor asked the Mr Kupper if they received enough direction and he stated they did. Member Giunta asked the applicant if they agreed to close the design review phase and Mr. Kupper stated that he agreed that was appropriate.

There was some discussion on when the applicant would be coming back with the final plan. Mr. Kupper stated he was not sure and that it would be definite for November, and he was not sure about October.

Mr. Lewis asked that Mr. Kupper let him know about state meetings as he would like to also attend these. Member Kupper indicated he had no objections to this.

All were in favor and the design review phase of the application was closed.

Public Comment

Diane Kozak indicated that she would like to make a general comment on the state of Punch Brook Road. She stated the first driveway on the left is a house that all vehicles use the roadway and on rainy days, with a good rain, the sides of the roadway become ditches, getting washed out and she doesn't know that this roadway can handle this amount of traffic and the weight of the trucks.

Other Business

Richard Lewis stated he sent out an email to the board regarding Upper Merrimack River Local Advisory Committee asking for a letter from the Planning Board in support of a grant application intended to help with programs that will protect the river corridor. The grant will assist in establishing priorities for land protection activities and help with the development of locally adopted regulations and incentives for low impact development principals that will also assist in overall river protection efforts.

MOTION: Mayor Merrifield moved and Member Sharon seconded to send a positive letter of support of a grant application for the Upper Merrimack River Local Advisory Committee. All were in favor and the motion passed.

Richard Lewis stated that Mr. Noack is also looking at coming in to speak with the board on September 22, 2010 regarding best management practices. The board indicated they would entertain this and he would be allotted fifteen minutes to speak on this matter.

Planner's Update

Adjournment

MOTION: Mayor Merrifield moved and Member Starkweather seconded to adjourn the August 25th, 2010 Regular Meeting of the Franklin Planning Board at 9:27 p.m. All were in favor and the motion passed. The meeting was adjourned at 9:27 p.m.

Respectfully Submitted,

**Angela M. Carey
Planning and Zoning
Assistant to the Administrator**