

Present: Chair Brett Hunter, Vice Chair Jack Karcz, Selectmen's Representative Roger Barham, Jack Downing, Andy Kohlhofer, Paul Powers, alternate member Mike Wason, RPC Senior Planner Jenn Rowden, and Land Use Administrative Assistant Casey Wolfe

Also Present: Andrea Juliano, Carl Juliano, Brianna Rislove, Marjorie Rislove, Leon Holmes Jr., Steve Bassett, and Julie Cooper.

Mr. Hunter opened the meeting at 7:02 pm.

## I. MINUTES

Mr. Karcz made a motion to approve the minutes of May 16, 2018. Mr. Downing seconded the motion. The motion passed 6-0-1. Mr. Powers made a motion to approve the site walk minutes of May 19, 2018. Mr. Downing seconded the motion. The motion passed 7-0-0.

## II. CONTINUED BUSINESS

**Public Hearing for a minor site plan review submitted by R. Cooper & Sons Paving who seeks to store several dump trucks, working vehicles, and some miscellaneous machinery at 225 Main Street (Map 3 Lot 150).**

Ms. Rowden suggested that the Board members express any concerns they had about the site walk before they open the discussion to the public. Mr. Karcz stated that at the site walk there was some discussion about asking the applicant for more information and perhaps requiring a major site plan submittal. He also stated that at the site walk there was some concern about the entry and egress and about contamination of the aquifer from the trucks. The Conservation Commission was concerned about maintaining the buffer from the Exeter River. Mr. Powers stated that there was also concern about curbing between the paved area and the grass area. Ms. Rowden explained that the site plan regulations require a 25 foot buffer between commercial uses and residential areas. So, the pavement, the trucks, or any outdoor storage would not be able to be within 25 feet of the side property lines. The applicant, Ms. Cooper, stated that since the site walk she has decided that they are not expanding the paved surface. They will repave what is already there and decrease the area of the driveway, as required in their approved driveway permit. Mr. Powers stated his concern about visibility issues on the right side. Ms. Cooper said that the driveway meets whatever requirements the NHDOT has in place. Ms. Rowden stated that the Planning Board can be more stringent than the NHDOT for site distance requirements. Mr. Powers had concerns because the trucks would be pulling trailers which are much longer than standard vehicles. The Road Agent, Leon Holmes Jr., asked if there was a mode of truck traffic per day included in the NHDOT driveway permit. Mr. Holmes stated that the traffic is very heavy on route 107 in the morning and in the afternoon.

Mr. Hunter stated he wanted to keep the discussion relevant to concerns at the site walk. Mr. Karcz added that the Conservation Commission wanted some kind of markers on site at the 250 foot buffer line from the Exeter River. Ms. Rowden stated that the 250 foot buffer is protected by the Shoreland Protection Act, which requires a State permit to do anything in that buffer. There was some discussion about putting signage or boulders to keep trucks from crossing over into

that area. There was also some discussion about curbing. Concerning the request for more information, Ms. Rowden stated that under the regulations for minor site plans, there is a clause that states, "if the Board determines that the impact of the proposed project presents a greater than minimum impact, the applicant shall not be eligible for the minor site plan review." She reminded the Board that at this point they have already accepted jurisdiction of the application, so they are under the 65-day decision clock (unless the applicant grants an extension). She listed the Board's options: the Board can request more information, the Board can put conditions on an approval, or the Board can deny the application because the Board received more information that has them believe that the application no longer meets the requirements of a minor site plan application. The applicant could then resubmit for a major site plan. Ms. Rowden also explained to the Board that the Zoning Ordinance requires two Conditional Use Permits for this use in this location (the Flexible Use District and the Aquifer Protection District). One permit is to have a commercial use in the Flexible Use District and the other is to have a permitted commercial use in the Aquifer Protection District. She suggested that the Board gets to these Conditional Use Permits after the Board opens up the Public Hearing because the Conditional Use Permits will require a separate Hearing.

Mr. Hunter asked why the Board would consider requiring a major site plan. Ms. Rowden had the Board look at the minor site plan requirements. She listed the requirements for an applicant to be considered for a minor site plan review. Mr. Powers stated that the applicant has scaled back their proposal by not expanding the paved area. Ms. Cooper agreed and stated that they don't need more room and can keep the paved area as-is. She explained how the trucks would fit in the space that is already paved. Ms. Rowden stated that parking needs to occur in a contained, known area. After some discussion, Ms. Rowden stated the applicant would need a variance to pave beyond the area that is already impervious because lots in the Aquifer Protection District are limited to having 10% of the area impervious surface. The area is already beyond the 10%, however, the existing paved area is grandfathered. Ms. Rowden stated that if the Board is looking for that level of accuracy, the Board would have to require a surveyed plan. There was some discussion about the impervious surface. Mr. Holmes stated the Board needs to think about snow storage. The boulders might not be a good idea because they will be in the way of snow storage. Mr. Powers stated he was concerned about snow removal and storage. Ms. Cooper stated that they do not operate in the winter, so they would not be plowing the whole area. The trucks would stay at the site throughout the winter.

Mr. Karcz made a motion to open up the public hearing. Mr. Powers seconded the motion. The motion passed 7-0-0. Mr. Kohlhofer wanted to respond to three letters that have been submitted to the Board (see attached). He stated that he did not know why one of the letters used a company from the UK as a resource. He also stated that asphalt is only hazardous when it is being burnt or cut. He also said that according to the report, asphalt is not an issue as far as water is concerned. Mr. Kohlhofer also asked what the previous proposals on the lot where. Ms. Rowden stated that one proposal was a second-hand store that would have incorporated outdoor storage of construction materials. The other proposal was for auto repair. For auto repair to occur in the Aquifer Protection District, the applicant would have to seek a variance from the Zoning Board. Marjorie Rislove, who submitted one of the letters, stated that she called several paving companies and they all said that the easiest way to keep the trucks free of asphalt is to spray diesel oil in the trucks so it acts as a lubricant for the asphalt to come out. She stated that when

the trucks come back to the site, the trucks still have the diesel oil on them. Ms. Cooper stated that the trucks are sprayed at the asphalt site, not at this Fremont site. There was some discussion about this. Ms. Rislove also stated that she asked other paving companies if the trucks smell. According to the people that she called, the trucks do smell because of residue asphalt on the trucks. She also stated the contaminates will come off the trucks when it rains. She explained to the Board that the nearby culvert cannot handle the water load when it rains. There was some discussion among the abutters about this.

Mr. Barham stated that the Board of Selectmen did write a letter to the Planning Board. Summarizing the letter, Mr. Barham stated that the two acre site is in the Flexible Use District and can operate commercially with a Conditional Use Permit. He stated that the concern with this use is that it is in very close proximity to residential properties. Reading from the letter, Mr. Barham stated that the Board believes the Zoning Ordinance would be violated granting this conditional use. The Board of Selectmen are concerned about odor, noise, and the potential environmental impact. In the letter, the Board also expressed concern about the surrounding properties' property values. Mr. Hunter asked how the Planning Board can address these concerns. Mr. Barham stated the purpose of the Conditional Use Permit, is so the Board can look at each individual circumstance separately. Mr. Barham stated that he personally did not feel this use was appropriate on this lot in this part of Route 107 and that he would vote "no" for the Conditional Use Permit. Ms. Rowden pointed out that the Board can place conditions on a site plan approval or on conditional use permits. She stated that the Board can ask for fencing to alleviate visual impacts. She was unsure how to mitigate odor issues. Ms. Rislove stated that she went through the table of uses in the Zoning Ordinance and did not feel that any of the allowed uses in the district look similar to the proposal. Ms. Rowden stated that initially she felt that this use fell under "Whole Sale" or "Professional Services." In either category, the use would need a Conditional Use Permit. Ms. Juliano expressed to the Board that her primary concern is that her water stays clean. She also expressed some concerns about traffic going around the corner. There was some more discussion about traffic.

Mr. Powers made a motion to close the public hearing. Mr. Karcz seconded the motion. The motion passed 7-0-0. Mr. Barham restated that he is not in favor of granting the conditional use permit. Mr. Powers could not see any reason to continue with the minor site plan and he felt that the diesel impact is a major concern to the Aquifer Protection District. Ms. Rowden stated that the Board could request an extension from the applicant to make a decision so the applicant has time to get surveyed drawings. Ms. Cooper expressed that she does not want to spend thousands of dollars on a surveyor if she is going to get denied anyway. She felt that the same issues will still be in place even with surveyed plans. Ms. Rowden stated that anyone could appeal an approval or denial of this application to the Zoning Board within thirty days of a decision. She recommended to Ms. Cooper to take a look at the major site plan requirements. She stated that the Board can deny the application if they no longer feel the proposal fits the minor site plan requirements (after which the applicant could reapply for a major site plan review) or the applicant could withdraw their application so that they can reapply. The Board could also continue the application so that the mitigation efforts can be researched. There was some discussion about the necessity of switching this to a major site plan. Mr. Hunter expressed serious concerns about run-off from the site. Ms. Cooper stated that at a previous site in

Raymond they got their soil tested and they did not find any contaminates. There was some discussion about having the soil tested once a year.

There was some discussion about what action the Board should take. Ms. Rowden stated that the Board can continue the application to one more meeting so that the applicant can do some research and decide if it is worth the money to go through the major site plan process. She explained to Ms. Cooper that they would need a surveyed plan that shows the buffers, setbacks, the existing and proposed conditions, a delineation of the truck parking area, location of the well, culverts, and swales, and information about the fuel. The application can be continued so the applicant can look into the feasibility of getting a professional drawing done. Some of the requirements for a major site plan may not be applicable to this application. Ms. Rowden went over some of the other requirements for a major site plan. Mr. Powers asked if the Environmental Protection Agency needs to be notified. Ms. Rowden said that they did not need to be notified. She noted that the Exeter River Local Advisory Committee has jurisdiction to comment on State permits that are within a quarter mile of the corridor. After some more discussion, Mr. Kohlhofer made a motion to continue the hearing to June 20<sup>th</sup>. Mr. Karcz seconded the motion. The motion passed 7-0-0. The applicant left at 8:22 pm.

### **III. OTHER BUSINESS**

Referring to a letter that came from one of the Conservation Commission members, Mr. Karcz commented that because the Commission only meets once a month, they do not always have time to make their comments to the Board. Ms. Wolfe stated that if an application comes in that she thinks the Commission would be interested in, she can notify them via email so that they can have a special meeting.

There was some discussion about a letter from the Rockingham County Conservation District advertising free invasive plant management on municipal property. Mr. Holmes wanted to know if the highway site would be a good candidate for this service. Mr. Holmes described to the Board how the site is covered in Japanese Knotweed. Ms. Rowden recommended that the Town sends a letter of interest. Mr. Holmes stated that the Knotweed is a problem around the well house as well. There was some discussion about controlling this invasive species. Mr. Barham offered to work on this with Mr. Holmes on Friday. They can take some pictures of the site at the highway shed. Ms. Rowden suggested having the letter be from the Board of Selectmen. Mr. Holmes left at 8:31 pm.

Steve Bassett stated that the Board of Selectmen invited him to come back when he had more evidence about his right-of-way. He explained that years ago his land became land locked when the land was subdivided. He stated that he had deeds with him that show his right-of-ways. Mr. Barham asked if this was a Planning Board matter. Ms. Rowden stated that this is no longer a Planning Board matter. The Altaeros site plan was approved months ago. Mr. Barham stated that last time Mr. Bassett came to the Board of Selectmen he brought in an extract from an RSA that allows the Selectmen to designate rights of access to stranded parcels. Town Counsel has since informed the Board of Selectmen that they can establish an access way for a fee, however, Mr. Bassett is claiming that he already has an access way to his site. This is a civil matter between Mr. Bassett and the neighboring landowner. Mr. Karcz stated that the Altaeros plan is already an

approved plan. The applicant would have to come back for a site plan amendment for any changes to be made to the plan. Mr. Bassett stated that he will look back at the minutes from when the lots were originally subdivided. Mr. Kohlhofer stated that this is a civil matter. Mr. Bassett felt that it would have been illegal for the original subdivision to happen without his landlocked lot having access. Mr. Barham stated that when the Altaeros site plan was under review Mr. Bassett did not present any information. It is now months later and the site plan has been approved. Mr. Bassett's recourse is to sort this out with the landowner (Mr. Rislove) and then take this to Court. Mr. Bassett stated that Mr. Rislove has put boulders in front of Southeast Land Trust's access way. Ms. Rowden stated that the Southeast Land Trust is well aware of it. Mr. Bassett stated that the Board never asked for any evidence from Altaeros to prove that he does not have a right of way. Mr. Barham stated that it was Mr. Bassett's responsibility to prove that he did have a right of way. Mr. Kohlhofer asked if the Board can ask for the site plan to be amended in the situation that they are aware of an existing right of way. Ms. Rowden stated that it is too late once the plans are approved. Ms. Rowden said that part of the licensed surveyor's job is to go through the deeds to make sure all of the easements are on the plans. Ms. Rowden stated she went back to about the 1820's and did not see any reference of a right of way. Mr. Kohlhofer restated that Mr. Bassett's recourse is to go directly to Mr. Rislove. Mr. Bassett felt that the Planning Board should be involved because the Town allowed the lot to be landlocked. Mr. Kohlhofer stated that he was not going to find his satisfaction from the Planning Board. Mr. Bassett stated that he would not sue the Town because he does not want to make the taxpayers pay for this mistake.

#### **IV. CIRCUIT RIDER BUSINESS**

Ms. Rowden reminded the Board that the Zoning Ordinance Subcommittee met the Friday before Memorial Day to go through the Table of Uses. She said they now have a really good draft of the uses, a definition of the residential zone, and a conditional use permit for multifamily housing. She also mentioned that part of the zoning change proposal would be to eliminate some of the Flexible Use District and changing the boundaries of the Commercial Highway district. She would like the subcommittee to meet again in the next couple of weeks.

#### **V. OTHER BUSINESS CONTINUED**

Mr. Barham explained to the Board that the proposed cell tower needs surety for construction purposes. He explained for the Altaeros project, the surety was modified to only include reclamation. Mr. Barham asked the Board if they want to alter the regulations to include the reclamation costs rather than construction costs for the surety. This would avoid having the engineer calculate a higher surety amount only to have it negotiated down again. Ms. Wolfe asked how this was different from the tower removal bond that has already been calculated. Mr. Barham explained that the tower removal bond lasts for the life of the tower. It is funding the Town can use to remove the tower in the event the cell company goes bankrupt. On the other hand, there needs to be general surety during the course of construction. This surety would cover the cost of the access road that leads to the tower. Ms. Rowden stated that the Town wants to make sure that the site is stable (the road is safe and the storm water drainage is completed). Mr. Barham stated that at the moment the regulations are written so that the engineer has to calculate the total construction cost rather than what is required to simply keep the site stable. When the applicant sees this estimate, they end up coming back to the Board to negotiate the number down.

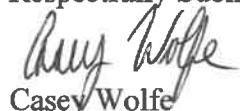
Mr. Barham stated the Town is not in the business of building cell towers, so it would not make sense to ask for the full construction cost in surety. Ms. Rowden stated that the site plan regulations can be amended to spell out what the town really wants for construction surety. This would involve a public hearing but it would not need to go on a warrant article. For this particular case, the Board could grant a waiver to that particular regulation, however, this would also require a public hearing. Ms. Wolfe explained that the applicant for the cell tower still needs to submit \$500 so Mr. Tatem can calculate the surety and the construction monitoring costs. Mr. Kohlhofer stated they would need to request a waiver to have the site bonded for reclamation purposes only. Ms. Wolfe explained to the Board that the applicant seemed more concerned about the costs of construction review. Ms. Wolfe called Mr. Tatem and was told that he needs to know if the Building Inspector will do the inspection for the tower. Ms. Rowden did not anticipate the cost for Mr. Tatem's construction review to be too high. The Board also felt that the Building Inspector should be able to handle the inspection of the actual structure. Mr. Karcz suggested that Mr. Tatem comes up with an estimate of what he think he should be responsible for inspecting.

Mr. Barham stated that the Board can only require inspections within the bondable aspects of construction. If Mr. Tatem inspects the whole construction, then that will cause the inflated number. However, if the bond is only covering reclamation then that is a different story. Ms. Rowden stated it would make sense for Mr. Tatem to only calculate the reclamation cost. Mr. Kohlhofer stated that they could ask for a waiver to have the surety only be for reclamation purposes and then Mr. Tatem would only need to review the reclamation. Mr. Barham asked if the Town has discretion over what they require Mr. Tatem to physically inspect. Ms. Rowden stated the Town does have this discretion. Mr. Barham suggested having the full bond amount calculated and then having Mr. Tatem only monitor the essential stuff the Town is concerned with. If they want to reduce the amount so that it only covers reclamation purposes, then they will have to have a public hearing. Mr. Barham felt that the company may just want to provide the full surety because it is money they will eventually get back. Mr. Barham would like Mr. Tatem to calculate both surety amount numbers and the monitoring amount associated with reclamation only. Mr. Barham felt it would be better for the Board to lower the monitoring costs because the Board has discretion over that without having a public hearing. Ms. Wolfe mentioned to the Board that she found a Site Plan Development Agreement form that she will have the applicant sign before the plans are recorded. This form was drafted by Stantec years ago. Ms. Rowden said that this form reiterates the town's site plan regulations.

Ms. Wolfe announced that the Horsburgh lot line adjustment plans are ready to be signed after the meeting.

Mr. Karcz made a motion to adjourn the meeting at 9:05 pm. Mr. Kohlhofer seconded the motion. The motion passed 7-0-0.

Respectfully Submitted,



Casey Wolfe  
Land Use Administrative Assistant

The Exeter River is a 4<sup>th</sup> order river. Because of that, it is subject to the Shoreland Water Quality Protection Act which has jurisdiction of 250 ft. from the river. This section of the river is in the NH Designated Rivers Program giving it access to some other protections. At some point in the application permitting process, the application needs to be sent to the Exeter River Advisory Board for review.

The property is in Fremont's aquifer protection area.

The property does not meet the lot size requirements. In addition, the lot size includes the house. If the property is divided, the lot size will be even smaller.

The storage and parking area are in the aquifer protection district and are prohibited. My concern is that when oil or gasoline leaks from the vehicles, it will end up in the river and the groundwater.

The property lies over the largest stratified aquifer in Fremont.

What is the impact on groundwater in this area?

How many properties are affected by the need for drinking water wells to be recharged??

The soil type on this land is "disturbed", not meeting requirements (GRANIT data) of the aquifer protection zoning. Testing as described in the Ordinance is necessary.

The property is in the flood zone, subject to additional protections.

If paving is increased, the storm water runoff will increase because of the impermeable surfaces added.

A site visit is needed to determine the steepness of the slope (as well as other parameters) to the river. It may exceed the 12% limit in some areas of the property.

The wetland boundary needs to be marked and only a wetland scientist can do this.

A hydrologist needs to determine the water issues for this project as permitted by Fremont zoning requirements at the owner's expense.

This is a former Brownfield's project. Has the area had enough time to recover? Here is the link to the Brownfields data on the NH DES site.

<http://www4.des.state.nh.us/DESONestop/HWGDdetail.aspx?ID=NHD510206469-0051821>

The availability of the application has been difficult for the Conscomm because the Planning board does not require a pdf of any plans and Casey only works two days per week. The Conscomm's first knowledge of this app was at our last meeting. It would be so much better if we had access to these prior to our meetings so we wouldn't have to fill out comment sheets on the spot! It's impossible to put the lot on a map because there is no GIS access to tax data or an available unregistered, or in this case, registered plan.

Pat deBeer  
Submitted 5/17/18



# TOWN OF FREMONT

Office of Selectmen

295 Main Street

PO Box 120

Fremont NH 03044-0120

Telephone: (603) 895-2226

Facsimile: (603) 895-3149

Date: 31 May 2018

To: Fremont Planning Board

From: Fremont Board of selectmen

Re: Site Plan Review / Cooper Paving / 225 Main Street

Dear Board Members,

We are writing with regard to the proposed Site Plan you are currently considering from Cooper Paving for 225 Main Street in Fremont. Our office has received several complaints and concerns relative to this proposal and we want to share them with you for consideration in your decision making. Most recently last week, we met with immediate neighbors Marjorie Rislove and Brian Shapiro. We encouraged them to continue to gather data and attend

Our office has been approached by two separate individuals (both Fremont residents) about the fact that they went to Planner Jenn Rowden with ideas on use of this lot (one for storage of materials and one for a minor auto repair with a couple of cars for sale); and both were told not to pursue it because it did not meet the Zoning Ordinance criteria, either due to the APD designation or Asphalt includes petroleum products, which are a prohibition within the APD. We feel that storage of this size and quantity of trucks and equipment is in the same vein as an auto repair business. These commercial vehicles have hundred gallon fuel tanks, not to mention are simply larger in size than a passenger vehicle.

Many of the Zoning Ordinance Article 8 Section 806 Standards of Approval, for the Conditional Use Permit would be violated in granting this particular use. We believe the following could be potential issues (numbered in accord with the lettered items of this section):

- A. Not be in the public interest given the dissatisfaction generated with the application proposal, including noise, odor and potential environmental impact.
- B. Concern about reduction in property value with so much equipment parked in a small space, so close to the roadway, clearly evident without any buffering.
- H. The general welfare of the Town and particularly those residents closest to the proposal, may not be protected.
- I. How will the applicant mitigate noise, transportation, visual effects, and odor?
- J. Will this be buffered from Route 107 and neighboring properties? If so, where will trucks be parked so as not to be any closer to the Exeter River?



We also understand that at the site visit, additional conversation was had about Cooper developing more than the initial proposal covered, as well as potentially extending the paved areas. This lot is already subject to substantial pavement, which results in less filtering of run-off, and perhaps an increase in the runoff toward the Exeter River (pavement from route 107 through the lot toward the rear, which is the Exeter River.) We have concerns that this is not as simple as a minor Site Plan Review, and believe the Board should consider whether it truly meets that criteria.

We know that there are some outstanding issues with the Town of Chester for Zoning Ordinance violations, including paving a large area too close to a wetland area. We want all residents and businesses in Fremont to be aware, and respect, the rules and regulations of the Town of Fremont. Members have also driven by their current site on Main Street in Raymond, and during one of these visits at the end of the workday, the odor of asphalt was significant, despite the fact that the location is well off the road, shielded from view and with some treed buffer along the roadway.

As you may remember, the owner of this property, by special request, had this parcel removed from the Village District. It is right at the edge of the District, and neighboring properties are in the Village District. This type of use may not mix well with the Village District, and in fact there are some criteria in the Village District that talk about buffering between it and the rest of the Town that we would like you to be sure and review in your consideration.

We do not want to see the current owner harmed by your actions, nor do we want to see neighbors adversely affected by the current proposal. We understand you have a difficult task ahead and we thank you for your time and consideration of these concerns expressed to us by residents.

File: 03-150

# Asphalt

## Material Safety Data Sheet (MSDS)



### 1. IDENTIFICATION OF SUBSTANCE/PREPARATION AND COMPANY/UNDERTAKING

#### Substance name: Asphalt

This Safety Datasheet is not applicable to Deferred-Set Asphalt and Coloured Asphalt, which are covered by separate Safety Datasheets.

For further details of the specification refer to the relevant Technical Data Sheet.

### 2. HAZARD IDENTIFICATION

NOT classified as dangerous in accordance with Directive 67/548/EEC or EC 1272/2008.

The main hazards presented by Asphalt relate to the temperature of the material. The following hazards may apply:

- Hot materials may burn the skin.
- Fumes from Asphalt are unlikely to be hazardous when laid in open air situations, but there may be a risk to health by continuous inhalation of high vapour concentrations which might arise in poorly ventilated, confined or semi-confined spaces.
- Asphalt is not a dusty material, but respirable dust may be released by cutting, drilling or planing hardened asphalt. If inhaled in excessive quantities over a prolonged period or extended period, respirable dust can constitute a long term health hazard.

Dusts containing Respirable Crystalline Silica\* (quartz) present a greater hazard. Long-term exposure to respirable dust can lead to respiratory system damage and disease. Respirable crystalline silica\* has been associated with the lung disease silicosis.

The quartz content of the product will vary, and is related to the type of aggregate used in the production of the asphalt. Advice on the quartz content and other chemical information is available from the supplying unit.

\*Any references to respirable silica only apply if hardened asphalt is cut, drilled, milled or planed.

### 3. COMPOSITION / INFORMATION ON INGREDIENTS

Asphalts are mixtures of aggregates and bitumen. Bitumen is a hydrocarbon derived from the distillation of petroleum crude oil, but may be synthetic or modified by the use of polymers and other chemicals. Bitumen content is typically <10%. Other materials such as cellulose fibres, latex and other additives may be added to the product.

Aggregates used in asphalt may be naturally occurring (eg.limestone, gritstone, granite, sand etc), artificial (e.g. slag aggregates) or recycled (e.g. road planings, inert .construction and demolition waste, glass etc).

#### Hazardous ingredients:

Substance name	EC No	%	DSD Classification	CLP Classification
Crystalline Silica	238-878-4	Variable	Xn; R48/20	H372; STOT RE1

### 4. FIRST AID MEASURES

#### Inhalation:

Immediately remove to fresh air. If breathing difficulties are experienced, seek medical attention. If breathing has stopped, commence artificial resuscitation and seek medical attention immediately.

#### Skin Contact:

Burns caused by contact with hot material should be cooled by immediately flushing with large amounts of cold water. Do not attempt to remove anything from the burn area unless required to allow breathing. Seek medical attention. Bitumen may be removed under medical supervision.

#### Eye Contact:

If material is hot, apply the same measures as 'skin contact' above. If the material is cold, immediately and thoroughly irrigate with eye wash solution or clean water. If symptoms develop or persist, seek medical attention.

#### Ingestion:

Remove to fresh air. If person is conscious, rinse out mouth and give water to drink. Seek medical advice.

### 5. FIRE FIGHTING MEASURES

#### Suitable Extinguishing Media:

Dry powder, foam.

#### Unsuitable Extinguishing Media:

Do not use water. CO2 is also not suitable.

#### Special Exposure Hazards in Fire:

Hydrocarbon fumes may be released, along with other hazardous combustion products including smoke.

#### Special Protective Equipment for Fire Fighters:

Proper protective equipment including suitable respirators or breathing apparatus must be worn.

## 6. ACCIDENTAL RELEASE MEASURES

### Personal Precautions:

Wear overalls, heat resistant safety boots and heat resistant, impervious gloves. Wear suitable respiratory protection in poorly ventilated or enclosed areas. Keep away from ignition sources. See Section 8 for guidance on personal protective equipment. See Section 7 for guidance on handling the product.

### Environmental Precautions:

Prevent asphalt from entering watercourses, ditches and drains.

### Methods for Cleaning:

Scrape up using suitable mechanical methods. Bitumen may be removed from tools and machinery with a proprietary bitumen remover, but ensure you refer to the suppliers safety data sheet before using.

## 7. HANDLING AND STORAGE

### Handling:

Skin contact with the product should be avoided. Inhalation of fumes should be avoided as far as is reasonably practicable.

If the formation of vapours is a risk, then additional ventilation should be provided. Handle away from sources of ignition and heat. Do not smoke, eat or drink during use.

### Storage:

No special requirements. Asphalt is normally used upon receipt.

## 8. EXPOSURE CONTROLS / PERSONAL PROTECTION

### Take Measures to Prevent:

(a) Inhalation of vapours/fumes.

(b) Inhalation of excessive quantities of dust during cutting, drilling, planing or surface treatment of hardened asphalt.

### Exposure Control Limits / Source

Asphalt Fumes	W.E.L.	5mg/m <sup>3</sup>	8 Hrs	T.W.A.
Asphalt Fumes	W.E.L.	10mg/m <sup>3</sup>	15 Min	T.W.A.
Total Dust	W.E.L.	10mg/m <sup>3</sup>	8 Hrs	T.W.A.
Respirable Dust	W.E.L.	4mg/m <sup>3</sup>	8 Hrs	T.W.A.
Respirable Quartz (Crystalline Silica SiO <sub>2</sub> )	W.E.L.	0.1mg/m <sup>3</sup>	8 Hrs	T.W.A.

W.E.L. = Workplace Exposure Limit

T.W.A. = Time Weighted Average

Refer to EH40 for further information on workplace exposure limits.

### Control Measures:

Dust caused by cutting or planing hardened asphalt should be controlled by containment, suppression and extraction/ filtration where possible.

Asphalt should only be laid in well ventilated areas.

### Inhalation:

Use only in well-ventilated areas.

**Eyes, Skin & Hands:**

Wear suitable protective clothing, gloves and eye/face protection.



**Respiratory Protection:**

Always ensure adequate ventilation and avoid breathing vapour/fumes. Suitable respiratory protection should be used if required to ensure exposure is below the Workplace Exposure Levels given at the start of this section.



**Hand Protection:**

Impermeable, heat resistant gloves should be worn.



**Eye Protection:**

Goggles should be worn if there is a risk of product entering the eyes (including dust).



**Skin Protection:**

Overalls and/or long-sleeved jackets and full length trousers should be worn to protect skin from burns. Clean overalls as necessary to prevent bitumen permeating to clothing or skin underneath. Heat resistant safety boots should be worn to protect feet. The use of skin barrier cream is also recommended. Hands should be washed thoroughly before handling or eating food or drink.

**9. PHYSICAL AND CHEMICAL PROPERTIES**

Appearance	Black, granular solid
Odour	Strong, characteristic
pH	Neutral
Boiling Point / Range	Not applicable
Melting Point / Range	90 - 100°C
Flash Point	Above 200°C
Auto Flammability	Above 230°C
Flammability	Not determined
Explosive Properties	Not determined
Oxidising Properties	Not determined
Vapour Pressure:	Not applicable
Relative Density:	Above 2.0
Water Solubility:	Insoluble
Fat Solubility:	Not determined

## **10. STABILITY AND REACTIVITY**

### **Conditions to Avoid:**

Sources of ignition and temperatures above 200°C.

### **Materials to Avoid:**

Strong oxidising agents, e.g. chlorates which may be used in agriculture.

### **Hazardous Decomposition Products:**

The substances arising from the thermal decomposition of the bitumen binder in asphalt will largely depend on the particular conditions but may contain the following:

Hydrogen Sulphide, Carbon Dioxide, Carbon Monoxide, Water, Particulate Matter, Sulphur Oxides, Polycyclic Aromatic Hydrocarbons, Unburnt Hydrocarbons, Nitrogen Oxides, Vanadium Pentoxide.

## **11. TOXICOLOGICAL INFORMATION**

### **Inhalation:**

Inhalation of respirable dust from aggregate contained in asphalt whilst cutting or planing hardened asphalt can lead to respiratory system damage and disease. Inhalation of fumes over a prolonged period may cause irritation of the respiratory system.

Bitumen used in asphalt may release small amounts of hydrogen sulphide gas. With good general ventilation, this is not likely to cause any problems, but in poorly ventilated enclosed spaces, concentrations may build up to hazardous levels.

### **Skin Contact:**

Contact with hot asphalt may cause burns. Prolonged skin contact may cause dermatitis and malignant warts.

### **Eye Contact:**

Contact with hot asphalt may cause burns. Product entering the eyes may cause irritation.

### **Ingestion:**

Ingestion is very unlikely. Seek medical attention.

## **12. ECOLOGICAL INFORMATION**

### **Environmental Assessment:**

When used and disposed of as intended, no environmental effects are foreseen, and asphalt should not pose an ecological hazard.

### **Mobility:**

Low mobility. Will sink in water and form a solid layer on the surface of the ground.

### **Persistence and Degradability:**

Resistant to degradation and will persist in the environment.

### **Ecotoxicity:**

Not expected to be toxic to aquatic organisms.

### **13. DISPOSAL CONSIDERATION**

#### **Safe Handling of Residues / Waste Product:**

Asphalt made with bitumen is classed as 'non-hazardous' but should be disposed of in accordance with local and national legal requirements. Hardened asphalt can be readily recycled.

### **14. TRANSPORT INFORMATION**

#### **Special Carriage Requirements:**

Not classified as dangerous for transport. Product should be kept covered.

Flammable materials, and containers that do or may become pressurised should be kept away from hot asphalt to avoid the risk of fire and explosion.

### **15. REGULATORY INFORMATION**

#### **Classification:**

Not classified as dangerous. However, consideration of the following risk & safety phrases is recommended:

#### **67/548/EEC**

#### **Risk Phrases:**

R34 - May cause burns.

R36/37 - Irritating to eyes and respiratory system.

#### **Safety Phrases:**

S36/ 37/ 39 - Wear suitable protective clothing, gloves and eye/face protection.

S51 - Use in well ventilated areas.

#### **EC1272/2008**

#### **Hazard Statements:**

H317 - May cause skin irritation

H335 - May cause respiratory irritation

H372 - Causes damage to organs through prolonged or repeated exposure (relates possible lung damage if exposed to respirable silica\* that may be released if hardened asphalt is cut, drilled, milled or planed.)

#### **Precautionary Statements:**

P261 - Avoid breathing dust/fume/vapours.

P271 - Use only outdoors or in a well ventilated area.

P281 - Use personal protective equipment as required (see Section 8)

## **16. OTHER INFORMATION**

### **Training Advice:**

Wear and use of PPE.

### **Recommended Uses and Applications:**

Industrial and construction applications.

### **Further Information:**

Contact Product Technical Support at using the details given in Section 1.

HSE Guidance Note

EH40/2007 PPE

Regulations 1992

COSHH Regulations

2002 Environmental

Protection Act 1990

HSE Crystalline Silica EH59

Dangerous Substances Directive (DSD) 67/548/EEC

Classification, Labelling and Packaging Regulations (CLP) EC1272/2008

Further copies of this Safety Data Sheet may be obtained from Hanson UK

Prepared in accordance with Annex II of the REACH Regulation (EC) 1907/2006

## **17. DISCLAIMER**

The information in this Safety Data Sheet was believed to be correct at the time of issue. It does not, however, give assurances of product properties and establishes no contract legal rights.

If you have purchased this product for supply to a third party for use at work, it is your duty to take all necessary steps to ensure that any person handling or using the product is provided with the information in this sheet.

If you are an employer, it is your duty to tell your employees and others who may be affected of any hazards described in this sheet and any of the precautions which should be taken.

This Safety Data Sheet does not constitute the user's own assessment of workplace risk, and it is the user's sole responsibility to take all necessary safety precautions when using this product.

The product is to be used exclusively for the applications named in the technical leaflet or in the processing instructions. The receiver of our product is singularly responsible for adhering to existing laws and regulations.

**For further information contact: Customer Services:**

Hanson UK  
Hanson House  
Maidenhead  
Berkshire  
SL6 4JJ

Tel: 01628 774 100  
Email: [enquiries@hanson.com](mailto:enquiries@hanson.com)



RECEIVED  
JUN 05 2018

Dear Members of the Planning Board and Selectmen,

BY: CW.....

I am writing this letter as opposition for the approval of R Cooper and Sons to operate from 225 Main Street, Fremont NH.

First and foremost, said property is zoned for Commercial use. A paving company would need to be in an Industrial Use Zone. Per the Town of Fremont's Zoning Ordinance, Commercial District policy states, usage allowed if..." such uses are determined not to be injurious or hazardous to the public health, safety, and/or welfare." I hold great concern for the detrimental environmental impact due to contamination from allowing such a company to operate on this property. My environmental concern is not only for that of my well, which is directly across the street from this property and is drilled directly into an aquifer, which occupies an aquifer protection zone, but also of my pond which holds fish and provides drinking water for many different types of wildlife.

Of greater concern to the town and ultimately the Great Bay Community, is the possible contamination of the Exeter River. The property in question borders the Exeter River which is protected under the New Hampshire Rivers Management Program. It is important to note per [lampreyriver.org](http://lampreyriver.org) "several key management challenges AFFECT the health and integrity of the river corridor...storm water runoff that pollutes the river with sediment, high amounts of nutrients/fertilizers and oily or toxic residues from vehicles."

R Cooper and Sons has stated that they will pave the area and build up curbing to "protect the Exeter River from contamination drainage." Unfortunately, this is an underdeveloped plan. While building a curbing to prevent contamination from directly flowing into the Exeter River, any runoff will still enter the river from two separate storm drains. These drainage systems do not contain treatment swales or water detention areas, nor do they have oil water separators prior to the runoff entering the river.

The concern of contamination stems not only from that of housing "several dump trucks and miscellaneous equipment" but that of the common usage of pre-treating a dump truck which will contain asphalt by spraying diesel fuel and/or other chemicals to the entire surface of the dump body. This pre-treatment is necessary for the asphalt to be able to slide more easily from the truck. Therefore, diesel will be a constant contaminant dripping from their trucks.


Furthermore, coal tar pitch is used as a binder in asphalt. According to a Hazardous Substance Fact Sheet, it is listed as a carcinogen (cancer causing of lung, kidney and skin cancers), and contains other volatiles (which are hazardous chemicals), such as Benzo, Pyrene, Creosote, Chrysene and Anthracene.

Of note, OSHA designates and restricts time exposed to such chemicals and that the legal permissible exposure is designated to an 8-hour work day. Therefore, these toxic trucks will be parked and leaking carcinogens for approximately 16 hours a day poisoning the air and water to a residential area and aquifer. It is a common known fact that paving vehicles emit a noxious smell. Per the Hazardous Substance Sheet, inhalation causes headache, fatigue, dizziness, irritation to the throat and lungs, wheezing, shortness of breath, nosebleeds, fainting and even coma. "Many scientists believe there is NO SAFE LEVEL of exposure to a carcinogen" (Hazardous Substance Fact Sheet).

Additionally, every morning at 6am, this quiet residential community will be disrupted by their beginnings of a work day. Our peaceful neighborhood will be filled with the exhaust from the starting of the fleet of diesel trucks. Noise pollution from the starting of the trucks, the arrival of workers and the backup alarms from the fleet will ring throughout our neighborhood. Any home that has windows open will be filled with the exhaust from the trucks. Fremont thrives as a small community. The addition of this company will poison our air and water. It directly affects our lives, our children's lives and our grandchildren's lives. It affects this neighborhood, the town by way of contamination of the river and aquifer and surrounding towns as the contamination spreads through the river systems.

As a member of this community for over 50 years, I implore you to consider the consequences of allowing this company into our residential area.

Respectfully Submitted,

A handwritten signature in cursive script that reads "marjorie m. Rislove". The signature is written in black ink and is positioned below the typed name.

Marjorie M. Rislove