

TOWN OF JAFFREY
Jaffrey, New Hampshire
PLANNING BOARD
Meeting Minutes
November 12, 2013

Present: Chairman Kresge, Members Bergeron, Deschenes, Despres, Grodin, Merrell, Moore and Selectmen's Representative Alternate Rothermel.

Absent: Selectmen's Representative MacIsaac.

Staff: JoAnne Carr, Director of Planning and Economic Development, Fire Chief Chamberlain

MEETING MINUTES APPROVAL

On a motion by Moore, seconded by Deschenes the minutes of the October 8, 2013 meeting were approved as amended. (5-0)

PRELIMINARY HEARING

None

CALL TO ORDER

Chairman Kresge called the public hearing to order at 7:00 p.m. Notice of the public hearing PB 13-08 was posted in the Town Office building, the Library; copies were sent to the Planning Board, the Conservation Commission, and the Board of Selectmen. Member Grodin recused himself from PB 13-08. Member Bergeron would vote.

APPLICATION ACCEPTANCE

1. PB 13-08 EMD Millipore Corp., 11 Prescott Rd., Map 256 Lot 1 and Map 257 Lot 17, Zone: Industrial

Site Plan – The applicant proposes to amend a previously approved site plan to include a new biomass steam generating facility.

On a motion by Deschenes, seconded by Moore the application to amend a previously approved site plan to include a new biomass steam generating facility was accepted. (7-0)

On a motion by Merrell, seconded by Deschenes the board granted the requested waivers. (7-0)

PUBLIC HEARING – NEW

1. PB 13-08 EMD Millipore Corp., 11 Prescott Rd., Map 256 Lot 1 and Map 257 Lot 17, Zone: Industrial

Site Plan – The applicant proposes to amend a previously approved site plan to include a new biomass steam generating facility.

Presentation: Attorney Richard Uchida, Hinckley Allen

Appearance: Paul Lukitsch, Rob Jackson – Millipore
Jerry Blanchette, Mark McLeod – H.L. Turner Group
Tim Donnelly – Power Engineers Inc.

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Attorney Uchida gave an overview of the project stating that the proposal is a very forward thinking facility. It is vital to the ongoing life of this plant and to EMD Millipore in general. It's vital to Jaffrey and the area and vital to the environment because of what the biomass facility represents and what it will do. The project is a way for the company to wean itself off of the consumption of oil to heat the plant and to instead heat the plant utilizing wood chips and producing steam.

Mr. Uchida reminded the board that they were in need of some zoning relief for the height of the stack and a variance for a stack up to seventy-five feet was granted by the Zoning Board of Adjustment on September 3, 2013. The remainder of the project complies with the ordinance. It was also decided at an earlier meeting that the application would be treated as one with regional impact; notice was made based on this decision.

Three waivers were requested. They were reviewed and granted during the application acceptance. Specifically the waivers were for existing data checklist item 5 (size and shape of existing structures within 200 feet), Proposed plan checklist item 8 (location, type, and size of all proposed landscaping and screening) and Items to accompany application item 12 (application shall be accompanied by any necessary Federal, State or local permits and approvals). The plan is to receive approval as soon as possible so that the plant is up and running by the winter of 2014/2015.

Mr. Paul Lukitsch, Regional Facilities Manager and Energy Manager for EMD Millipore, gave an overview of the company and the importance of the project.

Mr. Jerry Blanchette began with an overview of the project. It was pointed out that the main reason for the on-site location is because it is to the rear of the property, next to the water tank, the wastewater treatment plant, shipping and receiving and the location is most favorable to bring steam to the facility. The proposed burner will be designed to burn not only wood chips but pellets as well. All fuel coming to the building will be stored inside keeping a clean environment. One of the plans is to have educational tours through the building to show visitors/customers the entire stream of fuel.

Addressing contours and elevations Mr. Blanchette stated that the stack, once finished, will probably be seventy feet tall. Most of the stack will be within the building leaving about thirty-five feet showing above the roof. Because of the height of the stack an FAA approval has been applied for and is pending. The boiler building will be approximately thirty-three feet high; the chip in storage building will be approximately twenty feet high. The differential between the building locations to the top of the hill is between ninety and one hundred feet ground level. All noise producing elements for this building will be inside the building with the exception of the back-up generator. Millipore had the building designed with redundancy; every aspect, every component has been duplicated so that they do not go down. They cannot be without steam. The steam produced by the proposed facility is critical hence the reason for a 600 horse power back-up generator which will be outside but on the side furthest away from the back of the property line. The maximum number of trucks on a daily basis will be two. The delivery process was explained noting that the chip in storage area is below grade by about ten to fifteen feet. Ash produced from the process will be brought to a landfill. Selectmen's Representative Alternate Rothermel asked how often the ash will have to be emptied. Mr. Blanchette replied that clean chips produce little ash but they are told that one ten yard dumpster, once a week would be the worst case when they are running at 100% fire. They feel they are 50% fire most of the time and during non-winter/summer times it will be about 10%.

Mr. Rob Jackson reviewed the pellet and chips delivery process and how they will move through the building noting that chips and pellets are not in the same section at the same time. There is fire detection

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and suppression on the system and the ash that is generated is immediately quenched with water as it exits the burner.

Mr. Mark McLeod reviewed the facility plan. Truck traffic will enter the facility from Route 124 at the eastern end of the property. The road will be one way travelling around the back of the property and exiting on Prescott Rd. There will be a gated gravel surfaced emergency access off of the Eastwood Drive cul-du-sac. Because they will be losing some tree density in this area they will try to restore some of the buffer through the use of high bush cranberry, arrow wood viburnums which grow to a height of 12-15 feet. They will provide a dense screen from the ground level up to just over the height of the roof elevation. There will also be a retaining wall that will aid in screening the view from Eastwood Drive. On either end of the building there are rain gardens that are designed to manage the storm water from nearly all of the new impacts. Lighting will be all building mounted at a height of 16-20 feet above finished grade. Areas for snow removal have been identified. Keeping with current practice when the piles become too large they will be removed by a private contractor.

Member Merrell asked about paving. Mr. McLeod responded because of the truck traffic in this area they are proposing standard, dense grade asphalt. With the noise issue in mind Chairman Kresge asked about the construction of the building. Mr. McLeod stated that it is a pre-engineered metal building. The wall skin is intended to be a pre-insulated, high performance metal panel. It is sandwiched insulation made at the factory with metal on either side; it's very sound deadening material.

Fire Chief Chamberlain asked if there was a time table for removing the oil tanks and would all three be removed. Mr. Jackson stated down the road and once they are running robustly they will most likely remove the two underground and keep the one in the bunker. As for the boilers there are also three with one being fairly new. They may remove two and keep the newer one as additional back-up.

Mr. Tim Donnelly explained how they go about choosing an appropriate location. As for a visible plume from this stack, there will be a steam plume during cold weather however a unit this size will not have a lingering plume if it shuts down. Chairman Kresge asked for the expected time frame for completing the permitting process. Mr. Donnelly stated that the applications were officially received by DES on October 1, 2013. The air quality model is being reviewed. Final permit in hand may be available early in the first quarter of 2014; once drafted it will be posted in the local paper and a copy available at the town hall for anyone to review. There will be a thirty day public comment period.

A representative for abutter Ms. Courtney Dunning asked what kind of external noise will there be in comparison to the noise already heard. Mr. Blanchette explained that the units which are typically placed on the roof will be inside the building and the intake louvers will be on the side of the building furthest from Eastwood Drive. Mr. Jackson added that Millipore wrote a spec for their vendors supplying the plant and added in the town ordinances making the requirements more stringent.

Abutter Bill Johnson asked if a strobe would be necessary for the stack. Mr. Blanchette replied it is not part of the plan and the intent is to make sure it is not a requirement. To date they are meeting the requirements in draft form and expect the final approval soon. Mr. Johnson had experienced issues in the past when Millipore drilled their wells and he is concerned with his water quality. Will the water usage increase or remain the same? Mr. Jackson responded that they anticipate using less oil to keep the same amount of steam in the plant. Based on that they would use less but for planning purposes they are estimating the same amount.

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Abutter Carolyn Saari asked about the reduction in the buffer space between the proposed facility and Eastwood Drive. Mr. McLeod explained that the ordinance asks that you maintain 50% of the property line setback as a vegetative setback which in this case would be twenty-five feet. At one location they have twenty instead of twenty-five feet but this is where they will be planting the high bush cranberries and arrow wood viburnums which grow to a height of 12-15 feet. Chairman Kresge asked if the area would be cleared leaving them to start from scratch in terms of new plantings. Mr. McLeod replied yes. Currently there are some tall pines and at this time of year there is not a lot of understory to screen the view. The thought is that the proposed vegetation will address the view and noise issues.

Member Merrell asked for the height of the wall. Mr. McLeod estimated seven to eight feet at maximum height. Ms. Saari added that she would like the board to realize that this building will have a significant impact on the property values and the houses on Eastwood Drive.

Ms. Dunning stated that she is on top of the hill on Eastwood Drive and the tall pines do create a visual buffer for her. Are all of the tall trees going to be removed? Mr. McLeod replied that the tall pines being removed will be along the bottom curve of the cul-du-sac to accommodate the emergency vehicle access.

Ms. Carolyn Garretson of the Conservation Commission and asked if they would consider hemlocks which grow not only very low but very tall and will not shed in the winter months. Mr. McLeod stated that they are not opposed to using hemlocks.

Ms. Nora Bryant of Conservation Commission asked if during construction trucks would be coming both ways on Route 124 and is there any idea of how many there will be. Mr. McLeod feels they will be traveling in both directions and the number will depend on the phase of construction.

Abutter Mr. Richard Grodin asked if the number of employees will change as a result of this project. Due to this project directly Mr. Jackson would have to guess not although he does not know for sure.

Chairman Kresge asked if there is any ledge in the area. Mr. Blanchette replied yes adding that borings indicate about ten to eleven feet deep but they won't know for sure until they drill.

There being no further questions Chairman Kresge closed the public hearing.

1. To amend the Zoning Ordinance Section IV relative to RSA 674:41 Erection of Buildings on Streets and the Subdivision Regulations as they pertain to development on Class VI and private roads. The exact text is available on the Town web site and with the Town Clerk.

Chairman Kresge explained that the main issue is that the planning board is called upon to either render advisory opinions for building permit applications on class VI and private roads with the Selectmen making the final determination or through the subdivision process they would be called upon to make a decision on a subdivision application on class VI and private roads. The existing language in the ordinance is confusing and inconsistent and is the reason for the following proposed changes. The most substantive change in the zoning ordinance is to the definition of frontage. The most substantive change in the subdivision regulations is the addition of item K in section III.

Selectmen's Representative Alternate Rothermel asked if this was being voted in tonight. Chairman Kresge explained that this is the public hearing for the proposed amendments. Public input will be considered and the board will make a decision as to whether or not they are comfortable passing the zoning ordinance which would have to go to town meeting or to continue the process. As for subdivision regulations, they do not have to go to town meeting. At the last meeting Selectmen's Representative

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MacIsaac expressed a preference for letting the zoning ordinance go before town meeting before finalizing the subdivision regulations. The process is up for discussion.

The proposed changes are attached.

Following the discussion, Jaffrey resident Mike Shea who owns 8,000 feet of frontage on Red Gate Road has not been in favor or making changes however he feels the board's proposed changes have come along way from where they started a year ago. As for the changes he feels Section III C is very subjective but surmises that it is copied right out of the state statute and he is thankful for Section K. Under Section III B it was suggested changing what currently reads: *The following standards apply to private or Class VI roads serving up to two (2) dwelling units* to read up to three (3) dwelling units what reads: *For private or Class VI roads serving greater than two (2) dwelling units....* to read three (3) or more. Mr. Shea pointed out that the process for obtaining a building permit on a class VI road includes absolving the town of any liability for not being able to respond and now there is the expense of creating a turn-around; it seems contrary.

Selectmen's Representative Alternate Rothermel asked how does this relate to rebuilding on a class VI and how does it relate if you already have a house and you want to add a significant size building. Chairman Kresge stated that he searched through statute and for specific treatment of rebuilding a lost structure, as in the Landis property; he could not find anything official. Through conversation with JoAnne Carr and the Building Inspector he believes they are of the opinion that rebuilding is – you just issue the permit without any further requirements. Selectmen's Representative Alternate Rothermel asked if it had to be on the same footprint. Building Inspector Deschenes stated that he has seventeen acres. If his house moves a little bit it does not make it any more non-conforming. The non-conforming part is that he is on a class VI road.

Member Merrell agrees with Selectmen's Representative MacIsaac stating that he feels the zoning ordinance should be approved by town meeting prior to making changes to the subdivision regulations. As for the suggestion made by Mr. Shea to amend Section III B Member Merrell feels it should remain as is because the issue is not the number of units but the road.

Director of Planning and Economic Development JoAnne Carr suggested that on the standards rather than saying greater than two dwelling units just say three or more. This gives the implication that you may have five or six houses on a class VI road which are not necessarily subject to a subdivision.

Chairman Kresge stated the proposed changes to the subdivision regulations will be tabled until after town meeting. In affect it will mean if the zoning ordinances pass then it will cross reference to the existing Section III in the existing subdivision regulations which is the eighteen foot width. Ms. Carr asked if it will be reposted or will they enact the regulations once the zoning passes. Chairman Kresge felt they could enact it.

There being no further questions Chairman Kresge closed the public hearing.

PUBLIC HEARING – CONTINUED

None

DECISIONS

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On a motion by Merrell, seconded by Moore the application to amend a previously approved site plan to include a new biomass steam generating facility was approved . (7-0)

Conditions Precedent:

- Formulation of a landscaping and back area fencing plan in conjunction with input from ConComm and staff at Town Office.
- Lot merger to be completed

Condition Subsequent:

- Submittal of permits once available.

2. To amend the Zoning Ordinance Section IV relative to RSA 674:41 Erection of Buildings on Streets and the Subdivision Regulations as they pertain to development on Class VI and private roads. The exact text is available on the Town web site and with the Town Clerk.

On a motion by Grodin, seconded by Merrell the amendments to the Zoning Ordinance Section IV relative to RSA 674:41 Erection of Buildings on Streets moved to town meeting. (7-0)

Subdivision regulations as they pertain to development of Class VI and private roads was approved but not enacted until after town meeting.

OTHER BUSINESS

JoAnne Carr - Zoning Code/proposed changes – to be posted for hearing in December. Proposed changes will be e-mailed in advance to members.

ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Submitted:

Erlene Lemire
Recording Secretary

Attest:

Mark Kresge
Chairman, Jaffrey Planning Board