



**Motion:** Ms. Ryerson moved to approve the Planning Board Minutes of May 27, 2009 as amended.  
Mr. King Seconded.

Ms. Ryerson commented for the record that our traditional way of operating is exactly the way they did. If members notice anything that will change the meaning of what's in the minutes and they felt there were items they have mentioned that they would like contained in the minutes, they can do that by proposing the changes to the board. The question has been raised to larger changes. Mrs. Fairchild has proposed more changes, including rewording Ms. Whitney's wording, including taking out sentences and adding new sentences. Removing the block narrative from Mr. Jensen, which Ms. Whitney added as clarification and having it added as an appendix.

Mr. King stated he feels the way that we have been approving minutes is a good way, just as he had noted that he would like something added to the minutes previously approved. He feels that is the appropriate way to do it. He feels intense rewrites by board members might be a slippery slope to start going down. Mr. King would like to keep the process as we have been doing.

**Motion Carried – Unanimously.**

**III. New Submissions**

**IV. Boundary Line Adjustments**

**V. Hearings**

**1. C.G. Roxane, LLC (Old 85-21 / New 94-4)(Ossipee Park Road / Route 171)  
**Continued Site Plan Review****

Ms. Ryerson stated that this was a continued hearing for a site plan review for C.G. Roxane, LLC, Tax Map 94 Lot 4. Ms. Ryerson stated the board had continued the hearing so that the peer reviewers could be present this evening to answer any questions from the board.

Present this evening representing CGR was Tony Moore, Andre Kloetz and Kip Downs (Bauen Corporation) and Frank Kuhn, Air & Noise Compliance.

Ms. Ryerson stated there was a question from an earlier hearing as to whether this application met the test of a development of regional impact. Mr. Taussig had stated that he wanted to review the annotations. Mr. Taussig noted he did look into this and did not find any annotations, however he thinks as an abundance of caution, he would recommend the abutting towns be notified. Ms. Ryerson referred to the RSA relating to procedures for a "development of regional impact". There are six tests you need to look at to see if this meets the definition of a "development of regional impact". The six areas of concern are: I. Relative size or number of dwelling units as compared with existing stock. II. Proximity to the borders of a neighboring community. III. Transportation networks. IV. Anticipated emissions such as light, noise, smoke, odors, or particles. V. Proximity to aquifers or surface waters which transcend municipal boundaries. VI. Shared facilities such as schools and solid waste disposal facilities. Ms. Ryerson feels the only area that may be a trigger would be the Transportation networks, and it is a question that has been dealt with extensively in earlier hearings with the ZBA to establish the factory and the court tests. According to CGR there will be no increase in traffic due to this site because it is a satellite site to the existing site. Therefore, Ms. Ryerson does not feel that any of the six tests apply.

**Motion:** Ms. Ryerson moved that this is not a development of regional impact, which affirms the board's earlier decision not to declare it a development of regional impact.  
Mr. King Seconded

Mr. Taussig gave his view on this subject, noting that this was a large project that has large impact traffic wise. He understands that there is already is an approval for forty (40) trucks based on the other facility. Mr. Taussig stated that this is not an amended site plan for the upper facility, this is a separate plan and it has to be considered separately. He feels that this will have substantial impact on the land and does impact Route 171. Mr. Taussig feels the surrounding communities should have received notification.

Mr. Nelson raised the question "How could this effect the region any differently than what's already been approved by the town?"

Ms. Ryerson stated the only way it could be would if CGR were to develop it and they sell it. This would require them to go back to the ZBA for a new special exception. They would then look at it as a development of regional impact.

Ms. Ashjian stated that she had brought this up in her letter of March 25<sup>th</sup>. In attending conferences and planning events, a familiar theme planners come up with is that regional notification is often underutilized or done after the fact or too late. She suggested to the board that it might be a wise move to do such a thing and have the LRPC and other towns have the opportunity to weigh in at this point where this a completely new facility on a separate site.

Mr. Charest disagreed with Ms. Ashjian's comments. Mr. Nelson stated he did not see this as a regional impact.

Ms. Ryerson called for a vote on the motion on the floor.

**Motion Carried** – 6 to 1, with Mr. Taussig opposing.

Ms. Ryerson asked the board for a few more minutes to review a couple of stipulations. Ms. Ryerson asked for input on the following:

- 1) Is the board all in agreement that CG Roxane owns the site and has the right to develop it if they have all appropriate permits and approvals? Response by board was Yes.
- 2) Is the board all in agreement that the ZBA approved a special exception to allow this commercial site in this residential/agricultural area? Response by board was Yes.
- 3) Is the board all in agreement that that approval was contested and went to Supreme and Superior Court and was upheld? Response by board was Yes.
- 4) Is the board all in agreement that the Planning Board put a forty (40) truck limit, which would be if they went over the forty (40) truck monthly average, that would trigger them coming back for site plan review? Response by board was Yes.
- 5) Is the board in agreement that that was upheld as well by the court decisions? Response by board was Yes.
- 6) Is the board in agreement that CG Roxane stated at the ZBA hearing and PB hearing that this warehouse is to be used as an emergency warehouse when there are weather conditions that make it difficult for trucks to climb the hill, or as a staging area for peak hours when trucks are going to the factory and that they have not deviated from that definition?

Mr. Nelson disagreed with that to some extent as CGR added that they need to rotate the inventory. Mr. Taussig stated they are going to rotate the water and CGR indicated they were reserving the right to use it in a manner that was expeditious for their business. Adding the need to rotate the

inventory, is the board in agreement that this is what CG Roxane has said right along? Response by board was yes with Mr. Taussig abstaining from a response.

Ms. Ryerson gave her reasoning for going through the list was partly to bring the board up to where they are now, and to say that the board and CGR are paying experts at a considerable expense to be present this evening and would like to not keep them here longer than needed. As Chair she will not entertain questions that are about the aspects the board has agreed are not part of this discussion. She will do so by stating she does not feel that this is relevant to this discussion.

Ms. Ryerson had prepared a list of what she thought were some of the things they have been discussing and have additional questions for the experts, noting board members may ask their questions as well.

Present were Carol A. Murray, P.E. NH License #6009 and Michael Bahtiarian of Noise Control Engineering, Inc.

The board started with Carol Murray's review. Ms. Murray talked about putting in Warning Blinkers and signs. CGR came back with suggestions as to what they would do in this situation. They would install a Warning Blinker or signs west and east of the driveway entrance, noting there was some questions as to the nature of the signs. Ms. Murray opened with a comment that she has stated before, that blinking warning signs are marginally effective, because eventually we all get use to them. You drive by them daily and eventually they become part of the landscape. However this road accommodates visitors so they would be a little more effective there. Mr. Jensen questioned if blinking signs were more effective than signs without a blinker. Ms. Murray stated eventually the effectiveness becomes even for people who use the road regularly. For the occasional user she feels the blinking light highlights it and will catch your eye. Mr. Jensen concurred that signage that is put up would be most effective for occasional users. Signage for regular users eventually will not be effective. Mrs. Fairchild questioned the placement of the signs. Ms. Murray stated there were no signs on the plan she reviewed and suggested they be added. She did not pick a location or type of sign as she feels it is the applicant's responsibility to propose and the board to review. After a lengthy discussion it was the decision to add text signage with a warning blinker to the west side of Ossipee Park Road (i.e. downhill direction) and text signage only to the east side of Ossipee Park Road. CGR will work with Ms. Murray to determine the size and location of these signs.

Ms. Ryerson noted the issue regarding water quality. CGR has agreed to the use of a mixture of sand and magic 0, similar to the mixture used by town, to be used in lower lot when conditions are cold. A note should be added to the plan stating that the lot is to be swept twice a year to remove debris. And noting that a plan noted exists that there be a regular schedule for maintenance of swales basins. Ms. Murray commented that CGR should stay as close to a zero ratio for salt treatment.

There was a question regarding on-site signs on the lower lot regarding the idling of trucks. It was stated there is a state regulation on the idling of trucks and if the board requires CGR to follow the State of NH's regulations this will be adequate.

There was a question regarding signage, at lower lot only saying Jake brakes cannot be used within the site. Ms. Murray noted that Jake brakes are annoying but made no specific recommendation one way or the other.

Discussed was the need to control the growth of vegetation for the visibility of signs. A note should be added to the plan stating that it is the responsibility of CGR to maintain the vegetation for sign visibility, even the signs located on Ossipee Park Road to the east and west of the proposed entrance.

Mrs. Fairchild referred to a comment in Ms. Murray's report stating "The reviewer suggests that the Board contact NHDOT District 3 directly to confirm their approval before their final decision." Mrs. Fairchild questioned if the board would contact NHDOT District 3 regarding the entrance. Ms. Murray stated no, ~~not with this entrance, meaning the entrance to the site off Ossipee Park Road~~ that she was referring to the intersection of Route 171 and Ossipee Park Road.

Mr. Taussig asked Ms. Murray if she felt that it was necessary to widen *Ossipee Park Road* to three (3) lanes, making a turning lane. Ms. Murray stated that this was not necessary and that she had thought of the idea of widening the shoulder but felt this would create a hazard with vehicles attempting to pass the trucks on the right and getting into their turning movements.

There was a question regarding the guard rail at the retaining wall. It was noted the guard rail is now marked on the plan. It was noted that there is to be a Knox box for the gate and that the gate will be highlighted with a reflective material for visibility.

Ms. Ryerson questioned who would be in charge, overseeing the construction of the project. Mr. Kloetz stated that they would have an on-site superintendent and that their engineer, Paul Fluet will do periodic inspections reviewing the construction of the site as shown on his plans. Ms. Murray stated that the engineering plan is very thorough, but that it was important to see that the site is developed in accordance with the plans.

Ms. Murray had commented in her review on the traffic pattern, noting that while the access road around the back of the proposed building is for emergency vehicles it could also work for the trucks, although it is tight. It was pointed out at this meeting that CGR does not want to do that because it defeats the purpose of using the building itself as a sound barrier.

Ms. Murray stated she did not have building plans and did not know the height of the building or the pitch of the roof when she made her comment about snow shedding off the roof. Mr. Kloetz stated the building was 23-31 feet in height and the roof has a 1/2' per foot slope, therefore relatively flat and the snow will not sheet off the roof.

Ms. Murray raised a question regarding the drainage, treatment areas being over vegetated, noting that Mother Nature does well with growth. She has suggested that there be a requirement that the treatment areas be properly maintained and that it should be noted on the plan.

Mr. Taussig asked that Ms. Murray elaborate on her comment "The warehouse will be operational during inclement weather conditions, so it seems to the reviewer that daylight hour operation restriction should be considered." Ms. Murray stated during inclement weather, winter, it gets dark very early and that it would seem appropriate from a safety standpoint to restrict the movements to and from the site to daylight hours during inclement weather. From a safety perspective she feels it's something the board should give consideration to.

Ms. Ashjian commented that Ms. Murray's report throughout recommends strongly that the board have a permanent maintenance agreement and questioned if the board has given consideration to a fully developed maintenance agreement. Ms. Murray stated that it is nice, should there be a problem and action needs to be taken that you could pull out one document instead of trying to find it on the plan or in the minutes. This would be a summary document, similar to a deed restriction, easement. It would include things such as sweeping the lot, clean the swales, cut vegetation around the sign, etc. Mr. Moore stated that they have maintenance schedules and policies for their sites and that there will be notations on the site plan regarding maintenance.

Enid Holmes stated several items that should be noted on the plans, including no overnight parking and that the facility should be used only for inclement weather. Ms. Ryerson clarified that the ZBA special exception was for the staging area as well as for inclement weather use, and that the gate will be closed and locked when the facility is not being used and CGR will require all trucks to be out of the lot at closing time, so there will be no overnight parking.

Mr. Taussig commented that there were some issues raised regarding the idling of trucks and he asked for a recommendation from Ms. Murray regarding this. Mr. Taussig noted the state law on idling and the limitations for different temperatures, etc. Mr. Taussig questioned if Ms. Murray would suggest the board impose more stringent requirements on the applicant's property where they could regulate it. Ms. Murray stated the state laws regarding the idling of trucks were developed with the best recommendations from EPA and that she would not know what to recommend beyond what the state has in place, but noted the State of NH is more stringent than other and there will be a change in vehicles as we move towards the CA standards. Ms. Murray feels that if the board follows the states standards it will be state of the art.

Michael Bahtiarian of Noise Control Engineering was present to answer any questions regarding his peer reports.

Mr. Jensen noted the height of the noise barrier had increased from 12' to 16' and questioned if that would guarantee that this will contain the noise. Mr. Bahtiarian stated that you cannot guarantee anything but that 16' is a reasonable height for a barrier.

Mr. Jensen referred to the decibel level of the human voice, speaking normally and that it appeared different in Mr. Kuhn's report. Mr. Bahtiarian stated there is a range on what a normal voice is. Mr. Bahtiarian does not know where that value came from, but noted it is not far off what he gave. Mr. Jensen noted the report stated the sound of an idling truck was related to being roughly the same as a normal speaking voice.

Mr. Jensen questioned which carries further, lower frequencies or the mid range which is where the voice is? Mr. Bahtiarian stated in what is being done here and the types of analyses that are being done, there is no differences in frequencies. They are using very simple methods.

Ms. Ryerson questioned if the wall is built do those numbers become irrelevant except for people who are within the site and is the sound wall going to do the job of keeping the sound that is generated [29 dB(A)] within the site? Mr. Bahtiarian stated yes it will. A noise wall is a good solution. It is the only solution. There is not anything else that can be applied. The height at 16' is a good height. The horizontal

range, where it is starting and ending look like good horizontal positioning. In reviewing the data, Mr. Bahtiarian stated it appears that there would be about a 12-15 dB level above ambient. By implementing the noise barrier you will get about a 10+ decibel reduction, so you are then at a 2-5 decibel level above ambient.

Ms. Ryerson stated the applicant has represented that the proposed building itself will be the sound barrier to residences to the north, does that make sense? Is the building a good sound barrier? Mr. Bahtiarian stated he had not had buildings plans and didn't know what the height would be. Mr. Kloetz said it would be 23 ft. Mr. Bahtiarian said that should work, that buildings do work as barriers. The building will need to block line of sight with the source of noise. There are two significant sources for the truck, the truck engine down low and the exhaust which is up high. The height of the exhaust is usually the limiting issue. The truck would need to be positioned such that the building is physically between it and any resident. This would work in some directions. From the drawings presented Mr. Bahtiarian is not sure where the abutting residences are located. Ms. Ryerson stated that there are no residences up slope (east) of the proposed building. There is a home and potentially additional home(s) on the abutting properties to the north.

Abutter Mitzi Crowe questioned if she would be able to hear the diesel trucks from her home. There was no way to determine the exact location of Mrs. Crowe's home from the site plan. Mr. Bahtiarian stated that he could not determine the answer as they have only plotted a pin on a bulletin board and there is no accuracy of the location of her home. Mr. Bahtiarian stated you would need to locate homes then look at the sight angles, the placement of trucks and if at the location of the truck, is there a line of sight to Mrs. Crowe's house.

The location of the proposed barrier was pointed out on the plan for Mrs. Crowe. Mrs. Holmes stated that she was not aware that the barrier did not go around to the rear of the proposed building. Mrs. Holmes noted her concerns with noise on her son's property, which abuts the site to the north.

Mr. Jensen questioned if there could be an echo that would occur from any of the trucks along the wall and then off the building. Mr. Bahtiarian stated no. Sound does bounce but he does not feel that will cause if to echo.

Mr. King questioned if there was an additional 50' of wall on the northwest, around behind the building, would that address any sound escaping through the alley on the side of the building. Mr. Bahtiarian stated that it appears that it would, but it needs to be looked at specifically. You need to know the location of the homes in order to look at the angles.

Mrs. Fairchild asked a question about the time of day, and if there was any difference in the 12-14 dB that will be added to the ambient noise levels. Is there any difference between nighttime and daytime? Mr. Bahtiarian stated yes, there is a huge difference. Mr. Bahtiarian stated that he did not know the hours of operation, but noted the 12-14 decibels was based on measurements from the consultant, which he interpreted the data as being about noontime. Levels are noisier during the commuting hours, so noon is relatively low, and the middle of the night is when the lowest levels are achieved.

Mr. Powers questioned the location of the sound barrier. Mr. Bahtiarian pointed to the location of the proposed barrier. Mr. Powers stated that Mr. Bahtiarian keeps referring to a truck and questioned if he

was aware there is a capability of 19 trucks there at any one time. Mr. Powers questioned if that would have any bearing on the total amount of noise from one truck to nineteen. Mr. Bahtiarian stated he reviewed the data from their noise consultant, and in extracting information came up with 12-15 trucks. That report provided levels for a typical truck of quantity one, six and twelve. A typical truck will produce a certain sound level, six of those typical trucks and twelve of those typical trucks. If you have a sound level of 50 decibels you add 10X the logarithm of the quantity. One would result in zero, six and twelve would add to that. He used the 6-12 number range, so the noise at the nearest property level would be 50-53. The 50 represents six trucks, 53 represents twelve trucks. That follows decibel math, in that when you double the number of sources, you increase the noise level by 3 dB. If there are twenty trucks they are a few dB off.

Mr. Taussig noted one of the abutters faces the driveway and he is concerned as to what he would describe as a funnel effect. How could that be mitigated? Would the reflection of the wall of the building combined with the effect of the hill from the east and together with the sound barrier to the west create a funnel effect where the sound is going to come out down the driveway, what can be done about that? Mr. Bahtiarian stated he did not believe you will get that effect as there is a slope to the driveway and it is lined with trees.

Mr. King questioned if the Ever Quiet wall as proposed by the applicant adequate or does it need the absorbent layers. Mr. Bahtiarian stated what is proposed is sufficient and the more absorbent panels are not needed.

Christina Ashjian had a general question in regards to the two different reports from NCE. The first report it was clear that the assessment was insufficient from a technical and computational standpoint. The follow up is in response to what she characterized as the retroactively generated letter from CGR's sound engineer clarifying the initial summary of the report that was submitted to the ZBA in 2006. Her question today was, from Mr. Bahtiarian's point of view, has there been a sufficient field data assessment of the impact of the proposed facility on the existing and potential abutter's homes? How thorough was the initial study? Mr. Bahtiarian commented that on a scale of one to ten, his professional opinion of this assessment is on the order of a two or a three. He was not trying to mock the work that was done in any way. There are certainly more things that could be done. More surveys, more monitoring, more mapping. However, you can do all of this and you are going to end right back up here, looking at where the noise barrier goes and is it high or low enough. Mr. Bahtiarian does not feel that there is anything missing by documenting more noise measurements or plotting or graphing.

Mr. Kloetz stated that the requirement of additional plotting and mapping to determine where the houses were would be a great expense and you may or may not need any additional sound barrier. Mr. Kloetz would like to proceed with what they have and see if it works. The board has suggested they could map the abutting homes, enlarge the map and draw a sight line to see if the wall is needed. *Mr. Downs made a comment relating to the hours of operation, along the line of, that if you make us limit the hours as a condition of approval, Roxane will either accept, decline or take you to court.*

Mr. Kuhn, author of the CGR study, pointed out, with Mr. Bahtiarian present and in agreement, that federal and state measurements for requiring a sound barrier are 65 db, and the expected sound on this site is much lower.



Ms. Ryerson noted the hours of operation have not been determined. Mr. Moore stated they preferred the hours of operation to be 6AM – 9PM. Ms. Ryerson asked Mr. Moore when peak hours are in the summer, when the staging area would most likely be used. He responded about 11 AM and 5 PM, and when it was suggested they might reduce the hours of operation, he commented that they would need time to do their own water shuttling when trucks and personnel are available and traffic on the road is down. Mr. Moore said he would speak to CGR executives again about reducing the hours but thought that was unlikely. It being late, Ms. Ryerson said they should wait on continuing that conversation, but that she felt they had made good progress.

Mr. King stated the board has gotten resolution on quite a number of issues the board was concerned with and he would like the Chair and Vice Chair to be able to work with the planner to be able to craft a motion with some blanks in it that could be filled in at the next hearing so that the board is better prepared and they have something to look at that they can move on. *Mrs. Fairchild commented that she anticipates that there would be sufficient opportunity for discussion of the board on matters that are still outstanding.*

Mr. Kloetz is going to incorporate the items discussed this evening into a revised plan in an effort to make it easier at the continued hearing.

**Motion:** Mr. Nelson moved to continue the site plan review for **C.G. Roxane, LLC (Old 85-21/ New 94-4)** to July 22, 2009.  
Mr. Charest Seconded.  
**Motion Carried – Unanimously.**

**VI. Informal Discussions**

**VII. Unfinished Business**

**VIII. Other Business/Correspondence**

1) Zoning Board of Adjustment's Draft Minutes of July 1, 2009 were noted.

2) Selectmen's Draft Minutes of July 2, 2009 were noted.

**IX. Committee Reports**

**X. Adjournment**

**Motion:** Mrs. Fairchild moved to Adjourn at 11:23 P.M.  
Mr. Nelson Seconded.  
**Motion Carried - Unanimously.**

Respectfully Submitted,  
Bonnie L. Whitney  
Land Use Coordinator