

**Moultonborough Planning Board
P.O. Box 139
Moultonborough, NH 03254**

Regular Meeting

September 25, 2013

Minutes

Present: Members: Tom Howard, Chair; Peter Jensen, Josh Bartlett, Paul Punturieri,
Judy Ryerson, Bob Goffredo; Russ Wakefield (Selectmen's Representative)
Alternates: Keith Nelson, Natt King
Staff Present: Town Planner, Bruce W. Woodruff; Administrative Assistant, Bonnie Whitney

I. Pledge of Allegiance

Mr. Howard opened the regular meeting to at 7:00 PM and led the Pledge of Allegiance.

II. Approval of Minutes

Motion: Mr. Punturieri moved to approve the Planning Board On-site Minutes of September 11, 2013, as written, seconded by Mr. Bartlett, carried unanimously.

Motion: Mr. Jensen moved to approve the Planning Board Minutes of September 11, 2013, as amended, seconded by Mr. Punturieri, carried unanimously.

III. New Submissions

Mr. Howard recused himself from consideration for both the New Submission and Public Hearing for CG Roxane, LLC. Mr. Jensen assumed role of Chair and seated Mr. King in place of Mr. Howard.

1. CG Roxane, LLC (408-1)(1455 Ossipee Park Road)
Site Plan Amendment

This was a request for a site plan amendment to expand the truck parking/staging area at the bottling plant to accommodate approximately 12 additional truck that currently stage in the travelled way on Ossipee Park Road. Mr. Jensen noted the Requests for Waiver dated September 18, 2013 from Fluet Engineering Associates P.C., requiring contour information within 100 ft. of the subject property, and for not providing bearings and lengths of boundaries of the parcel.

Motion: Mr. Bartlett moved to accept the application of **CG Roxane, LLC (408-1)**, grant the waiver for the purposes of acceptance only, and to schedule a hearing for this evening to be Hearing #1, seconded by Ms. Ryerson, carried unanimously.

IV. Boundary Line Adjustments

V. Hearings

1. CG Roxane, LLC (408-1)(1455 Ossipee Park Road)
Site Plan Amendment

Mr. Jensen opened the hearing, asking who was present to represent the applicant. Yannick Rousseau, Plant Manager for CG Roxane (CGR), presented the application for the site plan amendment. Mr. Rousseau stated that for the past two years he has been working with the Town, mainly Bruce, trying to figure out a good way to address the truck traffic on Ossipee Park Road. There are many issues, one being the staging of trucks. CGR has a very limited space for trucks at the plant and if they have any problems with loading they can quickly overload the driveway, with trucks over flowing onto Ossipee Park Road. This has happened many times this summer. There were issues with the police as trucks were backed up at the stop sign on Ossipee Park Road waiting for approval to proceed up to the plant, but could not as there wasn't any place for them at the plant.

They had a few ideas, first which was to build the warehouse at the bottom of Ossipee Park Road. They have changed directions of the business and to create a parking lot or warehouse now is not necessary. The concern is to make the road safer and to stage the trucks at the plant. After speaking with Bruce, they have this proposal which has less impact to the area and fewer modifications needed. The proposal is to remove two grass sections and pave that area, creating a staging area and increasing the radius of the entrance to allow trucks to exit without having to cross over into the lane of traffic coming up Ossipee Park Road. Overall they will be able to stage 20 trucks. On their busiest day, they have between 40-50 trucks a day. If they are able to stage 20 trucks, they're 99 percent sure that they would not have any more trucks staging on Ossipee Park Road. Nick Sceggell, Project Engineer, was present from Fluet Engineering Associates to answer any technical questions.

Mr. Jensen asked the Planner for any input that he had regarding work that has been done up to this point regarding the application. Mr. Woodruff gave a brief history of this, noting since starting his current position, nearly two years ago, he has had an open line of communication with the plant manager, Yannick, and others to try and resolve safety issues that have arisen because of the challenges of Ossipee Park Road coupled with the tractor trailers. This proposal is one piece of the puzzle to address some of the issues. Mr. Woodruff gave a brief overview of the procedure for the trucks staging at the stop sign, and waiting for approval to proceed up to the plant. There are about 20 places on the road that "if" two trucks happen to meet, they may hit each other. That is one of the issues. One option was to make a parking lot at the bottom where the warehouse was previously approved. They have an approval to have a maximum of 40 trucks per day, averaged out over a month. On peak days there are trucks waiting on the road as there is no place for the trucks to stage at the plant. This is a safety issue. After looking at the options they felt the best thing was to make an area to hold the trucks so that there would be only one truck at a time at the stop sign on Ossipee Park Road. They need to keep the stop sign, as there still is the safety issue of the possibility of two trucks meeting each other at any one of the 20 unsafe curve points coming down. The trucks stop at the stop sign, call up to the plant and wait for clearance to proceed up the hill if they have not sent a truck down. Mr. Woodruff went onto say in order to keep this from becoming an intensification of use, he recommended the board place a condition that limits the number of trucks in the pull off zone at the stop sign and makes it the plants responsibility that no trucks stop in the travel way.

Mr. King commented that he has been up there a number of times in the summertime and the problem is quite evident and it does appear that this is a reasonable solution.

Mr. Punturieri asked if there was any change in the average of up to 40 trucks per day, on a monthly basis and what the peak number of trucks is on a busy day. Mr. Rousseau stated no, and the peak number is 50 trucks. Mr. Punturieri asked how the trucks would be sequenced in terms of coming down the hill. Mr. Rousseau stated that they can load three trucks at the same time. Once they are loaded the drivers must process their paperwork with shipping and wait for approval to go down the hill. When there

is a truck waiting at the stop sign to come up, they have priority to come up the hill first. They can send three trucks done at a time. They try not to exceed more than two trucks on the road at a time.

Mr. Goffredo questioned if the trucks are idling during the time they are waiting. Mr. Rousseau stated that they have posted and provide to drivers the state regulations regarding the legal amount of time they are allowed to idle a truck. CGR tries to enforce the limitation of idling, but they cannot control the drivers. He noted that they are very concerned about the idling of trucks and the pollution that could affect their water. If the trucks were staged at the plant instead of in a parking lot or on the hill, he feels they would be able to better monitor the trucks idling.

Mr. Nelson noted his concerns regarding the increase in storm water runoff and asked if someone could address that. Nick Sceggell, P.E. stated he had seen the comments from the Conservation Commission regarding runoff. He said that he had done a calculation of the entire site and for a 25 year storm there is an increase of 0.6 percent, about 0.17 cubic feet per second of flow. The additional impervious surface has a minimal effect on it. Mr. Jensen questioned if he used a Type II or Type III storm. Mr. Sceggell stated he used a Type III storm. Mr. Jensen requested that they redo calculations for a Type II, 50 year storm. Mr. Sceggell stated that he would do this.

There was a discussion regarding storm water runoff, where it goes, the catchment system, and if there was a storm water management plan and a maintenance agreement for the system. It was not certain if there currently was a management plan or maintenance agreement for the system, but the applicant was agreeable to provide a management agreement to the Planner for his review. Mr. Sceggell commented that there is an oil/water separator system that could be installed that would address runoff from the trucks staged in the parking lot. A discussion ensued among the board members regarding the run off of oil/water into the catch basin system which eventually could end up in the lake.

Ms. Ryerson questioned the height of retaining wall shown on the plan. Mr. Sceggell stated it was approximately 2 ½- 3 feet in height. This would allow the embankment to remain stabilized. They have proposed adding vegetation along the fence to help with the blowing and drifting snow, and replace some of the vegetation that is being removed from the two green areas to be paved. Ms. Ryerson commented that removing the two landscaped areas will dramatically change the look of the plant from the Castle, that it will look much more industrial.

Mr. Jensen questioned if there was a plan to increase the area at the stop sign on Ossipee Park Road to hold two trucks in the turnout area and could CGR be responsible to not have trucks sitting in the travel lane. Mr. Rousseau stated yes. Mr. Jensen referred to the area of the driveway exiting the plant parking area, noting his concern that over time the edge of the pavement would collapse. Mr. Sceggell commented that while they didn't have detailed spot elevations in that area, the intent was to plant maple trees as a buffer and cut the slope at a stable 3:1 grass area. The trees would prevent the trucks from driving on that area. Expanding the driveway will eliminate the need for a truck exiting the driveway to cross into the travel lane of the uphill traffic, which is a safety improvement.

Mr. Jensen opened the hearing at this time for public comment.

Bud Heinrich questioned if the Fire Chief had weighed in on this, in a truck marshaling yard where you have the chance for a truck saddle tank being gashed by another truck, dumping a 100 gallons of diesel. There are special catch basins that can be shut down so that the diesel would be retained in a catch basin instead of the Fire Department chasing it down the hill towards the hill. Mr. Woodruff stated that the Fire Chief was present at the TRC meeting and did not note any concerns regarding this. Mr. Jensen asked if the Planner would bring this comment to the attention of the Fire Chief. Mr. Heinrich went onto note that the Federal Government is requesting truck marshaling yards to install power posts,

which are 110 volt outlets along areas where trucks are parked. This would allow trucks to be plugged in at night and not idling all night to keep heaters on for the drivers. Mr. Rousseau commented the trucks are not parked there overnight and that mostly they are only are backed up in the summer time. He also noted that by law the trucks can idle either 15 or 20 minutes.

Cristina Ashjian noted that many of the trucks are not stopping at the stop sign and there is a problem with how the stop sign is functioning. She does not know whose property is in the area of the stop sign and if they could increase that area to accommodate two trucks in the turnout area. She noted that there are detailed engineering plans from the reconstruction in 2006. She urged the Board to obtain a maintenance plan for the catch basin system and to have a storm water management plan. Also to take the recommendation of the engineer to install the oil and water separators installed. She went onto state that the idling has and continues to be a major problem. Trucks are in the CGR driveway idling constantly, and it does not seem that there is any enforcement. She has never seen any of the idling signs installed. She commented that a site walk would be beneficial to the board. She feels that this will be a very visible addition to the area. The major issues are idling, storm water management plan, and maintenance plan.

Mr. Rousseau stated that there is signage posted in their shipping and receiving area. Board members would like to see that signs are placed outside as well. Mr. Rousseau stated that this is a constant fight with truck drivers, noting that they are subcontractors.

There was a brief discussing recapping the issues and items that the board and public had raised, as well as questions relating to the time frame in which the applicant and or agent could provide the materials and information to the board regarding those issues. These were noted as: 1) Response from Fire Chief regarding if a catchment system for a potential fuel spill will be necessary. 2) Storm water runoff information for a 50 year, Type II storm / Storm water Management Plan. 3) Maintenance Schedule Plan. 4) Details for an oil/water separator catchment system. 5) Possible build-out area for staging two trucks at the present stop sign on Ossipee Park Road.

Members expressed their concerns with the possibility of trucks parking overnight. It was noted that as a condition of approval there would be no overnight parking. Mr. Rousseau commented that when contacting with trucking companies, they are provided with a list of requirements and regulations, which includes that trucks may not park overnight at the site.

Mr. Jensen commented that it was his understanding that a Storm water management plan is required when the project is being done on a slope of 15% or greater and are disturbing 20,000 square feet or more. It was noted the area they are proposing is 10,000 square feet, and that the development area is not 15% or greater. Mr. Woodruff suggested that the board craft a good condition along the wording that they submit and follow a maintenance schedule for the existing drainage structures, clean and refurbish the existing drainage structures, maybe install the vortex unit or similar to those units that are along the new pavement. Such language would go a long way towards the storm water management they were talking about. It is not a full blown management plan. Mr. Woodruff does not believe that the board can ask the applicant to open up that part of the site plan. They are not disturbing 20,000 square feet, but this would be a good step in the right direction.

It was noted that there had been mention of an on-site visit earlier this evening.

Motion: Mr. Bartlett moved to table the application for CG Roxane, LLC (408-1) and to continue the public hearing until October 9, 2013, and to schedule an on-site visit for Wednesday, October 9, 2013 at 5 PM, seconded by Mr. Wakefield, carried unanimously

Mr. Howard resumed his role of Board Chair. Mr. King resumed alternate status.

VI. Informal Discussions

VII. Unfinished Business

1. Mr. Woodruff stated that due to other issues which had time restraints, the research is not complete for the drafting of a process or procedures regarding Conditional Use Permits (CUP). He noted that there are many communities in the State which have CUP's, but have not found any that have directions or instructions for the process or procedures of such requests. Members discussed briefly things they would like to have addressed in those procedures. Staff will continue research and he will prepare "Draft Procedures" as discussed for their next meeting.

2. Mr. Howard noted the Planning Board and the Board of Selectmen will meet tomorrow at 4 PM in a joint session to discuss ways to deal with "after the fact" applications for building permits and land use approvals. Members were provided with draft proposed changes to the Building Permit and Building Code Ordinances. Members briefly reviewed the proposed changes, making small changes and raising other questions and concerns that should be addressed. Mr. Woodruff will make changes as suggested this evening and noted they should be discussed at the joint work session.

VIII. Other Business/Correspondence

IX. Committee Reports

X. Adjournment: Mr. Punturieri made the motion to adjourn at 8:50 PM, seconded by Mr. Wakefield, carried unanimously.

Respectfully Submitted,
Bonnie L. Whitney
Administrative Assistant