

NOTTINGHAM ZONING BOARD OF ADJUSTMENT

June 12, 2012

PUBLIC SESSION

DRAFT- NOT FINAL UNTIL APPROVED BY THE BOARD

PRESENT:

Mike Russo, Chair
Terry Bonser
Romeo Danais
Bonnie Winona
Robert Davidson
John Morin, Alternate (not seated)

ABSENT:

Kevin Bassett, Alternate
Jim Crowell, Alternate

OTHERS PRESENT:

Ms. Lisa Sears, Land Use Clerk, Chuck Cosseboom; Rymes Propane, Linda & James Fernald, Gary Anderson, John Morin, Tom Sweeney

Chair Russo called the meeting to order at 7:00pm.

MOTION by Mr. Russo to move the review of the minutes to after the case.

SECOND by Mr. Danais

VOTE 5- Aye. 0- Opposed – 0-Abstained MOTION PASSED

Chair Russo called the case.

Case 12-02-SE Application from James & Linda Fernald for a Special Exception to Article II Section E.1. J, *to lease .5 acre to Rymes Propane & Oils, Inc. for installation of two 22,000 gallon propane tanks.* The lot in question is located at 240 Stage Road, identified as Tax Map 29 Lot 8-1, and is owned by James & Linda Fernald.

Chair Russo stated that this meeting had been continued from the May 15th meeting. Chair Russo also noted that the Lamprey River Advisory Committee (LRAC) will hold a meeting on Thursday, June 28th at 7:00pm at the Fire Station so that a site walk can be done on this property. Chair Russo noted that this was a separate issue than the ZBA issue at hand tonight.

Mr. Cosseboom gave the Board an update of the progress on meeting with all the Town and State safety officials for this project. He noted that there had been some delays, and he has spoke with Deputy Marshall Raymond from the State's Fire Marshall's office and they are moving forward and "reasonable action" has been made to move this project forward. He added they are addressing the concerns from the list provided by Planning Board Chair Stockus as well as a few other issues that still need to be reviewed by his engineer for feasibility.

Mr. Cosseboom respectfully asked that the Board could vote to approve this application with the condition that it meets all Town and State approvals including all Safety requirements, codes, inspections and approvals. He added that all of the Board's safety

49 concerns and all that they have asked him for will be addressed at the Planning Board. Mr.
50 Cosseboom asked that he not be tried five times for one project, and that this project has
51 been going on for almost one year. He added that if approved with such conditions and they
52 could not meet the safety then the Special Exception would go away.

53
54 Chair Russo noted the school had an offsite evacuation about 580 students and staff took 45
55 minutes to get to this building. Chair Russo asked for the Site Plan that was also requested
56 at the last meeting. Mr. Cosseboom noted that he could make one but it would be a
57 hypothetical one because all of those details are yet to be determined during the PB
58 process. He noted it is basically all items that he has already submitted. Chair Russo also
59 noted that he had asked for the safety plan as well. Mr. Cosseboom noted that the safety
60 plan was not completed.

61
62 Chair Russo noted his concern that he doesn't know what exactly is being installed. Mr.
63 Cosseboom noted it is two tanks in a commercial zone and does it meet the criteria.

64
65 Chair Russo asked about any future expansion plans. Mr. Cosseboom noted that like any
66 business they hope to double the original amount within three years; up to 2 trailers/ 18
67 loads.

68
69 Discussion moved to approval and inspection processes for the project noting that the State
70 Fire Marshall inspection/approval. No new approvals or inspections would be needed from
71 the State if the volume of trucks increases but they would have to start from scratch if they
72 added more tanks later on.

73
74 Chair Russo again noted the balance of safety concerns with the needs of the business.
75 Evacuations scenarios were again discussed which lead to detail discussions on the
76 amounts involved in leaks, air modeling and the new valves. It was noted that air modeling
77 is no longer done because with the new valves there is no longer large amounts of leaks to
78 model anymore. Mr. Fernald noted that he doesn't want an unsafe facility either. Mr.
79 Cosseboom noted there is 30,000 gallon tank in the center of the Town of Claremont NH.

80
81 Mr. Davidson noted that Claremont was a city and had full time fire department. He was
82 concerned that there wouldn't be time for an evacuation here, if needed. He would like to
83 see the emergency plans and stated that if this needs to be delayed so that more discussion
84 could take place then he would support that. He stated that he has a child at the school and
85 wanted to protect him and all the children in case something should happen.

86
87 Mr. Danais asked about leak amounts and construction of the tanks, values etc. It was
88 concluded that most scenarios were from human errors like a truck pulling away while still
89 connected. Mr. Cosseboom reviewed the safety measures in place for this and other
90 scenarios noting that with the new valves most leaks would be about 10 gallons. Mr.
91 Cosseboom noted from experience in emergencies adding that they don't evacuate in half
92 mile radius as discussed but in wind direction.

94 Mr. Cosseboom noted that Claremont is a city but also has more residents per capita than
95 Nottingham so that even though Nottingham didn't have a full time fire department they
96 were in a better situation than the Claremont example given. It was also noted that Mr.
97 Cosseboom is very active in training fire departments for propane emergencies and has
98 offered to train Nottingham Fire/Rescue. Mr. Cosseboom also spoke to other
99 groups/agencies involved in emergencies.

100
101 Mr. Bonser asked about the size and age of the existing tanks on the property. It was noted
102 that they have not had any issues with these older tanks with the older valves for
103 approximately 20 years that they have been there.

104
105 Mr. Cosseboom noted that most leaks happen, everyday but are at homes; 400 gallons 10'
106 from the home. He noted that it was cleaned up in one hour and a half. He added that he
107 has not had a bulk tank release in his 22 years. He again noted that detailed solutions are
108 still being worked out with the State Fire Marshall's office but the project is progressing.

109
110 Mr. Cosseboom noted that these codes (NFPA 58) they must meet are set by a Board of
111 Engineers from across the country and reviewed by professionals.

112
113 Ms. Winona asked about wording the motion to allow it to be contingent on the safety
114 requirements are meet. Mr. Cosseboom respectfully noted that all of those issues are
115 addressed at the Planning Board. She noted that was not her expertise and was relying on
116 the Town and State professionals. Ms. Sears noted that the PB has hired a consultant for
117 this issue as well because they also recognize that knowing all the NFPA codes are not
118 their expertise either.

119
120 It was noted that members of the Board are also residents and could attend PB meetings if
121 they felt they needed to follow up any of the safety concerns.

122
123 Chair Russo suggested that had been a packet first presented with details about the valves,
124 etc to this Board to start he would have felt more confident in the project. Mr. Cosseboom
125 noted that they are very seldom before both Boards in a Town and he has learned from this
126 experience. Mr. Cosseboom noted the fire safety plan is part of the PB file.

127
128 **MOTION by Mr. Danais** to approve case #12-02-SE the application subject to the
129 following conditions:

- 130 • State of NH Fire Marshall inspection/approval
- 131 • All Town of Nottingham approvals and safety requirements are
- 132 met including those from the Planning Board and Fire Department.

133 **SECOND by Mr. Davidson**

134 Mr. Davidson noted this would be a fail safe, let the experts do their job. Chair Stockus
135 noted that the School was contacted and was not present.

136 **VOTE 4- Aye. 0- Opposed – 1-Abstained MOTION PASSED**

Chair Russo acknowledged the 30 days appeal process and statutory two years to start the project. He acknowledged the public hearing as closed. The applicant thanked the Board. The Board finished up there Finding of Fact worksheets for the record.

Review of the Minutes

May 23, 2012

Line 20 change not to no

Line 58 change an to a

MOTION by Chair Russo to approve the minutes of *May 23, 2012* with Ms. Winona's comments added.

SECOND by Mr. Davidson

VOTE 5- Aye. 0- Opposed – 0-Abstained MOTION PASSED

MOTION by Chair Russo to adjourn the meeting at 8:02pm.

SECOND by Mr. Danais

VOTE 5- Aye. 0- Opposed – 0-Abstained MOTION PASSED

Respectfully Submitted,

Lisa L. Sears

Land Use Clerk

These minutes are subject to approval at a regularly scheduled Zoning Board of Adjustment meeting at which time the above minutes are corrected or accepted.