



PLANNING BOARD
TOWN OF EAST KINGSTON
New Hampshire

2018-2019
Joe Cacciatore, *Chairman*
Dr. Robert Marston, *Vice Chairman*

MINUTES
Regular Meeting 15 March 2018
7:00 pm

AGENDA:

- ◆ Call to Order
- ◆ **Public Hearing** for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park - Michael Murphy for ACV Enviro - an environmental, industrial and emergency response service company - EK PB 18-0A
- ◆ **Review** of the Growth Management ordinance
- ◆ **Board Business**

CALL TO ORDER: This meeting of the East Kingston Planning Board was called to order at 7:00 pm by the Secretary Barbara White as officer elections were required to proceed.

Members Present: Chairman Joe Cacciatore, Vice Chairman Dr. Robert Marston, Josh Bath, Bill Caswell, Tim Allen and Ex-Officio Justin Lyons.

Advisors Present: RPC Senior Planner Julie LaBranche, East Kingston Building Inspector John Moreau, Assistant Building Inspector Tom Welch, and East Kingston Conservation Commission Chairman Dennis Quintal.

Also present: Program Manager Tom Goss speaking for applicant Mike Murphy - ACV Enviro.

Election of Officers

Ms. White asked for nominations for Chairman; Dr. Marston nominated Mr. Cacciatore, seconded by Mr. Caswell. There were no other nominations for Chairman.

Ms. White asked for nominations for Vice Chairman; Mr. Caswell nominated Dr. Marston, seconded by Mr. Bath. There were no other nominations for Vice Chairman.

Unanimous vote by the members for Chairman and Vice Chairman positions as nominated. Congratulations.

Public Hearing for Paul Masone, 213 Haverhill Road (MBL 11-02-17) regarding a prospective tenant for the light industrial park - Michael Murphy for ACV Enviro - an environmental, industrial and emergency response service company.

Mr. Cacciatore opened the public hearing and asked Mr. Goss to explain his application to the Board.

Mr. Goss explained that ACV Enviro is a full-service industrial service firm. They provide industrial and field services, environmental, and emergency response services and also some hazardous and non-hazardous waste services.

The location at the light industrial park is in close proximity to highways and there are mechanical services on site, making it an attractive location for them to have operations in New Hampshire. Presently they are located in Sohegan and Norfolk Massachusetts. They are looking branch out into the New Hampshire market. They would like to start working with the New Hampshire utility companies and at the present time their locations are too far away. They already do some work for UNH but would like to do more, which means they need to have a base of operations in New Hampshire.

Questions from the Board:

- How do you dispose of the materials you clean up? *For an example, at construction sites, if they clean up oil impacted soil, they excavate the soils and put it into containers to ship off-site for processing. If there are large quantities of caustic or acidic materials, they first neutralize the materials on-site and then place it in drums to be shipped off-site to disposal facilities.*
- Will any of those materials be brought back to East Kingston? *There could be materials in transit.*
- Will you store materials in trucks at your site in the light industrial park? *Yes. For how long? No longer than 10 days. No materials will come off any of the vehicles.*
- Is there containment located at the proposed site if one of the vehicles leaks any material? *They will be installing elevated berms around the area where the vehicles are going to be parked, and they focus on spill prevention by daily inspection of their vehicles before and after work. Mr. Cacciatore noted it was a concern as the industrial park is located in the Powwow River watershed area.*
- Will an engineering company be designing the berm? *Yes*
- How many vehicles will there be total? *2 VAC trucks, a tanker truck, and a number of box trucks. No more than 10 vehicles, which includes pickup trucks.*
- Will the trucks be parked inside the building? *No vehicle containing hazardous materials will be stored inside the building. Empty trucks could be stored inside the building.*
- Are they registered in East Kingston? *No, they are registered in New Jersey where the corporate headquarters is located, but they are permitted to operate in New Hampshire. If there is a local permitting process necessary, they will comply with that.*
- What chemicals will be in the vehicles that will be parked on the property? *They also provide services to towns for household hazardous waste days and that could be paints, aerosols, some gasoline, hazardous cleaning products or corrosive materials. All these materials would be in sealed drums until it gets to the disposal site.*
- What agencies regulate your business? *At the Federal level, EPA, DOT, and OSHA. At the state level, NH DES.*
- Do you have any citations from any of the regulatory agencies? *Inspections take place and if there are notices of violations issued, we take remedial action. There is nothing at this time Mr. Goss is aware of.*
- Do you deal with any radioactive materials? *They do not deal with radioactive, explosive or infectious materials. They offer those services through sub-contractors, but do not handle it themselves.*
- Anything airborne? *Everything would be in a closed container and not opened.*
- Do you deal with asbestos? *On rare occasions, but there are special procedures for handling that. There are other companies that specialize in that and they do not want to compete with that market.*
- Would there be any odors that would be detected over the property boundaries? *Nothing other than regular vehicle odors. No, everything is in sealed containers.*
- What hours are you asking to operate? *Probably 7-5. On occasion they respond to emergency situations and might need to be there after hours and or on a weekend. It was suggested they ask for the same hours as the industrial park operates, which is 7:00 am to 9:00 pm, 7 days a week. That way they have the ability to work any hours in between, and there would be a caveat for emergency situations. The area is policed to make sure people are not there when the park closes.*
- What happens if you get an emergency call, after hours? *A person is dispatched directly to the site to assess what is needed, and at the same time a person would go to the shop to start assembling the materials they need for the job. It was stressed that the bulk of their work is non-hazardous materials.*

- Are you going to install a chain link fence around the area where you park the trucks? *They were not planning on it, but if the Board required them to, they would.*
- Will there be hard line phone at the site? Cell service is spotty in East Kingston. *Mr. Goss was not sure and will check.*
- How many people at one time will be at the site? *A maximum of 10 people to begin with; perhaps they could get to the 15-20 people listed in the future.* Mr. Quintal noted that the community well should support that amount of people.
- The Board would like a list of list of any chemicals to be stored on the site provided. *A list will be provided.*
- Will there be changes to the interior? *No*
- Will you pave the lot within the berm? *Yes*

It was discussed that in the past, tenants had been storing refuse and parts outside their buildings, which was not allowed. *Mr. Goss noted they would not store refuse or parts outside the building.*

It was the consensus that any soil testing or well monitoring would be the responsibility of the property owner and not the tenant but did not appear to be necessary at this time.

An engineering design for the berm should be supplied to the Town Engineer, including the location of the fencing to be installed.

Mr. Cacciatore asked for a motion.

Mr. Bath **MOVED** to approve the change of tenant for Michael Murphy, ACV Enviro - an environmental, industrial and emergency response service company at 213 Haverhill Rd., Bldg. #1 with the following conditions; confirmation of the septic capacity, a hard-wired phone line, inspection of the berm, a secure chain link fence around the perimeter of the berm, periodic inspections by the Fire Department and Building Inspector, contact the Fire Department for a preliminary inspection, hours of 7-9, seven days a week with afterhours allowed for emergency responses, supply a list of hazardous materials to be stored inside the building, and no stockpiling of refuse or parts outside the building; seconded by Dr. Marston with a unanimous vote.

After discussion, there was an amendment to the **MOTION**.

Mr. Bath **MOVED** to amend the motion to add the condition that there be follow-up on the progress within 30 days on the engineering design and inspection of the berm, seconded by Mr. Allen.
Vote was unanimous.

Mr. Goss thanked the Board. Mrs. White will email Mr. Goss and Mr. Masone the decision and send a letter to Mr. Masone explaining that the Board is requiring fencing around the berm area.

Mr. Cacciatore closed the public hearing.

Welcome

Mr. Cacciatore formally welcomed Mr. Tim Allen as a new Planning Board member, and Mr. Justin Lyons as the new Selectman and Ex-Officio to the Planning Board.

Growth Management

Mr. White had distributed copies of the growth management updates for the year. Mrs. White reviewed the updates with the Board; 2 corrections were noted.

Mr. Bath **MOVED** to approve the Growth Management update (with the corrections to be made); second by Dr. Marston, with a unanimous vote.

There was discussion that a lot of the information in the Growth Management section of the ordinance is outdated; Ms. LaBranche explained it would be quite difficult to update any of the figures at this time.

This is usually done when the census is updated so updates will need to wait until the census is done in 2020-2021 timeframe.

The Board had some discussion about the history of the Growth Management ordinance and why it was implemented.

Mr. Caswell asked if we could add accessory apartments to the chart; Ms. White will check on the figures.

Ms. LaBranche asked Mr. Allen if the ZBA had any suggestions for changes that might need to be made to the accessory dwelling ordinance going forward for the next warrant. He did not identify anything specific at this time, but would check with the rest of the members of the Board of Adjustment.

Other

Home Occupation Applications

Mr. Caswell opined more questions should be included on the applications for home occupation so the Board could make more informed decisions. Ms. White distributed some additional questions from Mr. Caswell for consideration, which the Board will discuss next month to see if they want to add.

RPC Commissioner position

Mrs. White noted that Mr. Warren has been the RPC Commissioner for East Kingston and his term is expiring on March 31st. She asked if she should ask Mr. Warren if he is still interested; the Board agreed she should ask him. If he is not, they will solicit to see if anyone else in Town would be interested.

Light Industrial Park

Ms. LaBranche recapped the history of this issue for the members who were new, and distributed a draft of a letter to be sent to the Selectmen, which will then be sent to the owner. She explained that the enforcement authority lies with the Board of Selectmen and not the Planning Board, and this is why the letter needs to come from them.

It was the consensus of the Board to alter the letter as discussed. Ms. LaBranche will present this letter to the Selectmen, along with the comments from the Town Attorney. She will also attend their meeting when they discuss the matter of how to proceed.

Mr. Allen asked if the process was always that the Planning Board would make a recommendation to the Selectmen for action if there was a violation of what had been previously approved. Ms. LaBranche noted that this was the proper channel by which to proceed, as the Planning Board has no enforcement authority.

89 Main Street

There was Board conservation regarding this site. The Fire Department issued a certificate of assembly for 41 people; 3 employees and 38 patrons. There has been remedial action taken regarding the water situation.

South Road

What is happening with this situation? The Selectmen have issued a letter to the owner stating observations and asking questions about the activities that were happening. The owner was asked to contact the Selectmen to be put on the agenda.

Master Plan Committee

The three Master Plan members will arrange a time to meet to have a work session. Then they will meet with Ms. LaBranche at a later date.

Adjournment

MOTION: Dr. Marston **MOVED** the Planning Board adjourn. Mr. Bath seconded. The motion passed unanimously.

Dr. Marston closed the meeting at 9:40 pm.

The next Planning Board meeting will be on April 19 at the Pound School, 41 Depot Road.

Respectfully submitted,

Barbara White

Planning Board Secretary

Joseph Cacciatore

Chairman

Minutes approved May 17, 2018