

**TOWN OF CHESTERFIELD, NH  
ZONING BOARD OF ADJUSTMENT**

**MINUTES  
March 21, 2017**

**Present:** Chairman Burt Riendeau, Harriet Davenport, Lucky Evans, Kristin McKeon, Chris Oot, Alternates Roland Vollbehr and Lance Zinn and Selectboard Representative Norman VanCor

The Zoning Board of Adjustment met at the Chesterfield Town Hall on March 21, 2017. Riendeau opened the meeting at 7:30 p.m. by welcoming everyone and explained the process of the meeting.

**Hearing:**

**Xpress Natural Gas LLC** requests a Special Exception from Article II Section 206.3 & 206.1a of the zoning ordinance to allow for short term and temporary parking and exchange of CNG trailers primarily from November through March of each year. The property is located at 19 Mill Road, West Chesterfield, NH 03446 (Map 13 Lot E9.3) Commercial/Industrial District.

Present: Aaron MacQueen, Vice President of Xpress Natural Gas LLC (“XNG”) (Continued from the February 14, 2017 meeting and March 4, 2017 site visit)

Riendeau read the written applicant’s answers to the board member questions at the meeting of February 14. The reply was received on March 10, 2017. Those questions pertained to the safety record of the company, if the wetland areas will be disturbed, how are gas explosions handled, safety concerns of the valves, data from XNG’s Montrose, New York freight terminal site for tracking trailers information on arrival times and departure times and storage times. MacQueen noted that their New York terminal also serves as a maintenance facility.

MacQueen noted that the 19 Mill Road property would be used primarily for exchange of CNG trailers from November through April and possibly one or two months during the summer to include a straight-forward parking lot.

Evans inquired as to the volume of space between the tanks in the trailer. MacQueen replied that tarps are used in their trailer separating the four cylinders.

Riendeau stated that the board is going to make a decision based on the application that was applied for and for the zone that where this property is located, what the applicant has applied for and whether we can make it work for that lot.

Zinn asked how many modules were in each trailer and how would they be vented. MacQueen stated that there are four modules per trailer and they can all be vented at the same time. He added that most of the trucks will be traveling during daylight hours, with the gas deliveries being “as demanded”.

McKeon noted that she had concerns about the length of time that it would take the trucks to get up to speed, after turning onto Route 9 because of their load weights.

Judy Palmer inquired as to the affects of the light glare on nearby resident properties with trucks entering and exiting and whether there would be loud hissing sounds when venting occurs.

Riendeau stated that the Planning Board will address any lighting issues. MacQueen stated that venting is done in emergencies to prevent fires.

VanCor stated that the applicant characterizes this site as a parking lot and swap area. The agenda lists for short term and temporary parking. On Ordinance 206.3b that the following uses only are for trucking and freight terminals and VanCor asked how this site classifies as a terminal. Does the term “terminal” in the ordinance also constitute it as being a parking lot or a swap lot. Riendeau stated that ordinances are not made to be so restrictive to be sure that every aspect has been verified and the ordinances are written by the Planning Board and the board members determine what their prospective of what is written.

Jeff Scott spoke on his concerns that NHDOT be made aware of the rollovers with the trailers, as stated in the applicant’s history of the company. Another resident stated that he has concerns of potential vandalism at the lot with no security. MacQueen noted that the Planning Board may require that a fence be installed.

McKeon had concerns of Route 9 being shut down in the event of a trailer rollover. She asked how long it takes to clear the tanks in the event of a rollover. MacQueen replied it would take 45 to 60 minutes to rid the gas.

*Evans moved to close the public portion. McKeon seconded the motion, which passed unanimously.*

Discussion: Riendeau noted that this is a Special Exception and he wants the board to hear and decide what special exceptions in the terms of the zoning ordinance upon such board as required to pass under such ordinance. The board shall make each of the following findings for six criteria. The board has expressed safety concerns of the proposed use being detrimental to the neighbors. The board may want to discuss the applicant’s request of short temporary parking in exchanging of the CNG trailers. He noted that under 206.3b trucking and freight terminals are accepted uses under Special Exceptions.

Evans noted that under 601.3e the existing roads will be overburdened because there is a short time for people to control a situation at that intersection with stop and go traffic. Davenport stated that vehicles is entering and exiting Mill Road as other vehicles are going by creates a hazardous situation under 601.3d. Riendeau noted that the Town can’t control the traffic flow on Route 9 and warning signs may need to be installed by NHDOT. Riendeau stated that the State may decide to push back the merging lane or eliminate it.

*Evans made a motion to deny the application request for a Special Exception from Article II Section 206.3 and 206.1 of the zoning ordinance for short term and temporary parking and exchange of CNG trailers from November through March of each year. The motion was seconded by McKeon.*

*McKeon requested to make an amendment to the motion of denial in that it is denied based on 601.3e and possibly 601.3d in that the type of traffic generated in tractor trailers, in conjunction with the incline and the specific area of entrance makes that type of traffic a burden to the existing roads and streets in that area and becomes dangerous for other vehicles on the road, which can affect 601.3b, which puts a demand on municipal services and the proposed use becomes injurious of detrimental to the neighborhood. The amendment was seconded by Oot. Vote called on the amendment: The amendment passed unanimously.*

*Oot requested to add an amendment to the motion that the applicant has an obligation to demonstrate that they have met all of the conditions under 601.3 and that they have not demonstrated that the proposed use will not create a traffic problem. The amendment to the motion was seconded by McKeon.*

Vote called on the amendment to the motion: The motion passed by unanimous vote.

Vote called on the original motion: The motion passed by unanimous vote.

### **Review Meeting Minutes**

- **February 14, 2017**

*Davenport moved to approve the February 14, 2017 meeting minutes as presented. McKeon seconded the motion which passed unanimously.*

- **March 4, 2017**

*McKeon moved to approve the March 4, 2017 site visit minutes as presented. Oot seconded the motion which passed unanimously.*

### **Other Business**

- Election of ZBA Chairperson and Vice Chairperson for 2017-18  
*Evans moved to nominate Burt Riendeau as Chairman to the ZBA for 2017-18. Davenport seconded the motion, which passed unanimously. McKeon moved to nominate Harriet Davenport as Vice Chairman to the ZBA for 2017-18. Oot seconded the motion, which passed unanimously.*
- Adding Site Visit Form to ZBA Application  
The board reviewed the sample Site Visit Form. Riendeau requested that the notation be removed stating “Application is subject to “Denial Without Prejudice” if signed form does not accompany the application”.  
*McKeon moved to include the Site Visit Form with the ZBA application form as amended. Oot seconded the motion, which passed unanimously.*
- Rules of Procedure Changes – 2<sup>nd</sup> Reading  
*Riendeau moved to make a change in the Rules of Procedure for Section IV Officers for paragraph A and B to change the word March to January in both paragraphs. McKeon seconded the motion which passed unanimously.*
- Posting of ZBA Decisions on Town’s Website  
*Riendeau moved to post the ZBA decisions on the Town website. McKeon seconded the motion which passed unanimously.*

The next meeting is scheduled for April 11, 2017.

### **Nonpublic RSA 91-A:3 II (L) Legal**

*Riendeau moved to go into nonpublic per RSA 91-A: 3 II (L) to discuss legal correspondence. McKeon seconded the motion, which passed unanimously.*

*Riendeau moved to come out of nonpublic. McKeon seconded the motion, which passed unanimously.*

*Riendeau moved to seal the nonpublic minutes until a court decision has been made. Evans seconded the motion which passed unanimously.*

**Adjourn:** *McKeon made a motion to adjourn the meeting. Oot seconded the motion, which passed unanimously. The meeting adjourned at 9:43 p.m.*

Respectfully submitted,  
Patricia Grace  
Secretary

Approved

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Burt Riendeau  
Chairman, Zoning Board of Adjustment

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Date