

**CANDIA ZONING BOARD OF ADJUSTMENT  
MEETING MINUTES OF January 30th, 2024  
APPROVED MINUTES**

PB Members Present: Judith Szot, Chair; Boyd Chivers, Vice-Chair; Ron Howe; Tony Steinmetz; Mark Raumikaitis; Gale Pellegrino, Alt.; Bill Keena, Alt.

PB Members Absent:

\*Judith Szot, Chair called the ZBA meeting to order at approximately 6:30PM, followed immediately by the Pledge of Allegiance

**New Business:**

**Case #24-001:**

**Applicant:** Candia Tank Farm, LLC, 6 Hillside Avenue, Amherst, NH 03031; Owner(s): Candia Tank Farm, LLC, 6 Hillside Avenue, Amherst, NH 03031; Property Location: 5 High Street, Candia, NH 03034; Map 406 Lot 201.

**Intent:** *To request to expand the current facility to include the addition of three additional fuel oil storage tanks and three 30,000 Gallon Propane Tanks.*

C. Swiniarski: I am Chris Swiniarski. I am an attorney with Devine Millimet, representing Candia Tank Farm and also Rick Wenzel Oil Company, which is the operational company. Jeff Wenzel is with me as well. Tonight, our plan was to request that this board continue to the February meeting. On Thursday, pretty recently last week, I found out that there has been sort of a lot of questions and interest on a community Facebook page. I don't have Facebook, so I don't have access to it. But what we wanted to do was offer sort of a community outreach meeting opportunity so that we can have an informal discussion with any members of the community and even any Board Members that might have questions that we can answer. Some of those things that might not pertain to the variance. Obviously, if Board Members come, there are some rules you would have to follow...you can't talk to each other at that meeting but it's been my experience in doing these sort of things, if there are a lot of questions, it's just a great idea to have that community outreach and offer people an opportunity to ask questions and get them answered thoroughly rather than within the confines of a public meeting where other people are waiting to be heard as well. So with that, I would request that the board continue us until February and I have sort of a signup sheet here and a stack of cards that I will give to anyone who is interested and I think we can coordinate something in the next week or two where people can have a little meeting. Get some pizza or something

and talk about concerns and questions and show up more informed next time. As will, I think, members of the community that have some concerns.

J. Szot: I did look on two of the Candia Sites when I saw your letter and you spoke about growing concern. I looked on the Candia Uncensored Site and I also looked on the Candia Community Awareness Site, which is the only two sites I have access to. I have to admit, I had a difficult time finding anything. The only way I could find the post was to put the author's name into the search and then search through all of her posts until the post came up. When I looked on the Candia Uncensored Page, the administrator of the site, wisely I think, turned off comments. Because this is certainly not an issue that should be discussed over the internet, it should be discussed in a meeting like this. When I hear you talk about rising concern, I am saying, where is it?

C. Swiniarski: I don't know either.

J. Szot: I am looking here and I am saying, these people have left their families, they have come out here on a cold winter night, and they are expecting, they were expecting, you and your client to present your case tonight and now you are saying, well we'll contact you and why don't you come another time and we'll explain to you another time, and then you have to come back a third time if you want to hear the presentation for the Board. Wouldn't it be better for everyone to hear the same thing? So that our board doesn't have to go to that meeting to hear what you are saying and then maybe refute it at this meeting? Wouldn't it have been better for you to come here prepared to discuss it with everyone because these are the concerned people right here. They are sitting in front of you.

C. Swiniarski: Well, we were fully prepared to do so and I only learned about these pages on Thursday from a couple of phone calls that came into our engineers, so I wasn't part of the discussion that was essentially happening outside of the meeting and I am offering it up as something that I think is typically a benefit. I don't think it's an inconvenience necessarily, again, to answer questions. I don't know what the questions are. So, it's a little bit hard for me to be prepared. I'm not part of the Facebook Page or the other page you mentioned. I don't use social media so I don't know what the questions are but I got phone calls from our engineer, saying that there is some concern and again, what I typically do in these situations is offer an opportunity where we will host a meeting to discuss concerns. Sometimes these concerns have something to do with variance criteria, sometimes they don't. But frequently we can answer questions that people have. If they have concerns and there is something we can do to change, to address them, we can do that in sort of a more appropriate time than trying to do it on the fly at a meeting.

J. Szot: I would think that if you were coming here to present your case, their questions are about your case.

C. Swiniarski: Understood.

J. Szot: I would think that you should be prepared to answer their questions tonight or you and your client should have been prepared to answer the questions and not say to all of these people, you have to come back next month to hear this case. If you want to hear it, you have to come here next month to hear it and we will meet with you separately and we'll answer your questions. First of all, I didn't see any groundswell. Usually, if something is trending, if there are a lot of people commenting, it's right up at the top of the site that you go on. I couldn't find these things. No one has commented since they were posted

two and a half weeks ago. There haven't been any comments on it to say that there is rising concern, which to me means that there are continual conversations and people are questioning and stuff. There was none of that. None that I saw.

C. Swiniarski: That is what I was told and that is why I indicated as soon as I found out, on Thursday. Literally, that's when I found out that we would like to continue it. Again, this is to better address the questions.

J. Szot: Shouldn't we all hear the same information? You are going to meet with these people separately. As a board member, I don't feel that it is appropriate for me to go to that meeting because we only consider the information that you provide us at this hearing. We can't consider information that we get from someplace else. You satisfy the five criteria, and you know the process. To say that you are going to have a meeting where you discuss things with the public and then have a different meeting where you discuss things with us. They don't see a different side, they don't hear any kind of...you might say something, and we might, someone here might say something different. They aren't going to hear that. All they are going to hear is one side of the story. And really, the appropriate time would have been tonight where everyone is here. Because these are your concerned. Now you are talking about a groundswell, these are your concerned, we have two people out of almost 4,000 people in the town, that I saw on these two websites, that expressed concern.

C. Swiniarski: So right away, you are telling me that you have seen all this information, and I haven't. That it's posted on these webpages, I haven't. We are just looking to have a candid discussion. The board is welcome. Every single member of the public is open to it. I just haven't seen it.

J. Szot: I understand that. Why would you send out a letter that there is rising concern when you can't verify it?

C. Swiniarski: That is the exact information that I received through our engineers, I think from a member of the town, I am not sure exactly who it is. And I don't know, perhaps it was on a different webpage than the one that you are talking about. I don't know.

J. Szot: I am sure it is entirely possible.

C. Swiniarski: The whole point is to have the information be accurate. If anyone is concerned, I would like to answer any questions that they have. Sometimes, that can lead to some changes that are not part of the proceeding before the Board. Maybe an amendment to the application. This is typically favored by lots of boards even require this in advance. So, I am frankly a little surprised that there is sort of some pushback on this, I mean we are trying to help and be forthcoming with everything that we are doing.

J. Szot: I understand that, and I think this is the place for that. This Board. This is the place where you present your case, not only to us but to the citizens of this town who have taken the time out of daily lives to come here to hear what you have to say and now they have to go to a different meeting and then come back here next month. I don't know if any other Board members have anything else to say.

R. Howe: Obviously, you were prepared until Thursday to come in and present your case to this group.

C. Swiniarski: I called it off on Thursday. As soon as I heard, I told my engineers.

R. Howe: That may be, but you were obviously, you didn't start to get ready for this presentation on Thursday. You didn't plan on that.

C. Swiniarski: That's correct.

R. Howe: You have a general presentation in mind. These people are here. I think we deserve to hear what they have to say. I have no objection to what you're suggesting, in that you schedule a meeting sometime in the next month, before our next meeting. As a general, open to the public, and gather whatever you can find from it. And then we come back in here a month from now and there may be others who come and wish to be heard again. I just think that's the fair way to do it. Like you said, there a lot of people here tonight and they didn't come because they are all in favor of this.

C. Swiniarski: And I think that is a good idea and that's fair. Primarily from what I heard. I don't have access to the websites, I don't know what the discussion was, but I heard that there was a lot of concern about something that happened in a different town, in Epping. So, I don't have any information about that.

J. Szot: You don't know what happened in Epping?

C. Swiniarski: I know there was a fire, but I know there is absolutely no information that has been released to the public as to the causes of that. So that's why. We want to know, if those are the concerns, we will look into it and we have better resources to find that information than anyone else. But I can't do it in two business days. So, this is exactly the reason to have a meeting. To figure out what people's concerns are and perhaps we can find out some information and answer some questions rather than have sort of a discussion about things we don't know.

R. Howe: So, you leave here tonight with a taste for what, at least, 25 people here in the audience have for concerns, you're better prepared for a meeting sometime in the next month and then we come back here and finish this meeting. That's my take.

M. Raumikaitis: Has an official request for a continuance been made?

J. Szot: Yes. It was an email; he sent an email on Thursday.

M. Raumikaitis: So, it would be customary of this board to grant that continuance, is that a true statement?

J. Szot: Yes.

M. Raumikaitis: So, I have full confidence in the people of Candia that if they get their information in a meeting put on by the applicant, they are going to be able to see what's there, whether that's a promotional meeting. They are going to understand the information. They are going to ask their questions. They may be receptive; they may not be receptive. I have confidence in the people of Candia that they will go to this meeting if they choose to, take the information that they want and do further research on their own, and then we come back here and we have the presentation. So, I am never in favor of shutting off information. So, if the applicant wants to have a meeting, it's his business, and I would say, in the United States, it's his right to have a meeting. If the townspeople want to go to it and get information, that's on them. And if they reject that information, that's also on them. I have confidence in the people of Candia, that they know the difference between a promotional meeting and an

informational meeting, and they see through anything that might be one way or the other. So, if the applicant wants to have a meeting let them have a meeting and if we are going to have a meeting next month because we've already applied for a meeting, let's just move on. Have that meeting next month.

B. Keena: My comment is, first of all I wouldn't personally feel comfortable going to a public meeting as a member of this Zoning Board. I don't think I should. But I would be very curious to hear what folks here have to say. I don't know what folks are going to say and I would love to hear it, but I also feel fine about folks meeting. I agree with your comments as well. So, for me, to have the meeting is fine, to do the continuance is okay. But all these folks came out, as you pointed out, on this evening and want to be heard and I don't think there is anything wrong with that either, personally.

B. Chivers: I don't know when we started deferring to social media. The only thing that counts is what happens in this room and the testimony in support of what happens in this room. I don't care what people say on social media. It's what happens at these public hearings that counts. And the second thing is, I don't know why your application didn't specifically say you are looking for a variance of Section 2.02 B of the ordinance and that is how any continued meeting should be posted.

*"Section 2.02: Non-Conforming Uses and Structures: A. Right to Continue: Any legal use or structure or use of a structure or part thereof that existed on the effective date of this Ordinance or any amendments thereto, but which would not be permitted under the provisions herein may continue as a legal nonconforming use. B. Change and Expansion: No legal non-conforming use shall be changed to another non-conforming use and no non-conforming use shall be enlarged or extended."*

C. Swiniarski: Ummm, I'm sorry, I'm not following that.

J. Szot: Can I just ask you if you would just hear the other people and then we will get to that.

G. Pellegrino: I am in agreement. I don't agree that social media should be driving these meetings.

C. Swiniarski: That's exactly what I am trying to avoid.

G. Pellegrino: It should not be postponing the fact that we have a scheduled meeting, a scheduled agenda. Also, the issue that arose two towns over is public knowledge and was in the paper, so it could have been researched.

T. Steinmetz: I agree with Bill and Boyd, and I think most everyone here, that we should move forward tonight and hear what the folks have to say.

M. Raumikaitis: I don't know if you can. He has requested an extension.

J. Szot: We haven't granted it yet. Before we grant it, there are two issues we have to bring forth. One of them is the issue that Boyd brought up, which is, Section 2:02 of the Zoning Ordinance, states that no legal non-conforming use can be expanded. And this is a legal, non-conforming use. This area is not zoned for it, it was never zoned for it. It was granted a variance in 1992 and at first the variance was denied, and it was denied. And it was denied for very specific reasons and then a month later, they came back, and they granted the variance. One of the reasons they said was it wouldn't interfere with his sawmill, and he could make some money. And you know as well as I do that those are not reasons to grant a variance.

C. Swiniarski: That wasn't in any of the town records.

J. Szot: Well, it is in the town records.

C. Swiniarski: We made a records request, and we didn't get any of that information.

*Let the record show that those records and related minutes were delivered to the applicant on the 4<sup>th</sup> of January, as well as earlier in the year.*

J. Szot: This use is a non-conforming use. This land was never zoned to have a tank farm of any kind. So, this is an expansion of legal, non-conforming use. And under Section 2.02, no legal non-conforming use can be expanded, so we would ask that when you come back, that you would add that to your request.

C. Swiniarski: And that's fine. I think that is a different way of categorizing it. I applied for what is essentially a new variance, but I think, so you want a variance from 2.02?

J. Szot: It's 2.02 B. It says no legal non-conforming use shall be changed to another non-conforming use and no non-conforming use shall be enlarged or extended. This is definitely an enlargement.

C. Swiniarski: Absolutely, that's exactly what we are applying for. So, the Board would like us to apply for a variance from that section?

B. Chivers: That's correct.

C. Swiniarski: We can do that with an amendment, that's fine. And to be clear, if the problem of having a separate community outreach meeting is something that is objectionable, I am fine with people voicing their concerns and then I will take notes and I will come back with my engineers at the next one and answer them. Whatever is the Board's pleasure.

J. Szot: The other issue that I wanted to bring up to the Board is, this is a very complicated issue. None of us are really qualified to make judgements about your safety plan and the things that are in there. My feeling is that we should ask to have our Town Engineers review your plan, the entire plan, see how it conforms to the zoning and have the safety issue done and then, if you would agree to that tonight, then we have the paperwork. Then he can proceed, and then we would come to the next meeting, and he would have information because we are running against the 90-day window here. We received your application on December 26<sup>th</sup>. We are on the 37<sup>th</sup> day. We are meeting on February 27<sup>th</sup>, so that's another 28 days, so that is 65 days. So, when we get to March, if we have to meet in March, which most likely we will, we will be on the 93<sup>rd</sup> day because it's the 26<sup>th</sup> of March. So, we will be beyond the 90-Day Statutory Requirements for making a decision.

C. Swiniarski: So, I think it is the Board's right to have a peer review. That's fine. We are not going to object to that at all. As far as the extension, I am never gonna not grant an extension there to get the job done. What I don't do is waive the entire requirement. If there are questions still out there, yes we are going extend no matter what. I'm not gonna play the game of gotcha with the Board on deadlines, so that sounds fine to me. Is the Board anticipating using the Town's Staff Engineers or a third-party engineer.

J. Szot: We have Town Engineers which are third-party engineers and we've contacted them and they have written up a proposal and of course you know that by statute that the applicant is responsible for the payments and we thought it was appropriate to bring it to you tonight, know that you were going to ask for this continuance because if you sign the paperwork and your company agrees to the payment,

then they can start working and when they come back in February, they are going to have the information for us and we are not going to be delayed again at the next meeting in February.

C. Swiniarski: That makes sense. Who are the engineers that the town is using?

J. Szot: Stantec

C. Swiniarski: Okay. Do you have that proposal that you can share?

J. Szot: We do.

The lawyer for the applicant is presented with the documentation, reviewed briefly and requested a five-minute recess to discuss with his client.

C. Penfield - Jane Drive: Madam Chairman, may I ask a question? You have to grant him the continuance?

J. Szot: We have been advised by legal counsel to grant the continuance. If they don't extend it and we don't have the information, then we deny the application without prejudice and then they have to reapply.

C. Penfield: So, Madam Chairman, all of these people who came here tonight who are interested in this project, are questions going to be answered tonight or not?

J. Szot: I believe what Mr. Swiniarski said was that he would listen to your questions, write them down, and then bring them back to get the answers at the meeting that they had.

C. Penfield: The private meeting?

J. Szot: That's correct.

C. Penfield: So, we won't have any answers tonight about anything?

J. Szot: No.

C. Swiniarski: (Returns to the meeting.) We are okay with this (referring to the documentation from Stantec).

P. Davis – Critchett Road: I came tonight, not for or against. I do go on social media, I shouldn't be proud about it, but it's a fact I do. I saw two things. One, there was a meeting about it tonight and about two weeks ago, there was a meeting about it tonight. Nothing pro, con, whatever. So, I have been researching to find out what is this all about. I've looked up propane tanks here and there & I only have what I have read on the internet. Not on Facebook. As we all know, the internet lies. So, I came to find out some information, so I am kind of disappointed that he doesn't feel prepared enough to tell us anything. Not even ask questions, just tell us what the tank is, etc.

R. Laverdure – 49 North Rd. I am pro-business. I think business in town is a wonderful idea. My concern is safety. I am very concerned about the safety of having that volume of fuel. How many yards is it to the school? The police station. And the new police station that is being built or proposed? The fire station is right there. If something blows, what we could lose. If it leaks, if it isn't contained. What does propane do? It doesn't float up in the air, it's going to go right down that valley. It is going to settle into that valley.

All those folks in the valley are going to be affected. How quickly is it going to be addressed? My biggest concern is containment. That's a lot of propane.

Art Gosselin – Patriot Heating. I am all for business. I work with propane. I work with oil. I can appreciate them wanting to set themselves up. What bothers me is location. It's so darn close. We've got the fire department right at their back door. I don't know what a propane tank can actually do. I know what oil tanks do and they will continue to burn. A propane tank just explodes, and it's done. I don't know all the safeties to it, and I don't claim to. That's not my field. I take care of peoples' homes. So, the only thing I can say about it is, my business is so close, and I value it. The school is so close, and I value it. And my kids went through it. And I value the fire department and a number of others. So, my concern is, is location proper, being in the center of Candia? Especially because it is not even a valid site. It should be something that should be in another site, further away, out of harms reach. I am happy to work with these guys, it's just for me, having the site that close, is probably more of a detriment to the town. In my personal opinion.

K. Marineau - 39 Deerfield Road: As an abutter to this project, we as a family are very concerned. We did come here tonight to hear all of the information, so I think it is important that we got the letter, we got notification. We have the right to hear more information.

T. Steinmetz: I found a little bit of information on Google. The Moore School – 333 yards. Candia Fire Department – 272 yards. This building - 532 yards.

J. Szot: On advice of counsel, I will ask the Board to grant Mr. Wenzel a continuance until next month and I know that it is an inconvenience to everyone here to have to leave their families and come out again, but I would ask you to please come back next month and express your concerns at the meeting. If you have concerns or support, please come back again next month. I know it's a put-off to come to a meeting and be told that it is going to be continued, after you've made the effort to be here, but I would ask you please to come back again next month and hear the entire presentation and hear the report from the engineers on the case and any other information that is brought before this board.

R. Howe: Do you anticipate that you would have that report back? In a month?

B. Ruoff – Stantec (via Zoom): Typically, we would do a Planning Board Review in 14 days. We would put forward our review and provide a letter to the Board within 14 days. From receipt of a notice to proceed. There is no issue with us delivering a letter to the town for their use to be disclosed at the next ZBA Meeting. No issue at all.

J. Szot: So, we will have the report from the engineers by then. Hopefully you will be ready to present everything to the people. I would urge you, however you are feeling about this case, that if you would please return again next month. Our meeting, I think, is the 27<sup>th</sup> of February.

C. Swiniarski: Can I add a couple of things that I think might be helpful? It sounds like, I think a lot of people don't have all of the application materials. So, what I will do is leave some of my business cards on the table. People can reach out to me; I am happy to share all of the materials. What I think I will do is put them all on a Dropbox, so that if anybody wants to can download them. These materials are public record available from the town, but I will host them on a Dropbox to make that easy for anyone to take a look at all of the information. Again, this is another reason I like to have these meetings because it sounds like a lot of people have a notice they received in the mail and no more information, and I think that is



just a paragraph or two whereas there is a lot more to it. So, I will make that available to anyone who wants to see it. And the second thing I would point out is, typically with the peer engineering review, they will have some comments that will require us to address them, sometimes with revisions. Depending on what those comments are that may or may not be ready. If it's going to be 14 days before the meeting, we may not be able to complete what they have asked us to complete or do what they have asked us to do within 14 days. So, I just want to make everyone aware that's how that process unfolds. I think if there is a way to keep everyone...I can't really communicate with the public but maybe if there is a way. I can post everything on this Dropbox, so if I am going to communicate to the Board and say, look, we haven't completed A, B, & C that the towns' engineers have required us to do, that way people will know that we haven't done it yet. Does that make sense? So, we're not wasting anyone's time in case it went beyond February.

J. Szot: Then we are into the 90 Days.

C. Swiniarski: We will continue it every time we need to until all questions are answered.

J. Szot: The only thing that I would urge you sir is to be as expeditious as possible because we don't want to drag this thing out for four or five months and everyone's lost interest and you come here and say, oh there is nobody here, there was no one concerned, there was no one in the room. We have seen that, oh we are going to continue and continue and people lose interest.

C. Swiniarski: It's not our intent at all. I have done this many, many times and I know that sometimes these comments take longer to address than 10 or 15 days. There is usually some work between the engineers where they will discuss their particular concerns and questions between the two of them and I just know from experience that frequently takes more than a couple of weeks. I would like for there to be a way to tell everyone who is concerned that hey, it's going to be continued again, if that is in fact the case.

B. Chivers: What happened to your idea of having a little meeting to inform everybody here? Independent of the Zoning Board. Do you still intend to do that? Sometime within this next two months.

C. Swiniarski: Yeah, I think I would put that out there at the end of the week, we can try to figure out a time. So what I had done, I have a little sheet here and I was gonna ask people to put their email address down so I could float out some dates, see what works for people. I think the location kind of depends on how many people want to come to this meeting. If it's five people, we could go to a local pizza place, if it's 50, we might have to talk to the school about the auditorium or something like that. But yeah, I am absolutely happy to do that with whoever wants to put their email address in there. I understand Mr. Wenzel is also on that Facebook page, so we can communicate the information there as well. I want to make sure everybody gets all of the info. It goes so much more efficiently for the Board and for everybody when everybody is well informed and we are not there yet, I can tell.

J. Szot: So, are you saying that you weren't prepared tonight? I mean, you weren't prepared for this meeting before then? Before Friday, before you learned about the supposed concern on Facebook?

C. Swiniarski: Come on.

J. Szot: The people are disappointed. They've come here, they are disappointed that they haven't heard your case.

R. Howe: Can we ask that you at least give a basic overview of what you are looking for? That would at least help these people have a better feel for what's going on.

J. Szot: Until we grant his continuance, he can say anything he wants.

C. Swiniarski: I am happy to give a brief overview of the project. I don't know what information the people received in the notice.

A. Spencer: I put the whole application on the website.

J. Szot: The whole application has been on the website. We always post everything on the website so you can see all the documents provided for us. You can see the maps. Although, when you look at this on the screen and you are trying to see where everything is, it's a little difficult to do it on a computer but it's doable.

Deb Deckers – Chester Rd. I guess I am hesitant to give my email and I think there's also more people that are not in this room that would maybe want to attend an informational session. So, I guess I would suggest that you come up with another idea to get the information out to the residents of Candia. Because there may be more than just the folks in this room and I don't know, those Facebook Pages sure get the information out, but I know you are not on Facebook.

R. Howe: I'm wondering, given you have a legitimate concern about responding to Stantec, if we should extend this for two months. It gives you time to set up a meeting and get the information out there. If it's not critical that this start April 1<sup>st</sup>, I just wonder if that would make more sense.

J. Szot: I think that before this came up and they felt there was a concern, they were prepared to come before the board. I just wonder about pushing it out too far.

W. Keena: I would say that it is better to push it out months and give enough time. We all want to get this done expeditiously but we also want to get it done correctly.

M. Madden - Chester Road. The February meeting is February Vacation.

J. Szot: Did you want to do a quick summary of what you're planning for the people that are here now? Or do you want to wait until the March meeting?

C. Swiniarski: It probably makes sense to wait since everyone does in fact have access to these materials and I didn't know that. I think people can read through this and see exactly what we are proposing, and I would like to answer their specific questions.

J. Szot: A lot of it is really technical. I have read the whole thing and a lot of it is really technical. Would it be possible for you to give a five-minute summary of what is going on?

C. Swiniarski: The way we have set this up now is we are going to continue it for two meetings and have your engineer review, so I don't think it is appropriate to start the presentation. This is an existing facility right now. Has been, as you mentioned, since I believe 1994 was when the variance was granted or possibly 1992.

J. Szot: It was 1992.

C. Swiniarski: We were not able to get any information on that file whatsoever except a copy of the variance decision which was literally three sentences long. So, I don't have any information as to what transpired back in 1992. I simply don't know. Those records, I don't think the town...

Amy Spencer: I sent Beth Morrison the minutes from those meetings.

C. Swiniarski: The minutes?

Amy Spencer: All of them.

C. Swiniarski: Okay, we'll take a look. I don't recall. I recall getting just the decision, but we will certainly take a look. But so, moving forward, you know that it's an existing facility. What we are proposing to add, and this would be in several phases, so not all at once, is one 40,000 gallon fuel oil storage, then two 15,000 fuel oil storage tanks. And then a total of three 30,000-gallon propane storage tanks. That's really it.

T. Steinmetz: In addition to the three 10,000 for a total of 190,000-gallons of storage?

C. Swiniarski: I think that math sounds right, I didn't add it up. That's essentially what we are doing. There are going to be some site improvements involved with that. Mostly the driveway to make sure that the turnarounds and the truck circulation is adequate. It has been designed according to the current fire safety standards and I imagine that is probably what is on people's minds for research purposes. What people might want to research is NFPA 58. We have an engineer who specializes in that, whose report is in here. He is completely prepared to come but I wanted to see what the actual concerns were. I don't think he is prepared to speak about what happened in another town. I don't think anyone has that information yet, it has not been made public. He will answer all questions and we will try to set up this community outreach meeting, where he can answer questions in advance and then we will have him at the next meeting as well.

Richie - Deerfield Road: I would like to hear about the fire standards and about what the fire department is going to be able to do about it. A bunch of people have spoke here tonight. I live on Deerfield Road. I have neighbors on Deerfield Road. This is my backyard, and I am going to have 190,000 gallons of fuel in my backyard. We had an incident in another town with oil. That's not propane. So, I would like to hear about the safety standards of that.

J. Szot: I don't think that he is prepared to discuss that tonight.

Richie - Deerfield Road: He just said that they would have a situation where they have to have a certain setup for these tanks, so what comes into that?

J. Wenzel – Rick Wenzel Oil: All the design that goes into these plans is designed to NFPA Code. They're supported by the fire department right here in town. We have gone through meetings with them already. I do know that the design does have a 10,000-gallon cistern that we are putting in to aid in the fire prevention. But I can't speak on actual specifics of how piping and things go, that is for our plant engineer.

Richie – Deerfield Road: There is suppression in place?

J. Wenzel: Of course. It is designed, from the liquid side, to contain any potential release. On the fuel oil or diesel fuel side of things, that's designed that way. And then from the propane side, the plants are designed to not leak. They wouldn't be in existence if that was a common problem or a problem at all.

C. Swiniarski: A lot of those specifications are in the application, and it seems like it's available on the town website.

Richie – Deerfield Road: It is available on the town website. Absolutely. I've read it. Absolutely. My concern is that I have a fire station, a police station, a school, three neighbors, and my house. And my backyard is his facility. Which I have no problem with. I'm a small business owner, she's a small business owner, he's a small business owner. These people don't even live where I live. That's my concern. My concern is safety. If something were to happen, what is the fire department going to be able to do? They are not equipped to handle, again, let's go back to this thing that happened in the town, a couple of towns away. Candia is not available to handle that.

C. Swiniarski: Understood. We will have our engineer available to speak at the next meeting. I don't know exactly what happened in Epping. I know what the newspaper says but nobody has actually reported what happened other than there was a big fire. There are no details known yet, so that's something that's a little difficult to speak about and I think, probably not relevant to this application because that's something else that happened there. We don't know what happened, but your concern is understood, and we expect that, and we'll have our engineer available to address that question and any other questions.

J. Szot: If there are no other comments, then our board will proceed with a request for a continuance until March. I will entertain a motion to continue this hearing until March.

W. Keena: Just to be clear, the continuance to March, will be with the understanding that, although that may exceed the 90 Days, that that will be acceptable.

C. Swiniarski: I will submit it in writing within the next two days extending for the period between today and March. If we are coming up on that March date and it seems like we still have unanswered questions, you have my word that we will extend it for as long as we need.

J. Szot: Would it be more appropriate to extend it, say from March until April or May. Because if we hear things in March and we still have questions, it's not unheard of to continue it another month because also the Board has to go through their findings of fact.

C. Swiniarski: I usually make it a point to do it, as it comes and as needed. I am never going to not grant that because the second I do not grant it, you can just tell me that it's denied because you haven't had sufficient time to evaluate what I have presented. It is not going to be a problem. I don't like to give the blanket extension that we may not need.

J. Szot: That's fine. We will need something in writing that you will extend for another 30 days.

C. Swiniarski: 60

J. Szot: So that's actually two months.

C. Swiniarski: I think realistically by the time your engineers get back to us with their comments and we can address them, we are going to need the extra time.

J. Szot: And it's also our February Vacation, so it's probably appropriate that we extend it so if people are going to be away for that time.

R. Howe: If they decide they would like to have a meeting for the townspeople, there is no problem putting that information on the town Facebook page?

J. Szot: That has nothing to do with the town. That's private. That has nothing to do with us.

C. Swiniarski: When is the March meeting?

J. Szot: The fourth Tuesday. The 26<sup>th</sup>.

Boyd Chivers: I **move** we continue this hearing until March 26<sup>th</sup>. **Second:** R. Howe. All were in favor. **Motion passed.**

### **Old Business:**

#### **Case #20-011:**

**Applicant:** Granite Hill Materials & Recycling, LLC., 231 N.H. Route 27, Raymond, NH 03077; Owner(s): Believe Freetown, LLC., 231 N.H. Route 27, Raymond, NH 03077; Property Location: N.H. Route 27, Raymond, NH 03077; Map 407 Lot 66 & Map 407 Lot 71.

**Intent:** *to request an extension of the variance that was granted in 2021 to allow excavation for reclamation purposes in the residential zone.*

Christopher Berry: Some of the issues we were having with Fish and Game. Fish and Game now in the state of NH has to sign off on our permits. Receiving all permits was a condition of this Board's approval. They had a very loose way of reviewing and approving projects. We didn't have to follow a process that they set up internally. After the board granted our extension. I believe their response was, we don't even know. We were advised, in a way, that we start over with Fish and Game. They have a formal consultation process. I did my best to compile all of our communications. I think what we are down to there is a perception that there is a black racer snake. They denied him for the study until the season had closed. She is able and willing to do the black racer study this spring. Once the study is finalized, it then goes to Fish and Game for review. We are surmising that there will be best management practices to make sure the black racer is protected and those will be implemented into our plan. All we are trying to do is reclaim the quarry site. I would ask your indulgence in extending this variance.

J. Szot: I think that in order to grant an extension, the law requires that there is significant cause. It is not that they haven't gotten it done. I believe that they have cause.

B. Chivers: I **move** we grant another one year extension of that variance. R. Howe: **Second.** All were in favor. **Motion passed.**

B. Chivers: Hopefully, the next applicant that comes through doesn't suffer your agony.

M. Chalbeck – 128 Podunk Rd. I am coming to you folks because it was asked of me about a campground operating in a residential area in Candia. I checked with the Planning Board, we did no site plan or anything like that. I'm asking, did this Board grant any variances or waivers or conditional use permits?

J. Szot: Campgrounds are not allowed any place in our ordinance. So, it would need a variance and we have never, to my knowledge, and I have been on the board for over 30 years and we have never granted a variance.

R. Howe: What is the location?

M. Chalbeck: You've gotta go on to Hipcamp website and it's Boulder Brook Campground. 26 acres hosted and it's \$50.00 a night.

B. Chivers: That happens to be my son's website and he built this, there's three campsites out in the woods that he advertises on it.

M. Chalbeck: I know last year; four families were removed from campers because it's really not allowed in a residential area.

B. Chivers: He's got one more problem. He has some kid living in a camper down there, but we are aware of that Mark, thank you. He's on his way out.

M. Chalbeck: I am bringing it to you folks because you folks are the owners of the ordinances. So, I would imagine this board would want to do their due diligence.

B. Chivers: You are bringing it to the wrong place. The building inspector has jurisdiction over this, not this Board.

M. Chalbeck: Right. But you are champions of the ordinances.

J. Szot: Well yes but the thing is, if in fact, someone has constructed this campsite, and we have no knowledge of it. We know that they are not allowed, and I will tell you, we have never granted any variances for a campsite. So it would mean that this is something that you would have to make the building inspector aware of and then, whoever the owner, and I guess it's Boyd's son, would, I assume have to ask for a variance.

M. Chalbeck: I am just doing my due diligence from a taxpayer that came to me to ask what is going on. I can bring it to the building inspector for you folks if you would like.

B. Chivers: Go ahead, put it in writing.

M. Chalbeck: Will do.

J. Szot: Unfortunately, you have come to the wrong house.

M. Chalbeck: Thank you. Have a good evening.

B. Chivers: **Motion** to accept the meeting minutes of 10.24.23 as presented. M. Raumikaitis: **Second**. All in favor. **Motion passed**.

**Motion** to adjourn: W. Keena. B. Chivers **Second**. All were in favor. **Motion passed**.

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file