

**CANDIA ZONING BOARD OF ADJUSTMENT
MEETING MINUTES OF
March 26th, 2024
UNAPPROVED MINUTES**

PB Members Present: Judith Szot, Chair; Boyd Chivers, Vice-Chair; Ron Howe; Tony Steinmetz; Bill Keena, Alt. (sitting in for M. Raumikaitis); Gale Pellegrino

PB Members Absent:

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

J. Szot: We have two things of new business, that if the Board is agreeable that we will hold until after this hearing.

New Business:

- Election of Chair and Vice-Chair.
- Request for appointment of a new member.

Old 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.*

J. Szot: Mr. Swiniarski, are you ready to present your case?

Christopher Swiniarski: Yes, Ma'am. Good evening, Board Members, my name is Chris Swiniarski, I am an attorney with Devine Millimet, representing Rick Wenzel Oil Company and the property owner, Candia Tank Farm, LLC. With me tonight are Jeff Wenzel, who is an owner of the company. Chad Branon, the project engineer and a principal at Fieldstone Land Consultants. Bob Coluccio, who is a professional

engineer, specializing in fuel oil safety and facility design. And Troy Phillips who is a project manager with Hall-Trask Equipment, that specializes in the design and installation of propane bulk plant facilities.

Bob is a licensed engineer in eight states and has been designing oil and propane storage facilities for 35 years. Troy is on the Board of Directors for the Propane Gas Association of New England. He also serves on the emergency response committee and the education committee for the association. He is a retired fire captain, training officer, and a State Fire Academy Instructor.

As the application material states, we are here tonight requesting a variance to allow the expansion of a non-conforming use at 5 High Street which is in a Commercial District.

J. Szot: It's actually mixed-use.

C. Swiniarski: Oh, is it mixed-use? My bad. Sorry about that, I thought it was commercial but now that you mention that you're right. The property currently hosts a bulk fuel oil facility which I am sure the Board is aware of. Has three aboveground storage tanks right now with fuel oil. It's operated since about 1993, so a little over 30 years now. We are proposing an expansion of the facility that will allow for three additional fuel oil tanks and three propane storage tanks, all of which will store fuel that basically fills the trucks for Wenzel Oil to deliver fuel to customers in the community.

J. Szot: Can I ask you a question? In your packet, that 95-page packet, that you sent on Thursday, there are three sheets that talk about propane, heating oil, and diesel fuel oil. You didn't mention diesel fuel. Is diesel fuel, are they going to have three separate things there or is it just heating oil and propane?

C. Swiniarski: Good question. Let me ask Jeff. I don't know if there is a significant difference in actually what the material is but there is a difference in terms of dyes that they put in it for taxation purposes.

J. Szot: Also, there are differences in safety standards and there were three different standards. One for fuel oil, one for the propane, and there was one for the fuel.

C. Swiniarski: Okay. Are we storing diesel Jeff?

J. Wenzel: Yes. Its heating oil and diesel fuel will be stored in any of the tanks at any given time. They are chemically identical, just sold differently and dyed differently. Heating oil is pink in color by nature because of the dye. On road diesel is clear and offroad is also pink but we have to store them separately for tax purposes. From a safety perspective, they are identical.

J. Szot: Okay, thank you.

C. Swiniarski: As the Board knows, our application was reviewed by your third-party consultant, Stantec Engineering on behalf of the town. They provided us comments in a letter dated February 25th, 2024. We were able to get a meeting with Bryan Ruoff of Stantec pretty recently and we delivered our responses to him pretty recently. As such, I wasn't completely expecting Bryan to be able to go over everything we submitted and respond. I understand that he has actually completed that, although we haven't seen it yet. I think he really just finished it. We don't expect that part will happen tonight and we'll have to wait until next meeting and we anticipate we can work through any remaining questions or comments that Stantec will have between now and the next meeting. What I would like to do is sort of break up our presentation into four components.

J. Szot: I think Mr. Ruoff is actually prepared tonight to discuss.

C. Swiniarski: That's fine. We would typically have some time to review that and respond rather than doing it on the fly.

J. Szot: Do we have to wait another two months?

C. Swiniarski: Oh no, if you want to schedule a meeting sooner, I am happy to do that, but I don't think it's really fair for us to respond on the fly on our feet tonight.

B. Ruoff: That's reasonable. The letter was issued today. The response time is typically a week. So, we did that sooner, we responded sooner to the additional information in an effort to get it for the meeting today. We understand, obviously, that the applicant and applicant's agent getting that today, that it doesn't leave them much time to respond to it as part of this meeting.

C. Swiniarski: What I would still like to do tonight is sort of break up our presentation into four components. I think that is the best way for the public and the Board to probably digest the information that we have to present. First, Chad Branon will walk you through the physical improvements proposed at the site on the plan. Then Bob Coluccio would discuss the components of the fuel oil safety in our design and operations, those as governed by NFPA Section 30. And then Troy would discuss the components of propane safety in our design and operations, those as governed by NFPA 58. Following that, I would address the State Law Variance Criteria and then we could discuss any questions that anyone might have but of course we can also answer questions in the middle of anything if a question pops up.

Chad Branon – Licensed, Professional Engineer - Fieldstone Land Consultants: We are here tonight to present the plan and answer any questions that the Board may have. The subject property is Tax Map Parcel 406-201. It has a physical address of 5 High Street. It is situated on the Northside of High Street. Almost right at the intersection of Raymond Road and High Street. Just to the West of that intersection. The property consists of 4.777 acres of land. It does have some improvements on the site currently. Currently on the property, along the frontage, there is an existing residence and there are associated improvements with that structure. There is a parking area, septic system, utility connections and such.

J. Szot: How much of the property is taken up by the house and all of the outbuildings and the septic system. It's 4.77 acres but how much do you take out for that?

C. Brannon: There are no actual density calculations here. I would say that strictly this front portion is utilized by the residential component. All of the improvements associated with that are in proximity.

J. Szot: How much land are you using for the tank farm? I know that there are improvements, of that 4.77-acre lot, how much is left for the tank farm?

C. Brannon: We can give you some rough numbers associated with that. I would say, we are using probably about 40% of the land with the development. You have 4.77 acres, so we are probably around two acres. That's a ballpark estimate. This heavy black line here represents the perimeter of the property. Currently, the site does have a fair amount of existing improvements on it. We have an existing roadway along the western side of the site that extends to this back portion, which remains as a gravel parking area. There is a number of structures out there. There are a couple of trailers for storage and such and then there is the main building out there that currently houses 30,000 gallons of fuel storage, heating oil and fuel storage.

What we are proposing to do is essentially make improvements to the site. So currently the access road to the back of the property is a little bit narrow, so we are looking to widen that to meet NFPA Standards on the access design. As you come into the property, we would improve that road out in the back. And then as you travel, we are proposing a 2800 square-foot warehouse building on the right-hand side. There are a number of parking spots that we are looking to formally propose in that general location. You would have that existing red structure that would remain and then just to the left of that is the containment dyke structure, which is basically a large concrete structure that would house the tanks inside of it. There would be three tanks located inside that containment dyke structure. That would all be covered. There will be a canopy over the top of it. That would house the heating oil and diesel storage, and such in that location. So, there is a 40,000-gallon tank, a 15,000-gallon tank, and then another 15,000-gallon tank. So, 70,000 gallons in total in that structure. And then just behind that is where we have the proposed propane storage area. There would be three 30,000-gallon propane storage tanks. Everything has been laid out and designed to allow appropriate vehicular traffic through the site both for delivery vehicles, as well as the emergency response vehicles and such. All of the different components on the site meet all of the setback requirements to the perimeter boundary, to the in-between outfield storage facilities. This will be a state-of-the-art facility designed to meet and exceed any local and state criteria.

J. Szot: Will you be cutting trees right to the property line?

C. Branon: No. We are not proposing to cut trees right to the property line. In fact, if you look at the existing tree line, that exists kind of along the property line and the majority, if not all of the improvements actually lie within the existing cleared area. We are proposing all of this work within the existing impacted area. In fact, to that point, we are proposing additional mitigation of some wetland buffer areas. There is going to be stormwater mitigation. So, there will be improvements to this property as a result of this project. Obviously, we will have to meet all local and state design criteria for that. Conceptually speaking, we are anticipating a number of improvements to address stormwater, erosion, and sedimentation control features.

T. Steinmetz: What is the total fuel storage capacity? Total. Bottomline.

C. Branon: There would be about 100,000 gallons of heating oil and diesel storage combined. And then there would be 90,000 gallons of propane storage onsite. And that's actually a small site.

B. Chivers: What is the straight-line distance between those tanks and The Moore School? The front door of The Moore School.

C. Branon: I don't have that dimension on here because we don't detail where the school is, but we meet all setback requirements.

B. Chivers: How about the straight-line distance between those tanks and the fire department?

C. Branon: The fire department is relatively close. But again, I don't have the exact distance between, I mean I don't have those buildings located on this plan so I can't give you an exact distance but those are easily obtained.

T. Steinmetz: I did it with Google, if you want them. 330 yards to the Moore School, 272 yards plus or minus to the Candia Fire Department.

J. Szot: I read on one of your documents that it was 400 feet from the fire station and 700 feet from the school.

C. Branon: And that was probably in the Fire Safety Analysis, so another one of our professionals can probably better address that question.

J. Szot: Is there some reason that you didn't put the important buildings in our town on these maps? You have shown that one little building, but you don't have Goff on there. You don't have the Gosselins on the corner, you don't have the school, you don't have the library, you don't have the town hall...our whole town infrastructure is very close to all of this, and this looks like its sitting in the middle of the woods but the house on the corner is not there. The apartment on the corner is not there.

C. Swiniarski: It's not typical though for a zoning plan to have all of the surrounding buildings on it.

C. Brannon: This plan meets your site plan checklist requirements. So, when we generate a survey, we typically generate that scope based on what your local requirements are and this plan meets and exceeds those requirements. We are happy to give you or produce additional information if that is stuff that you would need but we do meet setback requirements to the perimeter property which means we would ultimately meet it to perimeter structures as well.

J. Szot: I understand that but because of the nature of the products that you are storing on this property, it would seem prudent to include buildings that could be affected if something went wrong. If you get us the data, that will be fine.

C. Brannon: Again, there may be other professionals that can address that here this evening. The other thing that I want to point out is that we have made improvements that I haven't gotten to yet on the site relative to the emergency response and making sure there is adequate water supply. We are proposing a cistern at the entrance to the site. We are also proposing a monitor nozzle to be installed on site, so there will be water supplied to that at all times when people arrive. The site itself is within 1600 feet of the fire pond that exists just about right across the road here, which has a large capacity. So there is plenty of water available in the area. We have had an opportunity to meet with the Fire Chief and kind of address, make sure we kind of addressed any concerns relative to that. But I feel like a lot of your other questions might be pertinent to the next people.

C. Swiniarski: Just to clarify, we did meet with the Fire Chief to discuss what would be appropriate in terms of fire protection for the site. And we do have his concurrence generally on that as I mentioned in the submittal. I think he gave us a letter just recently which I'll submit as well. So we have looked into that but yeah if there are specific questions again that we don't have the date for, we are happy to provide it and I think when we come out of here at the end of the night, we'll be kind of looking to come up with a list with the Board as to what else you are looking for.

B. Chivers: Those numbers I just asked you for are critical because the emergency response guide prescribes certain minimum distances between your site and the vulnerable properties that could possibly surround this.

C. Branon: And again Sir, I think those questions are best addressed to the next presenter. I'm not the one that prepared that document so I can't speak directly to that information.

B. Chivers: But you'll get us those distances?

C. Branon: I think that one of our next presenters might be able to address that.

T. Steinmetz: Who would we ask about a response to a worst-case scenario? Overall fire department, evacuation. Would that be you or one of these other gentlemen.

C. Swiniarski: Troy from our team would be best but your fire chief is also here. So, those are the qualified experts.

J. Szot: Are you ready to proceed? How close are you to those houses?

C. Branon: The closest structures would be the ones up front here.

J. Szot: I am talking about the people across from the school.

C. Branon: They are all situated on the road which is a fair distance away. That's why I would say the closest structures are the ones shown on the plan. But again, if there is an address of that structure, a tax map parcel that you would like us to, we are happy to add structures on this plan, but it would be at your request. There is no regulation that specifically requires that so...

J. Szot: To me, I think it's important to have that four corners area and to have the structures within that four corners area on the map. In addition, I don't know if you are aware but the parcel that is next to the Candia House of Pizza is proposed to have 29 townhouses on it.

C. Swiniarski: Yeah, well, we can't get you distances to proposed houses.

J. Szot: I think it's important to know that if in the future if something happens, there is a liability issue. If these parcels are damaged, if something happens, who pays for that? If there is something catastrophic that happens here.

C. Swiniarski: So, you are talking about a negligence lawsuit?

J. Szot: No, I am talking about if something...things happen and I know we've talked about it, you're doing everything possible. But if something catastrophic happened, that was an accident, and you have damage to our fire department, to our school, to our town hall, to our library, to houses...who pays for that damage? Who makes us whole?

C. Swiniarski: So, under the law, the people who cause damage, pay for damage.

J. Szot: So how much insurance then, is Mr. Wenzel going to carry? Because if you think of, there's got to be \$5,000,000 of equipment in the fire department.

C. Swiniarski: But you are making sort of an argument that there is a risk for the fire department to be destroyed. The evidence in the record will not suggest that. This is where we will go with the proceedings, but your findings have to be based on evidence, not just circumspect sort of ideas that hey this could happen. There has to be some evidence of why that is a potential risk somehow.

J. Szot: Alright, well you present your case and then we will call our people.

B. Chivers: What's the scale on that map?

C. Brannon: One-inch equals fifty feet.

B. Chivers: Can you tell me how a tractor pulling a 53-foot trailer can safely enter and exit that site right there without causing...disrupting the traffic on Raymond Road or High Street? It's a pretty tight intersection right there.

C. Brannon: This is actually a pretty wide entrance here. I believe that a fuel delivery truck, which actually frequents this site because this site exists as a bulk storage plant which occupies the site. I believe a fuel delivery truck could come in here and we have made improvements to the configuration internally so they wouldn't have to turn around per say on site but they would be able to come through and exit the property. This entrance is not a lot different than other commercial and industrial entrances throughout Candia.

B. Chivers: I'm sure a retail delivery truck can make it nicely but what about when you bring in a trailer truck.

J. Wenzel: Tractor trailers come into the property every single day.

J. Szot: So how do they...do they get off at exit 3 or do they come from Raymond?

J. Wenzel: Short of me sitting in their truck, I wouldn't know. We have a third-party company that brings our fuel in but I would say they come in from exit 3.

C. Swiniarski: Have you had any reports in the last 30 years of these trucks causing problems?

J. Szot: We don't have the kinds of trucks that you are talking about.

C. Branon: We can produce a turning template on the entrance. All of these other intersections you are talking about are DOT jurisdiction roads. Typically, they are designed with the capacity to handle tractor trailer traffic. It's State Highways.

G. Pellegrino: The property, the residential property in the front, is that owned...does the owner live there or is it rental property?

Collective: Rental

J. Wenzel: But it is owned by the property owner.

G. Pellegrino: Is there any other insurance that's allowed to the rental people because of the property in the back being commercial?

C. Branon: Well, they have the choice to live there being a rental property, but I believe the gentleman has been there for quite a long time.

C. Swiniarski: People are allowed to get whatever insurance they want to get.

G. Pellegrino: It's just a question. I was just curious who was living on the property and if there was any certain insurance means, anything.

S. Swiniarski: It's a regular house.

B. Chivers: I am looking at your driveway permit from DOT, dated June, 23rd, 1992. One of the requirements is any further development or change in driveway usage would require a new permit. Do you have a new permit?

C. Branon: No, we have to get through the Zoning Board before we submit for state permits, but part of the approval process would consist of securing a DOT Permit.

B. Chivers: Then DOT, normally in a case like this would send a traffic safety engineer out here to determine whether that's an appropriate place for your intended use. It would be helpful for this Board to see the results of that traffic safety engineer's findings, before we consider this application.

C. Branon: Okay, that would be first time that's been requested.

C. Swiniarski: Really, we are getting into the jurisdiction of the planning board now and that typically happens as part of the site plan review process and it's not...I can see how you can say it has maybe some bearing on a variance but it's very odd to do that sort of permitting before. The ZBA is generally the first stop and that's a more detailed permit that comes as a condition often to many of the other permits. I don't think I have ever seen a driveway permit being something that's pulled at the ZBA Level. That's just much farther down the road. There are a lot of permits involved and they can't all be gotten first before the ZBA. Typically the ZBA is the first one.

B. Chivers: But that could, one of the five criteria that we have to determine and apply it in this case, that driveway permit could be critical to that.

C. Branon: You know, a decision from this Board can be conditioned on securing that driveway permit. We are certainly not here saying we don't want to provide that. Frankly, as a design engineer who's been doing this in the area for 25 years, I don't anticipate any issues with that curb cut or with securing the driveway permit but it's typically not done at this stage.

J. Szot: And you did mention that you were going to improve that driveway.

C. Branon: We are improving the width as you go back into the site for sure. And certainly, we are working on our second review letter from Stantec this evening. They do the reviews for the planning board and they are more thorough than most people want to deal with but they do a good job and that I am sure is going to be something that Bryan will ultimately review as part of that process as well.

Bob Coluccio: I have worked for Web Engineering since 1989. My boss has been doing it since the 70's. I came to work with him in 89 and we continue to be providing these design services and permitting services and plan writing, etc... I have been with him for 35 years now. In my fire safety analysis, I did look at all of those distances and showed them, I used Google Earth to establish distances and most of those distances are outside of any of the hazard distances that is required by NFPA be evaluated. Anyway, so I am here to talk about oil.

B. Keena: Most of the distances are outside of the hazard zone?

B. Coluccio: Well, I should say that all of the structures. Obviously, there is property line that is within those distances given in the fire safety analysis are very conservative because they are based on TNT and not propane. Propane, the reality is they are coming out with new models on this. It actually doesn't, it's not ignitable actually at the hazard distances given in the fire safety analysis. But because The National Propane Gas Association hasn't come out with those yet, we still use the hazard distances provided in the, by the NFPA in the fire safety analysis.

B. Keena: Which ones were not outside? Which ones were inside?

B. Coluccio: I know all of the structures are outside. And I think that is in my Stantec letter clarified also in my addendums to the Stantec letter.

B. Keena: I am not following your statement, what is not outside?

B. Coluccio: The structures on site.

B. Keena: So, there are no buildings, I assume the house is inside but outside.

B. Coluccio: Well outside. The nearest structures are the garages associated with the two Deerfield properties.

B. Keena: So, there are no buildings outside of that property that are in a fire hazard zone?

B. Coluccio: In the hazard through the standard use of the fire safety analysis.

B. Keena: I don't understand what standard use means. What does that mean?

B. Coluccio: Meaning that, we don't have any four-inch pipe or four-inch hose, so I don't use those distances. Where we have small hoses that are the most vulnerable, if anything is vulnerable, it's the most vulnerable and so that's what I use for the fire safety for my hazard distances. The oil facility is going to be designed in accordance with all of the state fire codes, state environmental codes. It will be completely vetted by the NH Department of Environmental Services who reviews the plans on behalf of the State Fire Marshall. They communicate regularly. Once we are cleared to, at this juncture, we would start that process of designing the oil storage facility because the DES can take a while because of their vetting process. In order to answer a question that was stated earlier, there is going to be No. 2 Fuel Oil and Diesel fuel stored there. They are both Class 2 liquids which means that they don't ignite at atmospheric temperatures. They either have to be heated up or atomized in order to support combustion. In a quiet tank, the NFPA doesn't consider that Class 2 liquids to be a significant threat. Not like when compared to some of the other things, like gasoline. And so, you would see if you read through NFPA, fire suppression is not required. Hazard Analysis is not required even though we did kind of do one for this. The tanks will be inside of a steel-reinforced concrete containment dyke. The walls are going to be ten inches thick. We do crack control using the reinforcements so that we can caulk our cracks. These are all to maintain, if there are any spills, we caulk, everything is caulked.

B. Keena: When you say a dyke, is it sitting inside a concrete square?

B. Coluccio: Yes, with six-foot high walls.

B. Keena: And that's higher than the tanks?

B. Coluccio: No. Like I said, we didn't start on the details of this but what we typically do is we recess the dyke below grade. We are going to have a canopy structure over it and so we, we have to meet building code requirements for the foundation of that building. And so, rather than put our footings to frost, we build the whole containment dyke to frost. That gives us two things. Transport trucks and the bobtail trucks, when they pull onto our concrete pads, our concrete pads pitch into the dyke, so if there are any spills, they stay in our system. What's going to protect the soil underneath it would be our caulking of proper control joints and caulking of those control joints. In fact, that concrete is considered sufficiently impervious by the EPA.

R. Howe: Is there a membrane or anything as well as the concrete or is it just concrete?

B. Coluccio: Well, we would only be proposing concrete because that is the standard in the industry. There are people who line them, but these facilities really don't produce leaks. I know that sounds like a bold statement, but we are using welded pipe, flange pipe. Not only have I designed numerous of these oil facilities throughout New England, I also do inspections on them. This may not mean anything to you but I am an SP001 Certified Inspector. That's a steel tank institute. It means that I am qualified to do these tank inspections. And you just don't walk into a containment dyke on a facility that's build properly and slosh around in oil. It just doesn't happen. Everything is designed properly; DES makes sure it is all designed properly. It's designed with all of the pressure relief and everything we think could possibly go wrong, everything that the NFPA says has to be in the design, we include in the design. We are answering two very strict authorities. You only fill them to 90%. It's not exactly 90, I should clarify because the DES has, they have their own calculation for that.

B. Keena: Are you talking just about the new tanks?

B. Coluccio: I am talking about the new tanks, yes.

B. Keena: So, the new tanks are?

B. Coluccio: A 40,000 and two 15,000.

B. Keena: So, 70. And you're saying it would handle 45,000.

B. Coluccio: The other two tanks are not manifolded to the 40,000-gallon tank. When you are designing a dyke, you have to evaluate, syphon potential. In this case, the 40,000 is the one, if that were to leak that's what we are going to design against. That can leak but there is no piping connecting it to the other, the 2 15,000.

B. Keena: This is under the assumption that if the worst-case-scenario would be that that only one tank would breach, and the others wouldn't.

B. Coluccio: And I design it so that those other tanks that are now occupying storage, I am subtracting that out from that dyke container. The submerged volume of the piping, of everything else that is in that dyke. My calculations also subtract that out. We have high-level alarms and overfill protection. Not only do our alarms produce an audible and visual signal to the operator and to the owners because all of this has software that interacts with cell phones, tablets, and computers. Also, at that level, we shut the fill pumps off. So, if somebody tried to overfill the tanks, we stop them from doing that.

R. Howe: Who actually monitors the tanks? Othe than your cell phone? Do you have a monitoring service?

B. Coluccio: I don't believe that Rick Wenzel currently does.

J. Wenzel: As far as monitoring tank levels, we monitor as product goes in and out. So as drivers are moving product in and out, the new facility will allow us to monitor remotely as well as if there are sudden drops in inventory, we will be notified.

R. Howe: But there isn't a dispatch center that is monitoring a leak?

J. Wenzel: No.

B. Coluccio: A catastrophic leak would be a sudden loss, so we can put sensors in the containment dyke, so we can kind of corral the oil facilities.

J. Szot: This weekend we had a storm. I know you said that everything is monitored by computer, but our power was out, our computer was out for almost 24 hours. And I noticed there were power lines down across or lines down across your entrance, the entrance to your facility. Plus, trees down all over, so if, this is not unusual for Candia to lose its internet service, it's cable service. So, how do you monitor in a situation like that when it's all tied into your smartphones when we had no phone service at all, no cell phone service, no internet, no cable, and no electricity?

B. Coluccio: They don't have anything now. What we are going to be doing is, there could be ways around that, we haven't really discussed those, the possibilities because everything is...

J. Szot: This is Candia, and I can tell you that it happens often.

J. Wenzel: When we met with the Planning Board on the initial site plan review before we proposed the final project, there was discussion about potential generators, things of that nature. There are solutions for when power is out as far as things getting reported to us.

J. Szot: The generator, that's fine but the cable, those things are going to come through your phone.

J. Wenzel: And I have battery backups in the facility now, so all of my cameras that are there now still were functioning without.

J. Szot: But it's not going to help if the main cable line is down.

R. Wenzel: Right but they are all LTE so they were cellular remote, so they are not reliant on wifi for comcast cable or anything like that. I was able to monitor my facility currently without internet or power at the facility.

J. Szot: Okay, so you would be able to get these reports if there was a problem?

J. Wenzel: Yes, and they would be designed that way going forward.

T. Steinmetz: Is containment of propane the same sort of thing or is it different?

B. Coluccio: No, you wouldn't have secondary containment for propane.

T. Steinmetz: If it would happen to leak, what would happen then?

B. Coluccio: It wouldn't disperse. Propane wouldn't disperse. Propane boils -167 degrees Fahrenheit. It becomes gas almost instantly.

T. Steinmetz: And what's the flashpoint?

B. Coluccio: Propane? -167 degrees Fahrenheit.

B. Keena: At what temperature does oil burn?

B. Coluccio: The flashpoint is a temperature at which a flammable or combustible liquid gives off ignitable vapors. Gasoline gives off ignitable vapors at below zero temperatures, that's why our cars always start. Our gasoline powered cars. Diesel fuel is between 125 & 140 degrees, that's what makes it a class 2 liquid.

Anything above 140 is considered a Class 3B. A Class 3 liquid. And there's where you get into your motor oils, transmission oils, so the flashpoint is between 125 and 140. Diesel fuel and number 2 fuel oil have the same flashpoint.

B. Keena: So a match, a lighter, any of those things would burn that hot?

B. Coluccio: Right but the thing is that it would not be enough, there is not enough energy to heat up a large tank and cause the tank to become anywhere near its temperature. You might get more heat from the sun beating on a tank than you will from a match. As far as external fires, we do everything in the design, there are wooden pallets in the containment dyke, it can have anything that is combustible and that's where anything in this industry is vulnerable for external fires not from the liquid itself. The dyke is an easy one because they will sweep it and keep out any debris that gets in there.

B. Keena: I ask because I was up in Epping going to church, when I came out of church, the sky was on fire. And as I rode down 101, I could see the fire and I don't know how many towns, maybe five towns around dealing with the oil there and that's pretty scary.

B. Coluccio: They boiled that down to an electric fire.

B. Keena: That was the ignition source?

B. Coluccio: That's what the State Fire Marshall determined it to be. We received their report on it.

B. Keena: That was a mighty flame. That was above the treetops and lit up the sky. At church you could see it and over the restaurants there, and the theatre and all that.

B. Coluccio: That site wasn't designed for what it is being used for. We are designing this so that those things don't happen. That could happen anywhere. I know it doesn't make sense to say it here because it happened but it's so rare.

B. Keena: You can't say it won't happen. I saw it.

B. Coluccio: I was on the phone with the State Fire Marshall about it and he was giving me numbers to support that it's so rare. For what it's worth.

B. Keena: How could that not happen?

B. Coluccio: Our drainage will be different. That drained under the trucks.

J. Szot: Will there be delivery trucks stored on the site? Both propane and oil?

J. Wenzel: There could be trucks parked on the site at any given time. At one point or another could be parked there.

B. Coluccio: I can't tell you why there is an electrical fire because often does that happen? I've never had an electric fire.

G. Pellegrino: Did the same jurisdictions approve Epping's site that will be approving this site?

B. Coluccio: I don't believe that they have storage there, they are just parking their trucks. Now the Epping Fire Department may have given them a permit to park the trucks there, that I don't, I'm not aware of but there is no design, that sort of evolved. I don't know enough about their business. When the facility is

installed, we are going to do a spill prevention plan and it's an EPA Spill Prevention Plan and that's where we would address how you store the trucks, how you park the trucks, whether you have oil in them or not. You are technically not supposed to use them as supplemental storage or you are supposed to include them in your SPCC Plan, and I don't know if they had an SPCC Plan or not. They didn't get audited by the EPA. I mean the EPA didn't come in and evaluate them but if I were a betting man.

Troy Phillips: I represent Paul Trask equipment who is working with Wenzel on this project. We build and supply equipment for bulk plans throughout New England. We are a family-owned business. We have 60 employees, 20 of us are related. We have a vested interest in making sure these things are built, we do a lot of them here up in NH and all across New England. The propane itself, I can tell you, there are a lot of concerns about the propane that's going on. So your redundancy safety factors on a propane tank are in triple. Every valve on the tank has either a hand valve, a pneumatic valve, or an excess flow valve. The excess flow valve is probably one of the most important one for the people here. What that will do is if there was any kind of rupture or line break in the tank, that valve will automatically shut so we will never lose a whole entire tank of product. The pneumatics themselves are also...

B. Keena: Is that at the intake then?

T. Phillips: So those are all inside the tanks, so they are right into the tank.

B. Keena: They must be in a spot where if there is a breach.

T. Phillips: They are designed with spring factors for whatever size pipe it is from 2" to 3" to 1 & 1/4" going out of the tank. Going in, we can put anything into the tank, we are worried about anything coming out. We don't want anything coming out uncontrolled. So that is our biggest factor of calculation is to make sure anything coming out of the tank is controlled.

B. Keena: You said it could have that valve or or, or did you mean and, and?

T. Phillips: No, and, and. Sorry, they are all there at the same time. So, you have a hand valve also, so if somebody is there, they can actually shut a hand valve. There is also a pneumatic, so if there was any type of fire, the pneumatics are designed with, the plant is wrapped with basically 1/4" airline. The same airline we use on trucks, so it has a quick melt radius, I don't know exactly what the temperature is but anybody who has ever seen one of those plastic lines, they melt pretty fast. And that system is charged with nitrogen which is another gas. If the line were to melt or the line were to be pulled away, so if a driver was hooked up and he drove away with his truck, those lines would rip, those valves would shut off. So, that's for the tank itself, those valves, so you'll have three valves on each tank. You'll have a vapor valve because we have to equalize the pressure going in and out of the tank. You'll have a fill valve, which on that valve, on the one that is filling, that puts product into the tank, that has a backcheck in it. The backcheck only allows gas to go in, nothing to come out. So, for that valve there, there is just a backcheck and a hand valve. On the one that fills the trucks, that is the one that has our redundancy factors. Has an excess flow valve, hand valve, and pneumatic valve. At the end of the risers, we call them risers where the hoses come off, where they connect the trucks, there are more emergency shutoff valves there, we call them esvs (Emergency Shut Off Valves). So, if the line were to be pulled away or broken, those valves will actually automatically shut. And there is also a factor of if the driver just has a break on his house and everything is running, there is two valves, an emergency pound valve there and there is also a remote

emergency pound valve in the means of egress. So, if he had to leave the area, by code, it has to be 25 feet away but not more than 100 feet away. It needs to be a remote emergency shutoff valve.

B. Keena: What is it shutting off?

T. Phillips: It's shutting off all of the valves on the tank. The way the plan is designed, if the plant were to rupture, the only gas release that should happen would be what is in your 15 feet of hose. That should be your only gas release.

B. Keena: I am still trying to understand if the tank is somehow compromised if there is a hole in the tank.

T. Phillips: So, realistically, I don't have anything to back a hole in the tank up with data. The tank is at best a ½ inch thick, so it's really unheard of that our tanks just have a hole in them. I mean, I don't have any data on that anywhere.

B. Keena: I mean, I am thinking of a deer hunter.

T. Phillips: So the tank is thick enough, I can honestly say there is nothing you can buy legally on the shelf that you could go and hit that tank. You're not gonna hit it with a 22. You're not gonna put a hole in it with a 45. It's just not gonna happen.

C. Swinarski: So, at that point you are talking about an act of terrorism? To be clear. That's terrorism.

B. Keena: I wasn't thinking of that specifically but that's a good instance, I was thinking of a hunter with a 30 odd 6 shooting at a deer was what I was thinking of.

T. Phillips: It wouldn't happen. I don't have anything out there that's gonna back it up but...will it go through your grill tank at your back porch? Absolutely. It will go through that a lot quicker than it's gonna go through the tank in this yard. I have no data that supports that, nope.

G. Pellegrino: How often does it happen that the trucks pull away?

T. Phillips: Not very often. So the trucks are designed with a couple of things. Trucks are designed with break locks so as soon as they take off the cap, it either locks their breaks or locks their transmission, so when they get in the truck, they can't move the truck. So, all of the trucks have a safety device for that. That is a very rare instance and if they were to pull away, like I said, you would probably lose about 15 feet of a two-inch hose.

R. Howe: What is there for protection around the tanks?

T. Phillips: Whatever the fire code is gonna call for. There has to be some type of crash protection yes.

C. Branon: Steel bollards proposed all the way around.

R. Howe: So, it's inconceivable that a truck would back into a tank.

B. Keena: If there was a gas leak, what happens? The gas evaporates? Is that a hazard to people breathing that?

T. Phillips: Propane is heavier than air so yes it would sink in your lungs but in the open atmosphere it's not going to be a problem for people and the dissipation rate is pretty quick. So the fire safety analysis is based upon that.

C. Swinarski: I was going to touch upon the variance criteria. Obviously much of that has to be decided by the evidence that's in the record. Kind of still developing that evidence as I understand now that Mr. Ruoff has a response to what we provided. However, we haven't seen that yet, so I would reserve the right to review that, answer that, and keep working towards finalizing the evidence that the Board should be evaluating in making its findings under state law, specifically RSA 674.33. It would not be productive for anybody for me to try to respond on the fly. I don't even know what the response is yet. And I understand that what we gave was substantial and that's why I mentioned I did not expect a response from Stantec tonight. They went above and beyond and got it done very quickly.

B. Ruoff: We reviewed the additional information that was provided from a technical standpoint. The technical fire protection fire study elements were added or responded to. The responses appeared to be appropriate, and we removed those comments from our letter. Specifically remaining comments regarding the letter. There was Comment 1 regarding the waiver and the appropriateness of what was being requested. The comment responded that the application was, a revised application was included in the resubmittal package, but a revised application was not included in what we received. So I am not sure if we are missing something there or there is additional information to be provided. Or that additionally or potentially we missed this in the original fire study application. The zoning regulations only allowed this use in the specific districts which we're not in and variants wherein there is a minimum 300-foot setback which is in excess of what the NFPA requirement is, which the applicants engineers have demonstrated they are providing. We would like it explicitly confirmed and stated that all of the proposed tanks are in fact further than 300 feet from all existing permitted dwellings and buildings as specified in Ordinance 5.02 C for use 7C. There was some discussion on our end regarding the blast radius and how this is based on an assessment of a 2 inch, 20-foot-long hose. There was some documentation from a propane expert with the NFPA who helped author NFPA 58 which is the NFPA Propane Guideline regarding BLEVEs. The response was that a BLEVE was not likely but in responding, they also responded that: A BLEVE is not likely to occur and that if a propane storage tank fails that the propane is released to the atmosphere, creating a propane vapor, and that a pressure wave will be generated, and tank can be propelled some distances. Based on this response, we recommend that the risk and associated precautions protections that will be incorporated to prevent tank failures be described in detail as part of the application to quantify the risk to the Board to help them.

B. Keena: Can you define BLEVE?

B. Ruoff: I apologize for not doing that at the forefront. A BLEVE is a Boiling Liquid Expanding Vapor Explosion. Essentially when the propane gets heated up inside the tank to the point of the tank exploding and the response essentially was since the enactment of the current NFPA 58 Regulations that that hasn't been an occurrence based on permitted tanks based on that new regulation and those requirements. Although that speaks to that concern, another concern was addressed about potential tank particles.

B. Keena: So, to be clear, you are saying that has not occurred since the standard was created?

B. Ruoff: That's what the response was, correct. Obviously, we haven't had time to formally look into that but taking that expert's response at face value, that's our understanding.

C. Swinarski: Actually, just to clarify, I think that it was that it hasn't occurred since 1999 and certainly hasn't occurred since the regulation revision in 2011. Or maybe a better way to say it, the last known one was 1999. The regulation was most recently in 2011.

B. Keena: Is it your contention that the amended regulation now further prevents such an occurrence?

C. Swiniarski: Absolutely.

B. Coluccio: Just to clarify that the 2011 regulations started in 2001. So, in 2001 any new facilities that were built were supposed to be in 2011 compliance. All facilities were supposed to be upgraded that were already existing were supposed to be upgraded by 2011. And so that's sort of where, I believe, the 25 years come in. And just to add, I believe that the those BLEVEs were more to do with railcars than they do with stationary propane tanks.

B. Ruoff: And then, specifically, there were five criteria listed for a variance. Granting a variance in all responses, just summarizing in courtesy of the Board's time. All variance criteria were described as meeting, based on an expansion of existing use of the property. Although technically, the zoning use for fuel oil and propane is the same use, what is being proposed here is a new use and so the hazards and threats to life safety need to be well-defined, need to be understood by the Board, and they need to be demonstrated as demonstrated based on both the proposed plan and what is being proposed as future measures as being mitigated by all of the actions by the proposed application for this property. So that's in summary of the variance criteria responses.

B. Keena: In your response, you mentioned that, correct me if this is wrong, although proposed with mitigation measures, the proposed improvements pose an increased risk to both the environment and life safety to both the Town's Municipal Infrastructure and adjacent properties. Is that correct?

B. Ruoff: Is that an original comment or a response comment?

W. Keena: I am reading 14A.

B. Ruoff: Yes, we wouldn't be here. We wouldn't be here if that wasn't the case. And it is the ownness of the applicant to demonstrate that all those safety concerns are mitigated and accounted for. That's their job to do. To demonstrate to the Board that.

C. Swiniarski: If I could offer one clarification, just because Mr. Ruoff was at the first meeting. So, I had initially submitted this as an application for a use variance and the Board had instructed me to revise it as a change of use application, so that's what I did. So, I just want to be clear that I was doing that at the request of the Board. I don't know that its that significant of a change.

J. Szot: It's not a change, it's an expansion of a preexisting nonconforming use. What you are doing is expansion of a preexisting nonconforming use.

C. Swiniarski: What I am saying is the Board asked me to change my application.

J. Szot: Yes, from 2.0 to 2.02 which is expansion of a preexisting nonconforming use.

C. Swiniarski: And that's what I did. But I don't think Mr. Ruoff was aware that the Board had asked me to do that.

Bob Panit, Emergency Management Director, Candia, NH:

I have been doing this for the town for over 25 years. Part of the role of Emergency Management's Role is to identify, evaluate, and plan for disasters. Those disasters can be natural, as in earthquakes, tornados, flooding, and blizzards. Some of those, we have experienced in town. They can also be

manmade like plane crashes, roadway crashes, spills, major fires that far exceed normal capabilities and resources, as well as hazardous material incidents of various magnitudes.

The purpose for this role is to ensure a safe and continuous infrastructure and environment for the citizens, the community, and local government to function on a daily basis.

When evaluating the required plans, the LEPC identifies possible "Worst Case Scenarios" to consider if the local available resources would be capable of responding to and adequately dealing with the situation in a safe manner.

Additionally, there is the ability to return the community to normal, pre incident and response. This often includes environmental and infrastructure concerns.

Since 9-11-2001, we also must consider terrorism a possibility.

Some of the concerns that I have come up with, mostly by looking at the analysis that was provided. Inclusion of two 30,000-gallon vessels with the potential for a third. Those are pretty good-sized tanks. Storage of empty household containers or I'll call them yard containers, yard-sized containers, as well as the storage of fuel oil and fleet refueling. The proximity to the infrastructure of the town, the emergency response training and experience of the responders, access to and from, the water supply, the volatility of the product storage, and casualties. And I will add to that, having to evacuate citizens and people so that they are not casualties.

So under the infrastructure, the things I would have to consider and that the local Emergency Planning Committee would have to consider would be:

The Fire Response

The Town Offices and the infrastructure included there.

The Emergency Operation Center, which btw, you are sitting in.

The Police Facility which is also part of this building.

The School and the activities that go on there and the number of children, I believe, is around 300 and the staff is almost 100, I believe.

The CYA, or the Candia Youth Athletic Association Building which I will say is adjacent from to 5 High Street and other businesses that are operating around and near the proposed site.

Under training, the number of personnel and competent to handle a worst-case scenario. Per your analysis, the Fire Department may have a total of 31 personnel available. But yet there was not estimate for initial response provided. Having spent 22 years on the fire department, you have no idea how many people you are going to get for any particular call. It's a little bit better now where there are some fulltime staffing for the ambulance.

Equipment: Resources needed to handle recommended are unmanned large volume devices and I do know that you put in for an unmanned monitor system that can be hooked up to. But the fire department as last I knew and some members that I have spoken to have only one unmanned device, which the Fire Chief may be able to address that differently. Mutual aid is heavily relied upon in the assessment, the analysis. Other agencies may be sparsely staffed as well. They also may be on other calls.

Access. We have already talked about some of the daily truck traffic and questions about how the trucks come in and out. The loading and unloading has been spoken about. And then emergency vehicle access and response.

The water supply. Adequate supply for a long duration operation including multiple supply points and a safe distance. The volatility of the product. Not so much the oil and diesel fuel but more the compressed gases and the large quantities. The multiple vessels and containers and again we come back to the potential for a BLEVE.

Casualties. The immediate area could be 500 feet. Could be 1,000 feet. But could expand to a larger area and the evacuation zones, depending on size of the incident. The evacuations may be needed up to a mile or more. That is extremely manpower intensive. All of these are considerations with regards to a worse-case scenario because we look at the worse-case scenario being able to support it.

The very first document that someone from the fire department is likely to grab is going to be this book. This is like the starting bible for Emergency Response to any hazardous material incident. Per this book, emergency response guide, evacuation up to and including 1 mile may be indicated in a worst-case-scenario. In this book, the 2020 Edition, Propane is listed as UN 1075, it's on page 115. Also referenced on page 115 is page 366 for BLEVE. These were the concerns that I came up with while looking at the analysis.

Somebody asked what the tank size was, was it somebody on the Board? I did some basic research, mind you I am not good with a computer, I came up with 46 feet 9 and 7/8 inches by 131 and 7/8 inches in diameter and they are rated, the information that I got, was rated at 250 PSI at 125 degrees Fahrenheit. Now I believe you mentioned something about them being rated at 300?

B. Coluccio: Well, I guess it would vary.

B. Panit: By manufacturer probably?

B. Coluccio: Yeah.

B. Panit: Okay, from the page in the analysis on Form 8.3 Page A-20, the Table indicates a flow rate and volume of water in gallon per minute needed over 10 minutes to cool containers. The proposed on-site water supply is 10,000 gallons. So how long is that going to last if you have to cool one tank, much less three?

B. Coluccio: That's for three tanks. That quantity is based on three tanks.

B. Panit: As a 42-year firefighter, I want a hell of a lot more than that available because you are using master streams, eventually you would get to a point where you would be using elevated master streams as well as master streams on the ground.

B. Coluccio: The Fire Chief had explained that they had two, the engine, one does 1,000, one does 1,250 I believe.

C. Branon: And there is fire pond across the road that is within 1600 feet.

B. Panit: But it's not within a half-mile evacuation zone, if this gets out of hand. But we'll come back to that.

J. Szot: That supply in that pond depends on the rain because it's filled with rainwater. So, if we have a drought, you are not going to have as much water in that pond.

C. Brannon: We did calculations just on a 3-foot depth and it's over 670,000 gallons of water. There is a huge amount of water in that pond, and I am sure it's probably ten feet deep. We used a three-foot depth, so that's very conservative. There is a significant volume of water available.

J. Szot: And how much water per minute, Bob, did you say they were going through?

B. Panit: According to their form, table A-20, they indicate a flowrate and volume of water, gallon per minute needed over 10 minutes to cool the containers. So that's, at 10,000 gallons, that's not even, that's not 10 minutes.

J. Wenzel: The required amount in the fire safety analysis is just about 7,000 gallons for ten minutes. We have provided 10,000 plus the time to set up.

B. Panit: Again, having fought a couple of much smaller fires, we have used a lot more than 10,000 gallons, just to go in and shut valves off.

B. Coluccio: Was that fighting wood fires or propane tank fires?

B. Panit: That was going in to shut valves off on propane tanks. 500-gallon tanks. Even when we go to the fire academy, the amount of water used that is used is well over 10,000 gallons for training. Also in your analysis, uses 250 feet to evaluate occupancies nearest the facility, again, something we have already talked about tonight. Using, like I said, the very first book that Emergency Responders are going to go to once they get an opportunity to do that, the recommended evacuation for the incident is 330 feet in all directions, that's the original, immediate precautionary measure. A large spill would be a ½ mile and a fire, one mile in all directions.

J. Szot: So, that would require closing down 101, from exit 2 to exit 4. And then, where does everybody in that one-mile radius go?

B. Panit: And that is part of where your evacuations into. Evacuating how many people.

B. Keena: We've got the school; we've got 400 people there. How could we even get them out of there?

B. Panit: Evacuations distances and such, this would include the school, businesses and residential homes. You would also need to shelter people for a period amount of time. The town's emergency shelter is The Moore School which is well within the evacuation zones. Other than 330, it's well within the other two. Consider the resources required to make this happen. I can't imagine the resources to do that, what it is going to take, and how long. Also, on Form 7.1-page A-17 indicates exposure from external neighboring facilities. At least two, although they are not on your map because we didn't include the other business, at least two of the businesses utilize welding and cutting processes. An undetected leak could travel to a source of ignition. The form indicates that none of these hazard exists within that 250 feet that you have identified. The above is also referenced on Form 4.3, page A3, and the 200-foot measurement is used to determine this data. Noted on this form, that residential, fire department, and school are listed as facility neighbors. But yet, the town office, the EOC, and the police station were not noted.

Also, some of the things that have to be considered with such a hazard is the major power electrical junction near the address, right at the end of the driveway is one of the major switching stations that Eversource has worked on over the years. As of this weekend, there was a tree down across your fence that took down some of the power lines right from one of those poles. You obviously said you had knowledge of that. Had that been live and a tree had come down, taken down the power lines, that would potentially have been a source of ignition. Electricity. Absolutely. They don't come down grounded. We have already talked about the January 13th, 2024, at the Fuel Depot in Epping.

I know that the guests have mentioned a couple of times, they do everything we can to make sure nothing can happen, but we also recognize, never is a bad word to use. So, if you think it can't happen here, guess again. And I use the example on a much smaller scale, Farmington ME, September 16th, in 2019. The result of that incidents was 1 fire captain was killed, five firefighters were injured, a sixth person was injured was a maintenance worker who remained in the hospital for months, just about a year. The Maine State Fire Marshall's Office determined that drilling to install bollards six days earlier, damaged the underground gas line which seeped gas, draining the 500-gallon tank. Once that was discovered, the tank was refilled. It was found to be empty again the following day. Due to the amount of damage, according to the Fire Marshall's Office, no ignition source could be determined. This blast totally obliterated the factory building and damaged several surrounding businesses. If you want some reference for this, you can get the news article. These are the concerns I have to think about when we are doing these plans. My point is that when it happens, there are times that it can be undetected. I know you are going to have detection systems and safeties. I know they are all built in. I have a rough idea of what they are but to think that a catastrophic incident cannot happen and if that is only a 500 gallon tank that had probably less than 1,000 gallons in it, collectively, travelled to wherever, found an ignition source.

T. This has nothing to do with our application. That is a vapor system.

B. Coluccio: They are at a bigger risk.

T. They are not put under scrutiny.

B. Panit: But should something catastrophic happen, it's going to be that much larger potential.

B. Coluccio: We produced a document which Stantec has, from one of the authors of NFPA 58, who has no vested interest in propane or the propane industry.

B. Panit: Let me ask you this about NFPA, when they do a standard, do they take into account, it would be impossible for them to do, to take every specific situation when they come up with that standard. Our issue here is the potential hazard, God forbid, to the infrastructure of the town.

B. Coluccio: NFPA has a code that pertains to all those tanks, all those consumer tanks, and our tanks. They are contained in different sections. But of course, enforcement of those codes, if somebody is growing weeds around their propane tanks, they are in violation of a code. It's very difficult in a residential property to prevent that. We have to protect against that here. Propane is going to be on a bed of stone with a vegetation barrier under it. They have to do an inspection annually. He's going to do an inspection monthly because of the oil. All of these things that cause those instances have to be abated. The town can put a condition that he has a third-party inspect these tanks on an annual basis. That's not a problem at all.

C. Swiniarski: It's not only what are the chances. See, what you are doing is really comparing apples to oranges because it's not what we are doing. No there is no way to guarantee no catastrophe ever happens. And if the goal is to make sure no catastrophe ever happens there is simply no one that can do that. You can think of what happened on September 11th in 2001, as an example. We had planes that flew into buildings and killed thousands of people. So, we did not stop building buildings or flying planes because of that. We learned from it and we put in safety measures that people who are experts with experience came up with. That is the same as what the NFPA Regulations are. And they have proven effective since 1999, where there has not been the situation that you are describing as a risk.

J. Szot: You said you can't plan for everything, and this is unusual, and it isn't not going to happen. We have planned. We have said specifically that this use is not allowed in this area. And there is a reason why we did not allow this use in this area. Because this encompasses the entire physical structure of our town. We have our fire department, our police department, our school, our library, our town hall, our CYAA, that is all in this area. And so we have specifically said that this use is not allowed here. And we would love to allow this use and we have places for this use so in the event that something catastrophic happened, it's not going to affect what it will affect right here. This is the center of our town. It is the heart of our town. This building has records that go back to the 1700s to the founding of our town. If this building is destroyed, we will lose our town history. Not to say anything about the individuals that live here. Think about the school, there are 400 people there. If they got a call at 10:00 in the morning that they had to evacuate that school, they don't have any plans for that because their evacuation is either here or the CYAA. They have to call the bus company, the bus company has to call the drivers, the drivers have to drive from wherever they are to get to the buses. The buses have to get to the school. But the buses can't get to the school because the fire hoses are coming from the pond down the road. So we have to get the kids to someplace where we can get them on buses and hopefully get them over the hill and out of here. We have specifically said that we would welcome your operation in this area, and we have specifically said that it is not allowed here, because of everything that is here. Because this is our town, and we would lose our town. Where do we go? Who makes us whole? The way that you eliminate these hypotheticals is you say, this is not allowed here and we have a special place for this and if you want to be here you can be in this special place. But you are asking us to take a chance on you.

C. Swiniarski: Actually, we haven't asked for that. Two things I should say in response to that. One, you have demonstrated that you have already made your decision. Second, are we sure that in these other places where this use is allowed that every one of the things mentioned in this report that we have yet to receive is going to be satisfied and accomplished because if not, I don't understand anything you just said.

J. Szot: What I am saying to you is that you are allowed in this town.

C. Swiniarski: And none of these concerns raised are a concern in those other areas? I think you have to recuse yourself from this case.

B. Chivers: The way this works is we take the testimony from the applicant; we hear the rebuttal on behalf of the town's consulting engineer. Hear what the public has to say. Then we close the hearing. We deliberate and that is when you can express your views. But until then I think we all have to keep an open mind.

J. Szot: We haven't heard anything from the people in the audience.

B. Chivers: We haven't heard from the Fire Chief; we haven't heard Mr. Ruoff's response. We haven't gathered all of the facts yet.

Art Gosselin – Owner of Patriot Heating and Cooling - 45 High Street: I have 47 years of experience in heating, and I have worked with gas and oil for all these years. I am licensed in gas and Jeff, you are what helps my life work. Because you have oil and gas. That's important and I appreciate you for that. And I applaud you for being able to have the sources for us to give heat, our homes, gas and oil. I want you in this town but not in this position. This was an awkward moment where somebody allowed that to happen with Viking. And now it is going to persist unless we do something about it. There are other spaces that you guys can purchase property. There are. There are a few places I can see, where you can have easy access with trucks, inward, outward. Anybody want to talk about oh geez, excuse me, is that your property? I don't see my property on there. Oh, I'm sorry, your house could possibly be destroyed. My son and his wife to be, they own the house across the corner from me. You could possibly be lost. Do we really care? No, nobody even bothers putting our properties on the corners. Nobody shows the houses. Where is Mike Hickey's house on there? Where is Robin's house on there? I am a heating guy and I appreciate you but not in this location buddy. Put it elsewhere. Put it out of harm's way from people. Put it in an adequate space. I am part of those people. I have been here since 1981. Why are we talking about something that is a possible destruction to our town? When it should be put in a position out of harm's way. This is the stupidest thing I have ever heard. This is idiotic. Bunch of adults in the room and whoever has the deepest pockets wins. This is stupid. I want your business to thrive like mine but not in this environment. Not in this space. I love engineers, engineers are geniuses. They are a hell of a lot smarter than me. The Titanic, the unsinkable, what happened to that? The Challenger...that blew up because of the O-rings...nobody foresaw that, those brilliant engineers. When they talk about safeties. There are not perfect safeties because there is not a perfect person. We learn by experiences; we die by experiences. Things happen by experiences.

Raymond Marineau - 39 Deerfield Road: I abut right up to the back of your property like you already know. I don't have the 40 some odd years as this gentleman but I have 30 years of experience as an HVAC guy doing all types of industries from heavy oil to gas, you name it, I've done it. A couple of my concerns are, talk about inspections, inspecting the site. Are you guys certified for this? Just like we have to be for the gas industry? L Maintaining the dykes and watching the caulking joints? Like a 30-Horse Boiler or a 100-Horse Boiler, are you going to pull those release valves and have them maintained and certified? Are you pulling the relief valves on the propane tanks? A 100-horse boiler.

B. Coluccio: I can answer that. The tanks have redundant pressure relief valves and as part of our process through Stantec, we are going to replace those valves every ten years. But whereas most of these things that we have heard about tonight, have one pressure relief valve, these have three. Redundancy is the key. That is why there have been no BLEVEs.

R. Marineau – Okay, another question on the relief valves, are they reset and release valves or are they like a rupture disk, where once they perform their safety function, they just take off and don't reset, so then you lose the capacity of the tank or once that pressure gets back down to a safe level it reseats? It's a resetting relief valve? And then we also asked during that walk we had about a month back; our concern is seeing these things through the trees. I mean, they are basically big white tanks, kind of like what Palmer has down the road headed towards Raymond. So, I mean, having some type of vegetation management so we don't see them.

C. Swiniarski: We will be okay with providing some vegetative screening as well, but it is typically handled at the site plan but we understand that and things like that are relatively minor to us, not minor in significance but it isn't something we are going to bicker over.

R. Marineau: My major concern is, I've got my whole family on my property. From my grandkids right down to my wife and my own kids. So having this in my back door. Oil burns. Propane explodes. This is being engineered and made by men / people. It happens.

J. Szot: There is more information that you have to get to us. You have to review Bryan Ruoff's recommendations and then you are going to come back to us with that at the next meeting?

C. Swiniarski: Yes, and I think we were also going to get the report from Bob Panit. Are we generally getting all reports that are submitted.

B. Chivers: Well, that is the only one generated by the town so far.

C. Swiniarski: We will definitely take a look at both of those and try to address all of the concerns. The one thing I would say, and I am not 100% sure yet because I haven't seen them. I am not completely sure we could do it in the time between now and the next meeting. So, we may have to tell you that we need more time. I just don't know.

B. Chivers: You are going to extend that 90 days again for us?

C. Swiniarski: Yeah, I already extended it for as long as necessary.

J. Szot: We are in to March already and I know that is something that we would like to get done. Bryan Ruoff gets his stuff to us in a week and you dump 95 pages on us five weeks later...the more that we continue this, we have people that come here, and they finally just stop coming.

C. Swiniarski: If people want to come, they will come. It is not our intention to delay. The most important thing. We will make every effort.

J. Szot: I think you are asking to be continued until April 23rd? April 23rd. If it turns out that it's just not doable, we will address it at this time.

B. Chivers: I would like to ask Chief Young. Dean do you have a written statement you want to provide this Board as part of the record so we can give it to the applicant and take it in as part of the record?

D. Young: A written statement? I signed something that Chad wrote up.

C. Swiniarski: I have it and I'll submit it to the Board. I just received it tonight.

B. Keena: I have a question for Bob Panit. You mentioned that we had to consider terrorism. You mentioned 9.11 was inconceivable until it happened. Does the proposed location and its proximity to the core of the town and the children of our town increase its value as a terrorist target?

B. Panit: Yes, it does.

R. Marineau: One of the first speakers had mentioned something about a hazardous zone being within so many feet of this.

B. Coluccio: The fire safety analysis addresses hazard distances. Usually, the furthest distance is actually what is called a vapor cloud. Meaning that if the hose, in the scenario that we have, if that hose were to burst and the propane in the house would be released then theoretically, that would be the, the distance of the vapor cloud would be where you would have the edge of that vapor.

R. Marineau: So, what are those distances.?

B. Coluccio: Off the top of my head, I think it was in the 250 range. The garages for the two Deerfield properties are well outside the vapor dispersion distance, the houses are even further. It's not likely that it would impact those garages.

R. Marineau: In my garage, I actually have an in-law apartment above it.

B. Panit: The 250-foot measurement was used for the data.

R. Marineau: If you are doing safety inspections for the caulking on the dykes, safety relief valves, what kind of training, are you going to be doing month to month, quarterly, biannually, annually inspections, what kind of training or certifications.

B. Coluccio: This is all delineated by the NFPA. They do annual training. Anybody new has to be trained and I provide that training. I don't know if they will use me to do it or not. There is a monthly inspection that the owner does of all of that caulking. DES has, every 10 years, you have to have an inspector come in and do an inspection.

J. Wenzel: The staff that we have are trained on what to look for in the facilities that we have and the equipment that we use. We are required for all of our hazmat employees to provide training for them and function specific training which would include the facilities that we are discussing.

R. Marineau: Okay because as of right now, the only storage facility you have is that one.

J. Wenzel: The existing oil, yes.

R. Marineau: So, the propane will be something completely new for you.

J. Wenzel: Well, we operate a propane business now. We currently load at other propane facilities where we are trained in this same, very similar facilities. So the transition won't be very... (rustling papers and coughing)...

R. Marineau: I just assume that there will be a difference between loading and offloading...(more rustling papers)

J. Wenzel: There will be but the training that we will have as a staff and be privy to will be okay for the facility that we have. We are not going to install a facility that we are not going to be trained on and understand how things work at it.

G. Pellegrino: You mentioned that you have another propane facility?

J. Wenzel: As a propane provider, we need to get propane from somewhere. Two different facilities.

G. Pellegrino: Where are those located?

J. Wenzel: Um, does the location matter?

G. Pellegrino: I'm asking a question.

J. Wenzel: In Auburn and one in Contoocook.

G. Pellegrino: So why can't you expand there?

J. Wenzel: Because they are not our facilities. We buy propane from another propane provider.

J. Szot: We will continue this meeting until April 23rd.

J. Szot: **Motion** to continue this meeting until April 23rd. W. Keena: **Second**. All were in favor. **Motion passed.**

Other Business:

- Review of Minutes
- Any other matter to come before the Board.

T. Steinmetz: I make a **Motion** that we recommend William Keena as a full member of the Board. R. Howe: **Second**. All were in favor. **Motion passed.**

We will send the letter and postpone the election.

Art Gosselin: I just want to apologize.

B. Chivers: We recognize true passion when we see it and we appreciate it.

B. Chivers: I make a **Motion** that the minutes of 2.27.24 be accepted as masterfully presented by Amy.

T. Steinmetz: **Second**.

R. Howe: There is one correction. I was not here on the 27th.

B. Chivers: Let me withdraw my Motion.

B. Keena: Motion to accept the minutes as amended. G. Pellegrino: **Second**. All in favor. **Motion passed.**

Motion to adjourn: B. Keena. **Second**: T. Steinmetz. All were in favor. **Motion passed.**

Meeting Adjourned at 9:00PM

Respectfully submitted,

Amy M. Spencer

Land Use Coordinator

cc: file