

**TOWN OF LOUDON  
ZONING BOARD OF ADJUSTMENT  
MINUTES OF SEPTEMBER 24, 2015**

Vice Chairman Ned Lizotte called the meeting to order at 7:00 p.m.

**ROLL CALL**

The following members were present: Howard Pearl, Ned Lizotte, Earl Tuson, and alternates Charlie Aznive and George Saunderson. George Saunderson was appointed as a voting member in the absences of Dave Powelson. Charlie Aznive was appointed as a voting member in the absence of Roy Merrill.

Deputy Chief Bill Lake and Chief Rick Wright represented the Fire Department.

**ACCEPTANCE OF MINUTES**

Regular Hearing – **Howard Pearl made a motion to accept the minutes of August 27, 2015 as presented; seconded by George Saunderson. All were in favor.**

**DISCUSSIONS**

Route 129 driveway – Bill Lake, as the new Building Inspector/Code Enforcement Officer, explained to the Board that he was recently asked to do a final inspection and issue a CO for a new house on Route 129. The property is currently owned by Ray Dumont. Mr. Lake said he had a complaint that the driveway was not built correctly; therefore, he had someone from the State DOT come out to look at the driveway. It was determined that the driveway does not comply with DOT specs but they have a year before it is signed off. The State representative said it should not hold up the issuance of the CO, but Bill's question is if it has to meet town regulations in order to issue the CO. Ned Lizotte said the Board cannot offer a definitive answer as they do not have an application in front of them; he said he would allow ten minutes for discussion. Bill Lake said he met with Mr. Dumont and the State on Wednesday, when he learned that they have a year with the State. He said Mr. Dumont said he would take care of it and then asked if Mr. Dumont has to meet the town regulations from 6' back. Howard Pearl asked if he was correct in understanding that the State deals with the ROW and the town from that point back. Ned Lizotte stated that the town's regulations are pretty specific; he read Section 208.4 of the Zoning Ordinance. Mr. Lake asked if the driveway has to meet those as well as the State regulations or if on a State road, only the State regulations. Howard Pearl asked about the State's criteria. Ray Dumont stated that the State is stricter. Bill Lake said the State requires a 3" grade, not 2" like the town.

Roy Merrill arrived at this point of the discussion; Charlie Aznive will no longer be a voting member. Howard Pearl said he feels the Board would have no issue with issuing the CO if the driveway meets the town's requirements. Ned Lizotte said the State has jurisdiction; the town has to be attentive from that line in with regard to access and safety. He said if it meets town regulations the ZBA would approve as it meets the conditions. Bill Lake said it would appear that Mr. Dumont would be all set then because the State is more strict. Roy Merrill said he has not seen Mr. Dumont meet the 6' yet. Howard Pearl said that has to be determined and as long as Mr. Dumont meets that he would not want to hold him to any stricter regulations than anyone else. He said that is the only fair way to approach this matter. Mr. Merrill said the town has held others to meet the 6'. Ray Dumont asked Mr. Merrill if he generally goes around town measuring driveways. Mr. Merrill said the Board has, especially on a State road when they are steep and need to meet the town's regulations. The

vice chairman asked Mr. Lake if he had further questions. Mr. Lake said he was all set. Ray Dumont asked to make one further comment. He said he is tired of people giving him trouble over this subdivision, and he does not want any member of the ZBA, Planning Board, or Selectmen on his property without his permission. He said anyone who goes on his property without permission will be considered to be trespassing and will be arrested. As an abutter, Earl Tuson refrained from participating in this discussion.

## **PUBLIC HEARINGS**

Application #Z15-17, ABJEH Realty (formerly known as N E Flower Farms) – Special Exception for 30,000 gallon storage tank, Map 50, Lot 6, C/I District. Tim Bernier from T F Bernier Inc. represented the applicant. There were no abutters present. Chuck Tower of The Linde Group and Bob LaDue, head grower for Pleasant View Gardens/NEFF, were present.

Mr. Bernier explained that The Linde Group will handle the tank as well as provide the CO<sub>2</sub>. He gave an overview of the project and the location of the tank. Bill Lake said he spoke with the State fire marshal's office about the proposal. It was determined that the system needs to be monitored inside and outside. Mr. Lake said he had questions on that and a warning system at last month's meeting but the gentleman in attendance was unable to address them. Bob LaDue explained that he has fifteen years of experience in greenhouse operations. He said most use CO<sub>2</sub> as part of photosynthesis. He said they maintain an ambient level to maintain growth, and they are operated with a control system. Mr. LaDue said the lights, shades, and heating/cooling system are all part of the equation. Some valves would be opened if necessary to bring the house to the level needed. He said there is an alarm system of lights and horns on the houses; it calls the principal employees. Mr. LaDue said it is very difficult to get to unsafe levels for the units; the houses are not airtight.

Chief Wright asked if there is a gauge for the department to see upon arrival. He also asked what the normal level would be. Mr. LaDue said 350ppm would be normal. He said they would like to go to 1000 ppm, allowing them to use less lighting which in turn decreases CO<sub>2</sub> usage at the power plant. The chief asked if people can work in that. Mr. LaDue said yes and that our breath gives off 40,000 ppm. Bill Lake said the department has to have a plan for the worst case scenario, a catastrophic failure. Mr. LaDue said the delivery rate would be set by a regulator. The distribution system allows only what is wanted; orifices in the lines limit the flow. He said if there was a leak the gas would take the path of least resistance, go down the slope and dissipate.

Mr. Tower said he does a site inspection, looks at the proposed usage, and determines the tank size. He said they do not want to put a larger tank than is needed. He said they work with the company to determine the cubic feet per hour and put in the system. He said the tanks are 6-ton, 12-ton, 14-ton, and 30-ton. There will be bollards and fencing around the tank to prevent it from being hit. Mr. Tower said the fence will be key-locked; Mr. LaDue would have a key and Linde would have a key. He said Linde has a 24/7 monitoring system. If there is a leak, Linde is called. They will know immediately how much is in the tank and the pressure. There will be a safety graph at the monitoring center. Mr. Tower spoke about CO<sub>2</sub> systems they have in Cambridge, many with bio-tech facilities. Ned Lizotte asked if there would be a containment berm. Mr. Tower said berms are generally used if within 20' of a catch basin.

Tim Bernier pointed out that this is CO<sub>2</sub>, not carbon monoxide. He said it is not poisonous. There is generally a slow reaction if exposed, including dizziness and headache if extremely large quantities. Roy Merrill asked how big of an area would be affected if the CO<sub>2</sub> runs out of the tank. Bill Lake asked about the distribution system. Bob LaDue said the pipe is 4" with tiny holes. He said this will be a gas, not liquid. Mr. Tower explained that the only liquid would be from the tank to a small electric vaporizer, about 4' of pipe. He said it goes through a heat exchanger and turns into gas.

Chief Wright asked about outside monitoring. He asked if there is a central alarm and if the fire department would be called. Tim Bernier suggested that maybe the fire department could be called if the gas reaches a certain level so they are not getting calls with every fluctuation. Mr. Tower said Linde could do safety training. He said most concerns are on flammables; he has not seen any on CO2. Bill Lake said he has two questions: 1) How will the department be notified if there is a major release? 2) How can the department know going in that it could be dangerous and they need SCBA? He said maybe there could be a strobe on the outside for the fire department. Charlie Aznive suggested that there might be a way to do some sort of monitoring system for the fire department to see as they are entering the property. Roy Merrill said he feels the Board is in agreement with the plan if the fire department is alright with it. Tim Bernier said the greenhouses are created to exchange air very quickly. He said if there was an issue inside they would open the ventilation system, opening vents, etc. He said they will determine the specs and work with the fire department.

It was clarified that the proposal is for a 30-ton tank, not 30,000 gallons. A 30-ton tank equates to approximately 4,500 gallons.

**Roy Merrill made a motion to approve the application as a 30-ton tank with the condition that the fire department signs off on the safety issues; seconded by Howard Pearl. A roll vote was taken: George Saunderson – yes; Howard Pearl – yes; Roy Merrill –yes; Ned Lizotte – yes; Earl Tuson – yes. Unanimous - PASSED**

### **ADJOURNMENT**

Howard Pearl made a motion to adjourn the meeting at 7:56 p.m.; seconded by Earl Tuson. All were in favor.

Submitted by,

Donna White  
Administrative Assistant