

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

**MINUTES  
February 14, 2017**

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

The Zoning Board of Adjustment met at the Chesterfield Town Office on February 14, 2017. Riendeau opened the meeting at 7:34 p.m. by welcoming everyone and explained the process of the meeting.

**Hearings:**

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

MacQueen stated that XNG provides compressed natural gas from pipelines and brings it to industrial commercial users who live too far away from the pipeline to utilize it. He noted that XNG has facilities in New York and Maine. He stated that he is proposing to have a swap yard/terminal on that property for approximately 20 trailers entering and exiting the lot daily, with one tractor trailer dropping off a trailer and another tractor trailer taking it another direction. There would be no more than one or two trailers in the lot at one time from November through March primarily. The swap would be just a place to exchange trailers. XNG has a group who does the delivery scheduling from their Stratham, NH office. The operating hours are 24 hours/7 days per week with the peak traffic during daylight hours. There will be no one on site to man the swap yard. MacQueen noted that there is a hard packed dirt lot with no parking spaces delineated. There is a structure on the property that was previously used as a loading dock. XNG will be using that space to swap trailers. MacQueen noted that not all four acres are usable without removing some trees.

MacQueen stated that the tractor trailers are standard 18 wheelers, with the trailers being 40 feet long. MacQueen noted that most of the trailers should not be on the site for more than one hour for the exchange. On occasion a trailer may be there for no more than one or two days.

Riendeau asked how the safety devices work on the trailers. MacQueen replied that he discussed safety features a few weeks ago with the Chesterfield Police Chief and the Fire Dept. Chief. The trailers automatically vent through the back, in the event that one of the cylinders is compromised and the load will vent straight up. MacQueen noted that XNG has a consultant who can provide evacuation information. XNG has a swap yard and maintenance facility in Vestal, NY. MacQueen stated that he could provide data information on the New York facility. The Chesterfield facility would provide service to Vermont, New Hampshire and Maine customers.

McKeon noted that there may be safety concerns with trucks requiring acceleration time with 40 trucks arrivals and departures making right and left turns at the Route 9/Mill Road intersection. MacQueen noted that there will be no idling of trucks and it should only take approximately 30 minutes to make the swap of the trailers.

MacQueen stated that there is no oxygen in the tanks and the gas cannot ignite while it is in the tank. Roland Vollbehr stated that it is a 5 to 15% of natural gas to one part oxygen.

McKeon inquired as to the long term plan for this facility for expanding. MacQueen replied that XNG plan is for 20 units/40 movements for the five year use of this swap yard. MacQueen stated that XNG is planning on putting up a fence around the facility, most likely would be a chain link fence. He added that no materials will be stored on the site and nobody will be manning the facility.

Lance Zinn asked what the safety record is with the company. MacQueen stated that he is only aware of two accidents and has not been any fires in the CNG trucking delivery industry since the company started in 2011.

MacQueen stated that XNG is not in partnership with Dead River and will not be storing any materials on this site. He noted that there is no home base for the trailers but XNG has mother stations in Elliot, ME, Manheim, NY and a new facility in Forest Lake, PA where gas is being taken from a pipeline and compressed.

July and August could be a peak use time for some of the XNG customers for VT, NH & ME, which may be their peak manufacturing to power their facilities. The November through March schedule is for power in general, MacQueen stated.

McKeon noted that a turning lane may be required, if the additional trucks create an impact on Route 9. Riendeau stated that XNG would need to take their application to the Planning Board, if the ZBA gives approval, with the change in use at this site.

Steve Dumont, Assistant Code Enforcement/Building Inspector came to speak on behalf of Rick Cooper, Chesterfield Fire Chief. Dumont noted that this would be a change of use because this site hasn't been used for over two years. This property would be considered to be a storage facility and not a spot yard for natural gas when trailers would be parked there for 24 hours and that is how it is listed in the NFPA State Law fire code. The Fire Chief has several concerns: fire mitigation with lack of water in that area; tank venting; the area is residential surrounding this property; this is a wooded lot and during certain times of the year there could be a brush fire; the fact that the trucks run on natural gas (which is termed hot seating) and evacuation is 300-600 feet from one of the trailers and takes approximately one hour to vent a trailer (with four tubes of 16,000 cu. ft). Dumont added that natural gas is flammable and toxic and shutting down Route 9 would need to be addressed. Traffic concerns are also an issue.

Nancy Elliot stated that she has concerns of the added number of 18 wheelers traveling over Chesterfield Hill with excessive speed in that area. Elliot noted that there is a natural fire protection agency for parking facilities for vehicles that are powered by compressed natural gas, which is Safety Standard AD8A for parking garages or parking lots. MacQueen stated that XNG is in compliance with all of the standards for anywhere these trucks have to operate or depart.

Tom Duston inquired as to whether this property would require a wetland permit and whether there was going to be any disturbance of wet land. Scott Selvidio asked if there was going to be any security at that location and how would a gas explosion be handled if there is a tank leak. MacQueen replied that there will never be a tractor trailer on site without a driver. Drivers could use the module building as a waiting room while they are waiting for the next driver. He added that the valves on the trailers are secured and he had no concerns with the tanks being breached. MacQueen stated that they would be installing a chain link fence and would be using the existing lighting on the property.

Albert Rydant presented his traffic concerns for the Mill Road area and with the denial by the Planning Board for an application at 22 Mill Road on January 9, 2017 for Dead River Company. Rydant stated that the XNG application is not in the best interest of the Chesterfield residents or the Master Plan. This would also have a direct impact on the surrounding property owners. Rydant noted that XNG has partnered with Dead River Company which sells and supplies their natural gas from XNG's terminal in Baileyville, Maine to commercial and institutional customers. Rydant also had safety concerns of the valves, should a rear end collision occur.

Jeff Scott stated that this is a major site development where this lot allowed transporting of milk products and the request now is for transporting natural gas. Scott also noted that the application does not provide any security and he suggested that the ZBA set up a site visit for this property.

MacQueen stated that XNG and their CNG transport consultant met with Police Chief Chickering and Chesterfield Fire Chief Cooper a few weeks ago to discuss CNG transport concerns and technology. He added that XNG will comply with security breaches on evacuation. MacQueen noted that there is a well on the site but no water will be used for anything more than a bathroom. The fire chief has suggested that XNG install a cistern on the property to provide a water source, in the event of a fire. Denise Higgins stated that she would like to see something else, other than a weigh station, going into that property that would benefit the residents of Chesterfield. Nathan Antaya inquired as to how excessive dust is measured as in Art. II Sec. 206.1a and would that require that the parking lot be paved. Riendeau replied that would be addressed through the appropriate board, whether it is Planning or Code Enforcement. Nancy Iklee requested that, if the application is passed, that it be passed under condition that Cross Road is not used for trucks entering and exiting.

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

Riendeau stated that a special exception requires that the applicant is in compliance with all findings listed in the Zoning Ordinance.

*McKeon moved to do a site visit and asked for the Planning Board safety calculations and get data from the XNG New York site for tracking trailers and the numbers. Oot seconded the motion, which passed unanimously.*

The board will get the traffic study from Planning Board, if one was done previously for Dead River for the next regularly scheduled monthly meeting. Selectboard Representative, Norman VanCor stated that there was no official study done by NHDOT at that particular site. The number of trucks given, both coming and going, and based on that, they stated that there wouldn't be any need for a full blown study. Materials will be requested from XNG before the

next scheduled monthly ZBA meeting to include the maximum and number and duration of vehicles and trailers parked or stored on site at one time and the number of tractor trailers entering and exiting, and peak times, from their New York site.

*McKeon moved to schedule the site visit on March 4, 2017 at 9:00 a.m. at 19 Mill Road. Oot seconded the motion, which passed unanimously.*

*Davenport moved to schedule the next ZBA monthly meeting to March 21, 2017, due to a voting conflict. Evans seconded the motion, which passed unanimously.*

### **Review Meeting Minutes**

- **December 13, 2017**

*McKeon moved to approve the December 13, 2016 meeting minutes as amended. Oot seconded the motion which passed unanimously.*

### **Other Business**

- Land Development books – Handouts – All members received an updated Land Development book.
- Office of Energy & Planning books - The board will have only two copies ordered.
- March 7 – ZBA Seminar – Right-To-Know Law @ Keene Public Library 6-8 p.m.
- Old Town Office building – A letter was read from the Selectboard announcing that they are seeking anyone interested in using/leasing the old town office building.

*Riendeau moved to make a change in the Rules of Procedure for Section IV Officers for paragraph A and B to change the word March to January in both paragraphs. McKeon seconded the motion which passed unanimously.*

The next meeting is scheduled for March 21, 2017.

**Adjourn:** *McKeon made a motion to adjourn the meeting. Oot seconded the motion, which passed unanimously.* The meeting adjourned at 10:32 p.m.

Respectfully submitted,  
Patricia Grace  
Secretary

Approved

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Burt Riendeau  
Chairman, Zoning Board of Adjustment

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Date