

Approved



**PLANNING BOARD**  
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**Meeting Minutes January 4, 2011**

Meeting called to order at 6:33 pm

Members in attendance: Bob Bourdeau, Tom Gray, Brian Boyers, Joseph Michaud, Peter Hayward, Tim Molinero, Robbie Parsons, and Bob Graham, Alternate.

Public in attendance: Cynthia Wyatt, Charlie Karcher, Mark Popham and Tupper Kinder.

Public Session: Chairman Boyers opened the public session. There being no comments or questions, Chair Boyers closed the session.

Discussion of proposed changes to the SDR's to provide updated and appropriate information. This discussion was previously held at the 12/21/10 meeting and the SDR's were approved by a unanimous vote of those in attendance at that time.

Zoning Amendment #1: The proposed amendment is to update and reclassify procedures regarding signs into the Milton Zoning Ordinance. Chairman Boyers reminded the Board that Mr. Larry Brown had attended the previous meeting and stated his concerns and made comments in regards to possible additions and or changes to the proposed ordinance. Chair Boyers then inquired if any of the Board had further comment, questions, or concerns regarding Mr. Browns statements or any of their own.

**MOTION:** Robbie Parsons moved to approve placing Zoning Amendment #1 on the Warrant for March 2011 voting as written. Seconded by Joseph Michaud. Motion carried unanimously 7-0.

Zoning Amendment #2: The proposed amendment updates and clarifies definitions within Article II of the Milton Zoning Ordinance. Chairman Boyers reminded the Board that the two definition changes within the ordinance will be the words abutter and subdivision as they are presently written in the SDR's.

**MOTION:** Tim Molinero moved to approve placing Zoning Amendment #2 on the Warrant for March 2011 voting. Seconded by Peter Hayward. Motion carried unanimously 7-0.

Approval of meeting minutes from December 21, 2010. Robbie Parsons moved to accept the meeting minutes as written. Seconded by Joseph Michaud. Tom Gray and Bob Bourdeau abstained from the vote as they were not present. Motion carried 5-0 with the 2 abstentions.

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Other Business: Solid Waste Solutions (SWS) spoke on the table of uses as found in the Milton Zoning Ordinance, regarding the adding of language in respects to recycling and transfer stations to the MZO. Attorney Tupper Kinder spoke on behalf of SWS regarding a proposal with BOS for a Sanitary landfill to be placed in Milton. He turned the floor over to Mark Popham from the Project Development and Management department, to speak on this project and why they are asking for a zoning clarification. Mr. Popham stated that they are a municipal solid waste company based out of Massachusetts. The largest landfill facility which they operate is in Northampton, Massachusetts and is operated on behalf of the municipality. Mr. Popham then gave a brief overview of the other facilities which they oversee or own, including Warren and Hadley, Massachusetts and a composting facility in Bellingham, MA which was the site of a previous landfill. He continued to state that SWS holds interests in solid waste and recyclables management companies.

In continuation, he made those in attendance aware that the focus of the project proposed for Milton would concentrate on a modern day landfill facility, composting, and recycling on site. The property they are proposing the activity on is commonly known as the Paey gravel pit on Piggot Hill Road. They (SWS) have done some aerial work and mapping of site to get topography, and it is a 229 acre parcel which is a sizeable property to consider for such a facility. One of the key aspects is to ensure enough buffer area from abutters to promote neighbor harmony. Another key feature is that it has an active borrow operation on the site (gravel pit) and property is not pristine with a railroad and state highway for easy access and egress. There is also another consideration that with the acreage there could be some ancillary alternative energy operations on the site with a PSNH substation already located  $\frac{1}{4}$  mile from site. One of the things in developing is how big of a landfill makes sense as an operating company. They would look to utilize approximately 500 to 600 tons of waste per day to develop enough revenue to comply with regulations. While recognizing that in order to try and run this at a higher level they would have to cast a bigger net to bring in waste from further away and possibly other states. They can get a good amount of NH solid waste in this facility and market conditions are good with other facilities are running out of space. In terms of size it is substantially less than the site in Rochester owned by Waste Management. They would be using approximately 54 acres for the actual site and they would potentially utilize other portions of the site for other industrial sites and maintain buffers while recognizing wetlands. One of the offerings is to embed a full development plan or conservation plan within the scope. Essentially the state requires a 500' setback from any solid waste facility from any residents. They would enter the proposed facility through a separate parcel across 125 that the Paey's own and would take the existing activity off of the roads presently used and put them at a new crossway from 125 saving the town from heavy activity on Allen Hastings way. The intent is not to do a tremendous amount of work to the property and would be looking at mimicking the slope for site preparation while staying within their mandated setbacks without excavation on a large scale. SWS is further proposing in the Host Community Agreement to help the town DPW with materials.

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Mr. Popham then moved to another placard showing the intended plans and the final grades of maximum peak about 110' which is approximately the current elevation. One of the things SWS is looking to do is have the facility match the character of the town and they are aware we (the Town) do not want people seeing this from miles away. They actually had a higher elevation and then found when floating a balloon and with photographs they did not like the results and reduced it to 110'. Mr. Popham displayed a poster showing the results of the balloon release to show how the grade would be from distances and from neighboring properties. He reiterated that no one (abutters) will see this landfill even at completed and the possible lone place it would possibly be viewable from is the 16/125 intersection and would only be a glimpse approximately 15-17 years down the road. An aerial photo was displayed to show the actual area as it presently is. It was further noted by Mark Popham that the areas to be used are the sites already being used by the Paey's for their operations.

Mr. Popham mentioned there are some cross sections where the grade is "hummocky" and they are looking to make it a straight without reducing the grade. They would be working with 5-10 acres at a time (cells). DES is involved in every stage and aspect and if they were to start the process today it takes close to a 2 year time frame before there is any operation due to federal reviews, DES reviews, and Wetland protection. He noted that there is a long ways to go before any of this would come to fruition and the other boards and the Conservation Commission is integral to this plan. There has been preliminary works done and they feel this would be the best site. In order to vest the money they need a receptive host community which is why they have done preliminary work, approached the BOS, and now approach the PB.

Mr. Kinder stated that he appreciates the PB listening and he is sorry it is at such a late time. He stated that this is a highly regulated project from the state prospective with DES and other governmental agencies, and is also very expensive for the preliminary work which is why they have come to the host community to make sure they are receptive. He stated that the MZO is vague even though the wording is there. There are some definitions which show a permitted use in the zone we are speaking about which would need clarification. He has spoken with Jerry Coogan and come up with a potential Zoning Ordinance Warrant Article which would clarify the uses. It is suggested to add a definition of Environmental Use, and then amend the table of uses to indicate that these environmental uses would be allowable. He feels this would be easily understood by the people in town. There are substantial benefits to the town, getting rid of towns solid waste, town gets a per ton payment for waste that goes into the landfill and possible relationships between the town and other operators for fill materials at little to no cost. They are looking to discuss the change with the PB tonight and realize there is a time crunch at this time and recognize that it would need to be posted by January 7, 2011 with another public hearing held.

Chairman Boyers stated that the presentation is great as a conceptual and asked if it would come down to a site plan review. Jerry Coogan stated that yes, if this is accepted at the MZO level, they would have to come for a site plan review. M. Coogan clarified that in order to be effective, this definition and change to the MZO needs to be accepted.

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Mr. Popham stated that they (SWS) have offered to reimburse the town for attorney and third party review.

Robbie Parsons inquired about potential leaching. Mark Popham stated that any liquids would run into double walled tanks and then is hauled by an in place contract with a treatment plant. Mr. Kinder stated that these are scientifically based operations and there is a double liner so that if any leaching breaks through the first collection system it would be held back by the second. They do not take in hazardous waste or liquid waste.

Robbie Parsons then inquired about potential smell emission from the site and commented that ultimately Waste Management has had issues with smells on nice summer days of over a mile.

Mark Popham stated that there will be a difference in size between the two sites and that WM is the largest in this part of the country, he has never worked a site that big and the technology that is mandated to be utilized today is very different from when that landfill was opened. This is called a green field landfill. Mr. Popham has been involved in one site where the gas management systems have been built as the cells are built which is very odor control effective and this site provides enough area for waste to be dispersed easily to manage odors. The state has adopted a policy that states they require an add mixture of soils that stops the odors. The company has operated landfills where odor control is priority one (Northampton, MA has a zero odor policy). The size of the Northampton site would be on a similar scale to the proposed site in Milton.

Robbie Parsons inquired how long they (SWS) have been overseeing the operations in Northampton. Mark Popham stated that SWS has been involved for approximately 6 years.

Bob Bourdeau stated that the crux of the matter is that this has been brought forth in the last hour with a project that admittedly they said will take a few years to produce.

Tupper Kinder reminded the Board that they would need to start here because it is a great expense to the company and would not want to spend all of these fees if they cannot get permitted at the local level.

Mark Popham stated that when a company is looking at doing this, first they go to the state and the state then sends you back to the town.

Bob Bourdeau inquired how without site review process, would we (the Town) know if we want the company here. Tupper Kinder stated that if zoning is modified it COULD be approved by the Planning Board but is not a definite. Even noticing that there is a proposed change does not mean any change to the status quo, And to let the public speak about this and give their opinions on a meeting on the 18<sup>th</sup> would be a good start. This is primarily to get a potentially “win win” product for the town and company on the table.

Chairman Boyers stated that if this goes on the Warrant article, this then makes all Industrial Commercial zones subject to this type of enterprise, and inquired why they would not just opt to

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apply for a variance. Mr. Kinder stated that as we are all aware, there are many legal ramifications with a variance and could tie it up for many years. He stated that he and Jerry Coogan spoke on the matter and believe that this would be the simplest way to go.

Chairman Boyers stated that one of his main concerns is the last minute approach to the town. Mark Popham stated that last night was the first time they had met with the Selectmen for a formal meeting.

Bob Bourdeau stated he feels comfortable in some aspects and that realistically this is the largest property to support this. He feels that in the IC zone this is the only property which could support something of this size.

Attorney Tupper Kinder stated that the state permitting process makes applicants demonstrate a public benefit and feels it would be hard for another company to compel the state to believing that.

**MOTION:** Bob Bourdeau moved to notice the public and hold a public hearing on January 18, 2100. Seconded by Joseph Michaud.

Tim inquired why they could not word some of the proposed warrant article differently and mention environmentally important uses.

Mark Popham stated that it makes sense for a 5 acre landfill with this life and capacity to assume there could be landfill gas to electricity generation. Tim asked why so specific in solar, wind etc.

On an ample site, there is quite a bit of interest in solar power. In MA one site in Greenfield, MA has started putting solar panels on landfills without penetrating the cap and will start construction in January and will go to the towns transfer station and then being sold to Western MA electric.

Tom Molinero suggested again that if they were to use the term alternative electrical generating facilities in the wording, if that may be better and more appropriate language.

Bob Bourdeau stated that at this point it is not going through site review and the PB and Town really need the towns peoples input on the way that this should go.

The motion was called to the floor again.

**MOTION:** Bob Bourdeau moved to hold a public hearing on the proposed warrant article as being presented. Seconded by Joseph Michaud. VOTE: 7-0 carried and will go to public hearing on the 18<sup>th</sup>.

Motion: Bob Bourdeau moved to adjourn. Seconded by Tim Molinero. Motion carried 7-0.

Respectfully submitted,

Wendy L. Keane,  
Land Use Clerk