

**TOWN OF GREENVILLE, NH**  
**SELECTMEN'S MEETING**  
**February 22, 2012**  
**Minutes**

**5:00 p.m. Open Meeting**

Chairperson O'Keefe made a motion to open the meeting at 5:00 p.m. Selectperson Blease seconded. Motion passed.

**In Attendance:** Chairperson O'Keefe, Selectman Blease, Selectperson Bergeron, Town Administrator, Kelley Collins, and Town Council Biron Bedard. In the Audience: Ted deWinter, Martin Pelletier, Chad Brannon with Fieldstone Land Consultants, Attorney Morgan Hollis, Mark Winslow, Brian Winslow, Leon Proctor, Bob McCreery and several other interested citizens

**6:30 p.m. Meet with Town Attorney**

The Board met with the Town Attorney from 6:30 – 7:00 p.m.

**7:00 p.m. Public Hearing on junkyard permit for Mr. Martin Pelletier a/k/a Money for Metals**

Chairperson O'Keefe read the public notice into the record (see attached). Chairperson O'Keefe made the motion to open the public hearing at 7:01 p.m. Selectperson Bergeron seconded. Motion passed.

Chad Brannon with Fieldstone Land Consultants gave an overview of the project including March 10, 2011 local subdivision and site plan approval, June 22, 2011 state permit for the facility for a Scrap Metal Collection and Recycling Centers, August 15, 2011 special exception from the Zoning Board of Adjustment allowing existing trailer to be used as a residential use in the Commercial District and November 2, 2011 approval from Zoning Board of Adjustment for Certificate of Location. (see attached cover letter from Fieldstone Land Consultants, that was part of the application for this hearing). Mr. Branon stressed that junk cars full of fluids will not be on this site as their NH DES scrap metal permit does not allow it.

Attorney Morgan Hollis, reviewed his "Memorandum in Support of Application for Junk Yard License Submitted by Martin Pelletier D/B/A Money for Metals at Map 02, Lot 37-1, 426 Fitchburg Road, Greenville, NH" Mr. Pelletier received a DES permit for a scrap metal collection and recycling center. The permit was issued on 6/22/2011. Mr. Pelletier has obtained approval for site plan improvements to the property and in addition obtained a special exception from the Zoning Board of Adjustment to allow the existing on site trailer to be used for residential use. Mr. Pelletier and his attorney do not agree that Money for Metals requires a junkyard permit.

The site is approximately 5.5 acres zoned commercial. Town zoning requires 15 ft side and rear set backs. It is serviced by sewer and a well. The entrance is gated. The site is surrounded by commercial property which is vacant. On the west side of Route 31 there is a cemetery and municipal lot. If you are traveling north to south on Route 31 it is naturally buffered by a 12 ft berm and site sits 10 feet below that. If you are traveling to the south on route 31 the green represents a woodland buffer. There is also a 20 ft elevation difference. The only visual of site is at the entrance.

If you drive in on the right is a mobile home, then the scale. The building to the right of scale is the office and soft metal storage and processing area. To the east is heavy metals area and metals are stored there. Further to the east is the drainage area and there will be a storm water storage area. Once material is received and collected it is broken down, cut, baled, etc. Some materials may need to be broken down. The product is then trucked off site. The permitting for this facility cannot accept dirty metals, mercury switches, etc. Scrap metal are lower risk and do not present hazards which is why they are permitted by the State. Their permit allows them to take 29 tons of material daily and 2000 tons of material stored on site at any one time. Attorney Bedard asked where the 2000 ton limitation is located in the permit and Mr. Branon was unable to locate it – the only limit is the 29 tons per day. Hours of operation were permitted by Planning Board as Monday through Saturday 7 to 7. This project meets all setbacks. They have a certificate of location from ZBA. Historical uses of property are consistent with this use. Sawmill, vehicle repair, etc. In summary they believe it is compatible with previous uses. In reviewing

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zoning regulations, Greenville has no specific requirements for junkyards. Given the absence of specific requirements for junkyard this meets commercial setback requirements.

The only section of RSA 236:123 they are looking for relief from are the fencing requirements. Mr. Branon outlined the requirements of RSA 236:123. They believe that 236:123 references motor vehicle recycling yards and not scrap metal yards.

Attorney Hollis represents Martin Pelletier and his business. As Chad Branon has outlined they are here for a junkyard permit. Attorney Hollis outlined Mr. Pelletier's actions. There is obviously a difference in opinion on whether this is a junkyard or a scrap metal yard. This issue is before the courts. They think they can comply and meet all of the requirements. They are asking for a specific use of a scrap metal use and most importantly to the approved site plan. They are reserving their rights. This is not an automotive recycling yard.

RSA236:115 requires a description of the land (this was submitted to the planning board as part of the site plan) and a certificate of compliance with best management practices established by the department of environmental services. They do not have fuels or liquids it is prohibited by their permit. He is in compliance because these do not apply.

**RSA 236:117 Licensing requirements**

Hear the applicant and take into account suitability of applicant to comply. Mr. Pelletier operates a facility in a neighboring town and complies with statutes at that facility.

**236:118 Location requirements**

Take into account the nature of surrounding property, and whether or not the use being proposed can be reasonably prevented from affecting the public health, safety or morals by reason of offensive or unhealthy odors or smoke, or of other causes. The planning board did not think that this affects the public health.

This is within the 660 ft setback however our Greenville's zoning requires 30 ft. and they meet the 30 ft. setback.

Concern over tourist or recreational industries. They don't deny that the local jurisdiction should have control over this. The Town should hear it and decide whether it affects tourism or recreational industries.

Local governing body may consider from what kind of road it can be seen from.

**RSA 236:123 Fencing**

The applicant is asking for relief from the fencing requirements. They understand that they have to apply annually and the town could enforce the fencing requirements, or address other concerns or problems that may come up during the annual renewal process. They believe they should be entitled to some reduction in the fencing.

In summary, many of the requirements affect aesthetics. Most of these concerns are not applicable to this permit.

***For a complete copy of Attorney Hollis' memorandum, see attached.***

Chairperson O'Keefe opened the meeting for public comment

Ted deWinter, Chairman of the Planning Board, who served as a Selectman for 9 yrs, most of those as Chair noted that this applicant came before planning board dotted all there I's and crossed all their T's. Mr. Blease was the ex officio member to the Planning Board from the Board of Selectmen. The vote was for all state and federal permits. Mr. deWinter does not feel it is appropriate for the BOS to require this permit. The planning board has been trying to attract business. They were instrumental in bringing most of the recent business to town, including Country Mile and Haffner's. Hasn't the BOS heard about the unemployment in town.

Leon Proctor has been by Mr. Pelletier's place many times and he hardly knew it was there. He didn't see any chemicals – it is a very clean business. We need as many businesses in town as possible. Let's leave the man alone and let him do his job.

Mark Winslow – under RSA 236:118 and suitability. When Mr. Pelletier bought that property in New Ipswich the cars were stacked 2 high with tires piles everywhere and it needs to be brought up as character that he brought it up to an automobile recycling center.

Tim Washburn has a question about where they would store 2000 tons of material – that is a mountain of material.

Chairperson O'Keefe asked, in terms of the well, is there any intention to test that well? There are no requirements to test this well, but there are some requirements to test the outflow of the storm drainage water. Who monitors and how does it get reported. It was noted for the record that the well is not on the subject property, it is on the lot adjacent to the Money for Metals lot.

Brian Winslow answered that any of the point source or non point source storm water has to be monitored. They are registered with the EPA. It is tested quarterly. NHDES oversees it but it is an EPA permit. It will be tested and taken it to Nelson Analytical labs and they submit that to them and to EPA. What are the licensing requirements for staff. NHDES has requirements - Jason is Level 1, Brian, Martin and one other employee are level 4s. Mr. Winslow has a weigh master license. Without a digital weight everyone would have to be a weigh master. Once a vehicle is determined to be scrap it cannot be on that property. If they pick up contraband - they remove it to their New Ipswich facility.

Attorney Bedard has a question after visiting the site. He thanked Brian Winslow for being very cooperative during his visit. Attorney Bedard gave Attorney Hollis copies of approximately 40 photographs he took during his visit of the site. He also shared these photos with the Board and submitted them as part of the record of this meeting. There is the subject property (Map 02, Lot 37-01) and a spare lot (Map 02, Lot 37-02). It isn't certain where that lot line is when you are standing on the ground on that property. What protects this property from this operation and vice versa especially if it isn't a common ownership? Chad Brannon noted that this was a valid concern. They have set the monuments and gave a parking and access easement. There was an existing foundation. Mr. Brannon thinks it's fair to say that anyone who may chose to purchase this property, in the future, will have full disclosure. Until a use is determined or known it is hard to know what the limits are. There are plenty of vacant properties along Route 31. Attorney Bedard notes this answers some of his concern. There are non conforming pieces on the other lot. It's a concern because there is no barrier and you cannot see the markers from everywhere. Chad – as it pertains to this site, he does know this was at one time a full service auto and diesel building. These are totally separate lots.

Chairperson O'Keefe asked if that lot (Map 02 Lot 37-02) is being used as part of Money For Metals' business. There are some materials being stored on that lot that have nothing to do with that operation.

Chairperson O'Keefe closed the public hearing and the Board informed the applicant that they will take the matter under advisement and notify him when they will deliberate on this matter.

Brian Winslow offered if anyone wants to visit the site just call 878-1170 to set it up.

## **Old Business**

### **Review and discuss status of High Street project, including process for RFQ evaluation**

The Town Administrator made the BOS aware that we received (4) submissions to our Request for Qualifications for engineering services. She suggested using Don Jutton from Municipal Resources, Inc. to put together a panel to evaluate the submissions. He said he could provide this service for \$1500. The Board signed the purchase order for that work.

### **Review and discuss budget, warrant, and/or town report**

The Town Administrator noted that we will need to make an amendment to the Warrant Article regarding the Wastewater Treatment Plant to take into account the work from this year that did not get completed nor billed. This work will be paid for from 12/31 unexpended fund balance as it was raised as part of the \$180K warrant article from 2011.

### **Review and discuss status of research on Sophia's Way**

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Selectperson Bergeron asked the Town Administrator to have Tom Plourde, Road Agent, and Jim Shultz, Code Enforcement Officer, research the history of this road. They could also contact Marshal Buttrick to see if he has any information on this.

**New Business**

**Review and discuss heaters from meeting room**

The Board would like the Town Administrator to send a memo to all department heads, asking them to review that all equipment is the property of the Town. The Board will meet with Emergency Management Director, Tim Johnson, sometime after town meeting.

**Review and discuss new capital expense for wastewater treatment facility**

The Board reviewed the capital expense voucher for the WWTF for \$1550. Selectperson Bergeron made a motion to authorize the Chair to sign the expense from our repair & maintenance for the affluent flow meter. Selectman Blease seconded. Motion passed

Selectperson Bergeron made a motion to authorize the Chairperson to sign the notice of completion for the roof on the drying bed. Selectman Blease seconded. Motion passed.

**Review and discuss selecting an engineer to complete a dredge and fill permit for the culverts on Livingston Road**

The Board gave the Town Administrator permission to pursue a price for preparation of the application from Sean Sweeney with Headwaters Hydrology.

**Signature Folder**

**Review, discuss and approve check manifests**

The Board reviewed, discussed and approved the check manifests.

**Review, approve and sign January 25, 2011 Selectmen's Meeting Minutes.**

The Board reviewed, approved and signed the January 25, 2011 Selectmen's Meeting Minutes

**Review, approve and sign minutes of February 8, 2012 Public Hearing on 2012 proposed Budget and Warrant**

The Board reviewed, approved and signed the February 8, 2012 public hearing minutes.

**Purchase Orders for opening the pool**

The Board did not approve or sign the purchase orders. They would like the Town Administrator to find out if the scraping and painting Warrant Article passes when will they be ready to open the pool. They also would like to know if this work is this part of the Warrant Article?

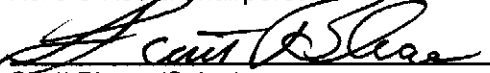
**Adjourned**


The meeting was adjourned at 8:00 p.m.

Submitted by: Kelley Collins/Town Administrator

Approved by:

  
Kelle O'Keefe/Chairperson

  
Scott Blease/Selectman

  
Brenda Bergeron/Selectperson