

Hopkinton Zoning Board of Adjustment
Minutes
January 2, 2008

Acting Chairman Toni Gray opened the Hopkinton Zoning Board of Adjustment meeting of Wednesday, January 2, 2008, at 7:00 PM in the Town Hall. Members present: Charles Koontz, John Boatwright and Harold Perkins.

Due to the fact that only four members of the Board were present, Mrs. Gray began the hearing explaining that a vote of three members is necessary to decide in favor of any application before the Board. Mrs. Gray gave the Applicant the option of postponing review until all five members were present. Following brief discussion, the Applicant agreed to move forward with a four member Board.

I. Public Hearing/Applications.

TH07-4V-12-1 Cyn Environmental Services—Application was a continuation of the December 4, 2007 meeting; whereby, the Applicant had requested a Variance to erect a shed with less than the side and rear setbacks required for the VB-1 (village commercial) district. The property is owned by Raymond Mock, located at 861 Main Street, shown on Tax Map 101 as Lot 3. The application was submitted in accordance with Section 4.1 of the Hopkinton Zoning Ordinance.

The proposed shed will house a blower and equipment associated with the soil vapor extraction system that will be installed on Mr. Mock's property. The intent of the soil vapor extraction system is to reduce ground contamination.

Gary Lynn of NH Department of Environmental Services addressed the Board advising that since the previous meeting, he and Chairman Krzyzaniak, along with a Planning Board member (Chairman Bruce Ellsworth), had viewed a similar site in Hillsboro. At the time, Mr. Lynn had brought along a sound meter. During the visitation, Mr. Lynn measured the sound level in the shed at approximately 85 decibels. He then measured outside of the shed, in front of the doors, at 60 decibels. Approximately 15-feet away from the shed the measurement was between 47 and 48 decibels. Mr. Lynn believed that the consensus of those at the site was that the noise from the blower would most likely not be heard inside a building that is 15 to 20 feet away from the blower. He then noted that the State is willing to install a noise blanket and insulation at the Hopkinton site.

With respect to concerns of potential explosion, Mr. Lynn discussed the Lower Explosion Level (LEL), noting that the maximum reading would never reach the limits for explosion. Initially when the system begins operation is when the highest amount of vapors (approximately 70%) is extracted and then the readings decrease. The vapors go through two charcoal filter systems. There is never enough oxygen or combustible material to cause an explosion.

Mr. Lynn then reviewed the air emissions as a result of the vapors being extracted. He explained how the emission control system works using active carbons. There are two units in which the vapors are dispersed through with the air being measured between each unit.

Mr. Boatwright commended Mr. Lynn on his presentation, stating that he did visit the Hillsboro site and believed that the change in noise measured from 80 to 40 decibels is a large difference.

Mrs. Gray noted that attempts had been made to contact the neighbor who had previously expressed concern with potential fire and explosion; however, the Board received no response.

Ray Mock, owner of the Contoocook Auto Clinic, addressed the Board explaining that he had spoken with the neighbor closest to the proposed shed and he had no concerns. In fact, the neighbor had informed Mr. Mock that he was familiar with the system that was at the Chichester gas station.

Shelley Tamis of Cyn Environmental advised that they would like to operate the system on a 24-hour basis with the ability to modify the time should there be concerns from neighbors. At such time, they would be willing to place a timer on the system so that it would only operate during daytime hours. The Board had no objection.

Mr. Boatwright characterized the noise of the blower as being similar to a three-phase motor, noting that the system may be more tolerable as there is no variation in noise.

At this point, public testimony was closed.

A motion was made by Mr. Koontz, seconded by Mr. Perkins, to approve the application with the understanding that the Applicant is responsible in addressing any future concerns with respect to noise created as result of the operation of the blower that is to be housed in the shed. Note: Blower is necessary for the operation of the soil vapor extraction system which has been developed as a Remedial Action Plan for the site (Contoocook Auto Clinic). Motion carried unanimously (Gray, Koontz, Perkins and Boatwright). The Applicant adequately addressed the standards for a Variance set forth in paragraph 15.8.3 of the Zoning Ordinance.

II. Review of the Minutes and Notices of Decision for October 2 and December 4, 2007.

Motion made by Charles Koontz, seconded by Harold Perkins, to approve the Minutes and Notices of Decision as presented. Motion carried unanimously.

III. Adjournment.

Acting Chairman Toni Gray declared the meeting adjourned at 7:25 PM. The next scheduled meeting is Tuesday, February 5, 2008, at 7:00 PM, Town Hall.

Karen L. Robertson
Planning/Zoning Director

Pursuant to New Hampshire RSA 677:2, any party to the action or proceedings, or any person directly affected thereby, may apply for a rehearing. Application, in writing, must be submitted to the Zoning Board of Adjustment within thirty (30) calendar days beginning the date upon which the Board voted to approve or disapprove the application. Such a request must set forth the grounds on which it is claimed the decision is unlawful or unreasonable. The Board must decide to grant or deny the rehearing within thirty (30) days.

