

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 22, 2024

- Call to Order:** Chair Denis Hebert called the January 22, 2024, meeting at 6:00 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Ben Johnson; Jim Weiner and Peter Welch; Alternate Board members, Jill Semprini and Rick Stern; Board of Selectmen's Representative, Bob Blonigen; Town Planner, John Krebs and Jane Kendall, Recorder
- Absent:** Board Member, Russ Cooke
- Public Guests:** Bob Blanchard with Business Development; Sener Pasalic, VP of Business Development; Chris O'Neil, Director of Engineering; Nick Schall; Tim Winters, VP Operations at Sprague; Town engineering consultant, Eric Weinrieb, Principal P.E. with Altus Engineering; Town counsel, Attorney John Ratigan

Chair Hebert announced procedures for speaking during the public meeting.

I) **Preliminary Consultation with Sprague Organics** to construct an organics processing and RNG production facility at the existing Sprague Terminal located on Shattuck Way, Tax Map 7, Lot 14

Tim Winter, Vice-President of Operations at Sprague appeared before the Board to present a preliminary plan for a natural gas production facility on an unused portion of their property, and they were about to file a solid waste permit request with the State.

Mr. Winter said that Sprague had gone through many transitions in the distribution of oils starting in 1873, and were now working on developments in the field of organics processing.

Chris O'Neil, Director of Engineering described presented a flow chart and conceptual of the site, explaining that they would accept liquid or solid sources, including feed stock from dairy farms, supermarkets, supermarkets, or diverted municipal sources.

Mr. O'Neil explained that the liquid materials like spoiled milk from dairy farms would come in on tankers, and the solid materials would come in on trucks to the tipping

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floor where the materials would be sorted for processing, then out of original packing to the depacking unit where recyclable plastics and staples would be removed.

(Board of Selectmen's representative, Bob Blonigen arrived at this point in the meeting at 6:08 p.m.)

Mr. O'Neil went on to say that the materials would then be processed and compressed into raw gas for conversion into a pipeline, with the slurry pelletized for fertilizer, and the liquid digestate trucked off site for processing in a wastewater treatment facility.

Mr. Krebs asked how much water would go into municipal sewage treatment plants. Mr. O'Neil replied that approximately 85,000 gallons of water removed would be sent out for the removal of nitrogen and processing per day, with the potential of some being treated in Newington, and the remainder being treated elsewhere, or through a treatment facility on their site.

Board member, Jim Weiner asked how much of their process would be converted to dry fertilizer, and gas, and if they would store any of it on site. Mr. Winters replied that there would be no significant storage on site.

Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering asked where and how far away the material sources were coming from. Mr. O'Neil said they would be working with several outside parties for post-consumer materials from farms, municipal green bins, restaurants, supermarkets, and warehouses from a 60-mile radius, farms, supermarkets, restaurants, warehouses.

Mr. Weinrieb asked about materials coming in from the waterfront. Mr. Winters said they only anticipated liquids coming into their dock.

Mr. O'Neil said expired milk from dairy farms could be barged into their dock where it would be piped to the site. Mr. O'Neil said they would generate a slurry if more materials were taken in than could be processed, and sent on a barge or truck to another site.

Mr. Weiner asked if there was any risk of spillage. Mr. Winters replied that they were required to use Coast Guard regulated vessels similar to those that transported petroleum products, but on a smaller scale.

Alternate Board member, Rick Stern asked if materials would be transported in closed trucks, and if there would be any odors. Mr. O'Neil replied that materials would be enclosed to prevent the release of odors. Mr. O'Neil said the digestion, liquid waste and slurry tanked were all contained as well.

Chair Hebert asked about odor control. Mr. O'Neil stated that they would have two methods of odor control with enclosed materials in a negative pressure building with an HVAC vacuum that would run the air through activated charcoal membrane, bio filters activated charcoal, and keeping the work site tidy.

Mr. Weiner said he didn't think a typical charcoal filter would work on a trailer of fish. Mr. O'Neil said they would be processing mostly expired bread, not fish, and would use large carbon vessels for heavy industry application.

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Mr. Krebs asked if this would be a seven-day-a-week operation with trucks also running seven days a week. Mr. O'Neil said except during inclement weather, they wanted to run as constantly as possible so they wouldn't have to start their processes over.

Board member, Peter Welch asked how many trucks would be in and out per hour, and during what hours. Mr. Winters said their operation would be running 24/7 with two to three trucks going in and out per hour.

Vice-Chair Cross asked if they anticipated the need for a traffic control device on Shattuck Way. Mr. Winters replied that they already received several hundred trucks per day, and didn't think adding two or three trucks per hour would change traffic density that much.

Vice-Chair Cross asked if they would be unloading in an enclosed facility. Mr. O'Neil said the tipping floor would be inside the facility, and solid materials would be removed from palletized containers by forklifts, and liquid materials would be distributed to enclosed trucks.

Mr. Welch asked if the doors to the facility would be closed or open. Mr. O'Neil said they might be open, but there would be a negative draw. Mr. Winters added that materials would be depackaged in the tipping area, so there would be no open dumping.

Vice-Chair Cross asked how burning methane compared to compressing. Mr. O'Neil said there was a safety system to burn off gas from the anaerobic digesters to prevent a buildup of gas and flare if the equipment was off for maintenance, or flare was safety to prevent buildup of gas.

Vice-Chair Cross asked how much material was allowed to burn into the atmosphere. Mr. O'Neil replied that they would be restricted by the Air Safety permitting process.

Vice-Chair Cross asked if the gas product would go into a high pressure or low-pressure system. Sener Pasalic, VP of Sprague Business Development said the gas would go to Granite State's high-pressure system, not into the community.

Vice-Chair Cross asked if the pressure equipment would be maintained on site. Ms. Pasalic said the system they were discussing the process with Unutil, who engineered the system.

Chair Hebert asked if they would use the Town roadway to get to the existing pipeline, and Ms. Pasalic said the connection to Unutil's system was already on their site. Bob Blanchard with Sprague's Business Development added that the Granite State pipeline ran in front of their terminal.

Mr. Weinrieb asked if they would have enough volume to push the gas through the system. Mr. O'Neil replied that gases would travel from the digester tank head space, and sulfur compounds would be removed at the processor tank, and be compressed to the appropriate pressure.

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Mr. Weinrieb asked if their process was similar to what was happening at the University of New Hampshire. Mr. Winters said it was, and Mr. O'Neil said the gas product would be pipeline quality.

Mr. Weinrieb asked about trucking 85,000 gallons of wastewater to the treatment facility each day. Mr. O'Neil said they had to remove the nitrogen content to process the water for discharge, and would need to determine if they take it to a facility that can treat the nitrogen, or process it on site with their own discharge permit. Mr. O'Neil said he thought they also might be able to find an agricultural use for high nitrogen.

Mr. Weinrieb asked if they were considering the presence of pharmaceuticals and PFAS in their process. Mr. O'Neil said there would not be anything in the facility that would generate PFAS, but it could be in the materials they processed, so he thought it would be removed along with the nitrogen.

Mr. Weinrieb said many manures had high concentrations of pharmaceuticals as well. Mr. O'Neil said they would test periodically, but wouldn't be able to do land application if in the water.

Chair Hebert asked how they would control odors on barges. Mr. Winters replied that the materials were in sealed tanks when coming in.

Chair Hebert asked if they would refill the tanks when empty. Mr. Winters said they probably wouldn't use the same barge, or specialty vessel.

Mr. Weiner asked if there would be any gas or liquid storage on site, and Mr. Winters said natural gas was only a small product of the organic processing facility, and liquid digestate was the main part.

Mr. Krebs asked if they would take in farm waste or manure, and Mr. Winters said they would not, but they could take in spoiled milk from dairy farms. Mr. Winters added that they could take in post-consumer compost service as food, but not composted materials.

Mr. Blanchard said they could set up a bin for organic food waste. Mr. O'Neil said they were called green bins in municipalities.

Mr. Weinrieb asked if there were similar facilities in New England. Mr. Johnson said they were in Nashua and near Lake Winnepesaukee. Mr. Winters said Maine had one as well. Mr. O'Neil added that Cisco Brewing used a digester for their spent grain.

Mr. Weiner asked how many of these facilities were near a body of water, and Mr. O'Neil replied that it was common to be near a body of water.

Mr. Weiner commented that compost quality depends on the composition and quality of ingredients, so he was concerned with the unintended spread of contaminants like disease, PFAS or pharmaceuticals.

Mr. Welch asked how much depackaged material would there be on a daily basis. Mr. O'Neil said storage bins would be filled with cardboard, plastic and metals for disposal, or recycling every couple of days.

Mr. Weiner commented that there was no profit in recycling. Mr. Winters agreed that recycling was a cost, and not part of the process value.

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Mr. Weinrieb asked if the City of Portsmouth Water Department confirmed that they would have 50,000 gallons of potable water available each day. Mr. O'Neil replied that the actual usage of water depended on the solid and liquids received, but he didn't think it would be a problem.

Mr. Weinrieb asked what their anticipated construction schedule would be. Mr. O'Neil said there were three engineering firms involved with bio engineering, front end, etc. Mr. O'Neil said they had conceptual designs for their offices, and identified the equipment needed, but they didn't have a full electrical plan, or design for the facilities, so they expected it to be a year-long process.

Mr. Weinrieb asked if there would be any wetlands impacted. Mr. O'Neil said they had identified existing wetland pools on the site and near the entrance and exit. Mr. O'Neil added that the facility was set back from the 250-foot shoreline setback area.

Board member, Ben Johnson asked what the New Hampshire Department of Environmental Services (DES) thought of their plan. Ms. Pasalic said DES had given them pointers, and they had a preapplication meeting scheduled for the following week because they anticipated it would take a year to go through the process of air and solid waste permitting, along with Town permits.

Mr. Johnson asked the cost of the project, and Ms. Pasalic replied that it would cost \$55,000,000.

Vice-Chair Cross asked if the existing gas and fuel storage would be relocated. Mr. O'Neil said they would remain, but the small out of service tanks would be removed.

Vice-Chair Cross asked if there would be an opportunity to expand the tanks. Mr. Winters said that they could so long as they could meet the State and Town requirements.

Mr. O'Neil said would have room for growth. Mr. O'Neil said it was a developing marketplace, so they wanted to build in flexibility.

Ms. Pasalic said they could also send out slurry to other plants as well.

Chair Hebert said he was concerned with the demand and capacity for water, and the need for upgrades to the town's wastewater treatment facility. Chair Hebert said the plant was recognized by the EPA for its high-quality discharge, and he would also be concerned with anything coming in with PFAS.

Mr. Stern said Newington's wastewater treatment facility couldn't take in the water unless the nitrogen content was removed, and no treatment plant in the state had the ability for regular PFAS testing. Mr. Johnson said there were other facilities that were testing for PFAS.

Mr. O'Neil stated that Newington Wastewater Treatment Plant was not their first option, so they were looking at other facilities, or considering the removal of nitrogen themselves so the water would be more suitable for other facilities.

Mr. Johnson commented that it was his understanding that Newington was close to its discharge capacity. Mr. O'Neil said he had talked with an operator in Newington

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who indicated that the facility could handle treated water. Mr. Stern said they did have an extra unused tank, but an operator would not have the final word.

Chair Hebert asked if flies and other pests would enter with the open doors in the tipping room with neg pressure, or if open doors if insects and flies would enter. Mr. Winters said there would be controls in place for insects and rodents in the negative pressure tipping room.

Chair Hebert noted that the Town had asked Sprague to address odors from their asphalt facility on numerous occasions over the years, but the odors were still there, so he wondered how this facility would be different, or not worse. Mr. O'Neil replied that they were going through DES' air permitting process to install an improved odor control system on their asphalt tanks, and the first system online in late spring, and second installed several months after.

Chair Hebert commented that there were no detectable smells at one time, but it had since become a problem for years, so he wanted assurances. Mr. Winters said Sprague had odor control from the beginning, but the asphalt odor control was retrofitted.

Mr. Winters stated that he only saw a comment through the Newington portal in response to an incident that occurred on November 23, 2023. Mr. Krebs responded that he picked up on odors whenever he came in to work three days a week, but he thought many people might not log on to the portal to complain.

Mr. Weiner agreed many people didn't know there was an avenue to register complaints, but that didn't mean there were no odors, and it was becoming a more regular problem.

Mr. Weinrieb noted that Sprague had come before the Board with an asphalt plant expansion, but it never happened. Mr. O'Neil said the customer that intended to expand with polymer asphalt had pulled out.

Mr. Weinrieb noted that flooding at the culvert at the wastewater pump station on Shattuck Way had been flooding, and they were initially convinced that it was a result of stormwater runoff from the Spaulding Turnpike, but the New Hampshire Department of Transportation (DOT) said it was Sprague's blown out culvert, so that needed to be addressed. Mr. Blonigen added that DOT also says that the 3-foot culvert that ran through the old railroad bed was too high, and increased capacity from development can't handle the flow.

Chair Hebert asked where similar facilities were located, and Ms. Pasalic said there were similar facilities in California, Rhode Island, and Virginia.

Vice-Chair Cross asked if they would use the same entrance and exit for water transport, and Mr. Winters said they would.

Vice-Chair Cross asked if they had a cueing plan. Mr. O'Neil replied that a significant number of trucks could queue on the street side and back of the extended drive.

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Mr. Weiner asked what the average water use was, and Mr. Krebs said replied that Georgia Pacific was probably the biggest user, but he was not sure how much.

Chair Hebert commented that the past summer was one of the wettest, but there was extreme drought over the past three summers, and the Portsmouth Water Department had asked Newington to minimize their water usage. Chair Hebert went on to say that the main that brought water in from Madbury was corroded, and due to be replaced, and there would be an extreme lack of water if the pipe failed, so he was concerned with the potential demand of 50,000 gallons of water a day.

Mr. O'Neil stated that they could truck water in from a freshwater lake or pond. Chair Hebert responded that the Madbury Reservoir was very low, and asked if a shortage of water would put them out of business. Mr. O'Neil replied said they might have to halt operations in an extreme drought, but most of the water for operations would come from the waste itself, or they could adjust the intake of solid materials to liquids.

Alternate Board member, Jill Semprini asked if they could reuse the wastewater. Mr. O'Neil said they might if they did onsite de-nitrogenification because they wouldn't want to compound the nitrogen in their production

Mr. Weiner asked if concentrated nitrogen water could be useful. Mr. Winters replied that they would look at every opportunity if there was a market.

Mr. Stern asked if could transport liquid on rail. Mr. Winters said they lost rail capacity when the Spaulding Turnpike was expanded, so they hadn't been, but they could in theory to go across Patterson Lane.

Vice-Chair Cross said there would be many calculations and regulatory steps, but suggested that they investigate transport infrastructure in the area. Mr. Winters said they would hook up to the existing pipeline infrastructure, so they wouldn't have to truck liquid from the dock.

Chair Hebert said they would need to consider the consumption of water, treatment of wastewater, and trucking for the cities of Dover and Portsmouth, as well as look at Newington's water capacity, wastewater treatment and discharge.

Chair Hebert said they also needed to determine if the use would be compatible with residents in the area.

Chair Hebert said they would be impacting several towns, so would recommend regional impact status for the application considering that Newington had been sharply criticized when they hadn't notified an abutting community sooner. Mr. Krebs said regional impact status would have to go through the vote of the Board after receiving the application, but an abutting community wouldn't be allowed to comment on State permitting.

(Mr. Weinrieb and Town counsel, Attorney John Ratigan left at this point in the meeting at 7:51 p.m.)

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II) Town Planner Report

Mr. Krebs informed the Board that he had increased the number of days he was in the office from two days to three on Mondays, Wednesdays, and Thursdays.

Mr. Krebs informed the Board that the Zoning Board of Adjustment (ZBA) had granted Wilcox Industries two of the three variance requests to proceed with a parking lot expansion. Mr. Krebs said Wilcox would be going before the Conservation Commission on Thursday, February 8, 2024, to consult with them before returning to the ZBA to consider granting the other variance request on Thursday, February 15, 2024.

Mr. Krebs informed the Board that construction of a road for construction of a hotel between Woodbury Avenue and Shattuck Way had begun.

III) Other Business and Discussions:

Mr. Weiner asked Mr. Krebs if any exparte communication with any Board member had happened since the last meeting. Mr. Blonigen asked Mr. Weiner why he continued to ask this question at the second meeting. Mr. Weiner replied that he had the right to ask the question, and he believed that someone on the Board was having exparte communications, but he didn't want to name names.

Vice-Chair Cross passed out a memo he had written outlining his proposal for a long-term plan to create safe, off-road, crushed stone trails that would connect existing trails and open spaces in town for daytime use of bikes and pedestrians, but not motorized vehicles.

Vice-Chair Cross said he would like to designate off road paths using public lands and voluntary easements that would not involve eminent domain.

Vice-Chair Cross said an overall plan would take commitment and time to plan and build with volunteers, but he thought they could do a charette, and obtain grants and easements through private properties that might involve tax credits.

Mr. Welch, who also worked on the proposal with Vice-Chair Cross added that the intent was to connect cul-de-sacs in town, and then fan out.

Mr. Stern suggested that they start with improving the existing trails on Fox Point. Vice-Chair Cross agreed, and said they could build up a walkway to protect trees and roots.

Mr. Krebs commented that such a broad idea might be too difficult, and suggested that they consider a pilot project such as Fox Point to Coleman Drive to show

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simplicity rather than hold it up with grants and tax credits, similar to what was done in Stowe where a bike path increased property values.

Mr. Krebs pointed out that it would be hard to keep a quality trail a secret, and isolated trails were not a safe idea for solitary users.

Mr. Weiner asked if the Town would need to increase liability insurance. Mr. Krebs said they would not, but it was not hard to indemnify the Town.

Chair Hebert agreed that it would be a good idea to show success with easier trails at first.

Mr. Blonigen suggested that they work with the Conservation Committee that had funds to start at Fox Point first. Mr. Krebs added that creating a committee that included the Conservation Committee, Recreation Committee and others would also be a good idea.

Mr. Krebs said a local chapter of the New England Bike Association also builds off road trails by volunteering where they live. Mr. Blonigen said there was a sign indicating that Fox Point was for residents only, but it was on several websites. Mr. Blonigen said the Town was not excited about people from out of the town coming in to use trails off Arboretum Drive either, so he didn't think it would be a good idea. Mr. Weiner said he observed that a lot of people drive down to Fox Point, but most of them turned around, so he thought the sign was useful.

Minutes: *Peter Welch moved to approve the Minutes for the December 11, 2023, meeting with corrections as noted. Ben Johnson seconded, and all were in favor.*

Peter Welch moved to approve the Minutes for the December 18, 2023, meeting with corrections as noted. Ben Johnson seconded, and all were in favor.

Peter Welch moved to approve the Minutes for the January 8, 2024, meeting with corrections as noted. Ben Johnson seconded, and all were in favor.

Adjournment: *Peter Welch moved to adjourn the meeting. Rick Stern seconded the motion and the meeting adjourned at 8:52 p.m.*

Next Meeting: Monday, February 12, 2024

**Respectfully
Submitted by:** Jane K. Kendall, Recording Secretary