

Present: Steve Beckert, Chair; Jeff Duncan, Vice Chair, Dennis Lentz, Greg Whalen, and Melissa Magdziasz (alternate).

Absent: Larry Bouchard.

Also present: Kate Pelletier, Planning Assistant.

Steve Beckert appointed Melissa Magdziasz, alternate, as a voting member for this meeting.

## **ITEM 2 – PLEDGE OF ALLEGIANCE**

## **ITEM 3 – MOMENT OF SILENCE**

## **ITEM 4 - REVIEW AND APPROVE MINUTES AND INVOICES AS NEEDED**

### **MOTION:**

Jeff Duncan made the motion to approve the minutes of the May 7, 2013 regular Planning Board meeting, as written.

Greg Whalen seconded the motion

**Vote: 4-0, Chair concurs.**

## **ITEM 5 - REVIEW OF "NOTICE OF DECISION" LETTERS, AS NEEDED**

The Board reviewed the notice of decision letter for Brad Gerry's home business and approved it as written.

## **ITEM 6 - PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED**

- A. Public hearing – and continued review of an application for Site Plan Review to construct a compressed natural gas production facility including a small office/electrical building, compressor and truck filling station, meter station and connection to the gas main at the rear of the property. Existing propane storage tanks will continue to be used and relocated onsite. Property is located at 525 H.L. Dow Highway. Applicant is XNG Maine, LLC (mailing address: c/o Sevee & Maher Engineers, 4 Blanchard Rd, Cumberland, ME 04021). Owner is NGL-NE (mailing address: One Memorial Square, Whitinsville, MA). Property can be identified as Map 53/Lot 8 and is located in the Commercial/Industrial zoning district. (PB13-13)**

Dan Diffin of Sevee & Maher Engineers, Inc. represented the applicant. He gave an overview of the project and site plan stating that a compressed natural gas facility is proposed on the 34 acre parcel at 525 Harold L. Dow Highway. XNG will connect to the existing Maritimes & Northeast pipeline and fill tractor-trailer trucks for the purpose of transporting gas to end users in the New England region. He added that the two propane gas storage tanks that currently exist onsite would remain and continue to be

used, as previously approved. He stated that he had addressed all of the Fire Chief's concerns in an October 14<sup>th</sup> email to Kate Pelletier, which he submitted to the Board.

Steve Beckert explained the rules of a public hearing.

### **Public hearing opened.**

Becky Owens, 133 Depot Rd., stated that a group of neighbors had signed a petition that was submitted to the Planning Board, which detailed residents' concerns about the approval of this project being detrimental to the district in that it would depreciate the values of homes, weaken the cultural heritage and practices that exemplify the district, and continue to erode a once thriving agricultural area with increased traffic and noise.

Joyce Hersey, 5 Pine Crest Dr., stated that she has owned the property for 35 years and was concerned about the long-term impacts such a use would have. As it is, she can hear the noise from Marshwood Junior High School and was concerned that the decibel level produced by the proposed facility would be a health detriment. She referred to a study pertaining to sleep cycle disturbances and decibel levels exceeding 55 dBA. She questioned how the protected wetlands on the site were allowed to be disturbed, especially with the endangered Blanding turtle habitats in the area. She also noted her concerns about potential emissions produced from the site and cleaning agents used by the facility affecting wetlands negatively.

Valerie Nardone, 13 Pine Crest Dr., stated that she lives at the end of a dead-end road and was concerned about the potential noise produced by this facility, especially the back-up alarms on the tractor trailers. She stated that she understood the applicant estimated about 24 trucks per day but she wondered what would stop them from exceeding that.

Steve Beckert stated that statements made by the applicant to the Planning Board are conditions of approval and any deviation from those statements would be a violation of their approval. Regarding noise, the facility is bound by the Town of Eliot's noise ordinance the same as anyone else, however, that ordinance exempts back up alarms and construction and maintenance activities between certain hours.

Sydney Deraps, 124 Depot Rd., stated that he was told he could not do anything with his property yet something like this could be approved without any problems. He stated that he was against the approval of this project for all the reasons previously stated by others.

Helen Gorranson, 255 Depot Rd., stated that she and her husband had been involved in the preservation of remaining farmland and was very concerned about this facility. She stated that she too is concerned the applicant will not abide by the conditions of their approval. She also stated that she was concerned about the potential light pollution created by this use.

Julie Staples, 143 Depot Rd. stated that she would like to see the Planning Board impose a cap on the maximum trips per day this facility can generate.

Becky Owens asked what the decibel level of the backup alarms would be and if there was an emergency plan in place in case of fire or emergency.

Bob Pomerleau, 95 Cedar Rd., stated that the OSHA standard for back-up alarms is between 97-112 dBA; however, back-up alarms are not required when there is a designated ground guide to assist the driver. is

John Chagnon, 585 Goodwin Rd., stated that he is in favor of the application. The proposed uses is appropriate for a property located in the Commercial/Industrial zoning district. If people wanted to prohibit such uses in such zones, they shouldn't have adopted standards permitting it. Regarding noise, he had never heard anyone complaining about the noise produced from the existing compressor station in Eliot and would be surprised if this site produced any audible noise beyond its property lines.

Helen Gorranson asked what the town gets by approving the application.

Russ McMullen, 371 Beech Rd., stated that he has no interest in this property but was in favor of approving the application. He stated that a facility like this will be valued between \$5-10 million, which will help to offset taxes. These facilities don't require infrastructure, don't cause an impact or burden on town services and don't produce children who will go to our schools. He stated that this town needed to create more economic development opportunities to attract companies like XNG.

Sally Lewin, 46 Caslyn Dr., stated that she had spoken to the Governor several times about what is inhibiting businesses from locating and staying in Maine. His answer is the cost of energy. She likened the noise produced by a facility like this to the noise produced by Eliot's Fire Station alarm. These things are necessary and you adjust to it over time. She stated that she was in favor of development that didn't cost the town or tax town services. She stated that she sympathized with the concerns of the people who spoke tonight, but stated that if the facility doesn't comply with all local, State and Federal requirements, they would lose their license to operate.

### **Public hearing closed.**

Steve Beckert asked Seth Barry and Dan Diffin to respond to the concerns raised during the public hearing.

Seth Berry, Chief Administrative Officer, stated that it sounded like there were four primary areas of concerns – noise, the size of the development, environmental impacts and safety. Regarding noise, a preliminary acoustic study both at the facility and at the property lines had been started. He assured the Planning Board and audience members that all noise produced by the facility would be under the Town's maximum sound pressure limits and would not be a significant disturbance. Regarding back-up alarms, he stated that he would consult his head of safety to discuss the possibility of turning off the alarms when the site is manned. He stated that if there were any possibility of not using the alarms he would make every effort to avoid it, however, only if safety was assured by using an alternate method. Regarding the environmental concerns, XNG has been working with the Maine Department of Environmental Protection (MeDEP) and Inland Fish & Wildlife (IF&W) about the proposed wetlands impact, of which there are only about 6,000 sq. ft. of. In the State's eyes, the proposed impact to the wetland is

fairly minimal. Still, the wetlands alteration requires a Natural Resource Protection Act Tier 3 Wetlands Alteration permit from MeDEP and will require full compliance with all State laws. Regarding turtles, XNG has worked extensively with IF&W to develop measures aimed at protecting the Blanding's turtles, which have been observed in the vicinity, including installing a barrier fence around the perimeter of the developed facility, installing a turtle passage under the site entrance road and XNG will provide two wildlife cameras to IF&W for the purpose of monitoring wildlife migrations through the turtle passage. Regarding traffic, the site has a design capacity of a maximum of 40 trucks per day. The expected peak capacity is 24 trucks per day. He stated there may be days when more than 24 trucks go in and out of the site, but XNG cannot logistically handle 40 trucks per day. He stated that trucks bringing gas to and from the facility are approved and tested by Maine DOT and are designed to withstand a crash at over 60 MPH. Regarding the possibility of the site expanding in the future, he stated that XNG has no plans to expand the facility beyond what is proposed tonight and that the chances of future expansion were extremely low. Regarding the potential for explosions, natural gas is a non-toxic substance that is ½ the weight of air, which enhances the safety of it over propane. Once it reaches a certain concentration in the air, it can no longer be ignited. There are no emissions created by the facility. It's a closed loop system where gas is piped from the main to the pipeline and into XNG's plant. XNG has never had a single gas leak in Baileyville. In terms of the public benefit of allowing such a facility to locate in Eliot, XNG requires no tax abatements or public assistance and is not located in the town's Tax Increment Financing (TIF) district. Further, XNG plans to invest at least \$5 million into this facility on a property that is currently assessed at only \$150,000 and will create at least six jobs.

Jill Khoury, XNG's head of safety, detailed the emergency plan for the facility and indicated they would be willing to train the local fire department in emergency response protocols.

Dan Diffin addressed the remainder of the site review requirements for the Planning Board.

Eliot Fire Chief, Jay Muzeroll, was present and requested additional time to work with the applicant to better understand the emergency plan for the facility.

The Board requested the following additional information from the applicant:

1. A copy of the memorandum of understanding between the applicant and IF&W
2. Provide a copy of the noise evaluation referenced on page 3 of the October 7<sup>th</sup> submission
3. Correct Sheet #C102 of the site plan to correct the sewer and gas lines, which are mislabeled
4. Address all Fire Chief comments
5. Explore alternatives to using back-up alarms on trucks.

The Board agreed by consensus to continue the review of this application at the next regular meeting once the applicant has submitted all additional information.

Kate Pelletier stated that she would send the applicant an email detailing the items the Board requested tonight and that submissions for the next meeting will be due October 28<sup>th</sup>.

**B. Request for Planning Board action to amend a previously approved Planning Board permit by adding incidental retail sales of up to 6 vehicles to an existing auto repair garage located at 1281 State Road. Applicant/owner is Gateway Services of Eliot (mailing address: 1281 State Rd., Eliot, ME 03903). Property can be identified as Map 15/Lot 40 and is located in the Village zoning district (PB13-14)**

Wassim "Sam" Gharios, applicant, stated that he was seeking approval to add retail sales of up to six vehicles to the existing auto repair garage at 1281 State Road. He stated that he proposes to reassign 3 existing parking spaces and add 3 more for vehicle display.

The Board agreed by consensus that incidental auto sales was customary and incidental to an auto repair garage and that the proposed changes to the previously approved site plan were minor in nature and did not require full site plan review.

The Board agreed by consensus to waive the site walk due to their familiarity with the site.

A public hearing was scheduled for November 19<sup>th</sup>.

**ITEM 7 - ACTION ITEM LIST**

**ITEM 8 – CORRESPONDENCE, OTHER AS NEEDED**

**ITEM 9 - SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board meeting was scheduled for November 5, 2013 at 7:00 PM.

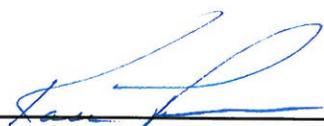
**ITEM 10 – ADJOURN**

**MOTION:**

Dennis Lentz made the motion to adjourn at 9:15 PM.

Greg Whalen seconded the motion.

**Vote: 4-0, Chair concurs.**

  
**Stephen Beckert, Chairman**  
Date approved: 7-1-14

Respectfully submitted,

  
**Kate Pelletier, Recording Secretary**