

ITEM 1 - ROLL CALL

Present: Dennis Lentz - Chairman, Ed Cieleuszko, Christine Bennett, Melissa Horner, Casey Snyder – Alternate.

Also Present: Doug Greene, Planner.

Voting members: Dennis Lentz, Ed Cieleuszko, Christine Bennett, Melissa Horner and Casey Snyder (appt).

ITEM 2 – PLEDGE OF ALLEGIANCE

ITEM 3 – MOMENT OF SILENCE

ITEM 4 – 10-MINUTE PUBLIC INPUT SESSION

There was no public input.

ITEM 5 – OLD BUSINESS

A. Barry & Gail Phillips – 66 Indian Rivers Road (Map 100/Lot 3), PB19-1: Shoreland Zoning Permit.

Barry & Gail Phillips were present for this application.

Mr. Cieleuszko recused himself as an abutter to the property.

Received: February 4, 2018 (original); December 3, 2018

1st Heard: January 15, 2019

Public Hearing: _____, 2019

2nd Hearing: 2/19, 2019

Site Walk: 2/19, 2019

Approval: 2/19, 2019

Mr. Phillips said that he had been in before with a sketch plan; that he thinks the Site Plan, here, does show dimensions and all that was required prior; that he thinks this meets their commitment to the specification. He explained that the proposal is to replace an existing building, with a smaller footprint, but a larger living area, he thinks. He added that the reasons for not moving it back are that it is cost-prohibitive and not environmentally stable, either, to pull out a foundation, septic system, well, electric systems, and driveways and, then, to reconstitute it, somehow, he thinks would lose much more vegetation than doing what we plan to do.

Mr. Lentz asked if the PB members noted the memo from the CEO.

The PB members did.

Ms. Horner asked if we are starting all over again.

The Planner said not really; that the applicant had to provide the site plan; that apparently a site walk has not been done, which he recommends the PB do.

Mr. Lentz asked if this non-conforming.

Mr. Phillips said that it is. He added that, after our last meetings with the PB, we had meetings with Ms. Prescott (prior Planner) and Ms. Ross (prior CEO) and made some arrangements so that we would be prepared; that we have done some work with other than the PB.

Mr. Lentz said that this is a new application; that the old one was PB18-4 and the new application is PB19-2.

Ms. Horner asked the applicant if he had had a chance to review the checklist.

Mr. Phillips said yes; that the soils have been done and the folder is quite extensive.

Mr. Lentz said that, with §44 Shoreland it is definitely non-conforming; that the applicant wants to make expansions.

Mr. Phillips said that we are actually making a contraction in the structure; that the pool area, there, is basically going to be gone; that in prior applications to the PB, the pool area is considered living area and was granted expansion at that time; that we don't plan to do that. He added that we didn't incorporate most of what was already approved in their plan.

Mr. Lentz said that when the applicant first came in, he believes the applicant called it a multi-family.

Mr. Phillips said yes; that through the years it has been a multi-family and actually a boarding house most of the time; that it was housing for the Town for quite some time. He added that if we go back to the uses, etc. prior to 1989, the Town records can back up what it was.

Mr. Lentz said that the Table of Land Uses says a single family is permitted but the others are not permitted.

Mr. Phillips said that was correct; that, before we had the newest regulations, the bargain we made with the CEO, we made at the time because the CEO was able to allow duplexes, we had a duplex plan. He added that it was originally three, which was existing, so, because we talked to the Town officials at the time, we're now a duplex; that if it's a single-family home, it's very large and he guesses they could make room for their

nurse down at the other end, or something. He said that the new regulations do allow the PB to make adjustments.

Ms. Bennett asked if the applicant was proposing a single-family home.

Mr. Phillips said that he was not; that he was actually proposing a duplex, still, because it's very large, still, even though he has shrunk it.

The Planner said that it was originally going to be a multi-family; that he thought the applicant was applying for a single family but is still interested in doing this as a multi-family. He added that there is some gray area because of its prior use as a boarding house, more or less; that there are accommodations for expansion within the Shoreland; that he is contracting building and making it less non-conforming; that he's not intensifying the use of the non-conformity. He said that, if it was built new, it would be prohibited.

Mr. Lentz said that part of the PB's decision is to understand how much the applicant has shrunk this and he's not sure he's dealing with the right...are these numbers still correct; that this is from the original

Mr. Phillips said yes; that they were done by an architect as well as a structural engineer.

Ms. Horner said that, if everything is staying the same, she doesn't think she understands what we're doing.

The Planner said that the applicant wants to demolish the building and build within the same footprint.

Mr. Phillips said that, because it's Shoreland, the CEO cannot approve this; that he has to come to the PB.

Mr. Lentz added that we only got so far and, then, everyone backed away from this.

After some clarifying discussion between the applicant and PB regarding non-conformity of setbacks, the applicant said that the proposal helps with setbacks and impervious cover; that we will, of course, add landscaping. He added that it's marked on the plan what was and what will be and you can see that what will be is much smaller.

The Planner pointed out the current and proposed footprints are on the plan.

Mr. Lentz asked what that meant in terms of this, asking if these are the numbers that are the approved numbers; that in his mind he believes they are the originals.

Mr. Phillips clarified that this is the original; that this has been three years in the making.

The Planner said that this says pre-construction is 4,340 square feet and post-construction is 3,460 square feet; that these are the numbers he would go by rather than what is in the application.

The Planner said that part of his recommendation would be to have the site walk and then have the CEO confirm the existing height, setbacks, etc.

Mr. Phillips agreed; that this property is unique.

Ms. Horner said that she wants more checks on this checklist; that we may have some of that but, if she remembers correctly, that was some of the discrepancy last time.

Mr. Phillips said that there's a new waiver list that shows that there isn't much; that we still don't have cell towers, hazardous waste, not going to put in incinerators, etc.; that we're just replacing a structure.

Mr. Lentz agreed that we need to go out and walk around to see exactly what we're talking about.

Ms. Bennett said that it is better, it has definitely improved, especially showing the existing and proposed. She asked if we established the historical record of this as multi-family.

Mr. Phillips said that he provided that to Ms. Prescott; that, before the 1980's, the Town record shows it for quite a while.

Ms. Bennett asked if it continued to be a multi-family to this day.

Mr. Phillips said yes.

Ms. Bennett said that you could have more than one family residing there.

Mr. Phillips said yes; that it's a continual use and less impact than it ever was.

The Planner said that the Assessor can attest to its use as a campground and even the indigent housing; that whether it's legally been multi-family is questionable.

Mr. Phillips said that he thinks it was patched together over the years and that wasn't a bad thing; that it was enterprising but it still needs help.

Mr. Lentz said that the second note from the CEO says that there is no septic design on file; that he assumes we are working off a septic system.

Mr. Phillips said that he remembers when he purchased the property four years ago. Mr. Chip _____ Jr had replaced the septic the year before; that he thinks he may still have the bills of lading for sand and gravel and the like but it doesn't actually say he replaced it

because you could repair it in place at the time. He added that we had it pumped when we moved in and, four years later, it's still working fine with seven bedrooms and five baths.

Mr. Lentz said that it has to be certified and a copy for the files.

Ms. Horner said that she wanted the checklist updated.

Mr. Phillips said that there is a new list that was submitted with the site plan; that everything is included and he has the back-up paperwork. He added that we signed a letter with Ms. Ross a couple of years ago, when we put in the house, to not continue 37 camp sites.

Mr. Lentz said that that's something the applicant could point out when we do the site walk, what's coming down and what's going up.

Mr. Phillips said that he has demolition for seven buildings, of which one and a half are still up; that after this week they will probably all be gone.

Mr. Lentz said that we will definitely need to see something on the septic system that shows what you have and that it's sufficient, a completed checklist as he doesn't know where it is and it wasn't in the package.

Ms. Phillips said that it was handwritten by her and part of the submission.

Ms. Horner said that she wants a checklist from the Planning Department.

Mr. Phillips said that almost all of the information is on the site plan, including abutters. He added that there is a culvert over 'here', existing.

The Site Walk was scheduled for Tuesday, February 19th at 9:30AM.

ITEM 6 – NEW BUSINESS

A. Blake Dubin – 7 MacLellan Lane (Map 37/Lot 19), PB19-2: Request for change of use to Manufacturing from Car Wash.

Blake Dubin was present for this application.

Received: December 4, 2018

1st Heard: January 15, 2019

Public Hearing: N/A

Site Walk: N/A

Approval: January 15, 2019

Mr. Dubin said that we plan to change the use from car wash to manufacturing; that we plan to enclose the existing footprint and make no other changes to the site. He added that

we checked off all the boxes in the site plan review; that the existing site plan doesn't require any changes for his use.

Mr. Lentz asked what it meant that the applicant would completely enclose the building.

Mr. Dubin said that we would enclose the garage bay doors but the existing building and footprint works for his use.

Mr. Lentz said that he didn't see a septic system on the plan.

Mr. Dubin said that there is an over-built septic system that is basically a wastewater treatment plant for a car wash; that his use would make very little use of the system.

Mr. Lentz asked if there was a well there.

Mr. Dubin said yes.

Addressing waste removal, Mr. Lentz asked what kind of debris was laying around from the manufacturing process.

Mr. Dubin said that it was basically pulp so it can be disposed of in normal trash; that it's an innate material that is done after the extraction. He added that there is no odor; that there is a variety of filtration and exhaust that get rid of the excess gases; that the odors are preferred to stay throughout the extraction process.

Mr. Lentz said that he couldn't find a date on the plan and it needs a date on it; that he couldn't see a stamp, either.

Ms. Bennett said that, to comply with the standards, we clearly need to know who compiled the site plan, with the date, to reflect existing conditions.

Mr. Dubin said that the existing site plan he used from the Town; that we made changes and removed the stamp/date.

Ms. Bennett said that correct protocol is to retain those; that it was the work of a civil engineer; that you can then note on that that you made changes with the date change. She added that it would be good to know who the engineer was and the applicant is now presenting it as an existing condition; that that's fine but we need to know who did the original work.

The Planner asked, for something such as this where they are amending an existing plan, would the PB want the CEO to confirm these conditions.

Mr. Lentz said that that would be good.

Ms. Bennett agreed.

Mr. Cieleuszko asked if that was a condition of approval we are talking about or are you asking the CEO to approve the plan or approve the conditions when and if it's accepted.

Ms. Bennett said that this went through site plan review for the car wash and did they build it to the previously-approved plan.

Mr. Lentz said that, as shown, it should reflect the current as-built condition.

Ms. Horner said that she believes getting the CEO to approve that is overstepping our authority because we need to believe the information provided; that it is then up to the CEO after the applicant is approved by the PB to then doublecheck it; that that is out of our purview.

Mr. Cieleuszko agreed.

The Planner asked if that would be something that was put on as a condition of approval, or not.

Ms. Horner said that she thinks it would just be part of the CEO process; that enclosing the walls and whatever the applicant does inside would be checked by the CEO.

Mr. Cieleuszko said that, regarding this operation, he doesn't really understand too much about this whole industry. He asked if the applicant would be trucking in loads of pot and extracting stuff out of it and turning it into pulp. He said that he would like to know what the process is.

Mr. Dubin said that he would be doing botanical extractions so it's not just hemp; that it will be lavender, or other materials, run through a CO2 machine that produces essential oils. He added that he will have hemp legally shipped to his facility as well as people bringing it into his facility to do extraction.

Mr. Cieleuszko said that the same process can be used for multiple products to extract oils.

Mr. Dubin said that that was correct.

Mr. Cieleuszko said that the applicant has to store the oils, asking if the applicant sold them or stocked them and sold them en masse.

Mr. Dubin said that he can do post-processing for people who need to do extraction for their material, whether that be a brewer who has hops and they want to extract the oils to make beer or a farmer who has lavender and they want to make their own essential oils; that he will be post-processing for other people as well as his own line. He added that he processes industrial hemp, not marijuana; that, with the passage of the Farm Bill, it has been made legal.

Mr. Cieleszko asked if hemp had anything to do with marijuana.

Ms. Bennett said that it was the same botanical family; that they are relatives.

Mr. Dubin said that he has submitted an application to the State of Maine for a Tier II extraction facility for when an ordinance is passed; that he would come back to the PB for review for a change of use for medical or recreational, if approved by the Town; that that's a future use; that my current use doesn't require that kind of approval.

Mr. Cieleszko asked about the waste product, if it would go to our Transfer Station and how much would the applicant store onsite of the waste product.

Mr. Dubin said that he believes it would go to your local Transfer Station; that the material would largely be dust that could be incinerated or could be composted or donated to farms for fertilizer.

Mr. Cieleszko asked if it was tonnage.

Mr. Dubin said no.

The Planner asked if the end result of the processing results in a dust.

Mr. Dubin said that all the elements are removed so it's not necessarily a dust; that the material that's processed is largely the size of coffee grains and, when it's done, it would be a similar size; that it's plant material.

Mr. Lentz asked if the applicant would be operating and licensed within the confines of the State statute, as far as licensing and permitting. He asked if he was growing anything outside or at all.

Mr. Dubin said no.

Mr. Lentz clarified that the applicant would be operating under State conditions.

Mr. Dubin said that that was correct.

Mr. Lentz said that it would be a condition of approval that that is maintained.

Mr. Dubin was agreeable to that. He added that hemp is under the Department of Agriculture.

Mr. Snyder asked how the product arrived, is it in big bundles.

Mr. Dubin said that sometimes it could arrive in barrels and sometimes it's sealed into vacuum-sealed bags; that it can vary depending on how much we are getting at a time; that, if it was locally grown, it might be brought in bales.

Mr. Lentz asked if the applicant imagined a big tractor-trailer pulling in there full of this.

Mr. Dubin said that he has a small extraction machine that is meant to do 10 pounds at a time so he wouldn't be doing tonnage.

Mr. Lentz asked if it came in as seeds or stalks or both.

Mr. Dubin said that it is considered biomass so it's really a mixture of stalk, seed, and flowers.

Ms. Horner asked what differentiates a Tier II permit from a Tier I permit.

Mr. Dubin said it would be how much you can process onsite; that a Tier II allows 200 pounds at a time. He added that the State of Maine has made this a law and there are applications in; that there's a line of people who are inline for those applications; that they haven't gotten approval yet; that he is inline, the State has recognized he has submitted his intent, but nobody has officially received a permit.

Ms. Horner said that this was just for processing.

Mr. Dubin agreed.

Mr. Cieleuszko asked if the applicant was planning fire suppression or has the Fire Department called for anything.

Mr. Lentz said that they have been notified.

Mr. Dubin said that, with CO2 (compressed CO2) extraction, the Fire Department just requires proper venting, not necessarily suppression.

Mr. Lentz asked where the product would be shipped, could it be out-of-state.

Mr. Dubin said that it could be.

Ms. Horner asked if he had his own line.

Mr. Dubin said that that was his intent.

Mr. Cieleuszko asked if there were any waivers that were required.

The Planner said no.

Mr. Cieleuszko asked what our next step was, is this close enough to move.

Mr. Lentz said that he thinks it is. He added that we don't need a site walk because nothing's really changed. He asked if we should have a public hearing.

Mr. Cieleuszko said that he's not sure if it's required, or not, for this.

Mr. Lentz said that he thinks we should have a public hearing; that there will be a lot of questions.

Ms. Horner asked if we were required to do that; that she doesn't want to start treating applicants using the word CBD or marijuana or hemp any differently than any other applicant.

Mr. Lentz agreed with Ms. Horner.

Mr. Dubin said that he would certainly be open to a public hearing if he changes his use to conform to the ordinances around recreational or medical in the future but, today, that's not part of his request for his plan.

Ms. Horner said that she just sees this as a change in use.

Mr. Lentz said that, if that's the case and the PB agrees, the Chair will accept a motion.

Ms. Bennett moved, second by Mr. Cieleuszko, that the Planning Board approve the proposed change of use, PB19-2, property of Third Time Development, LLC, Map 37/Lot 19, to change the existing use of car wash to a manufacturing facility, subject to the following conditions of approval:

- 1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.**
- 2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.**

3. **The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.**
4. **The applicant will submit a complete and accurate Site Plan, with a date, and any changes to the existing site be noted on that plan to the Planning Department.**
5. **The facility will be operated in accordance with State statute, the manufacture of industrial products.**

VOTE

5-0

Motion approved

Mr. Lentz said that the application stands approved and there is a 30-day period from which the PB decision can be appealed by an aggrieved person or parties – move forward but move forward cautiously.

B. XNG Maine, LLC – 525 Harold L. Dow Highway (Map 53/Lot 8), PB19-3: Site improvements to existing gas terminal.

Seth Berry, XNG Maine, LLC and Dan Diffin, Sevee & Maher Engineers were present for this application.

Received: January 8, 2019

1st Heard: January 15, 2019

Public Hearing: N/A

Site Walk: N/A

Approval: January 15, 2019

Mr. Berry described what they do know and how they will change it. He said that, currently, it operates as a C&G filling station, taking gas off the Northeast Maritime pipeline, runs it through a processing system that adds pressure to it, and puts it in trucks (large 40-45-foot C&G delivery vehicles). He added that those trucks leave the station and go to customers in Maine, New Hampshire, Massachusetts, and Vermont, delivering that gas to them for their use; that it's mostly industrial customers – paper mills, chemical plants, colleges and universities. He said that this system is fairly simple; that the gas comes off the pipeline with about 1,000 lbs. of pressure, it comes down a private pipeline from the right-of-way to their facility, and goes right into a drier, which takes the moisture out. He added that it then goes out to compressors that compress it to 3,600 lbs. into the trailer. He said that we are proposing to modify this site, for four months out of the year to, instead of taking gas off the pipeline and putting it into trucks, take gas off the trucks and inject it into the pipeline, which is basically the exact opposite of what we do today. He added that the reason we have to modify the site is that the equipment is slightly different, and a little bit more equipment, to do the new process versus the old process. He explained that it's still compressors; that today we have four compressors and are permitted for five, to take that gas off and bring it up to the 3,600 lbs.; that we are actually going to remove two of those compressors and add compressors that take the gas

out of the trucks and put it into the pipeline. He said that it's a slightly different process; that it's mostly about what pressure the gas can get to; that the gas line has a maximum allowed operating pressure of 1,440 lbs. and we don't want compressors that can compress the gas up to 3,000 lbs. sending gas in because that could be a real problem. He added that the compressors we would add would have a maximum compression factor of up to 1,300 lbs.; that we also need more compressors than what we were permitted for; that there would be five compressors there that would be used during the months of November, December, January, and February to push gas into the pipeline and then two compressors used to push gas into the trucks the rest of the year. He added that we also have on the site plan a co-gen unit to generate the electricity to run those compressors; that we may or may not do that but we're putting it on the plan because it is a potential future piece of equipment; that the electricity we use, aside from labor, is our biggest operating cost. He said that we are in the process, now, of doing a study to determine whether that makes sense or not; that CHP units typically make a lot of sense when you can use the heat; that we'll be using a little bit of the heat but this is sized for the electrical load, not the heat load, so it's a little bit backwards from the way it is normally done and we're not sure the economics work so we wanted to include it on the plan in case they do; that then we'd be permitted for it, if we don't, we won't put it there. He explained that, from a site plan perspective, what we have to do is add 'these' compressors on existing pads, pointing them out on the plan; that in the area that is currently a truck-filling area, we will be adding stations for the trucks to pull in to take the gas off. He said that we would be changing 'this' footprint; that all that really changes in this area is piping and hoses – the plug-in for the truck – but the footprint remains the same; that 'here' we add what's called a decompression unit so, when the trucks come in full, at 3,600 lbs., you have to depressurize the gas. He explained that the trucks get plugged into the system, the gas comes to the truck 'here', the gas comes through the piping into the decompression unit, the pressure gets knocked down to 1,000 lbs., whatever's required to push it into the pipeline then back 'this' way. He said that this unit, 'here', handles all of the gas flow coming out of the trucks on the initial stage; that there are really two stages; that the first stage is to have a free-flow of gas from 3,600 lbs. down to, say, 1,000 lbs., then the compressors kick in and essentially suck the trailer dry from there and compress it into the pipeline. He added that the reason we add stations 'here' is really a logistical question; that there are currently eight stations there and you can only decant four trailers at a time and that, logistically, is very difficult because you end up having trucks stacked up and no space for ones coming in; that, from a process perspective, basically the flow goes too fast out of any one trailer, explaining what happens to the process when that happens; that, if you can pull out three trailers at a time, which this would allow, then that problem is lessened because you are pulling slower out of each trailer. He said that the only other thing that we're changing is parking; that the existing parking on the far left side, employee parking, would have a new compressor; that there will be employee parking over to the far left side near the propane area; that there is parking already there and was permitted as parking but it will be employee parking rather than trailer parking. He added that we're adding tractor fueling tanks that we were originally permitted for, to fuel the CNG tractors, but never put in; that we didn't need them but, now, we will need them. He added that the other change to the way the site operates is truck traffic; that during the four months, there would be more truck

traffic than currently; that we would have up to four trucks per hour that would come into and leave the site.

The Planner asked what the projected increase would be from where they are at.

Mr. Berry said that in the winter months, starting in November or December that depends on how high gas prices are, you would have up to four trucks/hour in and out of the facility; that you can't both take gas off and put gas in to the pipeline at the same time; that, on a busy day, you would currently have two, maybe three, trucks/hour.

The Planner said that, on the whole, the applicant is basically utilizing the existing site as it is or are you filling and making impervious surfaces.

Mr. Diffin said that we aren't really adjusting the impervious area out there; that we are adding this piece of equipment over what is now a soil filter; that that will remain and the equipment will be elevated and supported above.

Mr. Berry clarified that that piece of equipment is a shipping container so it's a standard size, self-supporting, steel shipping container; that it has a lot of equipment inside but, structurally, that's all that is.

Mr. Diffin said that the compressor station will not add impervious surface; that on the other small piece of this property is a commuter station, so, the pipeline comes in to the compressor station, there are two metered stations that go into the Maritimes Northeast pipeline; that there will be a small gravel area we will be adding off the existing gravel area for turn-around traffic; that this darker area 'here' will be out 750 square feet of extra added impervious area. He added that the fence line will be pulled back to make sure for adequate turn-around for the trucks. He also added that we are keeping all of our grading outside of the wetlands.

Mr. Lentz said that Mr. Berry said that gas going back into the pipeline has to be 1,000 lbs.

Mr. Berry said that the Maritimes Northeast pipeline is, on average, between 900 and 1,100 lbs. and, in the winter, it may be a little bit less.

Mr. Lentz said that, if you were involved in the last approval, one of the abutters was totally upset about the noise, that there was going to be too much noise, asking if there was more noise now. He added that the back-up alarms on the of trucks was another issue, asking if, somehow, the applicants had defeated them.

Mr. Diffin said that we submitted a pretty thorough noise study last time around. He explained that what we've done on this plan for the purposes of this submission is we show a noise sound wall around the new area and what we're having done is have the same acoustics engineer analyze the sound wall to make sure that the sound wall will be in compliance with Town and DEP standards.

Mr. Berry said that there shouldn't be a material increase in sound because we aren't running all the compressors at the same time and, even now when we run all four compressors at the same time, we haven't had a single sound complaint that he is aware of since we started operations. He added that the sound wall we show in this plan we have used in another in Pennsylvania and it dramatically reduced any sound out of the facility. He said that the reason we put the sound wall 'here' is because this is the area closest to the property line; that everything else is 30 acres away. He added that if the noise study shows we will exceed the noise threshold then we will put a separate sound wall around that, too.

Mr. Cieleuszko asked if the CNG gas coming in would also only be in the applicant's trucks.

Mr. Berry said yes.

Mr. Cieleuszko asked if there was drainage existing because he thinks, through their piping, they are going to end up...is it above ground or do they have to tear that whole thing up to...

Mr. Berry said that we don't have to change the piping; that it will all be above ground; that the only thing we'll need to excavate is to put a foundation under 'this' compressor and the CHP unit, if we do that.

Mr. Cieleuszko said that Mr. Berry said that the sound fence is there, now.

Mr. Berry said no and clarified that he would like to say "only if needed" so he isn't obligated to do it if he doesn't need it; that, truth be told, it's in our budget and we fully plan on doing it; that there's a 98% probability that we do it.

Mr. Cieleuszko asked a basic question – is it a change of use; is this only a modification to a plan or is it a changed plan because of the reverse flow of the pumps.

The Planner said that he saw it as a continuance of the industrial use; that it's just a modification of the site.

Mr. Cieleuszko asked if everyone agreed with that.

The PB agreed with that.

Mr. Cieleuszko asked if there was any new construction down at the metered station to put new meters for the reverse flow.

Mr. Berry said that the only construction will be mechanical – piping and valves and reliefs, things like that; that we aren't digging things up; that the only excavation that

would be required would be for the foundation for that compressor, which is an already-existing space.

Mr. Cieleszko asked if that line running to the metered station from your main terminal was above or below ground.

Mr. Berry said that it was below ground.

Mr. Lentz said that he doesn't believe there are any substantial changes to the any of the characteristics of the original; that we are doing the same thing but just gas is going in a different direction.

Mr. Berry said that, while this isn't binding on Eliot, we did the same thing at the facility in New York, which was exactly like Eliot; that we modified it and nobody knew, other than the town planning department and town manager.

Mr. Snyder asked if there was a change in the risk profile from a safety perspective.

Mr. Berry said no; that the gas is the same, whether it's going in or coming out; that it's under the same pressure whether it's coming in or going out, all of the areas are still under the same classification from an electrical code and fire code perspective; that there are safety systems that are already there and they would be as effective in this process as they are in the current one.

Mr. Casey said that the applicants will switch back at the end of the season and revert back to the original process.

Mr. Berry agreed that that was the plan. He added that we can't switch day-to-day very easily, at all, so the plan is that, sometime in November, there will be a process with the pipeline to flip the switch, do a quick test to make sure the meter reads correctly going both ways and, then, the facility will be locked into that flow path for three or four months and, then, we'll go through the same process sometime in March to reverse the flow back.

Mr. Lentz said that our friends down the street from the applicants, the compressor station, are going through some modifications and they expect to be done next year. He asked if that changed what the applicants are going to be doing.

Mr. Berry said no; that that doesn't have any effect on us. He added that he wasn't sure what their modifications even are.

Mr. Lentz said that they are going to be putting in a compressor, or something big.

Mr. Berry said that, in theory, he guessed that could change the pressure but all that means is that we've got to compress it up to 1,200 lbs. instead of 1,100 lbs.

Mr. Cieleuszko asked if the CNG the applicants will be injecting into the line is coming from ships in Portsmouth.

Mr. Berry said no, Pennsylvania; that we're trucking it from Pennsylvania, adding that there's a lot of spread in the price we pay in Pennsylvania and the price we get in Maine this time of year; that even when he pays all his drivers and everything else, there's still a healthy spread for us to take advantage of, and the pipeline needs it because of the dynamics up north with Sable Island being out of commission that there is a real lack of supply on the lines.

Ms. Bennett asked what the useful life was for a plant like this.

Mr. Berry said indefinite, really, as long as you maintain and replace the compressors; that there's no corrosive material that goes through so the piping should last 50 years; that it's all stainless steel piping so it will last a very long time; that, with the compressors, we have a pretty active preventative maintenance program and there are a certain amount of run time hours where the compressors are overhauled, every four or five years; that as long as you do that maintenance and maintain that equipment, things should be able to run forever.

Ms. Bennett asked if the applicants were concerned, at all, about flooding; that you sit in the middle of wetlands.

Mr. Berry said no, that we haven't had a flood issue, yet, and we've had some pretty wet times.

Mr. Diffin said that we did a pretty thorough evaluation of that.

Mr. Berry said that the good thing is that most of the equipment is mobile and the compressors, and things, do sit up a little bit so they're protected a little bit from flooding.

Mr. Diffin said that we built the entire site above the baseline elevation plus.

Mr. Berry said that this doesn't make us a gas utility, or anything like that, because when we push the gas into the pipeline, we'll have one single buyer that will come and take the gas and send it to where they are sending it to their customers; that it doesn't change the nature of the pipeline or our operation from the regulatory perspective. He added that we went to the PUC to propose this project and they confirmed that this doesn't change the nature of their approval.

Ms. Horner asked how many employees would they have at the busiest time.

Mr. Berry said that we have five employees that are there full-time and another two there part-time and, in the winter months, we will have to staff up; that, from a station

personnel perspective, we will have to have five employees onsite at all times, which would mean ten or eleven, total.

Ms. Horner asked how many parking spaces there are.

Mr. Diffin said that there are five that we are defining as employee/visitor parking; that the reason we can easily move them over to this old truck space is that it isn't much used and allows for five employee/visitor spaces and three truck spaces.

Ms. Horner said that our ordinance calls for one per person at the highest shift coverage.

Mr. Diffin said that we have five for that.

Mr. Berry said that everyone else that comes in is a driver of a gas truck and will be onsite but they aren't staying there for an extended period of time.

Ms. Horner asked if they had to go back to the DOT for further traffic studies.

Mr. Diffin said no; that the DOT wouldn't look at this until we got up to 25 trucks/hour.

Mr. Cieleszko said that the four trucks/hour are for a 24-hour period.

Mr. Berry agreed, saying that the station operates 24 hours.

Ms. Horner asked about the waiver for the high intensity soils survey.

Mr. Cieleszko said that that was done on the original and they provided it.

Mr. Lentz agreed, saying that the excavation was a minor anomaly; that whatever excavation happens will go on inside the footprint that was already studied.

Mr. Cieleszko moved, second by Ms. Bennett, that the Planning Board accept the waiver to exempt the High Intensity Soils Survey.

VOTE

5-0

Motion approved

Mr. Lentz asked PB members if there was anything else on the project, itself.

Mr. Cieleszko said that he thought we were ready for a motion.

The Chair said that he would accept a motion.

Mr. Cieleszko moved, second by Ms. Bennett, that the Planning Board accept the modification to the existing approved Site Plan, PB19-3, from Sevee & Maher Engineers, with the following conditions of approval:

1. The property may be developed and used only in accordance with the plans, documents, material submitted, and representations of the applicant made to the Planning Board. All elements and features of the use as presented to the Planning Board are conditions of approval and no changes in any of those elements or features are permitted unless such changes are first submitted to and approved by the Eliot Planning Board. Copies of approved permits from Maine DEP, Army Corps of Engineers, if applicable, and State shall be provided to the CEO before construction on this project may begin.
2. The permit is approved on the basis of information provided by the applicant in the record regarding the ownership of the property and boundary location. The applicant has the burden of ensuring that they have the legal right to use the property and that they are measuring required setbacks from the legal boundary lines of the lot. The approval of this permit in no way relieves the applicant of this burden. Nor does this permit approval constitute a resolution in favor of the applicant of any issues regarding the property boundaries, ownership, or similar title issues. The permit holder would be well-advised to resolve any such title problems before expending money in reliance on this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.

VOTE

5-0

Motion approved

Mr. Lentz said that the application stands approved and there is a 30-day period from which the PB decision can be appealed by an aggrieved person or parties – move forward but move forward cautiously.

Mr. Cieleuszko said that it has been in his mind since the last second meeting that we were going to have a public hearing on the items for the changes in those ordinances; that there was something about sewer work; that we were supposed to have a public hearing on two or three sheets of changes, one of which he didn't agree with or needed verification on, reiterating that he thought that was supposed to be scheduled for this meeting.

The Planner asked if he was talking about things we had already reviewed.

Mr. Cieleuszko said yes; that it was in our minutes. He added that, with one of them, we said we were going to have a public hearing and get the answers at the same time on the aspect of making anybody who does septic changes supply a full soil analysis. He said that that was what struck him in that there was a change from only new construction to anybody who does any work on their septic; that he wants to know where it went.

Mr. Lentz said that he honestly doesn't recall what Mr. Cieleszko is talking about but that he's sure Mr. Cieleszko is right.

Mr. Cieleszko asked if that rang a bell with anybody.

Ms. Horner said that she remembers talking about it and remembering herself asking if we didn't vote on that in June and Mr. Cieleszko saying what he just said.

Mr. Cieleszko said that there were a couple more changes that needed to be done to update the ordinances and we okayed a public hearing; that he made the motion to have a public hearing on the first page of changes. He added that he had said he didn't like the other one but we said that we would put it on at the same time, anyhow, just to get people's input and get our questions answered about it.

Mr. Lentz said that we can dig it up.

Mr. Cieleszko said that this was first introduced by Ms. Prescott and we had talked about whether the Planner should call her to talk about where this came from.

After further discussion, it was agreed that this would be put on the next administrative meeting, February 5.

C. Subdivision Ordinance Revisions

Mr. Lentz said that we can review it now and discuss any changes on February 5th.

The Planner said that these are not the re-writes; that he just wanted to introduce these and the rationale for putting them on there.

Mr. Cieleszko said that the only issue he has with it is the one six-month extension; that he doesn't know if that kind of noose is needed; that maybe South Portland needs it.

The Planner said that the impetus for this is the fact that we have two projects ongoing in Town that are 20+ subdivisions that were granted approval 15-20 years ago, in the wild west, so there are very few regulations and they would likely not pass muster today. He added that he thought there should be much tighter limits on whether we grant it and this is some of the fine-tuning to be done; that this is South Portland's ordinance and he thinks they are well-crafted throughout. He said that he had a meeting with a 30-year-long Planner to discuss some of the nuances of these; that if we grant an extension of one year, or something, if they miss the two-year window or three-year window or whatever it is, granting some extension if they've got substantial completion on the primary infrastructure, then the project could be entitled to some degree of time, but that's contingent upon the infrastructure being in place and approved.

Mr. Cieleszko said that he likes that but he just wants to make sure, because it's case-by-case, even in subdivisions, even in a huge project; that everybody has their unique

problems and solutions; that if you put a two-year or three-year or whatever gets decided time limit on it, but only having one extension and then you are done; that the way he read it is that you have to start from scratch.

The Planner said yes but having to come back before the PB shouldn't be that difficult a hardship, particularly if the project was done properly the first time and nothing has substantially changed; that you just ran out of time and getting it approved again wouldn't be a hardship; that the cost should not be prohibitive for somebody to come back in and get re-approved unless there was something wrong, to begin with, or there were substantial changes in the regulations.

Mr. Lentz suggested that the Planner re-write it for the next time; that we can think about it and go over it again.

The PB agreed.

Mr. Lentz said that that would be the February 5 meeting.

ITEM 7 – REVIEW AND APPROVE MINUTES

Ms. Bennett moved, second by Mr. Cielezsko, to approve the minutes of January 8, 2019, as amended.

VOTE

5-0

Motion approved

Ms. Horner said that we had been talking about background checks (marijuana ordinance) and Mr. Cielezsko had suggested we eliminate that from our licensing chapter. She asked if they have to get Town approval before they get State licensing, or is it the opposite; that if they're coming to us first, she would want to talk about that again.

Mr. Cielezsko said that in the version of the law that he has, it says that you need Town approval before you get a State license but our Town approval could be contingent on getting the State license, which then covers their background checks through the State.

Mr. Lentz said that one of the sections we talked about was more about the actual planning process – the licensing, fees – and he suggested that the Planner could look at that for the next time so that we can pare that down and compare it to what we think we may want to do; so, once we see that maybe we'll have a better idea.

Ms. Horner suggested we invite the AURCC for that meeting.

ITEM 8 – CORRESPONDENCE

There was no correspondence.

ITEM 9 – UPDATES

There was no discussion.

ITEM 10 – SET AGENDA AND DATE FOR NEXT MEETING

It was agreed that subdivisions and the marijuana ordinance would be on the February 5 meeting, as well as the fencing ordinance and the old list.

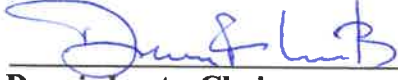
The Planner said that the CEO strongly recommends that we get rid of it; that the State doesn't have one and none of the other towns the CEO has worked in has one and he thinks it's just inviting problems.

Mr. Snyder will not be in attendance for the next meeting.

The next regular Planning Board Meeting is scheduled for February 5, 2019 at 7PM.

ITEM 11 – ADJOURN

There was a motion and a second to adjourn the meeting at 8:49 PM.


Dennis Lentz, Chair
Date approved: 2/19/2019

Respectfully submitted,

Ellen Lemire, Recording Secretary

