

FARMINGTON PLANNING BOARD
153 Farmington Falls Road
March 16, 2015
Site Walk-Over and the Continuation of the
Meeting of March 9, 2015
Minutes

Planning Board members present were Clayton King, Donna Tracy, Bill Marceau, Gloria McGraw, Craig Jordan, Tom Eastler, Lloyd Smith, and alternate members, Matt Smith and Jeff Wright.

Others present were Town Manager, Richard Davis; Code Enforcement Officer, Steve Kaiser; Code Enforcement Assistant, Jane Ford; Deputy Police Chief, Shane Cote; Director of Public Works, Denis Castonguay [site walk-over only]; Sally Speich, Conservation Commission Board member; abutter, Frances Harton [site walk-over only]; Laurie Gardner, UMF Executive Director of Finance and Administration; Jeff McKay, UMF Facilities Director; Dr. Drew Barton, UMF Professor of Ecology and the Environment; Tom Perkins, Engineer - Dirigo Architectural Engineering; Mark Power, Engineer - Trane/Ingersoll Rand; Village Corporation members, Jane Woodman, Andrew Robinson, and Alden Smith; residents, Stephen Spielvogel; and members of the press, Ann Bryant and Ben Hanstein.

1. Designate alternate members, if needed
N/A

2. SITE WALK-OVER
UMF Parking Lot #9
Corner of Perkins Street & Quebec Street

The site walk-over was requested by the Planning Board at their meeting on March 9, 2015 due to concerns about tractor trailers navigating through the downtown area. Planning Board members, along with approximately 20 others met at UMF Parking Lot #9 located at the corner of Perkins Street and Quebec Street, the location of the proposed UMF Central Heating Plant, to observe the maneuvering of a tractor trailer. While waiting for the truck, Mr. King said if anyone has any questions, they should direct them to Mrs. Ford and they would be answered at the meeting to follow. Mr. King set cones to simulate a parked car at the intersection of Perham Street and Quebec Street. When the truck arrived, the driver said he was unable to negotiate the corner at Middle Street east going onto Quebec Street. He was then successful in making the turn going from Perham Street east onto Quebec Street.

3. Continuation of the meeting of March 9, 2015 at Municipal Building
UMF – Construction of 5,800 SF Biomass Central Energy Plant
Located on the corner of Perkins Street and Quebec Street
Map U13 – Lots 073, 074, 075, & 076
Site Review Application #15-SR-02
Soil Erosion Control/Storm Water Management Application 15-SS-02

Mr. King began the discussion by stating this is not a hearing but the Board will be open for questions from the public.

Mr. Davis asked what questions or concerns were expressed to Mrs. Ford by the public at the site walk-over.

Mr. Kaiser answered and said neighbor Stephen Spielvogel asked "what will happen when the church [St. Joseph's] is in session and cars are parked on both sides of Quebec Street and Middle Street - will the truck have a hard time getting through? Mr. Spielvogel also had concerns about the ditch by the church along the west side of Quebec Street, and plant emissions.

Mr. Kaiser said Shirley Waddell expressed concerns regarding noise, having a heating plant in the middle of a neighborhood and near a church, pollution, truck traffic. He said she also asked if there was any other location for this project.

Mrs. Ford said that Frances Harton expressed concern regarding the height of the smoke stack in comparison to the height of her house.

To answer Mr. Spielvogel's question regarding emissions, Mr. King said the engineers presented this at the prior meetings when EPA regulations were reviewed. He also brought up testing when the plant is up and running and said that the Board can discuss that later on.

Mr. Marceau said the request would be similar to required water testing [at Brookside Village].

Dr. Eastler said, to answer Mr. Spielvogel's question regarding church services, scheduling the deliveries would be the answer.

Mr. Perkins said deliveries would be 9:00 A.M. to 11:30 A.M., Monday to Friday.

Mr. Spielvogel said while watching the tractor trailer maneuver, the truck had to make a very wide turn and thought the placement of the cones helped the driver too much. He also expressed safety concerns regarding the Mallett School traffic when there are cars on both sides of Quebec Street and when parents are dropping off or picking up their children, and also mentioned the deep ditch by the church.

Mr. King said they proved they could make the turn onto Quebec Street, there is no parking allowed on that side of the street [where the cones were placed], and truck drivers need to be mindful of the ditches. He said there are trucks on Broadway every day, the big issue was to see if the truck could make the turns safely, adding that he didn't think many students would be dropped off between 9:00 A.M. and 11:30 A.M.

Mr. Davis said the ditch hasn't been an issue, and if it became one the Town would address it.

Mr. King said Mr. L. Smith noticed at the site walk-over that as the truck was making the turn a vehicle behind tried to go between the truck and the sidewalk.

Dr. Eastler said the campus police might be able to assign someone to direct traffic during deliveries.

Deputy Police Chief Cote said that is not within their jurisdiction.

Dr. Eastler said this goes back to scheduling and perhaps someone from Facilities Management might have someone out there during deliveries. He added that motorists need to pay attention and it's unfortunate that some drivers don't heed to the "wide turn" signs on back of most tractor trailers.

Mr. Spielvogel said there needs to be no parking on the east side of Quebec St.

Regarding parked cars at the corner, Mr. Davis said the Traffic Ordinance prohibits vehicles from parking within 20' from intersections.

Mrs. Speich said this is still a residential area and this project will change the nature of the area. She said if the wind is blowing it will take the smoke to the Community Center.

Mr. King asked about the prevailing winds, and Mr. Perkins said the wind will blow south east - away from the Community Center.

Dr. Eastler said that there is wind data at Preble Hall and data may also exist in the Physics Department.

Mr. Power said that they previously showed data for a number of plants in other communities that were in close proximity to houses and schools, and they've installed them all over Maine in the middle of towns. He said this is a modern boiler and what you see emitting from the stack is just water vapor – steam, which is clean with very low particulate matter, and not smoke like an outdoor wood boiler.

Dr. Drew Barton said it is understandable that there would be concerns regarding smoke, pollution etc. but there will be less pollution due to the fact that there will be less carbon emissions because there will be 150,000 fewer gallons of oil burned, and the number of deliveries per week will decline from the current 40 to 11.

Mr. King asked if there were any other questions from the public and there were none. He then turned to the Board for questions and/or comments.

Mr. Wright said he goes to the fitness center any time between 5:30 A.M. and 7:00 A.M. and there are no cars in the area and it very quiet. He said he felt comfortable that the University will pick the best time for deliveries.

Mr. M. Smith said he was satisfied and had no additional questions or comments.

Mrs. McGraw asked about the emission testing and does the Board have to vote on that.

Mr. King said we will get to that issue.

Mr. Jordan asked about the Farmington Village Corporation (FVC) and how much authority do they have in regards to this project.

Mr. King said they voted down the project

Mr. Jordan continued saying that there is confusion about the FVC, he said if we listen to the Town, the FVC doesn't exist. He said people on the FVC Board have always assumed they have authority within their boundaries. He said the Town Attorney addressed this but there were a lot of ifs and buts, and a case study regarding the Town of Northport was included, but this is not Northport. He said when the Comprehensive Plan was enacted the FVC still had authority. He said they have never been challenged to this extent. Mr. Jordan said he want to be 100% on this, and he said he spoke to the FVC and they told him they will have to see what happens tonight and then figure out how to handle this challenge.

Mr. King asked what the ramifications would be if we approve and the FVC doesn't?

Mr. Davis said it's not up to the Town to determine the FVC's authority. The Planning Board is well within its authority to approve this project if it meets all the requirements of the Town's ordinances.

Mr. Kaiser said the FVC has their process and the Town has theirs, and they're mutually exclusive. If we have a case where the FVC rejected a project that the Planning Board approved, the applicant has the option to file an appeal with FVC and also challenge them in court. He said the Planning Board review is being done under applicable Town ordinances, which are based on and adopted in conformance with the Comprehensive Plan and State law.

Mr. Jordan said everybody should be aware that there are two entities judging this proposal, and he just wants the Board to be aware that the FVC has not approved this project.

Mr. King asked for the Board's input on the stack.

Mr. Jordan said the stand alone smoke stack is 50' and the chimney on the Community Center is 45' tall, but judging this stack against the Community Center's chimney is a poor comparison. He said he wonders if it would be better if the stack were inside the building.

Mr. King asked Mr. Perkins if they could incorporate the stack into the building.

Dr. Eastler said that should be possible.

Mr. Perkins said that would add to the cost.

Mr. King said he understands the cost, but maybe the design can be adjusted so you only see half of it.

Mr. Jordan said this project has a 10-year payback, and what if putting the stack in the building added another six months to this payback. He said there are number of people who use the Fitness Center which is a major benefit to the town, and the stack is going look ugly from there.

Mrs. McGraw asked Mr. Kaiser for background on the FVC and the Comprehensive Plan.

Mr. Kaiser said the FVC adopted the Town's first zoning within their corporation area in 1955. Their zoning was used as a model when the Town developed town-wide zoning in the 90's based on the Comprehensive Plan. At that time, the Town asked if the FVC would repeal their zoning when the Town adopted town-wide zoning. The FVC first said they would, but when informed of the adoption of town-wide zoning they declined. He reiterated that the applicant can appeal to the FVC if they turn down this project.

Mrs. Tracy said she didn't have any additional questions.

Mr. L. Smith asked to clarify the days of the week regarding the deliveries.

Mr. Perkins said deliveries would be Monday to Friday, 9:00 A.M. to 11:30 A.M.

Mr. L. Smith expressed a concern and said some weeks you won't be able to make two or even one trip a day when there are storms. He said you will then have to double up on deliveries and that's a lot of trucks going down a busy street in a very short time. He added that he understood the FVC was going to fold their zoning when the Town's Comprehensive Plan and Zoning Ordinance were enacted, but they didn't as they said they would.

Mr. Kaiser said that's correct, the FVC originally agreed to get rid of their corporation zoning when the Town adopted town-wide zoning, but then changed their mind.

Mr. King asked how many days of chip supply there would be, and Mr. Perkins said enough for four days.

Mr. Marceau asked about the cost of annual emission testing.

Mr. Power said the cost would be \$5,000 - \$6,000 for testing boiler combustion efficiency and stack emissions.

Mr. Marceau said if they did the emission test for two years and if the results came back satisfactory they could then discontinue it. Regarding the position of the stack, he said, if the stack were inside the building, that option would be a good compromise and be less visually invasive.

Mr. King said we can't force UMF to do things, but it would be a better plan for the stack to be inside. He asked if there is monitoring equipment on the stack.

Mr. Power said they will have trained operators and technicians who will monitor sensors and will know if something malfunctions with the boiler and/or stack.

Dr. Eastler said he took one of his classes to the wastewater treatment plant back when the first superintendent was there who told the class that he was operating a unique farm with unique animals and unique food. He said, what he was doing was making an analogy – the animals were bacteria and different types of microorganisms, and the food was human feces. Dr. Eastler said the superintendent and the other operators were able to tell when something was malfunctioning just by odor when they opened the plant. He said the idea was that all three men that worked there were able to sense any problem and act accordingly, just as this heating plant will be appropriately managed and monitored.

Dr. Eastler said it is all about timing regarding the FVC and asked Mr. Perkins if UMF had presented their proposal to them.

Mr. Perkins said, no.

Dr. Eastler said the type of review the Planning Board is now doing didn't happen at the FVC, who only got information about the project when they attended our Public Hearing - after they had already voted it down. He said there are already many fuel truck deliveries to the campus and to businesses and residents in the area but we don't do anything to manage them. He added there is no way the FVC could have made a well informed decision.

Mr. Perkins said a vote was taken by the FVC not to approve the proposal without any of the interaction that we have had here - they voted without knowing anything about the project.

Representing the FVC, Jane Woodman, said when the application was submitted she brought it to their Board, and the fact that the applicants were not invited when the FVC Board made their decision was an oversight. She said was attending another meeting, and per their attorney the applicant should have been present at the FVC Board review. She said the Board took another vote and the result was the same, that the project did not conform to their zoning, and the applicants have the option to appeal to the FVC.

Ms. Speich said she hopes they will be taking care of the ashes properly. She also mentioned if a lot of trees have to be taken down for the installation of the piping, she hopes they'll be replaced and not just with saplings. Mrs. Speich added that besides providing shade, trees also absorb a great deal of carbon dioxide.

Dr. Eastler said Farmington is a "Tree City USA" and the Conservation Committee could work with the University on this matter.

Mr. McKay said they received a canopy grant for major tree planting on campus. He added that the maple tree at the corner of Perkins St. and Quebec St. is almost dead and needs to come down.

Dr. Eastler made a motion to approve the site review application as submitted.

Dr. Eastler said there is not a whole lot of opposition regarding the stand alone stack. He said it requires money to re-engineer to have the stack inside.

Mr. Perkins said the cost would be anywhere from \$55,000 to \$100,000 to put it inside.

Mr. King said he'd prefer that the stack be inside.

Mr. Jordan said the cost for this would be about 1% of the project

Mr. King agreed with the 1% and said that it would be worth it, and he's gotten a lot of calls in favor of enclosing the stack.

Mr. Kaiser said that he and Mrs. Ford would be putting together a Findings & Decision document to be reviewed and signed by the Planning Board.

Dr. Eastler reiterated about the educational aspect of the plant that it would be available to grade school students, college students, and adults. He said the cost of putting the stack inside might take away some of these educational plusses.

Mr. King seconded Dr. Eastler's motion [to accept the Site Review application as submitted].

Mr. Jordan wanted to clarify the total of boiler HP was which includes the propane burner, and that they would have to come back if they want to add another boiler.

Mr. Perkins said the initial boiler will be 500 HP total, which includes a 300 HP backup LP burner which would be used instead of chip burning - not in addition.

Mrs. McGraw requested that the truck route be part of the motion – Front Street, to Broadway, to Perham Street, to Quebec Street.

The days of the week- Monday to Friday, and the hours of delivery – 9:00 A.M. to 11:30 A.M. were also requested to be added to the motion, including alternate days due to bad weather, or other exigencies.

Mr. Davis asked where the chips would be coming from.

Mr. Perkins said they have not secured the chip supplier at this time.

Mr. Kaiser said he would include in the Findings & Decision document: the horsepower; the route; the delivery times; the stack; the exterior lighting, and all other submittals.

Mr. L. Smith expressed concern about the number of trucks, 140 deliveries, in 90 days.

Mr. Jordan said the truck we saw today was quiet, rolled in easy, and that demonstrated two trips.

Mr. Davis questioned the stack location.

Mr. Marceau and Dr. Eastler said as submitted [the stack location – stand-alone].

Mr. King then called for a vote.

VOTE: 2 – Affirmative 5 – Opposed
Motion denied.

Mrs. McGraw made a new motion to include all of the items in the first motion with the exception that the stack would be internal.

Mr. King seconds the motion

VOTE: 6 – Affirmative 1 – Opposed
Motion carried.

Dr. Eastler made a motion to approve the Soil Erosion Control/Storm Water Management Application.

Mrs. Tracy seconded the motion.

VOTE: 7 – Affirmative None opposed.
Motion carried.

There being no further business, the meeting adjourned at 6:55 P.M.

Minutes respectfully submitted by Jane Ford.

Planning Board

Date