

Planning Board Minutes

11/20/14

In attendance: Fred Miner, Norm Blake, Jo Pierce, Bob Flint and David Strock

First Item: Brandon Messier CUP

Mr. Messier submitted a CUP for a gas appliance business in North Baldwin. Norm concerned that it will be a long time before we can address, unless have public hearing in December. He proposed that we have a public hearing December 11, 2014. Board agreed. Norm agreed to take care of Shopping Guide ad and notice to the adjacent landowners.

Second Item: Woods' Pellet Mill

The Board continued consideration of the CUP and discussion of conditions.

The applicant provided a new diagram that more clearly showed the areas in which there would be less than 24/7 operations. Exhibit #1.

Water testing: Norm suggested that the applicant test at 4 sites adjacent properties, including Glen Reynolds, Rick Day, Suzette McLaughlin, and a location to be announced, as well as a test site at the facility itself (so 5 testing sites in total).

The Board discussed the testing procedures. First, testing before breaking ground to establish a baseline. Second, test six months after first test. Third, test annually on the anniversary of the first test. All tests shall be at the applicant's expense.

The type of test shall be at least sufficient to determine that water is safe for drinking.

Distribution of test results: The Board wants the applicant to supply the test results to the individuals tested and a copy to the Planning Board.

Noise: The Board discussed noise issues.

Jo asked whether noise was a state regulated issue. The applicant said that noise was part of the things overseen by the state.

The applicant stated that they were planning on using a log barrier that would run parallel to the log yard to provide a sound barrier. They provided a diagram that indicated the location of the log barriers. (Attached as Exhibit #1).

David expressed concern about the fact that the barrier would be semi-permanent. Jo said that the logs would be used in operations, so not permanent. David asked the applicant to propose minimum standards for the barrier. The applicant said that there would be a minimum of one full row on the east side (as noted on the diagram) and one row on the south side (as noted on the diagram).

Norm Blake recognized Ms. McLaughlin to ask a question. She asked whether the truck dump would be really loud. The applicant stated that most of the noise is from the chips hitting the ground and they would be constructing a 6-8 foot concrete retaining wall around the location that the chips are dumped. The applicant stated that there would be no banging of the truck back gates.

Fred asked whether the applicant planned to use a vibrator device on the chips because they are quite noisy. The applicant stated that they did not intend to have a vibrator.

Ms. McLaughlin expressed concerns about the hours of operation and the sound. She said that the hours should be 6a to 6p, just like the other business in the area, Limington Lumber. Norm asked the applicant whether 6a to 6p would be a viable business. The applicant said, “not really.”

Jo asked whether the applicant thought about building a wood wall to reduce sound impact? The applicant said that they were going to use the log pile.

Bob expressed concern that the Board was telling the applicant how to do, rather than giving them performance standards to meet. He asked why we don't just tell them that they have to achieve a certain decibel level.

The Board had a lengthy discussion about the merits of a sound wall. The applicant said that he may be interested in building a wall the distance of the south perimeter. Norm checked and this was about ¼ mile long.

The applicant reaffirmed the statement in the application that there would be an average of 45 dB at the property line during evening hours and 55dB during day. Note, the applicant raised the daytime level from the application, stating that these were the state levels.

Returning to the guarantee levels of the piles of wood being used for sound barrier, the applicant stated that they would be at least 16 feet high.

Standard Conditions: Norm indicated that the Board would require their standard condition (a copy of which is attached and was provided to the applicant). Exhibit #2.

Back to Sound Issues: The Board discussed explicitly including an option for the applicant to build a wall versus using the wood piles as sound barriers. The Board then discussed the need for any sound barriers, if the applicant can meet the state sound average requirements. In other words, we could use the dB levels at the property line as the standard. David asked whether we need to hire a sound expert to advise us on the sound impacts of the facility.

The applicant stated that the State only allows construction during 7a – 7p.

Jo stated that he thinks the applicant needs to have visible signs of sound mitigation. The Board and the applicant discussed the composition of the walls and the type of sound mitigation build into the walls (steel walls, baffling system, and insulation).

Bob returned to the issue of hiring a sound expert. He observed that he was not sure what a sound expert could do at this stage of the discussion. Once the facility was installed, a sound expert could tell us whether the applicant was meeting the standard we set. What can the sound expert do at this time?

A question is raise about how often the state inspects the facility. The Board indicates to the applicant that the Board wants copies of all DEP inspections. The applicant states his agreement.

Back to the noise issue, a discussion of the Board and the applicant results in the following proposed condition regarding sound:

“Wooden barriers of some kind, a minimum of 16 feet high and a maximum sound average of 45 dB from 7:00 p.m. to 7:00 a.m. and 55 dB from 7:00 a.m. to 7:00 p.m., to be measured at the property line.”

Norm polls the Board whether they generally agree to this condition. David expresses concern about the lack of detail on the barrier. The Board asks the applicant about the anticipated length of the barriers. The applicant directs the Board to a diagram. The Board adds the following sentence to the proposed sound condition, “The length of the wooden barriers to be consistent with the diagram on Exhibit 3,” which has been attached (in the original diagram, the barriers are colored green).

Lighting: The Board states that all lighting shall be pointed inward and downward, using shielded lights and motion controlled lights where possible. Further, Norm states that the Board will require all building stacks and structures to be painted or colored a dark, non-reflective color. The applicant stated that there should be no problem with the latter requirement.

[Draft – subject to confirmation by the Planning Board at next meeting]

Wood Ash Storage: Norm stated that the Board would require all wood ash storage to be accomplished to prevent ash from blowing, leeching, and other potentially negative consequences of poor storage.

Fire Department Review: No one from the Town of Baldwin Fire Department was in attendance at the public hearing of the last two Planning Board meetings. The Town Fire Chief provided an email to Norm about the Fire Department's position on the facility. Attached as Exhibit #4. The Town Fire Chief offered no substantive recommendations regarding the facility, even after Norm directly posed the question and the applicant met with the Town Fire Chief.

Jo stated that the Board may want to focus on requiring the applicant to maintain insurance because the insurer will require the applicant to have good fire protection, plus the insurance companies require the applicants to keep up with technology.

Access Road: Norm stated that the access road from Route 113 to the facility will be a town road, but he thinks that the Town can give the applicants permission to plow and treat the road during the winter. The Planning Board recommends that the Selectmen give the applicant legal permission to plow and treat the road to Route 113 during the winter.

David asked whether or not we should prohibit standing traffic in the area around the Town Garage. The Board agreed that the applicant would not be permitted to have standing traffic in the zone that Town personnel could use to access the sand area and that the applicant must mark that area.

Signage: The Board will allow the applicant to have a sign no bigger than 20 square feet, with the ability to use both sides of the sign. Any illumination shall not be directed at traffic or directed up in the air.

David asked whether the Board will be putting any conditions or restrictions on the construction phase as this will be at least a year-long project? The Board did not take up this issue.

The Board expressed concern that the applicant may be shifting the locations of the actual facility on the lot. In a prior meeting, Fred raised the possibility that the location be moved to the North to increase the distance between the facility and the adjacent residences. The applicant stated that they were still looking at this issue. The Board expressed concern that they did not have a final location. Norm mentioned that the Board could approve a building envelope, which would allow the applicant to shift the project as suggested by Fred, if that worked with the various other issues for the applicant.

Norm closed the discussion of the Woods' pellet mill for this meeting. The Board agreed to have the conditions prepared and to vote on the CUP at the next meeting on December 11, 2014.

[Draft – subject to confirmation by the Planning Board at next meeting]

The applicant expressed disappointment that the Board could not vote tonight, but agreed to return at the next meeting.

Third Item: Dodge Oil

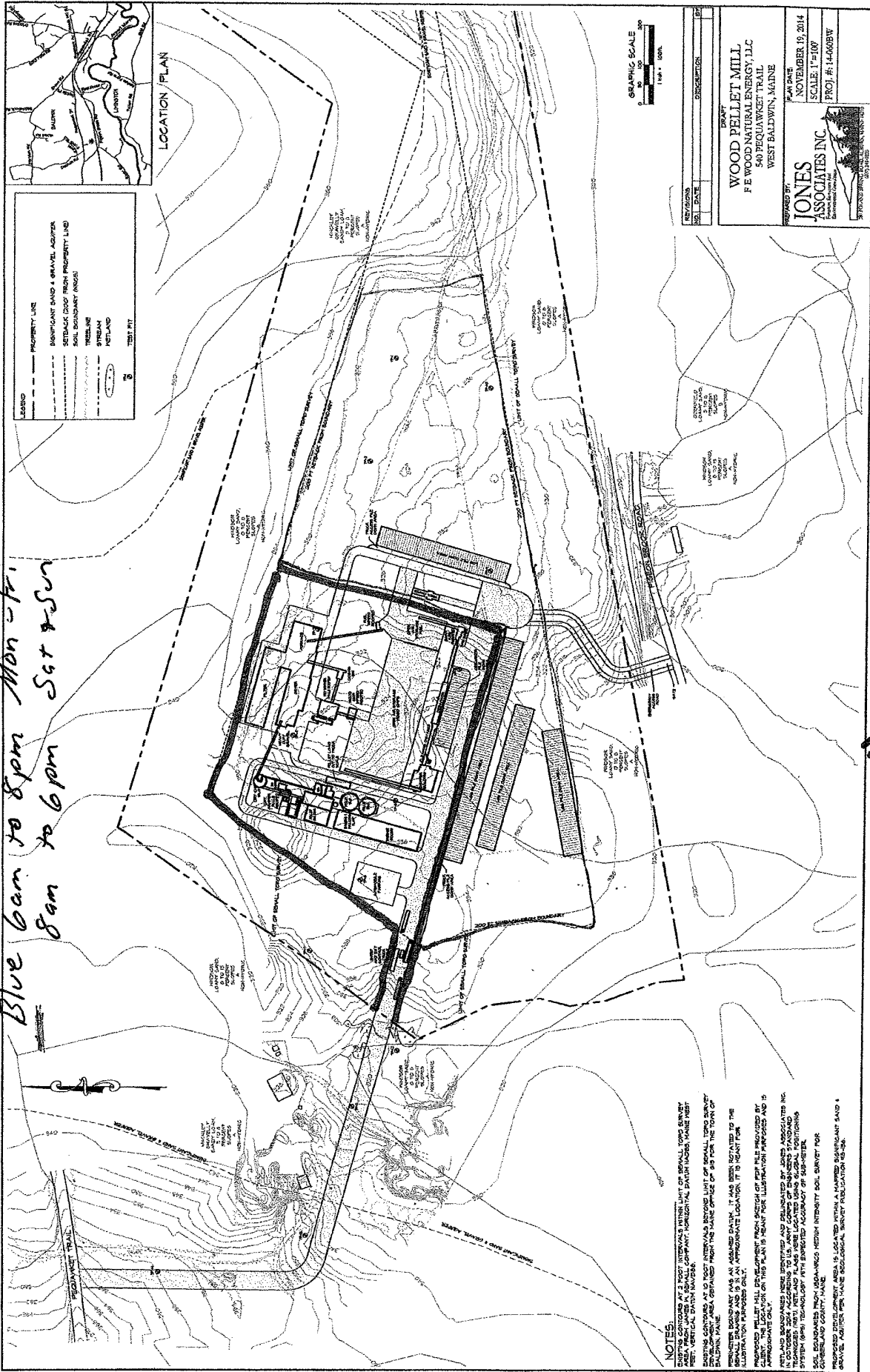
Dodge Oil sent a letter to the Planning Board stating that it wanted to double its storage capacity at the 251 Pequawket Trail location by adding a 30,000 gallon propane tank to the location. A copy of Dodge Oil's letter is attached as Exhibit #5 (which includes Norm's handwriting on it).

After a very brief discussion among the Board, Norm indicated that he was concerned that Dodge Oil had not complied with its prior agreement to provide the Town fire hose and the flare off kits and may have issues with the locked gate. Given our full schedule at the next meeting, the Board generally agreed that we would have to take up this issue at the first meeting in January and Norm would invite Dodge Oil to that meeting to discuss its plans.

Fourth Item: Motion to Adjourn, second and unanimously passed.

Red 24/7

Blue 6am to 8pm Mon - Fri
8am to 6pm Sat & Sun



#1

3 of 3

Conditional Use Conditions 8-8-03.wpd

STANDARD CONDITIONS FOR CONDITIONAL USE

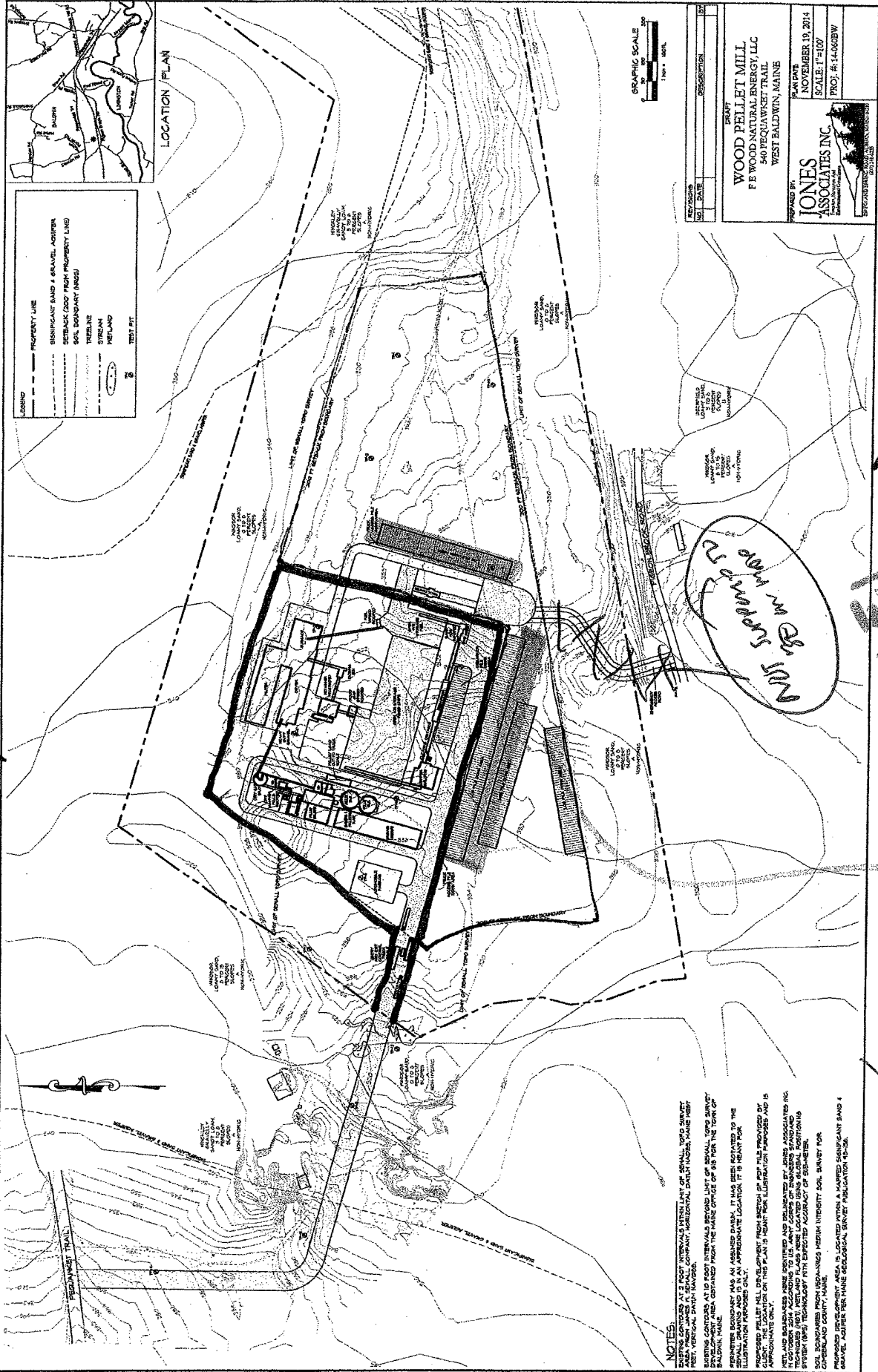
To the Applicant: These Standard Conditions will apply to your conditional use approval. To the extent applicable, these conditions are *additional* to and supplement any specific provisions which the Planning Board may have imposed upon your approval.

1. The Applicant shall carry on the permitted activity in accordance with the description thereof in the application, and in accordance with the documentary and/or testimonial representations presented by the Applicant in connection with the proceeding. Substantial compliance with the description of the activity and representations is a condition of Approval. Any undisclosed and unapproved use of the premises (even if otherwise accessory to the approved use), or any substantial deviation from the activity or representations described in connection with this Approval shall be deemed a violation of the Land Use Ordinance, and may result in revocation of the Approval.
2. By acceptance of this Conditional Use Approval, the Applicant consents to the inspection by the Code Enforcement Officer of all non-residential areas of the premises at reasonable times (with or without prior notice) for the purpose of determining compliance with the conditions of the Approval or any provision of local, state, or federal law. This consent shall not be withdrawn unless the Applicant abandons the approved use, and notifies the Town in writing delivered to the CEO that the activity will not be resumed without a further approval by the Planning Board. Failure to allow any such inspection by the CEO may result in revocation of the Approval.
3. If the Approval is specifically conditioned upon physical improvement of the premises, obtaining of insurance, or other requirement, the activity authorized hereunder shall not be commenced until the Applicant demonstrates compliance with each of the conditions to the CEO, and receives a certificate of occupancy from the CEO evidencing that all conditions have been met. Commencement of the approved activity prior to obtaining such certification may result in revocation of the Approval. Failure to utilize or maintain such physical improvement, insurance, or other requirement thereafter may result in revocation of the Approval.
4. The Approval shall lapse and become null and void if the use authorized by the Approval is not commenced within one (1) year of the date of approval, or if the use is abandoned for a period of one (1) year thereafter. Where there is good cause for the delay, or the discontinuance, and there is no evidence of intent to abandon the use, these requirements may be extended for additional periods not to exceed one (1) year.
5. The Planning Board may schedule a hearing (upon reasonable notice to the Applicant and the public) to determine whether there is a violation of the Approval or any the condition thereof (including those contained herein); or any other violation of any provision of local, state, or federal law. If the Board determines that a violation has occurred and is either continuing or is likely to recur, the Board may rescind this approval or take such other action to amend or modify the Approval as the Board deems appropriate to protect the public health, safety, or welfare.

2
H M

Red 24/7

Blue 6am to 8pm Mon-Fri
8am to 6pm Sat & Sun



EX 6
LOG PILES

MISS SUPPLY
2000

11/24/14



David Strock <dastrock@gmail.com>

Re: Pellet Mill

1 message

Norman Blake <wa1ivb@att.net>

Fri, Nov 14, 2014 at 1:19 PM

Reply-To: Norman Blake <wa1ivb@att.net>

To: James Dolloff <jimdolloff@yahoo.com>, Joe Pierce <unclejo@cpierce.com>, "jsanborn@baldwinmaine.org" <jsanborn@baldwinmaine.org>, "othomasbaldwin@yahoo.com" <othomasbaldwin@yahoo.com>, "gmcneil@baldwinmaine.org" <gmcneil@baldwinmaine.org>, David Strock <dastrock@gmail.com>

Jim...

One interesting thing that we found out last night from one of the Woods' consultants is that the DEP no longer permits people to dig dry hydrants into streams. I guess the DEP office gets all its fire fighting water from Portland or Augusta District Hydrants and they don't understand where rural water come from, nor do they care.

Again, the Planning Board is relying on the Fire Dept for recommendations. In lieu of specific ideas, we may have to go with whatever their insurance company wants. They have the biggest stake in the game if things somehow got totally out of hand and the firefighters just had to back off for safety.

Norm

From: James Dolloff <jimdolloff@yahoo.com>

To: Joe Pierce <unclejo@cpierce.com>; Norman Blake <Wa1ivb@att.net>

Sent: Friday, November 14, 2014 1:04 PM

Subject: Pellet Mill

Hi gentlemen

I'm sorry, I thought that Danielle was going to pass this on to you. On Sunday October 2, 2014 Jason Brown, Bruce Crawford and myself did a walk through at the site of the proposed pellet mill to find a reliable source of water in the event of a structure fire of the mill.

We found that a dry hydrant at the brook near the railroad tracks and an in ground cistern on the mill's grounds will be a good addition to the mill's inline fire suppression system that is already planned. Although we cannot give any type of specs or designs, that will have to be done by an engineer or ISO.

#4

dodgeoil **& propane** THE SERVICE PEOPLE

Date: October 22, 2014
To: Town of Baldwin Planning Board
From: Jay Banks, President – Dodge Oil and Propane
Subject: Proposal to Add another Tank to Dodge Oil Propane Plant

Good Evening. I hope to get this to you at your October 23, 2014 Planning Board meeting.

Dodge Oil is seeking permission from the Town of Baldwin to add a second 30,000 gallon propane tank to the existing facility located at 251 Pequawket Trail.

With the increase in use over the years we find it difficult to keep adequate supplies in the existing tank during the busy winter months. An additional tank would help to dispatch deliveries into the plant in a more timely and accurate manner and provide us with inventories needed to provide customers with uninterrupted deliveries.

While an additional tank will double the capacity of propane storage at the plant, we don't believe it will significantly change the basic hazard of the plant itself. We have managed the operation of this plant safely for years and obviously will continue to do so.

The addition of another tank would also offer us the opportunity to upgrade the entire propane system as we tie the two tanks together and add some more recent state of the art safety enhancements that are available to us.

I appreciate your consideration toward this project and look forward to hearing from you soon.

Respectfully,


Jay Banks

#5

FYI - DODGE OIL PROMISED THE TOWN 4000' OF FIRE HOSE AND A FLARE-OFF KIT TO THE FIRE DEPT. WHERE IS IT?

WORM

Dodge Oil Co., Inc. / 79 New Portland Road / Gorham, Maine 04038 / Phone 839-5536 / 929-8283 / Fax 839-3225

Dodge Oil Co., Inc. / 313 Roosevelt Trail / Naples, Maine 04055 / Phone 693-4929 / Fax 693-4039

MISS LOCKEN GATE 2

www.dodgeoil.com

SEE COMPANY WE