

MINUTES
PLANNING BOARD MINUTES
AUGUST 19, 2015

PRESENT: Ed Dekker, Chairman, Bert Hamill, Tim Jones, Liz Freeman, Paul Termin, Ned Nichols, Louise DelPapa

The meeting was called to order at 7:30 p.m. at the Town Office.

The Board discussed the minutes of 8/5/2015. Ned wants the minutes to include the explanation of why this should be a general ordinance and not a pipeline ordinance. Ed stated his reasons to the Board: "Any specific pipeline ordinance would be invalid on its face, it will be a challenge to FERC in its regulations of pipelines. FERC does not really tolerate explicit legislation intended to take their power, however, if there is a general regulation on a town basis, such as noise, light, there is a chance that FERC will accept the general regulation. Secondly, it is good for the town, it preserves the things the people want, dark nights, quiet, safe water and it should be applied to the pipeline." Liz stated the reason should come directly from the recorded minutes of 8/5. Louise stated she would review the tape and make the correction. The minutes were reviewed and the following changes were made:

first page, 4th sentence should read; "Upon subdivision the existing house with the business," first page, 12th sentence should read; "Liz made a motion to approve the two lot subdivision application conditional upon the inclusion of a note on the plan regarding the well easement, a note regarding the sprinkler or an adequate source of water for fire protection, setting of the markers, receipt of the mylar and the payment of fees." second Page, first paragraph 2nd sentence should read; "Carolyn said that the Board should be requiring a submittal of an environmental management system". The second page, second paragraph, 8th sentence, should read "Ed stated that he wants it to be a general ordinance for commercial and industrial impact, a better chance of having it applied to the pipeline. If there is a pipeline specific ordinance, there is zero chance that FERC will apply it. If there is a general ordinance there is a chance somewhere between small and significant that FERC will apply it to the pipeline." second paragraph, last sentence should read; "A consensus of the Board was to go through the ordinance line by line and not work with a bulleted list."

Bert recommended not to approve the minutes until that wording is added and Ed agreed.

INDUSTRIAL AND COMMERCIAL IMPACT ORDINANCE

Liz made a motion to start the discussion on page 10 and the motion passed unanimously. Even though the motion was accepted, a discussion started on the definition of Useful Life on page 4. Bert had some minor corrections on the first 9 pages, but was willing to wait until the other business was finished to address them. Page 10, F. Monitoring; Paul made a motion to strike the Monitoring Section and Ned seconded the motion. Ned disagreed with entering people's property to make inspections, it should be external not internal. A discussion followed on this subject. Tim did not think that Decommissioning belongs in the Monitoring section. Ed made the suggestion to move Decommissioning to page 15, letter J, number 4 and the Board agreed. The motion to strike the remaining parts of Monitoring was voted on and the motion did not pass with 4 votes opposed and 2 in favor of the motion. Paul disagreed with the Section F, 2. Noise Compliance regarding the monitoring on the number of complaints and a short discussion followed. Ned stated he personally is not participating in the proposed amendment. "This is strictly about the pipeline, it is onerous, it is not good for the town and it can't be fixed." A discussion

followed on the importance of the ordinance and finding ways to make it better for the town. Ed made a motion to strike paragraph 3 on page 11, Environmental Impact Compliance Report and Paul seconded the motion. A discussion followed. The Board was concerned about the small business owner. Liz disagreed with this motion. Ed referred to page 14, I, 3. a. & b., and suggested the sentence should read; If a CIF presents an imminent physical threat of danger to life or significant threat to property, as determined by the Planning Board, the Board of Selectmen, one of their designated agents or a qualified professional hired by the town at the applicants/owner/operator's expense. Ed called to strike and amend the motion and it was passed unanimously.

Ed wanted to go back to page 1, Applications and Limitations, regarding setting a dollar value. Ed suggested an amount of 1.5 million to start the discussion. Paul did not think that the figure was large enough. This discussion prompted the Board to find a way to break apart the ordinance and separate Noise, Lighting, Chemical and Air Emissions. Bert and Tim wanted to keep the ordinance and do a series of exclusions upfront. Ed will prepare a draft ordinance on air, lighting and noise, and Paul and Tim will work on a preamble for the ordinance.

ALTERNATE MEMBERS-PLANNING BOARD

Liz discussed the Alternate Board members. Liz stated we can have up to 5 Alternate members. Liz wants to leave Joanne as alternate and appoint Louise as an alternate. Ed requested that Louise research dates and terms of the Alternate members. Louise pointed out Deirdre does not have a term. The Alternates will be discussed at a future meeting.

The meeting adjourned at 9:30.

Respectfully submitted by,

Louise DePapa
Land Use Clerk