

## **Falmouth Conservation Commission Minutes of September 8, 2008**

**Members Present:** Lissa Robinson (Chair); Caleb Hemphill; Mel Dickenson; Frank Ruch;

**Members Absent:** Sean Mahoney

**Liaisons:** Lissa Robinson (CPAC), Caleb Hemphill (FTAC, FLT)

**Staff:** Ethan Croce (Senior Planner)

**Guests:** Wing Goodale; Paul Gaudet; David Rudnick

The meeting was convened at 7:00 PM.

### ***Minutes***

The minutes for the meeting of June 30, 2008 will be voted on at the October Conservation Commission meeting.

### ***Discussion pertaining to Outdoor Wood Boilers***

Lissa explained that the Town Council has asked the Conservation Commission to revisit the Town's ban on operating outdoor wood boilers. The task for tonight's meeting is to develop a recommendation to forward to the Council in response to their request to the Commission. The State now has regulations in place that were not in effect when the wood boiler ban was adopted. There are now a few citizens in town who are interested in using outdoor wood boilers as a heating source.

Paul Gaudette said he has been heating with an outdoor wood boiler for the past two seasons and this will be third. He has had no complaints about the wood boiler during that time.

Wing Goodale said at the time the Council adopted the ban, the Commission provided an informative session to the Council and DEP also gave a presentation to the Council. The FCC laid out four options to address issues related to stack height, setbacks, etc. The Council decided to ban them outright. Since then, the State adopted the Chapter 150 regulations, which address emissions, stack height, and setbacks. The reason Wing voted against the recent amendment to the regulation (as the only dissenting member) was because the amendment relaxed the more stringent setbacks originally adopted for schools, daycares, etc. They adopted two emission level standards: 0.6 lbs/mmBtu and 0.32 lbs/mmBtu. He thinks this is a great source of heat in the right application. His only concern with the current State regulation is that a boiler could be set up within 250 feet of a school.

David Rudnick said he would like to install an outdoor wood boiler for this season. He said that the manufacturers have come up with some excellent wood boilers in the past few years.

Wing said outdoor pellet boilers are even more efficient and there is an amendment to the rules being considered to include a set of separate regulations for outdoor wood pellet boilers. They are an order of magnitude lower in emissions than outdoor wood boilers. He would recommend adopting the State rules with an additional setback to schools and maybe other sensitive facilities. These regulations do not apply to what someone does on their own property with respect to setbacks, for example.

Mel said he was concerned about the nature of the material being burned in the wood boiler and about the stack heights.

Wing said the material that may be burned in a wood boiler is now regulated. Wing said the State works with neighbors on a stakeholder process to resolve disputes when one arises. There is a buyback program for older wood boilers that resolve was passed by legislature and is going through rulemaking right now.

Paul Gaudet said his lot is somewhat isolated, is about 23 acres in size, and is located 600 to 700 feet away from the nearest building. His location is also raised up about 63 feet in elevation off of Brook Road so he towers over everyone else.

David Rudnick said he lives on about 13 acres. He can only see one neighbor who is probably about 2,000 feet away.

Mel said the State's regulations pertaining to stack height and setbacks are pretty detailed. Mel suggested to adopt the State's approach with more stringent setbacks around schools, daycares, healthcare facilities, elderly care, and maybe recreational facilities.

Caleb wondered what setback distance should be applied to those uses.

Wing suggested 500 feet

Lissa inquired as to whether the American Lung Association's recommendation of 1,000 feet might be appropriate or if that is excessive.

Wing thinks that setback applies to a worst-case scenario.

Paul Gaudet said it is hard to regulate what type of fuel is being burned.

Lissa asked whether the Commission wants to recommend that people register their wood boilers with the Town.

Paul Gaudet said this is his only source of heat, but he does have oil backup heat.

Mel does not see the need to register the wood boilers since woodstove owners do not have to.

Frank suggested that the stack height and setback regulations for wood boilers are different than woodstoves so it is important to ensure that the installation is done correctly.

Ethan said that the CEO would have enforcement authority under a local ordinance.

Lissa asked Mr. Gaudet and Mr. Rudnick if they would be comfortable with the Commission recommending a higher emission standard instead of allowing for a grandfathering provision.

Paul Gaudet said he would like for his unit to be grandfathered.

Mel suggested that the Town adopt the 0.32 lbs/mmBtu standard for all new installations in Falmouth.

Ethan said that under the State regulations all wood boilers that are verified to have been installed by a certain date are grandfathered regardless of their emission levels.

Mel said he is not in favor of that grandfathering allowance.

Ethan said that Falmouth could adopt a much more limited grandfathering clause for existing woodboilers in Falmouth that are registered with the CEO by a certain date.

Lissa agrees with the concept of banning third party sales.

Caleb agrees with banning third party sales and for requiring all new installations to meet DEP's most stringent standard of 0.32 lbs/mmBtu.

Lissa recapped the discussion to this point: The Commission is leaning toward repealing the Town's current ban on outdoor wood boilers and adopting the State's regulatory language with the following exceptions:

- Adopt a 500 foot minimum setback from certain uses;
- Eliminate the third party sales allowance;
- Require that all new installations meet the 0.32 lbs/mmBtu standard;
- Allow for grandfathering of existing units that have been installed in Falmouth only.

Frank is concerned that the nuisance situation is fairly loose.

Paul Gaudet thinks that if someone is burning an unsuitable product then that is going to show up because it will not burn as clean. He suggested that the ordinance should limit the times of year when someone can operate an outdoor wood boiler. He does not use his in the summer. That is the time of year when people leave their windows open.

Frank suggested a possible time restriction of October 1 to May 1.

Lissa asked if Mr. Gaudet and Mr. Rudnick were amenable to that restriction.

Mr. Gaudet and Mr. Rudnick indicated that they were amenable.

Wing suggested that restricting the times of year when someone is allowed to operate a wood boiler could be difficult. A resident might appeal the regulation if they are cold before October or after May.

Paul Gaudet thinks that landlords have to provide heat to tenants starting on a certain date of the year.

Ethan said he will research this.

Lissa suggested expanding the time period to allow outdoor wood boiler operation to run from September 15 through May 15 pending the results of Ethan's research.

Frank said that this ordinance amendment will require another public hearing.

Paul Gaudet said his existing stack height is greater than 10 feet above the ground. He wondered what action is usually taken if there is a complaint about stack height.

Wing said that people usually raise their stack heights.

Lissa asked about whether outdoor wood boilers should be required to be registered with the Town.

Frank said he would be in favor of requiring that.

Paul Gaudet thinks it would not be a burden to require people to register their units.

Ethan will research the landlord/tenant heating question and also speak with Al Farris about his office's capacity to administer the registration of outdoor wood boilers.

Lissa said she will send the Commission's recommendation to the Council tomorrow. Established recreational areas should be more clearly defined.

Ethan will research common definitions for recreational facilities. Ethan will put together draft ordinance language based on the Commission's feedback and add language reflecting the specifics of the grandfathering amendment that was passed in 2007 by the Council and carry forward the original cut off date for grandfathering. Ethan asked Mr. Gaudet to verify that his existing wood boiler is grandfathered.

Mr. Gaudet said he was certain that he was grandfathered.

Mel made a motion to recommend to the Town Council the discussion tonight for an ordinance amendment. The motion was seconded by Caleb.

The motion passed 4-0.

### ***Other Business***

Lissa said there are currently two vacancies on the Conservation Commission.

There is an open space expo coming up.

Mel said the open space committee is putting together a green expo at the High School on October 22. They are still trying to secure a sponsor. They were hoping to get Hannaford but they have not finalized that arrangement yet. Groups will be allowed to have a presentation booth and short, oral, slide presentations. The open space committee will have a booth and focus on the Land for Maine's Future grant that has been finalized. The expo is going to be an opportunity for the open space group to present its recent activity. Other groups, such as the green ribbon commission, have been invited to participate as well.

Lissa thinks it would be nice for the Conservation Commission to have a table to foster long-term membership goals.

Mel said the Commission can be proactive about membership and encourage people to apply. Possible ideas for material to have available could be yardscaping; vernal pools brochures; town lands report; open space report.

Lissa thought it might also be an opportunity to gauge support for potential Commission projects in the coming year.

Mel said they have hired a forester to inventory the Town-owned forests. These forests are quite a resource that have been largely ignored in the past decades. This is an opportunity to implement proper management practices and to also generate quite a bit of wood.

Lissa wondered about polling attendees to gauge their interest in potential projects.

Frank was worried about then feeling obligated to take on projects that might not be appropriate and thought it might be better for the Commission to recommend projects and then take feedback on that recommendation.

Mel thinks this discussion could be taken up at a subsequent meeting to identify what projects people are interested in doing.

Lissa suggested thinking about potential Commission members to fill the vacant seats and project ideas as discussion points for the next meeting.

Caleb said he feels disconnected from the work of the open space subcommittee and wondered how the open space subcommittee might provide updates to the Conservation Commission.

Mel said that is his fault. The committee has not met in awhile.

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Caleb asked if the open space committee's minutes could be distributed to FCC members too.

Mel said they probably should be. They currently post their minutes on the website. He will send them out to the Commission as well moving forward. Developers are approaching the open space committee right now with interest in selling their land.

Lissa said that LPAC (formerly CPAC) is working on amendments to the natural resource provisions of the Zoning Ordinance. The amendments could be up for a public hearing within the next few months.

Mel said the next meeting is scheduled for the first Monday in October.

Meeting adjourned at 8:50 pm.

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Submitted by Ethan Croce, Senior Planner