

## **Falmouth Conservation Commission Minutes of October 6, 2008**

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

**Members Absent:** None

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

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

**Guests:** John Anderson; Susan Love

The meeting was convened at 7:00 PM.

### **Minutes**

Motion by Caleb, seconded by Frank, to approve the FCC meeting minutes of June 30, 2008 and September 8, 2008.

Motion passed 4-0.

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

Lissa said that Ethan Croce put the Commission's policy direction regarding outdoor wood boilers in draft ordinance form.

John Anderson reminded that the state regulations allow for the sell-through exemption.

Lissa said the Commission decided to apply a few standards that are more stringent than the State's, but that the proposed ordinance is for the most part modeled after the State's regulations.

Sean suggested some revisions to the draft ordinance language for clarity purposes.

Lissa asked if the proposed restriction on the dates of operation seemed reasonable.

Ethan said his research showed that there are no State regulations with respect to times of the year landlords are required to provide heat. The regulations are based on maintaining a temperature inside once it drops below a certain temperature outside. He believes that the Town of Hampden uses a timeframe of May 1 to October 1 for prohibiting outdoor wood boiler operation.

Sean said that timeframe relates to other air quality standards as well. He would be interested in researching whether the American Lung Association has made any recommendations about time of operation.

Mel said that MDEP does not have anything on this matter.

Lissa said this restriction on period of operation was recommended by citizen Paul Gaudet at last month's Commission meeting.

Caleb wondered if a time limitation was necessary.

Mel thought it only makes sense if people are going to have their windows open and be inundated with smoke.

Caleb wondered if outdoor wood boilers are being marketed year round for heating hot water or if they are marketed primarily for supplemental heating.

Lissa said they are also frequently used to heat hot water and swimming pools as well.

Sean offered to research time restrictions with the MDEP's Air Quality division and with the American Lung Association. If there are compelling health-related reasons to use a different timeframe, then those dates could be used. Otherwise, the existing proposed dates could be used.

Caleb hesitates placing a restriction on the time of year when a wood boiler could be operated because he thinks people could sometimes use wood boilers to provide heat and/or hot water year round.

Sean pointed out that there are benefits in using a renewable source of energy with good emissions standards.

Frank said there is no good monitoring program in place.

Lissa said the CEO can verify what is being burnt for materials.

Mel said if he were going to install a wood boiler he might be disappointed to learn that he would not be able to use it to heat in the summer.

Frank wondered if people would operate a wood boiler just to heat hot water.

Sean thinks that some people would, given that heating hot water is a big energy drain.

Caleb thinks that the newer wood boiler units are more efficient and do not use a lot of wood and that they can serve a huge area for heating.

Sean is amenable to removing the limit on time of operation.

The Commission agreed that this restriction should be removed barring any technical or scientific basis for including the restriction.

A public comment period was opened.

John Anderson, Lunt Road resident, said he helped Mr. Gaudet when the ban was enacted last year because he was afraid to come in to talk about this. In the summer, wood boilers are inefficient. He has an electric hot water heater and an oil furnace. He thinks the CEO should have to certify wood boilers annually. He thinks there should be monitoring of the type of materials burned and the unit's efficiency rating, and that the proposed restriction on the date of operation could be adjusted.

Lissa asked Mr. Anderson if he was suggesting that a restriction be placed on the times of year a wood boiler could be operated.

John Anderson said they could use a flexible restriction similar to the one used to regulate the use of studded snow tires. They could be restricted unless it is a severe winter. He said his wood stove is dirtier than a wood boiler.

Lissa asked Mr. Anderson if he had any suggestions or observations about the draft ordinance itself.

John Anderson pointed out that the school is promoting the future use of an outdoor wood boiler even though there is currently a ban in effect.

Lissa asked Mr. Anderson if he had any comments or suggestions to refine the proposed ordinance language.

Mr. Anderson said he thinks the State has done a good job with their regulations and that the Conservation Commission has taken good steps to ensure that only cleaner-burning outdoor wood boilers are installed in Falmouth. He wondered if these regulations would apply if he built a structure around an outdoor wood boiler.

Ethan said yes, if the structure is not intended for human habitation.

Sean pointed out that this ordinance would supplement the State's Chapter 150 regulations. He suggested including a reference sentence clarifying that fact. He wondered if the Council might want to talk about what will be required to obtain a permit from the CEO.

Frank Ruch wondered if it might be appropriate to recommend penalties for noncompliance.

Ethan said that is typically the domain of the Code Enforcement Office and the Town Council.

Sean made a motion to approve the revisions to the draft outdoor wood boiler ordinance consistent with the discussion that occurred at tonight's meeting.

The motion was seconded by Mel and approved 5-0.

### **FCC Membership**

Commission members said they have been putting out feelers in an attempt to encourage citizens to fill out applications for the two vacant Commission seats, but they have had no takers as of yet. The issue of membership will be placed on next month's Commission agenda.

Caleb asked if everyone was aware of the new term limits amendment being proposed.

Lissa said that the Consensus Building Institute (CBI) recommended that board and committee vacancies be addressed all at one time so that the Appointments Committee does not need to be engaged all year long.

Mel said the other goal was to stagger membership terms so a committee's membership would not turn over all at same time.

Lissa said the membership goal is to get a diverse group of people serving. Lissa will research the Town records to see if any applications have been submitted and if any are active and will also check with some folks around town.

Frank wondered about mentioning the vacancies to organizations like Friends of Casco Bay or Audubon.

Caleb said the upcoming Green Expo might provide an opportunity.

### **GREEN EXPO**

Lissa mentioned that the Commission previously discussed having a table at the Green Expo. She inquired about having Commissioners staff the table.

Mel said there will be presentations ongoing throughout the course of the evening, with some overlap occurring, and that the exhibitors' tables will be in another room.

Lissa wondered if Commissioners should be free to come and go or if the FCC booth should be staffed by one person all of the time. Lissa confirmed that she will be attending the expo and would offer to staff the table a portion of the time.

Caleb confirmed his attendance, and said he will be giving a slide show talk.

Sean and Mel said they would each be amenable to staffing the table for a while as well.

Commissioners discussed that it would be helpful to have copies of the Greening of Falmouth and the vernal pools brochure at the table.

The Commission asked Ethan to print out a full-size Town-lands map with parcel lines and streams and a vernal pool map with water features, roads, and structures.

Lissa said she would print information from the web related to yardscaping and asked about having information regarding invasive species available. Caleb said he will research this.

Lissa asked about getting the word out for this event.

Mel said that Bob Shafto has an aggressive advertising plan.

### **Project Updates**

Lissa said the natural resource review is ongoing. The intent is to have the draft natural resource ordinance language dovetail with the shoreland zoning ordinance revisions that are being mandated by the State. The hope is that the ordinance will become more user-friendly. This has been a very deliberate process and the likely outcome is that Falmouth will have more stringent requirements than the State in some instances.

Mel said he distributed some past minutes of the Open Space Subcommittee to Commission members. He said that all of last year's minutes are posted on the web as well.

Caleb reported no new information related to vernal pools. The Trails Committee is putting together something for the Green Expo. They are currently working on getting trails color coded and mapped. Jeff Walker has been gps-ing trails in Community Park.

Caleb said that a lot of activity is happening with the Land Trust but not a lot with acquisitions. They are watching the slow death of the Ridgewood project off Falmouth Road.

Sean said that the Land Trust has recently closed on the conservation piece of that development.

Mel Dickenson said Hundred Acre Woods has been doing some clear cutting to generate money.

Caleb confirmed that the second wave of massive foresting has taken place at that site.

Sean said the Portland North Collaborative Land Trust, including Falmouth, Cumberland, and the islands, is entering a new phase, provided that funding goals are reached, that will increase coordination between other trusts. His view is that there should be a merger of trusts. The question is whether the oceanside and the islands are as interested in a merger as the mainland. It would seem to be a common sense move to merge Falmouth and Cumberland and to engage others like Windham and Royal River.

Caleb said the new rigorous accreditation requirements make it hard to go alone.

Mel said the Green Ribbon Commission is working on a plan that will hopefully be written by February. That plan will then go through a final process to be delivered to the Council in the spring of 2009. It is basically a climate action plan and it is moving fast through the process.

Lissa said the Conservation Corps, Caleb, and Bob Shafto went out to the East Branch of the Piscataqua River to clear debris that was blocking passage up the river.

Lissa said that next month she would like to do strategic planning for one year out. She thinks there is a good climate in the Town right now to get projects done.

Susan Love, Human Services Committee member, said her committee only meets two or three times a year. She is interested in issues surrounding conservation, open space, and trails.

Meeting adjourned 8:40 pm.

Minutes respectfully submitted,  
Ethan J. Croce  
Senior Planner