

**Planning Board Meeting
Regular Meeting April 21, 2010**

The regular meeting of the Planning Board took place on the above date. Chairwoman McCabe read the Open Public Meeting Act and requested Mrs. Citterbart called the roll. Board Secretary Mrs. Citterbart stated there was a quorum.

Members Present: Mr. Le Frois, Mr. Ricciardo, Mr. Russo, Mr. Flaherty and Chairwoman McCabe

Excused: Mr. Caffrey, Mr. Elvidge

ALSO PRESENT: Mr. David Soloway, Esq., of Vogel, Chait, Collins and Schneider, Debra Millikin, Deputy Town Manager and Kathy Citterbart Planning Board Secretary.

FLAG SALUTE

CONSIDERATION OF MINUTES

November 30, 2009

Mr. Ricciardo made a motion to approve the November 30, 2009 minutes. Mr. Russo seconded the motion.

AYE: Mr. Flaherty, Mr. Ricciardo, Mr. Russo, Chairwoman McCabe

January 20, 2010

Mr. Flaherty made a motion to approve the January 20, 2010 minutes. Mr. Le Frois seconded the motion.

AYE: Mr. Flaherty, Mr. Ricciardo, Mr. Russo Mr. Le Frois and Chairwoman McCabe

HISTORIC RESOLUTIONS

HPC-04-2010- Embarq/Century Link

Property Location: 13 Adams Street

Block: 711, Lot: 34

Carried to May 19, 2010 @ 7pm

Approved installation of a concrete pad for an above ground 2,000 gallon fuel storage tank. The fuel storage tank will be completely screened by the new landscaping of Boxwood Hedge as per plans submitted.

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RESOLUTIONS

#MNSPV-2007- North Park Drive, L.L.C.

Property Location: Rt. 206 & North Park Drive

Block: 303, Lots: 26.02, 26.03, 26.04 & 26.06

Minor Subdivision approval and Final Site Plan Approval for a Walgreen's

Mr. Ricciardo made a motion to approval the Final Site Plan for Walgreen's and Minor Subdivision and Mr. Flaherty seconded the motion.

AYE: Mr. Flaherty, Mr. Ricciardo, Mr. Le Frois and Chairwoman McCabe

#PB-03-2010- Jersey Central Power & Light

Property Location: 76-80 Mt. View Street

Block: 1306, Lot 17, M-1 Zone

Preliminary & Final Site Plan

Mr. Flaherty made a motion to approve the Preliminary & Final Site Plan and Chairwoman McCabe seconded the motion.

AYE: Mr. Flaherty, Mr. Le Frois and Chairwoman McCabe

#SP 08-07- Martorana Enterprises

Property Location: 100 & 104 Sparta Avenue

Block 1201, Lots: 5 & 5.03

Preliminary Site Plan Approval of Phase One.

Mr. Fiorello here tonight to represent Martorana Enterprises.

Mr. Soloway stated: I suggest three changes in the Resolution. Two of them were suggested to me by Paul Ferriero and the third from a Board member earlier today.

First one is on Page 16 condition 4; this is not the one that Mr. Fiorello has seen. The way I had originally written it up and the copy you have and the way it was discussed at the hearing was that because it was an illuminated sign, it would require a variance to relocate the sign. Someone pointed out to me in reviewing the signage chart in the ordinance; the illuminated highway business Identification signs are a permitted sign in the C4 district zone which would mean that it would probably not require a variance. So I suggest that we reword this slightly so it would read starting with the third sentence of condition 4, the Board notes that the existing sign is an internally lighted sign. The applicant may relocate the sign with the approval of the Town Engineer (or such substitute as may be acting as Board Engineer with regard to this application) provided that the relocated sign comply with all ordinance requirements. So if by chance it does

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require a variance they would still have to get a variance but it doesn't affirmably indicate they need one when it appears that they don't. The second change is also on Page 16, condition 6, the way I originally wrote it up, and I don't know what draft you have, I said the applicant shall comply with all recommendations set forth in Mr. Wentink's report. Mr. Fiorello may have some additional comments on that. Mr. Ferriero called me up and said maybe we should clarify who should be the judge of that. So the way I changed it is, except to the extent as may be modified by the requirements of this Resolution, the Applicant shall comply to the satisfaction of the Board Engineer as defined in paragraph 9, which presumably Mr. Ferriero or any designated successor with all recommendations set forth in that report. So it would be Mr. Ferriero who would determine the clients.

Mr. Fiorello stated: I had an observation because Mr. Wentink's reports came early on in our presentation and there were subsequent modifications and amendments that would make portions of the report no longer operable and inappropriate so a whole list to a set of conditions or observations when Mr. Ferriero or the Board itself had modified them to some extent and they would be illogical. I discussed that Mr. Soloway and he indicated that perhaps to the extent that Mr. Wentink's report might have been modified by the Resolution or by Mr. Ferriero we would comply with it. He said he would.

Mr. Soloway stated: I think that makes sense and it is a little subtle but probably the condition as it is written now says that because it does say except for the extent that it may require modified by the requirement of this Resolution and earlier on it also says in condition 1 in terms of the approval and it is strictly in accordance with the approved plans and the approved plans isn't a defined term, it is really the site plans submitted by the Applicant revised up to and through January 16, 2010 so that is what they are complying with. I honestly didn't review Mr. Wentink's report to see if there is any conflict but I would assume that the intent of this is that anything that got modified and got included in the approved plans what was recommended by Mr. Ferriero would cover.

Mr. Fiorello stated: Just one observation, I want to complement Mr. Soloway on preparing this document. It's a yeoman's work and it is done very professionally. We had a long process and it was a long application process and the conditions that we memorialized at least vocalized had to be addressed in this. Frankly some aspects of this I had never done before. My 45 years of practice, I am a certified municipal attorney and have represented five towns and never had a situation where we had the Lionel type of situation so it is very professionally done and thoroughly done the only problem I have is I got it yesterday. I was in court all day today, I read it in court and I couldn't meet with any of the professionals to review it in detail. I reviewed with my client and we talked to the professionals. I called Mr. Soloway and gave my initial impressions and he has addressed some of them now. The extent that I did read Mr. Wentink's report and some of the other documents and compared them to the resolution we found it to be in accordance with the conditions that were placed on the record.

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Mr. Soloway stated: The third change is kind of my idea a comment that Mr. Ferriero made to me prompted it, condition 19, the end of it in particular is discussing the subject of bonding and the original draft with a suggestion to the Town Council that it consider as far as the Developer's Agreement process adding appropriate bonding ordinance to cover remedial action that may or may not be required the details in which we or we may or may not know yet. It occurred to me after I sent out this initial draft there was at least one item that I think we did know which I suggest adding, which is including buy not necessarily limited to an amount sufficient to the extension of the left turn driveway to the length of 300 feet. We had discussed that and it is covered in the condition when they go to DEP for their approval. It is proposed about 230 feet for Phase one; for Phase two I think it is contemplated at 300 feet but I can envision a situation in theory where Phase II doesn't happen as a result of the traffic monitoring plan. The Board stills wants that extended to 300 feet. I would recommend adding that in.

Mr. Fiorello stated: It was included in mine and my observation was that bonding is really a function of the Town Council and governing bodies and not of the Board other than appropriate bonding be provided and the municipal engineer who will make an assessment as to the amount of the bond required based on upon your present resolution. Should you at some time require 300 feet as a result of monitoring, than the municipal engineer and the Town Council can increase the amount of the bond. So there is no need to bond for something that may not be or may be until it is actually implemented or approved.

Mr. Soloway stated: I agree that it is open and subject to the Town Council.

Chairwoman McCabe stated: I did want to ask to what extent tonight is the discussion about the monitoring plan going to be part of this memorialization or is it a totally separate item that we will discuss or it simply given to us for informational purposes?

Mr. Soloway stated: The resolution as drafted incorporates the monitoring plan so if the Board wants to discuss that now at this time. It was kicked around only very generally and for the record as I indicated this document was essentially prepared by Mr. Dean.

Chairwoman McCabe stated: It is my understanding that Mr. Le Frois may have a questions or a comment regarding the monitoring?

Mr. Le Frois stated: No, I had a suggestion that perhaps instead of doing part-time monitoring for certain monitoring periods with people that perhaps a surveillance camera be used in order to have a more of a broad range of conditions and things like that. Mr. Dean responded back and he thought that over kill essentially. And that is fine.

Mr. Russo made a motion to approve the resolution. Chairwoman McCabe seconded the motion.

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AYE: Mr. Russo and Chairwoman McCabe

#PB-09-2009- EJB Real Estate Assoc. Limited
Property Location: 1 Brooks Plaza
Block 1308, Lot 4, M-1 Zone
Resolution for an amended Preliminary & Final Site Plan

Mr. Flaherty made a motion to approve the resolution as is. Mr. Le Frois seconded the motion.

AYE: Mr. Flaherty and Mr. Le Frois and Chairwoman McCabe

WAIVER OF SITE PLAN
#PB-01-2010-EMBARQ
Property Location: 13 Adams Street
Block: 711 Lot: 34

Requesting to install a concrete pad for an above ground 2,000 gallon fuel storage tank for a generator which currently is located in the basement level of the building. The storage tank will be completely screened by new landscaping as shown on the enclosed plans.

Mr. John Thatcher, Esq. representing Embarq/Century Link.

Mr. Thatcher stated he has two witnesses with him tonight.

SWORN: Allan R. Pomeroy RPA/FMA

Mr. Thatcher asked: Who is your employer?

Mr. Pomeroy stated: I am employed with Century Link. I am a Project Manager/Building Operations manager for over 300 sites in Pennsylvania and New Jersey.

Mr. Thatcher asked: You have direct responsibility for buildings and grounds for over 300 different sites for Century Link?

Mr. Pomeroy stated: Yes.

Mr. Thatcher asked: One of those sites is located here in Newton on 13 Adams Street?

Mr. Pomeroy stated: Yes.

Mr. Thatcher asked: Are you familiar with that site?

Mr. Pomeroy stated: Yes.

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Mr. Soloway stated: Just for the record the application is in the name of Embarq. Just explain.

Mr. Pomeroy stated: July of last year we merged with Century Tell. After Embarq and Century Tell merged they came up with a new name and the new name for the local telephone phone company is Century Link. July 1st of last year was the official merger.

Mr. Russo asked: Is the address 11 Adams Street or 13 Adams Street? We have it listed as both. Which one is it? 13 Adams Street.

Mr. Soloway stated: The application says 11 Adams Street.

Mr. Thatcher asked: What is proposed that this present location?

Mr. Pomeroy stated: At the present time, we have 350 K generator that runs the building if we lose power

Mr. Thatcher asked: Where is that generator located?

Mr. Pomeroy stated: In the basement.

Mr. Thatcher asked: How long has that generator been there?

Mr. Pomeroy stated: Almost 20 years.

Mr. Pomeroy stated: The tank capacity is 275 gallons. It runs constant; it keeps running maybe four to six hours. What we are proposing is to put a 2,000 gallon tank above ground tank outside on a concrete pad where we have capacity of running up to 72 plus hours. So if we lose power, we will be able to run. You will still have your internet power, your phone system and 911 systems. You will not lose phone service. That is our main goal for this community not to lose phone service.

Mr. Thatcher stated: So the 2,000 gallon tank is going to be a backup in case you lose power?

Mr. Pomeroy stated: Correct.

Mr. Thatcher asked: And that is the fuel source for the generator that is already on the site?

Mr. Pomeroy stated: That is correct.

Mr. Thatcher asked: And 2,000 gallons will give you enough longevity so to speak to probably have power stored.

Mr. Pomeroy stated: We have seen power go out for days. This past winter in Pennsylvania and New Jersey the power was out for quite a few days. This way if the power goes out at 8'oclock in the evening and the techs don't get their till the morning, that generator will have an alarm that will alert the people in the alarm center and tells them that the generator is running and commercial power has been lost. They will send the techs out but this way we have the capacity to run till daylight.

Mr. Thatcher stated: Now before I refer to the site plans, do we have this marked?

Chairwoman McCabe stated: No. If you are looking at what was submitted to us than there is no need to mark it.

Mr. Thatcher stated. We are going to refer to a three-page document entitled Site Plan-Survey. Are you familiar with this?

Mr. Soloway asked: Mr. Pomeroy, on Page 1, where is the tank going to be located?

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Mr. Pomeroy stated: See where the open area is on Page 1, it is going to be right there.

Mr. Thatcher stated: Just for the record, Council asked where will the tank be located?

Mr. Thatcher stated: It will be located below the section where it says open area.

Mr. Thatcher stated: Mr. Pomeroy, on Page 2, in the middle of the document it says Proposed Storage Tank. Is this where the proposed tank will go?

Mr. Pomeroy stated: Yes, that is correct.

Mr. Thatcher asked: The tank is proposed to be placed on concrete slab?

Mr. Pomeroy stated: Correct.

Mr. Thatcher asked: These are the specifications as to the screening and planting and the stone that will be placed there.

Mr. Thatcher stated: If you move to the Key-Site Plan, if it shows that corner, it depicts with plantings. Is that the bottom line of what it will look like?

Mr. Pomeroy stated: Correct.

Mr. Thatcher stated: Without going into it, we have a planting schedule which is also depicted and showing exactly what is going to be done.

Mr. Pomeroy stated: Yes.

Mr. Thatcher stated: Referring to Page 3, there are various shots of the property. I want to look at the left-hand corner. Is that the corner where the tank is located?

Mr. Pomeroy stated: Correct.

Mr. Thatcher asked: You and I had the opportunity to review the report prepared by Harold E. Pellow & Associates, Inc., Number 4d under Site Plan, can you explain a little about where it says, the applicant to verify the location and depth of this drain, and whether or not it will conflict with the proposed storage tank and associated landscaping.

Mr. Pomeroy stated: The PVC pipe is coming from the gutters; we will check that because we do not want to lose them it is very important for the spout to be running off of this.

Mr. Thatcher stated: So one way or another, it will be affected in that area?

Mr. Thatcher stated: It goes on to say in paragraph e, in the "open area" adjacent to the storage tank, I noted a pipe that appears to be an existing fuel oil tank fill. The Applicant to advise if an existing oil storage tank in the building is going to be removed as part of this project.

Mr. Pomeroy stated: That is correct. The 275 gallon tank will be removed.

Mr. Thatcher stated: So the presently existing tank in the building will be taken out?

Mr. Pomeroy stated: Yes and relocated.

Mr. Thatcher stated: In paragraph f it goes on to say there is an existing exterior light fixture mounted on the wall of the existing building directly behind the proposed storage tank. The applicant's consultant to verify that the proposed tank and landscaping will not cause a lighting deficiency on the existing sidewalk and steps that lead from the subject property to the Adams Street parking lot.

Mr. Pomeroy stated: If we have to raise it to get the light we will.

Mr. Thatcher stated: In other words the light at the present time will be consumed?

Mr. Pomeroy stated: Yes it will.

Mr. Le Frois asked: I have a quick question. I noticed that our engineer assumes that this a fuel oil tank but I would assume it is diesel or gasoline?

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Mr. Pomeroy stated: It will be diesel. It is not for heating.

Mr. Le Frois stated: He made a statement in here that he thought it was for heating. So let's make sure that that is clear.

Mr. Pomeroy stated: You need diesel fuel to power the generator.

Mr. Ricciardo asked: The existing tank is in the basement?

Mr. Pomeroy stated: That is correct.

Mr. Ricciardo asked: There is no room in the basement to put additional tanks that would run in sequence to fill this rather than putting this tank outside.

Mr. Pomeroy stated: It is pretty tight down there. There is not enough room to put an additional tank down in that basement.

Mr. Ricciardo asked: Does this tank have a containment area in case it spills.

Mr. Pomeroy stated: Yes it does.

Chairwoman McCabe asked: Would you describe that?

Mr. Thatcher stated: Our next witness is our electrical engineer, John Bell who is prepared to answer those questions for us.

Mr. Flaherty asked: You are removing the tanks from the basement what about the exterior fill pipe, is that going to be removed too?

Mr. Pomeroy stated: Yes there will be an exterior fill pipe.

Mr. Flaherty stated: And it will be removed. I have seen enough times when people have misdelivered.

Mr. Pomeroy stated: Not at our sites.

Mr. LeFois stated: Just for clarification, going from 275 gallons to 2,000 gallons would that require a different size truck or different type of truck for delivery?

Mr. Pomeroy stated: No, because it will never really get below half. It cost a lot of dollars to fill. We will try and keep it $\frac{3}{4}$ to full as must as possible and not letting it down below half unless necessary.

Mr. Ricciardo asked: How often does the existing generator go on, on a regular basis?

Mr. Pomeroy stated: Once a week.

Mr. Ricciardo asked: How long does it run?

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Mr. Pomeroy stated: It runs between an hour and two hours. The techs get a ticket to check the generator once a week and check the fluid levels and everything and make sure the generator is running right.

SWORN: John Bell of Power Technology Associates, Inc.

Mr. Thatcher asked: Please let the Board about your background.

Mr. Bell: I have been an engineer and in business for about 26 years.

Mr. Thatcher asked: Who do you work for?

Mr. Bell stated: I have done a lot of work for Sprint as a matter of fact in New York down on 60 Hudson that is one of their major sites. I have done electrical generators and I have putting a brand new 2,000 cw in there right now. I have done all the major "mega site" I have designed all those.

Mr. Thatcher asked: It is fair to say that you have been involved with the development of hundreds of these systems?

Mr. Bell stated: Yes. When I started off, we were doing a lot of simpler stuff. Now we get more typical because of the more fuel consumption. At 60 Hudson I have 11,000 gallon fuel tank in the basement.

Mr. Thatcher asked: Are you familiar with the project here on Adams Street.

Mr. Bell stated: Yes. I am familiar with propane. Sprint used oil in a lot of their applications it is probably one of the best tanks you can buy for ascetic value.

Mr. Thatcher stated: So you are totally familiar with the designing of fuel systems for generators like this.

Mr. Thatcher stated: Could you briefly comment on the proposal as you understand it and I know the Board has some safety concerns.

Mr. Bell stated: The tank is a very good tank. It is double wall tank. It is a tank within a tank. So you will never have spillage. You can monitor the inside level. There is a 30-year warrantee. That is a long time and that means that you have to keep the maintenance on the tank. Sometimes you can get water at the bottom of the tank and that can be a problem.

Mr. Thatcher stated: I believe one of the Board members asked a question about spillage if it would be contained.

Mr. Thatcher stated: It is my understanding if there was an interior leak, the exterior tank would contain it. Correct?

Mr. Bell stated: That is correct. It is a tank within a tank. You would have alarms that would indicate something was not right.

Mr. Thatcher asked: So there are safety items available? And you would recommend that.

Mr. Bell stated: It is a few hundred dollars for an alarm system. It is minor. There is a probe on the drawing that says leak detection tool. That will tell you what is going on. It is required across the county to have a way of sensing it.

Mr. Ricciardo asked: The inner tank is constructed of what material?

Mr. Bell stated: Steel.

Mr. Ricciardo stated: The out tank appears to be reinforced concrete.

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Mr. Bell stated: Yes. It is a special concrete that will absorb the fuel oil.

Mr. Ricciardo stated: So there is no spill space between the steel tank and the concrete tank.

Mr. Bell stated: The concrete is not the type of concrete we think of, it will absorb the fuel. It will take 100% of the level fuel.

Mr. Ricciardo stated: The concrete tank will absorb 2,200 gallons of diesel fuel?

Mr. Bell stated: Yes.

Mr. Ricciardo asked: What kind of concrete is it?

Mr. Bell stated: It says here in the specifications it is an insulated and protected above ground fuel storage tank with a SwRI-95-03 and 93-01. It is also bullet proof. We make sure it is UL approved because the insurance company will cover it.

Mr. Ricciardo stated: I understand that concrete is porous and I understand it would absorb a certain amount of moisture and water with whatever it comes in contact with. How thick is the wall of this tank?

Mr. Bell stated: It is ¼ inch steel. It looks to be a good four inches maybe more. I don't have the exact dimension on that.

Mrs. Citterbart stated: At the Historic Commission meeting, Mr. Storm brought up his concern having an 8 to 10 inch high wall around the concrete slab as per code containing leaks that might happen.

Chairwoman McCabe stated: I would be more comfortable with that.

Mr. Ricciardo stated: We can get to that but I still want to know how this concrete is going to absorb the four inches of fuel. I have never heard of concrete absorbing that much diesel fuel.

Chairwoman McCabe stated: Let's mark Advantages of SuperVault MH as **Exhibit A1**.

Mrs. Citterbart stated: Mr. Ricciardo, Mr. Simmons said that it would be subject to the code by the construction office.

Mr. Le Frois stated: I would guess there are tank requirements.

Mr. Ricciardo stated: I am sure there are tank requirements and but you just can't say the concrete will contain the fuel. It has to be proven by some type of formula that has to be given to the building inspector or the engineers to make the determination if it is accurate enough. Like I said, I am baffled by 4 inches of concrete sucking up all that

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diesel fuel. You said the steel is right up against the concrete right? There is no form of absorption material between the two?

Mr. Bell stated: It is a different type of concrete.

Mr. Ricciardo stated: Understood.

Mr. Soloway stated: I though you said there was a space between the two.

Mr. Ricciardo stated: He said there is not.

Chairwoman McCabe stated: I thought he said there was.

Chairwoman McCabe asked: Is there space between the inner tank and the outer tank.

Mr. Bell stated: You put the concrete right against the outside of the inner shell but it is not the same type of concrete that is on the outside.

Chairwoman McCabe stated: So it is an inner tank with concrete wall and another kind of concrete on the outside.

Mr. Ricciardo stated: So there are two layers of concrete. The first layer has an absorptive ability of 2,000 gallons of diesel fuel. The outer tank is a bullet proof concrete.

Mr. Soloway stated: Mr. Bell, can you please tell the Board what all the Exhibits are.

Mr. Bell stated: A1 is a document entitled Advantages of the SuperVault MH. It describes it has having a 30 years warranty, attractive, easily monitored, fully listed tank assembly, best insulation, 4-hour fire rating, puncture resistance (Ballistics), High impact resistance, additional seismic restraints not required and that type of information.

Mr. Soloway asked: That consists of two pages?

Mr. Bell stated: This is one page. And it is dated June 14, 1996. The second document is a three-page document it is from Modern Welding Company, Inc. These are the people who manufactured it. This will be marked at **Exhibit A2**. This is the specifications.

Chairwoman McCabe stated: I want to address the Historic Commission's comment of the recommendation of the lip around the pad. Was something that was agreeable to the Applicant when you were before the Historic Commission?

Mr. Bell stated: We never really actually talked about it. Again it just seemed to me that if they added an 8 inch lip if some kind of leak did develop that was substantial from a 2,000 gallon tank I think we would be over that 8 inch lip very quickly. I think what is more important would be some type of a monitoring system where if a leak developed whether it be a light, a bell, an alarm or whatever because you do not

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want a oil leak there is no question about that. To me that would be a condition that I would be more interested in.

Mr. Flaherty stated: I would want both because when the alarm goes off there will be time to respond to it and fix it and the lip would contain it while you are fixing it and hopefully it would be fixed quick enough and an 8 inch would be sufficient.

Mr. Le Frois stated: I would agree with a lip as well. If there is every any spillage as a result of an over fill or very slow leak, it is contained.

Mr. Ricciardo asked: How big of a container would be required to hold 2,000 gallons?

Chairwoman McCabe stated: It wouldn't have to hold 2,000 gallons because it has all of that absorption stuff in the wall.

Chairwoman McCabe asked: Is this in a location that could ever be perhaps hit by a car because it is next to a parking lot and are you intending to install any bollards around it for safely?

Mr. Bell stated: The parking spaces are down low.

Mr. Bell stated: We can put bollards around if you would like.

Mr. Ricciardo asked: How big is this tank?

Mr. Bell stated: 6 ft 10 in. wide, 5 feet high and 11ft long.

Mr. Ricciardo asked: Is there a hatch to get in to clean it.

Mr. Bell stated: I don't think you can clean it. It is a sealed container. You can wash them but I have never seen one cleaned inside.

Mr. Ricciardo asked: You can flush them. How do you flush them? Do you flush through one of the penetrations on top of the roof?

Mr. Bell stated: You have two tanks supply and return. The problem is that you need to get all the water off. If you have any water in there now you are going to take some of your absorption off.

Mr. Ricciardo asked: Do you have a somewhat technical diagram of this particular unit or the unit you are proposing?

Mr. Le Frois stated: I am confused because Exhibit 2 is from Modern Welding Company and Exhibit 3, the cut sheet is from ConVault.

Mr. Bell stated: Modern Welding Company, Inc. does everything.

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Mr. Ricciardo stated: They do the concrete, they do the absorbing material.

Mr. Bell stated: They are the one that put the warranty on it.

Mr. Ricciardo stated: **Exhibit 3** is a plan view, section view and detail of the construction of the tank.

Mr. Ricciardo stated: This says it is a 7 gallon U.L. listed overfill containment (Optional). Why are they talking about 7 gallon, we have 2,000 gallons here.

Mr. Bell stated: That is your main container if you spilled something, you have 7 gallon capacity. Usually we recommend that someone stand next to it when it is getting filled. It is the same connection that goes into a house.

Mr. Ricciardo asked: What are all the 2 inch, 4 inch nipples on the top of the tank for?

Mr. Bell stated: The fuel comes out.

Mr. Ricciardo asked: So you fill it from the top as every tank is done and you discharge to the generator from the top of the tank also?

Mr. Bell stated: Yes.

Mr. Ricciardo asked: So this is not a gravity fed generator, the diesel fuel has to be pumped from somewhere in the tank or somewhere in the basement it has to be drawn from the tank to down into the basement. What kind of truck is going to delivery that has a four inch fill hose?

Mr. Bell stated: That can go down to any size. This is the same truck that goes to the houses.

Mr. Ricciardo asked: Then I ask you why do you need a four inch fill nipple? So these are not custom tanks? This is a standard product that is built for any application anywhere that this tank can fit?

Mr. Bell stated: Yes, it is an above ground tank. That is what it is made for.

Mr. Le Frois stated: I looked this up online and it looks like these tanks can be built to different specifications. Have you gone as far as creating the actual specs for this tank? The specs that you have given us is general information. Someone have to take these and pick what they need for their tank. Has anyone done that for this tank?

Mr. Bell stated: This is a Sprint Spec.

Mr. Le Frois stated: So they have other 2,000 gallon tanks. Is there an example of another 2,000 gallon tank where they have used the same product?

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Mr. Bell stated: Yes.

Mr. Le Frois stated: So it is intended to be this exact product?

Mr. Bell stated: Yes.

Chairwoman McCabe asked: You are using the same Specs?

Mr. Bell stated: All the specs are from the SuperVault tank.

Chairwoman McCabe stated: Mr. Bell has testified that the steel liner is a ¼ inch, that absorptive material is 4 inches thick.

Mr. Le Frois stated: I am still confused on what type of absorptive material there is.

Mr. Ricciardo stated: My concern is there is total safety if there is a leak in this above ground tank when it is up higher than a parking lot and it can flow down into the parking lot and get into the sewage system. 1. I don't want to see a tank leak, so I have to be guaranteed that there is a specific amount of containment so if it takes two hours for someone to respond to an alarm, we don't have a parking lot full of diesel oil. So I need some type of calculation from our engineer telling me that a nail hole, or a gun hole or a pin hole will leak so many gallons per minute.

Mr. Le Frois stated: Since they already have the tank, do you think it is unreasonable to ask for the spec that came with it.

Mr. Soloway stated: I think the point of confusion with everyone here is that I don't think it is clear exactly what is being proposed.

Mr. Le Frois stated: I am not concerned with the integrity with the tank what I would like to know is what exactly it is and if it is indeed a SuperVault MH insulated secondary containment above ground tank for flammable liquids with a south west research institute but do we know for a fact that is what it is. -The other thing I have to question the fact that it can absorb 2,000 gallon worth of fuel oil or diesel fuel. I really didn't see any characteristics about the liner. It talks about insulation; it talks about light weight concrete, it talks about minimum heat transfer so it is somehow insulated but it doesn't talk about absorption in here.

Mr. Bell stated: It can take 100% capacity.

Chairwoman McCabe stated: And that is what we need to see.

Mr. Le Frois stated: If we can see in one concise step what goes with the tank that they have already purchased, I would be a happy camper.

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Chairwoman McCabe stated: I am getting the since that the Board has no issues giving you a waiver of site plan based on the fact that the fact they need assurance as to exactly what the tank is and that it is safe.

Mr. Ricciardo asked: This Core Engineered Solution, they are not an engineering firm, that is just a name of their company?

Mr. Bell stated: They are all made by this Modern Welding Company. They have seven facilities.

Mr. Ricciardo asked: Are they P.E. Do they have a P.E. stamp?

Mr. Bell stated: I do not know.

Mr. Ricciardo asked: I would like to see whoever is fabricating the tank and is certifying to the specifications as least with their P.E. number and signature on it. I don't need a raised seal but I do want to see their P.E. number and signature. Some engineer has to certify that this is accurate.

Chairwoman McCabe asked: Based on what the Board is asking Mr. Soloway, how do we proceed?

Mr. Soloway stated: It sounds to me that the Board is saying it is not prepared to make a decision tonight because they are not sure exactly what they are being ask to approve tonight. So my suggestion to Board is carry it to the next meeting but while we are here, if there is anything else you want to know.

Mr. Ricciardo stated: If it comes back to the point the Board determines it needs a contained area would the applicant be willing to put a substantial containment area around this tank if necessary.

Mr. Thatcher stated: Yes.

Mr. Ricciardo asked: You say there is not room inside for a line of tanks that would operate in sequence. Has our engineer been able to get in there and confirm that?

Mr. Soloway stated: The Board might want to request of Mr. Simmons.

Mr. Ricciardo stated: I would like to request that. It is a pretty big building. What is in that basement right now?

Mr. Bell stated: I have not been the basement in a while so I can't really say.

Mr. Ricciardo stated: If we haven't been in the basement in a while, how do we know there is no room for additional tanks.

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Mr. Ricciardo stated: I am not saying to just put in a new 275 gallon tank in; I am saying put in a series of tanks in that will operate in sequence instead of putting a big tank like this outside in a parking lot.

Mr. Bell stated: We will investigate and check it.

Mr. Ricciardo stated. Thank you. I would ask that Mr. Simmons verify the fact that there is not enough sufficient space in the basement to put a series of tanks inside. If there is not than I do not object to putting one outside as long as it is probably contained and probably screened.

Mr. Le Frois stated: I have three more questions. 1. What would the schedule be to install the tank? Is there a need to do it by a certain date?

Mr. Bell stated: It should be done before the ground freezes.

Mr. Le Frois continued with questions. 2. How long would the construction period take or the period take to install the tank? Is it a couple of weeks, does there need to be any closure of parking lot or Adams Street.

Mr. Bell stated: We have plenty of room right there is the parking lot. We can do everything there.

Mr. Le Frois continued: Maybe a few parking spaces need to be blocked off or something for a short period of time?

Mr. Bell stated: No.

Mr. Le Frois continued: My final question is the tank sits on a concrete pad and that pad just seats on top of the ground? Is there a foundation associated with it? The reason I ask is because when the ground freezes it tends to rise and fall and that sort of thing. So I don't know if whether a spread footing or some sort of a more specialized foundation would need to go in?

Mr. Ricciardo stated: What we would need is a detail of the concrete pad.

Mr. Le Frois stated: There may even need to be for code to have the foundation down below frost depth.

Chairwoman McCabe stated: I would like a recommendation from Mr. Simmons based on the size and weight of this tank what type of footing would be adequate.

Mr. Ricciardo asked: What did the tank weight empty and what does it weigh full?

Mr. Soloway stated: I also suggest a more detailed site plan.

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Mr. Le Frois asked: Mr. Bell did you do design on this or you have done other work for Century Link?

Mr. Bell stated: Yes.

Mr. Soloway stated: You are here to testify on the tank, you didn't do any of the site plan.

Mr. Bell stated: Yes. I know the tank.

Mr. Soloway stated: Mr. Thatcher you are agreeable in providing the site plan. And there is reference property survey in the site plan and you agreeable to providing a copy of that as well?

Chairwoman McCabe stated: This will be carried to the May 19, 2010 meeting in the Council Chambers in the Municipal Building at 7:00 pm.

Chairwoman McCabe stated: Just for the record, we will deal with the Historic Preservation Resolution at the May 19 meeting.

ADJOURNMENT

Mr. Ricciardo made a motion to adjourn the meeting. Mr. Flahery seconded the motion. The meeting was adjourned with a unanimous "aye" vote. The meeting adjourned at 8:21 pm. The next regular scheduled meeting will be held on May 19, 2010 at 7:00 pm in the Council Chambers of the Municipal Building.

Respectfully submitted,



Katherine Citterbart
Planning Board Secretary

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Exhibits

A1 Advantage of the SuperVault HM, June 14, 1996

A2 Modern Welding Company, Inc.

A1 DRAWING OF TANK PREPARED BY CORE ENGINEERED SOLUTIONS, INC.