

**DRESDEN PLANNING BOARD
P.O. BOX 30
DRESDEN, MAINE 04342**

MEETING MINUTES OF JUNE 28, 2016

Members Present - Jeff Pierce, Linda Biden, Ken Stewart, jr., Peter Lincoln, George Dorr, and Dan Hanley. Hope Douglas was unable to attend.

Others – Jeff Biden (Applicant), Jane Fisher, Sandra Hunnewell, Shania Hunnewell, James Valley (CEO), Bing Tribbet, Richard Condon, Mary Denison (Atty.), Gary Getchell, Nancy Whatley, Christine Berry, Laura Jackson, Stephanie Campbell, Andrews B. Campbell (Atty), James Peterson, John Matzke, Debbie Swift, Marc Bosse, Gary Boldara (Maine Farm Bureau) and Shari Lilly (recording secretary).

Meeting opened at 6:30 p.m. Recitation of Pledge of Allegiance was done. Members voted to waive the order of the agenda at this time.

ITEM#2 – APPLICATION REVIEW – JEFFREY BIDEN – 438 MIDDLE ROAD – MAP R – 06, LOT 14 – PROPOSED CLIMATE-CONTROLLED SELF STORAGE UNITS AND CONVERSION OF SMALLER BUILDING INTO TWO (2) STUDIO APARTMENTS – (Commercial District).

Linda reminded everyone that she is the spouse of the applicant and that the Board members had previously stated they didn't feel it would be a conflict of interest.

Jeff read the information provided on Mr. Biden's application. The proposed project would be converting the former Christmas Cove Design building into climate-controlled storage units and converting the smaller building into two (2) studio apartments. The purchase of the property has recently been finalized. Mr. Biden has provided copies of the deed and tax maps. He has a design map included in the packet, has gotten a 'New Business' permit and has applied for a building permit which he will meet with the CEO as soon as Mr. Valley is available to complete the paperwork on that. He has a design for a new septic system. He will need to remove a few trees for the new system. Also, he will upgrade the parking area that is already there.

Peter asked if the Board would need a topo map, but *Jeff* said that there are no significant changes that would require one.

Jeff then went on to the 'Submission Form' checklist.

There are no impervious surface.

Possibly will have sixteen (16) parking spaces – 2 for the apartments and the rest for the storage units. The issue of drainage was not necessary, so this was waived. This is an existing business that has been there for many years.

Erosion Control is a standard condition.

The rest of the assessment will be done after the site walk.

Additional submissions were deemed N/A.

Jeff asked if the members feel the application is complete. Ken made a motion to accept the application as complete; Dan seconded. Motion carried by unanimous show of hands.

As the secretary needs to have at least ten (10) days to do the notices to abutters and public advertising, the Board members agreed to cancel the regular monthly meeting date of July 05

and have the site walk on Monday, July 11, at 5:30 p.m. The public hearing on this will be held on Tuesday, July 12, at 6:30 p.m.

ITEM #3 – OLD BUSINESS – a.) Condon Gravel Pit – Jeff told everyone that the remand of the CUP had been tabled until August, but Ms. Denison (Mr. Condon's atty.) has requested the Board untable this so we can do a review of the Findings of Facts. Jeff read the letter that had been sent to the PB Chairman by Ms. Denison. A motion to untable was made by Ken, seconded by George and so approved by all. Jeff then referred to all the information that was given to the members. He told Ms. Denison that we will not be discussing this matter tonight so that all the members can have time to review all the info and get notices out to the public in regard to meetings on this issue. He did have Ms. Denison explain the reason for the Board of Appeals remanding this project back to the PB. She stated it is primarily to review the checklist in order to clarify the issues as to what was waived or not applied. Mr. Condon now has a new, corrected deed which she feels will help to give closure on some of the issues, but any issues the abutters have with Mr. Krechkin, they will have to deal with him as it doesn't have anything to do with Mr. Condon. We will schedule this for a later date.

b.) James Peterson farm issues – Mr. Peterson is here with his attorney (Andrews Campbell). Jeff has gotten letters from Jane Fisher, Sandra Hunnewell and Laura Jackson. As there have been a number of complaints from neighbors in regard to Mr. Peterson not complying with the CUP he was issued, the CEO had been to the farm to talk to Mr. Peterson and to see what the situation was with the complaints.

Mr. Valley said when he was there on May 31, the proper buffering had not been done, but Mr. Peterson had been doing field work in that area. In June, Mr. Valley and Jeff went to the property belonging to Ms. Hunnewell and noticed that Mr. Peterson had planted the wrong type of trees and they looked dead. They also looked at the pigs that they had received complaints on, some pigs were birthing and all looked fine. There was no fence as had been agreed. After discussions, everything appeared to be ended on a good note. Mr. Valley received word from Lincoln County Animal Control Officer (LCACO) that they had received a complaint of a loose pig which the neighbors took back to him and they noticed there was a dead piglet. When Mr. Valley went back to Mr. Peterson's, he noticed that a fence had been started. He feels he has tried to abide, but he needs to work on things. Mr. Valley doesn't think the Board should pull the CUP at this time, but would like Mr. Peterson to try to work in a 'neighborly manner' while working on the issues.

Mr. Peterson's attorney, Andrews Campbell asked if some witnesses would be allowed to speak on behalf of Mr. Peterson. With affirmation of that, a representative from the Knox/Lincoln Farm Bureau spoke in regard to the Maine Farming Act and the regulations by which farming is conducted. He stated that Mr. Peterson isn't required to do many of the things that the CUP indicates as he is ruled by State regulations and the Dept. Of Agriculture. He read a list of things that good farming practices do not need permits. *Jeff* asked if the DOA provides the CUP for towns? They do not. Mr. Boldara then said that when you raise farm animals, you always have the possibility of some dying. He doesn't know how the Board came up with the limit of thirty (30) pigs. Jeff then read from the paperwork provided by the Knox/Lincoln analysis which is where the numbers came from. The PB didn't make them up.

Peter said we based our conditions on the information that was provided to us, plus what Mr.

Peterson had agreed to.

Ken asked what the law is on animals going onto the neighbors. It was replied that Mr. Peterson would have 12 hours from the time of the notice to get them back. Mr. Peterson would be 100% responsible for any and all damages, etc.

Jeff then read specific conditions and explained that Mr. Peterson had agreed to all the conditions that were put on his CUP. This is because we had (Jim, the neighbors, the CEO and the PB) all met in agreement with the conditions. The reason we are here is because some of the conditions are not being followed.

George told Mr. Boldara & others that the PB had all the information in regard to Best Management Practices for Farming when this project was being considered, but the conditions applied were all agreed upon by Mr. Peterson.

Mr. Campbell asked if the towns Land Use Ordinances are submitted to the DOA and if they are even relevant as the DOA has its own regulations. He said the town really doesn't have the right to apply all these conditions; only the DOA can apply regulations in accordance with Best Management Practices.

Jeff said the letters received from neighbors speak for those who wrote them. He then read the conditions that had been applied so that Mr. Campbell could respond to the ones that he feels are not applicable or should not be. He again explained that many were agreed upon by Mr. Peterson.

Mr. Campbell said these issues and complaints and having the CEO go to him can begin to be considered harassment. Mr. Valley explained that when he gets complaints he tries to check them out. He has not been going on Mr. Peterson's property unless he needs to speak to him or someone who is working for him. Mr. Boldara said that if people have complaints they should call the DOA, not the town's CEO. The agricultural department will have people to handle these situations. He will provide phone numbers to anyone who would like to have them.

One attendant here said she takes care of the pigs when Mr. Peterson isn't around and hasn't had any problem with them getting out so she wonders about that complaint. *Mr. Peterson* said he has had times when they got out and he has tried to keep them in by putting up a fence, but they still managed to get out, so he has put up a different type of fence which seems to be working so far. He has been able to sell the piglets that were born. He has gone from four pigs giving him 30 to four pigs giving him more than that. It's hard to predict what amount you will end up with at one time. The fence he has in place now is secure. He will have an electric fence in the back.

Water – he had one water nipple in the barn. The pipe broke so he had to go back to the old-fashioned way. The pigs are looking great now. He was shown how to castrate them and they told him that his pigs look great. Also, he was advised to put in more nipples. However, he found out plastic would get broken by the pigs, so will do something better.

Chickens – He was going to do pens. However, since the market for chickens has gone way down, he may not be doing them in the future. He showed pictures of the field indicating it is 500' from Ms. Hunnewell's property. He said that Green Giant Arborvitae was suggested instead of evergreens. Planting any would have to be under the right conditions. The evergreen buffer was suggested, however, conditions haven't been good for planting them. He said he was working to plow the field so he could plant a garden. He wants everyone to know

that he doesn't want to offend anyone; he's just trying to do his job.

Jeff asked for input from all in regard to the issues of the CUP and keeping it in place.

James said that Mr. Peterson has installed the fence, however, he does need to address the issue of the buffer. He thinks that Mr. Peterson is trying to do the best he can, but needs to work more toward completing the important issues.

Peter said it seems like it comes down to communication. Mr. Peterson said he couldn't get the buffer plants due to conditions. Peter said that it just seems to be the issue of letting people know so there wouldn't be an issue.

Jeff said he feels that the Board shouldn't take action tonight, but give everyone a chance to communicate any issues to the Board. Mr. Peterson had agreed to keep the Board updated on his project.

Ken agrees that knowing what he is doing and if there are any issues is good. And he feels Mr. Peterson is trying to abide by the CUP.

Linda agrees with that assessment.

George feels he's trying and that if he's not going to have the chickens as planned, he should be able to grow a garden in that area.

Dan feels he is doing what he can and is working to make things right.

Peter said communication is the key to making things work out and continue to move forward with the things that need to be done according to the CUP.

Ms. Hunnewell asked if the CUP stands. *Jeff* said it has not been amended, so all conditions still apply.

Jeff said that since he won't be doing chickens, Mr. Peterson needs to amend his Nutrition Assessment for the number of pigs.

ITEM #4 – NEW BUSINESS – Marc Bosse – Mr. Bosse, a resident at 23 Trinity Road, wants to build a garage but needs a variance due to being within the 20' limit from a neighboring boundary. He is actually within 10' of his neighbor. Mr. Bosse does have a letter from the neighbor. *Jeff* told him the PB doesn't grant variances, that would be done by the Board of Appeals. *Jeff* made a motion to deny the variance and remand this to the Board of Appeals. All members voted in the affirmative by a show of hands.

A letter to the Board of Appeals will be done to explain the denial of Mr. Bosse's plan.

ITEM #1 – REVIEW MINUTES of JUNE 07, 2016 – *Linda* made a motion to accept as written; *Dan* seconded. All approved by show of hands.

ITEM #5 – OTHER BUSINESS – None.

ITEM #6 – Adjourn - *Ken* made the motion; *Linda* seconded; approved at 9:15 p.m.

Respectfully submitted,