

**TOWN OF BOWDOINHAM
PLANNING BOARD MEETING MINUTES
VIRTUAL MEETING VIA ZOOM MEDIA
OCTOBER 22, 2020 – 7:00 P.M.**

MEMBERS PRESENT: Nate Drummond
Mark Favreau
Tracy Krueger
Justin Schlawin
Reeve Wood

MEMBERS ABSENT: Alyson Dame, William Shippen

STAFF PRESENT: Nicole Briand, Director of Planning and Development

On Thursday, October 22, 2020, a meeting of the Bowdoinham, Maine Planning Board was held via Zoom media with everyone participating from their residences due to the Covid-19 pandemic.

1. CALL TO ORDER

Chairman Drummond called the meeting to order at 7:00 p.m.

2. DETERMINE QUORUM AND VOTING MEMBERS

It was determined that a quorum was present.

3. APPROVAL OF THE MINUTES FROM THE SEPTEMBER 24, 2020 MEETING

Motion was made by Tracy Krueger, seconded by Mark Favreau, to approve the minutes of the September 24, 2020 minutes as amended.

Vote was called and the motion was unanimously passed.

(Amendments included: Bottom of Pg. 2, change “Mr. Panzino responded that he needs the license from the State because he is bringing more than 3 to vehicles on the lot.” to: “*Mr. Panzino responded that he needs the license from the State so he will be able to scrap more than 5 vehicles a year.*” Pg. 4, 6th line down in par. 2 Change “Mrs. Panzino” to “*Co-applicant, Nancy Soule.*” #3, change “care” to “*car.*”

PUBLIC HEARING

4. SITE PLAN REVIEW – TIER 2 APPLICATION – APPLICANTS WILLIAM PANZINO AND NANCY SOULE, 91 CARDING MACHINE ROAD, ARE PROPOSING TO DEVELOP A CAR LOT FOR THE PURPOSE OF RECYCLING VEHICLES. THIS PROPOSAL IS ONLY FOR THE TEMPORARY STORAGE OF VEHICLES; IT IS NOT FOR A PERMANENT VEHICLE GRAVEYARD

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The Public Hearing remained open from the September 24, 2020 meeting.

Chairman Drummond said this application is one of the most complicated the Board has had before them. He said, because of the nature of the business we are looking at a Site Plan review application. In addition to that, the applicant will have to obtain a permit from the Board of Selectmen and also from the State. The applicant has to come before the Planning Board and also meet State requirements before going to the Select Board. Receipt of a letter from Attorney, John Bannan from Murray Plumb & Murray, representing Sharon Kegerreis, dated October 16, 2020 and filed with these minutes, was noted. Chairman Drummond said that the Town Attorney reviewed the letter and the Board will follow the attorney's guidance.

Chairman Drummond read aloud a letter from Hydrogeologist Carol White, who was hired by Attorney Bannan. A letter was noted from Jennifer Stonebreaker who spoke against the application and an email from Deborah Longlin, also speaking against the application. All correspondence will be entered into the record.

At this point, Chairman Drummond asked if anyone wished to speak to the application. He asked that questions be directed to the Board and not the applicants. Below is a partial coverage of those responding:

Attorney John Bannon - Attorney Bannon acknowledged the awkwardness of these Zoom meetings, and said it feels weird to be invading everyone's homes during a public meeting. He said Matt and Sharon Kegerreis were with him this evening; they own Abagadasset Farm located across the street from the applicant. Carol White, a Hydrogeologist is also with me tonight, her expertise of 30 years is in water quality. She is on the Maine Drinking Water Commission. She is on the Planning Board in her home town, Peaks Island, and told me she feels your pain of trying to sort these things out. Mr. Bannon said he respected the Town Attorneys ruling, and pointed out areas in which he disagreed with her opinion.

Carol White, Hydrogeologist from C. A. White Associates, LLC – Ms. White said she did a Hydrogeologic Study on groundwater and surface water and walked the site a couple of times. She said she talked to neighbors about their water supplies and located neighboring wells. A map was shown showing where the wells are located. Ms. White said the burden of proof is on the applicant and there needs to be a 300-foot setback from all water supplies. Six wells were mapped around the site. She said the area has shallow bedrock and that the neighbors well across the street is only 10-feet deep. She said David Asmussen's well is over 600-feet deep and that they use over 7,000 gallons of water per day to serve 20 homes. Mr. Asmussen needs that amount of water to serve his business. She said that everybody is on a private well system and are venerable to any spills and there are several dangerous chemicals embedded into automobiles causing a high potential of contamination for this project.

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Chairman Drummond said we have quite a range of depths in surrounding wells and asked Ms. White to speak of the relative risks of contamination. Ms. White said the dug wells are very susceptible to contamination from surface drainage because they are shallow. She added that the soil is very shallow on the bedrock and difficult to assess and to clean up.

Joanne Joy – Ms. Joy said she is the Chairman of the Comprehensive Planning Committee. She said the 2014 Plan had the intention of evaluating agricultural land and to value farm land in the community. If the farmland is lost, we would not be able to get it back. The 2014 Plan said the Town should restrict commercial uses in the agricultural area and the value of this land speaks loudly.

Sharon Kegerreis – Ms. Kegerreis said she appreciated Joanne Joy’s comments, especially expressing the value of agricultural land. Ms. Kegerreis said her brother, Matt, was with her this evening. He is a certified auto mechanic and spent two years in the salvage business. She said, together, they worked hard for several years to bring the Abacadasset Farm into production. She said they use only natural fertilizer and work constantly to improve the quality of their land. She said the project of dismantling vehicles causes them great concern. She said catalectic converts leak mercury that lasts forever, not to mention freon, power steering fluids and antifreeze. She said if these chemicals leak into the ground they would contaminate their well and land. She said her brother, Matt, worked at dismantling vehicles for years and that a sawsall is not the way to do it. The proposal to use a drip pan can easily overflow. There has been no plan of protection in the event of leaks or spills. No plan has come forward to cover the cost to clean neighboring wells if they become contaminated. Ms. Kegerreis urged the Board to deny the application.

Dave Asmussen – Mr. Asmussen expressed the need to adhere to the goals of the Comprehensive Plan. He said the Planning Board Bylaws say you shall be guided by the Comprehensive Plan.

There being no further comments to be heard, the Public Hearing was declared closed. Chairman Drummond asked the applicant to talk about any adjustments they proposed for the project.

Mr. Panzino said he contacted the Environmental Protection office in Auburn. He said they told him if there was a spill, they would come clean it up. He said, as far as catalytic converters leaking, it won’t happen as they remove them and sell them whole; they are not taken apart. He added that Sharon Kegerreis is not an abutter to his property. Emily Soule said that Carol White showed wells with a 100-foot buffer and that their lot is out of the buffered zone.

At this point in the meeting, Chairman Drummond suggested the Board move forward to look at the Land Use Ordinance, rather than talk about State Statutes. He said there are some considerations that have to come before the Select Board. Mr. Favreau agreed and said the Board of Selectmen will review the State Statutes and that the Planning Board should look at land use.

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Ms. Soule said they would prefer to move forward with concerns of the Land Use Ordinance and take the chance of having to come back before the Board.

Chairman Drummond asked the Board if they were comfortable with moving forward with the Land Use Ordinance. The Board unanimously agreed to move forward. Chairman Drummond said there are many concerns expressed with this type of business in a rural area. We allow land owners to develop their property as they are legally entitled to do under the Land Use Ordinance. He said, in this case, he didn't see anything that would stop this project just because it is in the agricultural area. There are other scattered businesses in the rural locations. The more specific concerns focused on ground water. It would be appropriate for the applicant to put in place the proper balances to control the flow of groundwater. Chairman Drummond said he has concerns that leaks could occur with the best intentions of the applicant. Say there is a 3-inch heavy rain fall and the mat is nearly filled, it could overflow.

Board member Favreau said at the beginning of the project, it wasn't going to cost anything. Materials, gravels, etc. would be in house. Since then we have come out with drip pans, absorbent pads, how much would it cost for environmental people to come clean up spills. Now I see a greater need to show that the applicant has the funds that accompany the project. The applicant responded that he already has the drip pans and absorbent pads for the project and has money set aside for any extras. He said he has done every single thing that the Board has asked for after every single meeting. He said at the last meeting he was asked to get in contact with a company to clean up spills and he did so. Chairman Drummond said the Board needed to see that money is available to support the project. Ms. Kruger said other applicants have been asked to submit a letter from their bank to say they have ample funds to support the project.

Regarding water safety, the applicant said their water feeds off the same source as everybody else's, so, of course, he will take the best precautions possible to protect it.

Board member Wood said we are not people who deal with spill containment, and would like to see a spill containment Plan from someone who knows what they are talking about. Mr. Schlawin agreed, but suggested we consider approval of a Containment Plan before considering approval of the project.

A lengthy discussion ensued between Board members. Buffering was discussed and the Board was in agreement that most of the work will be done in the garage or out back and not visible from the street, so no additional buffering will be requested.

Performance Standards were reviewed and a list of items still needed will provide the applicant with a comprehensive list of items to be addressed. There were no concerns expressed with vehicular access or internal vehicle circulation. Municipal Services: A letter of satisfaction needs to be submitted from the Fire Chief. There were no concerns with Visual Impact. No concerns were expressed regarding lighting. Signage will need to meet conditions in the Town's Sign

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Ordinance. No problems with Buildings as no new buildings will be erected. Fencing and Buffering – Trees have been added to the plan. Work will be done in the garage so the Board is okay with the existing buffering. No new utilities are planned. The Water Supply is sufficient. Sewage Disposal is sufficient. Right, Title and Interest has been satisfied. Under Financial Capacity, the Board is requesting a letter from a bank stating there is sufficient funds to support the project.

The Board asked the applicant to provide a cost estimate from the Environmental company in Auburn of what it would cost to clean up after a spill, and evidence that there is money on hand to cover same. Mr. Wood said he would like to see a contract or agreement with the firm for a certain period of time. The Board needs written information from a professional to say what you are doing is sufficiently covered. The applicant said he was reluctant to paying out lots of money for contracts and policies. Chairman Drummond said the Board needs to be sure that all projects meet certain standards for safety to all concerned. The applicant said he fears that his project will not be approved by the Select Board. Chairman Drummond asked the applicant if there might be another property he could identify to place his project. The applicant responded that he wants to do the project where he currently lives.

The Board asked that the applicant look into a plan for Business Insurance with liability coverage and coverage for hazardous spills. Special Resources – There is a wetland that runs through the property but no development will be involved.

There was a discussion of the Burden of Proof before the Select Board. Question was asked if the Select Board could have a pre-application meeting or a workshop before fully considering the project. Sharon Kegerreis suggested that maps from Carol White be reviewed by the Select Board. Planner Briand was charged with requesting such a meeting or workshop with the Select Board and the applicant said he agreed to attend. Chairman Drummond told the applicant that after he meets with the Select Board, if he wants to proceed, to come back with a Plan.

OTHER BUSINESS

Planner Briand said the Planning Board usually meets on the 3rd Thursday of the month. However, because of schedule conflicts, the November meeting was scheduled for November 18, 2020 at 7:00 p.m. via Zoom.

6. ADJOURN MEETING

The meeting was adjourned at 10:40 p.m.