

The Ledgeview Zoning & Planning Commission held a meeting on **Wednesday, May 16, 2018 at 6:00 p.m.** at the Municipal Building located at 3700 Dickinson Road, De Pere, WI 54115.

**1. CALL TO ORDER**

The meeting was called to order by Chairwoman Jane Tenor at 6:00 PM.

**2. ROLL CALL**

Members present were Chairwoman Jane Tenor, Vice-Chair Mark Handeland, Commissioners Chet Lamers, Mark Chambers, Renee Van Rossum, Taurio Garcia, and Kris Baran.

Staff present were Planner Dustin Wolff, Town Administrator Sarah Burdette, and Clerk Charlotte Nagel.

**3. APPROVE/AMEND AGENDA**

MOTION by Van Rossum/Chambers to approve the agenda as written. No further discussion. Motion carried in a voice vote, 7-0.

**4. PUBLIC HEARINGS:** None.

**5. NEW BUSINESS:**

- a. Receive a presentation from the applicant on the proposed project for which a request has been made by Jason Pansier and Ledgeview Farms, LLC, for a conditional use permit and livestock facility siting approval related to construction at 3499 Lime Kiln Road and operations at 3875 Dickinson Road, and discussion related to these applications.**

John Roach from Roach & Associates, engineering firm for Jason Pansier, gave a brief overview of the layout of Ledgeview Farms and physical layout of the proposed ponds and how they would function.

Mr. Roach explained that the livestock facility siting would follow Ledgeview Farm's WPDES permit restrictions, meaning the manure pit would be designed to meet the standards of a 25-year weather event. The pit will be gravity fed through two pipes and will hold up to 290 days of waste storage. A nutrient management plan would be in place to recycle the waste back onto the fields. Mr. Roach indicated that there is very detailed recordkeeping required for the nutrient management plan which is on file with the county, Department of Natural Resources, and DATCP (Department of Agriculture, Trade, and Consumer Protection) which is subject to open records laws. The pit is also subject to a four-year annual maintenance testing. Mr. Roach indicated that Ledgeview Farms has been approved for a 5 million gallon storage facility at the main farm. The farm is working on the best placement of that pond to allow for the best and most use of it.

There was discussion amongst The Commission to open the meeting up for public input. The Commission felt the public had a right to be heard.

MOTION by Tenor/Handeland to suspend the rules and open the meeting for public comment. No further discussion. Motion carried in a voice vote, 7-0.

Chairwoman Tenor laid out the rules for public comment. Each person would be required to fill out a comment card and hand it to the Clerk. The Clerk would call their names in the order the cards were received. Each person would be allowed three minutes to speak so everyone would be heard. The Commission asked for no repeated comments; if there was something new to add, to please share it.

Chairwoman Tenor also informed the Commission that Joan Pansier asked that letters of support for Ledgeview Farms be shared with The Commission, which was in tonight's packet.

Pat Schillinger, 714 Iron Horse Way – Mr. Schillinger moved into the Beachmont area ten years ago when the farm was a family farm, not a CAFO with 3,500 cows and a multi-million-gallon storage tank. The farm is currently a major farm and public safety has to be looked at for a farm that size. A farm of this caliber is meant to be in large rural areas, not next to subdivisions. Hazardous gases from manure decomposition will be released which puts people at health risks. Mr. Schillinger named off statistics from deaths caused by these gases from research that he did. Some of those deaths are from Wisconsin.

Cristy Janitch, 2264 Fox Den Court – Is concerned with warmer months and having the air conditioning suck the odor into her home. Ms. Janitch indicated that her family has woken up at night by the odor emitting from the farm now and in the past when the manure was spread on the fields behind her home. There is no way to safely escape the odor during the day or at night. What is the farm going to do to minimize the odor?

Al Cheslock, 3565 Beachmont Road – Stated that the permit is about 9 years too late; that Ledgeview Farms has been expanding the farm without the proper permits in place for years now. Had the farm obtained the proper permits, the subdivision would have been alerted to the farm's expansion intentions. The permit is too late and overdue. There is no fairness or equality in this case. Mr. Cheslock asked The Committee to deny the application.

Mike Tesar, 3505 Lime Kiln Road – Is concerned for public safety because of the lack of an emergency alarm notification system. There is no alarm system on the pit to notify a responsible person when there's a problem or a potential problem. There is no responsible person monitoring the system 24/7. Mr. Tesar is an engineer and indicated that typically pits of this caliber are built to 100-year flood standards. The location of the pond is concerning. It's 300 feet from the nearest home. Should the pit run over the banks, who's responsibility is it to clean it up and the assurance no groundwater contamination is happening. There are multiple public safety and health concerns.

Tim Kuehn, 3965 Three Penny Court – This is a scope creep on part of Ledgeview Farms. Instead of increasing the facilities to accommodate the herd, they expanded the herd and now need to increase the operations in order to accommodate the herd. Had this been done in proper order, there would have been notification to the surrounding neighborhood. Property values will decrease because of the location of the manure pit.

After three calls for additional public comment, none was heard. MOTION by Tenor/Van Rossum to close the meeting for public comment. No further discussion. Motion carried in a voice vote, 7-0.

The Commission questioned Mr. Roach on odor and odor control. Mr. Roach referred to DATCP Administrative Code Chapter 51 for rules regarding odor. According to Chapter 51, the odor must be at least 500. If less than 500 there isn't a problem, but more than 500 there is.

The Commission questioned the non-compliance issue and who is liable for non-compliance of permits. Mr. Roach explained that there were many checks and balances with the permits, particularly with the

Wisconsin Pollutant Discharge Elimination System Permit (WPDES). There is mandatory daily reporting with the DNR and the county which are considered public record and are subject to open records laws. There are annual DNR on-site inspections. If there are violations, there is a process for bringing the farm into compliance. Failure to bring the farm into compliance results in the Department of Justice issuing fines to the farm.

A brief history of the growth of the farm over the past decade was given. The farm's animal units grew internally and without proper permitting. Today, the farm is faced with coming into compliance via a Concentrated Animal Feed Operations (CAFO) directed by the Environmental Protection Agency and WDNR because of the internal animal unit growth over the past decade.

The Commission questioned the disposal of the manure waste on the fields. Mr. Roach advised that the waste would be piped into the fields because transporting the waste to other occupied farmland further out of town is cost prohibitive to the farming operation.

The detention basin design was talked about. Mr. Roach advised the detention basin is designed to hold 180 days of bovine waste and would have an agitator at that bottom to stir the waste to allow for proper breakdown of solids. The waste would then be piped into the fields as crop fertilizer. The detention basin is designed to industry specifications and regulations of NR212 and NRCS313 which calls for design for a 25-year weather event.

There was discussion on rain water and runoff water detention. There are concerns about a lack of monitoring for emergency spill or weather-related emergency, i.e. 100-year storm. Mr. Roach reiterated that the basin is built to industry standards which is 24 hour holding for a 25-year weather event. The basin is also subject to weekly monitoring by a certified basin operator. Commissioners questioned the validity of the industry standards, as designers of stormwater detention basins themselves. Stormwater detention basin standard is a 100-year weather event.

Chairwoman Tenor advised that Zoning & Planning would not be making a recommendation and thanked those who commented, as well as, those who submitted comments. The comments would be forwarded to the Town Board. Chairwoman Tenor also advised that the public hearing for this issue will be held on Tuesday, May 29<sup>th</sup> at 5:30 PM with the Town Board.

**6. OLD BUSINESS:** None.

**7. STAFF REPORT.**

**a. Update on future agenda items.**

- Look for some future plats that have been submitted
- Ordinance review and updates as time allows

**b. Review town board decisions.** None.

**8. Communications by Commission Members.**

- Lamers inquired about possible training opportunities for Brown County Canine Units at Ledgeview Nursing Home.
- Requested a list of Commissioners contact information.

**9. ADJOURN.**

MOTION by Van Rossum/Chambers to adjourn. No further discussion. Motion carried in a voice vote, 7-0.  
Meeting adjourned at 7:12 PM.

Respectfully submitted,  
Charlotte K. Nagel, Clerk  
Town of Ledgeview, Brown County, WI