

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

MEETING MINUTES FOR NOVEMBER 17, 2015

Present – Jeff Pierce, Peter Lincoln, Hope Douglas, Dan Hanley, and Ken Stewart .
Linda Biden and George Dorr were absent.

Others present – Richard Condon (applicant), Mary Denison (Attorney for Mr. Condon), *Debbie & Don Swift, *Harold & Sylvia Averell, *John Matzke, *Gary Getchell, *Andy Krechkin, Duncan Stewart, Amy Wilkinson, David Lynch (2nd applicant), Annie Biden, James Valley (CEO), J. W. Oliver (L. C. News) and Shari Lilly (recording secretary)

*Signifies abutting landowners.

Meeting opened at 6:30 p.m. by Chairman, Jeff Pierce. Pledge of Allegiance was recited.

ITEM #1 – REVIEW MINUTES OF OCTOBER 20, 2015 – Hope motioned to accept as written. Peter seconded. Approval for the minutes as written was unanimous. (No meeting on Nov. 03, 2015).

ITEM #2 – Richard Condon - Proposed Gravel Pit - Ludwig Road - Map, 06, Lot 067 - Jeff said that Mr. Condon has his application completed and he has his attorney, Mary Denison, with him tonight. He has a site plan narrative that was passed out to all the Board members for their review. It does contain the information that was requested by our attorney, Jessica Avery, which includes a list of all abutting landowners within 500' of the property lines. In allowing Ms. Denison to speak on Mr. Condon's behalf, she referred to a topographical map that is included along with the list of abutters. She noted there is no aquifers on the property; the nearest is 1/2 mile away. A determination from IF&W indicates there are two (2) eagle nests situated 1/2 mile away. They did not identify any deer area nor significant archeological areas. Per DEP, there will never be more than ten (10) acres of exposed area. It will be reclaimed as it is used. There will be no septic or electrical. He has included a survey map with the surveyor's name and stamp. All the descriptive areas are noted on the map. A letter from IF&W, a waiver from abutter, Mr. Krechkin for buffer area and any setback for an access road are also included in the packet. Jeff noted that Mr. Condon had previously been fined \$625.00 for failure to comply with a 'Stop Work Order'. Ms. Denison asked why he was imposed that fine as Mr. Condon had told her that any violations were not his fault as he had no control on the activity. The town CEO, James Valley, explained that it was because Mr. Condon had been given a verbal notice and two (2) days after was then given a written notice to stop any and all work on his property. Ms. Denison implicated that only courts can issue fines, but James and Jeff both explained that this is due to him not complying with the notice and that this is an 'After-the-Fact' fine because he had action going on from his pit. Mr. Condon said that Bing Tribbett was the one who loaded and hauled, but not from his pit. He got it from someone else and that even though neighbors saw him hauling, it wasn't from his pit. In questioning from the Board, Peter asked Mr. Condon if there were holes there. Mr. Condon said yes and he has photos from when he bought it. Peter said it would be nice to have some photos from after the 'Stop Work Order', which Mr. Condon does have, as well as some from along the road. These were all presented to the Board for them to look over. They do have the check for the \$625.00 fine and are ready to hand it over to the Board. Jeff did advise them that if they feel it

should be disputed, they can keep the check and we will hold off on the proceedings until another time when they feel things have been cleared up. He doesn't want them to think that the town or the Board are not treating the project and Mr. Condon fairly. He asked if Mr. Condon has read the letter from Ms. Avery (town attorney). He wants to make sure that everyone is understanding of all issues. Ms. Denison said they have. When asked what the sideline setbacks are, they are 500' on the North and at least 500' on the East. Jeff said the board would still need to impose the 150' buffer from abutters. Ms. Denison referred to page 27 of our ordinances in regard to a 50' buffer. James noted that on page 59 it states a 150' buffer for this type of project. Jeff said he was on the board when this ordinance was created as it was felt that this would help to protect any landowners within that distance. If Mr. Krechkin only owns five feet between he and Mr. Swift and Mr. Berry, we will impose the 150' buffer in order to protect the residents. Ms. Denison then questioned if the other abutter would have to have the 150' setback in order to sign a waiver to reduce it by 25' if they have enough footage to which she was told it would apply to the other abutters as well. She doesn't feel this ruling is applicable to this and wants her opinion on the record just in case it ever has to go to appeal. Jeff wants Mr. Condon and Ms. Denison to be aware of all the circumstances. We will proceed if they want to. As they are willing to go ahead with the review, James questioned, in regard to the 50' buffer to Mr. Krechkin, if Mr. Condon will be putting vegetation back there. Mr. Condon said he didn't do anything back there except to cut some trees, so he asked if he would need to. James said he does and it would need to be two (2) rows of evergreen trees; length of the roadway; abutting the property. If it is discovered that vegetation will not grow, we can discuss installation of a fence. As this is now a 'Commercial Road', this implementation would apply. (Ordinance; page 27, sect. 4, art. 5). Mr. Krechkin has signed a waiver that Mr. Condon can come closer than 50', but we'll have to check that out. Peter noted that the survey plan is unclear as to where Mr. Krechkin's lines are. It would be great to have it shown on the map. Ms. Denison said they can draw it on from the deed. Jeff said it would be great to have them shown even if it's just dots to show each property owner. Ms. Denison said that Mr. Condon has offered to fix the road down to the Route 128 exit. Jeff said he's not sure where the town road part is, but it can be discussed and become a part of the permit. It is a town road/rangeway, but it's not maintained, except up to the Swift property. This is a three-rod road. Ms. Denison said they will need some turnouts which they feel there is room to do along the road. James said some of these issues may have to be discussed with the selectmen in regard to the road. Jeff asked if there was any more discussion, etc. or do the members wish to proceed with the application as being complete. We can discuss turnouts, etc. later. Hope said the application appears to be complete, but would like the abutters marked on the map. Peter said listing anything within the 150' setback would be helpful. Dan made a motion to accept it as a completed application; Ken seconded. It was so voted.

A site walk is scheduled for Sunday, November 29 at 9:00 a.m. at the property on Ludwig Road. The Public Hearing and application review will be at the regular Planning Board meeting on Tuesday, December 01. There will be grade stakes put in the property areas of those who are within the 150' area.

Two separate questions that will be addressed are the passage of vehicles on the road and the size of the lots that Mr. Krechkin has around the pit.

ITEM #3 - PUBLIC HEARING - Eastern River Marine Services - Proposed Boat Ramp - 150 Daves' Way - Map 06, Lot 063.4 - Addition to existing boat business. The public hearing was opened at

7:25 p.m. Jeff asked if anyone present wanted to speak in favor of the project. Annie Biden, an abutting landowner, Duncan Stewart and Amy Wilkinson were all in favor. Jeff asked if anyone present was against the project. Hearing none, and knowing that everyone present had been at the site walk, Jeff asked if there were any questions from the Board. Since there was none, the public hearing was closed at 7:30 p.m. Peter mentioned that Dave & Ken would still have a lot of other agencies to deal with before the ramp is actually able to be constructed. (DEP - CG-ACoE - Maine Tribes - IF&W - etc.) These apply as the application is for a project in tidal water zone. Peter said that based on the site and other info provided, he would make a motion to accept with Conditions of Approval by DEP and other necessary agencies. Dan seconded; so approved by all. Hope said that it would fit with the business model.

ITEM #4 – OLD BUSINESS - a.) Possible Marijuana Farm - Jeff still hasn't heard anything else.
b.) Calista Vista - They seem to want to do something, but they want the PB to act. Jeff has once again told them that we can't do anything until after they have a homeowners meeting and get things straightened out between all of them. One issue is that they don't want to pay the taxes on the 'Common Area'. Jeff also advised them again to talk to an attorney.

ITEM #5- NEW BUSINESS – None.

ITEM #6– OTHER BUSINESS – Peter asked if Kerry Bryant had come again to see about amending his subdivision. Jeff said he hasn't heard anything from him since that time, so he doesn't know what, if anything, is going to happen with it.

Dan asked if the issue with Andy Kretchkin was taken care of. He was supposed to get septic and building permits but didn't, and yet had a double-wide home delivered to his property. Jeff said he paid a fine of \$800.00 to the town for an 'After-the-Fact' permit. Would have been cheaper and easier just to get the regular permits.

ITEM #7– ADJOURNMENT – Peter motioned, Dan second. So voted at 7:50p.m.

Respectfully submitted,
Shari Lilly (Recording Secretary)