

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

Meeting minutes for September 01, 2015

Present - Jeff Pierce (Chair), Peter Lincoln (Vice Chair), Linda Biden (PB secretary), Hope Douglas, Dan Hanley, Ken Stewart, jr.
George Dorr was absent.

Others present - Dick Condon (Applicant), Dick Condon II, James Valley (CEO), Dale Hinote (1st. Selectman), Allan Moeller, sr. (3rd. Selectman) and Shari Lilly (recording secretary).

(A list of other concerned individuals is on a separate paper).

Jeff opened the meeting at 6:30 p.m. indicating to all those present that this is a pre-application review for the proposed gravel pit on Ludwig Road on property now owned by Dick Condon. If any other persons were to speak, they should keep it civil and in good manner.

Jeff proceeded the meeting by first doing the Pledge of Allegiance.

As there is a significant amount of people here in regard to the proposed gravel pit, Jeff requested to waive the order of the agenda in order to proceed with the pre-application review.

Item #2 - Richard Condon - Application Review - Proposed Gravel Pit - Ludwig Road.

Jeff started by saying that he had given Mr. Condon a packet of all the necessary papers he would need to fill out. He then asked Mr. Condon to give a brief summary of his proposed project. Mr. Condon gave the members some copies of his 10-acre lot parcel. On the paper he indicated his plans to extract gravel, loam and fill from the area. As there is some question as to the location of one of the boundaries by the neighbor, he said he will not cut trees there until it can be surveyed. He then provided a copy of the deed, but said he hasn't gotten the final deed back from the Registra of Deeds in Wiscasset yet. Mr. Andy Krechkin borders on most sides. He did have copies of the unsigned warranty deed and said he had given the signed one to the Registra. Jeff told him to make a complete packet to bring back to the next meeting as we wouldn't have enough time for him to try to explain all the paperwork and it doesn't appear he has it all completed at this time. Jeff then wanted the CEO to voice his concerns. Mr. Valley said he had given Mr. Condon a stop-work order, but he continued to extract from the area. Mr. Valley said it had been witnessed by abutting landowners and also town officials. He told Mr. Condon that his failure to comply does create a fine that is up to 5x more than what the original cost is. That would make it about \$500.00 for the PB and \$125.00 for the CEO. Also, he has a concern that he will not have enough room from the abutting landowners, which would need to be 150'. Mr. Condon said he does have a letter from Mr. Krechkin that he can go up to 25' from his property line. As he and others were given stop-work orders, the members of the Board felt that they should be fined for not complying with the order. Linda made a

motion to apply the fine as mentioned as the stop-work order appeared to be ignored. The total to be \$625.00. Peter seconded the motion. It was also stated that if it happens again, it will be felt that he is trying to surcumvent the town ordinances and can be made to fill in the hole and cease the business; also possibly causing a 5-year moritorium. The final vote on the motion was five (5) members in favor and one (1) against. The motion carried by majority vote.

Jeff then opened the meeting to the abutting landowners/residents on the Ludwig Road.

Gary Getchell said he owns over 1/3 of a mile on the Ludwig Road. He remembers when it had washed out many years ago. It was closed by the town, but still accessible. New residents moved on the road, they had it fixed so they could get to their property. Where there is a pond, the road is 14' wide and the other side is water. He feels it would not be wide enough for two (2) trucks to pass and probably not with a car either. He is concerned as he feels it shouldn't be for Commercial use. It is only for residential. Mr. Getchell said he has been told there is a pit there now, but he was never aware of it. Some of his property is next to that and is curious why he wasn't informed.

Debbie Swift is an abutting landowner who said that Mr. Krechkin had done the pit previously, was given a stop-work order and denial for a pit, but he continued to dig in it. He had given a former selectman a difficult time, even physically. He has continued to have the pit against town regulations.

George Chapman said the road is not good enough to have commercial trucks hauling over it. He wanted everyone to know that his biggest fear is the safety of his grandchild who likes to play outside whenever he can. He feels the traffic would be a danger to him and other children and they should not be allowed on that road due to the safety issue as well as the fact of the damage they will do to the road.

Emily Estes owns a Wellness Center on that road which has a clientelle who come there for the peacefulness and quiet as well as other types of health therapy. Her clients like to know they will be safe when they come to her business. She doesn't want to see their well being disrupted by large trucks traveling on that road with the possibility of something serious happening when they are traveling on it to get to her business. She is also concerned about the welfare of the children in the area.

Bill Matthews feels the road isn't in good enough condition to allow that type or constant use, plus the number of children living in that area. Mr. Matzke agrees that it isn't a good area to have a business such as that.

Third Selectman, Allan Moeller, said he has to have 50' for a pit road. Also, the Ludwig Road would have to be tarred for the first 150', which would be a cost to the town unless Mr. Condon covers the cost.

Judy Getchell asked if there is an aquafor that comes behind them? Jeff said Dresden has

many aquifers for various waters. Mr. Condon would have to meet all of our criteria in order for the Board to go ahead with his application. All ordinances on pits can be obtained at the town office if anyone wants to look them over.

Mrs. Swift asked how far away would Mr. Condon be required from the spring on their property. They use it now and hope to have it there for their children and other generations. Mr. Valley said he would have to be at least 300' horizontal feet from the spring. He has also talked to the State reps about this who told him that Mr. Condon is under the acreage so they have no jurisdiction.

Jeff then explained the process of the application that will be upcoming...another review of his application; a site walk in which all abutting landowners would be notified; a public hearing to hear concerns or approvals of the project and the final review and vote of the Board as to whether they will issue a Conditional Use Permit. This permit can also contain various conditions that Mr. Condon would have to adhere to.

Mrs. Swift said with all the money and work they have done to keep up the road, she wants to make sure that the condition of it is kept up to par, whether it be watering it to keep the dust down (especially for anyone with allergies) or to fix any pot holes or other damage that can occur.

Ms. Estes is concerned about security of the current land in question. If Mr. Condon didn't know about the previous activity in his pit, who is going to make sure nothing goes on while his project is being considered. Jeff said he's sure that someone will be keeping an eye on things to make sure nothing is happening.

Mr. Swift wanted to know if Any Krechkin still has a pit. Mr. Valley said that he has also been given a stop-work order. Mr. Getchell asked if Mr. Krechkin was going to be fined in the same manner as Mr. Condon. Mr. Valley explained that Mr. Condon has applied for an "After-the-fact" permit so he was aware of the issues, thus creating applied fines. If Mr. Krechkin continues with his, he will also be fined. If the permit is not approved, a five-year moratorium can be applied. Ken Stewart said that Mr. Krechkin is planning to build a house, so he has only been moving the gravel around. Mrs. Swift asked how long the stop-work order is going to be in effect. James said it would last until the Board comes to a final decision to either accept or deny his application. Mrs. Swift said that they aren't able to get their survey done for a while. Jeff, once again, noted that many various conditions can be put on the Conditional Use Permit, including any outstanding issues.

Mr. Getchell is concerned with what issues might come forth from the pit, ground water and damage to the road.

Jeff said that the stop-work order will continue to be in effect. If everything is completed and under all the regulations and compliance with ordinances, it will only be lifted if the Board has voted approval of his Conditional Use Permit.

When asked how a site walk can be done if the property lines are in question, Jeff said it is

up to Mr. Condon's surveyor to be a licensed surveyor so it would behoove them to be able to say the survey is true and accurate. Mr. Condon said he told Mr. & Mrs Swift he would not go near the area in question until they have a chance to get it surveyed. Mrs. Swift showed pictures of some oil barrels that were on the Krechkin property, but are no longer there. Jeff said that issue is being addressed by the CEO. If Mr. Krechkin can show that he has gotten rid of them properly, he will need to show proof. Otherwise, the CEO will handle it. It doesn't have anything to do with the project being discussed at this meeting.

Mr. Condon said that according to the ordinances, he needs a 100' wide entrance - 50' from each abutting landowner; plus taking into consideration any water runoff, etc. As that is all the width he has, he wouldn't be able to have an access. Mr. Valley read aloud from the regulations; which included a mention of allowing it to be 15'. Mr. Condon could request the Board to allow that. Mr. Condon said if he can't resolve the driveway issue tonight, he may as well not continue. Jeff told him he could have a copy of the ordinance and talk to someone who does that kind of work to see what they can figure out to help with drainage that would go onto the Swift's property. Also he should meet with the CEO to discuss the road issue. Allan Moeller said that Mr. Condon would have to go to the Board of Appeals as the CEO nor the PB can make changes to the ordinances. He would need to get a variance in regard to the driveway. Jeff said he can also talk to Mr. Krechkin about obtaining more footage for his roadway. Mr. Condon then as the Board should they pass a moratorium for five years, would it start right away and would it apply to all pits in the area. Jeff said that if he doesn't follow the stop-work order, the moratorium could be applied and he would need to fill in the pit. This would apply to only his property as he would be the offending owner.

Jeff provided Mr. Condon with a list of the following paperwork, etc. he will need to bring to the next meeting in order to have his proposed project reviewed:

- a.)* A survey map that includes the surveyor's name and stamp along with a document stating what he has surveyed.
- b.)* A list of abutting landowners.
- c.)* A signed deed; locations of all streams, springs, easements, rights-of-way, etc.
- d.)* \$125.00 check for Planning Board action fee.
- e.)* Change the hours of operation to be from 7 a.m. - 5 p.m.
- f.)* Have a plan in place if his trucks destroy the Ludwig Road. This will need to be either a narrative or a performance bond.
- g.)* A letter from Mr. Krechkin stating that Mr. Condon can come within 25' of his property line.

With no further discussion, Jeff notified all that our next meeting would be on Tuesday, Sept. 15th, to go over his packet, which Mr. Condon needs to have completed at that time. Residents requested to be notified of any and all meetings on this project. Jeff said the Secretary (Shari) would provide notice to anyone who wanted to put their name, address or email on a signup sheet.

He then thanked all for attending and hope that many of their issues have been addressed.

Return to order of agenda:

Item #1 - Review Minutes of August 04, 2015 - Linda made a motion to accept as written. Hope seconded the motion. All members present approved.

Item #3 - Old Business - Boat Ramp. Everything is in the works and progressing as much as possible. Noticing that a ditch had been dug in the area that was supposed to be used for parking, Jeff said he would be talking to the responsible parties in the next day or so. Other than that, it will be completed soon.

Item #4 - New Business - None.

Item #5 - Other Business - Fee schedule - Jeff told the members that our fee schedule needs to be updated as many of them don't come close to cover many of the costs that have to be met with various projects. He said it isn't fair to have it fall on all the taxpayers to pay for them. He noted that the last project (Green Valley Farm) ended up costing nearly \$200.00, but it only cost the applicant \$25.00. He has some suggested changes that he would like the members to consider.:

1.) Minor Development - from	\$ 50.00	to	\$125.00	
2.) Subdivision		25.00/lot	to	50.00/lot
3.) Major Development -	100.00/unit	to	250.00/	(for
PB action)				
4.) Earthmoving Permit	25.00	to	100.00	
5.) Conditional Use Permit	25.00	to	100.00	

All changes have to be submitted to the Select Board as they would have the final say. Jeff said any and all suggestions would be welcome. Bring them to the next meeting and plan voting on any changes.

Item #6 - Adjournment - Dan made the motion; Linda seconded. So voted at 8:10 p.m.

Respectfully submitted,
Shari Lilly (Recording Secretary)