

Dresden Planning Board
P. O. Box 30
Dresden, Maine 04342
Meeting minutes for Monday, September 20, 2021

Present – Jeff Pierce (Chairman), Dan Hanley (Vice Chairman), Peter Elvin, Steve Stone, and Dawn Pallis. Patty Stewart and Jay Cummings were absent.

Others present – Richard Condon (applicant), Deb, Don & Jake Swift, Gary & Judy Getchell, Larry, Carolyn & Bob Call, Josh Shirey, Val & Maria Lomakin, George Chapman, Emily Estes, John Matzke, Randy Nichols, Dave Probert, Mari Connors, Bob Noonan, Allison Brown (abutting landowners), Nathan Bodge (Richmond Utilities District), Evan Houk (LCNews) and Shari Lilly (recording secretary).

NOTE: As per order of the CDC and the Governor, relaxed CoVid-19 guidelines are being applied.

Meeting was opened at 6:30 p.m. by the Chairman, Jeff Pierce. The Pledge of Allegiance was recited. Jeff waived the order of the agenda to begin the public hearing for Richard Condon Gravel Pit request.

ITEM #2 – Public Hearing - Richard Condon – Gravel Pit – Ludwig Road – Request for amending of existing Conditional Use Permit – Map R06, Lot 067 – Jeff began by explaining that Mr. Condon is requesting to make two (2) changes to his existing CUP. Those items being:

Condition #4 - NO Crusher in the pit

Condition #5 - No fueling in pit.

Mr. Condon wants to crush what comes out of the screening unit. This would probably only be about three (3) weeks out of the year. The hours of operation would be from 8 a.m. to 5 p.m. Monday thru Friday.

Fueling in the pit. As all other same type of businesses do their fueling in the pits, he is requesting to do the same. Otherwise it would have to be taken out, filled and then put back. Mr. Condon doesn't know of any places that do that.

Steve Stone said that, at the site review, Mr. Condon mentioned he would be crushing the rocks there, but would possibly bring some in. Mr. Condon replied that he may have to bring some in from other plants.

At 6:40 p.m., Jeff opened the public hearing. First will be those who wish to speak for the proposals; next those who wish to speak against and finally we'll hear from those who wish to speak neither for nor against. He requested that everyone speak in a civil manner during this public hearing. Once the discussion is over, the PB members will deliberate and can propose any other conditions.

For - None.

Against - George Chapman, who lives at 36 Ludwig Road, noted that even though Mr. Condon said newer crushers are more quiet, in his past experiences, there are none of them that are quiet. He added that in looking at the ordinances, he wonders if there is something to protect children from getting near the equipment. Also, he doesn't want outside material brought in. That is a concern. Also, the noise could devalue the properties. His negatives are neighborhood compatibility and health conditions according to WHO in regard to health and noise reactions. He feels that listening to a crusher for two to three weeks could cause a health problem. For these reasons, he is not in favor of a crusher in the area.

Dave Probert representing PCH - If it was not in the original CUP, why would the Board review it now. Jeff explained that any applicant can request a change of their conditions through the PB. Then the Board will take everything into consideration which helps with their decision.

John Matzke - Doesn't want the conditions changed now. He feels that the way the CUP was already done should not be changed with all things considered. Jeff explained that much of the earlier problems had been created by the previous owner, Andy Krechkin; not by Mr. Condon. Mr. Matzke asked Mr. Condon if he colluded with Mr. Krechkin to gain the extra five (5) feet of boundary. Mr. Condon replied that he didn't and he hasn't broken any rules. He bought the property from Mr. Krechkin as it was presented previously.

Debra Swift noted that Bing Tribbett had been hauling out of Mr. Condon's pit when he wasn't supposed to. Mr. Condon said that was when Andy Krechkin had Mr. Tribbett hauling from there. However, Mr. Condon ended up paying a fine for it even though it wasn't him that allowed Mr. Tribbett. Mrs. Swift added

that she doesn't want any crushing in the pit nor any fueling.

Emily Estes, who lives at 36 Ludwig Road, said she has lived there for 18 years and has had a very good quality of life in that area. She used to have a business with clients coming to her place, but once the gravel pit was allowed, she feared there would be danger with the truck traffic on that road. The 'bumpouts' that were supposed to be created are no longer viable and the road really isn't very good for passing a big truck. She added that the noise would be a health problem due to hearing issues. She asked Mr. Condon what weeks he would be doing the crushing. Mr. Condon replied that it would possibly be in July or August. Ms. Estes responded that this would be the best part of the summer when people are enjoying the outdoors and other summer events. She asked Mr. Condon why he hadn't done anything with his pit yet. Mr. Condon replied that he's been busy with other things he's had going on. Ms. Estes is asking the PB to not make any changes to the present CUP.

Don Swift said this all started by an illegal survey and now he wants to do something with the property. Jeff requested that we not going over things that had been settled in the past.

Allison Brown asked if there is a set 'decibel' limit for noise during the day. Jeff said no because that would affect even trucks hauling - including tractor-trailers, etc. Jeff doesn't know if there is a specific 'decibel' set by the State. Steve Stone said perhaps that is something that we could find information on for future reference.

Robert Call, who lives at 642 Cedar Grove Road, noted that this pit is on the back side of his property. He is concerned with the fuel possibly coming onto his property and also any dust that could travel through the air onto his.

Mari Connors, who lives at 28 Ludwig Road, is concerned about the truck travel and the road maintenance if it is damaged by the trucks. She doesn't think this is a good idea to allow that much activity.

Bob Noonan has the same concerns that once a crusher is brought in, the noise and dust could be problems. Plus the condition of the road is concerning. He asked if the town has any commitment as to the maintenance of the road. Jeff said that Mr. Condon had put up a road bond. Mr. Condon said the road bond was \$25,000.00 and was for one year. Jeff added that the CEO and Road Commissioners are overseers of the road and if they find any issues, the CUP can be pulled.

Larry Call, who lives on Ludwig Road, asked how big the fuel tank would be. Jeff said no tank can be put in; it would have to be portable refueling and would have to have containment kits on the trucks.

Jake Swift said he doesn't want a crusher in the pit, but he doesn't want to stop a man from his fuel. He explained how it works if you have a tank, but if have portable fueling it's like at a gas station. As far as a crusher, he doesn't think there is enough material in that pit. It's already approved for screening. You pile up the tailings, so perhaps put a limit (example:1000 yds) on it; such as so many loads before he could crush. He added that he really doesn't want the pit there nor the crusher, but he doesn't want to be someone to stop a man from working. He wants to have a maintenance agreement for the road. Jake, along with Josh Shirey, paid and put in the road and he doesn't want to see less quality material put on it. He wants to make sure the quality of that section of road is taken care of properly. There needs to be a road plan, a fueling plan and a crushing plan. He added that doing the crushing during a work day would be normal.

Debra Swift repeated that she does not want anything brought in to be crushed. Use what's there.

John Matzke asked who would watch to make sure Mr. Condon doesn't do more than he is allowed. Jeff said the CEO is supposed to make sure he is within the limits.

Josh Shirey asked Mr. Condon if he has an idea how much he could crush. He could crush 1000 yds, then he can do another 1000 yds. Jeff said he can do more than one pile. Jake Swift added that he just put that figure out there as an example.

Neither For nor Against - Ryan Cote, speaking loudly, indicated he was speaking at 48 decibels which many people thought was annoying. He gave other examples and added that he feels it would be a health issue to the neighbors. He feels Mr. Condon has the right to do what he wants to with his property, but he knows that people come to Dresden for many reasons, of which the quiet peacefulness is an important one. It would be a good thing to find a way to control the noise if this is approved.

Nathan Bodge, Richmond Utilities District Manager, stated that if fueling is allowed, he would want to make sure the CEO is keeping up with any containment and other fueling issues to prevent it from going into the wells and water areas; especially as the Town of Richmond gets their water from Dresden.

Dave Probert added that the Town of Dresden doesn't have a good 'track record' with gravel pit control so he

wants to make sure that the PB takes everything into consideration when making their decision.

With nothing further, Jeff closed the public hearing.

Discussion by the Board:

First - Get information as to decibel levels for crushers from Maine DEP for daytime so it can be applied in case this is approved.

Second - Mr. Condon to meet with Jake Swift to see if they can work out something for road maintenance; noting that the town will not be responsible for that section of the road.

Third - Consider how much to allow for crushing limitations. Jeff read the town ordinances which says operational hours can be from 7 a.m. to 7 p.m., Monday - Saturday.

It was then voted to table this public hearing until our next meeting on Monday, October 4, in order to have the information discussed. Jeff made the motion to table #4 (No Crushing) requested changed on CUP. Dan seconded and the motion passed by a show of hands from all those present and voting.

Refueling in the pit - Steve, referring to the Maine License for Water System, echos the concerns of Mr. Bodge. He also understands there are containment kits and conditions that need to be addressed. He doesn't know of anything at this time that says you can't.

Dan asked what is a complete containment. It was explained that it's a double wall container with concrete. Mr. Condon said there will be no fuel storage in the pit. It was then stated that he could fill his screener from his truck as long as it is contained properly. That is the concern for the water, especially since it goes for an entire town. Peter Elvin said that as long as DEP Best Managements Practices are following and as long as it is checked on periodically, he doesn't have a problem with it. Jeff said trucks that deliver fuel have to have an approved containment kit so this should not be an issue. Also, #6 on the CUP says no fuel tanks in the pit. He then motioned that fueling be allowed by DEP Best Management Practices and all trucks to have a containment kit. Peter seconded and the motion was passed by a unanimous vote of 5 - 0.

We will reconvene with the crusher issue at our meeting on October 4th. It will not be a public hearing; only for Planning Board deliberation. Any letters on this issue to the PB will be read for the record. No hauling in of materials. We don't do it in other pits, so we're not going to start now.

We now return to the order of the agenda.

ITEM #1 - Review minutes of Special meeting held on August 30, 2021 - Dan made a motion to approve; Steve seconded. Motion passed unanimously by a show of hands.

ITEM #3 - Old Business - a.) Discussion on Dresden Land Use Ordinances - Workshop date TBD.

ITEM #4 - New Business – None.

ITEM #5 – Other Business – James Davis will be bringing his maps to the town office. (Mylar & copies). Members will need to sign them as soon as they can. Jeff will not sign due to conflict of interest. Vacancies - Patty Stewart will be presenting a letter of resignation due to her job change. Also, it is possible we may lose Jay Cummings, but not absolute yet. We'll check to see if we have people interested.

ITEM #6 - Adjournment – Peter motioned; Jay seconded. So voted at 7:45-p.m.

Correction to time of adjournment - should be 8:05 p.m.

Respectfully submitted,
Shari Lilly (Recording Secretary)