

**Dresden Planning Board
P. O. Box 30
Dresden, Maine 04342
Meeting minutes for Monday, October 19, 2020**

Present - Jeff Pierce, Jay Cummings, Steve Stone and Dan Hanley.

Peter Elvin, Linda Biden, and Russell Peckham were absent.

Others present – Daniel Lilly (applicant), Tiffanie & Tyler Williams, Linda & Jerry Pepin, jr., Gerri Dubey, Alan Burke, Joe Migliore, Mary Fabus, (owners at Calista Vista Subdivision) and Shari Lilly (recording secretary).

NOTE: As per order of the Governor due to the CoVid-19 pandemic, the social distancing restrictions and face covering suggestion have been applied and enforced.

Jeff opened the meeting at 6:30 p.m. The Pledge of Allegiance was then recited.

ITEM #1 – Review minutes of October 05, 2020 – Steve asked Jeff if he had spoken with the Select Board in regard to Mr. Davis' request to widen the Old County Road down to his Kaleb's Way Subdivision. Jeff said they gave Mr. Davis a letter of approval to widen the road with the stipulation that the Town will not maintain it. Motion to accept by Dan; Steve seconded. Motion passed by show of hands of those present and voting.

ITEM #2 – Preliminary Review – Daniel Lilly – 1095 Middle Road – Map 10, Lot 40.1 (RLD) – Proposed Small Engine Repair Business to be known as 'Repair Awls' - Jeff asked Mr. Lilly to give a brief summary of his project. Mr. Lilly said he wants to have a small engine repair business to do repairs and maintenance on items such as lawnmowers, snowblowers, chainsaws, etc. He also is planning to do some saw blade sharpening. Jeff then asked if he has filled out his application form and paid the fee. Mr. Lilly said that he has did all of that at the town office. Steve asked him where he is located. Mr. Lilly told him it is at his residence at 1095 Middle Road. Jeff then explained that it is where there was a lot of abandoned vehicles and other items that you could see when you went by. Mr. Lilly said all the vehicles except for three (3) have been removed plus the scrap metal. He mentioned that DEP had taken care of a fuel spill that had gotten into the ground from a previous resident. He has a letter from DEP stating that it has been cleaned up and taken care of with no further contamination. Jeff said this would be a 'minor project', but the members agree we should do a site walk so we can make sure there are no issues from the cars and other materials that were there. Mr. Lilly said he still has a few other things he's cleaning up, but will get that done as soon as he can. It was then decided to have a site walk on Sunday, November 01 at 9 a.m. Mr. Lilly was asked where his containment of hazardous materials will be. He explained that he plans to take care of the materials such as any gas, oil, etc. in containers that he will then take to a facility to dispose of them. Dan H. asked if he could provide a copy of the property deed. Jeff told him that there is one in the packet at the town office. He'll have copies made for the Board members.

We will meet with Mr. Lilly at his location on Sunday, November 01 at 9 a.m. for the site walk. A date for a public hearing will be set at the site walk.

ITEM #3 – Calista Vista – Application for change of previous CUP in regard to the road and power – Tiffanie & Tyler Williams, Mary Fabus, Joe Migliore, Jerry & Linda Pepin (representing majority of owners) -

Ms. Fabus said it has been fourteen (14) years since they bought their lot at the subdivision, but due to the conditions contained in the initial Conditional Use Permit, the bankruptcy of the original builder and other issues that had developed, they have never been able to build on their property. We are asking to have the CUP conditions regarding the road and the power changed so we can finally build. She noted that the existing road has held up very well over the years and they don't expect traffic to be a problem. They want a little freedom to be able to do something with this property they've paid taxes on for fourteen (14) years now. In regard to the power, that can be put in as we go along.

Ms. Williams said they would like to have the restriction of an engineered road removed and to allow power to be installed by each lot owner. Jeff, being the only one who had been on this Board when Mr. Pagurko first came with his plans, said he remembers all that was proposed for this subdivision. He said that many of the lot owners would need a road to get to their property and power to be able to build. Ms. Williams continued by saying they would like a permit to put the road in and the power would be done by each lot owner. They just want the road restriction lifted so they can begin to build. Ms. Williams has brought the plot plan map which Jeff asked her to put on a table so everyone could look at it. Jeff went on to say that a DEP violation that had been put on the property a number of years ago has been cleared up. That was a violation that prevented Mr. Migliore from getting a permit to build. Jeff strongly told them that they would need an area that would be large enough for a fire apparatus to turn around. The town wouldn't want something to happen to a fire truck. Ms. Williams said there is an area near the "Common Area" that would be usable for that. She also indicated there is an area on the map showing an area that was designed for that purpose. As to the taxes owed on that area, Ms. Williams said they could be paid in the next month. Then the cost could be split up by all the lot owners.

Mr. Burke asked if Ms. Williams is a developer or a lot owner? She replied that she is just an owner, not a developer. As to if the property is still considered a subdivision, Jeff said yes, due to containing 13 lots, but there is no HOA listed at the State level. Jeff then asked if there will be a HOA going forward. Ms. Williams said they do plan to have one and that maintenance would be shared by all lot owners.

Steve asked, if there's a HOA, does the PB have to get into it? Jeff said actually no. Steve then said that the Board can apply the ordinance as far as the road. The power isn't really a big concern for the Board, it's more about the road that is an issue. Jeff said these folks have come to us to change the road requirement so we have to make sure it complies for issues such as a fire truck. Mr. Williams said he has widened the areas along the sides of the road and in other places. Jeff then stated that, due to needing the room for large, heavy vehicles such as a tanker truck, etc. the Board can require the road be constructed by town standards. Jeff would be in favor of lifting the road condition so they can build and also lift the power restriction to allow the owners to finally build on property they have paid taxes on for up to fourteen (14) years.

Steve would like to have the Road Commissioner(s) go to look it over and give assessment on the road condition and the area. If the road is allowed to be substandard, they may be having people build on something substandard. However, Jeff said, as the property is private, we don't have the right to have the road commissioner do that. Steve said he also is concerned that fire trucks can get down the road in case of an emergency.

Mr. Burke remarked that the road should not be substandard. He doesn't want to add to the bad things the lot owners have gone through, but if the land is sold, he doesn't want new people to end up on a substandard road. Jeff said there are a lot of town roads that are substandard so he has trouble trying to make them do a higher standard one. The owners all agree it is to their

best interest to have a good road and it's better for their property values. They all plan to make sure that the road is kept in the best possible condition. Eventually, they would like to pave it.

Steve asked if the road is in a condition that allows two cars to pass. Photos of the road indicating plenty of room for two vehicles to pass even on the narrowest part of the road were shown to all. *Mr. Williams* stated that he did a lot of clearing on both sides of the road.

Jay said he feels that it appears they are all in agreement to make sure the road is in the best possible condition and plan to keep it that way.

Steve asked what was the relevance of *Mr. Burke's* questions? *Mr. Burke* replied that he wanted to know if it was going to be developed or just kept as lots. There is no HOA presently and the covenants would have to be done by the owners.

Dan asked what else they need to do. *Mary Fabus* said they have provided all the information and have backed it up tonight.

Jeff said if they do an HOA, and decide to change the convenances, they have to come to the PB to request the changes, referencing the notice #4407 from the state. All those involved would have to agree, provide this Board with their vote, request the changes and then re-record their papers to the Registra of Deeds. They wouldn't come to the PB for covenances unless they agree to the changes. The request tonight is regarding the road and electrical power restrictions. (Lift the no-build moritorium and power restrictions so building can be done.)

Motion for the DPB to lift the restriction on building permit moritorium and the requirement of power be lifted to allow the lot owners to build was made by *Jeff* requiring that the 'Common Area' tax-acquired issue be taken care of and a hammerhead for firetrucks be installed. *Jay* seconded the motion which passed by a show of hands from all those present and voting.

Ms. Williams asked what would happen if not all the owners want to pay for the 'Common Area'. *Jeff* said it is up to the owners to pay, so there is nothing the town can do. If the town takes the property, the covenants no longer apply. A HOA would be the best way to make sure everyone pays their share, otherwise they can lose their claim to the Common Area. The town will not do any maintainance on the road regardless. As soon as the Common Area has been acquired back from the Town, the road and power restrictions will be lifted. *Steve* offered to take a look at the area and *Jeff* will get with the Fire Chief to check it out to make sure it's large enough and sturdy enough for our large fire trucks. Good luck to all.

- ITEM #4 = Old Business – a.)** *Jeff* mentioned that *Linda Biden* will be resigning as of Oct. 20th.
b.) *Steve* said he just wanted to go down to *Calista Vista* to make sure he can impress on the owners about the road, that it's up to standard. He was surprised that you can get two vehicles passing safely. *Jeff* is glad they can finally do something with their land and cleaning this issue up will be a positive for the Town.
c.) Everyone needs to make sure they have signed the plot plan for *James Davis (Kaleb's Way)*.

ITEM #5 – New Business – - *Patty Stewart* has been appointed to fill the position on the Board that is being vacated by *Linda Biden*.

ITEM #6 – Other Business – a.) *Steve* is concerned if *Daniel Lilly* will be able to contain any gas, oil etc. properly in 5-gal. cans.

b.) *Baker Property* - the building has been taken down, but it seems to be a slow process. Still has a lot to do – empty & crush septic, cut trees, take out slabs to keep for new town office parking area.

ITEM #7 - Adjournment – Steve motioned; Dan seconded. So voted at 8:00 p.m.

Respectfully submitted,
Shari Lilly (Recording Secretary)