

July 1, 2020

Planning Board
Town of Topsham
100 Main Street
Topsham, Maine 04086

Re: Crooker Construction, LLC's Rezoning Proposal

Dear Chairman Spann and Planning Board Members:

My name is Dorothy Bowie and I live at 477 River Road. I am writing this letter in regards to the proposed rezoning and relocation plan by Crooker, which will put the batch plant behind my home and the quarry to plant road 500 feet from my home. The purpose of this letter is to outline my reasons for opposition, share my concerns, and to encourage the board to vote against rezoning the property.

In the past two years, I participated in several Comprehensive Plan workshops and contributed online editing, attended 2019 Community Neighborhood meetings held by the Board of Selectmen, and had conversations with many Topsham residents. The overwhelming agreement among residents is that rezoning the land from Suburban Residential R2 to any type of Industrial zone is not consistent with the 2019 Comprehensive Plan and desire of the residents.

The Letter from the CPUC at the beginning of the Comprehensive Plan states many comments about what people want for Topsham, and I will paraphrase: They show a true sense of caring about Topsham's future. They want to live here; they love the schools, shopping, quality of life, rural character, green spaces, access to hiking. They are concerned about street safety, lower speed limits, sidewalks, etc. They are concerned about growth and the kind of development – where it should take place and how it will impact public health and quality of life in the community. They ask: How can we balance the ideals of rural character and expand the property tax base, yet avoid sprawl? Housing is also a major concern, yet residents want our growth to be “thoughtful and deliberate.” “They want growth that strengthens neighborhood identities in addition to strengthening our village core.” Nowhere does this document mention rezoning a residential neighborhood to support moving Industrial business. The two ideas are incompatible. The introduction to the Comp Plan itself certainly does not support damaging air and water quality in a residential area, harming community health, plummeting land value (thereby reducing property taxes), and destroying a neighborhood identity to benefit the profit of one industrial business.

Below are some comments I request the Planning Board to consider, written in response to Crooker's May 8, 2020 report that was presented in summary at the June 2, 2020 workshop:

Part 1 The Project Proposal

I understand that businesses must make investments for maintaining and growing. However, this should not be at the expense of local town residents. In this scenario, the health, quality of life and land value of the neighborhood residents are sacrificed for Crooker's profits, gained through the new plant location and the sale of land at the mall.

Part 2 Crooker Construction LLC

My question about this section concerns what I am told about Crooker's move, and that they would purchase larger haul trucks that would be off road to run the haul road. In this case, would the Town of Topsham actually lose a large portion of the \$66,000 in vehicle registration excise tax yearly?

When I attended the Comprehensive Plan workshops, I and several other people questioned repeatedly the absence of the current Crooker Facility in the "artist's rendering" pictures. We were told "that is just the artist's rendition of how it may look in the future." We were told those drawings did not "mean" anything. If this is true then any reference to them or The Crooker Zone should be removed from the Crooker proposal.

Page 8 of the Crooker Proposal states "These concept drawings for a future 'Crooker District' at the current Crooker plant site are included in the Comprehensive Plan as ideas for possible redevelopment options were Crooker to relocate." They are not ideas contingent upon Crooker relocating. They are an artist's idea of how an area *may* look, and should be valued as such. The art should not be referred to as if this proposal, and the Crooker move, have completed due process when they have not.

I also would like to ask where the label "Crooker District" originated? Was there an official town adoption of this label? Is it unofficial?

Part 3 Why is it consistent? The update anticipates zoning amendments to enable rural businesses to grow and expand.

Page 5 of the proposal states:

"The Crooker project was under public discussion as the 2019 Comprehensive Plan Update was being completed. The Comprehensive Plan Committee did not take a position either for or against this particular project. However, the Plan indicates that the committee anticipated that a rezoning request would be made for the project. "

I question how the committee could anticipate that a rezoning request would be made for the project if no one was talking about it publicly. On two occasions at Select Board Neighborhood Meetings in 2019, the question was asked "What is happening with Crooker?". Select Board Chair Mr. Douglass replied "Nothing" but he "didn't believe it was dead," and stated that it was "nowhere...essentially." That was the extent of the

discussion. My questions are: Where was all of the “public discussion” that the Crooker proposal mentions that led to the “anticipation” of the zoning request? Where is the validity in this part of the proposal?

Furthermore, nowhere in the Comp Plan does it mention that “Industrial” business is the type of business that we want to attract in rural neighborhood areas.

Part 3 lists:

- *“Business and rural landscapes do mix.” (page 27)*

This is misleading and taken out of context, extracted from a paragraph in the Comp Plan about “Being deliberate about protecting rural character...protection of rural lands...allow new, rural entrepreneurship to emerge.” This does not sound like heavy Industrial development.

- *“Further, this plan recognizes that rural and land-based businesses may continue to grow, and performance standards may need to be evaluated as part of future zoning amendments to ensure protection of natural resources, and compatibility with working farms and existing residential neighborhoods.” (page 134)*

This quote comes from a paragraph initially describing housing and associated zoning. Rezoning Industrial in such a Rural zone does not show “*compatibility with working farms and existing residential neighborhoods.*”

- *“However, this planning process identified a desire to see additional growth in areas not served today by sewer and water, including business growth at existing industrial sites off Route 196 in the Pejepscot Village area.” (page 130)*

Crooker deceitfully omitted the words “select and discreet” from this paragraph. The Comp Plan states:

“However, this planning process identified a desire to see additional growth in **select and discreet** areas not served today by sewer and water, including business growth at existing industrial sites off Route 196 **west** in the Pejepscot Village area.” (Emphasis mine.) **West** is another key word omitted in their misquote to describe the intended area. The Comp Plan is talking about Rt 196, not River Road. This is a huge difference when you compare rural residential neighborhoods off Rt 196 to existing industrial sites off Rt 196.

- *Industrial Special District. “This district outlines the existing industrial zone, encompassing clusters of industry and businesses along the Androscoggin River off Route 196. This area should be zoned and regulated as special districts to reflect the uniqueness of the land use activity, and the intent for the future growth or transformation that may be desired for that specific area. Future zoning efforts*

should assess and, if necessary, amend performance standards to address potential impacts of industry on adjacent land of neighborhoods.” (page 135)

Regarding the Industrial Special District, it should not be assumed that just because this area exists, that all the areas around it should become Industrial too. Sprawl of Industrial out into the River Road area should not happen. An existing residential neighborhood in a rural area should not be severed. Industrial business should be located/relocated in the already existing Industrial Special District on Rt 196.

Part 4 Why is it consistent...

- *“The Town may need to enter into public-private partnerships with developers to realize new mixed-income, multigenerational neighborhoods.” (page 21)*
- *“Based upon preferences expressed during the public engagement process for where to direct new growth, the team identified a number of potential catalyst sites that represent opportunities for future development. Each catalyst site has been drawn with the intent to create vibrant, walkable mixed-use neighborhood centers...” (page 110)*
- *“The Crooker District illustrative plan reimagines how the site could be transformed in the future over many years to accommodate new light industrial, commercial, and residential development.” (pages 122-3)*
- *“Sites around Topsham Fair Mall Road and the Crooker Site were identified as opportunities for long-term transformation, including the establishment of new, walkable streets and blocks with a mix of land uses and businesses.” (page 135)*

I understand that Topsham does need more housing. I strongly disagree, however, that destroying one neighborhood to create another is the intention of those who want more housing. This allows Crooker to sell the land to make more profit at the expense of our neighborhood. As for more “mall” stores in this area, I have spoken to many people in town and most people feel we have enough “mall”, there is too much emphasis placed on “mall” and we cannot support more “mall” here. Many people point out that there are many vacant lots already in town and ask why can't local affordable housing be built there? I also repeat that these drawings were explained to us as “artist's renditions” of what might be, not what would drive planning and proposals by the Comp Plan team. I further add p. 110 of the Comp Plan states: “The catalyst site drawings are aspirational and representative of concepts only.”

Crooker Proposal p.7 states: “The great importance given to the redevelopment of the existing Crooker resource manufacturing operation in the Update means that it is very important to the Plan that the current manufacturing operation be relocated. There can be no new neighborhood unless the Crooker plant is moved to another location.”

The above comment is invalid. The Comp Plan writers stated they had no position either way as stated on Crooker p. 5. How can they claim it is important that the plant is relocated? This twists the wording. To say “there can be no new neighborhood unless the Crooker plant is moved to another location” (p. 7 Crooker Proposal) puts the pressure on the Comp Plan to support this proposal, a position on which the Comp Plan was not supposed to take a side. Neighborhoods can be built in other places. There are a total of 17 Catalyst sites shown on the Comp Plan map on p. 111. There are ample sites for housing development in the town of Topsham.

Part 5 Traffic Aspects

- *“We heard from residents that they are concerned about street safety.” (page 8)*

- *Pejepscot residents want “safer bike routes” and “automobile safety.” (page 38)*

- *“Topsham residents are asking for slower safer streets.” (page 57)*

- *Map identifies that the intersection at Route 196 and Meadow Cross Road is a “dangerous intersection,” and that Route 196 from Meadow Cross Road to River Road is a “dangerous roadway.” The proposed project will improve conditions at both of these dangerous places. (page 67)*

The concern of traffic speed and flow has been mentioned in many places of the Comp Plan. Town residents feel traffic is too fast everywhere, and they want it slowed down all over town. There are approximately 16 such intersections as shown by red circles on the Safe Streets map on p. 67 of the Comp Plan. None of these “dangerous intersections” would be dangerous if drivers followed the speed limit and paid attention. Also, when compared to intersections in other areas of town the number of accidents compared to the number of cars traveling the road daily is actually significantly lower at these 2 intersections than many others:

| | | |
|-----------------------------|-----------------------------|--------------------|
| 8 accidents per 30,000 cars | River Road/Rt 196 | 1 in 3750 drivers |
| 5 accidents per 30,000 cars | White House Crossing/Rt 196 | 1 in 6000 drivers |
| 4 accidents per 2,500 cars | Middlesex/Bay Park | 1 in 625 drivers |
| 4 accidents per 5000 cars | Rt 201/Meadow Road | 1 in 1,250 drivers |
| 6 accidents per 2,500 cars | Bisson Farm/ Meadow Road | 1 in 417 drivers |

Residents also want better sidewalks, crosswalks, paved shoulders, bike routes. These issues will not be rectified by rezoning and moving Crooker’s plant. Pp. 56-65 of the Comp Plan go into great detail about ways the town will strive to increase street safety. Solutions center around speed limits, signage, road resurfacing, restriping lines, and road design and types. I found no place where it said “move existing business to create safer streets” as a solution.

Crooker Proposal p. 9 states *“The trucks pass approximately 47 residences that are directly on River Road and Lewiston Road an average of 170 times each day,*

depending on the time of year. This daily traffic will be replaced by a private, internal road running from the quarry to the plant facility.” The Comp Plan lists on the p. 63 Annual Average Daily Traffic map that River Road sees 2500 cars daily, and Rt. 196 sees 30,000 daily. The 170 trips the Crooker trucks are making is a fraction of the overall traffic that is already flowing all day long on these two roads. Putting those same trucks passing through a tunnel in a neighborhood area where there currently is no traffic or traffic noise is not justified.

The elimination of Crooker’s Trucks to the tunnel will not significantly improve the impact on the neighborhood, since other dump trucks, oil trucks, moving vans, school buses, trucks pulling equipment trailers, and other construction vehicles pass through River Road all of the time. Most importantly, if the trucks are eliminated on the road, that means the batch plant and facility are now *in* the neighborhood and that definitely *does not* “significantly improve the character and safety” for anyone in the neighborhood. In fact the health of residents will be harmfully impacted by pollution in the air and water containing carcinogens, asphalt fumes, dust, light, and noise of machinery and trucks. We will suffer loss of property value and an overall highly negatively impacted atmosphere of our home community. I do not accept putting my family and my neighbors-including those who may be in high health risk groups -at risk of illness so that Crooker can make a profit.

Regarding road safety, I can attest that as a runner on River Road, the 3,500 foot strip traveled by the Crooker trucks is actually the safest stretch, because the drivers do drive slowly, which causes other cars to slow down. Crooker drivers are very respectful and safe, and the road is well maintained. The problems such as crumbling tar and speeding are elsewhere on River Road, requiring repaired shoulders and bike safety lanes.

Introducing more traffic entering in and out of the end of Whitehouse Crossing is a concern, as congestion there could increase and possibly push more drivers to use River Road and Whitehouse Crossing to cut through. This possibility is great, and no traffic studies have been presented to the contrary. There could also be a potential increase of traffic at the mall if large development is done, which will increase the overall traffic in the area. Moving the Crooker plant could potentially increase traffic in all affected areas, which is concerning.

Part 6 Why it is consistent

This section of the proposal discusses improving tax base, preserving jobs, and reducing greenhouse gases.

I call your attention to the “Introduction to the Plan” p. 7 of the Comp Plan and highlight that Fundamental Goal #2 recommends that we “protect rural character, working farms and forests, and preserve open space for conservation and recreation. Rural lands can be preserved if new growth is directed towards the Town’s center: Topsham Fair Mall

Road area, Upper Village, Lower Village, the Heights, navy Annex and around the municipal complex on Maine Street.”

This seems to support Crooker LLC remaining at their current location or moving to the already industrial zone on Rt196, making facility improvements and upgrades to allow them to remain “competitive” in their industry and bring in “more tax revenues” with their more valuable upgraded buildings, as well as reduce greenhouse gases by investing in new processing equipment and vehicles. At either of these two sites they could also continue to provide quality employment and opportunities for MTA and other local graduates. Those are not contingent upon relocating.

I ask the Planning Board to reflect on the importance of our schools for people who live here, and the feverish effort taken to protect and provide for schools. I ask that you give the same consideration to the protection of all neighborhoods. People want to move to Topsham to live. They love their neighborhoods. Businesses will be attracted to a town where **all** of its people and neighborhoods are valued. Movement of the Crooker plant is not necessary to accomplish these goals, and will harm some of the very neighborhoods that make this town attractive to new residents and businesses.

In response to **Part 6 D. Providing access to the River and waterfront.**

I strongly doubt that the residents in our town who made the requests on p. 77 & 78 of the Comp Plan for access to the three rivers and boat ramps and footpaths and trails, intended to trade an existing neighborhood for them. Trails by the river would be devalued by loud blasting occurring and an asphalt plant close by.

In addition, p. 45 of the Comp Plan states that residents truly value our “robust network of maintained snowmobile trails crisscrossing the rural lands, and the rivers draw recreational paddlers.” An industrial business would conflict with use and enjoyment of recreational trails adjacent to the proposed plant.

Part 7 Proposed Rezoning Approach

This section of the proposal deals with the rezoning process options. The Proposal states:

The 2019 Comprehensive Plan Update’s future land use plan shows R2 zone to be part of the *Rural- Suburban Lands – Limited Growth Sector*. Regarding the Limited Growth area, the Update says “... *this plan recognizes that rural and land-based businesses may continue to grow and performance standards may need to be evaluated as part of future zoning amendments to ensure protection of natural resources, and compatibility with working farms and existing residential neighborhoods.*”

Here again, Crooker uses content from the Comp Plan out of context in a way that twists the Plan’s meaning. The above extract from the Comp Plan on p. 134 is part of the following larger paragraph about housing development which also states:

“...land in the Limited Growth sector should be prioritized for lower density, **rural compatible development** in order to strengthen working farms, forests and rural-based business economies, and to **preserve rural character**.” Rezoning to industrial use and moving an asphalt plant, again, does not match the intent of this section. Nor does it “**ensure** protection of natural resources, and **compatibility with** working farms and **existing residential neighborhoods**.” (Emphasis mine.)

In response to “built-in buffers” as stated on p. 6 of the Proposal, there are no buffers that could be suggested that would make this project acceptable to be put in an existing residential neighborhood, because noise and fugitive emissions will extend well beyond the 1,500 buffer as it currently does with their current commercial location in town with much higher surrounding traffic noise from I295, Route 196, and the mall. Again, the pollutant concerns are significant, and include water, air, dust, odor, and noise .

No matter how Crooker continues to present its proposal, there are no performance standards that will make this project compatible with the neighborhood or “ensure the integrity of the area to be preserved” (Proposal p. 17). Residents who live here bought our homes to be far away from industry. We value the tranquility of our neighborhood as an important part of our lives as Topsham residents. My husband and I bought our land 25 years ago and chose it because it is close to town and the schools where I work and our children would attend, yet also far enough away to be peaceful and quiet. We relocated an old school house here, incorporating it as our living room and preserving a piece of history. Over the years we have worked hard to make our home a unique and special place in the community. I have tended a large vegetable garden through the years, and I process a great deal of food, much of which I share with family and friends. Gardening is not just a hobby for me, it is part of our life, how I feed my family, and a way I can give back to the community.

Comp Plan p.95 states: “Topsham should explore strategies for protecting property rights while providing additional economic options beyond what is available now. New approaches to zoning are available that can allow people to work the land and conduct a variety of business activities within a pattern that is fundamentally rural in character. Traditional rural development, such as hamlets and farm compounds, can be reintroduced, providing a greater menu of options beyond putting land into the farmland and tree growth tax programs, or building housing subdivisions. Rural business development that is in harmony with traditional rural landscapes ensures that land can be passed down to future generations with expanded business and residential opportunity.”

This statement in the Plan supports “rural business development that is in harmony with traditional rural landscapes”; it does not support moving a heavy industrial, carcinogenic producing, noisy, dusty, property devaluing business into the center of a rural community.

Comp Plan p.128 Dynamic Approach To Planning states:

“At times planning is scientific, illustrated by point data or measurements of built physical form. At other times planning can be about a sense or feeling one gets when standing in a place or walking down a neighborhood street.”

I ask the Planning Board to consider the “sense or feeling one gets when standing in a place or walking down a neighborhood street” that the residents of River Road, Ivanhoe and the Pejepscot Village hold dear. This aspect of development was so important that the Comp Plan considers it one aspect of planning. Planning in this case can be the act of NOT acting on a plan or proposal.

Comp Plan p. 91 “Be Deliberate About Growth” section states:

“As the Town continues to grow, the impacts of this growth should be managed, measured and revisited often through community-driven processes to ensure residents are getting the kinds of outcomes they want. An intentional approach to local growth can also position the Town for long-term viability, by attracting people to choose Topsham as their community.”

This process when truly conducted in the spirit of the Comp Plan, will not always find proposed ideas to fit the vision of the Comp Plan or be acceptable to the residents. I implore the Planning Board to look further than just the lure of tax money and see the bigger picture represented here in support of not rezoning the R2 Land in the Pejepscot, River Road, Ivanhoe area.

Personal Concerns:

From a personal perspective, and as a potential abutter to the rezoning, I have serious concerns about the rezoning proposal. I feel it is asking too much of our neighborhood to support one business when there are other options more appropriate to relocate this industrial operation within Topsham that are not in the medium density suburban residential zone.

Rezoning to industrial will reduce the property values in our neighborhood. According to *The Pineola Property Study*, property values near an asphalt plant in Pineola, North Carolina plummeted by up to 56% after the plant was built due to pollution and “vile odors.” This is a very big concern for me, as is the possibility that rental properties in our neighborhood, including ours, will be less desirable and consequently difficult to rent.

Noise and light pollution, especially at night are a concern if the batch plant gets relocated with rezoning industrial. Crooker’s paving operations begin early in the morning and often run late into the night. My husband is self-employed and does physical work, and I am a kindergarten teacher. We both require good sleep to do our jobs at high standards and to stay healthy.

Air pollution from the released dust negatively impact the quality of our air, land, and water [EPA; OSHA]. ^[1] Members in my family have asthma, work outside, and exercise outside. If the quality of our air declines, our health will as well. The strong foul odor of hot asphalt will impact the enjoyment of being out in our yard. Our house is serviced by an artesian well. I am concerned that our water will be contaminated by runoff and dust settling. The soil in my large vegetable garden may also be impacted. I grow hundreds of pounds of our food and if I were forced to buy that food instead, it would add significant cost to our family. I also would not be able to share with family and friends, which is a meaningful contribution for me to the community.

Lastly, I feel I would be remiss if I didn't bring to the Planning Board the dishonesty with which I feel this project began. Mr. Ted Crooker shared a plan of "building a road through the woods to get the trucks off River Road and help the neighborhood" in order to obtain the trust and acquire land from the landowners. Now we see the real plan was to rezone Industrial in this peaceful neighborhood, which is not a sign of integrity nor a practice of good business. Had the plan to rezone from the beginning been made known to the landowners, the acquisition of the land likely would not have been possible. I certainly would not have sold. The proposal of a project of this magnitude which affects so many people should not proceed. It sets a very bad precedent of public business and how Topsham views its neighborhoods, and does not promote the mission of the Comp Plan for the essence and community of Topsham.

The residents of Pejepscot, Whitehouse Crossing, River Road, and Ivanhoe should not be tricked or guilted into sacrificing our health, quality of life, and economic security for the growth of one company. On behalf of the people who live in these Topsham neighborhoods, I strongly urge you to consider NOT rezoning the Crooker Company properties on River Road and Rt 196 as Industrial.

Respectfully Submitted,
Dorothy Bowie
477 River Road

^[1] Many toxic chemicals are released into the air during asphalt manufacturing, over 2,000 chemicals including known human carcinogens like benzene, cadmium, formaldehyde, toluene, xylene, and arsenic, as well as volatile organic compounds, and very fine condensed particulates. (EPA)
