

June 29, 2020

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

Re: Crooker Construction Rezoning Proposal

Dear Topsham Planning Board Members:

My husband and I have lived at 491 River Road since 1985, and we are writing to express our concern and opposition to Crooker's latest rezoning proposal, which would negatively impact our property and the surrounding neighborhood as a whole.

By our count, this is the fourth attempt at this rezoning proposal since January 2018, and Crooker has had four different consultants working on this rezoning including their former employee Mike Abbott. They first proposed to expand the existing industrial zone over all their suburban residential properties including my two brother-in-law's properties, which they don't own as far as we know. They then proposed to rezone the farm lot next to our house, my third brother-in-law's property, and Crooker's back-land property to Rural Commercial Use zoning. When that failed, they proposed Limited Industrial. Now they are proposing an entire new industrial zone different from all the other zones. The common theme remains the same; they want to expand industrial land use in our quiet residential area near their quarry, which is not appropriate for our area of Topsham. The other common theme is that they want to surround our entire property including the field across from our home with industrial zoning and land use.

My husband and I have listened to Crooker's argument for 2.5 years now that this plan will be good for the neighborhood by getting their trucks off River Road. The Crooker trucks drive 25 miles per hour on a 3,400-foot length of River Road between Quarry Road and Route 196. The main problem for this area has always been their blasting and now they want to bring more intense daily industrial activity to the neighborhood by moving in their entire operation including asphalt manufacturing and grow their business within the suburban residential zone next to our property.

Please keep in mind, that our property is closer to the quarry than all but two residents on River Road that have 25 mph Crooker truck traffic going by their homes during workday hours, which has been normal operation for years. Our property line is about 1,400 feet away from the quarry and we have experienced stronger blast vibrations at our house during the last 35 years than most other people in the neighborhood that are further away from the quarry. It recently took us several months to get Crooker to respond and fix a large crack in our foundation caused by their blasting. The blasting from their quarry is felt well beyond our house and extends to our neighbors on Whitehouse Crossing, Ivanhoe, Pejepscot, and the neighborhoods across the river in Brunswick.

This proposal surrounds us with more high intensity daily industrial impacts versus the current blasting twice per month:

- The proposed privately-owned haul road for off road quarry trucks would be about 150 - 200 feet from our property line.
- The proposed asphalt batch plant would be approximately 1,000 feet from our rear property line. We have anticipated for years that we would possibly subdivide the land behind our house abutting the power line for our children if they wanted to build a house. This proposal basically eliminates this option for our family as our children would not consider this option given the negative impacts that would come with more industrial development in our area.
- Nighttime and weekend paving operations creating construction noise and odors will impact our enjoyment of our quiet property.
- This proposal also significantly steps up the scale of industrial land uses abutting the Pejepscot neighborhood and brings industrial zoning all the way to abutting Whitehouse Crossing and Ivanhoe neighborhoods, which we believe is inappropriate when there are other options including Crooker's industrial zone properties off Route 196.

We have paid taxes in Topsham for 44 years and have lived at 491 River Road for 36 of those years. We chose to live in this part of town to allow our children to grow up near their grandparents and because we love the fresh air, wildlife, quiet lifestyle, and all the relationships we have built with the nearby neighbors. Not to mention that my husband grew up at the farm and I grew up in Pejepscot. We have put up with the blasting over the years because the other benefits of living here have outweighed the negatives of being in a blast area. We don't think it's fair to ask us to also accept more industrial development in the area that will cause air pollution, nighttime construction noise, odors from the asphalt plant, and off-road haul truck noise next to our property during the work day when my husband and I are retirement age. This will ruin our home value that we have invested in since 1985.

We ask that the Planning Board consider the impact of this proposal to property values and consider all the planning that has been completed in Topsham to move industrial land use development away from the River Road neighborhood and toward the other end of the industrial zone at Crooker's Jacks Pit properties.

Crooker pays a small part of the total property and excise tax contribution in Topsham, but the property and excise tax contribution of the greater neighborhood around us exceeds Crooker's tax contribution to the Town. They suggested a plan in 2018 to use off road quarry trucks that may reduce vehicle registrations and excise tax contribution to Topsham if this project was developed. We also understand that the Town has given Crooker the annual paving contract without competitive bidding for several years. Crooker has received steady revenue stream of paving work from the Town Topsham for their tax contributions. The taxpayers in the Pejepscot area have had to put up with blasting all these years with no tax breaks from the Town. Damage to foundations and wells due to blasting has been very well documented over the last 35 years as the Town and especially Crooker very well knows.

My husband and I never supported the option presented by Crooker to purchase my father in law's property through the estate process and we had no recourse for the decision made by my husband's brother Donald because he was the executor of the estate. My father-in-law would be so upset that his property has become part of this mess and affecting the entire neighborhood. He was part of Topsham's heritage of agriculture with a working farm for years and was a fixture presence at the Topsham Fair showing his cattle for many years with other Topsham farmers.

When Ted Crooker found out that we were not supportive of the Flaig Farm sale deal to Crooker in 2015, he came to our house. In our driveway, he told us face to face that nothing would ever happen to that field in our lifetime and Crooker planned to relocate to Jacks Pit in the future. We personally asked him to put that in writing and he refused, and that was the end of that discussion. Ted stated as much to the Planning Board at the publicly attended workshop on 7/17/2018 in regard to the Jacks Pit relocation option. He said he told the Flaig's that and the Planning Board that they talked Jacks Pit for many years, but it was before he acquired these other pieces of property.

Crooker has been less than honest the last 2.5 years with their maps showing rezoning of land they don't own including my brother in law's property and not being upfront about their property being land locked between CMP and other property they don't own at Whitehouse Crossing. They were also dishonest with other abutting landowners. We don't believe those abutting owners expected the current situation before us as a potential outcome.

I also want to point out that Crooker did provide a license agreement to all four brothers of Peter Flaig's estate (Donald Flaig, Randall Flaig, Roger Flaig (now deceased), and Daniel J Flaig, Sr). This was signed by Crooker Construction's President and CEO Thomas Sturgeon. This provides my husband lifetime personal rights to hunt all four lots of the property formerly owned by Peter Flaig including wood cutting on three of the lots. Crooker's proposal develops parts of all four lots. These rights are extended to other family members as well as guests of my husband. Crooker very well knows my husband has had a tree stand in that field for 30 years and they have proposed a quarry truck haul road next to my husband's tree stand and exposes a portion of the field in this prime hunting area. It would be impossible to maintain the intent of those rights and have any reasonable hunting enjoyment if Crooker's proposal were approved given daily noise of heavy quarry truck traffic along the field and through the current farm location. We know that many hunters work for Crooker Construction and we wonder how they would feel about this.

Just because you buy land in a rural-suburban area doesn't automatically mean you can change the zoning to suit your individual business objectives at the expense of abutting and surrounding neighbors, especially when the proposed change is not consistent with the 2019 comprehensive plan update for future development in our area of Topsham. This goes against what Topsham has always been about in our minds. Some in the community will argue that this would benefit the community as a whole with more tax revenue. This can be accomplished in other ways such as moving to another area in Topsham on the outskirts of Route 196 that is more appropriate location for them as opposed to moving all of their operations including the asphalt plant to our residential area.

Anyone that knows the land in our area understands that there are many wetlands and streams. We are concerned with impacts to wetlands and vernal pools in our area. We are also concerned about ponds on other neighbors' private property on River Road that are supplied from streams on the hill of the backland property that Crooker's wants to rezone and construct equipment shops and the asphalt plant. This includes a pond located at 577 River Road.

The field at 510 River Road has extensive wetlands and streams. This is the only remaining farmland in our area of Topsham that is zoned suburban residential. The planning board should walk the land and decide for themselves if any of this makes sense for this type of industrial land development and consistent with the comprehensive plan. Crooker's operation requires level land and the backland they want to rezone is a large hill with slopes and gullies. The Planning Board should request to review the wetland and vernal pool mapping that Crooker has

completed. It would be a shame to impact that field and the farm property next us with industrial use when it has been historically residential, and agriculture use for at least the past 165 years predating Crooker's ownership. The farm at 505 River Road predates the 1850's and is one of the last remaining early Topsham farmhouses built on River Road for residential and agricultural use. The field across the road from the farmhouse is one of the best scenic view in Topsham by anyone's standards. People pull over all the time in front of our house to watch the turkeys and deer in the field and take in the view.

The Planning Board should require third party studies to justify this major zoning change. The plan to add a roundabout or signal light at Whitehouse Crossing seems questionable to us. We understand the speed limit through a roundabout is only 25 mph, which seems to slow for high volume traffic on Route 196. This is a very busy road that gets backed up during busy hours when vehicle's travel the speed limit of 45 and 50 mph. We are concerned that changes to this intersection to slow traffic will just encourage more people to use River Road as a bypass around Route 196. This is currently used as a routine bypass for 196 and I can only expect traffic volume and speed to increase on River Road if traffic is slowed down on Route 196.

We hope you will listen to the residents of this area and take all these important issues into consideration with this proposal moving forward. Our opposition is also supported by many people in Town that take issue with this proposal. The Planning Board should take the petition of over 300 signatures into account, which includes our neighborhood and several residents across Topsham. This proposal will change our little corner of Topsham forever, and would be a bad precedent to make for a single business when Crooker can utilize other property they own that is already zoned industrial on Route 196.

Sincerely,

Debra J Flaig

Daniel J Flaig, Sr.

491 River Road