

Town of Cornish  
**PLANNING BOARD**

17 Maple Street  
Cornish, Maine 04020  
Telephone: 207.625.4324 Fax: 207.625.4416

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**Monday, May 18, 2015**

**WORKSHOP MEETING MINUTES (Approved 6/1/15) Vote: 5 Yes, 0 No**

**In Attendance:** John Morrissey, Ken Hall, Bill Hoxie, Norm Harding

**Absent:** Mat Cama

**Guests:** Diann Perkins, Emily Ward, Terry Belair, James Carr, Wes Sunderland

**Call Meeting to Order:** 6:45 PM by John Morrissey

**New Business:**

1. Terry Belair (Map U-03, Lot 041) seeks permission to install a 6-foot stockade fence to shield her house at 6 High Road from headlights and noise from neighboring parking lots at the hotel and the Bargain Shop. The fence will be dog-eared and pre-stained with Cedartone. Measurements: 96 feet long on the hotel side and 56 feet long on the Bargain Shop side.
  - a. Motion to approve: Norm Harding, seconded by Ken Hall. Approved: Vote, 4 Yes, 0 No.
2. James H. Carr seeks permission to amend the conditional approval granted on February 9, 2015 to expand and improve the facilities at the Cornish Drive-In Storage (Map R-02, Lot 077), by converting a storage unit into a residence for an in-house manager.
  - a. After Mr. Carr described his plan, the Board decided that Mr. Carr should come to the June 1<sup>st</sup> business meeting with detailed information regarding the water, septic, setbacks, and layout for the interior design.
3. Regarding the SMRPC E-mail below:  
A recent Maine Supreme Court decision has been rendered that will affect all Planning Boards and how they proceed with the review of Applications and the process of Findings of Fact.

This information is very important for ALL Planning Boards to follow if you do not do so already!

*Hartwell v. Ogunquit Decided May 5, 2015*

*There were two issues that rise to the top of this discussion which the court to consider:*

- 1) *Was the appropriate process administered by the Planning Board as it relates to waiving specific submission information? In this case the issue surrounded elevation (topographic) information which was not submitted and the board did not take specific action to acknowledge that the information was not included by waiving the submission requirement nor did the applicant request in writing that the information be waived by the board. **The court basically has said that the applicant must put together a waiver request in writing and in doing so the board must take formal action in waiving or not waiving each item that the applicant is requesting not be submitted for review.***
- 2) *The court also ruled on the level of information included in the Findings of Fact which was not specific in this case, to the actual use that the board was acting on. **The court ruling basically supports the need for factual and specific Findings of Fact.** The findings are the most important aspect of the Planning Boards review. The findings tell the detailed aspect of the process that the applicant has been through, and exactly what the use is that everybody has agreed to as part of the approval process.*

If anyone has any questions regarding the process that needs to be followed when reviewing applications please contact us for further discussion or clarification.

- Emily Ward suggested the planning board might want to amend the bylaws to include the section that pertains to waiving the requirements. [Essentially, it would require an applicant to provide a written reason for why the requirement should be waived. The Board may reject any or all waiver requests. Failure of the applicant to comply with any request is cause to reject the application.]
- 4. Continue discussion of medical marijuana.
  - a. Regarding medical marijuana: The Board decided that Bill would write a letter to the BOS requesting that they schedule a hearing to establish a committee to develop an ordinance to regulate medical marijuana distribution in Cornish. The BOS would pick the members of the committee from those expressing an

interest in participating at the hearing. It was suggested that the committee should include a medical professional and a law-enforcement professional as well.

b. Letter attached.

5. Motion to approve minutes of the May 4, 2015 Business Meeting as presented: Ken Hall, seconded by Norm Harding; voted 4 Yes, 0 No.
6. Motion to adjourn: Norm Harding, seconded by Ken Hall; voted 4 Yes, 0 No.

**Unfinished Business:** None

**Communications Received:** SMRPC E-mail

**Agenda Items for Next Meeting:** **Business Meeting – Monday, June 1, 2015 @ 6:30 PM.**

1. Approve Minutes of the May 18, 2015 Workshop Meeting.
2. James Carr: Continued from workshop meeting, May 18, 2015.
3. Other:

**Adjourn:** 7:57 PM

Respectfully Submitted:



William Hoxie, Planning Board Secretary



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May 20, 2015

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Dear Selectmen:

At the last two meetings the Planning Board has discussed the need for an ordinance to regulate any medical marijuana dispensaries in Cornish. We feel that it is in the town's best interest to address the issue before being "blindsided" without an ordinance in place.

The Planning Board respectfully requests that the Board of Selectmen schedule a public hearing to form a committee to develop an ordinance. The Board suggests that the committee members, appointed by the selectmen, would be chosen from those qualified and expressing an interest at the public hearing. Ideally, the committee would include a professional in law-enforcement and one from the medical profession.

Recently the Town of Standish approved such an ordinance and may be a reference for the committee to contact.

Sincerely,

A handwritten signature in black ink, appearing to read "W Hoxie".

Bill Hoxie  
Planning Board Secretary