

Town of Cornish
PLANNING BOARD
17 Maple Street
Cornish, Maine 04020
Telephone: 207.625.4324 Fax: 207.625.4416

Monday, October 2, 2017
BUSINESS MEETING



APPROVED

Approved

10-16-17

UNANIMOUS 5-0

Attending: x Jessica Larson; x Ken Hall; x Norm Harding; x Eve Bergstrom; x Kim Printy;
Shelby Oates *Wes Sunderland *

Guests: Carlton Candage, Brad Perkins, Nancy Perkins, Steven Smith, Diane Perkins, Craig Jones,
Ken Little, Dan Drake, Matthew Dubois Esq, Mr & Mrs Fulginitti

Call Meeting to Order: 6:30 PM by Jessica Larson

Unfinished Business: *Agenda Items 2 and 3 below.*

New Business:

Agenda Items:

1. **Approve Minutes** from Workshop Meeting, **Monday, September 18, 2017**
Motion to approve: Jess Larson, 2nd Norm Harding , vote taken unanimous 5-0 minutes approved.
2. **Continued Business:** D. Drake, 22 Main St. (*MMA Responses, CUP Standing*)
Chair: Read e-mail response by Matt Stultz Esq. at MMA regarding 18 moth expiration of CUP. *The provisions in the Land Use Ordinances concerning the expiration of a permit after eighteen months is not applicable here. The reason is because Mr & Mrs Dennison (Café 22) did in fact operate after receiving the Conditional Use Permit . Additionally, common law provides that a permit generally is transferable with land, and is not unique to a land holder. The assumption made is: that the proposed use continues what is a lawful conforming use that nothing will change about the use, that there was nothing **unique** about the permit issuance, and that the applicable ordinance standards have not change.*
Chair: *CUP issued and that a grease trap is required for on-site baking. Reminded Mr Drake about regulations for a Café, licenses, inspections, for public opening, also town's sign ordinances and registration with the own office.*

Public Comment:

CEO: *Questioned transfer with the property and 18 month expiration.*

Chair: *Referred back to MMA response and review of our Land Use Ordinances.*

Carlton Candage: *Addressed Certificate of Occupancy by Mr Dubois lawyer.*

Nancy Perkins: *Who in the town is responsible to ensure proper state licensing and inspections are issued? Concern: Public Safety Who Regulates?*

CEO: *No one central clearing house to ensure proper licensing and permits.*

Chair: *Suggests a centralized permit process possible check list with documentation of permits on file upon registration with the town clerk.*

Ken Little: *Have the town clerk get copies of the licenses upon registration.*

Chair: *Further review needed. Perhaps a compliance check list for any business venture?*

CEO: *Town clerk has sole occupancy info LLC's are registered with the state.*

Carlton Candage: *All Licenses need to be in a conspicuous place.*

Nancy Perkins: *Page 95 of the Land Use Ordinances mentions substantial regarding permit expiration of 18 months. Substantial needs to be better defined.*

Chair&Co-Chair: *Page 9 of Ordinances mentions transfer.*

Chair: Reviewed history time line of purchasers and CUP issued to original owner in 1998. No CUP residential occupancy permit issued in 2009 during a pre-application letter on file.

Dan Drake: Purchased property from the Libby's.

Diane Perkins: Questioned property ownership by Dennison.

Brad Perkins: Owner financing.

Chair: CUP permits may need tentative dates for opening of establishments.

Nancy Perkins: Parameters needed.

Chair: Dan Drake application for certificate of occupancy/residents noted no CUP or permits issued. Reviewed Page 8 Article 1 of Ordinances: Public health, safety, sewer and fiscal responsibility of the board. Reviewed sewer usage yarn shop vs Café, determination difficult due to not being open to the public usage also difficult to determine due to leak.

Dan Drake: Town repaired water main.

CEO: Inspected noted that there was a repair of the pipes.

Chair: Sewer system review Mr Candage.

Carlton Candage: Waiting to hear back from F Gallant DEP after D boxes opened up to determine substances. Letters sent to customers addressing the issue. Town is in limbo until resolution addressed by DEP & Sewer operator. CAUTIOUSLY OPTIMISTIC.

Chair: The sewer issue is a public health & safety issue if system fails it will become a financial burden to the town.

Carlton Candage: Will reach out to Fred Gallant DEP and Ron Taylor to get some sort of resolution prior to the next workshop meeting.

Brad Perkins: Are there separate pumps in each building?

Carlton Candage: No downhill accumulation to pump station at Krista's parking lot, 2 pumps, 1st pump feeds 1st five beds, 2nd pump feeds remainder of beds.

CoChair: Where does that leave us with the Café?

Carlton Candage: Understands MMA ruling, need to proceed with caution so that the system is not negatively impacted may cost upward of a ½ million dollars for repair.

Dan Drake: Water usage of other establishments?

Ken Little: Over the limit issue of a particular establishment?

Carlton Candage: Sewer committee addressed the issue previously a reserve capacity happened when the Carriage INN closed and now is the Historical Society. Initially established as a 9 bedroom home now no home occupancy at the site.

Brad Perkins: 90 gallons per bedroom

Mr Dubois: Café has a CUP but Home occupancy permit on hold due to sewer issue?

CoChair: Permit issued and still in affect per MMA.

Nancy Perkins; Process is a maze. Tourist season over. Why jeopardize the sewer system? It may only be a month until resolved? Due to a potential financial obligation the town may incur if the issue isn't resolved.

Mr Dubois: Timing of the tourist season irrelevant. The applicant has invested significant time and money to get the Café opened.

Nancy Perkins: Can you open tomorrow Mr Drake? Has a grease trap been approved?

Chair: CUP to Café 22 requires grease trap.

Dan Drake: Letter to Dennison's claims no grease trap needed.

CoChair; I was part of the review process NO baking at the premises which negated the grease trap but if baking or cooking on the premises happened a grease trap was required.

Mr Hall: What is the status by the selectman for new additions to the sewer system?

Carlton Candage: The letter by the sewer system states placing things on hold until resolution.

Mr Hall: We should abide by that ruling.

Carlton Candage: will forward finding to PB

Chair: Baking on premises needs a grease trap fitted by a licensed plumber with permits as per original CUP.

CoChair: Grease trap will take time, will it get us to our next meeting?

Dan Drake: *Inspection did not address grease trap.*

Steve Smith: *Own system no grease trap needed, that's why it was not addressed at the inspection but being on the towns system a grease trap would be required.*

Diane Perkins: *Does he have to abide by original CUP? Notes indicate no residential only commercial only as well as Fire Marshall, signage and parking in back..*

Chair: *addresses members on their view point?*

CoChair: *Not a question with permit.*

Chair: *Concerns lies with original CUP and the grease trap requirement.*

CEO: *Difficult situation do the fragile system. Business potential to support building expenses it's a pro & con issue. Stipulates that CUP exists but cannot operate fully until resolution with sewer system.*

Mr Dubois: *Does not agree due to assigned capacity for that lot.*

Nancy Perkins: *Contingencies needed to open business as addressed in original CUP: licenses, inspections, grease trap, etc.*

Ken Little: *So any new usages added to the sewer system would be prohibited.*

Board consensus: *Yes until the sewer issue is addressed.*

Carlton Candage: *If confirmation is obtained by DEP and Sewer Operator that Mr Drake can open with all the stipulations will you call a special meeting?*

Chair: *If conformation received and CUP conditions are met than permit stands as per MMA response*

Dan Drake: *CUP indicates if no baking/cooking on premises until grease trap installed can only coffee be served?*

Chair: *Are you licensed and inspected?*

Dan Drake: *yes*

Chair: *Suggests reviewing Maine Food Code and off site baking requirements sold on premises for Public consumption. Bistro's, Cafes licensing similar to restaurant requiremnts.*

Ken Little: *Addresses Carlton Candage question?*

Carlton Candage: *What Dan is proposing looks like "minimal impact" 90 gallons per day. Since the height of tourism is over the question will be posed to DEP & Sewer operator on how this will impact the sewer.*

CoChair: *If the system fails it will negatively impact all businesses and households on the system along with the financial burden the town would incur.*

Brad Perkins: *Question 3 different usage figures. If the system fails the taxpayers of the town would be financially burdened.*

CoChair: *Next meeting is workshop not vote until November should give ample time to get permits and licenses in line. Suggest wait until then.*

Mr Dubois: *Minimal impact should happen since he does have a current permit.*

Chair: *Mr Candage will address "minimal impact" CONCERNS: Public health &, safety along with fiscal responsibility. System failure would negatively impact Historic District and becoming a DEP issue impacting the environment. Current grants and funding is limited a doubling of taxes may incur to replace the system.*

CoChair: *Agrees with the scenario*

Mr Hall: *What is the status of the permit does it include the third floor?*

Chair: *No*

CoChair: *Did site walk of original Café CUP, 1st floor Café, 2nd floor was a thrift shop, 3rd floor needed a lot of work. No occupancy permit requested.*

Nancy Perkins: *2nd floor exit approved by state fire marshall?*

Dan Drake: *2nd floor stairway exit exists.*

Chair: *Handicapped accessible?*

K Hall: *Since historic District w/o major renovations grandfathered.*

CoChair: *So where are we?*

Chair: *Reviewed concerns addressed previously Mr Candage needs to give us guidance on "minimal impact"*

CoChair: Addressed upcoming workshop meeting on the 16th.

Eve Bergstrom: Can we formulate a question that if at the next workshop meeting if the minimal impact proposed would not negatively impact the system. Can we vote now if all is OK so Mr Drake can go forward. Permit would allow only coffee and applicant would need to comply with signage, electrical and plumbing?

Carlton Candage: Who will ensure no baking is taking place without grease trap?

CoChair: Asked PB if it would be acceptable for a letter of documentation from a licensed plumber with a date of installation ?

Nancy Perkins: why not designate next meeting as Business Meeting?

Chair: Next meeting will be 1/2 business meeting to allow for a vote and 1/2 workshop meeting. Motion for a vote 2nd by cochair ; vote ensued unanimous 5-0 for the change/split. A notice is required will request Town Clerk to update notices 10/16/17 secretary will follow up.

3. **Ongoing Business:** Comprehensive Plan

Chair; Responsibility of PB: once the comprehensive plan is updated PB reviews and updates ordinances. PB does not update the Comprehensive plan. **Local comprehensive Planning committee is responsible and that committee is appointed by the municipal officers (selectman) as per MMA guidelines.**

4. **Other:**

Housekeeping: Oct 15 weekend tentatively move of PB records into the new office at Pike Hall. Please follow up with town clerk if help is needed. Chair will be unavailable that weekend.

Nancy Perkins: Would the PB be interested in having a committee member present upcoming legislation on Adult use Marijuana ?

Communications Received/Sent:

- Matt Dubious, Esq letter to PB regarding Dan Drake Café/ CUP permit for residents.
MMA legal correspondence review of CUP expiration date .

Nate Stacey Parsonfield Planning Board member requested information on a 3rd party consultant to assist the town in a development issue.

YWSG notice change of upcoming workshop half business Oct 16th.

Agenda Items for Next Meeting: *Workshop Meeting – Monday, October 16, 6:30 PM

- Approve minutes of the Business Meeting, October 2, 2017.

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- **Ongoing Business:** Comprehensive Plan

- **Other:**

Adjourn: 8:45PM