 **PLANNING BOARD**

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Monday, December 3, 2018

BUSINESS MEETING MINUTES

**Call to Order**

Chairwoman Jessica Larson called the meeting to order at 6:30 p.m.

Present: Jessica Larson, Eve Bergstrom, Ken Hall, Stephanie Smith, Emily Ward, Nancy Perkins Sandra Watts, Code Enforcement Officer Wes Sunderland, Recorder Desirae Bachelder.

Guests Present: Tom Dubois – Project Engineer, Debra Furlong, Denise Benton, Peter Simard, Paul Gillis, Mike Berube, Sam Park, Cory, John Watts, Diann Perkins

**New Business:**

1. **Debbie Furlong – Public Hearing – Subdivision – R08-039B**

There were two postings in the newspaper per the new subdivision laws, as well as 17 abutter’s notifications. There are currently two duplexes on a three acre and a six acre lot with two separate driveways accessing Joe Berry Road. Ms. Furlong would like to split the property again before five years elapses, and is proposing a three lot subdivision. The application from Ms. Furlong was accepted as complete at the November 5, 2019 business meeting. The Board has contacted MMA (Maine Municipal Association) about the split and the information from MMA suggests Ms. Furlong wait the five years to split the lot the third time, or combine driveways to maintain only two access points onto a State or Town road. Jess read aloud Land Use Ordinances Article II Section 8 (J)(3)(b)(v) “No more than two lots in any subdivision may access directly onto an existing State or Town road.” It was determined that the Hessian Hill Subdivision was not precedent setting because it was approved December 30, 1982 and was built prior to the current Land Use Ordinances being adopted in 1995.

Tom Dubois introduced himself as the project engineer from Main-Land Consultants; Ms. Furlong has retained him to help move this project along. Mr. Simard asked when the timeline for the five years starts. Jess explained that in Title 30-A the five years starts as soon as the first divide is complete. Nancy Perkins clarified that when Ms. Furlong legally divided the lot the five years started. Nancy then asked when Ms. Furlong legally divided the lot. Mr. Dubois stated that Ms. Furlong has not divided the lot. Nancy asked if there are currently two duplexes on a single ten acre lot. Ms. Furlong explained that she has not divided the lot because she purchased two five acre parcels.

Mr. Dubois asked to back up and start at the beginning. He brought the Boards attention to Exhibit 4 in the application packet which is the deed to the property. The deed description states that two five acre parcels were purchase. The first duplex was built on one of the five acre parcels; the second duplex was built on the second five acres parcel. Mr. Dubois explained that he feels that the application before the Board is for a two lot, four unit subdivision.

The Board discussed the fact that the parcel R08-039B is shown on the Cornish tax maps as one lot, even though the deed description states that it is two five acre lots. Both lots were purchased at the same time. Nancy stated that it is up to the taxpayer to examine their tax bills for errors and contact the Town to have any errors corrected. It is up to the Planning Board to review the information that has been provided to them. Mr. Dubois explained that at this moment his client has an illegal subdivision with two duplexes on one ten acre lot. They are trying to correct this by splitting the property and creating three lots.

Nancy interjected that she knows that this has been a long process, but in the original dialogue with Ms. Furlong it seemed that Ms. Furlong understood that it would be five years before the third duplex could be built. Jess explained that herself, Ken and Eve were part of the original proposition presented by Ms. Furlong, which indicated that Ms. Furlong would wait to build the third duplex. Jess then read the email from Michael Stultz, attorney for MMA (Maine Municipal Association). (NOTE: Copies of this email will be included in the Planning Board file for this project.) Jess clarified that two duplexes have been built along with two driveways entering onto a Town way. Ms. Furlong does not want to wait the five years before building the third duplex but would like to subdivide the property and allow a third duplex and driveway onto Joe Berry Road. Mr. Dubois debated that the first, existing duplex should not be considered part of the subdivision allowing for two driveways from the second duplex and the proposed third duplex to be constructed.

Emily Ward asked Mr. Dubois if the first duplex is sitting on one of the two five acre parcels. Mr. Dubois stated that the first duplex is on one of the five acre parcels, but the second duplex was also built on the same five acres. To clarify Emily suggested that there should be a land transfer and two deeds registered in Alfred at the Registry of Deeds showing the two five acre parcels. Mr. Dubois asked why the current deed would not be sufficient. Desirae Bachelder looked up the land transfers on the York County Registry of Deeds website and the most recent deed is the one before the Board stating that two five acres parcels were deeded to Ms. Furlong at the same time which caused the assessor to make them one ten acre lot.

Jess explained that she was under the assumption that the land had been split and one duplex was on a three acre parcel and one was on a seven acre parcel. Emily feels that review of the land transfers will shed light on why this piece of property is assessed as one ten acre parcel. Somehow two building permits were issued for two duplexes on one piece of property. Emily asked if Ms. Furlong has ever legally divided the property. Ms. Furlong has not divided the property; the last transfer was when she originally purchased the property. It was determined that there was only one tax bill for this property. In response to some towns having multiple lots on one tax bill, Emily stated that the Town of Cornish sends a separate tax bill for each lot.

The Board discussed Maine Statute 30-A M.R.S. § 4401 regarding Maine Subdivision Laws.

Wes Sunderland explained that he was under the assumption that the ten acre lot had been split into a three acre and a seven acre lot to allow the second duplex to be built. Emily asked if Wes had received anything in writing describing two separate lots prior to the issuance of the second duplexes building permit. Wes confirmed that it was a verbal conversation and he does not recall any paperwork regarding the split.

The Board decided to contact MMA again with the new issues that have been raised at tonight’s meeting. The Board also asked that Mr. Dubois compile a list of bullet points for Jess to send to Mr. Stultz at MMA. Clarification on this project will help in the future as well as finalizing this project.

1. **Historic District Guidelines Ordinance findings**

This agenda item was discussed at the November 19, 2018 meeting. Jess reference *Article II Section 6, J Historic Building*

*Approval is required from the Planning Board before the Code Enforcement Officer can issue a permit to demolish, move or alter the exterior elevations of a designated historic building (see Appendix C for a list of designated historic buildings and locations).*

If any of the buildings listed in Appendix C. require a building permit it will need to come before the planning board for approval.

1. **Home Occupation application permit**

The board discussed the Home Occupation application. Nancy suggested a copy of the applications be cc’d to the fire department, in case the applicant is using chemicals.

Emily Ward made a motion to accept the application and start using it for upcoming home occupations. It was seconded by Eve Bergstrom. Motion carried with all in favor.

1. **SMPDC – Public Hearing 11/28/2018 @ 6:00pm**

**– Special Town Meeting 11/28/2018 @ 6:30 pm**

The article to approve up to $7,000 from the undesignated fund balance to update the Land Use Ordinance was approved at the November 28, 2018 Special Town Meeting. The signed contract has been sent to SMPDC. Nancy stated that she had talked to Paul Schumacher and had received a copy of the completed contract.

**Communications Received/Sent:**

1. Furlong abutters letters sent
2. Furlong Public Hearing Ad

**Adjournment:**

Emily Ward motioned to adjourn the business meeting at 8:07 p.m. It was seconded by Stephanie Smith. Motion carried with all in favor.

Respectfully Submitted,



Desirae Bachelder

CPB Secretary