

Town of Cornish
PLANNING BOARD

17 Maple Street
Cornish, Maine 04020

Telephone: 207.625.4324 Fax: 207.625.4416

Monday, August 7, 2017

BUSINESS MEETING MINUTES

 **APPROVED**

8-21-17

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

Guests: Nancy Perkins, Tiffany Parent, Stephanie V., Kelly Smith, Ken Little, Les MacMaster, Brian Hartford, Erica Hartford, Diann Perkins, R. Cope, T. Greer, N. Wadsworth, J. Wadsworth

Call Meeting to Order: 6:31 PM by **J. Larson**

New Business:

Agenda Items:

1. **Approve Minutes** from Workshop Meeting, Monday, July 17, 2017 **Approved.**
2. **Site Walk Review/Vote:** Mind Body Soul Holistic Wellness, LLC
 - a. **Eve Bergstrom:** Presentation of Points of Focus
 - i. **Historic District Concerns:** Planning board and LLC were unaware of any issues before initiating work; all points of concern do check out as sufficiently addressed, however, so all can continue;
 - ii. See E. Bergstrom's separate document for further inquiries and details per below:
 - i. **Appropriate licenses** to operate all facets of the business: Apothecary aligns with business focus and will be offering holistic medicine and not prescriptions; Yoga, Reiki, Massage Therapists, Acupuncturists will all be licensed through the proper state channels; **Request:** For contractors to register with the town by informing Town Office;
 - ii. **Storage and Materials:** No materials being stored;
 - iii. **Parking:** Every 250 square feet requires 1 parking space, future plans will bring 4 spaces on the side of the building to add to the front parking;
 - iv. **Signage and Lighting:** Keep consistent with specifics of the Historic District (i.e., externally lit signs) and keep lighting to a minimal due to residential area location;
 - v. **Certificate of Occupancy:** Needed through CEO Sunderland
 - vi. **Neighborhood Compatibility:** Aligns w/ neighboring home occupancies like the book store
 - vii. **Septic:** New
 - viii. **Combined Applications:** Home Occupancy, Retail, & Business/Professional
 - ix. Guidelines for Holistic Wellness are understood and will be followed;
 - x. **Hours of Operation:** 10a-6p with potential sessions for specific contractors to utilize morning hours from approximately 7-9a.
 - xi. **Noise:** Should not be a concern;
 - xii. ADA requirements met and back windows are push out;
 - xiii. CEO endorses plans moving forward;
 - iii. CUP will be issued with adherence to above notes; **Vote for Approval: Unanimous**
 - iv. **Business Owner Request:** Abutter list for a specific event in gratitude; *S. Oates will check with the board to ensure this is an acceptable action and will submit to the business along with the drafted and signed CUP (to be signed 08212017)*

3. Continued Business: Food Service at 435 Maple St.

- a. CEO: Jessica Rokes approached Mr. Sunderland with her boyfriend, Jesse, to establish a vending service to serve food via Pack Rat Phyl's; there is no permitting or fee for a mobile vending unit, but CEO wrote a permission to do so;
 - i. Built wooden floors, well painted, very clean, "good" disposal area
 - ii. Set up is temporary until they afford a mobile unit;
 - iii. Needs two sinks;
 - iv. Laurie Davis, health inspector, called CEO two weeks ago with concerns that there are no official records and holds concern for continued business; CEO asked for some time to review the concerns with them to meet requirements;
 - v. Business operators shut down voluntarily and have applied for a food license;
 - vi. As of Friday, August 4, CEO believed the business to be out of operation; YWSG has current ads running that they are open from 11a-8p currently;
 - vii. Food license needs to be validated; responsibility is on the town to ensure safety of business; **Chair states that the business should not be up and running until they have been licensed and reviewed by the Health Department of the state and the board; Currently a public safety issue for the town;**
 - viii. CEO will go to the establishment on a courtesy visit and Chairperson will contact town health officer and the Selectmen;

4. Results & Process: Retail Cannabis Prohibition Petition

- a. **Chairperson:** Do we have an ordinance in town for recreational marijuana? **Response:** No; implication that an amendment is not being made as a provision to an existing ordinance;
 - i. Concern expressed: Using Waterboro's 5-question ballot as a model as mentioned in previous meetings was never done; Chairperson states that the Selectmen of Waterboro made that decision and not the board, just as Cornish Selectmen have chosen a ballot;
 - ii. Cornish Board was left out of the decision to initiate the scheduling of the Special Town Meeting as well as any reports of petition findings, but a petition was drawn and Selectmen voted to hold a public hearing which is within their rights;
 - iii. In response to public commentary below, Chairperson states that the ordinances can always be amended;
 - iv. Board Vote for Support of Petition: **Fails by a 3 to 2 vote;** (*N. Perkins suggests that the Selectmen be informed of this vote tonight;*)
 - v. The planning board has 30 days to make a recommendation (see page 13 of the Land Use Ordinance under B. Procedure, #3)
 - vi. There was a straw poll taken at the July Workshop meeting to review if planning board members wanted a 5-question or a 1-question ballot for the Special Town Vote; that vote concluded with a 4 to 1 result for a 1-question ballot; Concerns expressed that vote detailed in item iv above has reversed those findings;

5. Continued Business: Wadsworth Gravel Pit

- a. **Tom Greer**, engineer on the project presents plans and maps;
- b. Package presented to board for reference;
- c. No buildings or structures configured into plans;
- d. Approximately 300 acres with few abutters on the outside of town;
- e. 150-foot buffers have been designed into the plan;
- f. **J. Larson:** Which way will the trucks go? **Using part of Old Limington Rd. and what is onsite inclusive in the plan, understanding that winter maintenance falls on the business;**
- g. **N. Harding:** If you are going through Limington have you consulted the town? **If a school was being built would that be necessary?** **N. Harding:** Would like to see Limington endorse; **Does not believe that is necessary, as other businesses do not have to consult the**

towns for clients coming to the business from out of town; N. Harding: Concerned because of the conditions of the road and the nature of the business; **State Transportation Laws are written that they do not have the authority to stop; they will work to be responsible to fix the road, etc.;** **N. Harding:** Would you still provide a letter of endorsement? **Will notify residents on Douglas Rd. in Limington of the public hearing to allow a chance to speak up;** **J. Larson:** Should he just use abutter list? **Only a couple of abutters so that would not hit the population in concern (Douglas Rd.) sufficiently;**

h. Abutter letters to be sent, site walk scheduled:

- i. **September 11, 9a;**
- ii. J. Larson/S. Oates will get abutter letters out no later than 08312017;
- iii. **CEO:** Planning board should pay attention to the activities and if they degenerate or degrade adjacent neighborhoods; Have you given any thought on how to reclaim the land? **Will abide by state and town ordinances; CEO requests that board include in the CUP that at least 3 inches of top soil must be used for the full site;**
- i. **J. Larson will notify B. Stergean of the site walk and to receive input;**
- j. Project will be reviewed at the upcoming Workshop meeting for due process;

6. Ongoing Review: Hartford/Mini-Subdivision

- a. Site Plan and DOT Driveway/Entrance Permit presented for review; please refer to separate documents for details;
- b. **CEO:** Plan is close to original sketch; only 4 lots are drawn in the plan;
- c. Water district is in approval;
- d. **B. Harford** is concerned of the process taking too long; if it will be another month for a vote, he requests to know everything he needs for the next meeting with certainty;
- e. **N. Harding:** Requests to show dwellings as they align to water access on a larger plan print;
- f. Review of lot sizes for future subdividing, lots must be $\frac{3}{4}$ acre for appropriate water access; lay of the land and entry ways would most likely leave it with potential for further subdividing; Concerns of further subdivision once each lot is purchased; CEO believes purchaser must still wait 5 years to do so and suggests the board detail the issue in the permits to avoid;
- g. Project will be reviewed at the upcoming Workshop meeting for due

7. Other:

- a. ~~MMA Workshop Review: J. Larson, E. Bergstrom~~ **To be continued at a later date.**
- b. Please refer to letter of concern from planning board member, K. Hall, per current retail cannabis issues;
- c. **COD** for September Business Meeting: Unanimous Vote for September 11.

Public Comment:

2. D. Perkins: Will there need to be additional permits if classes are held outside? **Response:** No, there will be fencing and the CEO could check as needed;

2. Ken Little: Will there be any music outside with classes? **Response:** No;

3. N. Perkins: Is Dr. Ducay still the health officer? **Response:** No, there is a new officer in Cornish (*name unknown at time of minutes*); Laurie Davis can cover as she reviews for the state; Chair wants town health inspector;

4. N. Perkins: My understanding is at the beginning of the Special Town Meeting you will be addressing if someone from out of town can potentially vote? Are you sure you want to do that? **Response: J. Larson, Yes;**

4. T. Parent: Will there be sections to ensure that Cornish registered voters are the only voters to vote;
Response, D. Perkins: Attendees will be separated by voters and non-voters and all people wishing to speak must announce if they are a registered voter of Cornish; **T. Parent in Response to L. MacMaster:** We are doing what the state allows the town municipalities to do;

4. K. Little: According to Land Use Ordinance 10, the process was not followed to follow petition requests and schedule a meeting/hearing; it should have been petition submission to Selectmen then to board to schedule; Questions the board per retail licensure knowledge:

-What kind of equipment would be used in a testing lab, if approved by the state? **J. Larson, I do have that, but I don't know it off-hand;**

-Norm, can you tell me what you would expect out of a processing plant? **N. Harding, No;**

-Can anyone tell me if a processing plant can be open field or if must be closed facility? **J. Larson, she believes enclosed;**

4. L. MacMaster, this *is* an amendment to the Land Use Ordinance, in the back of the Land Use Ordinance plan it details this process where Retail Marijuana Ordinances can be considered an amendment; **L. MacMaster in Response to N. Perkins:** Deciding per license on a 5-question ballot reaches the same as a total prohibition; We are not discussing the same issues if bringing up The Laughing Grass Inn and the current ordinances at hand; Is concerned that we still haven't spent funds for legal advice and believes we are losing a potential revenue stream going in this direction; What is your fallback plan, if it fails? **Response per J. Larson:** We amend per the 5 licenses;

4. N. Perkins, the difference between amending and adding an ordinance must be in focus; Why can't we allow the towns people to opt into not allowing retail and recreational businesses until state issues guidance and ordinances; Boils down to: "Do I as a citizen of Cornish have the right to stop something that appears to be harmful to our town?" **To Les:** What is it exactly that you want? (see above for his response); She is concerned that we don't have solid guidance yet and must await state government;

5. K. Little: Have you done any other projects like this elsewhere so we could have a comp to research? **Brunswick, Sanford;** Might be wise to review past projects; **N. Wadsworth suggests reviewing the pit in Brownsfield; J. Wadsworth refers to the Norway Pines that were placed in the Brownsfield pit that are healthy and working well to preserve and meet ordinances;**

5. N. Perkins: When you do this do you notify B. Stergean? **J. Wadsowrth,** he has been involved in the status of the road;

6. R. Cope/Abutter: Has a shed that doesn't meet the setbacks, he was informed when it was built that he could back it to the property line; is requesting permission to maintain his shed as B. Hartford has agreed to leave access; CEO believes he had not gotten a permit, and he could have it allowed if a permit could be amended, but at this point he needs approval for variances; **B. Hartford** is concerned that future purchasers of the property may have issues; **Abutter asks if there is a way to find if he filed a building permit? N. Perkins,** might be on the tax map; Abutter will most likely just remove shed due to cost and not wanting to approach the board of appeals;

Communications Received/Sent:

- Abutter Notices for **Mind Body Soul Holistic Wellness, LLC**
- **Special Town Meeting Ordinance Vote/Petition Request Ad** Portland Press Herald

Agenda Items for Next Meeting: *Workshop Meeting – **Monday, August 21, 6:30 PM**

- Approve minutes of the Business Meeting, August 7, 2017.
- Review: Hartford Subdivision
- Review: Wadsworth Gravel Pit
- **Other:**

Adjourn: **8:47p**