

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

**APPROVED**

9-18-17

Unanimous

5-0

**Monday, September 11, 2017**

**BUSINESS MEETING MINUTES**

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

**Guests:** Mr. Fulginitti, Mrs. Fulginitti, Nancy Perkins, Brad Perkins, Diann Perkins, Dan Drake, Legal Rep for D. Drake/Mr. Dubois, Craig, Brian Hartford, Ericka Hartford, Red Cope, Eric Fox,

**Call Meeting to Order: 6.30 PM by J. Larson**

**Unfinished Business as of Sept 11: Agenda Items: 2, 3, & 4**

**New Business:**

**Agenda Items:**

*\*Please know, notes are general captures; further details & precise wording can be found in the audio;*

1. **Approve Minutes** from Workshop Meeting, Monday, August 21, 2017 **Approved.**
2. **Site Walk Review/Vote:** Wadsworth Gravel Pit
  - a. Site Walk did not occur; an email was sent out from the company to inform that the their application had been withdrawn;
  - b. CEO believes it may be due to a possible reroute of the trucks to be configured into the plans.
3. **Ongoing Review:** Hartford/Mini-Subdivision
  - a. CEO reviewed the conditions as found on the **Site Review Checklists** for board process with B. Hartford, waived any that were frivolous, and it was stated that the conditions would be read aloud and B. Hartford would state if the conditions are to be required or if they were waived per site plan review with the CEO; **please refer to the site plan checklist, the proposed development activity, and the General Submission packet submitted per the Hartfords; General overview below:**

Site Plan Review Checklist:	Proposed Development Activity:	Additional Requirements (Major Site Plan):
1. Required	1. Required, appropriately built	1. Required <b>Approved Unanimously</b>
2. Waived	when permit is applied for	2. Waived <b>Approved Unanimously</b>
3. Required	2. Required	3. Waived <b>Approved Unanimously</b>
4. Waived, no buildings	3. Required	4. Required, <b>N. Harding</b> , Include this as an as-built plan; <b>E. Hartford</b> , Will be included; <b>Approved Unanimously</b>
5. Waived	4. Required	5. Waived <b>Approved Unanimously</b>
6. Required	5. Required	6. Waived <b>Approved Unanimously</b>
7. Required, CEO stated that there is low land and unnatural swell in the land that would accept runoff, only consideration would be to culvert-set the driveways for water passage	6. Waived	7. Waived <b>Approved Unanimously</b>
8. Waived	7. Waived, <b>CEO</b> , At this time there is no plan for public utility lights along the driveway; <b>N. Harding</b> , expressed brief concern to ensure dark skies are considered;	8. Waived <b>Approved Unanimously</b>
9. Required, but none, refer to warranty deed	8. Required	9. Waived <b>Approved Unanimously</b>
	9. Required	10. Waived <b>Approved Unanimously</b>
	10. Required	11. Waived <b>Approved Unanimously</b>
	11. Provided on Site Plan	12. Waived <b>Approved Unanimously</b>
		13. Required; plan is to build the first house, sell it, begin on the second, etc. with projected completion by latest 2019; <b>Approved Unanimously</b>
		14. <b>Waived</b> <b>Approved Unanimously</b>

- a. **General:** Max of 4 lots being serviced by one driveway; **CEO**, technically this is a 5-lot plan, but the 5<sup>th</sup> lot sets by itself and once the 5<sup>th</sup> house is built, it will be the Hartford's personal residence and will not need access to the drive;

b. **Additional Questions:**

*For the 5<sup>th</sup> Lot Build:* 5-acre lot, double-wide removed from final lot for the 5<sup>th</sup> construction, with its own driveway; ordinances state that maximum amount of land used for similar build is 4 lots; each lot at roughly an acre with proper setbacks and road frontage; if any additional homes are built with access to the private drive, it would have to meet acceptable road expectations; **CEO**, contracts can have a covenant to ensure no further division of lots and planning board will detail these in the CUP; The driveway will be a private drive maintained by the individuals per contracted details divided equally amongst those four lots; 780-foot (ordinance allows for a 1000 foot drive) driveway will remain a driveway so that it is not a road, it will not be taken over by the town, owners wish to avoid it being turned into a byway;

- c. **K. Hall**, Have all other issues about the placement of the drive been dealt with? **CEO**, discussions held between the Hartfords and abutting neighbor, R. Cope; please review audio for the details of redesign of drive and radiuses that allow it to be acceptable per blueprint; **CEO** reminds that per the board processes and site plan review checklists the altered design of the drive meet CUP approval standards and that R. Cope's concerns were a civil matter to be handled per those avenues; **Chairperson**, a lawyer will have be consulted by R. Cope, as our stance is to simply review and vote on the site plan checklist, business plan/model, neighborhood compatibility, etc., and per these this plan is in compliance;
- d. **E. Bergstrom**, Is it your lot that has a low line, and is it part of the permitting to ensure proper buffer to the wetlands? **CEO**, FEMA remapping currently in progress to detail that, and this detail does not need to be a part of the CUP process, as it is a part of other processes; **E. Bergstrom**, Septic? **Response, Chairperson**, will be a part of other processes outside of CUP;
- e. **Chairperson**, Town water? **Response, B. Hartford**, 2-inch water main serving 4 lots with 4 individually metered services off of that, that can be flushed by the Cornish water district at the end of the main;
- f. **CUP Conditions:**
- i. **Max of 4 lots, placing a contract covenant to ensure no further subdivision of lots;**
  - ii. **Contract covenant to ensure purchasers understand each lot's responsibility to maintain the drive**
  - iii. **Any additional builds in need of access to the driveway, driveway must become a road and plans/permits must change,**
  - iv. **Emergency Turnaround required for the drive**

*\*R. Cope's previous concern expressed again with alleged legal advice that informed he has rights to the driveway he used for 27 years; **CEO**, R. Cope's concern can be addressed at a separate time, as the current work is strictly for the board's site plan review processes;*

i. **Special Exceptions, 1&2 Waived**

Vote to approve all other items per Site Plan Checklist Review pages: **Unanimously Approved**

**4. Continued Business:** D. Drake/22 Main St./Home Occupancy License/CUP Review

a. **D. Drake's Legal Representation, Mr. Dubois**, Inquires of general concerns;

**Response, S. Smith (not present)** via **CEO**, neighboring business owner, reported that a new vent pipe has been recently added and has been running 24 hours/day; **D. Drake**, Only pipe that was installed was approved by the **CEO** before installation; **Selectman Candage**, Is this the pipe in reference?; **D. Drake**, Not sure; **Selectman**, Can we go hold an inspection now?; **CEO**, If I inspect I want to inspect the entire building; **Legal Representation:** Can we get to the CUP first? Why is there an issue when he has done the following+ so far:



Disassembled/Update of old bar  
New Countertops  
New Floors  
New Sinks  
Replaced household appliances  
New trim  
New Ceiling Tiles

**Legal Representation Dubois** does not understand why D. Drake's permit should be expired considering the vast amount of work in the year+ that has passed since first application submission and considering the ordinance states that a business must open *or* show significant progress/work towards opening the business within a prescribed amount of days from approval, which Mr. Drake has shown; **Selectman C. Candage**, Did he put in a grease trap? **D. Drake**, No, previously stated that there was no need, if grease was not in use; **Chairperson**, *Refer to audio for the minutes read from Monday, January 18, 2016* where D. Drake stated there would be a grease trap put in, and **N. Harding along with K. Hall** state remembering that for initial application, baking was not going to be on site, though now it seems to be included;

b. **Legal Representation**, Wasn't there a decision that no site plan walk was needed as permits carried over? **Chairperson**, That was because it was to be an extension of Café 22; **General Question** of CEO inspecting or entering the building; **CEO**: February 2016 entered the building to inspect a hood or something similar;

c. **Drake**, So if baking was not on site would everything stand to move forward? **No response**; **Dubois**, What are the concerns? **Chairperson**, Vent pipe protruding, water leakage, grease trap, and the CUP for the two office spaces; **Chairperson** will reach out to MMA, and strongly suggests a walk-through w/ D. Drake and the CEO as soon as possible to answer the questions and identify concerns;

d. **\*\*See Selectman Candage's General Feedback in the "Other" section below.**  
**Bergstrom**, Has a letter been sent out to inform all local businesses of the same sewer system concerns? **Selectman C. Candage**, Not yet, recent work has brought all of the system concerns to surface; **Bergstrom**, I do think a letter should be sent out to alert all surrounding businesses;

e. **Legal Representation**, Is the concern that D. Drake is cultivating cannabis on site? **General**, Yes; **Dubois**, We can set up a walk-through to address this concern and validate that he is not;

f. **Chairperson** again states, for the Workshop Meeting on September 18, she will contact MMA to review permit ordinances, and **Selectman** will stay on top of the sewer system and will keep everyone informed, and a site walk will be scheduled with CEO;

#### **5. Other:**

**Selectman C. Candage General Update (below was shared as first business):**

**Sewer System:** *Refer to audio for specific details from Selectmen review*

- a. There is a concern of at least two beds being full, and an as of yet unidentified substance clogging proper working order;
- b. No further permits for developments on that sewer system should be issued to any properties downtown due to concerns until addressed;
- c. Per 22 Main St. (Agenda Item 4): 175 gallons being used per day @ 22 Main St., approximately 240 gallons being maximum daily usage;
- d. System is capable of handling 10000 gallons of water, and until malfunction is understood and addressed it cannot hold more than 3000 gallons;
- e. Grant monies will need to be used to address any issues, and the process to approve 22 Main St. permits (or any pending applications downtown) will be significantly lengthened;

**Recent Professional Development from MMA (shared as final business):**

- a. **Chairperson**, We must refine our CUP process, where each condition is detailed in writing, discussed, and each use voted on for the approval process;

#### **Public Comment:**

*\*Agenda was covered in the order of the statements below; the agenda item number is before each statement:*

**4. Craig**, water operator for 15 years, states that the water and sewer districts must work together to

**4. N. Perkins**, Concern with planning board being involved in the areas of the sewer system as it should be for the Selectmen in collaboration with the water and sewer system companies/ reps;

**2. B. Perkins**, Was the reconsideration due to the town of Limington and any concerns they may have had? **CEO**, that was not mentioned specifically;

**3. N. Perkins**, When Selectmen do 911 designation, how would this be assigned and named? **Response**, Private driveway will be named and each lot will have individual addresses; **CEO**, addresses are determined by the proximity of the driveway to the main access road, each 50 feet is a number so that rescue units can clock the tenths of miles to reach addresses;

**3. B. Perkins**, Is there a hammer-head or a cul-de-sac for traffic/emergency routing? **Response, B. Hartford**, there is; **N. Harding**, Have you consulted the fire department? **Response, B. Hartford**, No, I have not; **N. Harding**, Check with the fire department;

**Communications Received/Sent:**

- Abutter Notices for **Wadsworth Gravel Pit, R-03, Lot 26, Old Limington Rd.**
- Approved CUP mailed out to **Mind Body Soul Holistic Wellness, LLC**
- YWSG Ad: **COD of September Business Meeting** from September 4<sup>th</sup> to September 11<sup>th</sup>
- YWSG Ad: **Wadsworth Gravel Pit Site Walk**, Monday, September 11<sup>th</sup> @ 9am

**Agenda Items for Next Meeting:** \*Workshop Meeting – Monday, September 18, 6:30 PM

- Approve minutes of the Business Meeting, September 11, 2017.
- D. Drake
- Comprehensive Plan
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- **Other:**

**Adjourn:** 8:00pm