

DRAFT

MINUTES OF PLANNING BOARD MEETING

SEPTEMBER 29TH 1997
(HELD IN PLACE OF OCT. 6 MTG.)

MEETING CALLED TO ORDER 6:00 P.M.

PRESENT: Chris Birchfield, Stephen Gauthier, Gary Mason, Beth Nee, Dan Carubia, Woodrow Hartford.

ALSO PRESENT: Carlton Candage, Vinal Pendexter, John Cleveland and Members of the Community.

1. Motion made and seconded to accept minutes from Sept 15, meeting.
2. Chairperson brought to attention, the mistakes on the Towns Map. Referring to labeled areas of Aquifer Protected or Well Head.
The maps need to be corrected before permits can be granted for areas in question.
3. Discussion regarding Jamie Carrs request for Storage & Recycling Business. Question raised about classification of business. (Commercial, Industrial, Storage or Warehousing) Also questioned was if the location is or is not in Aquifer or Well Head area. Jamie Carr asked the Board for a decision as soon as possible. The Selectmen and Planning Board agree the vote will wait until revision of Town Maps. Statement made that a Hydrogeologist was consulted. It is recommended that this type of business not go into that location. The Chairperson stated intent of a special workshop to deal with this situation and to further look into all matters involved. Possible date Oct. 13th at 6:00 PM.
4. Chris Birchfield received a letter from York County Soils & Water Conservation Dept. The letter will be distributed to all members and discussed at next meeting.
5. Carlton Candage brings before the Board the possibility of expansion of the Cornish Shopping Center now housing the IGA and Auto Parts Store. Original design included space for three other businesses. Question brought forward to explore the possible expansion or further development. Only concerns voiced were the traffic plan and site plan review. Board members see no problems at this time, depending on proposal brought forward.

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6. Phil Killburn requests that a presentation be made by Woodward & Curran, pertaining to Aquifer and Well Head areas. The purpose being, to educate and help Planning Board in future decisions. Planning Board agrees and asks Phil to set up possible workshop with Hydrogeologist for Oct.13th meeting.
7. Discussion of expenses to acquire accurate Mapping would include drilling of many test holes/wells in Town. Getting tests done for scientific results would be cost prohibitive. Discussion to resume after informational meeting with Hydrogeologist.
8. Chairperson asked for discussion of By-Law changes. Selectmen asked for Planning Board to first, approve changes of the Articles 14-16. (March Town Meeting)
9. Attorney Dave Hastings made introductions of Representatives from C. N. Brown and prospective tenants of business property in question. (Planning Board member, Gary Mason, excused himself from discussion & voting due to conflict of interest). Mr. Hastings started by referring to a letter regarding the "Discontinuance of Nonconforming Use." Chairperson responds by reading the Ordinance Pg.2 Section 6 regarding Nonconforming Use, and Page 127 the definition of the word "Use." Attorney Hastings defines the "intent and business use" has not changed, the only difference being the loss of tenant. The Chairperson shows the overlay problem of the Historic Zoning now in place on that property, does not allow for Gas Station Use if it has been discontinued. Attorney Hastings states that C. N. Brown has maintained and continued to seek a tenant with no intent to change use, long before change of ordinance. Chairperson again focuses on Historic Zoning. Hastings argued that "By the terms and Ordinance the Town has adopted, you are Bound by your Land Use definition." John Cleveland introduces himself and gives a statement that the argument used by the Attorney is a distortion of the wording of the Ordinance. Discussion followed with the Attorney asking the Planning Board for a Vote. The Chairperson responded that "As it is a nonconforming use, there is no vote necessary, nor can it be voted on, since there is no permit application". The Code Enforcement Officer states he has no authority to issue a permit for use because of the 18 month non-conformity. The Board is advised to be careful following procedure because of possible future litigation. The Board needs to have in writing which part of the Ordinance they are

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asked to act upon, or what permit is being brought before the Board. Since no application of Permit has been presented they cannot take action. John Cleveland asks for C.N. Brown to put in writing what they are requesting.

If C.N. Brown is using their letter as application, the board can vote to accept the letter, and set a later date for a vote. Motion was made and Seconded to accept the letter as application and to review on Nov. 3rd. The Chairperson advises the C N Brown representatives that if they wish to make any changes it must be presented to the Board 10 days prior to the Nov. 3rd meeting.

10. Discussion of By-Law Changes: Questions raised about necessity of Full Site Plan Reviews for every business expansion. Also mentioned was clarification of "appropriate use" to be determined by Planning Board and Code Enforcement Officer. Also Planning Board and Selectmen need to work on Coding (P or P* or C) of Ordinance & Use.
11. Chairperson asks if there have been any changes to the Cornish Business Park. John Cleveland reports that Gorham Sand & Gravel has signed a contract and the work has started. Changes were necessary because of Ledge found on the hill. The result being the shortened access road (650 ft to about 275 ft.) into the property. There is no idea when the possible tenant will start construction. Discussion followed with regards to disappointment in end product not being the same as the proposed plans that were agreed upon.
12. Chris Burchfield brings to attention the letter she received from Y.C.S. & W.C. that is dated Sept. 22nd. Y.C.S. & W.C. were asked for a final review. Issues brought forward in the letter need to be addressed. Question as to who, and how should Contractors be addressed if work done is not as expected. John Cleveland does state that Sebago Technics should be doing periodic inspections. Selectman Carlton Candage addresses the issue of a fee from Y.C.S. & W.C. No one could define the high bill, or how much higher it would go. Suggestion made that in future matters the

Planning Board, Selectmen, Engineers and others involved directly, sit down and agree to the procedures and expenditures before continuation. John Cleveland will send a conclusion letter to address the matter. Y.C.S. & W.C. should not be involved further.

13. Motion made to Adjourn. Seconded. Meeting Adjourned 9:20 PM.