

Town of Cornish  
**PLANNING BOARD**

17 Maple Street  
Cornish, Maine 04020  
Telephone: 207.625.4324 Fax: 207.625.4416



**APPROVED**

11-20-17

UNANIMOUS 4-0

**Monday, October 16, 2017**

**BUSINESS/WORKSHOP COMBINED MEETING MINUTES**

**In Attendance:** Jessica Larson, Norm Harding, Ken Hall, Eve Bergstrom, Kim Printy, Shelby Oates, Nancy Perkins

**Absent:** none

**Guests:** Wes Sunderland, CEO; Carlton Candage (selectman), Les McMaster, Corey Oates, Ken Little, Diane Perkins, Steve Smith, Mike & Lisa Fulginiti, Craig Jones, Dan Drake, Matt Dubois Esq.

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

**Unfinished Business:** D. Drake, Café 22 Main St/ minimal impact sewer system

1. **Chair:** *What is the status of the minimal impact from DEP/Operator?*
  - a. **C.Candage:** *Unable to give the information until tomorrow's test. Substance found in system looked like white lithium grease. The D-chambers needed to be pumped. The pumps will be shut down and then reengaged to determine flow to chambers. Should have a better evaluation of the system after completion of flow test.*  
**Scheduled for Tuesday, October 17, 2017 at 3PM.**

**Discussion:**

1. **Chair:** *Attended the initial inspection of the D-boxes. DEP did look at the substance microscopically determined that it was organic and live bacteria/fungus? Further testing would be needed to determine. Problem maybe either a cracked pipe or a blockage accumulation is found in the D-Box but not getting into the leach field.*
2. **C Candage:** *Valves may need to be changed or a blockage, a crack in the system would warrant excavation taking place in the Spring, any further additions to the system not allowed until status is determined. Volunteers needed tomorrow to help evaluate. Chair was asked to attend; fire department will be providing water to tanks to disperse affluent. Volunteers will be placed at each D-Box to review flow.*
3. **Chair:** *Informed by DEP regarding change in plumbing laws in 2015. An application for licensing of a Café/Restaurant was downloaded from Maine.Gov Application requirements were reviewed. Dept. of Agriculture, Dept. of Health, Dept. of Environmental Health, noted waste water disposal system. Reviewed initial CUP issued for Café and grease trap requirements (PB 1/18/16) along with plumbing inspection requirement.*

**Public Comment:**

1. **Mr. Dubois:** *Reviewed application licenses have been issued understands the grease trap requirement for bakery.*
2. **C Candage:** *Questions water usage per quarter.*
  - a. **D Drake:** *Reminds that there was a leak and it was resolved.*
3. **Nancy Perkins:** *We are going around in circles about the issue. We need to get all the individuals at the table. Suggest that the PB get all the key players involved to ask those critical questions prior to making a final decision.*
4. **Mr. Dubois:** *All the key players are here. It's understood that if excess water usage exists there is a surcharge.*
  - a. **Chair:** *Refers to Land Use Ordinances sewer usage table and minimum impact for that building.*
5. **N Perkins:** *The town goes through cycles the number determined may have happened during a low cycle. You can't have everyone exceed what was determined and pay the surcharge. Since this may ruin the system and cost the town. Need to look at buildings and capacity of the system, once the testing is completed the sewer District will need to address the issue and review max capacity.*
6. **Mr. Dubois:** *There is nothing in the ordinances that can stop D Drake from opening his business due to the sewer system. He was issued a permit and is abiding by Cornish Law.*  
**N Perkins:** *Where does the law and common sense interject?*
7. **K Little:** *Questions a member of the audience speaking.*
  - a. **Chair:** **holds discussion** to address C Candage Regarding alternate planning board member.
  - b. **C Candage:** *The selectman at the last meeting appointed Nancy Perkins as the alternate planning board member.*

- c. **Chair:** Reviewed by PB by-laws, due to a number of requests the position was advertised the selectman reviewed and made the appointment. The candidate accepted the position and was sworn in this afternoon prior to today's meeting.
- 8 **Chair:** Recapped the sewer issue and no determination by DEP/Operator on minimal impact.
- 9 **K Little:** Will a final determination be made after further evaluation on Tuesday?
  - a. **C Candage:** Not sure if a final determination will take place.
- 10. **Chair:** Who will be there? Volunteers needed?
  - a. **C Candage:** myself, Jess Larson, Fred Gallant DEP, Ron Taylor (operator), Steve Smith, Nancy Perkins, Diane & Linwood Perkins, Norm Harding. After conclusion of testing a review of the information will take place and get back to the town with the findings.
- 11. **Mr. Dubois:** Why is DEP involved?
  - a. **Chair:** If the system fails the proximity near streams becomes an environmental issue.
- 12. **Steve Smith:** A high pressure flush was suggested. Not recommended since it could destroy the underlying sand leach bed.
- 13. **Co-Chair:** Is there a design plan on the sewer system?
- 14. **Eve Bergstrom:** Who will arrange the meeting?
  - a. **Chair:** Will try to coordinate a meeting depends on availability of DEP/Operator. Since the sewer issue puts the town and PB in a conundrum.
- 15. **Craig Jones:** If Heidi Cates is not available ask Larry Megginson who is a trustee of the Cornish Water District.
- 16. **Mr. Dubois:** Seems that Dan's business is the only one affected by the sewer issue. What is the significance of the minimum impact? Why does he have to pay the brunt of the issue?
  - a. **C Candage:** He is the newest applicant to go on the system.
  - b. **Chair:** His business has not open to the public for the last 18 months. We cannot substantiate water usage. Reviewed: MMA Legal response regarding CUP and grease trap requirement (PB 1/18/16).
- 17. **D Perkins:** Only 17 users' other users were added, they went through the same process the system now has 19 users. The problem there is something wrong with the system and it needs to be fixed before something happens.
- 19. **CoChair:** Until we have a definite answer and that system fails, we need expert input. Up in the air on a vote.
- 18. **W. Sunderland:** Fragile situation for the town and Dan Drake. It's a real dilemma and we all feel for Dan. The PB should hold it for a while. Nancy made valid points regarding capacity. It's a hard decision and I would say not to add anything to the system until it is straightened out. If the system crashes it would jeopardize the whole town. The PB needs to make a hard decision.
- 19. **Mr. Hall:** We're bound by the consequences it's regrettable and unfortunate. We cannot give an occupancy permit due to the circumstances. The taxpayers would end up paying for the system failure.
- 20. **E Bergstrom:** I agree we need to wait.
- 21. **K Printy:** I cannot see how we can prevent his business from moving forward. We sat on this long enough. I appreciate the issue, but it should not fall on Dan's back. I do not see how we can sit on this any further. Questions whether personal feelings are involved.
- 22. **S Oates:** I do not want the system to fail. We should not prevent one business from moving forward, when there is an entire district affecting the system. He has a permit and should be able to move forward and open.
- 23. **CoChair:** Dan Drake at the last meeting you were to get an estimate and talk to a plumber about a grease trap. Have you done that?
  - a. **D Drake:** I'm working on it.
- 24. **N Perkins:** Need the facts. Every business on the system needs to be reevaluated and reconfigured on what the system will hold. It's unfortunate we have got to this crisis point. Hopefully tomorrow we have a direction. Since ultimately the problem will lie with the Sewer District and Selectman. There is no sufficient evidence currently that the board can proceed.
- 25. **D Drake:** What is the plan for the municipal sewer system.
  - a. **Chair:** Due to overturn the sewer system by-laws where not addressed for over a decade.
  - b. **C Candage:** There should have been an incremental increase at the annual meeting which did not occur. Hence a lack of funds exists calculated that a 13.3% increase would be needed to get back on line which will be addressed at the annual meeting Nov 30 2017
  - c. **N Perkins:** The sewer system decided to pay back the loans instead of the gradual payment.
  - d. **C Candage:** Loans payed back but there was a reduction in the surplus available.
- 26. **Chair:** Grants?
  - a. **C Candage:** Grant money available if applied for now it would not be available until Fall of 2018.

27. **D Drake:** *Are you applying for the grant?*

- a. **C Candage:** *Can't apply for a grant until the systems damage is determined. Cautiously optimistic about tomorrow's testing.*
- b. **N Perkins:** *The town is doing some of the work necessary to apply for the grant. Just having DEP here along with record keeping will show the need. Still have 1-inch pipes that will need to be reevaluated and possibly replaced. Sewer District will need to do some updating of the system while usage exists.*

28. **D Drake:** *Can some type of maintenance be done?*

- a. **Chair:** *Tomorrow's test should determine how to proceed.*
- b. **C Candage:** *A lot of speculation and until the test is conducted, numbers crunched will know how to proceed. If the systems fails and lack of available grant money it can cost the town ½ million dollars.*
- c. **Chair:** *They're looking at the system trying to make sure the system is functional and determine what maintenance can be done to prevent failure.*

29. **D Perkins:** *I like to think positive that it's not a large issue and it can be fixed.*

30. **E Bergstrom:** *Who will arrange the meeting?*

- a. **Chair:** *Will arrange prior to November 6, 2017 Business Meeting.*

31. **N Perkins:** *Will call and ask if there is any funding available through Sothern Maine Economic Development.*

32. **C Candage:** *Sewer by laws, one of the selectman is voted to represent them at the sewer district. I am the sewer districts selectman representative. Concerned need answers. Asks chair & cochair to locate sewer system design/plan and maps.*

#### **CONCLUSION:**

**Chair:** *We have sympathy for Dan Drake, but we need to get the experts information prior to any decision making.*

**Motion:** *to defer decision making until after the informational meeting with DEP, Sewer Operator, Water District.*

**CoChair:** *so, moved K Hall: 2<sup>nd</sup>*

**Chair: Vote: 4 - 1, approved to defer decision making until after informational meeting.**

#### **Adjourn: 7:40 PM: This concludes the Business portion of the split meeting and we will proceed to the Workshop Meeting**

##### **1. Approval Business Meeting Minutes October 02, 2017**

**Vote:** unanimous 5-0 minutes approved

##### **2. MMA Public Service Training Workshop meeting review attended by J Larson, E Bergstrom**

- a. Information provided by MMA workshop included
  - 1.) Workshop meetings do not need to be recorded Business Meetings do.
    - a.) Needs further review of PB by-laws
  - 2.) Workshops should be used to review Ordinances & Site plans
    - a.) **N Perkins:** Suggests following those guidelines, we do not know what will be coming out of the legislature ex: MUBEC building codes.
  - 3.) Burden of Proof lies with the applicant to provide PB pertinent documents.
    - a.) **Cochair:** suggests incorporating into land use ordinances.
  - 4.) Decision making based on relevant, credible, sustainable evidence vs extraneous hear say
    - a.) Denials: base on finding of facts & sight the reasons
  - 5.) Board of Appeals addresses & issues variances/easements
    - a.) **W Sunderland:** Request is triggered by either PB or CEO denying application/permit
  - 6.) "Ex parte" Communications, transparency, e-mails, quorum, Conflict of Interest: Family relationship

**Communication Received/Sent: none**

#### **Agenda Items for Next Meeting: Business Meeting - Monday, November 06, 2017 6:30PM**

1. Approval minutes of the of the Business/Workshop meeting October 16, 2017
2. Ongoing review 22 Main St/ Grease Trap/ Municipal Sewer
3. Other

**Adjourn: 8:25 PM**