**PLANNING BOARD**

  17 Maple Street

 Cornish, Maine 04020

Telephone: 207.625.4324 Fax: 207.625.4416 E-mail: planningboard@cornishme.com

Monday, December 17, 2018

WORKSHOP MEETING MINUTES

**Call to Order**

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

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

Absent: Eve Bergstrom

Guests Present: John Watts, Linwood & Diann Perkins, Angel Eastman, Steve Smith, Dan Sherman, Glenn Rankin, Peter Simard, Billy Anastasiadis

**New Business:**

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

Jess Larson started by explaining that she had contacted Maine Municipal Association (MMA) again with the question about Ms. Furlong’s lot, and whether it is two five acre parcels or one ten acre parcel. It was determined that the lot in question Map R08, Lot 039B, is in fact one ten acre parcel. Under Maine's subdivision law (30-A M.R.S. § 4401) contiguous lots in the same ownership are considered a single lot (Section 4401(6)). Thus, what is before the planning board for review is a single tract or parcel of ten acres.

To clarify Jess stated that right now there are two duplexes on one ten acres lot, and Ms. Furlong is proposing a another duplex on a separate parcel, a split of the ten acres. According to the Cornish 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.” The question now is how to correct the error of two duplexes on one ten acre parcel. Jess proposed sending this application and the documentation to the town’s attorney for further review. Ken Hall added that the town maps show one ten acre lot and that he believes that the billing is also for one ten acre lot.

Emily Ward asked how many multi-family dwellings are allowed to be built on a ten acre lot.

Nancy Perkins stated that she had been to the town office to review previous documentation concerning this project. The original application that was presented to the planning board was for two duplexes which would split the ten acre parcel into a three acre lot and a seven acre lot. Then once the five year subdivision law expires another split would occur and another duplex would be built. The original split has not happened, and there are now two duplexes on one ten acre lot.

In reference to Emily’s question there is no clear answer in the Land Use Ordinances concerning the number of multi-family dwellings allowed on one ten acre lot. Emily asked Wes Sunderland if he could shed some light on the matter. Wes referenced the definitions that are in the Land Use Ordinance Appendix A, Dwelling (4)(5). Duplex Dwellings: A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance. Multi-Family Dwellings: A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Jess reiterated that this matter should go to the town attorney for further review. The board was in agreement.

1. **Fairgrounds Committee**

Diann Perkins asked the board to share the conditions that where asked of Fairgrounds Restaurant & Pub with the approval of the most recent Site Plan Review Application.

Desirae Bachelder read aloud the conditions:

• The $400.00 remaining for the application fee needs to be submitted.

• There are no more impervious surface additions.

• There are arborvitae like shrubs placed between the Cornish Fairgrounds track and the Fairgrounds Restaurant parking.

• Bumper stops need to be placed to designate parking spaces in the gravel areas.

• Large rock like formations needs to be placed along the Route 25 side of the gravel parking lot.

Diann’s concern is that the restaurant owners will remove the fence along route 25 and replace it with rocks. She has asked that the town have a survey done and check with Maine Department of Transportation concerning when the fence was erected and if they would need permission to remove it.

Jess Larson explained that at the MMA workshop meetings, it is stated over and over again that the planning board is not a mediator for property disputes. If there are any question about the fence and its location or where it has been placed, again the planning board is not a mediator, discussion should take place between the abutters, in this case Fairgrounds Restaurant and the Selectmen since the fairgrounds track is town owned. Fairgrounds Restaurant and the Anastasiadis’ have complied with everything in the Site Plan Review Process. The deed and the attached survey is dated December 3, 2014 and signed by a certified engineer, David L. J. Hughes and registered in the York County Registry of Deeds.

Dan Sherman stated that the Selectmen met with the Fairgrounds Committee and asked if the survey shows the easement abutting directly to the town property and the restaurant property. Emily reiterated that that is a civil matter and does not concern the planning board. Dan asked about the fence along route 25 and if there is a condition allowing for the fence to be removed. Jess stated that anything concerning the fence along route 25 is between the town (selectmen) and the Fairgrounds Restaurant. Nancy stressed that the Fairgrounds Committee needs to meet with the owners of Fairgrounds Restaurant and the Selectmen and discussed this issue. There is nothing in the Ordinances that talks about he planning board having the authority to address what Diann would like resolved.

1. **Miscellaneous**

Emily has contacted Paul Schumacher of Southern Maine Planning and Development Commission about whether or not he would like to meet with the planning board at the January 21, 2018 workshop meeting or if a phone conversation would work better. Emily will update the board as needed.

The board discussed items in the Land Use Ordinance that will need to be listed for SMPDC to work on.

**Adjournment:**

Emily Ward made a motion to adjourn the workshop meeting at 7:03 p.m. It was seconded by Jess Larson. Motion carried with all in favor.

Respectfully Submitted,



Desirae Bachelder

CPB Secretary