

Town of Cornish
PLANNING BOARD
17 Maple Street
Cornish, Maine 04020
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9-11-17
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Monday, August 21, 2017
WORKSHOP 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: R. Cope, D. Drake, Craig, N. Perkins, B. Perkins, D. Perkins, Bruce Smith, K. Little, Mr. Fulginitti, Mrs. Fulginitti, S. Smith, Eric Fox, +2

Call Meeting to Order: 6:32 PM by J. Larson

Unfinished Business: None

New Business:

Agenda Items:

1. Approve minutes of the Business Meeting, August 7, 2017. **Approved.**
2. **Continued Business:** Hartford Mini-Subdivision
 - a. **Please refer to letter of abutter concern, R. Cope;** read by Vice Chair, N. Harding
 - b. **Bruce Smith** in lieu of R. Cope per concerns addressed in the letter about access to the driveway that Cope has used since 1996 leading to various parts of his property; concern expressed about noise of construction and the eventual traffic of a neighborhood; there is a pole in the path of the proposed driveway; Smith believes to address some of his concern, the driveway could be moved to the other side of the pole, the required clearance should still be met;
 - c. **K. Hall: Was the use of that driveway contested beyond a seven-year period? Believes law states that after seven years it cannot be contested, adverse possession should allow him to continue use depending; R. Cope:** No one has contested in 26 years; (Adverse Possession Law looked up to state 20 years and property taxes required for possession);
 - d. **N. Harding** believes the road is too close to the property line in general; *refer to page 57, ii, Driveway Spacing in the Land Use Ordinances*
 - e. **CEO, Sunderland,** received request to build a road, but the cost accrued would be too great, so alternate was the driveway; points out the utility pole (42' from R. Cope's property) and needed buffers w/ 25-foot curve requirement leaves location of driveway in question; **CEO recommendation: Driveway should be straightened out and shifted to the other side of the utility pole to meet Cumberland at 90 degrees, and land from one of the abutting lots that B. Hartford owns will then need to be added to the lot closest to R. Cope's to account for the required ¾ acre requirement; E. Bergstrom:** This information covers area and square footage, but not access; **CEO:** Landlocked or right of way over another person's property are when right to access are granted; **R. Cope:** Driveway was used by previous owners for years; **B. Smith,** He is just looking for a 12-foot clearance off that right of way; **CEO:** This all goes back to adverse possession and suggests legal advice for a ruling; **R. Cope:** Will have to seek counsel, but would appreciate the road not being as close to the property line as it would be with current plans; **CEO:** CUP will most likely detail CEO's recommendations to move the road to the other side of the utility pole than is currently designed;
 - f. **B. Smith:** Is there an engineer involved? **CEO:** Does involve the code enforcement officer and CEO would need to ensure many levels of conformation before issuing permits;
 - g. **K. Hall, Is it understood that the plan is now for 4 buildable lots, but the land in the future could be used for another buildable lot? CEO:** Road would have to be brought up to code with permits to serve 5 buildable properties for this scenario;
 - h. **Hartford's will need to update per above details;**

3. **Continued Business: Wadsworth Gravel Pit**
 - a. **YWSG Ad Week of August 28** to advertise Site Walk on 09112017
4. **CUP/Reinitiating Application: D. Drake/22 Main St.**
 - a. Seeking Home Occupancy License
 - b. Previously Initiated Café CUP:
 - i. **CEO:** Rolled over as it goes with the property from previous owner (L. Denison) to current owner; **January 18, 2016** Was decided CUP from L. Denison for café will roll over to D. Drake; Sewer and grease trap were previous points of discussion along with leech field;
 - ii. **Concerns: page 128, Cornish Sewer System, Appendix D, Chairperson** holds concerns with sewer support for a residence and a café; **Vice Chair, N. Harding,** Stated that sewer district was referenced previously with nothing additional necessary;
 - iii. **Chairperson J. Larson** will contact Katie at the sewer district;
 - iv. Research will take place per concerns; business to be continued;
 - v. **CEO:** Approached D. Drake that his CUP had expired and Dan was under the impression that the CUP would expire if no renovations or updates were being made to the property and he has been renovating on site and states he is here today for a home occupancy license; Requirements to have a residential dwelling: living space, kitchen, bathroom and a bedroom, it is not permitted for the resident to use kitchen or restroom in the café;
 - vi. **CEO General Inquiries:**
 1. **Why have you not started the café as of yet with the time that has passed [since January 18, 2016]?** He has had family issues.
 2. **Why were the windows covered for so long?** Because he has been renovating.
 3. **Why are there out of town cars that are there all hours of the night?** He is from NH; he has friends; his work hours are atypical;
 4. **If you were processing cannabis (see N. Perkins public comments), who were you processing for?** Personal use.
 - vii. **D. Drake:** Spoke with previous owner, Rosemary, who did not know why there was an issue as they stated they rented out as a residence;
 - viii. **CEO Recommendations: Dan's activity at the building may continue in order to repair and renovate, but any business activities should not take place as the original CUP has expired and until it is renewed, business cannot take place; Dan:** Why has it expired? **CEO:** 18 months has passed; **D. Drake:** Ordinance states that only if renovations are not taking place should the CUP expire; **K. Hall:** Town has got to put in the proper work to ensure that all process have been followed up to this point and must ensure all proper channels are followed due to liability;
 - ix. **J. Larson:** Will research timelines and transitions from Café 22 to current application; **CEO:** Will research for home occupancy license and past potential use of one;

5. Other:

Public Comment:

General/Not itemized, B. Perkins, Point of Order (RE: Retail Cannabis Ordinances and town Prohibition Vote process): Question in reference to members of the board who should recuse themselves if there is a vested interest in the business or purpose of a vote in which they participate; he expects the board to: Contact MSMA, Requests questions to communicate should be provided him, requests specific response provided to him; **Response/J. Larson:** Concern should be with someone who has personal business gains in said business; **Response/K. Printy:** Addresses the fact that she is the person in question, and asks for all to remember and refer to previous meeting minutes to know that she has already provided clarity to the subject of her being a lobbyist, which she is not and that this could be fact checked as lobbyists are researchable public knowledge, she does not have reason to recuse herself; **Response/N. Harding:** Kim voted on the prohibition ballot because Mr. Hall was absent for the vote and Kim is the alternate;

2. B. Perkins: Suggests that R. Cope request a ruling from MSMA per the Adverse Possession law to know for sure; regardless of decision made, he suspects that a town vote will be needed to know if it is accepted as a town road, and is curious if the property, as it sits now works within regulations; **Response/W. Sunderland:**

B. Hartford is preparing the bed so that it can eventually become a town approved road, and current or future use will most likely need a culvert and a ditch;

2. D. Perkins: If something is in use before current ordinances were set in place, how does that affect the situation? **CEO:** Would need to find the record of what amendments were specifically made to the ordinances to know dates that affect;

4. N. Perkins: Requests that the sewer district be consulted; Requests that Selectmen be notified and asked to attend the business meeting for these decisions as the town will be held liable; consider where the leech fields are due to layout of town; please check the town records for previous certificate of occupancy to validate that the property has been rented and that the CUP can cover this; **General Inquiries for Applicant:** Understands that County Sheriff was called to the building due to the smell of cannabis being so strong and that it was the result that he was processing, what chemicals are used during the process? Potential chemicals used are a concern for septic system; **Response/K. Little:** Dan, you do not have to respond; **Response/D. Drake:** chemicals do not have to be used at all;

4. D. Perkins, reviews minutes from initial introduction of plans for this venue; does not believe concerns from those original minutes have been addressed and that new concerns are being brought to the table as well; a site walk is also needed;

Communications Received/Sent:

- **Email correspondence** between CPB Chairperson, Cornish CEO, Laurie Davis, & Cornish LHO to review food licensing and enact inspection for 425 Maple St.

Agenda Items for Next Meeting: *Business Meeting – Monday, September 11, 6:30 PM

- Approve minutes of the Workshop Meeting, August 21, 2017.
- **Site Walk Review/CUP Application Process:** Wadsworth Gravel Pit
- **Continued Business: Hartford Mini-Subdivision,** Updated Map, CUP Application Process
- **Continued Business: D. Drake/22 Main St./Home Occupancy License/CUP Review**
- **Other:**

Adjourn: _____