TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
Wednesday, February 1, 2023

Board Present: Chair Bill Aboud, V.P. Bob Ellis, Jay Jones, Sec. Patrick Walsh

Board Absent: Austin Donaghy

Staff Present: Matt Deane, CEO

Others Present: Marie Devery (Owls Head); Michael T. Emmons, Property Owner (Scarborough, ME); Jim Boyle, Maine Property Investments Project Mgr.; John & Wendy Mitchell (Cushing); Andrew Hedrich (Gartley & Dorsky); Corey Jones (Cushing); Melinda Robinson (Cushing); Richard Olson (Cushing); John Cunningham, Esq. (Brunswick); Robert Graham (Warren); David & Rebecca White (Warren); Floyd and Sheila Montgomery (Rockland); Derek Ray (Raymond); Judy Olson (Cushing)

1. Call to Order: Chair, Bill Aboud, opened the meeting at 6:06 pm and the Pledge of Allegiance was recited. A roll call was taken and a quorum was declared.

2. Approval of Minutes: Bob Ellis brought to our attention that a comment he made was omitted at the point that Mr. Boyle said Sullivan Falls transferred ownership. Bob said, "Just so I am clear, you are saying we have a new applicant and this is a new pre-application." My Boyle said, "That is correct." Mr. Jones made a motion to approve the minutes with the correction noted by Mr. Ellis. Mr. Walsh seconded the motion and it was so passed.

3. Communications and Correspondence:

a. The Chair recognized Mr. Ellis to address Eric Meklin's application for putting cabins on his property. Mr. Ellis said that after researching the requirements for subdivisions and principle structures in the Shoreland zone, it was determined that the reviewing authority for his SZO application is the CEO.

b. The Chair then said since our last meeting in August a number of e-mails and copies of letters have come before us concerning the Vinal Point Subdivision project. He then read a short description of those items for the record and stated he will make the full body of each of them available upon approval of tonight's minutes. He then read the items of correspondence (see attached).

4. Agenda Items:

a. Discussion of possibilities for improvements to Carver's Point Lane property.

Mr. Derek Ray presented his plans and CEO, Mr. Dean, augmented his remarks. The plan is to utilize the 30% allowable expansion of the structure within the Shoreland Zone. He will install a Fuji clean septic system as far back from the shoreline as possible. The architectural drawings showed the expansion of the property is sufficiently far from the neighbors' property lines.

Mr. Ellis said, "then including the new additions, the structure will be no more nonconforming than it is currently." Mr. Ray answered, "Correct."

CEO Dean said there are no flood plain issues. Mr. Ellis asked if the septic is beyond the 75' requirement and away from the neighbors' well. CEO Dean said yes. He also commented that the concrete chambers will be under the driveway. Mr. Ellis said okay, therefore, am I correct that there are no LPI issues? Mr. Dean said, correct.

He (Mr. Dean) then said Fuji septic system requires Mr. Ray to have a maintenance contract and regular inspections of the system. The CEO will get copies of the maintenance contract and inspections. CEO Dean said one unresolved issue is the location of a new well. However, CEO Dean believes there are good sites that meet the requirements. The exact site will not be determined until the well company comes to drill a well. A short discussion ensued about the contours of the property. The Chairman then asked for opinions of the Board.

Mr. Ellis said, " I make a NON-BINDING motion that we approve the intention of the plans." Mr. Jones seconded the motion and the vote was approved unanimously.

b. Maine Property Investments, Inc., Water's Edge Subdivision on Vinal Point Lane, Pre-Application.

The Chair made opening remarks to make it clear this meeting is a **PRE APPLICATION NOT A PRELIMINARY APPLICATION**, and therefore there will be no commitments, no promises, no detailed record, no voting. Just talking to the principles and the Board. The Board and the members of the audience can ask questions, make suggestions, state observations, thoughts and concerns, etc. but nothing binding will occur. At some time later the applicant will probably submit a preliminary or a final application at which time the discussions will be recorded and will eventually lead to a vote. But not tonight.

Mr. Hedrich then started his presentation and pointed out some changes they made on the site plan and referred to applications they have submitted with State and Federal agencies.

A long discussion took place about the entrance road and entrance locations. Mr. Hedrick wanted the Board to approve the waiver for the entrance location. Mr. Ellis resisted several times stating that the Planning Board is not the right Board to make the approval. Mr. Ellis explained that there is no provision for an Entrance Waiver in the Subdivision Regulations because it requires Access to Town Road Access Ordinance approval from the Town Road Commissioners (the Select Board). He continued that the Road Access Ordinance doesn't have a waiver provision either; only the possibility of mitigating safety measures, if an access cannot meet the standards. Mr. Ellis then pointed out that the applicant has proposed two entrances on the plan, one that can meet the standard, and one that cannot. Mr. Boyle said they would try to attend the next Select Board meeting regarding the entrance.

Mr. Cunningham, Esq., spoke up from time to time refuting and/or expanding statements made by Mr. Hedrich.

Mr. Jones asked Mr. Hedrich, "What are you using as your basis for saying you would like a waver to have a 16 foot wide road?" Mr. Hedrich said they could make it 20 feet but they want to minimize the impact on the wetlands and maintain the country lane ambiance. Mr. Jones questioned Mr. Hedrich about the volume of traffic on the road. Mr. Hedrich said he anticipates ten trips per day per lot. A discussion ensued where Mr. Hedrich said that Vinal Point Lane is very low volume as is Hawthorne Point Road. Mr. Ellis was incredulous that at the rate of ten trips per lot per day that all of Hawthorne Point is considered a low volume road with all the homes thereon.

Mr. Hedrich discussed why the Site Law does not apply to this project. A conversation ensued about the ground water. Mr. Boyle said they would bring David Brooks, a contract hydrologist, to our next meeting to make a presentation to the PB.

Chairman Aboud asked about the building envelopes on each of the lots. Mr. Ellis was still concerned about the Site Law review and asked Mr. Hedrich, after all the agencies have reviewed the project, what things will not be inspected that would have been inspected in a Site Law review. Mr. Hedrich said only minor reviews, e.g., noise, etc.

Robert Graham (Warren), cottage owner, said it was difficult to get copies of the survey map. Mr. Hedrich agreed to send 12 hard copies and a digital copy ASAP. Mr. Graham also produced a handout (see attached), pointing out places on the project where he felt ground water was not adequately channeled. He also brought up wildlife impact, especially on the Woodcock (bird). Mr. Hedrich said the Maine Department of Fisheries and Wildlife will do a survey.

John Mitchell (Cushing), Hawthorne Point neighbor, asked about the quality of the soil for building purposes. Mr. Hedrich offered that soil will need to be imported when necessary.

A long discussion ensued regarding a site walk. John Cunningham, Esq., suggested the site walk be done after the Spring thaw. Chairman Aboud agreed to waive a pre-application site walk so that the applicant can file a preliminary application without a required pre-application site walk. Mr. Ellis pointed out that the site walks, throughout the process are at the discretion of the Planning Board.

Robert Graham suggested the PB should hire a traffic expert as the current entrance is going to be dangerous. He also indicated that school buses stopping at the entrance is a very big concern.

Mr. Robert Graham and Ms. Rebecca White submitted a letter describing their concerns over the following: "Road: Blind Cornors" and "Wetland Alterations and Wildlife". The letter was accompanied by a map indicating areas of concern about culverts and other wetlands issues.

Mr. Boyle said they will return with updated information and a preliminary application at our next Board meeting on March 1.

Other Business: None

Adjournment:

Chairman Aboud asked for a motion to adjourn the meeting. Mr. Ellis made the motion and Mr. Jones seconded it. The motion was unanimously approved. The meeting adjourned at 8:11 pm.

Respectfully Submitted,

Pat Aboud
Interim Recording Secretary

By

Patrick M. Walsh
Board Secretary