

Town of Cushing
Planning Board
Minutes of Meeting
Wednesday, August 3, 2022

Board Present: Chair Bill Aboud, Austin Donaghy, Bob Ellis, Jay Jones, and Patrick Walsh

Board Absent: None

Staff Present: None

Others Present: See attached sign-in sheet

1. Call to Order: Chair Bill Aboud opened the meeting at 6:02 pm and the Pledge of Allegiance was recited. A roll call was taken and a quorum was declared.

2. Approval of Minutes: Bob Ellis made a motion, seconded by Mr. Walsh to approve the May 4th, 2022 PB minutes. Motion Carried.

3. Communications and Correspondence: None

4. Maine Property Investments Inc. Water's Edge Subdivision Application on Vinal Point Lane:

As Mr. Walsh is an abutter to the applicant's property, he recused himself and sat in the audience.

Chair Aboud opened the meeting with a statement about the Board's process for reviewing this application for a preliminary review. He stated that since the CEO resigned, it was left for the Board to make the final recommendation for the submission's completeness. He also pointed out that this request received on July 20th was NOT within the six month window to advance to step two, as required in Section IV.A.1 of the Subdivision Regulation. He went on to say that as he reviewed the application, it appeared to him that there were substantial and important items missing from the packet, some of which could not be waived. Consequently, he asked Andrew Hedrich (representative of the applicant) if he would agree to make this meeting a pre-app review rather than a preliminary review.

Both Mr. Hedrich and James Boyle (Project Manager) agreed.

Following their agreement, the Board members presented the items they believed were missing or unclear in the application.

Board member Ellis asked for clarification on who the principal was making this application, since the November 17th, 2021 application listed Sullivan Falls as the applicant.

Mr. Boyle said that Sullivan Falls transferred ownership to Maine Property Investments, Inc., owned by Michael Emmons. Mr. Ellis said, "Just so I am clear, you are saying we have a new applicant and this is a new pre-application." Mr. Boyle said, "That is correct."

Mr. Ellis then began to list the deficiencies in the application. Some of the concerns were addressed by Mr. Hedrich and/or Mr. Boyle on the spot. Other Board members presented additional concerns. The following submittals required below are still open and necessary for completeness in Step Two, Section IV Preliminary Plan, except for #10, which we will expect before Step Three, Section V, Final Plan.

1. All Approved State and Federal Permits and Approval Reports regarding; Wetlands Impact, Flood Plain Decision Tree, SZO RP Setbacks, Stream Crossing, Significant Wildlife Habitat, Protected Natural Areas, Archaeological Features, including a brief justification of approvals in laymen's terms.
2. Shoreland Zone Application and complete submittals (some submittals overlap with Subdivision submittals)
3. Cushing Entrance to Public Roads Permit (Town Roads), Reviewing Authority and Permit Issuing is by the Cushing Road Commissioners.
4. While a list of all names and addresses of abutting property owners was submitted, it is necessary to submit all Abutter's Notice Receipts as required by Subdivision Regulation Sec. 4.A.2.b and Sec. 4.B.1.b.2*
5. Delineation of ROW to Fire Pond on Plat, and add Note on Plat of the Terms of Easement and Permitted Users
6. Ensure requirements for Right Title and Interest of Principals are met as per Subdivision Regulations Sec. III.C.2 and Sec. IV.B.1.b.1 and provide written statement so attesting.
7. Clarification of Retained Land and full ownership of property (see statements on deeds)
8. Statement from a Property Law Attorney, Clarifying the Surveyor's Note #2 on map V1, that justifies not complying with ROW Covenant restricting any development that changes the existing road.
9. Brief narrative explaining compliance with 75' setback for SZO Roads and Driveways (Sec. 15.H.2)
10. Commitment of intent to supply Bank Letter of Credit or Security Bond that meets the requirements of Subdivision Regulations Sec. VII. (Capacity and Compliance) B. (Performance Guarantee), at Final Approval stage.
11. Add to Plat Legend: Different identifiers for 75' Setback, Flood Plain and High Water
12. Please provide a layman's interpretation of the soil tests on form HHE 200.

13. Please explain why the Knox and Lincoln County Soils Survey not recommending development on Boothbay, Brayton and Swanville soils (almost half of the soils of the entire property) is not a handicap to development.

Mr. Hedrich promised to clarify the above issues in the subsequent submission.

*Mr. Boyle admitted to all assembled that he had agreed to send notification letters to the abutters, and he apologized for not doing so.

Mr. Hedrich stated that the maps of the design plan require 1:100 scale resolution, and requested they be permitted to use a 1:120 scale.

ACTION: Mr. Jones made the motion to agree to his request,
Seconded by Mr. Donaghy.
The Board then voted unanimously to allow the larger scale.

People in attendance then were given a chance to ask questions and express concerns.

Karin Strong asked if there would be an economic impact statement provided. Mr. Donaghy replied that the Board is under no obligation to provide one, and that the Board's purpose is to make sure that all the rules are followed, nothing more.

Carolyn Ahlstrand asked if the DEP was doing a wildlife study, which Mr. Hedrich confirmed.

John Cunningham, a lawyer representing some of the Vinal Point abutting home owners, wanted to clarify that we were having a pre-app conversation this evening and that a public hearing will be held at the preliminary stage. Mr. Donaghy confirmed there would be a public hearing during the preliminary stage, but warned that concerns between involved parties need to be ironed out before the hearing.

Robert Graham asked if there would be public notification of a site walk. Mr. Ellis assured him it would be posted at least a week before the site walk.

Carol Reber asked about when the next meeting will take place. The Board responded that they would not know until the applicant submits the application.

Mr. Hedrich then wanted to discuss the four waivers applied for, and was told that the Board would look into them at the preliminary meeting, as the Regulation states.

Other Business: None

Adjournment:

Mr. Donaghy moved the meeting be closed, and Mr. Jones seconded. Motion carried.

The meeting adjourned at 7:12 p.m.

Following Adjournment:

Mr. Hedrich and Mr. Boyle gave a brief presentation on the details of the project for those who were interested in staying.

Respectfully submitted,

Kash Aboud
Acting Recording Secretary

By:

Patrick M. Walsh
Planning Board Secretary