

TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
Wednesday, May 4, 2022

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

Absent: Austin Donaghy

Staff Present: Scott Bickford

Others Present: Charly Haversat, Brooke Harrington, Dr. Tandra Hammer, Robert Hammer, Katie Bell, David Crocker, Sara Allenwood, Chip Bauer, Karin Strong, Cristian Burgess

1. Call to Order: Chair, Bill Aboud opened the meeting at 5:58pm and the Pledge of Allegiance was recited. A roll call was taken and a quorum was declared.
2. Election of Officers. The following were nominated and elected to office: William Aboud, Chairman; Bob Ellis, Vice Chairman; Patrick Walsh, Secretary.
3. Communications and Correspondence:

Chair Aboud said the Town received notice from Jake Barbour, Inc. that they intend to file a "Permit-by-Rule" application for a wood waste processing facility with the DEP. Since Cushing no longer has a site plan review ordinance, the Planning Board has no role in approving or denying the application.

4. Approval of January 5, 2022 Minutes: Mr. Ellis referencing page 3, xii, said this references the Subdivision Regulation; and page 4, fifth paragraph of b., Mr. Scott should be Mr. Scott Bickford. Mr. Jones made a motion to approve the minutes with the two corrections noted by Mr. Ellis. Mr. Walsh seconded the motion and it was so passed.
5. Applications to be Reviewed:
 - a. Shoreland Zone Application for Principal Structure Replacement and relocation, Map 30, Lot 8, 258 Stones Point Road.

Chip Bauer, Harbor Builders, (representing David Crocker and Katie Bell) said they will be removing the existing house and replacing it with a

smaller house, some of which will be in the 75' Shoreland Zone. The existing buildings are 8,500 cubic feet; the replacement building will be 3,494 cubic feet. The deck and the screened porch will be in the 75' Shoreland zone. Gartly & Dorsky will provide the land survey.

Mr. Jones asked if the entire house would be torn down. Mr. Bauer said yes, including the foundation. Mr. Jones asked if that means this application should be treated as a new structure with all its prohibitions.

Mr. Aboud asked if they could move the new structure uphill to get out of the Shoreland Zone. Mr. Bauer said that would encroach on the neighbors.

Mr. Ellis said the structure must go behind the 75' setback to the greatest practical extent. He also asked if Mr. Bauer could stake off the septic system. Mr. Bauer said he would. Mr. Ellis said this project requires adhering to both the relocation and replacement paragraphs in the Shoreland Zone Ordinance. He also asked if Mr. Bickford had told Mr. Bauer he would not need new subsurface sewage. Mr. Bickford said "No, but they may possibly be able to expand if necessary." He also said it is not advisable to push too close to the leach field.

Mr. Aboud noticed there was rip-rap on the shore and asked if this was an indication of the Shoreland being an unstable bluff? After some discussion, Mr. Aboud said he would look this up on the town map.

Mr. Bauer produced a copy of the septic plan and agreed to mark out the corners for the PB.

Mr. Ellis pointed out relevant passages about the requirement to place the structure away from the 75-foot setback to the greatest practical extent. He read from Pg. 8, paragraph C.1.b. and C.2. & C.3. of the Shoreland Zone Ordinance.

Mr. Ellis made a motion, seconded by Mr. Jones, to conduct a PB site visit. It was agreed to meet at the property Saturday, May 7, at 2:00 p.m.

- b. Review Shoreland Zone Application for Principal Structure Expansion, Map 29, Lot 46, 300 David Point Road.

Cristian Burgess (representing Bob and Tandra Hammer) presented a plan for alterations to the home.

Mr. Ellis said it looks like this permit request is for a connector and deck with the remainder being maintenance and improvements. He also asked if the 75 square feet was the new deck and connector area combined?

Mr. Burgess said the added decking is 75' on the ramp side and 20' on the triangle, as depicted on the drawing.

Mr. Aboud said it looks like the total increase is a little over 3% in volume and square footage.

Mr. Ellis said that the approved application should state what is left for expansion for future reference. He also said despite a search for it, there is no documentation showing there was ever an expansion in the past. Discussing it would just be conjecture.

Mr. Bickford stated to Mr. Burgess, "You will need a permit after PB approval."

Mr. Ellis said that after looking at the standards section regarding lot and structure requirements, it appears that these standards need not be reviewed because the grandfathered structure was built before the ordinance was enacted.

Mr. Ellis made a motion, seconded by Mr. Jones, that this project complies with the 30% expansion requirements of Sec.12. C.1, for Non-conforming Structures. The motion was passed.

Mr. Ellis made a motion that Section 15 (Land Use Standards) is not applicable. The motion was seconded by Mr. Walsh and approved by the PB.

Mr. Ellis read portions of 16.F. (Administration). He then made a motion that submittal requirements of Sec.16. F.2. do not apply, except for flood-plain depiction, which is on the plan. Mr. Jones seconded the motion and it was approved by the Board.

Mr. Ellis made a motion that the application does comply with 16. F.3. a through i. Mr. Jones seconded the motion, and it was approved by the Board.

The PB voted to approve the application and signed off on the necessary documentation.

6. By-law Change, Remote Meetings

Mr. Ellis made a motion that Regular meetings of the Planning Board shall be held in person. Regular Planning Board meetings will not be held via remote video. Mr. Walsh seconded the motion and it was approved by the PB.

7. Other Business.

Mr. Bickford inquired if the rewrite of the Shoreland Ordinance will include the new rules that photos are needed before and after projects are approved. In addition, non-conforming issues have to be recorded at the registry. He also stated the entire application will probably need to be recorded at the registry.

8. Public Comment.

Mr. Brooke Harrington asked who owns Raccoon Lane? He expressed concern that another property owner who has a deed giving permission to use Raccoon Lane may establish another subdivision.

He asked if it would be allowed. Mr. Ellis replied that no one has made an application to do so and it would be unlikely it would be approved.

9. Adjournment

A motion was made by Mr. Ellis and seconded by Mr. Walsh to adjourn the meeting at 7:20 p.m.

Respectfully submitted,

Patrick Walsh, Secretary
Town of Cushing
Planning Board

cc: William Aboud, Chair
Town of Cushing
Planning Board