

TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
Wednesday, August 4, 2021

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

Staff Present: None

Others Present: Tom Abisalih, Seth Abbott, Brooke Harrington, Charly Haversat, Dan Staples

1. **Call to Order:** Chair Bill Aboud, opened the meeting at 6pm and the Pledge of Allegiance was recited. A roll call was taken and a quorum was declared.
2. **Approval of Minutes:** Mr. Donahy made a motion, seconded by Mr. Ellis, to approve the June 2, 2021 PB minutes with the proviso several typos be corrected.
3. **Communications and Correspondence:**
 - a. Chair Aboud asked if everyone had a copy of the State Shoreland Zoning Ordinance that was recently sent to CEO Bickford who made copies for each of the Board Members. This is not a changed document, but a copy of the already in place ordinance.
 - b. All members said they received their copy.
4. **Subdivision Amendment Review**, Map 25, Lot 72, to divide one lot into two.

Seth Abbott stated that the Maple Juice Cove Subdivision was established in the mid-80's; it was approved for seven lots then reduced to five. Deed covenants provided that three lots could be divided 1x each. Dave Vickery owns Lot A. Mr. Vickery has agreed to sell half of his lot to Mr. Abbott. A survey has been done to determine the exact division of the land and members of the Maple Juice Subdivision as well as neighbors within 500' have been notified. Mr. Abbott said the DEP has reviewed and approved this division of the property, and he is now requesting the Cushing Planning Board also approve the sale of half of lot A so that the sale may proceed.

Mr. Ellis commented that since the DEP approved the original subdivision, he wondered why this sale had to go through the DEP again.

Mr. Abbott stated a deed covenant says any changes require DEP approval.

Mr. Ellis commented it is safer to have their approval, than not, but mused this change in lot lines would not have any impact that should concern the DEP.

Mr. Donaghy made a motion that the Board accept the DEP's finding of facts as our own. Mr. Walsh seconded. The motion passed unanimously.

Mr. Jones made a motion to accept the division of Lot A into two in the Maple Juice Cove Subdivision. The motion was seconded by Mr. Donaghy and passed unanimously.

5. Other Business.

- a. Charly Haversat, a resident of the Salt Pond Subdivision, requested the Board review a document detailing a proposed amendment to their maintenance agreement to include fire pond maintenance. She also inquired what is necessary for the Subdivision Association to document the change.

Mr. Ellis said the plot should show the easement to the fire pond. Once this is done, the PB should be notified and the easement will be placed on file in the town office **and with the county**.

Mr. Harrington was recognized by the Chair and proceeded to explain his view of the inappropriateness of what the SPLOA (Salt Pond Lot Owners Association) did relative to fire pond maintenance.

A protracted discussion ensued, during which Mr. Harrington was told that the PB has the documentation of his allegations of inappropriateness from previous correspondence from him and it was not necessary to repeat this at this meeting. He was further told that this was a matter for their Association and not a subject for the PB. Mr. Harrington had the last word by saying that that the voting did not occur at their September meeting, but rather through email that was sent to all SPLOA members in October. The results of which he challenged at the time.

- b. Mr. Aboud mentioned an email from Mr. Donaghy in which he copied a referral from a DEP Newsletter about Shoreland Zoning to the members of the Board. The Chair said there were several items in the email that should be discussed by the PB. The first one has to do with maintaining a photographic record of ongoing projects in the Shoreland. The second one of interest had to do with solar arrays. Mr. Ellis said it would be easy to add the photo requirement to our Shoreland document, which is under current review. The Board Members agreed. As for solar arrays, several make it a subject of a future PB workshop.
- c. On another topic, Mr. Ellis brought to the Board's attention that prior to our review of certain projects in the Shoreland Zone that may have a substantial effect upon the environment, the DEP should first issue a

permit. (The DEP has several criteria and standards to be considered prior to a permit being issued.) The consensus of the PB was that the CEO, Mr. Bickford, should determine if the criterion is met prior to any review by the PB. The Chair agreed to discuss this with the CEO.

- d. Mr. Ellis then stated that the Chair had asked him to review the requirements for findings of facts. Mr. Ellis said we have not done a very good job of providing findings of fact and produced a document that he believed he got from our town lawyer. Mr. Jones also said he recalled receiving some information in an MMA class. The Chair agreed to also make this a subject of an upcoming workshop.
- e. The next PB meeting is scheduled for September 1 at 6pm.

The meeting was adjourned at 6:45 p.m.

Respectfully submitted,

Patrick M. Walsh
Recording Secretary