

TOWN OF CUSHING
PLANNING BOARD
Minutes of Meeting
Wednesday, January 5, 2022

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

Board Absent: Bob Ellis

Staff Present: Scott Bickford, CEO

Others Present: See attached sign-in sheet

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. Walsh made a motion, seconded by Mr. Donaghy, to approve the August 4, 2021 PB minutes. Motion carried.

3. Communications and Correspondence:

- a. The Chair said he received e-mails from 2 summer residents of Vinal Point Lane requesting a delay of the meeting or to do the meeting via zoom. The Chair said he responded to both in the negative. (Their e-mails and his responses are attached.)
- b. Mr. Aboud said he also received an e-mail from Mr. Ellis suggesting the applicant be asked if they have any flexibility to slow down their application process in the interest of good neighborly relations as some of the summer residents of Vinal Point Lane won't be in Cushing until spring and travel at this time is dangerous because of Covid. The Chairman said our Board's rules allow flexibility in the timing of addressing applications with mutual consent and asked the applicant to address that possibility during his presentation.

4. Public comment on Applications for review and agenda items only:

Hearing none, the Chair said he would like to add an agenda item. He noticed during his preparation for tonight's meeting, that the Planning Board's By-Laws are not in agreement with the guidelines for Planning Boards from the Maine Municipal Association with regards to reclusion. He asked for a motion to bring the By-Laws into concert with the MMA Guidelines on this topic.

Mr. Walsh then stated that while he hoped and felt he could be unbiased and open during the discussion and eventual voting concerning the Sullivan Falls application, as an abutting property owner, there would be the unfortunate negative optics of his participation as a member of the Board.

Mr. Aboud asked again for a motion and Mr. Walsh made the motion to change our By-Laws to be in agreement with the MMA on the subject of reclusion of a member of the Board.

Seconded by Mr. Jones. Motion carried.

Mr. Walsh then asked to be secluded.

The Chairman and other members of the Board acquiesced. Mr. Walsh then sat in the back of the room for the duration the Sullivan Falls Presentation.

Old business: None

New Business:

- a. Gartley and Dorsky Engineering and Surveying has submitted a pre-application to the Town of Cushing for Sullivan Falls, LLC The applicant proposes to create a 20 unit subdivision off Vinal Point Lane.
- 1) The Chair made it clear that this is 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 they 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.
- 2) Mr. Dorsky then made a presentation assisted by James Boyle (owners' representative).
- 3) Some of the items discussed with the Board and people in attendance were:
 - i) Mr. Dorsky and Mr. Boyle said they were in the process of getting professional determinations, state and federal approvals for various aspects of the project as laid out in the Town's Subdivision Regulation, including soils, wetlands. Other items were:
 - ii) Formation of a back lot, etc.
 - iii) Fire pond or other allowed fire suppressing methods (sprinklers).
 - iv) Road permits.
 - v) Storm water.

- vi) Roadway over wetlands.
 - vii) Size of road (two way traffic as per Cushing's S-D Regs.),
 - viii) When asked about a phased plan or all at once, answer was all at once.
 - ix) Common water access for members,
 - x) Mooring fields (ans: no, just a place to enjoy looking at the water.
 - xi) Future plans will indicate resource protection areas more precisely (e.g., wetlands lots 5 & 6).
 - xii) Items to get back to the Board about: pg. 8A, last para of pg A7 of [the Subdivision Regulations](#).
 - xiii) Prolonged discussion about the corner of Vinal Point Lane and Hathorne Point Road and whether it was safe.
 - xiv) Concern expressed about archeological artifacts and water fowl protection in the area; Applicant said they would contact State agencies for clearance.
 - xv) When asked about their time line for the project, the applicant said it would be a couple of months before they could get all the submittals to the state agencies and they would take a few more to respond. They would like to return with a pre-application in March and a site visit shortly after (not in the snow), but it may be later.
 - xvi) An audience member asked whom to (how to) get answers to questions that may come up after today's meeting. Mr. Boyle said he would prefer they come directly to him rather than through the Board as it would be more direct and faster. He gave his contact as: jamesallenboyle@gmail.com or (207) 756-2928.
 - xvii) Another member of the audience asked for copies of their application. Mr. Boyle asked Mr. Dorsky to send sufficient number of copies to Town office and Lisa can pass them out when requested. Mr. Dorsky said he would e-mail a PDF version to Lisa as well.
 - xviii) More discussion ensued about fire pond or sprinklers, timing of DEP approvals, no interest in using the "ice pond" as it does not belong to them.
 - xix) Concern about availability of well water if all home sites have own wells, and: professional opinions will be sought but 80 acres will likely accommodate.
 - xx) Board Member brought up necessity for a Home Owners Association to maintain all infrastructures including fire pond in perpetuity.
 - xxi) Discussion about electric power delivery.
 - xxii) More discussion about the road intersection.
- 4) Mr. Dorsky and Mr. Boyle closed their presentation and agreed to discuss anything further in the hallway while the PB continued with other agenda items.

Next agenda item: (Mr. Walsh rejoined the Board at the table.)

- b. Discussion to determine submittal completeness for Shoreland Zone project on map 13 Lot 24 requested by Eric Meklin and represented by Surveyor, Joe LaBranch. Chair said this item also is a pre-application and all the same provisos apply here as did to the Sullivan Falls discussion. (see a.1. above)

Mr. LaBranch reviewed the proposed 5 unit campground on 13 acres of land. He said it would be served by electricity, one or two wells for water and sufficient septic systems. He further went through suitability of the land and explained in detail the approvals that were in process or will be applied for (e.g., DEP for shoreland stabilization, electricity, wildlife, historical preservation, etc.) He also reviewed:

- i) Resource protection.
- ii) Wetlands.
- iii) Setbacks.
- iv) Access road.
- v) Soils test (Ed Green did, Mr. Meklin submitted paperwork).

Mr. Donaghy stated that the property is in a Limited Residential Area and that this application is for commercial use, which is prohibited.

There then ensued a rambling discussion about whether this was a subdivision or a campground. References were made to portions of the Shoreland Ordinance as well as the Subdivision Regulations. Question was raised about the current landowners having AirBnBs on their properties. How many units constituted commercial use.

Mr. Scott Bickford said the regulations give a list of commercial uses but it doesn't define rental units.

Mr. Jones and other Board Members said we need to work out the definition at a workshop of the Board including Mr. Bickford. Mr. Donaghy wanted to know how other towns were handling this circumstance.

Mr. Meklin said he wanted to move his project along. Mr. LaBranch said he was hoping to get educated on what the Board required of Mr. Meklin so he could proceed. Mr. Bickford replied that Mr. Meklin could go forward with his infrastructure to build one site as indicated on the survey.

Mr. Aboud said he should not do more (Mr. Meklin asked if he could do two) until the Board has a chance to discuss this further.

Other Business: None

Adjournment:

Mr. Donaghy moved the meeting be closed; Mr. Walsh seconded. Motion carried.

The meeting was adjourned at 7:17 p.m.

Respectfully submitted,

Patrick M. Walsh, Secretary
Cushing Planning Board