Corinth Planning Board
Minutes

Oct 11th, 2017

The meeting was called to order at 7:07 pm by Chairman James Connolly. Members in attendance were James Connolly, James Berry, Cynthia Commeau, Joshua Campbell, and CEO, Carl Dow. Others in attendance were Attorney Patrick Lyons, John Whitten of Plymouth Engineering, Amy Linscott, and Katie Foster.

The minutes from Aug 16th were read. A motion to accept the minutes was made by Joshua Campbell, seconded by James Berry, and carried unanimously.

Concerning the Sweet Water Ridge Inc. Subdivision, Town attorney, Katie Foster explained that if the applicant described the subdivision as one unit with 13 units then both the Site Plan and Subdivision ordinances would apply. If the applicant described the subdivision as 13 individual one acre lots, then only the Subdivision ordinance would apply to it. A minor road would be required under the subdivision ordinance.

Patrick Lyons, attorney for Sweet Water Ridge Inc. Subdivision, said the plan was for 13 individual one acre lots with one structure per lot. Lot owners would share the road and maintenance, utilities and sewer would be held in common or limited in common under the Condominium Act by-laws.

Jim Connolly asked whether subletting would be allowed? Patrick said if the town allowed subletting, then it would be allowed.

Jim Connolly asked whether a family or investment group could purchase a unit? Patrick said yes.

Katie Foster explained that a shared septic system and well was allowable under the Town ordinances. Since the Sweet Water Ridge Inc. Subdivision proposal is not multi-family, only the subdivision ordinance is required for review. A minor road is needed for a subdivision especially if a second phase is contemplated. Katie recommended that the PB look over their sketch plan and then Sweet Water Ridge Inc. Subdivision would have six months to present their plan. The Town would have 30 days to approve or disapprove it.

Patrick Lyons wanted to address the road issue again—Is it a road or an access drive? He said where there is ambiguity in the law, the court favors the landowner. He claims that the subdivision road is a private roadway from a public road to a point on private property. The access drive (25 ft wide) serves less than 10 units. A road is a public/private thoroughfare with an entrance and exit on both ends. Therefore, Sweet Water Ridge Inc. Subdivision says their roadway should be considered an access drive and not a road.

Patrick Lyons said the Fire Chief had approved of their access drive and cul-de-sac being within the 1000 ft from tanks/pond. Jim Connolly said the fire chief must refer back to the subdivision ordinance and his signing off did not okay Sweet Water Ridge Inc. Subdivision definition of an access road. Patrick denied trying to use the Fire chief’s signing off as proof their roadway was an access drive. Next, Patrick Lyons pointed out that the West Corinth Road did not meet the Towns
definition of a road. Patrick Lyons, also, said that the landowners could petition the Town to take over a road which would cost the Town more expense in maintenance.

Jim Connolly said these points about the West Corinth Road and petitioning the Town to take over the maintenance of a road were irrelevant to the discussion. Jim Connolly said the PB by consensus would consider their roadway as a road under the subdivision ordinance.

John Whitten asked whether there is a waiver process under the subdivision ordinance? Katie said that under section 12 there was, but not for items which were required under the subdivision ordinance, such as, the road.

John Whitten then presented his sketch plan for the Sweet Water Ridge Inc. Subdivision: 13 lots subdivision with condominium ownership. The sketch detailed a one acre lot with an existing house and lot two: the condominium plan with the original owner maintaining ownership of the back piece of property.

Lot two had 13 one acre lots (150' road frontage) with a roadway, cul-de-sac, shared utilities, wells, and septic tanks. John Whitten said they had appropriate Storm Water runoff permits, and DOT entrance permits. He had checked with the Historical Society and Inland Fisheries for any problems and there was none. They had dug test pits and checked on overhead power.

Jim Connolly suggested that Sweet Water Ridge Inc. Subdivision look for design flaws, such as, access roads for the back land. Is there going to be a second phase to develop the back land? John Whitten says they have built in a 66 foot right of way on their access road. CEO asked if their access drive creates a back lot.

Jim Connolly asked whether there are actually 14 lots considering the back lot, since the owner retains ownership of the back land? Joshua Campbell said Sweet Water Ridge Inc. Subdivision needed to be careful to not to create a flag lot since there is only 364 ft on Rt. 15 to work with.

Patrick Lyons and John Whitten indicated that they would be back fairly soon with an official proposal plan. CEO said the next PB meeting would be on Wed. Nov. 8th. CEO pointed out that they would have to reapply and pay an application fee.

CEO and PB discussed some of the cul-de-sac and road standards in the Town ordinances with the Town attorney.

Joshua Campbell made a motion to adjourn the meeting, James Berry seconded, and the motion carried unanimously. Meeting adjourned at 8:25 pm.

Respectively Submitted, Cynthia Commeau, Secretary