

**Minutes Planning Board Special Meeting
April 24, 2008, 7:15 P.M
Chebeague Island Hall**

Members Present: Tad Runge, Jane Frizzell, Mabel Doughty, Ernie Burgess, Sam Birkett
Absent: Tom Adams, Beth Howe
Others present: Sam Ballard, Donna Damon

Tad Runge read the notice sent out by the board of Selectmen that all committees need to send out any proposed ordinances by May 1st.

Tad made a suggestion to waive the approval of the minutes of the previous meeting. *Sam Birkett made a motion to waive approval of the Minutes, Mabel Doughty seconded and it was approved unanimously.*

Item 1- Employees in a Home Occupation

Tad Runge read through Sam Birkett's motion from last week on the number of non-family employees in a home occupation. The main issue is the problem of parking. It would be possible to allow more employees but propose that parking must be off the street. Tad said that it would be important to remember that the rule would apply to everyone, not just the Calders. Ernie said that in the future the Board would have to treat all other home businesses similarly. Ernie brought up that had been very difficult for Jonathan KomLosy to start the Slow-Bell Café, for example that he had to buy land for parking. Sam said that in this case it was specifically related to parking for employees and the Board can deal with general public parking at another time. Ernie made the point that the Clam Shack was already a stretch for the Cumberland Zoning Ordinance. Tad suggested looking at the issue of the number of non-family employees as two components: firstly whether to allow more employees, and secondly that of parking. Mabel asked whether there should be definite a limit on employees. Ernie said that there are many different home occupations, and if the number of employees allowed is set too high there could be too much of an impact on on-street parking. Tad said that it was also important to look at other home occupations and what their needs are. Ernie was concerned that if the Board amended this ordinance for the needs of a particular business, there might be a tendency to do things specifically for businesses and slowly raise the limits. Donna said that the Board will need to look at the distinction between a business and a home occupation. The ordinance for home occupations is technically more suited to a business such as Gail Miller's work or a daycare than the Clam Shack. The Board looked at the definitions of Home Occupations on pages 17 and 97 of the Zoning Ordinance. Tad suggested that it would be possible to keep the number of employees set at two, and ask the business to go to the Board of Appeals for more. *Jane made a motion to change the language in section 415.C to: " the number of non-family employees is limited to three, provided that off street parking is available for all employees, other than parking provided for customers", Ernie seconded. Tad asked if it would make sense to require parking on the lot for all employees, family and non-family. Tad called for a vote, and the motion was approved unanimously.* Ernie brought up that the language in

section 415.1.C, saying that “objectionable and unreasonable odor” is unclear, and the Board will need to clarify it at a later date. The Board discussed the possibility of making special exception allowing fisherman to store gear on property.

Item 2- Food Carts

There has been a request from the Calders to be allowed to operate a food cart on the island. Code Enforcement Officer Paul White has made a proposal to make food carts a permitted use in all districts, subject to approval by the Board of Appeals. Tad read Paul’s proposed language, which required a base station at an already existing facility. Tad said that the Board had three options: 1) not deal with this issue at all at this time, 2) deal with the narrow interpretation Paul had given, 3) make a broader interpretation. Donna gave background to problems in Cumberland: Firstly that they had to define a distance from existing businesses and look at the traffic conditions, and eventually the Town tried having food carts permitted only on residential streets. Donna said that in the past Beth had drafted very comprehensive language for a food cart ordinance, including having to have permission from landowners, and get a permit for town property. Donna said that the Planning Board could come up with specifics. Jane asked whether if language regarding food carts is not on the books, is it automatically prohibited, or is it automatically allowed. Tad’s reading of the Maine State Statute is that it is allowable for the Selectmen to license food carts. The issue came up of whether the plans were for pedaling or delivering, since delivery is not required to be under ordinance. *Sam made a motion to postpone a decision on food carts until further information is gathered. Mabel seconded. The motion was approved unanimously.* Jane said that she wanted to be sure that the Town get information from various sources before making any decisions.

Other business

Ernie brought up the issue, raised at an earlier meeting, of limiting the size of sheds, asking if the Board could allow a larger sized shop used simply for fishing. Does the fishing ordinance (permitting commercial fishing activities) allow any exemptions in setback requirements for sheds used specifically for fishing?

Stone wharf- Donna reported to the Board that the golf course received a letter from the Holmboms, stating that the golf course may not own some of the property on the other side of the road because the road may have been moved. Their original deed referred to the road as a property line. However, when the golf course was sold in 1931, they also changed the language in Holmboms deed to remove the abutting road. Tad asked if the road had been moved since then. Donna said that there will need to be a meeting with golf club, Holmboms and Town to agree where the current property line is.

Jane made a motion to adjourn, Sam seconded, and it was approved unanimously.

Respectfully Submitted,
Thea Youngs