

Town of Chebeague Island Planning Board Meeting on February 21, 2008 at 7:15 at the Hall

Present:

Board Members: Beth Howe, Ernie Burgess, Sam Birkett, Tad Runge, Jane Frizzell, Tom Adams. Absent: Mabel Doughty (excused).

Others present: (Suhail Bisharat, Peter Olney)

Handouts: Minutes from previous meeting, memo on zoning ordinance changes, Wharf Road Drainage and Parking-Lighting Information from CMP.

1. Approval of minutes of meeting of January 17, 2008.

Sam Birkett made a motion to approve the minutes of January 17th. Jane seconded the motion and it was approved unanimously.

2. Status report on Wharf Road drainage and parking project.

Beth Howe and Tom Adams recused themselves from acting as members of the Board.

Beth Howe gave a status report in her capacity of town representative. The primary remaining issue is that of lighting, and the lighting plan is unfinished. Beth has spoken with CMP about putting a flood light on the existing pole, and showed a diagram with the anticipated illumination area. Beth said that she thought that this floodlight scheme would not be ideal for Holmboms. Ken Pelton is working with Horizon Lighting to make plan for lights closer to parking on lower poles and hopefully will have a cost estimate for that soon. Beth passed around a sheet with various lighting options. The town would have two options, to buy poles outright and pay only the electricity charge or rent the lights from CMP and pay a monthly fee.

Sam Birkett had previously made the suggestion that perhaps diagonally parked cars would cause less light intrusion. This was discussed. The challenges to this are that since the parking stalls cannot not be marked, it would be hard to enforce, and that it would be difficult for cars to turn at acute angles. Tom Adams suggested looking at the aisle width regulations in the zoning ordinance if this is to be considered.

Beth had a conversation with Will Lund yesterday, since he wanted to know if it would be worth coming out to Chebeague for this meeting. Beth told him that there would be no decisions tonight, only a report. He is concerned about the impact of the parking and wants to reduce the number of spaces, and discussed whether or not it would qualify as off street parking. Tom noted (speaking as the representative of the town), that the more that is spent on lights to minimize the impact on the Holmboms, the more justification to maximize the available parking. He also pointed out that ensuring correct lighting could help minimize impact. Sam was concerned about finding middle ground, of both working with Holmboms and using what the golf course has allowed the town.

3. Proposed changes in the Zoning Ordinance.

Beth said that the Board of Selectmen has discussed having a special town meeting to take up changes in ordinances. Beth spoke with Ron about this, but did not believe that Planning Board changes were so pressing as to necessitate being on the special town meeting warrant. She also added that the Board should not be making major changes in the zoning ordinance now, but rather should wait until after the completion of the comprehensive plan. However there are currently some provisions in the ordinance that are inaccurate, make day-to-day operations difficult or are contradictory and need to be changed.

The town has had to give the town's zoning ordinances to the Department of Environment for review. They were approved, but the DEP pointed out small changes, such as a missing number for a footnote, an incorrect title for the manure utilization guidelines, and incorrect numbers in tree cutting provisions. These are titled very minor changes.

The second section would involve minor policy changes to the ordinances, mostly to clear up inconsistencies. The third section would be more major policy changes which have come up.

Very Minor Changes:

Beth read through and described the very minor changes. Tom asked what Cumberland's definition of yard was. Tom suggested changing the language to setback. **Tad made a motion to accept the very minor changes, Jane seconded.** Tom noted that he saw little discussion in section 205 of non-conforming lots. Beth indicated where it was. Tom asked in what section the note would be added. Beth replied that she would put it as a footnote to section 501 that non-conforming lots, not in shoreland zone, are in section 205. **Tom moved that a footnote about non-conforming lots not in the shoreland zone be added to section 501 directing people to section, as an amendment to Tad's motion. Tad and Jane accepted this as a friendly amendment. The motion was approved unanimously.**

Minor changes:

P 39 # 24

The adopted ordinance allows campgrounds in shoreland zone if the area was not also in either floodplain or resource protection. Individual campsites however are listed as allowed in a table in the ordinance. However the town has no wording in the rest of the ordinance about individual private campsites, which means that they are not allowed. Beth suggested that the committee should either remove that line of the table or state in the ordinances that they are not allowed.. Ernie noted that we also have to think about other islands. Jane asked what the definition of a campsite was. Beth believed that it was a financial arrangement for use of a single space. Jane brought up that on state owned/uninhabited island people just go to camp. Tad said however that they are not

organized campsites. Beth said that this is an item that will need greater consideration, since there is a definition of campgrounds but not of campsites. The town regulations may also be irrelevant on state-owned islands. If the town did come up with regulations regarding campsites they could be given to the Maine Island Trails association. Ernie suggested defining specific places that can't be used, where critical resources and nesting sites can be damaged. Beth said that it sounds like this change needs more research, and will begin to look into it. **The Board took no action on P. 39 #24 at this point.**

Section 417.5

The section on Manufactured housing states that any fuel tanks should be enclosed or buried. Fire Chief Tom Calder said however that fuel tanks should not be buried because of the risk of leakage and resulting contamination. Beth suggested that the language be changed to "be enclosed" and the words buried be removed. Ernie asked about definition of enclosed. Beth was not sure, but probably means roofed over. Ernie also brought up the issue that feeder lines can leak as well. Beth noted that it was good practice to enclose feeder lines within another feeder lines. Ernie noted that it could be possible to define home heating tanks and storage tanks (commercial) differently. Tad asked if fuel storage tanks included propane. Tad said that it might be useful, since this ordinance is only for manufactured housing, to look into rest of ordinances to see if buried tanks are allowed. Ernie suggested looking especially at regulations for fuel tanks in the shoreland zone and floodplains. **Tom moved to remove last 2 words of section 417.5. Tom then withdrew his motion and suggested rather that the ordinance say that "fuel tanks shall not be buried". Tom then withdrew the withdrawal and returned to original motion. Jane seconded, approved unanimously.**

p. 174-177 sec 603.7: Procedure for Appeals

There is a question of consistency between Cumberland's ordinance and the shoreland zoning added by Beth to the ordinance during transition. The Cumberland Ordinance states that appeals to Planning Board decisions can only go to the Superior Court, while the section of ordinance dealing with shoreland zoning suggests that Board of Appeals can hear appeals to Planning Board decisions. Beth suggested removing Board of Appeals language from this ordinance. Tom brought up that since the language says "when Board of Appeals hears an appeal from Planning Board", and the other regulation states that the Board of Appeals cannot hear appeals from Planning Board it will never come up. It would also be possible to change the original ordinance to allow for appeals to shoreland zone. Jane said that it wouldn't make sense for inland issues to have to go to superior court and shoreland be handled by the appeals board. Tom suggested leaving it as an anomaly at this time and researching what other small communities do about appeals in general. **The Board took no action on section 603.7 at this time.**

P. 34 sec. 204.1.D and E

Sheds or driveways, unlike most buildings are permitted with less setback than the 30 feet required for most structures. Paul White received an application for a very large shed, which in his opinion could have a negative impact on a neighboring parcel if built with the 15 foot setback. But he has no way to enforce this because there is no definition of shed. Paul suggested 144 square feet as the maximum size. Ernie said that would be

too small for lobstermen who need sheds to mend their gear. Tom asked if it could be done through limiting electricity, plumbing etc. Ernie said that electricity is necessary. Ernie asked if there is any restriction on number of sheds. Jane suggested looking at this issue later in terms of overall revision of ordinance. Peter Olney brought up the point that setbacks themselves are issues. The board will need to have a future discussion of what kind of sheds and where they can go. **No action taken at this time.**

The Board also briefly discussed who should take on role of accepting and reviewing site plan reviews at the town office. The logical people would be either Code Enforcement Officer Paul White, Town Administrator Ron Grenier, or Planning Board Chair Beth Howe. The possibility of having a dedicated part-time planner at some point was also raised.

The Board made the decision to adjourn at this time, and leave examination of the more substantial revisions until a further date.

Respectfully Submitted,
Thea Youngs