Minutes of the Meeting of the Town of Chebeague Island Planning Board,
Thursday August 25, 2011 at 7:00 at the Hall

Members present: Sam Birkett, Ernie Burgess, Louise Doughty, Mabel Doughty, Jane Frizzell, Charles Hall, and Beth Howe (Chair)
Ron Tozier, CEO

1. Minutes of October 21, 2010
Sam moved, seconded by Mabel that the minutes be approved. Passed unanimously

2. Public Hearing on a minor site plan review for construction of a boat storage shed at the Chebeague Island Boar Yard, map 102 lot 76, Paul Belesca owner and applicant.
Beth explained briefly that the Planning Board on Chebeague primarily reviews commercial developments. The Board has a set of detailed criteria and evaluated whether the proposed development meets those criteria. The Boat Yard has had several proposals before the Planning Board in the past and these have relied in part on the information submitted for the Post Office/Niblic building to the Town of Cumberland in 2007.

Paul described the project briefly. It is a 70’ x 70’ shed with a single large bi-fold door for the storage of boats, and work on them. It will enable the Boat Yard to do work in the winter, and hire skilled island people who may have other occupations in the summer. The site is a large level area, outside the floodplain, about half way up the southern property line. The shed will be 15 feet from the south property line, next to an easement to the beach held by the Chebeague and Cumberland Land Trust.

Beth asked for questions from the Planning Board and Code Enforcement Officer and then the public. Ron asked what will the work on boats involve in terms of noise and odors? Paul said it will mostly be seasonal maintenance and general repairs including carpentry and lots of bright work. There will not be a painting booth – that requires a special facility, and there are many other boat yards that specialize in this. Especially in the winter the doors will be closed. They do not expect to be moving boats in and out a lot. Ron asked if Paul has had any complaints in the past about noise or odors. Paul said they try to be good neighbors and have had no complaints. They also have shifted to water-based paints and that makes a difference.

Sam asked whether there would be lighting at night. Paul said that the other buildings have exterior lights that were put in with the idea that it might be necessary to light the wharf at night. But given the location of this shed, that is not an issue. It will have one light on the entrance for people. No motion-detector lights.

Beth asked him to talk more about the drainage in this part of the site. Paul said that Seavee and Maher had done a stormwater plan in 2007 and had generally stipulated that the Boat Yard should see that water on the site is distributed over the site and channeled away from the driveway. Letting the water flow together increases erosion. The flow from the West side near Hartley’s is south-east. Dugas will put a swale on the up-hill side of the building to keep the water flowing slowly. Beth asked about seeding the area with grass. Paul said that if they need to have a slope on the down-hill side, they will contour it and seed it.
Jane asked what the floor will be, and will it allow toxic materials to get into the ground? Paul said it will be cement with in-floor heat. Their approach is avoid and clean up spills on the surface of the cement as they occur with kitty litter, diapers and other absorbent materials on the pavement. Also they are now using water-based paint which is less toxic.

Leslie Ann Clark asked whether boats will be stacked in the building and how many will it hold. Paul said they will not be stacked, and there will be about 5 rows, 2-3 boats deep, though obviously large boats will take more space. It will be a good place to store smaller, high-value boats.

Louise asked whether there will be any landscaping or buffering. Paul said that the CCLT path creates a buffer and that the Earnest have not asked for any more landscaping or buffering. In fact Paul will be putting hooks on their side to hang and dry sails. There is a letter of support in the file from Bob and Nancy Earnest. Paul is grateful for their support.

Jane asked if the roof would be strong enough in the snow. Paul said it has a 1:12 pitch and that the ratings for loads are given on the front of the Essex package – they engineer the shed for the specific demands of the particular site.

Seeing no more questions, Beth closed the public hearing

3. Consideration of the draft findings of fact.

The Board worked through each of the draft findings of fact, modifying those where more information had been provided by the hearing.

FINDINGS OF FACT
SITE PLAN REVIEW
Chebeague Island Boat Yard Boat Storage Shed

206.8 Approval Standards and Criteria

The following criteria shall be used by the Planning Board in reviewing applications for site plan review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable criteria have been met.

A. Utilization of the Site

Utilization of the Site - The plan for the development, including buildings, lots, and support facilities, must reflect the natural capabilities of the site to support development. Environmentally sensitive areas, including but not limited to, wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. The development
must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

The site is entirely developed and used for boat storage and repair. Part of the parcel is in the Commercial Fisheries and Marine Activities Overlay District of the Shoreland Zone which is designed to allow functionally water-dependent uses like this at the shore. The building is the third in an expansion of the business.

The Board finds the standards of this section have been met.

B. Traffic Access and Parking

Vehicular access to and from the development must be safe and convenient.

1. Any driveway or proposed street must be designed so as to provide the minimum sight distance according to the Maine Department of Transportation standards, to the maximum extent possible.

2. Points of access and egress must be located to avoid hazardous conflicts with existing turning movements and traffic flows.

3. The grade of any proposed drive or street must be not more than +3% for a minimum of two (2) car lengths, or forty (40) feet, from the intersection.

4. The intersection of any access/egress drive or proposed street must function: (a) at a Level of Service D, or better, following development if the project will generate one thousand (1,000) or more vehicle trips per twenty-four (24) hour period; or (b) at a level which will allow safe access into and out of the project if less than one thousand (1,000) trips are generated.

5. Where a lot has frontage on two (2) or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrians hazards. Access from other streets may be allowed if it is safe and does not promote short cutting through the site.

6. Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands, and traffic controls within public streets.

7. Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.
8. The following criteria must be used to limit the number of driveways serving a proposed project:

a) No use which generates less than one hundred (100) vehicle trips per day shall have more than one (1) two-way driveway onto a single roadway. Such driveway must be no greater than thirty (30) feet wide.

b) No use which generates one hundred (100) or more vehicle trips per day shall have more than two (2) points of entry from and two (2) points of egress to a single roadway. The combined width of all accessways must not exceed sixty (60) feet.

The 2007 application stated that the amount of traffic varies with the season, but estimates that the facility would average 6 trips per hour. The new boat storage shed will probably not increase the number of boats stored on the site, and so, will not increase the number of trips.

The Board finds the standards of this section have been met.

C. Accessway Location and Spacing Accessways must meet the following standards:

1. Private entrance / exits must be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection, as measured from the point of tangency for the corner to the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

2. Private accessways in or out of a development must be separated by a minimum of seventy-five (75) feet where possible.

The entrance location is not being changed as a result of this project.

The Board finds the standards of this section have been met.

D. Internal Vehicular Circulation

The layout of the site must provide for the safe movement of passenger, service, and emergency vehicles through the site.
1. Projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing.

2. Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

3. The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

4. All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation, or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction. The road network must provide for vehicular, pedestrian, and cyclist safety, all season emergency access, snow storage, and delivery and collection services.

**The existing circulation pattern on the site will not be changed as a result of the proposed project.**

**The Board finds the standards of this section have been met.**

E. Parking Layout and Design

Off street parking must conform to the following standards:

1. Parking areas with more than two (2) parking spaces must be arranged so that it is not necessary for vehicles to back into the street.

2. All parking spaces, access drives, and impervious surfaces must be located at least fifteen (15) feet from any side or rear lot line, except where standards for buffer yards require a greater distance. No parking spaces or asphalt type surface shall be located within fifteen (15) feet of the front property line. Parking lots on adjoining lots may be connected by accessways not exceeding twenty-four (24) feet in width.

3. Parking stalls and aisle layout must conform to the following standards:

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<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
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4. In lots utilizing diagonal parking, the direction of proper traffic flow must be indicated by signs, pavement markings or other permanent indications and maintained as necessary.

5. Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

6. Provisions must be made to restrict the "overhang" of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian or bicycle movement on adjacent walkways, or damage landscape materials.

The construction of the Post Office/Boat Yard office/gift shop building resulted in the provision of six parking spaces in front of that building and six spaces to the north, off the driveway. Since this project will not increase the number of boats stored on the site, additional parking is not necessary.

The Board finds that the standards of this section have been met.

F. Pedestrian Circulation
The site plan must provide for a system of pedestrian ways within the development appropriate to the type and scale of development. This system must connect the major building entrances/ exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system must be designed to link the project with residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect the amenities such as parks or open space on or adjacent to the site.

The existing pedestrian network is located in the driveway right of way. The pedestrian circulation pattern will not change.

The Board finds the standards of this section have been met

G. Stormwater Management
Adequate provisions must be made for the collection and disposal of all stormwater that runs off proposed streets, parking areas, roofs, and other surfaces, through a stormwater drainage system and maintenance
plan, which must not have adverse impacts on abutting or downstream properties.

1. To the extent possible, the plan must retain stormwater on the site using the natural features of the site.

2. Unless the discharge is directly to the ocean, stormwater runoff systems must detain or retain water such that the rate of flow from the site after development does not exceed the predevelopment rate.

3. The applicant must demonstrate that on- and off-site downstream channel or system capacity is sufficient to carry the flow without adverse effects, including but not limited to, flooding and erosion of shoreland areas, or that he/she will be responsible for whatever improvements are needed to provide the required increase in capacity and/or mitigation.

4. All natural drainage ways must be preserved at their natural gradients and must not be filled or converted to a closed system unless approved as part of the site plan review.

5. The design of the stormwater drainage system must provide for the disposal of stormwater without damage to streets, adjacent properties, downstream properties, soils, and vegetation.

6. The design of the storm drainage systems must be fully cognizant of upstream runoff which must pass over or through the site to be developed and provide for this movement.

7. The biological and chemical properties of the receiving waters must not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and vegetated buffer strips along waterways and drainage swales, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source, or a great pond.

The surface water runoff drains from the northwest to the southeast to Casco Bay. The current Stormwater Pollution Prevention Plan for the entire parcel, by Sevee & Maher Engineers, was reviewed and approved by the Cumberland Town Engineer in 2007. A swale will be created on the uphill side of this building to maintain the existing dispersed pattern of the drainage.

The Board finds the standards of this section have been met.
H. Erosion Control

1. All building, site, and roadway designs and layouts must harmonize with existing topography and conserve desirable natural surroundings to the fullest extent possible, such that filling, excavation and earth moving activity must be kept to a minimum. Parking lots on sloped sites must be terraced to avoid undue cut and fill, and or the need for retaining walls. Natural vegetation must be preserved and protected wherever possible.


The erosion control plan for the 2007 construction was approved by the Cumberland Town Engineer. Its provisions are equally applicable to this project.

The Board finds that the standards of this section have been met.

The development must be provided with a system of water supply that provides each use with an adequate supply of water. If the project is to be served by a multi-house water supply, the applicant must secure and submit a written statement from the supplier that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source of distribution system, and will be installed in a manner adequate to provide needed domestic flows.

A new well was drilled on the site in 2007. This project, will have no running water in the building and will not increase the demand for water.

The Board finds that the standards of this section have been met.

J. Sewage Disposal Provisions
The development must be provided with a method of disposing of sewage which is in compliance with the State Plumbing Code. Proposed on-site waste disposal systems must conform to the Subsurface Wastewater Disposal Rules.

A new sewage system was installed on the site in 2007. This boat storage shed will not contain a bathroom and will not increase the demand for sewage treatment over what exists now.
The Board finds that the standards of this section have been met.

K. Utilities
The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be screened from view to the extent feasible. If the service in the street or on adjoining lots is underground, the new service must be placed underground.

The Boat Yard site is already served by overhead electricity and telephone. The new boat storage shed will have underground service from the pole to the shed itself.

The Board finds that the standards of this section have been met.

L. Groundwater Protection
The proposed site development and use must not adversely impact either the quality or quantity of groundwater available to abutting properties or to the public water supply systems. Applicants whose projects involve on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater must demonstrate that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

The new septic system that was installed in 2007 was designed by site evaluator Albert Frick to meet the standards of Maine’s Subsurface Waste Disposal Rules. This project will make no use of the septic system

The Board finds the standards of this section have been met.

M. Water Quality Protection
All aspects of the project must be designed so that:

1. No person shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that may run off, seep, percolate, or wash into surface or groundwaters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

2. All storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, must meet the standards
of the Maine Department of Environmental Protection and the State Fire Marshall's Office.

A new sewage disposal system was installed in 2007. The fuel storage on the site is regulated by the State. The new boat storage shed will not result in the discharge of chemical or biodegradable materials. Any spills inside the building will be cleaned up as then occur. The apron of the shed will have an area to capture the water from washing the bottom of the boat. This water is disposed of in part by evaporation and in part off the island in conformance with the State bottom wash program.

The Board finds that the standards of this section have been met.

N. Capacity of the Applicant
   The applicant must demonstrate that he / she has the financial and technical capacity to carry out the project in accordance with this ordinance and the approved plan.

   Technical capacity is indicated by the use of Sevee and Mahler Engineers and Essex Structural Steel for the design of the building. The new storage shed is being financed internally so no outside proof of financial capacity is required.

   The Board finds that the standards of this section have been met.

O. Historic and Archaeological Resources
   If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction, and limiting the extent of excavation.

   There are no historic or archaeological resources on the site.

   The Board finds that the standards of this section have been met.

P. Floodplain Management
   If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency (see Appendix C), all use and development of that portion of the site must be consistent with the Town's Floodplain Management Ordinance.

   Based on Flood insurance Rate Map Panel 230162 0021 D, the site of the boat shed is above the 100 year flood zone.

   The Board finds that the standards of this section have been met.
Q. Exterior Lighting
The proposed development must have adequate exterior lighting to provide for its safe use during nighttime hours, if such use is contemplated. All exterior lighting must be designed and shielded to avoid undue glare, adverse impact on neighboring properties and rights of way, and the unnecessary lighting of the night sky.

There will be no freestanding lighting. A wall mounted security light over the entrance door for people will be installed.

The Board finds that the standards of this section have been met.

R. Buffering of Adjacent Uses
The development must provide for the buffering of adjacent uses where there is a transition from one type of use to another use and for the screening of mechanical equipment and service and storage areas. The buffer may be provided by distance, landscaping, fencing, changes in grade, and/or a combination of these or other techniques.

The Chebeague and Cumberland Land Trust's path to the shore provides some buffering. No additional buffering is proposed or required.

The Board finds that the standards of this section have been met.

S. Noise
The development must control noise levels such that it will not create a nuisance for neighboring properties.

Work in the boat storage shed will not generate any more noise than occurs in the rest of the boat yard.

The Board finds that the standards of this section have been met.

T. Storage of Materials

1. Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

2. All dumpsters or similar large collection receptacles for trash or other wastes must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard
which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

3. Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises must be provided and maintained in good condition.

The purpose of the new shed is to provide indoor storage for boats that would otherwise be stored outdoors at the boat yard, and so may reduce the chance of safety hazards.

The Board finds that the standards of this section have been met.

U. Landscaping
Landscaping must be provided as part of site design. The landscape plan for the entire site must use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties.

No landscaping other than grass and, in appropriate places, crushed stone is proposed or required.

The Board finds that the standards of this section have been met.

V. Building and Parking Placement

1. The site design should avoid creating a building surrounded by a parking lot. Parking should be to the side and preferably in the back. In rural, uncongested areas buildings should be set well back from the road so as to conform with the rural character of the area. If the parking is in front, a generous, landscaped buffer between road and parking lot is to be provided. Unused areas should be kept natural, as field, forest, wetland, etc.

2. Where two or more buildings are proposed, the buildings should be grouped and linked with sidewalks; tree planting should be used to provide shade and break up the scale of the site. Parking areas should be separated from the building by a minimum of five (5) to ten (10) feet. Plantings should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

This is not a building in a parking lot. The parking is up the hill to the north, beyond the Post Office/Boat Yard office/gift shop building. The exterior of the new building will be similar to the shed recently built next to this site.
The Board finds that the Standards of this section have been met.

W. Fire Protection
The site design must comply with the Fire Protection Ordinance. The Fire Chief shall issue the applicant a “Certificate of Compliance” once the applicant has met the design requirements of the Town’s Fire Protection Ordinance.

Review by the Fire Chief has been requested but not received.

The Board finds that the standards of this section have not been met.

206.9 Limitation on Approval
Construction of the improvements covered by any site plan approval must be substantially commenced within twelve (12) months of the date upon which the approval was granted. If construction has not been substantially commenced and substantially completed within the specified period, the approval shall be null and void. The applicant may request an extension of the approval deadline prior to expiration of the period. Such request must be in writing and must be made to the Planning Board. The Planning Board may grant up to two (2), six (6) month extensions to the periods if the approved plan conforms to the ordinances in effect at the time the extension is granted and any and all federal and state approvals and permits are current.

They added one Condition of approval that the Fire Chief review the project and issue a Certificate of Compliance with the Fire Protection Ordinance.

Recommended Conditions of Approval:

1. That the Fire Chief review the project and issue a Certificate of Compliance by the beginning of construction.

Paul said he welcomes this and has talked with Ralph already.

Louise moved, seconded by Mabel to accept the findings of fact. Passed unanimously.

Ernie moved, seconded by Mabel that the one condition of approval be added. Passed unanimously.

Jane moved, seconded by Louise to approve the minor site plan for a boat storage shed at the Boar Yard. Approved unanimously.

4. Public hearing on two amendments to the Town of Chebeague Island Comprehensive Plan.
Beth explained that both of these corrections had come up just before the Plan was approved at Town Meeting in June.
One change amends a mistake in the map – the Curit Property on the North side of the island is partly conservation easement and partly “Activity Center” since the Town owns it and has discussed it as being used for affordable housing. Revised map is attached.

The other is to add the current Beginning with Habitat maps to the second volume of the Plan which contains all the inventories. This was requested by Inland Fisheries and Wildlife when they reviewed the Plan. The members of the Board looked at the various maps.

Ron asked what was the relationship between the mapped wetlands shown on these maps and his legal requirement to define and provide a 75 foot buffer around forested wetlands. This is a hot issue for land-owners. Beth said that is not a Town requirement. Ron said it is a State one. But he is not a wetland delineator. Beth said you can require owners to do a professional wetland study. Ron said that owners don’t like the extra expense. He asked what should he do when two licensed delineators disagree? Beth asked if there is a size definition. Ron said sometimes. Beth said she would explore the State guidelines more. Ron said he has been looking at them and will be going for training. He just wants the Board to know that this is an important issue for many people.

Ernie said it is unfair to make the Boat Yard go through an elaborate process and have some people just disregard the law. Ron said, you mean Hope. Tomorrow he will go over with DEP, so the process is starting. The Planning Board should have been involved much earlier in many of these activities.

Beth closed the public hearing. She explained that these amendments have to be submitted to the State Planning Office for review before they can go to Town Meeting.

5. Action on Comprehensive Plan Amendments:
Beth closed the public hearing and asked for a vote on whether to send the two amendments to SPO and then, if they approve, to the next Town Meeting. Sam so moved, seconded by Ernie. Approved unanimously.

6. Changes in the Zoning Ordinance
Beth asked whether the Planning Board would be interested in beginning to work on changes in the Zoning Ordinance, particularly on issues that have been coming up in real life. She suggested three items, including whether to develop a definition of “sheds” since that was an issue in tonight’s meeting.

Louise said she thought of sheds as maybe 20’ x 20’, but not 70’ x 70’. Mabel we should study and come up with a definition. Beth some things are not like Paul’s working shed; what about bunkhouses? Charles said he had dealt with this on the Board of Appeals by looking at the Dictionary definition. Small and rough structure, but also a large-hanger-like structure at boat yards and lumber yards. Commercial/industrial sites often do not have much room for setbacks. So the use of the district matters. Besides, should we consider adding a definition to the ordinance if there is only one case where this is an issue. Ron said it does come up fairly often, it’s just that people don’t appeal to the Board of Appeals. What about someone who wants to enlarge his shed and then a neighbor complains because someone is sleeping there. Can this be enforced.
Several people said there ought to be some definition of a shed, and the group began to discuss what such a definition might be like – should there be a difference between sheds for commercial use and those in residential areas? Should size be a factor? Should use be a factor? – only for storage, not for sleeping? What about the materials it is made of – concrete floor, for example. Beth said that Chebeague tends to favor flexibility. Ernie suggested developing several different definitions and holding a public meeting to see if members of the public approved of any of them. What about garages. Beth said she didn’t know if there was a definition of this. Beth suggested that each member write down on a piece of paper what they think the elements of a definition of a shed should be and send it to her. She will put them all together and we will discuss them at the next meeting. The next meeting was scheduled for Thursday September 15.

As the meeting was ending the Board asked Ron about his visit to Hope Island with someone from DEP. He said he was not sure how it would play out. The members of the Board indicated their support for taking on this difficult issue and wished him luck.

Respectfully submitted,

Beth Howe