Minutes of the meeting of the TOCI Planning Board, Thursday March 20, 2014 at 7:15 at the Hall

Present: Chip Corson, Louise Doughty, Mabel Doughty, Charles Hall and Beth Howe (Chair)  
Absent: Sam Birkett, Jane Frizzell and Ron Tozier, CEO  
Others present: Don and Joyce Souchek, Deb Hall and Paul Belesca

1. Minutes of the meeting of February 20, 2014. Approval of the minutes was moved by Louise, seconded by Mabel. Approved unanimously.

2. Report on the proposed expansion of the Chebeague Inn  
Beth explained that the Inn was built long before Cumberland had any zoning. In the present Zoning Ordinance, inns and hotels are not a permitted use on the island. So the Inn is grandfathered. It is both a nonconforming building and a nonconforming use. The owners argue that the restaurant is a permitted use, since restaurants are a permitted use in the commercial zone. These nonconformities restrict expansion of the Inn. The owners have proposed changing the entrance from the north side to the south side of the building. This would involve building a porch along the north side along with an entrance hallway, room for baggage and some storage space. Ron Tozier, CEO, has denied their request because the ordinance does not allow the expansion of a non-conforming use, and the entrance is clearly part of the hotel. This decision may be appealed by the Inn to the Board of Appeals. If it is, it may be heard at a meeting in April.

3. Site visit to a proposed site plan by Chip Corson for a farm, kitchen and event space on North Road (Map 05 Lot 7).  
Beth asked if there was interest in a site visit. Louise said yes, once the snow is gone. Someone pointed out that when the snow is gone, it will be muddy. Beth said that a site visit must be noticed like a public hearing and that she would wait till it is time to send the hearing notices to see what the state of the ground is.

4. Review of the proposal on Zoning Ordinance section 412: Extraction, Moving and filling of Earth Materials  
For the benefit of the visitors, Beth explained the purpose for revising this section of the ordinance. Paul said he had read the proposal and thought about it from the perspective of a business person and a home owner. He thinks that the dividing line between proposals that go to the CEO and those that go to the Planning Board, at 1500 cubic yards of material is much too large and asked how it had been arrived at. This was explained. He suggested that Wayne be asked about a suitable dividing line.

The Board took up the various unsettled issues in the draft. The first one was whether to exempt only houses moving more than 1500 cubic yards of material or all new buildings, including commercial ones. There was discussion about whether to use "building" or "structure". Paul suggested looking at the definitions in the
Ordinance. Structure was a more general term and a building was defined as a form of structure. So it was agreed to use "structure" and this provision was adopted by consensus.

The second one was whether to retain the language about not allowing any excavation lower than 5 feet from the seasonal high water table. Beth explained she had talked with Carol White and Peter Maher about this. Peter said the 5' limit is in State law, though now there is a complex variance procedure for it. Mabel moved that since it is still a part of the State law, we should leave it in the revision. This was seconded by Louise and adopted by a vote of 3 to 1.

The next was a provision not allowing stumps and grubbings to be buried on the excavation site, Beth said she had talked with Peter Maher about this as well. He said that as the stumps degrade underground they produce gasses that may get into underground trenches and end up in basements. This is not common but it does happen. Chardes asked what else can be done with them since they can't be taken to the brush dump. Beth said that Peter has said that this really was a problem on the island, and the solution would be to grind them up. Louise and several others objected that this would be much too expensive. They could be left on the surface to decompose. Chip moved to take out the wording about stumps. Louise seconded and the motion passed unanimously. Beth suggested that some information about disposal of stumps could be given out with the excavation permit.

The final issue was whether to allow accessory uses to excavation. This primarily refers to processing the earth, gravel or rocks that are excavated. Large gravel pits have elaborate equipment for sorting and crushing stone and then conveying it to piles graded by size. This is a very noisy process. And the equipment may well be too expensive for the size of gravel extraction that could be done on Chebeague. Wayne has a modest-sized screener. He uses it for screening dirt from one site that is used on another. This does not make much noise. His screener may also sort gravel into different sizes. Chip moved, seconded by Mabel to xxxxxxxxxxxxxxx. This motion was approved unanimously.°

Beth asked if the board would like to revisit the issue of the 1500 cubic yard cutoff for CEO-reviewed applications. They indicated that they did not.

Respectfully,

Beth Howe