

Town of Chebeague Island, Maine
Board of Adjustment and Appeals

Minutes of October 1, 2014 Meeting

Board Members - All Present

Peter Rice, Chair

Jay Corson

Milo Matruzo

Tad Runge

David Stevens

Also Present:

Nick Adams, CEO

Town Selectmen , members of Chebeague Fire & Rescue and community.

Peter called the meeting to order at 7:05PM Minutes of the March 25th BAA meeting were presented for approval. Tad moved & Dave seconded a motion to approve as distributed. Passed unanimous. Minutes of the August 26th BAA meeting were presented. Dave moved there acceptance and Jay seconded. Motion passed unanimous.

Old Business:

Application for a special exception for a roof to cover the pizza oven and tables at the Island School. The application was tabled at the 8/26th meeting. Application attached.

Applicant - Town of Chebeague Island

Robert Earnest designated by the Town to be its Representative before the Board.

Jurisdiction of the Town was confirmed.

COE confirmed proper notices had been given.

Mr Adams indicated that the BAA needed to review on the special exception before he could issue a building permit. He recommended that it not go on to the Planning Committee as it was an accessory building to an already approved structure..

Peter asked if the issue of the land ownership had been resolved. Yes it had.

No conflicts of interest determined.

Mr Earnest - Presented the project. To be funded by grants and contributions. They have enough \$ to proceed.

There were no questions from the Board or the Public.

Hearing was closed.

Dave made a motion to grant a special exception for the pizza oven cover and to authorize the CEO to issue a building permit.

Finding of Fact:

Application meets all the standards for a special exception under Section 603.2.3 and conforms with the standards in Section 603.2.7. It is not in Shore Land Zoning. The Town has standing.

Dave's motion was expanded to include the findings and the fact that the application doesn't need to go back to the Planning Board. Jay made the motion, seconded by Dave and passed unanimously.

Second Application to be reviewed by the Board at this meeting.

An Application by the Town of Chebeague Island for a special exception to build an antenna at the existing Municipal Building at 192 North Road. Application attached.

Mr. Adams - Proper Notices sent. Abutters notified.

Jurisdiction - Town of Chebeague

Determination of possible conflicts of interest.

Issue of possible conflict had been raised by Board member Jay Corson. He questioned the possibility that two members of the Board, Dave Stevens & Tad Runge both were firemen. Chairman Rice had contacted the Town Attorney, Peter Lowe, who issued an opinion that Maine Statute did not consider this situation a possible conflict of interest (Correspondence attached).

Jay requested that the Board vote on each member's possible conflict.

Dave & Tad were each asked if they felt they had a conflict of interest voting for the special exception. Each indicated that they did not.

Milo moved that David Stevens was not in a position of conflict of interest. Tad seconded.

Motion passed 3 to 1. Dave abstaining.

Similar motion by Milo for Tad Runge, seconded by Jay.

Motion passed 3 to 1. Tad abstained from voting.

Mr. Adam's comments:

Applicant Town of Chebeague

Lisa Israel representing the Town.

Lisa reviewed the proposed project for the Board.

Regarding the designation of antenna or tower for the project, the Town attorney agreed it should be called an antenna.

Abutters: Only abutter to speak was Susan Campbell who voiced her support for the project.

No questions or comments were raised from the Board.

No questions or comments from the public.

Jay Corson submitted a letter (attached) reviewing the applicable sections of the Town Code that applied to this application and his opinion that it is a permissible use.

Hearing was closed.

Findings;

The application for a special exception meets all the criteria in Sections 603.2.3 & 603.2.7 of the Town Code.

The applicant has standing.

Financing has been determined.

Question raised if the application had to go to the Planning Board.

With the clarification of antenna this did not seem needed.

Dave made a motion that the Board approve the application for a special exception to construct a communications antenna adjacent to the municipal building, that it be considered an ancillary use to an existing facility that has already received approval therefore requiring no further review and that the CEO issue a building permit to the applicant.

Motion seconded and approved by a unanimous vote.

Meeting Adjourned.

Respectfully Submitted

Tad Runge

Secretary, BAA