Planning Board Meeting Minutes, February 19, 2015

The Planning Board a meeting on Thursday, February 19, 2015 at the Island Hall beginning at 7:00 PM.

Chair Chip Corson called the meeting to order at 7:11 PM.

**Board members present:** John “Chip” Corson, Donna Colbeth, Carol White, Nancy Hill, Sandra “Sam” Birkett, Jane Frizzell  
**Board member absent:** Mabel Doughty  
**Also present:** Timothy Forrester, Nick Adams, Gloria Brown

**Public Hearing as noticed:**  
A request for a 5' x 10' Permanent Pier by, Holly Steele, Tax Map I-10, Lot 006, located on Stave Island. The hearing will be conducted on Thursday, February 19, 2015 at 7:00 PM, at the Chebeague Island Hall, 247 South Road, Chebeague Island, ME.

**Presentation by owner's representative,** Timothy Forrester, environmental consultant with Eco-Analysts, Inc. of Bath, Maine

**Discussion** by board members, Code Enforcement Officer Nick Adams and Tim Forrester.

**Findings of Fact:**

The proposal is for a permanent 5' X 10' pier on Holly Steele's land on Stave Island, Map I-10, Lot 006. The reason the Planning Board is reviewing the application is because the lot falls within the Shoreland Zone Resource Protection area as indicated in Zoning Ordinance Section 204.2 Table 1, 17 B requiring Planning Board approval.

These findings are based on the performance standards in the Town's Zoning Ordinance, Section 421.4

A. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

*The proposed pier is located on exposed ledge, bolted into the ledge, so there are no soils to be disturbed.*
B. The location shall not interfere with existing developed or natural beach areas. **The location is not close to abutters, does not have a beach and is replacing an existing pier.**

C. The facility shall be located so as to minimize adverse effects on fisheries. **The proposed pier system will have minimal impacts on coastal wetland and associated fisheries, will not ground out at low water, is seasonal and has been reviewed by the Coastal Waters Commission.**

D. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. **This is a replacement structure with nearly the same dimensions as the old one.**

E. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity. **Not applicable (N/A)**

F. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal highwater line of a water body or within a wetland shall be converted to residential dwelling units in any district. **N/A**

G. Except in the Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure. **N/A**

H. Lighting on piers, wharves, docks, bridges, floats and other structures should be designed and installed to minimize negative impacts on other properties and safe navigation at night. Negative impacts include excessive lighting and unnecessary glare that can be a hazard to navigation. Public and Commercial facilities shall submit a lighting plan for review by the Planning Board for safety and compatibility with the proposed use. All lighting shall be in conformance with all Federal, State, and local standards including Coast Guard Regulations for lighting of piers or wharves where applicable. **No lighting was proposed.**
I. Structures shall not unduly interfere with passage along or within the intertidal zone in order to protect established colonial rights for fishing, fowling and navigation. This may require accommodations such as steps or pier elevations that would allow passage over or beneath a structure.

   The bottom elevation of the permanent pier will be approximately 12.5 feet vertically from the intertidal area of the coastal wetland, thereby providing adequate height to allow for fishing, fowling and navigation.

J. Where a waterfront structure is proposed that will serve more than one property, the property owners shall submit to the Town of Chebeague Island a proposed easement demonstrating that permanent access and maintenance rights shall be granted to the parties sharing the structure. The parties shall submit to the Code Enforcement Officer proof of recording of the easement after its review and approval by the Town of Chebeague Island.

   N/A

K. Before any construction or site preparation begins, the applicant must obtain all Federal, State and local permits, as required, including but not limited to a Code Enforcement Officer permit, permits from the Department of Environmental Protection under the Natural Resources Protection Act, 38 M.R.S.A. § 480-C as subsequently amended, the Army Corps of Engineers, and a Wharfing-Out permit issued by the Selectmen under 38 M.R.S., Ch. 9, as subsequently amended.

   The application has received permits from the Maine Department of Environmental Protection and the Army Corps of Engineers. Although a Wharfing-Out permit is not required by statute the ordinance requires the selectmen issue a Wharfing-out permit, the proposal will be forwarded to the Board of Selectmen for their approval before the Code Enforcement Officer issues a building permit.

L. The Town of Chebeague Island shall notify all property owners within 1500 feet of the proposed project. In addition, the Town of Chebeague Island shall place Public Notices in four (4) locations to maximize notification of the affected citizenry and shall place Public Notices in two local papers.

   Abutters were notified twice: once for application to the DEP and again for this application to the Planning Board.

Any aggrieved party to this decision can appeal within 30 days of the decision to Superior Court pursuant to Section 603.7.C.1 of the Town's Zoning Ordinance.

Motion: Moved by Sam Birkett and seconded by Nancy Hill to approve the plan with the Findings of Fact, with the condition that if there is a change, if the owner
decides to add lighting, that the owner come back to the Planning Board with their lighting plan and contingent upon the receipt of a letter from the Coastal Waters Commission that they are satisfied with the plan.

**Vote: Unanimous, Motion Carried**

Planning Board members commented that this was an excellent application--well organized, presented and thorough.

Respectfully submitted,

Gloria J. Brown
Deputy Town Clerk