Planning Board Meeting Minutes
September 7, 2016

The Planning Board met on Thursday, September 7, 2016 at the Chebeague Recreation Center at 6:00 PM.

Call to order: Chair Chip Corson called the meeting to order at 6:05 PM.
Planning Board Members Present: John “Chip” Corson, Nancy Hill, Jane Frizzell, Bob Earnest and Carol White
Also Present: Stephanie Carver, Gloria Brown

Workshop with Stephanie Carver re: Land Use Ordinance

Regular Meeting called to order at 6:59 PM:

Minutes of August Meeting
Motion: A motion was made by Nancy Hill and seconded by Bob Earnest to amend the August 18, 2016 minutes to reflect that the Board asked for confirmation that the vernal pools were tested at the right time of year.
  Vote: 5-0 (Birkett and Colbeth absent), Motion Carried

Motion: A motion was made by Bob Earnest and seconded by Nancy Hill to accept the August 18, 2016 minutes as amended.
  Vote: 5-0 (Birkett and Colbeth absent), Motion Carried

Taken out of order:
Review Findings of Fact and determine approval of Deer Run Subdivision
Discussion in general followed by going through the individual criteria. (See Findings of Fact document attached.)
Motion: A motion was made by Carol White and seconded by Nancy Hill to approve the Deer Run Subdivision Plan with the edits discussed.
  Vote: 5-0 (Birkett and Colbeth absent), Motion Carried

Discuss approval of Sea Level Rise Study, and implementation of Sea Level Rise Study in Land Use Ordinance.
Discussion regarding implementation into Comprehensive Plan and ordinances.
Motion: A motion was made by Carol White and seconded by Jane Frizzell to accept the April 16, 2016 Town of Chebeague Island, Maine, Sea Level Rise Vulnerability Assessment.

Vote: 5-0 (Birkett and Colbeth absent), Motion Carried

Discuss Hayden subdivision
Property divided in without application for subdivision approval, but did receive building permits from CEO. Proposed remedy: ask the applicant to amend the subdivision plan and submit it to us for review to bring the property into compliance with our minimum regulations. If the plan does not meet our requirements, we need to know from an attorney how to proceed.

Motion: Moved by Bob Earnest and seconded by Carol White to follow CEO Nick Adam’s advice in his email dated September 2, 2016 to request that the applicant voluntarily amend the subdivision plan and bring the property back into compliance with our minimum regulations.

Vote: 5-0 (Birkett and Colbeth absent), Motion Carried

Elect Officers: postponed to next regular meeting on October 20th

Adjourn
The meeting adjourned at 7:48 PM.

Respectfully submitted,

Gloria Brown, Town Clerk

Attachments:
Findings of Fact and Conclusions of Law
Findings of Fact & Conclusions of Law

**Application Type:** Four (4) lots Minor Subdivision  
**Owners Name:** John Wilson  
**Subdivision Name:** Deer Run  
**Parcel ID:** I06-30A  
**Located at:** North Road  
**Zoning District:** Island Residential

This application is for a four (4) lot minor subdivision, three (3) new lots and the remaining land making the fourth lot. The three (3) new lots, all contain at least one point five (1.5) acres of upland, the property is owned by John D. Wilson who has retained Gilbert D. Eaton as his agent and has hired Reginald Parker, a State of Maine Professional Land Surveyor (license number 1154) as the professional surveyor. The new lots along North Road are located in the Island Residential (IR) Zoning district, which requires one hundred fifty (150) feet of road frontage on a public way and one point five (1.5) acres of buildable land. The remaining land is located in the Island Residential zoning district and the Limited Residential Shoreland Overlay zone. The remaining land requires at least three (3) acres of upland and one hundred fifty (150) feet of shore frontage. All four lots appear to meet the required space and bulk standards for their particular zone.

**SECTION 1. PURPOSE**

1.1 The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Chebeague Island, Maine, the Planning Board (Board) shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

1. **Pollution.** The Board finds the land is not located within the flood zone; according to the soil study by Sweet and Associates, the soils are adequate for a subsurface wastewater disposal fields; the land does not appear to be located on any steep slopes or unstable soils. Based on this information and in the record the Planning Board finds that this criterion will be met.

2. **Sufficient water.** The applicant provided evidence of private wells existing within the lot and abutting properties. Based on this information and in the record the Planning Board finds that this criterion will be met.

3. **Municipal water supply.** The lots will be served by private wells and there are no public water systems associated with this application. Based on this information
4. **Erosion.** Given that the lots will gain their road frontage on the existing public way and no new roads will be constructed, the amount of new impervious areas will be limited to the driveways and building envelope areas only. The applicant has agreed to follow the best management practices for erosion control prepared by the Maine Department of Environmental Protection. Based on this information and in the record the Planning Board finds that this criterion will be met.

5. **Traffic.** There are no new roads included with this plan, the lots will have frontage on North Road which is a public way. The applicant states that the proposed driveway entrance locations have over one thousand (1,000) feet of site distance in each direction. Based on this information and in the record the Planning Board finds that this criterion will be met.

6. **Sewage disposal.** The Lots will be served by individual subsurface wastewater disposal systems. Soil tests were completed by Richard Sweet of Sweet and Associates, a State of Maine licensed Geologist (License Number 100). Based on this information and in the record the Planning Board finds that this criterion will be met.

7. **Municipal solid waste disposal.** With the addition of possibly three (3) new single family dwellings, the application does not appear to create an unreasonable burden on the Town’s existing solid waste facility. Based on this information and in the record the Planning Board finds that this criterion will be met.

8. **Aesthetic, cultural and natural values.** The applicant has stated that the lots will be marketed as single family dwellings. The new lots are not located within the Shoreland zone. Given the size of the subdivision and its proximity to the road and other residential developments, the Board finds that the subdivision will not have an undue adverse impact on scenic or natural beauty of the area. There are no known historic sites or significant wildlife habitat identified by the Department of Inland fisheries and Wildlife or the municipality. Based on this information and in the record the Planning Board finds that this criterion will be met.

9. **Conformity with local ordinances and plans.** The Board finds that the plan meets all the local zoning and subdivision ordinances and is in conformance with the Comprehensive Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.
10. **Financial and technical capacity.** The applicant provided the Board with a bank statement showing adequate financial capacity. The applicant has hired Sweet and Associates as well as Owen and Haskell to prepare the Plan, thus showing adequate Technical Capacity. Based on this information and in the record the Planning Board finds that this criterion will be met.

11. **Surface waters.** Based on the report prepared by Sweet and Associates and evidence of private wells in the area, the Board waives the requirement for a surface drainage plan. The Board finds that granting the waiver will not adversely impact public health, safety or welfare or nullify the intent of the ordinance or the Comprehensive Plan.

12. **Ground water.** Based on the report prepared by Sweet and Associates, the proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. Based on this information and in the record the Planning Board finds that this criterion will be met.

13. **Flood areas.** The lots on North Road are not depicted on a Flood Map, and all structures on the remaining land appear to be outside the flood zone of the coastal wetland. Based on this information and in the record the Planning Board finds that this criterion will be met.

14. **Storm water.** The Board waives the requirement for a storm water management plan given the size of the subdivision, soils tests and slope of the land. The Board finds that granting the waiver will not negatively impact public health, safety or welfare or nullify the intent of the ordinance or the Comprehensive Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.

15. **Freshwater wetlands.** Wetlands within the subdivision have been delineated by Richard Sweet and shown on the plan, subsequently Mr. Sweet provided the Board with a letter dated August 23, 2016 that there are no vernal pools within the subdivision. Based on this information and in the record the Planning Board finds that this criterion will be met.

16. **River, stream or brook.** No River, Streams or Brooks have been identified with the Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.
APPENDIX C
MINOR SUBDIVISION SUBMISSION REQUIREMENTS

A. Design of Plan

1. The name of the subdivision is Deer Run and is shown on the plan. Based on this information and in the record the Planning Board finds that this criterion will be met.

2. The Plan includes the date of submission, north arrow, graphic map scale, name and address of record owner and subdivider, and names of adjoining property owners. Based on this information and in the record the Planning Board finds that this criterion will be met.

3. The Plan includes locations, widths and names of existing streets and easements. As individual lots are sold, they will be developed by new owners in accordance with all applicable ordinances and laws per the Conditions of Approval for this Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.

4. The Zoning district for the new lots on North Road is Island Residential and is shown on the plan with the minimum structure setbacks. Based on this information and in the record the Planning Board finds that this criterion will be met.

5. The boundaries of the subdivision are delineated on the plan and were drawn and certified by Reggie Parker from Owen and Haskell, Inc. Based on this information and in the record the Planning Board finds that this criterion will be met.

6. The boundaries of the subdivision are delineated on the plan and were drawn and certified by Reggie Parker from Owen and Haskell, Inc. Based on this information and in the record the Planning Board finds that this criterion will be met.

7. The boundaries of the subdivision are delineated on the plan and were drawn and certified by Reggie Parker from Owen and Haskell, Inc. Based on this information and in the record the Planning Board finds that this criterion will be met.

8. Contour Lines - The Board waives the requirement for contour lines to be shown in two (2) foot intervals and allows the plan to show contour lines in five (5) foot intervals. The Board finds that granting the waivers will not minimize public health, safety or welfare or nullify the intent of the ordinance or the Comprehensive Plan.

9. The Lots will be served by individual subsurface wastewater disposal systems; soil tests were completed by Richard Sweet of Sweet and Associates; therefore the Board finds that this section is not applicable.
10. The Lots will be served by private wells by a Maine-licensed well driller and by individual subsurface wastewater disposal systems designed in accordance with the Conditions of Approval of this Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.

11. Given the small size of the subdivision and the undeveloped property below it, the Planning Board waives the requirement for a surface drainage plan or stormwater management plan. The Board finds that granting the waiver will not negatively impact public health, safety or welfare or nullify the intent of the ordinance or the Comprehensive Plan. Based on this information and in the record the Planning Board finds that this criterion will be met.

12. There is existing Central Maine Power service along North Road, each of the new lots will utilize the existing poles. All electrical lines to the lots will be privately owned. Based on this information and in the record the Planning Board finds that this criterion will be met.

13. The applicant did not provide the Board with any specific deed regulations or covenants; therefore the Board finds that this section is not applicable.

14. The Board finds that there is no additional information required with this application; therefore the Board finds that this section is not applicable.

15. There are no streets, easements, parks, playgrounds, or other recreation areas/open spaces shown on the plan to be dedicated to the Municipality; therefore, the Board finds that this section is not applicable.

**Conclusions**

- The applicant provided the Board with a deed (Book 14683, Page 175) showing reasonable right, title, and interest for the application
- The Board has concluded that they have the jurisdiction to review the application pursuant to Chapter 17, Article III, § 2 f the Subdivision Ordinance (Authority and Administration)
- The applicant paid the application fee on July 22, 2016 and the Town issued a dated Receipt No (199-1)
- On July 22, 2016 the Code Enforcement Officer found the application to be complete
- The Board heard the application on August 18, 2016 at 7 P.M., the applicant and all abutters within five hundred (500’) of the subject parcel were notified of the hearing.
- The Board finds that the application was complete
- The Board finds that a third party review and public hearing is not required
- The Board decided not to conduct a site inspection
- The Board has made written findings that the Plan meets the criteria of Title 30-A, M.R.S.A. Section 4404, and the standards of the subdivision ordinance.
Therefore, the Town of Chebeague Island Planning Board hereby approves with the following conditions the application for the Deer Run four (4) lot Minor subdivision application for John D. Wilson on Tax Map I-06 Lot 30A located along North Road and as described in the application letter dated July 7, 2016 and the above findings of facts.

**Conditions of Approval:**

- Plan approval is also conditioned upon compliance by the Applicant with the Plans and specifications which have been received by the Planning Board in connection with the development proposal as well as with any oral or written commitments regarding the project which were specifically made by the Applicant to the Board in the course of its deliberations.
- The applicant must apply for and obtain all applicable permits for the proposed development under the Natural Resources Protection Act, Title 38 M.R.S.A. section 480-C, the Site Location of Development Act, the Erosion and Sedimentation Control law, Title 38 M.R.S.A. section 420-C, the Stormwater Management Law, the Federal Clean Waters Act as delegated to the State of Maine, and all other applicable state and federal laws regulating the use or development of land.
- The plan must be recorded at the Cumberland County Registry of Deeds within ninety (90) days of the date of this decision
- Any modifications to the plan will require Planning Board Approval

Pursuant to Section 15.3 of the Subdivision Ordinance anyone aggrieved of this decision may file a written appeal within forty-five (45) Days of date of this decision in accordance with Rule 80-B of the Maine Rules of Civil Procedure.

**Date Approved:** September 7, 2016

**Town of Chebeague Island Planning Board**

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John Corson, Chairman                        Nancy Hill

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Carol White                                   Robert Earnest

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Jane Frizzell                                 Sandra Birkett

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Donna Colbeth