Planning Board Minutes
April 10, 2018

The Planning Board met on Tuesday, April 10, 2018, at the Chebeague Recreation Center beginning at 7:00 PM

1. Call Meeting to Order: Chair Bob Earnest called the meeting to order at 7:06 PM.
   Planning Board Members Present: Bob Earnest, Carol White, Jane Frizzell, John “Chip” Corson and Kyle Koerber
   Planning Board Members Absent: Nancy Hill and Caitlyn Bowman
   Also present: Tim Forrester, Marjorie Stratton, Gloria Brown and Paul Belesca

2. Open Public Hearing: introductory statements.
   Motion: Moved by Chip Corson and seconded by Carol White to open the public hearing at 7:06 PM.
   Vote: 5-0, motion carried
   Bob summarized the order of the hearing.

3. Public Hearing: Dock and Ways applications (proposed locations on Bates Island; applicant is Casco de Gama LLC).
   Tim Forrester of Atlantic Environmental, representing applicant Casco de Gama LLC, presented the project. Following Tim’s presentation, the Planning Board asked questions about the project and the public was invited to comment.

   Motion: Moved by Carol White and seconded by Chip Corson, for the purposes of tonight’s application, we review the pier application which consists of the pier, ramp and float.
   Vote: 5-0, motion carried

4. Close Public Hearing
   Motion: Moved by Kyle Koerber and seconded by Carol White to close the public hearing at 7:40 PM.
   Vote: 5-0, motion carried

5. Open regular Planning Board meeting
6. Review minutes from March 22 Public Hearing and March 27 PB meeting: postponed to next meeting

7. Board deliberations on Casco de Gama LLC applications
   - Haul-out is not part of the project description on the application.
   - Members talked about their concerns for public access.
   - Bob read aloud the Coastal Waters Commission recommendation to the Planning Board.
   - The Board noted that the Coastal Waters recommendation does not mention the haul-out.

8. Follow-up items:
   a. Zoning map enhancements
      Judy Colby-George is working on the map.
   b. Next steps: zoning ordinance changes
      - Bob reported that the Town Meeting was successful, with unanimous votes on the proposed zoning ordinance changes.
      - At next regular meeting on May 8th the Board can get back into ordinance updates. Bob suggested starting with a list of potential issues. Board members can prioritize the list. The plan is to bring some amendments to the annual town meeting in 2019.

9. Other business
   - Planning Board meeting on April 24th to hear a shoreland zoning application from the Chebeague Island Boatyard
   - Does the Board want to cut back to one meeting per month through the summer?

10. Public comment: none

11. Adjourn: The meeting adjourned at 8:30 PM.

Respectfully submitted,

Gloria J. Brown, Deputy Clerk
Findings of Fact & Conclusion of Law

Date: April 10, 2018  
Application Type: Permanent Pier with Seasonal Ramp and Float  
Owners Name: Casco de Gama, LLC  
Agent for Owner: Atlantic Environmental, LLC C/O Tim Forrester  
Located on Bates Island  
Zoning District: Resource Protection

Project Description:

The applicant has applied for a Shoreland zoning application to install a six (6’) foot wide by eighty (80’) foot long pile-supported pier, with a three (3’) foot wide by forty-eight (48’) foot long seasonal ramp and a twelve (12’) foot wide by twenty-four (24’) long float. The project includes the construction of a float haul out for off-season storage of the float. The property is Tax Map I-10, Lot 003, located on Bates Island.

FINDINGS OF FACT:

- The owner of the property, Casco de Gama, LLC, has provided the Planning Board (Board) with a deed recorded in the Cumberland County Registry of Deeds, Book 33124, Page 82.
- Mr. Forrester provided the Board with a letter of authorization from Casco de Gama, LLC, showing reasonable right, title and interest in the property.
- The Board has demonstrated jurisdiction through the following sections of the Town Chebeague Island Zoning Ordinance (Zoning Ordinance), Ch. 17 Art. II, § 204.2.B, § 421, & § 602.5.
- The Board concluded that there are no conflicts of interest between any Board members and the applicant.
- The Town Clerk mailed notices to abutters and posted the notice at the Town Office on February 21, 2018. Additionally, the Town Clerk placed notices of the public hearing in The Forecaster, on March 1, 2018, and in the Portland Press Herald on February 23, 2018.
- The Coastal Waters Commission held a public hearing on March 8, 2018 to review the application and issued a written recommendation of approval to the Board on March 8, 2018.
- The Board held a public hearing on April 10, 2018.
- Ch. 17 Art. II, § 206.6.C, allows the Board to schedule a site inspection; the Board decided not to conduct a site walk.
- The Board found the application to be complete on April 10, 2018.
Ch. 17 Art. II, § 421.4

The following standards shall apply to all piers, docks, floats, wharves, bridges, and other structures and uses extending over and beyond the normal high water line of a body of water, submerged lands or wetland:

No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 204.2.C, a second structure may be allowed and may remain as long as the lot is not further divided.

The Board finds the Applicant is proposing one dock on their property; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Bob Earnest and seconded by Carol White to approve this finding.

Vote: 5-0

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

The Board finds that the pier as designed will be constructed of driven pilings, the soils will be adequate and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Chip Corson to accept this finding.

Vote: 5-0

B. The location shall not interfere with existing developed or natural beach areas.

The Board finds that the location of the project will not interfere with existing natural beach areas as these resources are not located in the vicinity of the project; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Chip Corson and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

C. The facility shall be located so as to minimize adverse effects on fisheries.

The Board finds that this structure will not impact eel grass and should have a minimal effect on fisheries; and therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

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.
The Board finds that the proposed dimensions are reasonable for the purpose of the pier and that there are similar structures in the town; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

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.

The Board finds the applicant is not proposing any new structure other than the proposed pier; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

F. No existing structures built on, over or abutting a pier, wharf, dock 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.

The Board finds this criterion is not applicable.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

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.

The Board finds this criterion is not applicable.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

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.

The Board finds the application does not propose any lighting; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

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 Board finds that based on the application statement that the underside of the pier will range from 10.6 feet to 8 feet, there should be adequate height to allow access for fishing, fowling and navigation; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

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.

The Board finds this criterion is not applicable.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

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 Board finds that the applicant has applied for permits from the Maine Department of Environmental Protection (MDEP) and Army Corps of Engineers (ACOE). The applicant is aware that the Code Enforcement Officer will not issue any building permits until the approvals from the MDEP, ACOE, and the Wharfing-Out Permit from the Board of Selectmen have been granted; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

L. Vegetation may be removed in excess of the standards in Section 427.5 of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

The Board finds the applicant does not propose to remove any vegetation in excess of the standards in Section 427.5; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

M. 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.

The Board finds that town staff has advised the Board that the abutter was notified by mail and public notices were posted and published as required; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

Ch. 17 Art. II, § 602.5.C. Criteria for Review

1. After the submission of a complete application to the Code Enforcement Officer or the Planning Board, the Code Enforcement Officer or the Planning Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

a) Will maintain safe and healthful conditions;

The Board finds the project as proposed will not create unsafe or unhealthful conditions and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

b) Will not result in water pollution, erosion, or sedimentation to surface waters;

The Board finds the project as proposed will not create water pollution, erosion or sedimentation; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Jane Frizzell to accept this finding.

Vote: 5-0

c) Will adequately provide for the disposal of all wastewater;

The Board finds this criterion is not applicable.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0

d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

The Board finds that based on the conditions as described, where no eel grass will be impacted, this project will not have an adverse effect on spawning grounds, fish, aquatic life, bird or other wildlife habitat; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.

Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.

Vote: 5-0
e) Will conserve shoreland vegetation;
    The Board finds the project as proposed does not propose to remove vegetation in excess of standard 427.5 and thus will conserve shoreland vegetation; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.
    Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.
    Vote: 5-0

f) Will conserve shore cover and visual as well as actual points of access to inland and coastal waters;
    The Board finds that the proposed pier as designed will conserve access to the shore; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.
    Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.
    Vote: 5-0

g) Will protect archaeological and historic resources as designated in the Comprehensive Plan;
    The Board finds that to our knowledge there are no archaeological or historic resources on the subject property; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.
    Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.
    Vote: 5-0

h) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/ Maritime Activities Overlay District;
    The Board finds this criterion is not applicable.
    Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.
    Vote: 5-0

i) Will avoid problems associated with flood plain development and use; and
    The Board finds the project as designed should not result in problems associated with flood plain development and use; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.
    Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.
    Vote: 5-0

j) Is in conformance with the provisions of this Article.
    The Board finds this project is in conformance with the provisions of this Article; and, therefore, based on this information above and in the record the Board finds that this criterion will be met.
    Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.
    Vote: 5-0
k) Is not in a floodplain adjacent to tidal waters (RP/FP Overlay District), and that an approved Letter of Map Amendment has been issued by the National Flood Insurance Program
The Board finds the property is in the RP/FP Overlay District and so this criterion is not applicable;
Motion: Moved by Carol White and seconded by Kyle Koerber to accept this finding.
Vote: 5-0

CONCLUSION:

Therefore, the Town of Chebeague Island Planning Board hereby approves with the following conditions, the application for Casco de Gama, LLC to install a six (6') foot wide by eighty (80') foot long pile-supported pier, with a three (3') foot wide by forty-eight (48') foot long seasonal ramp and a twelve (12') foot wide by twenty-four (24') foot long float, as described in the application dated February 16, 2018 and the above findings of facts.
Motion: Moved by Carol White and seconded by Kyle Koerber to approve this conclusion and conditions.

Vote: 5-0
Conditions of Approval:

- Soil Erosion Control and Stormwater Management Measures shall be in place prior to construction; the Code Enforcement Officer may require additional measures be taken.
- Wharfing out and Building permits shall be obtained prior to the start of construction/use.
- This approval will expire twelve (12) months from the date of Planning Board approval if the project or the use has not been started within this allotted time.
- A certified person in erosion control practices by the Maine Department of Environmental Protection must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
- No lighting has been approved with this application, separate review and approval from the Board will be required to install any lighting on the pier, ramp, or float.
- 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, any alterations that are not de-minimis shall require Planning Board approval as an amendment to this approval.
- 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.

Pursuant to Section 206.13 of the Zoning Ordinance anyone aggrieved of this decision may file a written appeal within Thirty (30) Days of date of this decision in accordance with Rule 80-B of the Maine Rules of Civil Procedure.
Town of Chebeague Island Planning Board

Robert Earnest, Chairman

Carol White

Jane Frizzell

Carlin Bowman

Nancy Hill

John Corson

Kyle Koerber

April 10, 2018
Date: February 21, 2018

To: Applicant, Planning Board Members, Coastal Waters Commission Members and Abutters within 1500’ of Map 110 Lot 3

RE: New dock consisting of a pier, ramp, and float
Located on: Bates Island
Zoning District: Resource Protection

The Coastal Waters Commission will hear and review the following application:

A request for a new six (6) foot wide by eighty (80) foot long pile supported pier that will connect to a three (3) foot wide by forty-eight (48) foot long seasonal ramp and a twelve (12) foot wide by twenty-four (24) foot long float. The project includes the construction of a float haul out. The meeting will be conducted on Thursday, March 8, 2018 at 6:00PM at the Chebeague Island Town Office, located at 192 North Road, Chebeague Island, ME.

The Planning Board will hold a Public Hearing and review the following application:

A request for a new six (6) foot wide by eighty (80) foot long pile supported pier that will connect to a three (3) foot wide by forty-eight (48) foot long seasonal ramp and a twelve (12) foot wide by twenty-four (24) foot long float. The project includes the construction of a float haul out. The meeting will be conducted on Tuesday, April 10, 2018 at 7:00PM at the Chebeague Island Recreation Center, 382 North Road, Chebeague Island, ME.

Everyone who receives this notice is invited to attend. A copy of the meeting materials may be viewed at townofchebeagueisland.org or at the Chebeague Island Town Office, located at 192 North Road.

Respectfully Submitted,

Marjorie Stratton
Town Administrator
207-846-3148