



Town of Chebeague Island

192 North Road
Chebeague Island, ME 04017
codeoffice@chebeague.net
www.townofchebeagueisland.org

Date: August 18, 2014

To: Applicant, Appeals Board Members, Code Enforcement Officer, and Abutters of Map I-06 Lot 031

From: David Stevens, Chairman Board of Adjustment and Appeals

RE: Variance Setback for Map I-06, Lot 031

Located at: 14 School House Road

Zoning District: Island Residential

The Board of Adjustment and Appeals will hold a public hearing for:

A request for a special exception appeal by, Maine School Administrative District #5, Map I-06, Lot 031, located at 14 School House Road. The Public Hearing will be conducted on Wednesday, August 27, 2014 at 7:00 PM, at the Chebeague Island Recreation Center, 382 North Road, Chebeague Island, ME.

All Abutters who receive this notice are 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,

David Stevens
Chairman Board of Adjustment and Appeals

Public Notice
Town of Chebeague Island

Notice is hereby given that the Chebeague Island Board of Adjustment and Appeals will hold a Public Hearing for a Special Exception Appeal on Wednesday, August 27, 2014 at 7:00 PM at the Chebeague Recreation Center, 382 North Road, Chebeague Island, ME.

Agenda:

- Special Exception for Maine School Administrative District #5, Map I-06 Lot 031, Located at 14 School House Road

TOWN OF CHEBEAGUE ISLAND
BOARD OF ADJUSTMENT AND APPEALS

INSTRUCTION SHEET

Dear Applicant:

The Board of Adjustment and Appeals meetings on as needed basis.

Please fill out the form completely to expedite processing, and return with the \$100.00 application fee.

Before filling out the form, please be absolutely sure you understand the applicable sections of the Chebeague Zoning Ordinance. If you have any questions, the Code Enforcement Officer will be most happy to assist you.

File with your form a plot plan of the property in question, drawn generally to scale, showing EXACT distances from buildings (if any) to all lot lines, on 8 1/2 x 11 inch paper (or larger), and showing location and distances to all public and private rights of way. Please provide ten (10) copies of your application and plans. You may wish to present other maps, drawings, etc. to the Board which will support your application.

At your hearing, you will be expected to present as strong an argument for your application as you can. While members of the Board may ask you for information and documentation, it is not our function to make your case for you.

The format of your hearing will be as follows:

1. You will be asked to present your position to the Board.
2. Opponents and proponents will be asked for their comments.
3. Board members may wish to ask you, opponents, and proponents for information, documentation and certain other facts.

When the Board is satisfied that all have been adequately heard, they will vote to "close the public portion" of the hearing. This means that the Board will participate in further discussion while you, the other participants in your hearing and the public are entitled to stay and observe our debate and votes.

Finally, we solicit your understanding that as fellow citizens, appointed to the Board by the Chebeague Island Board of Selectmen, we must operate within the strict limitations placed upon us by the Chebeague Island Zoning Ordinance and the laws of the State of Maine, and do not, therefore, enjoy broad discretionary powers.

Sincerely,

Chairman
Board of Adjustment & Appeals

*Town of Chebeague Island
Board of Adjustments and Appeals
Rules of Procedure*

1. *No business may be transacted by the Board without a quorum, consisting of four (4) members. The concurring vote of a majority of those voting, but at least three (3) votes, is necessary to grant any application. If any matter fails to receive a favorable vote of a majority of the Board members voting, the application will be deemed to have been denied.*
2. *All testimony must be presented at the podium so that it can be recorded. Testimony will be videotaped the videotape will be available for inspection at the Town Office during regular business hours.*
3. *Applicants will first state their case and may present testimony and offer evidence. The burden of proof is on the applicant to present all the evidence the Board needs to determine whether the project will comply with every applicable requirement of the Ordinance. Applicants are strongly encouraged to provide with their written submissions all evidence in support of their application.*
4. *Following the conclusion of the applicant's case, members of the public may present testimony and offer evidence, in the following order: first, those in favor of the application; second, those opposed to the application ; and third, those neither for nor against the application.*
5. *Applicants may then offer rebuttal evidence.*
6. *Parties, acting through the Chair, may cross-examine witnesses. The Chair may limit irrelevant, immaterial, or unduly repetitious testimony. Members of the Board may ask questions at any time, with the permission of the Chair.*
7. *At the conclusion of the rebuttal evidence, the public portion of the proceeding will be closed, and the Board will rule on the application pursuant to the applicable provisions of the Town of Chebeague Island's Zoning Ordinance and Maine Law. The Chair may reopen the public portion during deliberations if the Chair determines it is necessary to do so in the interests of a full and fair hearing and a complete record.*
8. *After a decision has been made, the Board will not entertain a new appeal of similar import concerning the same property until one year has elapsed from the date of the decision, unless the Chair believes that an injustice was done because of a mistake of law or misunderstanding of fact or if the Chair believes a change has taken place in some essential aspect of the case sufficient to warrant a reconsideration of the appeal.*
9. *The Board's procedures also are governed by Maine law (30-A, M.R.S.A. §§ 2691 and 4353, or any successor statutes) and Section 603 of the Town of Chebeague Island's Zoning Ordinance.*

These rules were adopted on December 12, 2002 pursuant to 30-A M.R.S.A. § 2691 (3)(C).

Date: _____
Fee: _____
By: _____

**Town of Chebeague Island
Board of Adjustment and Appeals
SPECIAL EXCEPTION FORM**

****IMPORTANT: DO NOT COMPLETE THIS FROM UNLESS YOU UNDERSTAND AND COMPLY WITH THE INSTRUCTION SHEET. THE CODE ENFORCEMENT OFFICER WILL ASSIST YOU IF NEEDED.**

Please Type or Print:
I/We ROBERT EARNEST owner(s) of property at 14 School House Rd
Designated as parcel(s) Tax Assessor Map # 106, Lot # 031, under provisions of
Section 603.2.3 of the Zoning Ordinance of the Town of Chebeague Island, Maine, apply for a Special
Exception to the Ordinance. I/We understand that the Board may entertain applications for Special
Exceptions only in cases specifically listed as such in the regulations for various zoning districts and in
other cases specified in other provisions of the Ordinance. The special exception I/We are applying for is:
to build a 12x36 outdoor classroom picnic
shelter. This shelter will be an accessory
structure to the permitted Municipal building use in
the Island's Residential Zoning District.

708 226
Appellant(s)
Appellant(s) phone number: 857-7236

DECISION

Following a hearing and a vote of the Chebeague Island Board of Adjustment and Appeals on _____, you are hereby notified that your special exception has been
(GRANTED, subject to the following restrictions) or (DENIED due to a finding by the Board that:)

Signed _____

Special Exception standards, Section 603.2.3

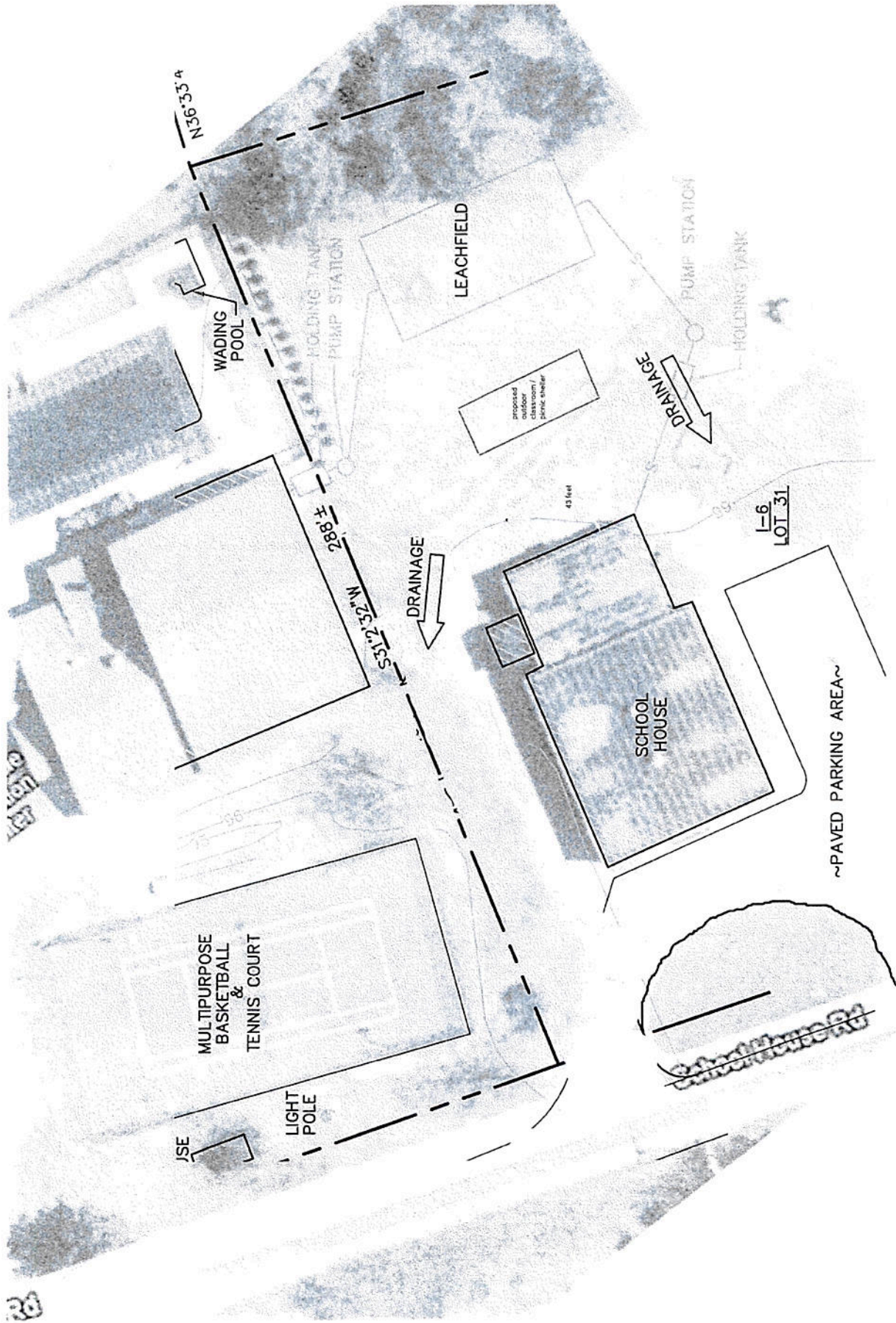
- .1 The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility to pedestrians and the operators of motor vehicles;*
- .2 The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;*
- .3 The proposed use will not create unhealthy conditions because of smoke, dust, or other airborne contaminants;*
- .4 The proposed use will be compatible with the uses that are adjacent to and neighboring the proposed location, as measured in terms of its physical size, intensity of use, visual impact, and proximity to other structures and the scale and bulk of any new structures for the proposed use shall be compatible with structures existing or permitted to be constructed on neighboring properties.*
- .5 The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or restrict access of light and air to neighboring properties.*
- .6 The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties.*
- .7 The proposed use has no unusual characteristics atypical of the generic use which proposed use will depreciate the economic value of surrounding properties.*
- .8 If located in a shoreland zone, the proposed use (i) will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; (ii) will conserve shoreland vegetation; (iii) will conserve visual points of access to waters; (v) will conserve natural beauty and (vi) will avoid problems associated with flood plain development and use. [Amended, effective 12/02/86]*

Section 603.2.7

In addition to the standards contained in Section 603.2.3, all special exceptions must conform with the performance standards set forth herein. No use already established on the date of adoption of this ordinance shall be so altered or modified as to conflict with or, if already in conflict with, to further conflict with these performance standards.

- .1 The volume of sound, measured by a sound level meter and frequency weighting network (manufactured according the standards prescribed by the American Standards Association), inherently and recurrently generated shall not exceed a maximum of 60 decibels at lot boundaries, excepting air raid sirens and similar warning devices;*
- .2 Vibration inherently and recurrently generated shall not exceed a peak particle velocity of .01 inches per sound at lot boundaries.*
- .3 No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by regularly recurring natural causes of forces, and all materials which cause fumes or dust, constitute a fire hazard, or are edible or otherwise attractive to rodents or insects if stored out-of-doors shall be in closed containers.*
- .4 The emission of noxious, odorous matter across lot boundaries in such quantities as to be offensive to persons of ordinary sensibilities is prohibited; and*
- .5 No discharge into any private sewage disposal system, or stream or into the ground of any materials in such temperature as to contaminate any water supply or otherwise cause the emission of dangerous or unhealthful elements is permitted, and no accumulation of solid waste conducive to the breeding of rodents or insects shall be allowed.*

[Amended, effective 12/02/86]



Plan A w/satellite image behind



Scale is 1" = 40 feet

Sent from my iPhone

Begin forwarded message:

From: Alton Hadley <Alton.Hadley@chebeague.k12.me.us>
Date: August 18, 2014 at 9:36:42 AM EDT
To: Bob Earnest <bob324@chebeague.net>
Cc: Nick Adams <codeoffice@chebeague.net>, Geoff Summa <geoffsumma@hotmail.com>, Laura Summa <laurasumma@hotmail.com>
Subject: Re: Board of Appeals - picnic shelter for CIS

Bob,

Yes, I give authority to you to act on behalf of the Chebeague Island School in the pursuit of a building permit for a shelter over the pizza oven.

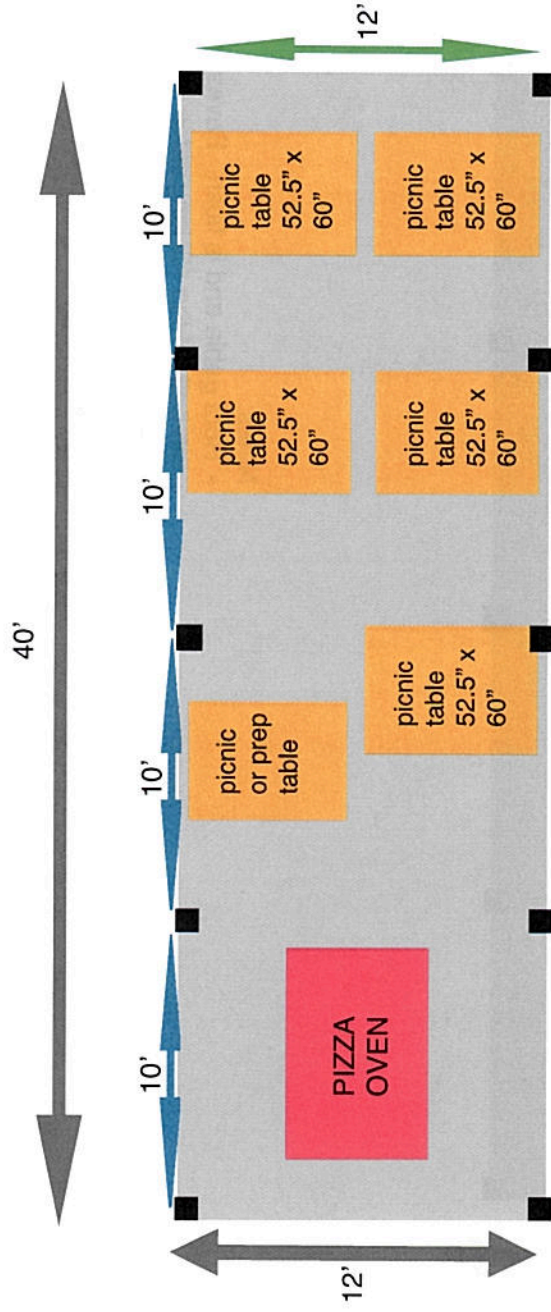
Again, the school community appreciates your groups' efforts in this project. It is certainly a welcome project for the school and the community.

Thanks, again for you effort.

Bump
Alton L. Hadley, III
Superintendent of Schools
Chebeague Island School Department

On Aug 18, 2014, at 9:26 AM, Bob Earnest wrote:

Plan view of support posts without roof

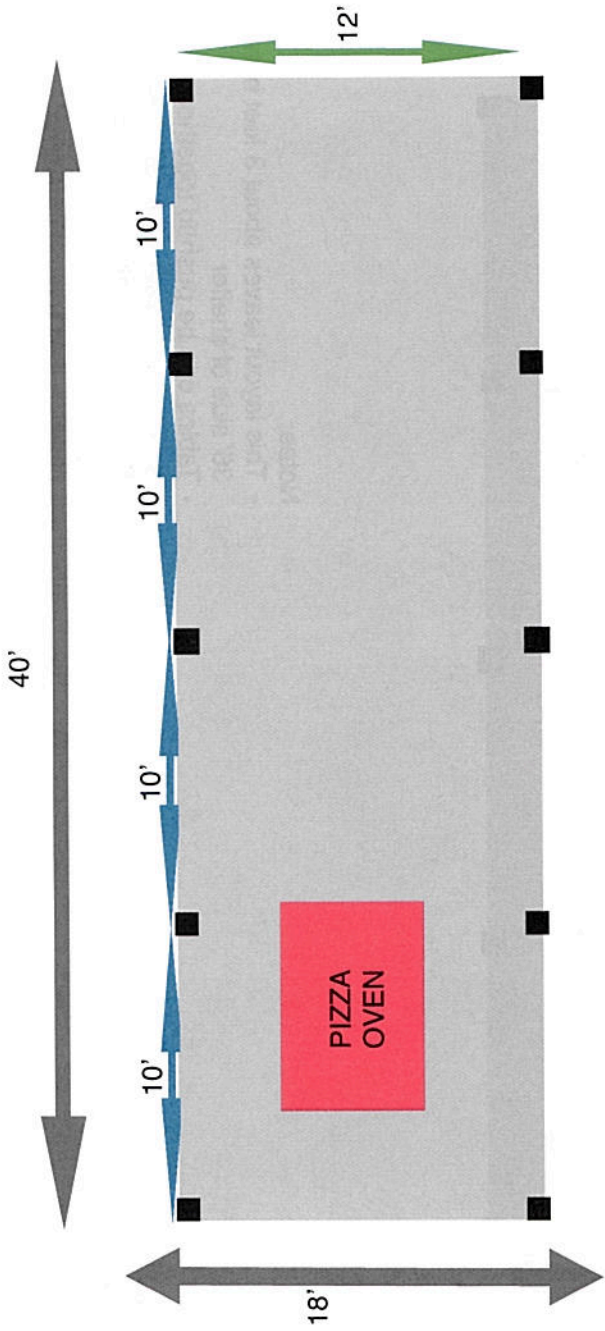


■ 8 x 8 PT posts, buried 4' in ground; 10' average clearance under roof truss support framing

Notes:

- This layout leaves about 3 feet between tables on 36' side of shelter
- Tables can be pushed together end to end or left with space between on 12" side
- Each table can sit 3 or 4 children on each side depending on size of child. So 6 tables 36 to 48 children if all 6 used for sitting.

Plan view with roof

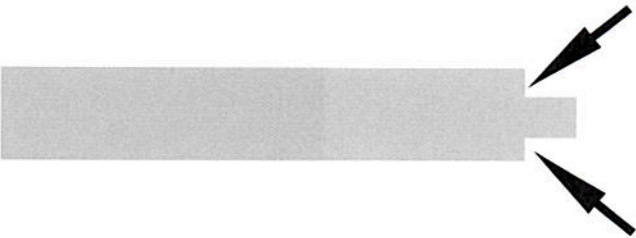


Notes:

- Roof gable end is flush. Eaves overhang by 3 feet on both of the 40' long sides long ends; roof covers 40' x 18'
- Roof trusses on 2' spacing, resting on 2x10 (vertical) topped with 1 2x8 (on the flat)

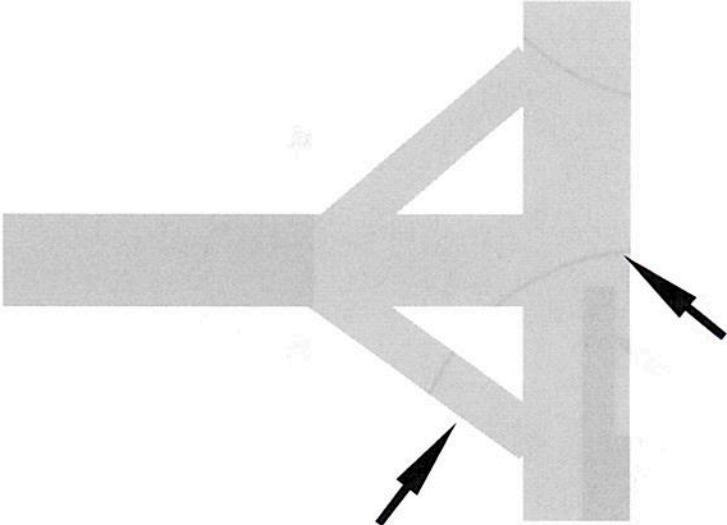
Truss Support Detail - 1

2" notches on either side at top leaving 3.5" tenon for attachment of 2 x 10's



8 x 8 x 16 P/T posts buried 4' in ground

Two 2 x 10's on edge, with one 2 x 8 top plate flat on top: see detail on next page



4 x 4 brace tight in space between 2 x 10's

Truss Support Detail - 2
Birds eye view under roof on top of 8 x 8's

