

Date: _____

Fee: _____

By: _____

Town of Chebeague Island
Board of Adjustment and Appeals
Special Exception Form

Important: Do not complete this form unless you understand and comply with the instruction sheet. The code enforcement officer will assist you if needed.

Please Type or Print:

I/We _____ owner(s) of property at

Designated as parcel(s) Tax Assessor Map # _____, Lot# _____, under provisions of Section 603.2C 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:

Appellant(s)

Appellant(s) phone number: _____

The Board must make a positive finding on each the following standards, please describe in the area provided how your proposed application will meet the applicable criteria.

603.2.C. Special Exception

The Board shall have the power and duty to approve, deny or approve with conditions special exceptions only where such approval is specifically required. Where an advisory report from the Planning Board is required, the Code Enforcement Officer shall refer the application to the Planning Board for its review and recommendations at least 30 days prior to the meeting of the Board of Adjustment and Appeals; however, where site plan or subdivision review is required, the applicant shall apply to the Board of Adjustment and Appeals for special exception approval prior to the submission of a detailed site plan for Planning Board approval, but any conditions imposed by the Board of Adjustment and Appeals shall be binding upon the applicant and upon the Planning Board. The applicant shall have the burden of proving that his application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Board shall approve a special exception application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use, with any conditions attached, meets the following standards:

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 afforded 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 unhealthful 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 in the neighborhood, which proposed use will depreciate the economic value of surrounding properties;

603.8 Special Exceptions in the Shoreland Zone

A. In addition to the criteria specified in Section 602.5.4 above, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection Overlay District on December 10, 1991.

3. All proposed buildings, sewage disposal systems and other improvements are Located on natural ground slopes of less than 20%; and

b) Located outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

4. The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.
