

**Minutes of the Meeting of the Board of Adjustment and Appeals
July 1, 2013**

Peter Rice, Secretary, arrived late

Capra Variance

Setback variance for a single family development

Applicant presented

Board asked questions

No opposition to the proposed variance by any abutters

Board determined that applicant met all of the requirements for setback variance

John Wilson noted that this is the type of request that comes to appeal board and it is obvious that proposed variance is not harmful in any way. He also noted that granting a variance like this is an appropriate action for BAA in order to make sure that the ordinance is not applied in a overly restrictive way

John moved for the granting of the variance

Tad seconded the motion

4 voted in favor

Peter abstained as he was late.

Todd Special Exception

Vicki Todd appeared on behalf of herself and presented her proposal seeking a special exception in order to conduct a home occupation, massage therapy.

Vicki noted that she was excited to have space in house to do massage therapy
She also noted that the space she intended to use for massage therapy had its own separate entrance and bathroom

Ron Tozier, CEO noted that he had visited the site

Vicki was asked about parking and she said that she had a big turn around and that parking should not be an issue as she will only have one client at time.

She was also asked about insurance and licensure; replying that she has already secured liability insurance and has obtained all licenses needed to operate a massage therapy practice from the state.

She also said that she planned to have small sign outside door and at end of her road. Vicki agreed to abide by all regulations regarding signs and seek a permit from the CEO before displaying any sign on her road.

Tina Runge spoke in support of the project.

It was noted that a special exception only applies to current owner and applicant.

Milo moved to grant the applicant a special exception in order to open a massage therapy practice.

Tad seconded

Vote was unanimous in favor of the motion.

Carleton Special Exception

Linda Carleton appeared on behalf of herself seeking a special exception in order to have a home occupation. The home occupation would be for painting mandalas and organizing spiritual retreats.

Ron Tozier, CEO, noted that he had not visited the site.

The applicant noted that this was an art related business.

It was also noted that since the property was in the Shoreland Zone, the Planning Board would also have to grant a permit to operate a home occupation.

The applicant noted that she was thinking about painting scenes of boats and from the boatyard.

She also noted that there was a separate building on the property that could be used as a studio for painting and for displaying and selling the mandalas.

The applicant said that if her business grew and she got orders, she might be able to hire people to assemble the mandalas and that they could assemble them from their home

The applicant said that her work might also include retreats and spiritual work with in a circle, but that the retreat or circle work would not be done at her residence.

In response to a question about signage, she said that she was thinking about putting a sign on fence near house. She agreed to seek a permit from the CEO before displaying any signs and to abide by all regulations pertaining to signs.

The applicant also discussed traffic, about how people could walk up from the Casco Bay Lines (CBL) boat, and that the personnel on the CBL boat would announce on the boat the existence of a mandala studio.

The board then discussed parking with the applicant. The applicant agreed that the only parking for the site is a town parking lot

The Board noted that the town parking lot was used by a number of interests, some private, others public. The interests included, Casco Bay Lines, those in the fishing and lobstering industries, the water taxi, private businesses such as FairPoint and Central Maine Power, the U.S. Post Office and those engaged in sport fishing.

It was noted that the town parking lot was for use by the public for business purposes.

The applicant agreed that parking was ok now but that it might have to be revisited at a later time.

The applicant noted that under the current situation, as a result of the redesign of the parking area, she and her family have two parking spaces reserved for them and there was not any room for a third parking space.

A discussion the ensued about the differences between a home occupation and a home based occupation.

Finally, it was noted that cottage industries and home occupations are the kinds of business Chebeague should encouraging.

It was the sense of the board to include a condition on issue the permit for a special exception that if the CEO received complaints about the use of the town parking lot in support of this home occupation that the CEO had the discretion to bring the matter back to the Board for review.

John move to approve with condition that the Board be allowed to revisit decision if the CEO requests that the Board revisit the granting fo the special exception.

Milo seconded the motion.

4 voted in favor granting the special exception

The meeting adjourned at 7:23 pm.