

**TOWN OF CHEBEAGUE ISLAND
BOARD OF ADJUSTMENT AND APPEALS AGENDA
AUGUST 17, 2023**

CALL HEARING TO ORDER

DETERMINE WHETHER QUORUM EXISTS

APPROVE MINUTES OF MAY 25, 2023, MEETING

DISCUSS NEW BUSINESS

**APPLICATION FOR SPECIAL EXCEPTION THE 50-FT ROW FOR LOTS I04-S52
AND I04-S57 BY PHILLIP TONKS AND JAMES FREEMAN**

HOLT LETTER IN SUPPORT OF TONKS/FREEMAN APPLICATION

CONFLICT OF INTEREST OR BIAS

PROPER NOTICES GIVEN

SUMMARIZE APPEAL

ESTABLISH JURISDICTION/ TYPE OF REVIEW AND ROLE OF BAA

ESTABLISH STANDING OF APPLICANTS

REVIEW APPLICATION AS TO COMPLETENESS AND PAYMENT OF FEES

CHAIR'S EXPLANATION OF RULES OF PROCEDURE

PRESENTATION BY APPLICANTS

QUESTIONS FROM BOARD MEMBERS

PRESENTATION BY ABUTTERS

QUESTIONS FROM BOARD MEMBERS, APPLICANTS, AND THOSE

DIRECTLY AFFECTED

REBUTTAL BY ANYONE WHO TESTIFIED EARLIER

COMMENTS/QUESTIONS FROM OTHERS

CLOSE HEARING TO PUBLIC COMMENTS

CONDUCT DELIBERATIONS

CONDITIONS TO BE MET

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;

UNDUE HARDSHIP TEST (authorizes the board of appeals to grant zoning variances [Including shoreland zoning variances] “only when strict application of the ordinance to [the person seeking the variance and his or her] property would cause undue hardship”)

1. The land in question cannot yield a reasonable return unless a variance is granted;

2. **The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;**
3. **The granting of a variance will not alter the essential character of the locality;**
AND
4. **The hardship is not the result of action taken by the applicant or a prior owner.**

MAKE A DECISION

ADJOURN HEARING