

Date: 3/1/24
Fee: \$200
By: _____

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

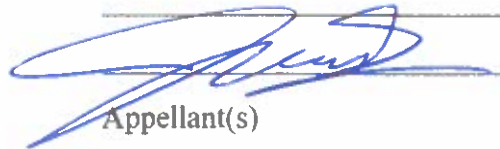
Important: Do not complete this form unless you understand and comply with the instruction sheet. The code enforcement officer will assist you if needed.

Please Type or Print:

I/We Jean-Louis & Meredith Beaupre owner(s) of property at
326 North Road, Chebeague Island, ME 04017

Designated as parcel(s) Tax Assessor Map # 106, Lot# 025, 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:

Auto repair service garage as a home occupation per section 414.1
of the Town of Chebeague Zoning Ordinances.


Appellant(s)

Appellant(s) phone number: 207-570-8042

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;

No

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;

No

3. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

No

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;

Yes

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;

No

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;

No

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;

No

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

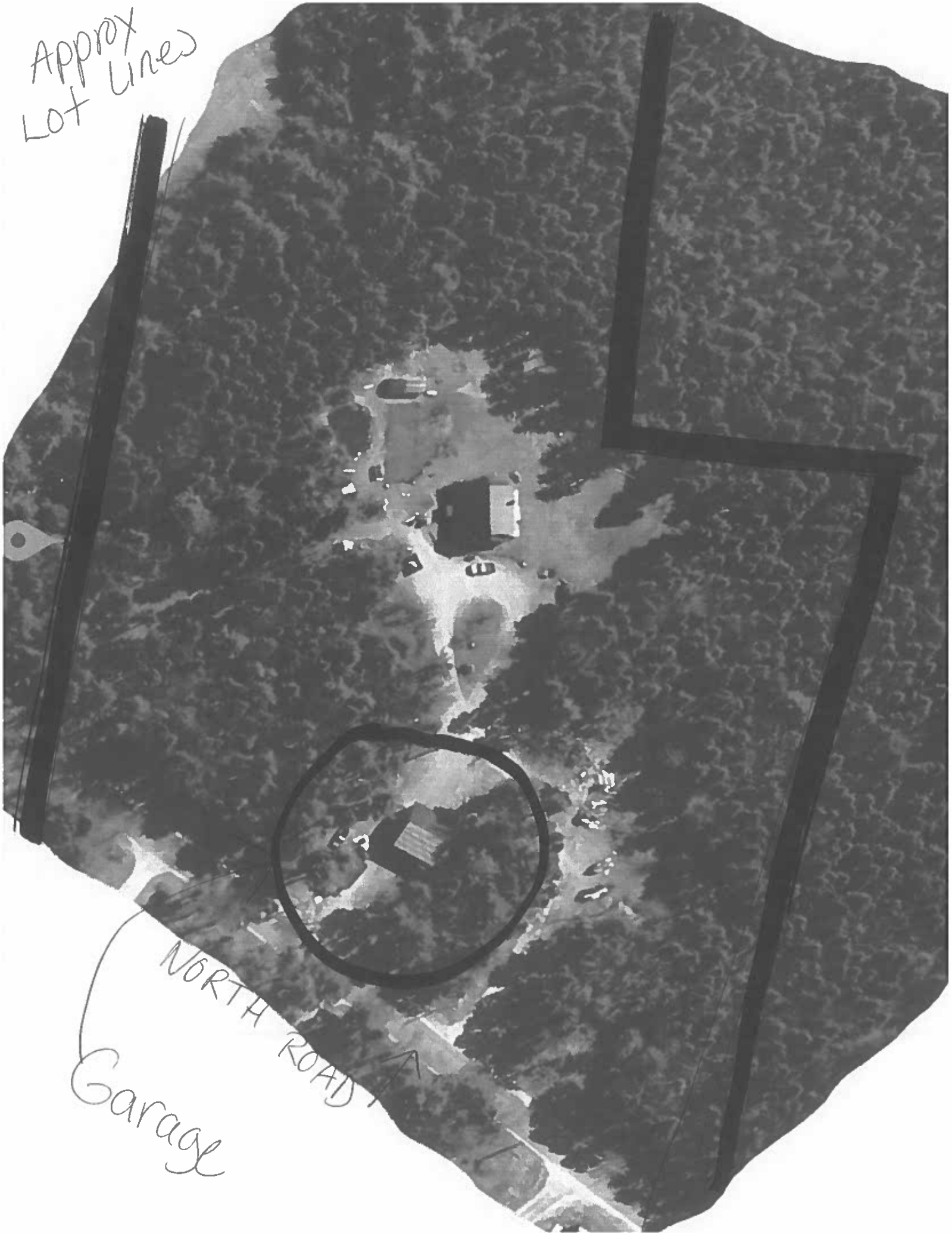
b) Located outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above 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.

Approx
Lot lines



NORTH ROAD ↑

Garage



WARRANTY DEED
Joint Tenancy

KNOW ALL PERSONS BY THESE PRESENTS, THAT WE WAYNE C. DYER and ARLENE S. DYER in consideration of One Dollar (\$1.00) and other valuable considerations, paid by JEAN-LOUIS L. BEAUPRE and MEREDITH BEAUPRE whose mailing address is 60 Booker Street, Thomaston, Maine 04861, the receipt whereof we do hereby acknowledge, do hereby **give, grant, bargain, sell and convey** unto the said, JEAN-LOUIS L. BEAUPRE and MEREDITH BEAUPRE as joint tenants and not as tenants in common, their heirs and assigns forever,

See Attached Legal Description in Exhibit A

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said JEAN-LOUIS L. BEAUPRE and MEREDITH BEAUPRE as joint tenants and not as tenants in common, their heirs and assigns, to their own use and behoof forever.

AND we do **covenant** with the said Grantees, their heirs and assigns, that we are lawfully seized in fee of the premises, that they are free of all encumbrances; that we have good right to sell and convey the same to the said Grantees to hold as aforesaid; and that we and our heirs shall and will **warrant and defend** the same to the said Grantees, their heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, we the said WAYNE C. DYER and ARLENE S. DYER have hereunto set our hands and seals this 28 day of January, 2010.

Signed, Sealed and Delivered
in presence of

James H. Prud
Witness

Wayne C. Dyer
Wayne C. Dyer

Debra K. Bowman
Witness

Arlene S. Dyer
Arlene S. Dyer

STATE OF MAINE
COUNTY OF CUMBERLAND, SS.

January 28, 2010

Then personally appeared the above named WAYNE C. DYER and ARLENE S. DYER and acknowledged the foregoing instrument to be their free act and deed.

SEAL

Before me, *Martha O. Hamilton*
Notary Public/~~Attorney-at-Law~~

MARTHA O. HAMILTON
Printed Name

MY COMM EXP. NOV. 21, 2014

EXHIBIT A

Two certain lots or parcels of land, together with any buildings thereon, situated in the town of Chebeague Island, Cumberland County, State of Maine, being more particularly described as follows:

FIRST:

Beginning on the road on the line between Charles & Enoch Hamilton's land, now or formerly; thence running southwesterly twenty-four (24) rods to land now or formerly of Avon Cleaves; thence southeasterly thirty (30) rods; thence northeasterly fourteen (14) rods to a stake and stones; thence northwesterly twenty-four (24) rods to the first mentioned bounds, containing three (3) acres and thirty-three (33) rods, more or less.

SECOND:

Beginning on the road in the line between Enoch and Charles Hamilton's land, now or formerly; thence running northeasterly fourteen (14) rods; thence southeasterly forty-six (46) rods to land now or formerly of David Upton; thence by said Upton land twenty (20) rods; thence northwesterly twenty-four (24) rods to the first mentioned bounds, containing four (4) acres and sixty-five (65) rods, more or less.

For reference see deed of Lillian G. Stone to Ethel S. Swan and Colby C. Swan dated June 3, 1981 and recorded in the Cumberland County Registry of Deeds at Book 4799, Page 342.

Meaning and intending to convey the same premises conveyed to the Grantors herein by deed of Colby C. Swan and Ethel S. Swan dated July 16, 1999 and recorded in the Cumberland County Registry of Deeds of Deeds in Book 14923, Page 229.

Received
Recorded Register of Deeds
Feb 11, 2010 02:31:00P
Cumberland County
Pamela E. Lovley