

Town of Chebeague Island
192 North Road
Chebeague Island, ME 04017

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www.townofchebeagueisland.org

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MEMO

To: Vika Wood, Town Administrator
From: Jim Butler, Code Enforcement Officer
Date: 9/28/2022
Re: Monthly Report

September continued to be a busy month in the code office. I assisted the Town Administrator on getting State permission to add fill at Bennetts Cove this past week. Below is the exemption which allows the Town Public Works Department to do such work as necessary.

9. Public works. A permit is not required for emergency repair or normal maintenance and repair of existing public works which affect any protected natural resource. An activity which is exempt under this subsection shall employ erosion control measures to prevent sedimentation of any surface water, shall not block fish passage in any water course and shall not result in any additional intrusion of the public works into the protected natural resource. This exemption does not apply to any activity on an outstanding river segment as listed in [section 480-P](#);

I did also have a chance to review the Growth Management Ordinance with Bob Earnest & Bo Beaupre as there were some questions pertaining to how many the Town had left. Within the ordinance it has some language which contradicts the other. Below are the two sections that cover it:

- "107.1.2. No more than twenty (20) Permits over a 5 Year period, beginning on July 1, 2001. shall be issued."
- "107.3.3.6. If, at the end of any calendar year, there are any unissued Growth Permits still available, they shall not be carried over to the next year, except as permitted in Section 107.5."

I do now agree that section 107.3.3.6. prevails and they cannot be carried over from year to year. I do think this ordinance needs some updating and I believe the selectmen need to discuss how many are appropriate. As of right now I know of at least 2 people that would take a growth permit if we had them left. So that means in 2023 we are most likely going to issue all growth permits as soon as they are available or shortly thereafter. I also have suggested in the past that this fee go up substantially. It currently is only \$100.00. Many other towns this fee is in the thousands.

The Town received a Freedom of Information Act request from an attorney for any records pertaining to any and all construction permits, and/or inspections for Hope Island from 1/1/2018-10/31/21. I am fulfilling this request and I don't have any context into why this information is being asked for.

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Doughty Complaint: You were all included in an email from Justin & Courtney Doughty it referenced a complaint that was filed last year on the Jim Fowler property where he stores his equipment for his tree cutting service. This operation has been in existence on this site prior to my arrival as CEO on the island. As I received the initial complaint I did investigate it and visited the site and worked with the owner to get the curb appeal improved. This included removal of junk vehicles, removal of a camper, and general organization of the site. I have also reviewed the Town ordinances and this type of operation falls within a gray area of our ordinances. I believe the best path forward was to get constructive feedback from the Doughtys and then for the Town to work with Fowler to enter into a consent agreement. This consent agreement would lay out the nature of the complaints and then find some parameters to reduce these complaints via hours of operation, buffering from the street, and general housekeeping. Also get a submitted site plan showing current layout so down the road if any expansion is wanted it may be required to go through full planning board review. The Doughtys did not like my path forward and believe I am not doing my job and that I should go shutdown Jim Fowler ASAP. While the Fowler property is unsightly I do not believe any of our ordinances have been violated. Doughtys referenced a past enforcement where a temporary saw mill was being used without approval. The difference with that is there is a specific mention of that activity within our ordinance. With what Fowler is doing it does not fall into a specific category and as I explained to the Doughtys I consider it a "Contractor Storage Yard" which that definition does not currently exist in our ordinances.

There are many other properties on Island that are similar in nature with contractors storing items along with dilapidated structures. If it is the wish of the Selectboard to get these properties cleaned up I believe this has to be done uniformly and the best route is gaining voluntary compliance. To do this work it will also take time. With the recent uptick in construction my time is spent fielding phone calls, emails, on site inspections, plan review, and permitting. These activities consume my allotted time and then some.

I am sure the Doughtys will come to your next meeting and voice their opinion on the matter. As I told the Doughtys my opinions are backed by training, experience, and certifications. My actions represent what I have been trained to do and that is to enforce and interpret ordinances and apply them uniformly. I am trying to keep the town out of court for selective enforcement and being biased against a single property owner.

September Permits Issued: *(Specifics can be found on Town Website under Code Enforcement)*

Building Permits:5

Electrical Permits:1

Shoreland Zone:1

Subsurface Wastewater:1

Internal Plumbing: 0

Growth Permits:0