TOWN OF LONG ISLAND PLANNING BOARD
PO Box 263
Long Island, Maine 04050
207−766−5820

Planning Board Meeting Minutes
January 29, 2008

Present: Nancy Berges, Brad Brown, Emily Jacobs, David Johnson, Tom Johnson, Curt Murley and Ruth Peterson

1. Meeting Convened:

Meeting was called to order at 7:15 PM by Chairperson Jacobs with seven (7) members present. Quorum met.

2. Minutes of Previous Meeting :

On a motion by Tom Johnson which was seconded by Nancy Berges, the minutes of the January 16, 2008 meeting were accepted as read by a unanimous vote.

3. Public Hearing: None

4. Correspondence:

A letter dated January 29, 2008 was received from Robert Crawford, the town attorney, regarding the Wary Spar Project site plan review and subdivision applications. A copy of this letter is attached to these minutes as attachment #1.

5. Report of the CEO: None

6**. Committee Reports:** None

7. Old Business:

Review Wary Spar Site Plan/Subdivision Review Application

Before resuming the review of the completeness of the Wary Spar Project site plan review and subdivision applications, Curt Murley noted that the provisions of our Land Use Ordinance seem to imply that Appeals Board action on a conditional use permit is required before the Planning Board can act on a site plan review application that requires a conditional use permit. To support this interpretation of the Land Use Ordinance Mr. Murley pointed out that Article 10.3.D.12 states that "*Where the approval of the Zoning Board of Appeals is required, such approval must be obtained before the Planning Board undertakes consideration of an application for Site Plan Review.* ". To further support this interpretation Mr. Murley pointed to sections B(1), C(2) and E of Article 13.6 dealing with the Appeals Board procedure for handling applications for conditional use permits. Mr. Murley went on to note that the applicant was advised by our town attorney in a letter dated September 5, 2007 (see attachment #2 to these minutes) that in his opinion the Appeals Board would not have enough information to act on his conditional use permit request until the Planning Board had acted on the site plan and subdivision review applications. The board generally agreed that there is some doubt as to the precedence of action by the Appeals and Planning Board in this case and asked the Chair to request clarification of the advice given by the town attorney to the applicant in the September 5, 2007 letter.

Review of the completeness of the Wary Spar Project resumed at Article 3.9.E of the Land Use Ordinance using as a guide the document titled "Wary Spar Project Site Plan and Subdivision Review − Applicable Criteria, Performance Standards and Requirements" (see attachment #3 to these minutes).

Article 3 Zoning District Standards
- Section 9 Island Business Zone
  - E. OK
  - F. We need a plan for the off−street parking that will be provided under the deck. The plan should show the method of access and the number of spaces that will be provided.

Article 4 Shoreland Zoning District Standards
- Section 17 Shoreland Zone Performance Standards
  - A. OK
  - B. OK
  - C. OK
  - D. OK
  - E. OK
  - F. OK
  - G. OK
  - H. OK
  - I. OK
  - J. OK
  - K. OK
  - M. OK
- Section 18 Administration
  - A. OK

Article 6 Non−conforming Structure, Uses and Lots
- Section 1 Generally
  - B. OK
  - C. OK
- Section 2 Non−conforming Structures
  - B. OK
  - C. If we find that this section applies then we will need information regarding the requirements of the zoning ordinance in effect for new construction on this lot on June 5, 1957 in order to make a finding for item 1.
  - D. OK
- Section 3 Expansion in the Shoreland Zone
  - A(1) OK
  - A(2) OK
- Section 4 Non−conforming Uses
  - A. OK
  - B. OK
  - C. OK
  - D. OK
  - E. OK
- Section 5 Non−conforming Lots of Record
  - C. OK

Article 7 Townwide Performance Standards
- Section 2 OK
- Section 6 OK

Section 7 OK
Section 15 OK
Section 7.24 OK

The hour being late the committee agreed to postpone consideration of the completeness of the application with respect to subdivision review until the next meeting.

Before concluding action on this item, the committee also agreed to require the applicant to submit eight (8) copies of any additional material that we find necessary in order to consider the application complete.

8. New Business: None

9. Other: None

10. Adjournment:

The meeting adjourned at 9:15 PM. The next meeting was set for 7:15 PM at the Town Office on Tuesday February 12, 2008.

Submitted by:

Curtis Murley
Secretary, Town of Long Island Planning Board

Cc: Town Clerk
Board of Selectmen