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

Planning Board Meeting Minutes
February 19 and 26, 2008

Note: This meeting took place over a period of two days, February 19, 2008 and February 26, 2008.

Present: Nancy Berges, Emily Jacobs, David Johnson, Curt Murley, Ruth Peterson and Tom Johnson (absent on February 19, 2008)
Absent: Brad Brown
Guests: Present only on February 19, 2008. Nancy and John Norton and Jim Wilber

1. Meeting Convened:

Meeting was called to order at 7:15 PM by Chairperson Jacobs with five (5) members on February 19, 2008 and six (6) members on February 26, 2008 present. Quorum met.

2. Minutes of Previous Meeting :

It was moved by Nancy Berges and seconded by David Johnson that the minutes of the February 12, 2008 meeting be accepted as read. The motion was unanimously approved.

3. Public Hearing: None

4. Correspondence:

1) Letter to town selectmen from Planning Board Chairperson regarding subdivision application fee. Attachment #1 to these minutes.

2) Letter from town attorney Rob Crawford regrading town subdivision ordinance performance and defect guarantees and inspection fees. Attachment #2 to these minutes.

3) Letter from Doug Webster regarding flood plain standards and the Wary Spar property. Attachment #3 to these minutes.

5. Report of the CEO: None

6. Committee Reports: None

7. Old Business:

Wary Spar Site Plan/Subdivision Applications Review

The board concluded the completeness review of the Wary Spar Project site plan review and subdivision applications. It then reviewed the list of items that had been identified as needing additional information from the applicant in order to find the application complete, making the following changes: Item 11.F(1)r was removed and the wording of item 11.G(1)c was modified.

Listed below is the additional information required by the Planning Board in order to find the Wary Spar Project Site Plan Review and Subdivision applications complete. This list is referenced to items in the town's Land Use Ordinance.

The applicant is advised that the board will require eight (8) copies of all documents submitted to meet these requirements.

Article 10

Section 4 Submission Requirements

B. Additional application submissions

1. The applicant's signature must be shown on the site plan drawing.
8. The location of the driveway to access the off−street parking must be shown on the site plan drawing.

C. While the Board agreed that a formal storm−water drainage assessment and plan was not required it does however require information about gutters on the proposed structure. The feeling being if that gutters were to be placed where they now do not exist that the existing storm−water drainage pattern on the site could be affected.

G. The board requires a draft of the proposed owner deed covenant or lease agreement that states that owners or lessees will only be allowed to park golf carts overnight on the property or on the public streets adjacent to the property.

I. Since the lot in question lies in a Special Flood Hazard Area a Flood Hazard Development Permit is required.

Article 3 Zoning District Standards

Section 9 Island Business Zone

F. The Board requires 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 6 Non−conforming Structure, Uses and Lots

Section 2 Non−conforming Structures

C. If the board finds that this section applies then the board will require 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 of 6.2.C(1).

Article 11 Subdivisions

F. Plat Requirements

(1) Information on subdivision plat (site plan drawing)
i : Applicant must provide information regarding the flood hazard area in which the lot is located.
x item 3: The board requires evidence of the applicant's financial ability to carry out the proposed development.

(2) Recording Plat.
The applicant is reminded that a recording plat that is acceptable to the Registry of Deeds will be required before any approval is given for this project.

G. General Requirements

(1) Review Criteria

a: The board requires copies of the most recent certificates of analysis of drinking water and waste water discharge.

b: The board requires information that indicates that the wells on the site can provide sufficient water for the proposed use.

c: The board requires information that indicates that the proposed water use of the subdivision will not adversely affect abutters' water supplies.

(2) Burden of Proof

The applicant is reminded that the burden of proof that the project meets all the above criteria rests on him.

The secretary was directed to prepare a copy of this list to be used by the town attorney to draft a letter to Mr. Wary advising him of the board's findings.

8. New Business:

a. Article 4 Shoreland Zoning: M Lot Standards 2.i. DEP amendment suggestion.

The town received a letter from the DEP in November 2007 (see Attachment #1 to November 27, 2008 Planning Board minutes) stating that it intended to issue a conditional order to change the frontage requirement of our shoreland zoning ordinance for residences from 150 feet per residence to 150 feet per dwelling unit. After an extended discussion regarding whether or not the DEP had the authority to force the town to make this change
the board agreed that the prudent course of action would be to suggest that the town make the requested change.

The following motion was made by Ruth Peterson and seconded by Nancy Berges:

The Planning Board recommends that the wording of Article 4, Section M Item 2.i be changed as follows:

i. Residential Development adjacent to tidal areas:
one−hundred and fifty (150) feet per dwelling unit

The motion passed unanimously.

b. Article 5 General Provisions 5.6. Correct Mean High Tide Mark to Maximum Spring Tide Level.

Further research by Emily Jacobs has identified 4 other places in the ordinance where the "maximum spring high tide level" is incorrectly identified. In order to make the necessary corrections to the Land Use Ordinance the following motion was made by Nancy Berges and seconded by Ruth Peterson:

The Planning Board recommends that the town make the following changes to the indicated sections of the Land Use Ordinance (Chapter 14):

5.6 For purposes of these land use ordinances the ~~mean high tide mark~~ maximum spring tide level shall be considered to be the shoreline lot line.

10.4.B.13 If the property is within two hundred fifty (250) feet of shoreland areas the Location of Maximum Spring High Tide ~~Line~~ Level and elevations as may be required to demonstrate the suitability of the property or proposed project under floodplain management and shoreland zoning regulations.

3.7.E(1) Campgrounds may contain multiple campsites. Campsites may be located anywhere within a campground so long as all setback standards are complied with. The number of campsites allowed on a parcel is determined by dividing the qualifying land area of the parcel by 5,000. Areas on a parcel that are not owned in fee simple, the area under buildings or other structures, parking areas roads, driveways and land supporting wetland vegetation and land below the maximum spring high tide ~~line~~ level is not to be included in the qualifying land area of the parcel for this density calculation.

3.7.E(2) All campsites shall be set back a minimum of seventy−five (75) feet from the maximum spring high tide ~~line~~ level.

3.7.F(2) All individual private campsites shall be set back a minimum of seventy−five (75) feet from the maximum spring high tide ~~line~~ level.

The motion carried unanimously.

c. Consider a "Conflict With Other Provision" statement under Article 8: Administration.

The Board agreed to table this item for possible consideration at a future date.

9. Other: None

10. Adjournment:

At 9:10 PM on February 19, 2008 the meeting ended without adjourning and was set to resume at 7:15 PM on February 26, 2008. The meeting formally adjourned at 8:30 PM on February 26, 2008. The next meeting was set for 7:15 PM at the town office on Tuesday March 11, 2008.

Submitted by:

Curtis Murley
Secretary, Town of Long Island Planning Board

Cc: Town Clerk
Board of Selectmen