TOWN OF LONG ISLAND PLANNING BOARD
P.O. Box 263
Long Island, ME 04050
207-766-5820

Planning Board Meeting Minutes
August 12, 2008

Present: Nancy Berges, Brad Brown, Emily Jacobs, Tom Johnson, Curt Murley, Ruth Peterson,Joel Watters
Guests: Tim and Irene Honey, Chris Papkee

1. Meeting Convened:

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

2. Minutes of Previous Meeting:

Emily Jacobs made a motion, which was seconded by Brad Brown, to accept the minutes of the July 8, 2008 meeting as read. The motion carried unanimously.

3. Public Hearing: None

4. Correspondence:

The Board received three (3) documents commenting on the Spar/Wary project:

a. written comments submitted by Nancy Jordan after the public hearing
b. Anthony Donovan's written comments distributed at the hearing
c. written comments e-mailed to Chairperson Murley by Brenda Singo on 7/31/08 and an e-mail to Chairperson Murley from Brenda Singo dated 8/3/2008 with comments from Mike Morse of Maine DEP

Brad Brown objected to the above documents being included in the public hearing record because they were submitted after the close of the hearing. Chairperson Murley stated that the Planning Board by-laws allow for the receipt of written comments after a public hearing is closed. Brad also felt that a town employee has exceeded her authority in contacting the DEP with her concerns about this project. His objection is so noted.

5. Report of the CEO: None

Chairperson Murley thought it would be nice if the CEO would provide a brief summary of approved applications, permits and the like on a monthly basis, so that the Board is better informed. Ruth Peterson will convey this request to Jim Nagle.

6. Committee Reports: None

7. Old Business:

a. Planning Board Procedures Handout (i.e. Planning Board Code of Ethics)

Emily Jacobs requested that this topic be tabled until the regular September meeting of the Board. She still has more work to do on this handout. This item will be on the agenda for the September 9, 2008 meeting.

b. Proposed Small Wind Energy Systems Ordinance

The issue of wind energy came before the Selectmen several years ago, but the expense of erecting a test tower was a deterrent to further consideration. Emily Jacobs proposed drafting an ordinance to allow for small wind energy systems on private property for residential use. She asked the Board to closely review the ordinance adopted by Wiscasset and make such changes as would make it suitable for the Town of Long Island's Land Use Ordinance. She proposed that the Board continue discussion of this item during the next two months with the goal of drafting an ordinance that would be presented to the selectmen for next year's annual town meeting.

c. Planning Board Incompatible Positions Issue

Town Clerk Brenda Singo was asked to contact the Maine Municipal Association for an opinion on the issue of a selectperson also serving as a member of the planning board. She received a reply from Michael Stultz, MMA staff attorney, dated July 14, 2008. (Attachment #1)

Chairperson Murley stated that this issue is out of the Board's hands and must be resolved by the selectmen.

d. DEP Shoreland Zoning Guidelines and Town of Long Island Land Use Ordinance Conflict

Curt Murley wrote a draft letter to Commissioner Littell justifying the Town's position of not approving the amendment to make our ordinances comply with the Maine Guidelines for Municipal Shoreland Zoning Ordinances. He specifically referred to Lot Standards and the failure of the town to pass the amendment "per dwelling unit/per principal structure."

A motion was made by Ruth Peterson and seconded by Emily Jacobs to table this item until the next regular meeting on September 9, 2008. The motion passed by unanimous vote.

9. Other

a. MMA Training Seminars

Emily Jacobs suggested that Board members try to attend a workshop specifically for members of planning boards and boards of appeal on September 23, 2008 in South Paris. Curt Murley plans to attend.

b. Date for Spar/Wary Project Decision

The attorney representing John Wary and the Town attorney are both available on Wednesday September 3, 2008. The meeting to deliberate and make a decision on this project will be on this date at 7:00 PM at the Long Island Learning Center.

c. Conditional Use Permit

The Chair of the Appeals Board has contacted Curt Murley twice regarding the Spar/Wary project. He is of the opinion that the Appeals Board cannot grant a conditional use permit until the Planning Board issues its decision on the project. Chairperson Murley went on to state that the Planning Board cannot grant approval of a site plan or sub-division application until a conditional use permit is approved. Should the Planning Board approve this project it will be contingent on the granting of a conditional use permit.

d. Issue of Version of Land Use Ordinance Applicable to Spar/Wary Project

At the public hearing Chairperson Murley stated that the Land Use Ordinance to be applied to the project

was the one that was in effect on the date the Board deemed the application complete. Afterwards he reconsidered his statement and felt he was in error and sent an e-mail to Emily Jacobs admitting such and apologized for correcting her at the hearing. He asked that his admission of error and apology be part of the record.

e. Correspondence with the Town Attorney

Chairperson Murley was concerned about Board members contacting the Town attorney on their own. He feels a single member of the Board should be the contact person and the attorney be contacted only after discussion by the entire Board. Of major concern were the legal fees incurred.

f. Disclosure by Brad Brown

Brad informed the Board that he recently contacted Mike Morse of the Maine DEP about several Land Use Ordinance issues. Murley cautioned all Board members to involve the whole Board when they are doing research on their own.

g. Meeting Frequency

Emily Jacobs suggested the Board meet every 2 weeks because of the work that needs to be done. Ruth Peterson asked that it not be mandatory. Chairperson Murley is in favor of scheduling extra meetings as the need arises and will schedule meetings accordingly.

Adjournment:

Ruth Peterson made a motion to adjourn the meeting and Emily Jacobs seconded the motion. The motion carried unanimously. The meeting was adjourned at 8:14 PM.

Respectfully submitted,

Nancy Berges
Secretary, Town of Long Island Planning Board

Cc: Town Clerk
Board of Selectmen