WARY SPAR PROJECT SITE PLAN AND
SUBDIVISION FINDINGS OF FACT AND CONCLUSIONS
Rev 09/18/08

A. **Record**. The Planning Board finds that the record for Site Plan Review and Subdivision documentation for this Project is as reflected on or indicated by the documents posted, minutes and other materials on the Town of Long Island website entitled "Wary Spar Project" and in paper form at the Town Office posted or dated as of September 3, 2008 and as recorded in the minutes of the proceedings of the Planning Board. In addition, the Record includes the deliberations and notes of a meeting of the Planning Board held on September 3, 2008 and continued to September 11, 16, 18 and 30, 2008.

B. **Findings of Facts for Site Plan Review**.

The Project requires Site Plan Review under Articles 10.2.1.A.1 and B.1. of the Town of Long Island Land Use Ordinance. The Project involves new construction in excess of 750 square feet of floor area for the creation of four (4) new dwelling units. The Planning Board finds that the Applicant has substantially met the submission requirements set forth in Article 10.4 of the Ordinance.

The Planning Board finds as follows with regard to the Criteria and Standards set forth in Article 10.5 of the Ordinance:

1. Article 10.5.A. Preservation of Landscape. The project proposed by the Applicant is to convert the portions of the existing structure, formerly used as restaurant, into multifamily dwellings comprised of four separate condominium units. The proposed project will not materially alter or change the portions of the existing structure used as an apartment and as the community post office. The Applicant is not proposing to alter existing landscaping on the site. Construction will take place within the existing footprint of the building. Before issuance of a building permit, the Applicant must provide a plan for review and approval of the Code Enforcement Officer for the installation of buffering and measures to control runoff for the small area that will be used as the parking area for golf carts to be used by future residents of the project.

2. Article 10.5.B. Relation of Proposed Buildings to the Environment. The project construction proposed will be limited to construction activities taking place only within the footprint of the existing structure. The proposed construction will not exceed the maximum height limits in the Zone. The Board finds the proposed structure is appropriately scaled and oriented in relation to the site.

3. Article 10.5.C. Vehicular Access. The vehicular access to the project will rely on existing roadways and access points. The Planning Board has conditioned approval of the vehicular access and parking area requirements based on Applicant's representation that the property will be used, developed and sold subject to enforceable restrictions which prohibit owners or users of units within the project property from parking motor vehicles on adjacent street areas and further restricting owners or users of the project property from parking vehicles on the project property with the exception that electrically or propane powered golf carts may be parked in the proposed parking area (see item 4

of this section below). The use and reliance on motor vehicles by persons using the property will be reduced due to the limitation that parking on the property is restricted to golf cart vehicles.

4. Article 10.5.D. Parking and Circulation. There are no new parking areas or walkways proposed for the project. The Applicant has offered, as a condition of approval, that only electric or propane powered golf cart vehicles will be allowed to park on the project premises in the existing lower parking area depicted on the site plan drawing, subject further to the condition that the traditional uses of this parking area by fishermen will be allowed to continue. Furthermore, the Applicant has agreed that as a condition of approval that this parking area will be buffered and improved so that storm water runoff from it will be managed and controlled to eliminate potentially adverse impacts to the nearby shore areas, adjacent properties, and streets or ways.

5. Article 10.5.E. Surface Water Drainage. Due to the limited activity and construction proposed and the construction being limited to taking place within the footprint of the existing structure, the project is not expected to materially increase or have adverse impacts on existing surface water drainage from the site. The Applicant has agreed to submit a plan, for review and approval by the Code Enforcement Officer before issuance of any building permits, to install surface water control improvements and buffering systems to treat and control storm water runoff from the existing parking area to protect adjacent properties and minimize runoff into the shore area.

6. Article 10.5.F. Utilities. The applicant has made adequate provisions for utility service to the property and for the project. The project will rely on existing wells for water and on the existing private waste water treatment system licensed by and subject to the oversight of the State of Maine DEP for the disposal of all waste water. The Applicant will also rely on existing electrical/telecommunication utilities serving the premises.

7. Article 10.5.G. Advertising Features. There are no advertising features proposed for the project. In the event that such activities become part of the project at a future date they shall require the Applicant to seek an amendment and approval of such activities under Site Plan and other regulations as govern such activities.

8. Article 10.5.H. Special Features. There are no exposed storage areas, machinery installations, service areas or other items listed in Article 10.5 subsection H of the Land Use Ordinance which render the project inconsistent with existing visual features of the neighborhood of the site.

9. Article 10.5.I. Exterior Lighting. The Applicant is not proposing exterior lighting other than ordinary residential lighting. All lighting to be installed shall comply with all applicable standards, both state and local, and shall be installed so the light is shielded from public ways and waterways except as necessary for security and safety purposes. Lighting shall be installed so that is does not adversely impact neighboring properties, create hazards to people or vehicular traffic or adversely impact the values of adjacent properties.

10. Article 10.5.J. Emergency Vehicle Access. The site has immediate vehicle access from

the adjacent Island Avenue and that portion of Garfield Street leading to Ponce's Landing. Both these streets are public streets.

11. Article 10.5.K. Landscape Buffering. The off-street parking area for the project is limited to the existing parking area depicted on the site plan drawing and no other parking areas may be created. The Applicant has agreed to submit a plan, for review and approval by the Code Enforcement Officer before issuance of any building permits, to install surface water control improvements and buffering systems to treat and control storm water runoff from the existing parking area to protect adjacent properties and minimize runoff into the shore area.

12. Article 10.5.L. Environmental Considerations. There are no anticipated impacts from the residential use with respect to noise, vibrations, smoke glare, fumes, dust, toxic emissions, odors or electro-magnetic interference. In addition, there shall be no hazardous materials located on site.

13. Article 10.5.M. Adequacy of Subsurface Waste Disposal System. This provision is not applicable as the premises are served by an existing licensed overboard discharge wastewater treatment system.

14. Article 10.5.N. Conservation, Erosion and Sediment Control. There is no proposed stripping of vegetation, regrading or other development. All natural features of the site are being retained including existing vegetation. In connection with any construction activities, the Applicant shall abide by the State of Maine Department of Environmental Protection Best Management Practices and such other soil and site stabilization requirement as the Code Enforcement Officer shall require with regard to all aspects of construction.

15. Article 10.5.O. Applicable Performance Standards as Set Forth in Articles 3, 4, 6, 7 and 12 of the Land Use Ordinance. The Board finds as follows with regards to these Articles:

1. Article 3. Zoning District Standards. The provisions of this Article 3.9, I-B Island Business Zone, apply since the lot on which the structure is situated is located in the Island Business Zone.

a. Article 3.9.C. Conditional Uses. Under this section multi-family dwellings are a conditional use permitted within the zone.

b. Article 3.9.E Dimensional Requirements

Article 3.9.E(1). Minimum Lot Size Except as Provided in Article 6 .

a.(iii) Multi-family Dwelling. The property is a pre-existing non-conforming lot of record with regard to minimum lot size. Furthermore, the Board has found the following: that the proposed change of use of the

structure on this lot will not materially alter the character of the neighborhood, nor is it of such a magnitude as to constitute redevelopment of the lot and, finally, that the existing State approved wastewater disposal system that will serve the needs of the proposed multi-family dwelling will not result in degradation of water quality in the vicinity. The Board thus finds that the 60,000 square foot minimum lot size and the 10,000 square foot per bedroom requirement of this section are not applicable and, further, that the requirements of Article 6 of the Land Use Ordinance do apply.

b. Existing Subsurface Disposal System. There is no subsurface waste disposal system on the site. Furthermore, the Applicant has demonstrated that the project will have adequate wasterwater disposal service using the existing overboard discharge system. This system has adequate capacity to serve the proposed multi-family dwelling and the Applicant is not proposing its enlargement.

Article 3.9.E(2). Minimum Street Frontage . The project lot has over 166 feet of street frontage.

Article 3.9.E(3). Minimum Yard Dimensions . To the extent the existing structure does not comply with the yard dimension setback requirements of this section, the non-conformities are non-conforming conditions of record. The project as proposed will not decrease the existing front, rear or side setbacks of the existing structure.

Article 3.9.E(4). Maximum Lot Coverage . The existing structure on the lot satisfies the requirement of this section.

Article 3.9.E(5). Minimum Lot Width . The lot in question satisfies this requirement.

Article 3.9.E(6). Maximum Structure Height . The proposed building height will be less than or equal thrity-five (35) feet.

c. Article 3.9.F. Other Requirements

Article 3.9.F(1) Off-Street Parking. The Applicant proposes to meet the off-street parking requirements of this section for the project through the use of an existing parking area and by restricting owners and users of the project to the use of electric or propane powered golf cart type vehicles.

Article 3.9.F(2) Additions. This section does not apply since the project will not employ a subsurface waste disposal system.

2. Article 4. Shoreland Zoning District Standards. The provisions of Articles 4.17, Shoreland Zone Performance Standards, and 4.18, Administration, apply since the lot on which the structure is situated is located in the Shoreland Zone.

a. Article 4.17 Shoreland Zone Performance Standards

Article 4.17.A Principal and Accessory Structures.

1. Shoreline Setback. The structure predates the minimum seventy-five (75) foot setback from the maximum spring tide level of Casco Bay. No decrease in this setback is being proposed.

2. Floodplain Elevation. The existing structure has been located on the lot in excess of fifty (50) years. There is no indication that any of the soils or subsurface conditions are unsuitable for the proposed building expansion.

3. Stairways. Stairways are not being proposed to access the shoreline.

Article 4.17.B Piers, Docks, Wharves, Bridges and other Structures. The Board finds that there is an existing private grandfathered dock on the property that extends beyond the maximum spring tide level of Casco Bay. This dock is part of the proposed project. There are no new piers, docks, wharves, etc. being proposed.

Article 4.17.C Clearing of Vegetation. The Applicant is not proposing to clear any vegetation from the site.

Article 4.17.D Erosion and Sedimentation Control. The Applicant shall comply with the Maine Erosion and Sediment Control handbook for construction as required under the Ordinance and in connection with any construction activities, the Applicant shall abide by the State of Maine Department of Environmental Protection Best Management Practices and such other soil an site stabilization requirements as the Code Enforcement Officer shall require with regard to all aspects of construction; however, there is no proposed filling, grading or excavation for the project.

Article 4.17.E Soils. The existing structure has been located on the premises in excess of fifty (50) years. There is no indication that any of the soils or subsurface conditions are unsuitable for the proposed building expansion.

Article 4.17.F Water Quality. There is no proposal to discharge any pollutants to the groundwater or surface waters. In connection with any construction activities, the Applicant must abide by the State of Maine Department of Environmental Protection Best Management Practices and such other soil and site stabilization requirement as the Code Enforcement Officer shall require with regard to all aspects of construction. The Applicant has agreed to submit a plan, for review and approval by the Code Enforcement Officer before issuance of any building permits, to install surface water control improvements and buffering systems to treat and control storm water runoff from the existing parking area to protect adjacent properties and minimize runoff into the shore area.

Article 4.17.G Archaeological Sites. There is no proposed structural development or soil disturbance on any new areas; therefore there will be no disturbance of archaeological sites.

Article 4.17.H Installation of Public Utility Service. This provision is not applicable as no new utilities are proposed or will be installed in connection with the project.

Article 4.17.I Roads and Driveways. This provision is not applicable as there are no new roads or driveways being proposed.

Article 4.17.J Parking Areas. The Applicant proposes to rely on the existing parking area to provide off street parking for up to four (4) electric or propane powered golf cart type vehicles to be used by occupants of the project premises. The Applicant has indicated that he will also allow, on a permissive basis, the continued use of the parking area by local fishermen for parking and as a turnaround area. This use is permissive only and is not a requirement of the approval.

Article 4.17.K Stormwater Runoff. The Applicant is not proposing any changes to the pre-development of condition of the lot outside the existing building footprint. All existing areas shall be retained, except that the Applicant shall improve the storm water runoff from the parking area.

Article 4.17.L Agriculture. This section is not applicable.

Article 4.17.M Lot Standards. Although the lot does not meet these standards it is a pre-existing non-conforming lot of record and therefore the Board finds that Article 6.3, Expansion in the Shoreland Zone, applies.

b. Article 4.18 Administration. The Board finds as follows with respect to

subsection 4.18.A, General Site Plan Features:

Article 4.18.A.1. The project presents no safety or unhealthful conditions. The proposed development lessens the impact of a previous permitted activity at the site since the residential use will be less intensive than the former permitted restaurant use.

Article 4.18.A.2. Erosion and sedimentation to surface waters will be mitigated and controlled. In connection with any construction activities, the Applicant must abide by the State of Maine Department of Environmental Protection Best Management Practices and such other soil and site stabilization requirement as the Code Enforcement Officer shall require with regard to all aspects of construction. The Applicant has agreed to submit a plan, for review and approval by the Code Enforcement Officer before issuance of any building permits, to install surface water control improvements and buffering systems to treat and control storm water runoff from the existing parking area to protect adjacent properties and minimize runoff into the shore area. No water pollution is anticipated from the project. The existing wastewater treatment system has a capacity that exceeds the service needs of the project.

Article 4.18.A.3. All wastewater will be disposed of through the existing licensed overboard discharge system.

Article 4.18.A.4. There is no evidence that the project will have adverse impacts on any aquatic life, birds or fishing habitat.

Article 4.18.A.5. The Applicant does not propose any changes to existing shore cover or visual access.

Article 4.18.A.6. There is no evidence that there are archeological resources on the project site.

Article 4.18.A.7. The project site is not used for any commercial fishing or maritime activities. The Applicant is allowing the continued use of the commercial fishermen's turnaround area at the present time.

Article 4.18.A.8. The Project is not expected to create increases in storm water runoff or impact or cause any change to the flood plain.

Article 4.18.A.9. The Board finds that the proposal is conformance with the standards otherwise set forth in Article 4 of the Ordinance.

3. Article 6 Non-Conforming Structures, Uses and Lots. Both the lot and the structure the Applicant proposes to expand are non-conforming and of record, therefore this Article is applicable. With regard to the specifics of this Article the Board finds and determines as follows:

a. Article 6.1 Generally

B. Nonconformity as to Off-street Parking. Off-street parking will be provided by an existing parking area. See section B. Findings of Fact for Site Plan Review item 4, Article 10.5.D Parking and Circulation, above.

b. Article 6.2 Nonconforming Structures.

Article 6.2.B. Alterations to Nonconforming Buildings Limited. The Applicant's proposed expansion of the existing structure does not increase the building's non-conformity and will not increase the lot's non-conformity as the lot coverage will not change as a result of the project. The project does not include any expansion toward Casco Bay so there will be no decreases of required setback distances from the maximum spring tide level nor will the existing setbacks of the structure from property lines or public streets decrease.

Article 6.2.C. Building Extensions. The existing building is to be enlarged but only upward to the height permitted in the Zone and there is no reduction in any yard or other open space.

Article 6.2.D. Enclosure of Porches. The enclosure of an existing porch on the structure is not being proposed.

c. Article 6.3 Expansion in Shoreland Zone.

Article 6.3.A(1) 30% Expansion Limitation. The project will be in conformance with the provisions of this article. As proposed the project will not involve expansion of the building within the area located within 75 feet from the maximum spring tide level with the result that the 30% expansion limitation for buildings within the shoreland area does not apply.

Article 6.3.A(2) Foundation Construction. The Board finds that the proposed changes to the foundation will not extend outside the footprint of the existing structure.

d. Article 6.4 Nonconforming Uses. With regard to the existing uses of the property and the proposed multi-family use, the Board finds that the existing uses and proposed use of the premises are permitted or conditional uses within the I-B Zone. The post office use is a governmental service use, the existing apartment is a permitted

residential use and the proposed multi-family dwelling use is a conditional use, allowed, subject to review and approval by the Board of Appeals, within the I-B Zone. Non-compliance with dimensional requirements does not make a use non-conforming. Further, the Land Use Ordinance does not expressly prohibit differing uses on one parcel of land. The Land Use Ordinance appears to allow multiple uses as evidenced in Article 5, Section 5.5, Joint Occupancy.

e. Article 6.5 Nonconforming Lots of Record.

Article 6.5.A. Merger Requirement for Contiguous Lots. This does not apply since there is only one lot involved in the Applicant's proposal.

4. Article 7 Townwide Performance Standards. The Board finds that only sections 2, 6, 8, 15 and 24 of this article are applicable to this project and make the following findings:

a. Article 7.2 Abutter Notification Requirements for SSWD Permit. The project will be served by an existing, licensed overboard discharge system and therefore will not have a subsurface waste disposal system.

b. Article 7.6 Bedroom Additions. The project will be served by an existing, licensed overboard discharge system and therefore will not have a subsurface waste disposal system.

c. Article 7.8 Fences. No fences are being proposed as part of the development.

d. Article 7.15 Parking Requirements. The existing commercial and residential uses of the property are grandfathered non-conforming uses. There are no specific minimum required parking standards for residential uses in this section. However, the Applicant has agreed that as a condition of approval of the Site Plan that he will limit each user/owner of each of the four (4) residential units in the proposed project to, and provide off-street parking for, a single electric or propane powered golf cart type vehicle.

e. Article 7.24 Multi-Family Dwellings. The Applicant has submitted a DEP Overboard Discharge permit and applicable information with regard to the wastewater treatment system; therefore no subsurface waste disposal system is required.

5. Article 12 Floodplain Standards. The project does not involve the construction or development within any areas of special flood hazard as defined in Section I of this article as evidenced by an elevation certificate submitted by the Applicant. This elevation certificate was prepared by Owen Haskell, Inc. and signed by a licensed professional land surveyor.

C. Findings of Facts for Subdivision Application

1. Article 11.F Plat Requirements. The Board finds that the proposed plat substantially conforms to the requirements of this subsection. If further finds that since the proposed subdivision is the expansion and subdivision of a portion of an existing structure, not a subdivision of land, and since only minor changes to the land on which the structure is located are being required (see condition D.2.l below) that the requirements of Article 10.E, Procedures for Approval of a Subdivision, that require the recording plat be submitted at least fifteen (15) days before the Board can act on the application are not applicable. Furthermore, it is a condition of approval of the application that the final plat for recording shall be updated and submitted to the Code Enforcement Officer and Planning Board, for final review and signature(s) before a Certificate of Occupancy is issued for any unit in the subdivision (see condition D.2.i below).

2. Article 11.G General Requirements Regarding the requirements of this section the Board finds as follows:

a. There is no proposed air pollution that will result from the proposed multifamily residential use. Water pollution from the proposed project will be addressed adequately through the existing and permitted overboard discharge system and the fact that there will be no discharge of wastewaters into the soils.

b. Applicant has submitted information indicating that there is an adequate water source capable of supporting the expected demands of the Project. The Board also finds that the quantity of water is sufficient for the proposed use.

c. There is an existing water supply which currently services the restaurant as well as the residential and service uses. The proposed addition of the four multi-family dwelling units will not further tax the existing water supply but will likely lessen the demand.

d. The Board finds this standard is not applicable since there is are no additional impervious surface areas being created or proposed changes to the lot that will cause unreasonable soil erosion.

e. The proposed use is less intense than existing use. There are no vehicles (other than up to four golf carts) that will be allowed for use by the residents of the units on the project site. Therefore, the road congestion and safety are not impacted.

f. Applicant has provided information regarding the existing overboard discharge system and licenses and the Board has determined that it is satisfactory for the use.

g. Proposed residential use should produce less solid waste than the replaced restaurant use. The additional impacts on municipal services from the proposed project and change of use are not unreasonable.

h. Given that the Applicant proposes construction only within the existing building footprint there is no impact on the existing environmental assets indicated in this subsection.

i. The Board finds the development consistent with the comprehensive plan.

j. The Applicant has submitted financial information and has retained Owen Haskell, Inc. and John Leasure Architect for technical expertise. In addition, the Board imposes a condition that prior to the issuance of a building permit for this structure, the Applicant shall provide a bank letter or loan commitment letter demonstrating available finances for the proposed Project.

k. As the project does not involve any disturbance of soils or direct discharge into the adjacent Casco Bay, there is no unreasonable adverse affect on the water of the Bay.

l. The Board finds that the project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

m. Applicant has provided a FEMA flood zone certification indicating that the Project is not located in the 100 year flood zone.

n. There are no wetlands, other than the shoreline, shown on the site plan drawing. No impact on wetlands is proposed.

o. There are no brooks or streams abutting or located on the lot.

3. Article 11.H Technical and Design Standards The Board finds that given this Project is the subdivision of a building, several of the requirements of this section are not applicable and the indication of "N/A" indicates the Board has determined and found that the provision is not applicable.

2. Street Plan: No new streets are proposed as part of the Project.

3. Street Design: N/A

4. Street and Subdivision Names: N/A.

5. Storm Drains: N/A.

6. Lots: N/A. (No new lots are being created as part of this Project; however, the

four (4) dwelling units in the structure are shown as lots on the plans.)

7. Public Open Space: The Project is adjacent to the open public space of Casco Bay. Given the small size of the lot and project being proposed, no public open space is required.

8. Access to Shoreline: The Project does not propose to impact any legal rights of public access to the shoreline to the extent the same exists. No improvement proposed is expected to impact such rights.

4. Article 11.I Required Improvements The Board finds that the items listed in this section are not applicable.

5. Article 11.J Performance and Defect Guarantees; Amount and Release The Applicant understands that he will need to provide the performance guaranty required by this section. This is to be determined by the Code Enforcement Officer following the provision of final engineer plans and determination of the estimated cost.

D. Decision and Conditions of Approval

1. Decision Based upon the foregoing reasons and findings, the Board finds that the plans and other materials presented by the Applicant are consistent with the Site Plan Standards and the Subdivision Standards, incompliance with applicable Zoning District standards and Shoreland Zoning requirements, and conform to the Townwide Performance Standards of the Town of Long Island Land Use Ordinance. Further, the Board finds that the proposed project complies with and is allowed under the non-conforming use and lot provisions of Article 6 of the Zoning Ordinance.

Based on the above findings, and subject to the Conditions stated below which are incorporated into this approval, the Long Island Planning Board voted on September 30, 2008 to approve the Applicant's Final Site Plan and Subdivision Applications seeking authority for a change of use and conversion of the Spar Restaurant into a multifamily dwelling comprised of four residential condominiums.

2. Conditions of Approval

a. As part of the submission of the final building plans for the Project, the applicant shall provide designs for the drains and gutters for the building that the Code Enforcement Officer shall determine are in compliance with the terms and standards of the Planning Board's requirement that that the drains and gutters do not result in adverse impacts on any stormwater drainage on the site or adjacent properties or create adverse runoff condition affecting the adjacent waters.

b. Before issuance of any building permit for the proposed improvements or structure, the Applicant shall submit evidence of financial resources in the form of a loan commitment or similar affirmation from a lending institution that the Applicant has sufficient financial resources to undertake and insure completion of the Project.

c. Prior to commencement of construction, the Applicant must apply for and receive a Conditional Use Permit from the Board of Appeals of the Town of Long Island and all approvals hereunder are conditioned on Applicant's receipt of such Conditional Use Permit.

d. The subdivision shall be constructed in accordance with the Plan of Property in the Town of Long Island made for Spar Restaurant Inc. by Lloyd E. Jones dated October, 2007, and building plans in 4 sheets (undated), including Front Elevation, Rear Elevation, Section Detail, and Right Side Elevation, drafted by John Leasure, Architect, and as further amended and approved by the Planning Board on the date the Site Plan Review and Subdivision Application were deemed complete.

e. No building permit may be issued for construction of the improvements herein authorized until the Applicant pays the performance guarantee administrative fee as determined by the Selectmen and put in place adequate performance guarantees in amounts and in a form as determined sufficient and adequate for such purposes by the Town.

f. No Certificate of Occupancy permit will be issued for any unit within the project or subdivision until the Applicant has finished all of the proposed construction and improvements and they are inspected and approved by the Code Enforcement Officer and the Electrical and Plumbing Inspectors as being in conformance with the applicable life safety, building, electrical and plumbing codes.

g. The Applicant intends to service the wastewater disposal needs of the existing apartment and post office uses and the proposed addition of four residential condominium units with the existing overboard discharge wastewater system, currently authorized and permitted by the Maine Department of Environmental Protection. The Applicant and successor owners of interests in the property are responsible for the upkeep, maintenance and relicensing of the overboard discharge system as may be required, and in the event that such system is no longer authorized, of installing substitute suitable and adequate waste water treatment facilities for the property. The approvals hereunder are contingent on the property continuing to have adequate wastewater treatment facilities capable of servicing the demands of all uses on the property.

h. The property may be developed and used only as depicted on the approved subdivision plan and submissions to the Planning Board. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended subdivision plan is first

submitted to and approved by the Planning Board. This condition shall be included on the subdivision plat to placed of record in the registry of deeds.

i. The Final Plat of Subdivision for signature and recording shall be revised and presented in accordance with the terms and conditions of this approval. The plan shall be reviewed by the Code Enforcement Officer and, to the extent necessary, submitted to the Planning Board for final review and signature.

j. Approval of the vehicular access and parking area requirements herein is conditioned on Applicant's representation that the property will be used, developed and sold subject to enforceable restrictions which prohibit owners or users of units within the project property to park motor vehicles on the site or adjacent street areas and further restricting owners or users of the project property from parking vehicles on the project property except for electrically or propane powered golf carts which may be parked in the proposed parking area. This condition shall be included on the subdivision plat to be placed of record in the Registry of Deeds.

k. Approval is conditioned on Applicant's agreement to submit a plan, for review and approval by the Code Enforcement Officer and DEP, if required, before issuance of any building permits, to install surface water control improvements and buffering systems to treat and control storm water runoff from the existing parking area to protect adjacent properties and minimize runoff into the shore area. No Certificate of Occupancy shall be issued until the measures and improvement required under the plan have been installed to the satisfaction of the Code Enforcement Officer.

l. All lighting to be installed on the premises shall comply with all applicable standards, both state and local, shall be installed so the light is shielded from public ways and waterways, except as necessary for security and safety purposes, and shall be installed so that is does not adversely impact neighboring properties or create hazards to people or vehicular traffic.

m. In connection with any construction activities, the Applicant shall abide by the State of Maine Department of Environmental Protection Best Management Practices and such other soil and site stabilization requirements as the Code Enforcement Officer shall require with regard to all aspects of construction.

n. Approval is conditioned on the Applicant's reaching an agreement with an official of the United States Postal Service that there will be no material interruption of postal service to the citizens of the Town of Long Island during the construction phase of this project. Such agreement shall be in writing and subject to the approval of the Code Enforcement Officer. Furthermore, the Board notes that the Applicant has stated that the Postal Service can continue to occupy the office space in the existing structure under the conditions of the existing lease into the foreseeable future.

o. Approval is conditioned upon the acknowledgment that the purpose of the ten (10) foot

right of way along the westerly side of the property extending from Island Avenue to Casco Bay is to facilitate the transfer of fuel from a barge, tied up at either the project's dock or Ponce's Landing, to the fuel storage tanks at the Long Island Store. This condition shall be included on the subdivision plat to be placed of record in the Registry of Deeds.

Dated at Long Island, Maine this 30th day of September 2008,

Town of Long Island Planning Board

_____
Curtis Murley, Chair

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Emily Jacobs, Vice-Chair

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Nancy Berges, Secretary

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Bradley Brown

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Tom Johnson

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Ruth Peterson