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

**Planning Board Meeting Minutes**
**November 13, 2007**

**Present**: Bradley Brown, Emily Jacobs, David Johnson, Tom Johnson, Ruth Peterson and Curt Murley
**Guests:** John and Anne Wary

**1. Meeting Convened:** 7:15 PM with six (6) members present. Quorum met.

**2. Minutes of Previous Meeting:** It was moved by Tom Johnson and seconded by David Johnson that the minutes of the September 11, 2007 meeting be approved with a correction. The motion passed unanimously. It was moved by David Johnson and seconded by Tom Johnson that the minutes of the October 9, 2007 meeting be approved as read. The motion passed unanimously.

**3. Public Hearing:** None

**4. Correspondence:** None

**5. Report the CEO:** None

**6. Committee Reports:** None

**7. Old Business:**

**a. Review revised wording of Article 6.1 (Non-Conforming Structures, Uses and Lots – Generally) of the Land Use Ordinance**

Curt Murley pointed out that this issue had been dealt with at the October 9, 2007 meeting and that the Board had approved a revised wording of Article 6.1 to be submitted for consideration at next year's town meeting. He went on to say that the Board should therefore vote on a motion to reconsider this issue before proceeding.

It was moved by Bradley Brown and seconded by David Johnson that the Board reconsider the October 9th action on this issue. The motion carried 4 to 2.

Copies of a memorandum (attachment 1 to these minutes) from Robert

Crawford to the Planning Board and Board of Selectmen dated October 10, 2007 was distributed. In this document Mr. Crawford suggests that instead of deleting the existing item 6.1(B), which currently reads

"Nothing in this section shall be construed to permit an increase in the number of dwelling units in a building." ,

that it be replaced by the following wording:

"Nothing in this section shall be construed to permit an increase in the number of dwelling units in a building. Accessory dwelling units, however, are not subject to the immediately preceding limitation."

Curt Murley stated that in his opinion it was an oversight on the Board's part that this item, 6.1(B), was not considered when the Board was drafting ordinance changes last winter to allow multi-family and accessory dwelling units in town. He went on to say that since both accessory and multi-family dwelling units require Appeals Board, and in the case of 3 or more dwelling unit structures, Planning Board, approval that the interests of the town's citizens would be best served by allowing these Boards to deal with accessory and multi-family dwelling units on lots of record and in non-conforming structures and that the Board recommend that the town strike item 6.1(B) from the Land Use Ordinance.

Ruth Peterson moved that the action the Board took at the October 9, 2007 meeting regarding Article 6.1, namely that it be recommended to the town that it strike item 6.1(B) from the Land Use Ordinance, be affirmed. This motion was seconded by David Johnson and unanimously approved.

**8. New Business:**

**a. Comprehensive Planning Committee Membership**

Emily Jacobs reported that no progress had been made on finding replacement members for this committee.

**b. CEO Inquiry**

Nothing to report at this time.

**c. Review Wary Spar Project Site Plan and Subdivision Application Package**

Curt Murley submitted a document (Attachment 2 to these minutes) citing two concerns that the Board should consider before proceeding

with consideration of this project.

Concern #1. The Land Use Ordinance, Article 6.1(B), currently prohibits the creation of a multi-family dwelling on a lot of record or in a non-conforming structure. The Spar is located on a lot of record and the proposed multi-family dwelling would be created in a non-conforming structure.

Concern #2. The State currently requires 150 feet of shore frontage for every dwelling unit in a multi-family dwelling in the shoreland zone. The town has been advised in writing (attachment 3 to these minutes) that our Land Use Ordinance does not meet this requirement. Furthermore, the Board probably does not have the power to waive the State requirement. The Spar is located on a lot in the shoreland zone.

Since the Board is recommending that the Town strike Article 6.1(B) from the Land Use Ordinance it was generally agreed that concern #1 should not stop the Board from considering this application.

Regarding concern#2 Mr. Wary stated that he had spoken with Mike Morse of the Department of Environmental Protection and was assured by him that since the multi-family dwelling he is proposing does not have a subsurface waste disposal system that this would not be an issue and that the Department would allow the Town requirement of 150 feet of shore frontage per structure to apply. He went on to say that Jim Nagle, the Town CEO, can confirm this conversation.

The Board asked Mr. Wary to get a letter from the DEP and/or the Town CEO confirming this.

The Secretary distributed the contents of the documentation package Mr. Wary is submitting in support of his request for a site plan review and subdivision application for the Spar Project. Copies (attachment 4 to these minutes) of a document, prepared by the Secretary, listing the contents of the application package were also distributed.

Chairperson Jacobs went through Articles 10.4, Site Plan Review Submission Requirements, and 10.5, Site Plan Review Criteria and Standards, item by item allowing the Board to review the documentation and to ask Mr. Wary questions regarding how the project will satisfy the various requirements. It was noted that at this point the Board was only concerned with determining if the supporting documentation is complete.

It was determined that additional information regarding the following items in Article 10.4 would be needed:

10.4(F) The building plans submitted do not contain floor plans.

10.4(G) Mr. Wary stated that there would be a deed restriction on vehicles. A copy of the proposed deed restriction has not been submitted.

With the exception of item O in Article 10.5, which will be considered at the next meeting, the Board felt that Mr. Wary's answers to questions and the contents of the submitted documentation are sufficient to consider the application complete with regards to Article 10.5, Criteria and Standards.

The hour being late, further consideration of the Wary Spar Project application was tabled until the next meeting.

**9. Other:** None

**10. Adjournment:** It was moved and seconded by Ruth Peterson and David Johnson, respectively, that the meeting adjourn. The motion was unanimously approved. The meeting adjourned at 9:25 PM. The next meeting was set for Tuesday, November 27, 2007 at 7:15 PM. It will be held in the Town Office.

Submitted by:

Curtis Murley
Secretary, Town of Long Island Planning Board

Cc: Town Clerk, Board of Selectmen