MINUTES OF SPECIAL TOWN MEETING
NOVEMBER 7, 1998

43 VOTERS PRESENT

Town Clerk opened the meeting by reading the warrant and return.

ART. 1. Nomination for Mark Greene, Moderator made by Bob Brayley.
Seconded by Emil Berges. No other nominations made for Moderator.
Nominations closed.
Clerk cast one ballot for Mark Greene as Moderator.
Mark Greene was sworn in by Town Clerk.

Jim Wilber motioned allowing all those in attendance the right to speak.
All in favor. Unanimous.

Pledge of Allegiance was said and prayer given by Connie Brayley.

ART. 2. Bob Brayley made a motion to accept Art. 2 as read. Francis Murphy seconded. Discussion took place regarding whether this article, if passed, would become an ordinance or a policy statement. The Town Clerk pointed out that it would have to be a policy statement, because an attested copy was not deposited in the office of the clerk as an ordinance change prior to this meeting.
Emil Berges made a motion to move the question. Jim Wilber seconded.
VOTE: Unanimous.

Respectfully submitted,

Diana Teague

Diana Teague, Town Clerk

Warrant for Special Town Meeting
Saturday, November 7, 1998

TO: Bradley B. Brown
Deputy Sheriff, Long Island

Greeting:

In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Long Island in said county and state, qualified by law to vote in town affairs, to meet at the V.F.W. Hall in said town on Saturday, the 7th day of November A.D. 1998 at 11:30 o'clock in the forenoon, then and there to act upon the following articles, to wit:

Article 1. To elect a moderator to preside at said meeting.

Article 2. To see if the town will allow existing, legally operating Bed and Breakfast establishments in the IR-1 zoning district to serve meals to persons not staying overnight in the establishment subject to the following understandings and conditions;

WHEREAS, Bed and Breakfast establishments (hereafter called "B&B's") are presently a conditional use in many zoning districts in the town of Long Island (hereafter called the "town") including the IR-1 zoning district; and

WHEREAS, the presently adopted Land Use Ordinances do not specifically allow persons not staying overnight in a B&B to be served meals in a B&B establishment; and

WHEREAS, the town may want to allow B&B's to serve meals to a limited number of persons not staying overnight in the establishment; and

WHEREAS, the town is desirous of temporarily allowing existing BB establishments in the IR-1 zoning district to serve meals to a limited number of persons not staying overnight in the B&B; and

WHEREAS, the town is concerned that allowing B&B's to serve meals to persons not staying overnight may result in negative community impacts including but not limited to causing parking problems and adversely affecting neighboring properties, groundwater and the environment; and

WHEREAS, one purpose of temporarily allowing existing B&B's to serve meals to persons not staying overnight is to determine if it is reasonable and appropriate to permanently allow B&B's to serve meals to non-overnight guests; and

WHEREAS, another purpose of temporarily allowing B&B's to determine what specific performance standards should be established if B&B's are to continue serving meals to persons not staying overnight in the establishment;

NOW, Therefore, the Town of Long Island hereby orders that any lawfully operating B&B establishment in the town may be allowed to serve meals to guests not staying overnight subject to the following restrictions and conditions;

1. The number of persons served at any one time shall not exceed 1 1/2 (one and one-half) times the number of persons the establishment has obtained all necessary approvals for including but not limited to safety egress, water supply and disposal, and all applicable local and state approvals.

2. The owners/operators are responsible for having the ability of the subsurface wastewater disposal system checked to ensure that it is capable of absorbing the total expected flow (gallons per day) for the establishment and any other plumbing fixtures connected to the disposal system.

3. The owners/operators are responsible for obtaining the above referenced report from a licensed engineer or site evaluator. This report shall be made available to the town's Local Plumbing Inspector (LPI) at the town's request. If the town's LPI determines that the disposal system is malfunctioning and is causing a public health hazard, the LPI shall have the authority to order that the additional meals not be served until the applicable standards have been met.

4. The residents of the town and operators of all existing B&B's hereby acknowledge and understand that by allowing meals to be served to persons not staying overnight in no way or manner constitutes this additional use to be grandfathered for any property, business or person in the town.

5. In no event shall any B&B be allowed to continue to serve meals to persons not staying overnight unless the November 1999 special town meeting permits such a use. The use of a B&B serving meals shall not, in any event, be considered to be a lawfully existing grandfathered non-conforming use as a result of the town allowing this use on a temporary basis.

6. If a permanent Land Use Ordinance change to allow meals to be served to persons not staying overnight at the B&B is not passed at the November 1999 special town meeting, then all B&B's in the IR-1 zoning district must meet and adhere to the standards applicable at that time.

7. If B&B's are allowed to continue this use after November 1999 as a result of special town meeting vote, it is likely that any B&B that would be allowed to continue serving meals to persons not staying overnight would require town and/or Planning Board approval as a separate use such as "regulated use of a B&B" and would be subject to performance standards including but not limited to;
    a. Adequate off-street parking
    b. Adequate safety egress
    c. Water supply and disposal

    Any B&B that could not meet and maintain these performance standards would not be permitted to continue to serve meals to persons not staying overnight in the establishment.

Michael G. Floyd, Selectman/Chair

Stephen R. Train, Selectman

Thomas W. Marr, Selectman

A true copy of the warrant
Attest: _____
Clerk of Town of Long Island, Maine

Posted this 30th day of October, 1998.

RETURN ON THE WARRANT
NOVEMBER 7, 1998

Long Island, Maine

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place, and for the purposes therein named, by posting an attested copy of said warrant at Town Hall and Post Office, being public and conspicuous places in said town, on the 30th day of October, A.D., 1998, being at least seven days before the meeting.

Bradley B. Brown

Bradley B. Brown, Deputy Sheriff