



Bustins Island Village Corp.

BUSTINS ISLAND, MAINE 04013

2010 ANNUAL MEETING WARRANT

Date: July 18, 2010

TO: M. Susan Spalding
Clerk of the Corporation

FROM: BIVC Board of Overseers

RE: **NOTICE OF ANNUAL MEETING OF THE BUSTINS ISLAND VILLAGE CORPORATION, STATE OF MAINE, COUNTY OF CUMBERLAND**

Greetings:

Pursuant to Article V of the By-Laws of the Bustins Island Village Corporation you are hereby directed to post notice and warn the qualified voters of the Bustins Island Village Corporation (BIVC) to assemble for the Annual Meeting of the BIVC at the Community House on Bustins Island on **Saturday, August 7, 2010, at 9:00 a.m. EDT** to act on the business of the BIVC as set out in the articles of the following warrant:

ARTICLE 1. ELECT MODERATOR

To choose a moderator and, if need be, a vice-moderator to preside over said meeting.

ARTICLE 2. HEAR OFFICERS & SUPERINTENDENT REPORTS

To listen to and pass upon reports from the Officers, Overseers, and the Superintendent of the BIVC:

- a) Clerk
- b) Board of Overseers
- c) Superintendent
- d) Treasurer

ARTICLE 3. BUDGET

To see if the BIVC will vote:

- a) To receive and appropriate the sum of \$227,200 to be expended under the direction of the Board of Overseers for the 2010/2011 fiscal year budget as set forth in ATTACHMENT A in the “10-11 Budget” column of page 2;
- b) To fund the sum so received and appropriated in a) above from the Freeport allocation, any gifts, assessments, and any other revenues; any excess or deficiency therefrom to be reconciled through the Reserve Excess and Deficiencies (RED) Fund and any amounts otherwise authorized from the CASCO fund;
- c) To authorize the Board of Overseers to:
 - i) Expend monies from the reserve accounts for the general purposes for which such accounts were established; and
 - ii) Make transfers among operating and reserve accounts including any amounts otherwise authorized from the CASCO fund.

Submitted by the Board of Overseers

Board of Overseers Report: This Article authorizes the Board of Overseers to receive and spend within the total appropriation and to transfer money among accounts. Attachment A presents a budget history and the expected disposition of funds for the 2010/2011 fiscal year.

The Board of Overseers voted unanimously to recommend approval of this article.

ARTICLE 4. RESOURCE PROTECTION DISTRICT DIMENSIONAL REQUIREMENT

Shall the BIVC vote to amend the BIVC Zoning Ordinance by adding the following as new first paragraph to section 4.1.6 Dimensional Requirements?

Any lot created in the Resource Protection District after the adoption of this amendment shall contain at least 20,000 square feet and have at least 50 feet frontage on a public way. Pre-existing contiguous lots of record located in the Resource Protection District and existing as of the date of adoption of this amendment shall not be subject to merger under Section 1.4.5.2 of this Ordinance so long as they remain in the Resource Protection District; however, they may not be further divided if doing so would create a lot of less than 20,000 square feet. The provisions of this section shall not prevent the addition to the Resource Protection District of any pre-existing lot no matter its size.

Submitted by the Planning Board

Planning Board Report: The Bustins Island Zoning Ordinance presently does not specify a minimum lot size for land within the Resource Protection District. Maine Revised Statutes Title 12 Chapter 423-A §4807-A requires a minimum lot size of 20,000 square feet. This amendment to the zoning ordinance is

being proposed to bring the ordinance into conformity with state law and to make the requirement more easily known to those referring to the zoning ordinance.

The Planning Board recommends approval of this article.

Since the Planning Board recommends approval, a majority vote is required to pass. Per state law, as an amendment to the zoning ordinance, further amendments are not permitted at the annual meeting.

The Board of Overseers voted unanimously to recommend approval of this article.

ARTICLE 5. SUBDIVISIONS

Shall the BIVC vote to amend the BIVC Zoning Ordinance by adding the following new Section 5.18 ?

5.18 Subdivisions

Application for subdivision approval shall be made on a form approved by the Planning Board. Plans for subdivisions must be drawn and certified by a State of Maine registered professional engineer or a State of Maine registered land surveyor and submitted to the Planning Board for approval. All lots created within a subdivision must meet the dimensional requirements of Section 4 for the district within which they are located and the plan shall show lot dimensions, areas, and such other information as the Planning Board may require. The plans shall indicate the location of water bodies, Wetlands and the Normal High Water Line. If construction or earth moving is planned, the plans shall also show how drainage and waste disposal are to be provided. Plans shall address each of the review criteria set forth in Title 30-A M.R.S.A. §4404 and any others that the Planning Board may reasonably require.

To the extent permitted by law, and except as may otherwise be provided by any applicable BIVC subdivision regulations or subdivision ordinance, the Planning Board and the applicant shall follow the same administrative procedures as in Section 6.8.3 of the Bustins Island Village Corporation Zoning Ordinance for Conditional Use Permits including the holding of a public hearing with the same notice requirements. In accordance with Section 6.8.3, the Planning Board may attach conditions to its approval of the subdivision plan.

Submitted by the Planning Board

Planning Board Report: The Bustins Island Zoning Ordinance presently defines a subdivision but is otherwise silent on the subject. The proposed amendment provides a general procedure for a subdivision application and general requirements. Under Title 30-A M.R.S.A. §4403, the Planning Board may adopt regulations governing subdivisions and in fact has done so. The Planning Board feels that the matter is sufficiently important that these fundamental subdivision matters should be part of the zoning ordinance.

The Planning Board recommends approval of this article.

Since the Planning Board recommends approval, a majority vote is required to pass. Per state law, as an amendment to the zoning ordinance, further amendments are not permitted at the annual meeting.

The Board of Overseers voted unanimously to recommend approval of this article.

ARTICLE 6. REMOVE PROPERTY FROM RESOURCE PROTECTION DISTRICT

Shall the BIVC vote to amend to the zoning map of Bustins Island, Freeport, Maine made for the Bustins Island Village Corporation dated August 2, 2003 revised to include corrections through May 16, 2005, by Island Surveys of Arrowsic, Maine which map is a successor to the Bustins Island Village Corporation Zoning Map of Bustins Island dated September 1, 1975 as subsequently amended and incorporated therein by rezoning Lot 69 in Section A as shown on said map from the Resource Protection District to the General Purpose District?

Submitted by Petition

Petitioners Report: The petitioner will report at the annual meeting.

Planning Board Report: The Resource Protection District was established at the time the zoning ordinance was adopted to protect the central area of the island as the recharge area for the island's water supply and to protect the natural character of the island. The former consideration has subsequently been borne out by the 2004 MACTEC water study. The district's undeveloped areas, even if not totally contiguous and compact, provide the open space essential for Bustins to be Bustins. Since its establishment, a number of lots not originally included in the Resource Protection District have been added because their owners wished to further the purposes for which the Resource Protection District was established and protect them from development. That specifically is the case with lot A-69 which was added in 1996 at the owner's request to restrict development of it. A secondary benefit of the Resource Protection District has been lower taxes on lots in it since they are not developable. The Resource Protection District has been of great benefit to Bustins and should be protected and preserved. Removing any lots from it establishes a dangerous precedent that over time would lead to major changes in the character of the community. The one former attempt to remove a lot was overwhelmingly defeated by annual meeting.

The Planning Board recommends disapproval of this article.

Since the Planning Board does not recommend approval, a two-thirds majority vote is required to pass. Per state law, as an amendment to the zoning ordinance, further amendments are not permitted at the annual meeting.

The Board of Overseers voted unanimously not to recommend approval of this article.

ARTICLE 7. SCHOOLHOUSE RELOCATION

To see if the BIVC will vote to approve the moving of the historic 1888 one-room schoolhouse to a new proposed location next to the BIVC-owned store/library/post office building.

Submitted by Petition

Petitioners Report: The petitioner will report at the annual meeting.

The Board of Overseers voted 3 to 2 not to recommend approval of this article.

ARTICLE 8. ELECTION

To elect a Clerk and Treasurer of the BIVC for a term of one year each; and to elect one member of the Board of Overseers for a three-year term by ballot as provided in the BIVC By-Laws.

(SWEARING IN OF NEW OFFICERS BY THE CLERK OR MODERATOR.)

ARTICLE 9. HEAR COMMITTEE REPORTS

To listen to and pass upon reports from any and all committees.

ARTICLE 10. OTHER MATTERS

To consider and act upon any other business which may lawfully come before said meeting.

Given our hands at Bustins Island, Freeport, Maine this 18th day of July, 2010.

The Board of Overseers of the BUSTINS ISLAND VILLAGE CORPORATION

Anthony DeBruyn, Chair

Scott Bonney

Patricia LaFleur, Vice-Chair

Faith Baker

Roger Leland

ATTACHMENTS AND SCHEDULES:
Attachment A – Treasurer’s Report and Budget (Article 3)
Attachment B – Budget Detail (Article 3)