

Planning Board
Bustins Island Village Corporation

To: Planning Board
From: Christine Martens, Secretary
Copies To: CEO, Appeals Board, Board of Overseers, Clerk
Subject: Minutes of the July 17, 2011 hearings

Date: July 19, 2011
Corrected: September 3, 2011
Approved: September 3, 2011

The hearings and meeting were held at the Community House on Bustins Island, ME. Present were Chairperson, Marcia Hohn, Dave Gosnell, Christine Martens, Charlotte Kahn, and Associate Member, Jeff Leland. CEO, Ron Tozier and Overseers, Bill Cooper & Roger Leland were also present. The first hearing was call was called to order at 9:00 AM. The Chair distributed an agenda and appointed Jeff Leland to vote in absence of Warren Barrows.

1. **Public Hearings** – The Chair opened the first hearing at 9:00 a.m. and reported that proper notification was satisfied for the following hearings with a first class mailing to all property owners, publishing of the notice in the Brunswick Times Record on June 23, 2011 and July 1, 2011 and posting at the Community House and Store Porch on June 23, 2011.

A. Proposed Amendments to Section 4.2.4 and 4.3.4 of the Zoning Ordinance to add Municipal Use Exemption – Marcia Hohn presented the case to see if the BIVC shall vote to amend the BIVC Zoning Ordinance by adding the following as new sub-sections to Sections 4.2.4 and 4.3.4:

4.2.4(5) Municipal

Municipal uses as are approved at a BIVC Annual or Special Meeting to authorize such uses.

4.3.4(6) Municipal

Municipal uses as are approved at a BIVC Annual or Special Meeting to authorize such uses.

Marcia reviewed for the public Article 5 of the proposed Warrant Article regarding Authorization of a Municipal Use Exemption for Vehicle Storage. She then presented the proposed article for the 2011 BIVC Annual Meeting explaining that the Bustins Island Zoning Ordinance presently does not have a provision for municipal use exemptions in the Shoreland or General Purpose Districts although there is one for the Resource Protection District. These amendments would add the same language permitting municipal use exemptions with both a vote of a BIVC meeting and subsequent issuance of a Conditional use Permit by the Planning Board as is currently in place for the Resource Protection District. The Planning Board and the Board of Overseers recommend approval. One islander voiced his concern regarding leaving vehicles full of fuel over the winter on municipal lots. If the fuel in any of these larger

vehicles leaked out, it could potentially contaminate the island aquifers since some of these municipal lots are located over these water sources. Discussion took place and it was noted that this was a valid concern and one that would be addressed at a CUP hearing should the article pass at the BIVC Annual Meeting. The hearing was closed at 9:15 a.m..

At the close of all the hearings the Planning Board went into regular session and a motion was made, seconded and unanimously passed to submit this article in the 2011 BIVC Annual Meeting Warrant as printed in the proposed warrant article.

B. Authorization of a Municipal Use Exemption for Vehicle Storage – The chair opened the hearing at 9:30 a.m.. Overseer, Bill Cooper presented the case to see if the BIVC will vote to authorize a municipal use exemption under Article 4.1.4(2) of the BIVC Zoning Ordinance for the storage of vehicles and equipment on BIVC owned property in the Resource Protection District as shown on the Zoning Map of Bustins Island, Freeport, Maine dated August 2, 2003 revised to include corrections through May 16, 2005. Bill reviewed that for a number of years the Board of Overseers has stored and allowed to be stored various BIVC and contractor vehicles at the BIVC owned lots E-68 and E-68A, the “Brewer Property.” Fire equipment has also been housed and stored on lot E-7D, the fire house lot. These lots are both within the Resource Protection District. Under Article 4.1.4 of the Zoning Ordinance, Municipal uses are allowed if they are approved by the Annual Meeting and subsequently the Planning Board grants a Conditional Use permit for such use. The article asks that the BIVC vote to approve these historic uses as municipal use exemptions and remove any doubt about the conformity of these uses with the zoning ordinance.

The Planning Board asked questions. There was no opposition. The hearing was closed at 9:45 a.m..

At the close of all the hearings the Planning Board went into regular session and a motion was made, seconded and unanimously passed to support this article in the 2011 BIVC Annual Meeting Warrant as printed in the proposed warrant article.

C. Accept Portions of Public Ways in Section E by Metes and Bounds –

1. Roger Leland presented the case to accept a certain plan entitled “Plan of a Standard Boundary Survey, ‘Island Avenue,’ Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 05/17/11 which plan shall be certified as an amendment to the Zoning Map of Bustins Island dated August 2, 2003 as corrected through May 16, 2005.
2. Roger Leland presented the case to amend 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 accepting a certain plan entitled “Plan for Road Acceptance, Island Avenue, Section E, Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 05/17/11, which plan shall be certified as an amendment to the Zoning Map of Bustins Island dated August 2, 2003 as corrected through May 16, 2005 and also by accepting as a public island way for all

purposes for which public streets are now or in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine, those portions of Island Avenue in Section E so set out and further described by metes and bounds all as set out on Attachment B attached .

It was noted that there will be no transfer of land “slivers” to islanders. There was no opposition. The hearing was closed at 10:15 a.m..

At the close of all the hearings the Planning Board went into regular session and a motion was made, seconded and unanimously passed to recommend that the articles based on the plans be drafted and submitted for approval at the 2011 BIVC Annual Meeting.

D. Proposed Amendments to the Zoning Ordinance to Clarify Tenting – The Planning Board cancelled this hearing due to the fact that the amendment will not be brought forward this year. There was no public comment.

A motion to adjourn was made at 10:35 a. m., seconded and unanimously passed.

Respectfully Submitted,

Christine G. Martens, Secretary