

Planning Board
Bustins Island Village Corporation

To: Planning Board **Date:** July 11, 2012
From: Jeff Leland, Secretary **Corrected:** July 14, 2012
Copies To: CEO, Appeals Board, Board of Overseers, Clerk **Approved:** July 14, 2012
Subject: Minutes of the July 1, 2012 Meeting

The meeting was held at the Community House, Bustins Island, Freeport, Maine. Present were Chair, Christine Martens, Vice Chair, Dave Gosnell, Charlotte Kahn, Warren Barrows, Secretary, Jeff Leland, CEO/LPI, Ron Tozier, and BIVC Board members, Bill Cooper and Roger Leland. The meeting was called to order at 9:02 a.m.

1. **Public Hearings on Applications for Conditional Use Permits:**

A. **Dickison** – The board heard the case for David and Sandy Dickison, 9 Bishop Farm Road, Freeport, ME 04032 under Sections 5.6(2) and (3) to excavate/fill more than 10 cubic yards for construction of a replacement septic system on Lot 5, Section C. Applicant and Ron Tozier answered various questions from the Board. The Planning Board found that:

1. All proper documentation was submitted and the Conditional Use Permit Application notification standards had been met.
2. The applicants submitted a plan by Site Evaluator Al Frick dated 4/16/12 and prepared for David Dickerson.
3. The lot is entirely in the Shoreland District.
4. There would be no cutting of trees.
5. 5.6(6) of the Zoning Ordinance requires the posting of a Surety Bond.
6. The septic system will be installed by The Tozier Group now owned and operated by family members other than Ron Tozier.
7. Neighbor Roger Leland spoke in favor.
8. No one spoke in opposition.

The Chair reviewed the applicable conditions for the Board to consider:

B1, D1, D2, D3, G, H1, H2, I, J.

It was duly moved, seconded and unanimously voted to close the hearing at 9:35AM.

- B. **Sweatt** – The board heard the case presented by Ron Tozier for Ron and Linda Sweatt, 37 Cooney Road, Pomfret Center, CT 02659 under Sections 5.6(2) and (3) to excavate/fill more than 10 cubic yards for construction of a grey water system in the Shoreland District on Lot 1, Section E

The Planning Board found that:

1. All proper documentation was submitted and the Conditional Use Permit Application notification standards had been met.
2. The applicants submitted a plan by Site Evaluator Al Frick dated 5/14/12 and prepared for Linda Sweatt c/o Ron Tozier.
3. The lot is entirely in the Shoreland District.
4. Some trees will be removed for proposed construction.
5. 5.6(6) of the Zoning Ordinance requires the posting of a Surety Bond.
6. CEO/LPI Ron Tozier reported he had a long-term personal relationship with applicant and his former firm, now owned by his wife and son would be doing the work.
7. No one spoke in opposition.

The Chair reviewed the applicable conditions for the Board to consider:

B1, D1, D2, G, H1, H2, I, J

It was duly moved, seconded and unanimously voted to close the hearing at 9:57AM.

- C. **Reardon** – The applicant did not appear for his scheduled hearing and his application was denied without prejudice.
- D. **BIVC** – The board heard the case presented by Overseer Bill Cooper for the Bustins Island Village Corporation, General Delivery, Bustins Island, ME 04013 under Section 4.1.4(2) for parking of BIVC & Contractor Vehicles and Equipment in the Resource Protection District on Lots, 68, 68A, 69, 7C, 7D in Section E. The planning board found that:
1. All proper documentation was submitted and the Conditional Use Permit Application notification standards had been met.
 2. The board waived any application fees.
 3. The applicant presented an Island Zoning Map indicating the affected BIVC-owned lots.
 4. All lots included in the application are in the Resource Protection District.
 5. The proposed municipal use was approved at the 2011 BIVC Annual Meeting.
 6. There was a risk of contamination of gasoline, fuel, oil or other hazardous materials.
 7. No one spoke in opposition.

The Chair reviewed the applicable conditions for the Board to consider:

-The Board of Overseers shall take necessary action to prevent or resolve any contamination from potential or actual spills of hazardous materials in connection with said vehicles.

It was duly moved, seconded and unanimously voted to close the hearing at 9:35AM.

2. **Discussion of CUP Applications, Findings, and Conditions**

After a short break, the board went into regular meeting at 10:19 AM.

E. After some discussion, it was duly moved, seconded and unanimously voted to approve the Conditional Use application for Dickison subject to the following conditions:

B1- That all construction, including excavation and replacement of fill, shall be under the supervision of, and shall meet with the approval of the Code Enforcement Officer of Bustins Island.

D1- No installation on the premises of a surface, subsurface, or graywater disposal system shall be constructed without the approval of the Bustins Island Plumbing Inspector.

D2- Any subsurface water disposal system shall be constructed only after the Maine Department of Human Services, Division of Health and Engineering has issued a permit approving the design and the same has been approved by the Bustins Island Plumbing Inspector. Construction shall be in accord with said approvals, which shall be incorporated by specific reference to this decision.

D3- Any subsurface wastewater disposal system constructed on the premises shall have its contents pumped under the supervision of and shall be inspected by the Bustins Island Plumbing Inspector at least once every 15 years.

G – No cutting of trees and vegetation on the site shall be done except in accord with Sections 5.15 and 5.16 of the Bustins Island Zoning Bylaw, and section 15, Paragraph P of the State of Maine Guidelines of Municipal and Shoreland Zoning Ordinance, effective date March 24, 1990. If any governmental entity of the State of Maine shall require notification of and a permit in addition to those in effect in the B.I.V.C. Ordinance, then that permit shall be obtained and a copy furnished to the Code Enforcement Officer for review and enforcement.

H1 – The proper use of all approved erosion and sediment controls shall be in place during construction and until all disturbance of the site shall have been reseeded or replanted.

H2 – In addition to the control of sedimentation, minimum cutting required for the construction of the premises will occur in order that there be a total conservation of shore cove and the retention of the natural beauty of the site. The Planning Board reserves the right to require that a final as built landscape plan be submitted and that the Code Enforcement Officer find it to be in compliance with the permit before the premises may be used.

I - Earthwork and moving will be done as shown on the plans submitted at the hearing.

J - If any portion of system will be on property not owned by applicant, a copy of the easement shall be provided prior to issuance of CUP.

-Construction will be in accordance with submitted plan and any applicable date mandated by state law.

- The cost of the Surety bond be set at Zero (0) dollars.

- State-mandated inspections will be conducted by alternate CEO/LPI Barbara Skelton.

F. After some discussion, it was duly moved, seconded and unanimously voted to approve the Conditional Use application for Sweatt, subject to the following conditions:

B1- That all construction, including excavation and replacement of fill, shall be under the supervision of, and shall meet with the approval of the Code Enforcement Officer of Bustins Island

D1- No installation on the premises of a surface, subsurface, or graywater disposal system shall be constructed without the approval of the Bustins Island Plumbing Inspector.

D2- Any subsurface water disposal system shall be constructed only after the Maine Department of Human Services, Division of Health and Engineering has issued a permit approving the design and the same has been approved by the Bustins Island Plumbing Inspector. Construction shall be in accord with said approvals, which shall be incorporated by specific reference to this decision.

G – No cutting of trees and vegetation on the site shall be done except in accord with Sections 5.15 and 5.16 if the Bustins Island Zoning Bylaw, and section 15, Paragraph P of the State of Maine Guidelines of Municipal and Shoreland Zoning Ordinance, effective date March 24, 1990. If any governmental entity of the State of Maine shall require notification of and a permit in addition to those in effect in the B.I.V.C. Ordinance, then that permit shall be obtained and a copy furnished to the Code Enforcement Officer for review and enforcement.

H1 – The proper use of all approved erosion and sediment controls shall be in place during construction and until all disturbance of the site shall have been reseeded or replanted.

H2 – In addition to the control of sedimentation, minimum cutting required for the construction of the premises will occur in order that there be a total conservation of shore cove and the retention of the natural beauty of the site. The Planning Board reserves the right to require that a final as built landscape plan be submitted and that the Code Enforcement Officer find it to be in compliance with the permit before the premises may be used.

I - Earthwork and moving will be done as shown on the plans submitted at the hearing.

J - If any portion of system will be on property not owned by applicant, a copy of the easement shall be provided prior to issuance of CUP.

-Construction will be in accordance with submitted plan and any applicable date mandated by state law.

- The cost of the Surety bond be set at Zero (0) dollars.

- State-mandated inspections will be conducted by alternate CEO/LPI Barbara Skelton.

G. After some discussion, it was duly moved, seconded and unanimously voted to approve the Conditional Use application for the BIVC subject to the following condition:

-The Board of Overseers shall take necessary action to prevent or resolve any contamination from potential or actual spills of hazardous materials in connection with said vehicles.

3. **Approval of Minutes**

a) The minutes from the April 28, 2012 meeting were duly moved, seconded, and unanimously voted to accept as submitted.

b) The minutes from the May 26, 2012 meeting were duly moved, seconded, and unanimously voted to accept as submitted with corrections.

4. **Review Follow-Up Action Items**

There was a discussion as to which follow-up items were completed and which needed to be carried forward for future action. The revised list is at the end of these minutes.

5. **Correspondence**

There was no correspondence for review.

6. **CEO/LPI Status Report**

The CEO reported that presently things were quiet on the Island other than the CUP Hearings that were presently scheduled. The CEO also asked for the Planning Board's interpretation of Code Section 4.3.4 Conditional Uses 3 (Commercial and Industrial). Discussion followed, but no action was taken at the present time.

7. **Vote to Submit Motion to Accept Gifts of Land & Drainage Easement**

A Motion To Accept Gifts of Land, revised 6/13/2012, was submitted as follows:

That the Planning Board submit to the Board of Overseers for inclusion in the warrant for the 2012 BIVC Annual Meeting an article or articles proposing that that the Bustins Island Village Corporation accept, receive, convey and transfer the gifts of a certain parcels of land designated as Parcels A, B, F, and G from the abutters and owners of those parcels, in fee simple absolute, all as set out on a plan entitled, "Plan of Proposed Conveyances Island Avenue Section E, Bustins Island, Freeport, Maine 04013 made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine 04530 dated 12/05/11 and more particularly bounded and described by metes and bounds in Descriptions of Parcels A, B, F and G attached.

That the Planning Board submit to the Board of Overseers for inclusion in the warrant for the 2012 BIVC Annual Meeting an article or articles proposing that that the Bustins Island Village Corporation accept a gift of a drainage easement as set out on a plan entitled "Plan of a Proposed Drainage Easement, West Shore Road, Section E, Bustins Island, Freeport, Maine 04013, made for Bustins Island Village Corporation by Island Surveys of Arrowsic, ME 04530 dated 03/23/12.

The motion was moved, seconded, and unanimously voted to accept gifts of land as referenced.

8. **Finalizing Zoning Ordinance Revisions for Tenting/Vote to Submit**

a) There was a discussion and presentation by Warren Barrows as to the latest revision of the proposed zoning changes relative to tenting. After the discussion a motion was submitted to approve the Zoning Ordinance Revisions for Tenting as submitted with amendments.

The motion was moved, seconded, and unanimously voted to approve the Zoning Ordinance Revisions for Tenting as referenced.

b) There was a discussion of the Planning Board Report to be attached to the Warrant Article. After the discussion a motion was submitted to approve the Planning Board Report attached to the Warrant Article.

The motion was moved, seconded, and unanimously voted to approve the Planning Board Report attached to the Warrant Article as referenced.

9. **Annual Meeting Report**

Dave Gosnell volunteered to write the Planning Board Annual Report for the BIVC Annual Meeting.

10. **Five to Ten Year Needs**

At the request of the Board of Overseers, the Planning Board began discussion of needs it foresees over the next five to ten year timeframe. The issue of global warming and the consequences of the oceans rising over the next century is a concern that was brought up. Members feel this issue, as well as cost planning should be addressed in future discussions. Any additional discussion was tabled for subsequent meetings.

11. **Any Other Items**

There were no other items.

The motion was moved, seconded, and unanimously voted to adjourn at 12:20 p.m.

Date

Jeff Leland, Secretary

Follow-Up/Action Items:

1. Ron to email revised Building Permit to the Chair
2. Deeds for road slivers need to be recorded
3. Ron will get a PDF document with Section 690 of the electrical code for the board for next meeting
4. Charlotte will work with Ellen Donovan to introduce composting initiative to the Comprehensive Plan.
5. Jeff to sign a set of March, April, and May approved minutes and give to Chris at the next meeting.
6. Jeff to send out email with approved March, April, and May meeting minutes.
7. Dave will prepare a draft of the Planning Board Annual Report for the next meeting.

Long-Term Agenda Items:

- Further corrections to island Zoning Map
- Noise Ordinance and house boats
- Discuss solar system/fire issues
- Discuss electrical permitting
- Review Comprehensive Plan to add wording to help islanders know what people “can do” regarding cutting regulations
- Discuss adding permanent conservation easement to any lots added to Resource Protection