

Planning Board
Bustins Island Village Corporation

To: Planning Board
From: Jeff Leland, Secretary
Copies To: CEO, Appeals Board, Board of Overseers, Clerk
Subject: Minutes of the August 25, 2012 Meeting

Date: September 7, 2012
Corrected: January 23, 2013
Approved: January 23, 2013

The meeting was held at the Community House, Bustins Island, Freeport, Maine. Present were Chair, Christine Martens, Vice Chair, Dave Gosnell, Charlotte Kahn, and Secretary, Jeff Leland. The meeting was called to order at 9:03 a.m.

1. **Hearings On Applications for Conditional Use Permits**

a. **Dugan – Dormer**

The Chair opened the hearing at 9:19 a.m. and the board heard the case for Becky and Bob Dugan, 24 Davelin Road, Wayland MA 01778, for a Conditional Use permit under Sections 4.2.3 & 4.2.4 (2) of the B.I.V.C. Zoning Ordinance to construct a dormer and extend a porch on Lot 27A in Section B in the Shoreland District. The presentation was made by Beck and Bob Dugan.

The Planning Board found that:

- 1.) All proper documentation was submitted and requirements were met.
- 2.) Replacement dormers are needed to meet safety issues.
- 3.) Dormer makes the building Fire Code compliant by having larger windows.
- 4.) There is no increase in the height of the building or the square footage of the footprint of the building.
- 5.) The Board reviewed the plans of Becky and Bob Dugan for the Merrill Farm House, Bustins Island, Maine drafted by Creative Cottage LLC, PO Box 423, Freeport, Maine 04032 dated August 25, 2012
- 6.) No public opposition.
- 7.) Building site view by the Board members prior to hearing.
- 8.) 5.11 (2) b – requirements were met.

The Chair reviewed applicable conditions for the Board to consider:

B1, B3, H1, H2

b. **Dugan** – Porch Extension

Findings:

- 1.) All documentation requirements have been met.
- 2.) Increase of porch does not exceed 20% limitation of 4.2.6.
- 3.) 6 ft. porch to be increased to 8 ft. extension so that it will be a more usable and safer porch.
- 4.) House was constructed prior to the road being built.
- 5.) Presently the porch is 19 ft. at its closest and 32 ft. at its farthest point from the road. The proposed extension is 17 ft. at its closest with 30 ft. from the farthest point.
- 6.) No opposition from the public.
- 7.) 1.4.1.3 states that a use cannot be made more non-conforming.
- 8.) Tree cutting has been done on the site with the permission of the CEO.

The applicant was made aware of the 30 day appeal period and that any construction prior to that period passing was done at the owner's own risk.

The Chair reviewed applicable conditions for the Board to consider:

A, B1, B3, H1, H2

It was duly moved, seconded and unanimously voted to close the hearing at 9:41.

c. **Reardon**

The Chair opened the hearing at 9:42 a.m. and heard the case for Pat Reardon, 164 Weymouth Road, New Gloucester, ME 04260 for a Conditional Use Permit under Section 4.3.4(3) to conduct Commercial Operations in the General Purpose District from Lot 58, Section A. Pat Reardon made the presentation.

The Planning Board found that:

- 1.) The CUP is sought under section 4.3.4 (3)b
- 2.) Island residents expressed concerns over conditions of lot presently, and long term storage of materials and impact on wells.
- 3.) Applicant presently parks vehicles on other locations with permission.
- 4.) Most materials stored on site are for the cottage construction for the site.

Pat Reardon indicated that the building materials were on the site for the construction of his own cottage not for his commercial operations. His intension is to park his trailers there during the summer. Off season work he generally leaves his vehicles at the construction site of other Island cottages. He does not intend to do outside work on his site.

It was duly moved, seconded and unanimously voted to close the hearing at 10:24.

2. **Discussion of Hearings and Issuance of CUPs**

- a. After discussion, it was duly moved, seconded, and unanimously voted to issue the Conditional Use Permit for Dugan for their dormer with 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.

B3 – The premises shall not be occupied for habitation until the Code Enforcement Officer finds that all conditions of the permit have been met.

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.

- b. After discussion, it was duly moved, seconded, and unanimously voted to issue the Conditional Use Permit for Dugan for extension of the porch with the following conditions:

A – That the applicants seek and receive a favorable variance from the Zoning Board of Appeals.

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.

B3 – The premises shall not be occupied for habitation until the Code Enforcement Officer finds that all conditions of the permit have been met.

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.

- c. After discussion, it was duly moved, seconded, and unanimously voted to approve the Conditional Use Permit for Reardon subject to the following conditions:

K - Any hazardous construction materials for commercial operation must be stored and maintained safely as to not endanger surrounding properties or water resources.

L - Commercial activity must be conducted with sensitivity to minimizing visual and auditory impact on neighbors.

3. **Approval of Minutes**

The Minutes from the July 14, 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 concerning the Follow-Up Action Items. Modifications were made to the list located at the end of these Minutes.

5. **Outstanding Map Items and Deed Transfers**

After discussion, the Chair indicated that it was her intention to address the outstanding map items and make deed transfers as a full-court press in 2013 in conjunction with the Board of Overseers and the Roads Committee.

6. **Correspondence**

There was a discussion regarding the letter from Len Larrabee. It was decided that since the issues he addresses are relative to modifications and changes to the Island Map, these and other related issues will be addressed in the next map revision slated for 2013.

7. **Any Other Items**

a. The Chair will send an email and letter to John Garfield regarding his status as an Associate Member of the Board. She will then determine and take appropriate action.

b. There were no additional items addressed at the meeting.

8. **Review fall meeting date**

November 10, 2012 at 10:00 a.m. in Freeport

The motion was moved, seconded, and unanimously voted to adjourn at 11:19 a.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 contact Maine Experts regarding climate issues.

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
- Climate change