

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 July 13, 2013 Meeting

Date: July 29, 2013
Corrected: Sept. 2, 2013
Approved: Sept. 2, 2013

The meeting was held at the Brewer Cottage, Bustins Island, Freeport, Maine. Present were Chair, Christine Martens, Vice Chair, Dave Gosnell, Charlotte Kahn, Warren Barrows, Secretary, Jeff Leland, Associate member, Kevin Petrie, CEO/LPI, Ron Tozier, and BIVC Board members, Bill Cooper and Road Committee member, Roger Leland. The meeting was called to order at 10:00 a.m.

1. **Public Hearings:**

The Chair opened the hearings at 10:00 a.m. and reported that proper notification was satisfied with a first class mailing to all property owners, publishing of the notice in the *Brunswick Times Record* on July 1, 2013 and July 2, 2013 and posting at the store and Community House on July 1, 2013.

a.

1. Roger Leland presented the proposed article to accept certain plans entitled “Plan of a Standard Boundary Survey, Showing Proposed Acceptance of ‘Central Avenue,’ Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/17/13, and a “Plan for Road Acceptance, Central Avenue, Section E, Bustins Island, Freeport, Maine,” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/17/13” and “Plan of Proposed Conveyances, Central Avenue, Section E, Bustins Island, Freeport, Maine” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/17/13 which plans 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 presented the proposed article to accept by metes and bounds as additions to public ways for all purposes for which public streets are now and in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine those parcels shown on “Plan for Road Acceptance, Central Avenue, Section E, Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/17/13 excepting therefrom the area between courses L7 through L17 inclusive on said plan and also to accept by metes and bounds as additions to public ways for all purposes for which public streets are now and in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine, Parcels A, B, C, D, E, F, & G on “Plan of Proposed Conveyances, Central Avenue, Section E, Bustins Island, Freeport, Maine” by Island

Surveys of Arrowsic, Maine, dated 06/17/13 so set out and further described by metes and bounds all as set out on Schedule A of the 2013 Annual Warrant and to amend the official Zoning Map, dated August 2, 2003, as corrected through May 16, 2005.

After much discussion it was determined that the portion of the roads affecting Steve and Dory Kirkland would be removed from the proposal to be presented to the Annual Meeting for approval. There was no public opposition. The hearing was closed at 10:40 a.m.

The Board subsequently moved, seconded, and unanimously voted to support the Roads Acceptance as presented and modified.

b. Accept Portions of Public Ways in Section A by Metes and Bounds

1. Roger Leland presented the article to accept certain plans entitled “Plan for Road Acceptance, Street E, Section A, Bustins Island, Freeport, Maine,” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/19/13” and “Plan of a Proposed Conveyances, Street E, Section A,” made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/19/13 excepting therefrom the area defined by courses L51, L68, and L69 inclusive on said plan and to amend the official Zoning Map. (These plans shall be certified as amendments to the Zoning Map of Bustins Island dated August 2, 2003 as corrected through May 16, 2005. This map is a successor to the Bustins Island Village Corporation Zoning Map of Bustins Island dated September 1, 1975).
2. Roger Leland presented the article to accept by metes and bounds as additions to public ways for all purposes for which public streets are now and in the future held and maintained by the Bustins Island Village Corporation on Bustins Island, Maine, those parcels shown on “Plan for Road Acceptance, Street E, Section A, Bustins Island, Freeport, Maine” made for the Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine dated 06/19/13 excepting therefrom the area defined by courses L51, L68, and L69 inclusive on said plan and also as Parcels E, F, H, I, & J on “Plan of a Proposed Conveyances, Street E, Section A, made for Bustins Island Village Corporation by Island Surveys of Arrowsic, Maine, dated 06/19/13 so set out and further described by metes and bounds all as set out on Schedule C on the 2013 Annual Meeting Warrant.

The Board subsequently moved, seconded, and unanimously voted to support the Roads Acceptance as presented.

c. Whiting – Expansion of Existing Deck.

The Chair opened the hearing at 10:45 a.m. and Board heard the case for Jeff and Jean Whiting for a Conditional Use Permit under Sections 4.2, 4.2.4(2), 6.2, and 6.8.3 of the B.I.V.C. Zoning Ordinance to add a deck on Lot 32 in Section D in the Shoreland District. Ron Tozier, CEO, presented the initial issues. The applicant then made a presentation. Both the CEO and applicant answered various questions posed by 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 deck is in Shoreland District
3. There would be no cutting of trees.
4. Setbacks are met
5. No opposition from neighbors
6. The applicant met bonding and security condition.
7. The Plan entitled “Jeff Whiting Deck” dated 6/06/2013.
8. The applicant was notified of the thirty (30) day appeal period.

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

B1, G, H1.

Discussion and Issuance of C.U.P.

After discussion, it was duly moved, seconded, and unanimously voted to issue the Conditional Use Permit to the Whittings for their deck expansion with the following conditions:

B1 – That all construction shall be under the supervision of, and shall meet with the approval of the Code Enforcement Officer of Bustins Island.

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 By-Law, 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.

It was duly moved, seconded and unanimously voted to close the hearing at 11:10 a.m.

d. **Public Hearing for Amendment to Zoning Ordinance.**

The hearing was called to order at 11:15 a.m. Warren Barrows presented the proposed Articles for the 2013 B.I.V.C. Annual Meeting. One islander asked questions relating to the Article relating to Contractor certification. There was no public opposition.

After discussion it was decided to table one proposed article relating to building heights until further review of the Code was completed.

The Board subsequently moved, seconded, and unanimously voted to accept the Amendments to the Zoning Ordinance as presented with a special commendation to Warren Barrows for all of his efforts.

It was duly moved, seconded and unanimously voted to close the hearing at 11:25 a.m.

2. **Approval of Minutes**

The Chair tabled the review of the minutes from June 22, 2013 until the next meeting.

3. **CEO/LPI Status Report**

The CEO reported that Island resident, Mark Woodworth, plans to go forward with the development of his lot. The land has been surveyed. The CEO will deny the building permit when it is submitted, since it is in the Shoreland Zone. The Planning Board has the authority to approve or deny a C.U.P. based on Code Sections 2.4.1, 2.4.2. and 6.8.3(4).

4. **Review Pidge's Cove Update**

a. Planning Board members, Dave and Warren, met with the consultant, Ross Cudlitz, to view Pidge's Cove and the surrounding shoreline. Discussion ensued as to possible options and actions that can take place. The consultant will prepare a cost estimate for possible work and present that to the Board at a later date.

b. It was noted that trees can often be dangerous and damaging because they pull back on the bank allowing for instability and erosion. Ross recommended that brush be cut but not pulled up so the good plants are not lost. There are new state regulations that should be forthcoming. It was noted that invasive species, such as bamboo, can be cut.

5. **Update of Zoning Board Revisions**

During a discussion it was decided to table the building height article and not bring it before the 2013 Annual Meeting. Further review will take place in subsequent Planning Board meetings.

6. **Comprehensive Plan**

A lengthy discussion ensued regarding the process for the Comprehensive Plan. It was determined that questions need to be asked of the state coordinator prior to the next Planning Board meeting. It was determined that a draft of the Comprehensive Plan would be completed and made available to the community at the Post Office, Community House, as well as on line. It was determined that notice would be made for a September 2, 2013 hearing at the Community House.

7. **Any Other Items**

There will be a Memorial Day meeting in 2014.

The motion was moved, seconded, and unanimously voted to adjourn at 12:30 p.m.

Date

Jeff Leland, Secretary

To Do List:

1. Ron to email Mark W. Whiting about planning.
2. Chris to put up the Notice for the hearing on September 2, 2013 at 9:00 a.m.
3. Dave to contact Phil at the state to discuss the following:
 - a. Timeframe of completing the steps for the Plan
 - b. Should it be passed by the community first before presenting it to the state?
 - c. Issue regarding affordable housing
 - d. If the Comprehensive Plan is a Zoning Ordinance Amendment and requires notice as such.
 - e. For the timeframe for the Plan to have the September 2nd hearing.

Long-Term Agenda Items:

- Discuss solar system/fire issues
- Discuss electrical permitting
- Review need for informational handout to help Islanders know what people “can do” regarding cutting regulations.
- Continue to (i) investigate and identify BIVC coastal roads and property at risk of loss due to erosion from existing or projected increase in sea level and storm activity and intensity, and (ii) possible need for professional study of coastal bluffs to determine whether action is warranted, and if so, available options.