

**Town of Cumberland
Board of Adjustment and Appeals
Minutes of Meeting
July 13, 2006**

Present: R. Scott Wyman, Pete Wilson, Ronald Copp, Adrian Kendall, Matt Manahan,
Sam Wilkinson
Absent: Mike Martin, Andrew Black
Staff: William Longley, Code Enforcement Officer

The meeting was called to order at 7:03 p.m.

Mr. Wyman welcomed the applicants and gave an overview of the rules of procedure for the meeting. Stating there would be opportunity for public testimony.

Hearings and Presentations:

1. Special Exception: Florence Rich requests a special exception for a Seasonal Retail Craft shop at 18 Casco Bay Landing Road; Tax Assessor Map Io1, Lot 58 in the Island Residential (IR) district.

Mr. Longley presented background information as follows: Florence Rich of 18 Casco Bay Landing Road is requesting permission to operate a seasonal craft shop for friends and neighbors to sell their crafts.

Ms. Florence Rich, applicant stated the seasonal craft shop would be open from June through September or October. The hours of operation would be three or four days a week from 9:00 a.m. to 3:00 or 4:00 p.m.; the shop will not be open in the evening, there will be no electrical power to the building. The craft shop will sell items such as jewelry, pottery, dolls, crocheted items, etc. The shop will be housed in an existing 10' x 12' outbuilding that is currently a shed. The outbuilding has an entry way. Mrs. Rich is requesting two small signs, one on the building and one near the road. There is parking across the street, and five parking spaces in front of the house.

The Board reviewed the Special Exception standards, Section 603.2.3 with the following findings:

.1 The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles and the visibility afforded to pedestrians and the operators of motor vehicles;

There will be no substantial increase in traffic generated from the business, and the use will not create hazards to vehicular or pedestrian traffic.

The Board found this requirement to be satisfied.

.2 The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;

There will be no water pollution caused by the seasonal craft business.

The Board found this requirement to be satisfied.

.3 The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;

There will be no unhealthful conditions generated by the proposed seasonal business.

The Board found this requirement to be satisfied.

.4 The proposed use will be compatible with the uses that are adjacent to and neighboring the proposed location, as measured in terms of its physical size, intensity of use, visual impact, and proximity to other structures and the scale and bulk of any new structures for the proposed use shall be compatible with structures existing or permitted to be constructed on neighboring properties;

The proposed use will be compatible with uses that are adjacent to and neighboring the residence. The proposed business will be seasonal from June - October; three or four days a week, from 9:00 a.m. to 4:00 p.m.

The Board found this requirement to be satisfied.

.5 The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, **vibration or fire hazard or restrict access of light and air** to neighboring properties;

There will be no glare, fumes, or noise that would create a nuisance to the neighboring properties.

The Board found this requirement to be satisfied.

.6 The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;

The proposed use will not create environmental impacts on surrounding properties.

The Board found this requirement to be satisfied.

.7 The proposed use has no unusual characteristics atypical of the generic use which proposed use will depreciate the economic value of surrounding properties;

The proposed use will not depreciate the economic value of surrounding properties.

The Board found this requirement to be satisfied.

.8 If located in a shoreland zone, the proposed use (i) will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat; (ii) will conserve shoreland vegetation; (iii) will conserve visual points of access to waters as viewed from public facilities; (iv) will conserve actual points of access to waters; (v) will conserve natural beauty and (vi) will avoid problems associated with flood plain development and use. [Amended, effective 12/2/86]

The proposed use will not result in damage to the shoreland zone; the house is not within the Flood Plain Area. .

The Board found this requirement to be satisfied.

In addition, Section 603.2.7 was reviewed with the following findings.

In addition to the standards contained in Section 603.2.3, all special exceptions must conform with the performance standards set forth herein. No use already established on the date of adoption of this ordinance shall be so altered or modified as to conflict with or, if already in conflict with, to further conflict with these performance standards.

.1 The volume of sound, measured by a sound level meter and frequency weighting network (manufactured according the standards prescribed by the American Standards Association), inherently and recurrently generated shall not exceed a maximum of 60 decibels at lot boundaries, excepting air raid sirens and similar warning devices;

The Seasonal Craft Shop will not create noise that will exceed 60 decibels at lot boundaries.

The Board found this requirement to be satisfied.

.2 Vibration inherently and recurrently generated shall not exceed a peak particle velocity of .01 inches per second at lot boundaries;

There will be no noise or vibration generated by the proposed Seasonal Craft Business.

The Board found this requirement to be satisfied.

.3 No materials or wastes shall be deposited on any lot in such form or manner that they may be transferred beyond the lot boundaries by regularly recurring natural causes or forces, and

all materials which cause fumes or dust, constitute a fire hazard, or are edible or otherwise attractive to rodents or insects if stored out-of-doors shall be in closed containers;
There will be no wastes generated by the proposed use that would transfer beyond lot boundaries.

The Board found this requirement to be satisfied.

.4 The emission of noxious, odorous matter across lot boundaries in such quantities as to be offensive to persons of ordinary sensibilities is prohibited; and
There will be no odors from the proposed use of the property.

The Board found this requirement to be satisfied.

.5 No discharge into any private sewage disposal system, or stream or into the ground of any materials in such nature or at such temperature as to contaminate any water supply or otherwise cause the emission of dangerous or unhealthful elements is permitted, and no accumulation of solid waste conducive to the breeding of rodents or insects shall be allowed.
[Amended, effective 12/2/86]

There will be no discharge into the septic disposal system; the Shop will have no utilities.

The Board found this requirement to be satisfied.

Mr. Wyman asked for testimony from the public in support of the application.

Ms. Rich presented a letter from a neighbor who will send a letter of support to add to the file.
Mr. Wyman asked for testimony that was in opposition, there was none. He asked for testimony that was neither for nor against but on a neutral basis. There was none. The public portion of the meeting was closed.

Mr. Manahan moved based on the findings and conclusions to grant Florence Rich a special exception for a Seasonal Retail Craft Shop at 18 Casco Bay Landing Road; Tax Assessor Map I01, Lot 58 in the Island Residential (IR) district. The approval allows the placement of two signs, one sign is to be 2' x 1' and one 18" x 24" one sign will be attached to the building and one detached. The total square footage of the signs is not to exceed six (6) square feet. This approval is subject to the applicant receiving Site Plan Approval from the Planning Board as required by the Zoning Ordinance.

Mr. Kendall seconded.

VOTE: Unanimous

Minutes - June 8, 2006

Mr. Manahan moved to approve the minutes of the June 8, 2006 meeting.

Mr. Kendall seconded.

VOTE: Unanimous

Adjournment: The meeting was adjourned at 7:25 p.m.

A TRUE COPY ATTEST:

R. Scott Wyman, Board Chair

Pam Bosarge, Board Clerk