

Town of Islesboro  
Planning Board  
**Public Hearing for Andy Staples**  
Application # MD3-12  
Map 39, Lot 36  
May 30, 2012  
6:00 PM  
Town Office Meeting Room

**MINUTES**

Members Present: Chair Alice Faye, Peter Coombs, Janice Harmen, Mark Small, Gil Rivera and alternate Jennifer Whyte. Excused: Katharine Schwarzenbach

Others Present: William Boardman - CEO, Paul Nichter, Judy and Fred Gardner, Paul Hatch Jr, Andy Staples, Mr. & Mrs. Peter Brickfield, Albert Rolerson, Bruce Claflin, Bob Toran, Michael Boucher, Nancy Hoffman, Leonard Bates, Andrew Anderson, David B. Pike, Maggy Aston, Diane Rolerson, Ace Rolerson, Rick Rogers, Lisa Fitzgerald and Andy Hamilton.

Chair Faye called the Public Hearing to order at 6:00 PM and established there was a quorum. She said that Mark Small and Bill Boardman have asked to be excused at 7:00 PM to see their children perform in a school play. Chair Faye reviewed the procedure for the Public Hearing. The hearing began with the applicant being heard who was represented by Paul Nichter.

**Summary of Mr. Nichter's presentation:**

Andy Staples is seeking to revamp the bus barn, make it look better, make it safer and make it more useable. They have attempted, with the submitted plan, to meet the confines of the ordinance. The shed area is to keep planks, and material under cover. The fence is to keep children out of the yard to prevent injuries, to make it look better for the neighbors, and to act as a sound buffer. Landscaping has been done to make it look better and to help with erosion. Fill has been brought onto the site in accordance with the ordinance, and the plan is to grass over the fill. The application as it stands will be corrected, per Mr. Nichter, as he says the ordinance allows 2,250 square feet to be nonvegetated and the current plan shows 2,268 sq. feet of nonvegetated area. The addition to the building would meet the 30% rule, and the 2NC form has been submitted to show the calculations. Lighting would probably not be more than an outside light by the door. The noise can be addressed through keeping the doors closed during times of activity, along with insulation, vegetation and fencing. There are various types of insulation that can be used to cover the noise as well.

Review of DRO Chapter 4 by Paul Nichter:

4.1.1: There will be nothing used on site to pollute water. There will be no air pollution.

4.1.2: There will be a drilled well to keep the grass watered, there will be one bathroom installed and the applicant will be able to connect into the DHWWTF.

4.1.3: There is no existing supply of water.

4.1.4: There will be adequate places on the site for the water to seep into the ground. There are a number of houses on island that have grassed over roads including McNeil's, Luxembourgs, Dick Gilders etc. After a heavy rain last night, Mr. Nichter said that he observed no erosion on the site this morning.

4.1.5: There will be adequate room for vehicles to turn around on site. There will be no more than

1 to 2 vehicles at a time on the site.

4.1.6: Transfer station will be used for solid waste and the DHWWTF for the sewage disposal.

4.1.7: There will be no new activities to create a burden.

4.1.8: Paul states that anyone who knows Andy knows that he will only improve the scenic beauty of the area.

4.1.9: Paul states he believes that the application is in conformance with this criteria.

4.1.10: There should be no impact.

4.1.11: There should be no impact on quality or quantity of ground water. Water will continue to seep into the ground, there is a spoon shaped area in the back to collect water so it won't run off and will seep into the ground.

4.1.12: There will be no affect on direct sunlight or solar energy

4.1.13: Not applicable

### **Planning Board Questions**

Alice Faye asked what type of activities will take place inside and outside:

*Andy Staples said that it would be a landing place for his equipment, he would be stopping by approximately 10 times a day, but it is not a large scale commercial venture. There may be one shop worker and one helper inside working on cabinets or trim, and that work will probably be seasonal where cabinets would be built 12 weeks a year. Hours of operation would probably be ferry hours from 8:30 AM to 4:30 PM.*

Jennifer Whyte asked what sort of equipment he may be using?

*Andy Staples said that he would be using equipment such as table saws, chop saws, routers, nail guns, compressors, etc. He also uses a dust collection system.*

Janice Harmen asked about a red and black dump truck she noticed at his other shop and whether that would be parked on site.

*Andy Staples said that the dump truck would not be parked there on a regular basis.*

Alice Faye asked how many employees he has.

*Andy Staples said that he has 6 full time employees at the current time as well as subcontractors.*

Comments: Alice Faye noted the area is largely residential.

M. Small said there is already traffic impact in that area with the Tennis Courts.

### **Abutter's Questions/Concerns/Answers**

Andy Hamilton, Attorney for Nancy and Neil Hoffman, asked Mr. Nichter and Mr. Staples a series of questions with the following a synopsis of the information gathered.

- \* There will be approximately two employees in the shop at most.
- \* Mr. Staples does not reside on the property
- \* Mr. Staples will not observe 24/7 the activity that goes on there.
- \* A number of things working together will help control the noise - the fence/insulation/keeping the doors closed and vegetation.
- \* Per Mr. Hamilton, the applicant is already in noncompliance of DRO 13.11, and perhaps 13.11.2, 13.13.1.
- \* There is greater than 100' between the proposed well and the Brickfield's septic per Mr. Nichter.

- \* Use of well will be no more than 100 gallons per day which per Nichter, should not affect neighboring wells.
- \* Large equipment such as tractors, dump trucks, when not in use on a job, will be moved off island or not parked at the bus barn site.

Mrs. Brickfield, Abutter, made the following comments:

- \* Mrs. Brickfield states she is the original purchaser of the bus barn from the town. She and her husband then offered the property for sale to the Hoffman's for what they paid to the town plus the cost of the DEP's work on site - \$47,000. The Hoffman's declined to purchase the property. The barn was then offered to Andy Staples for purchase, which he did. Mr. Staples has worked for them for a lot of years. She said that even with all the equipment on site when they were building her house, there was still not much noise. She said Andy is a good carpenter, and anything he does to the bus barn will be aesthetically pleasing. They are right next door to Mr. Staples and said that whatever Mr. Staples needs, they can accommodate.

Rick Rogers, IAP, abutter, made the following comments:

- \* Mr. Rogers says that he is not here to oppose the project, but would like to get clarification on the lighting, the traffic and the hours of operation. If the permit is approved, can there be limitations placed on the permit?

Pete Anderson, speaking on behalf of a closeby neighbor to the project - Mr. Leonard Bates:

- \* He says that Mr. Bates is opposed to the project, that the activity doesn't fit into the neighborhood, that he doesn't want to look out and see a construction yard, or a spot light or burning debris. It is a residential area and should stay a residential area. Mr. Anderson believes, after reading Chapter 12 of the DRO, that the application should be considered a major development in that the area of activity exceeds 3000 square feet.

*At this point in the meeting, 7:10 PM, Bill Boardman and Mark Small were excused.*

Andy Hamilton, Attorney for Mr. & Mrs. Hoffman, presented a lengthy presentation which is covered in the attached letter dated May 21, 2012 where he lists key deficiencies in the application. Please refer to the letter for details.

### **GENERAL PUBLIC COMMENTS:**

**Bruce Claflin** spoke to Mr. Staple's character and reputation. Mr. Claflin says Mr. Staples is committed to the island, he built the school sign, and volunteered his crew for two days to assemble furniture at the school. He's taken an eye-sore and improved it. Mr. Claflin encouraged him to purchase property, to show his commitment to the island, which he did. He wonders what sign we are sending to new investors or business on the island if it is this difficult to secure a permit. In summary, he said that he would like Mr. Staples as a neighbor.

**Paul Hatch** said he has hired Andy to work at his house, and there was very little noise. He said he has tried to hire island contractors and they don't want to bid on the work. He said Andy will do any job that is asked of him.

**Mike Boucher** said that Andy is a good guy, he donated many hours to assemble school furniture. He has rented at the Double Door Gallery for a year and there have been no complaints by neighbors. There is much more traffic generated by the Tennis Court in the summer time than what would be generated by Andy's carpenter shop. Mr. Staples has rented a place here for the summer so he is a resident.

**Bob Toran** said that he has had no problems in the time that Mr. Staples has rented from him. He has known the Hoffman's and Mr. Bates for years and he wonders if there is a way to make all parties happy, primarily by placing restrictions on the permit. He said he put restrictions in his rental contract with Mr. Staples and they worked fine and have been followed.

**Albert Rolerson** asked who would enforce the restrictions?

**Ace Rolerson** spoke naming all the businesses that have existed in that general area over the years, paint business, gift shops, customary home occupations, plumbing businesses, etc. He expressed his concern over the questioning of Mr. Hamilton and his asking for proof that a newly drilled well won't affect neighboring wells. He said that we all know there's water in that area, there have been water studies done and it is quite unusual to begin asking an applicant to prove there is water. He also said there is no ordinance limiting the number of decibels allowed. He said that he wondered what Mr. Hamilton expected the applicant to do to provide the "best" noise barrier. Mr. Rolerson wondered how far we should go with this line of questioning, do we expect Mr. Staples to construct 12' tall concrete walls to suppress noise?.. who interprets what is the "best"?

The public hearing closed at 8:00 PM. This application will be discussed at the next Planning Board Meeting on June 11, 2012.

Respectfully submitted,

Peggy Pike