

Planning Board

Sam Morris - Chairman
Robert Ham
Bruce Bowler
Dimsie McBride-Vice Chair
Peggy Kotin
William Wright-Alternate



Town of Boothbay Planning Board Meeting
Wednesday January 15, 2020
6:30PM – Town Office Conference Room

MINUTES

1. CALL MEETING TO ORDER: Sam Morris called the meeting to order at 6:30PM.

Roll call of members & other officials in attendance: Sam Morris, Dimsie McBride, Bruce Bowler, Peggy Kotin, William Wright- Alternate, and Jason Lorrain Code Enforcement Officer

Sam Morris made a motion to allow William Wright to be a voting member and Bruce Bowler seconded the motion. Vote 4-0 Favor

Timber Harvest Ordinance Public Hearing

Sam Morris opened the Public Hearing.

Sue Mello with the Boothbay Region Water District spoke to the Planning Board regarding the proposed Timber Harvest Ordinance. Under the current ordinance the timber harvest in both the water sheds and shoreland zone are regulated by the town of Boothbay. The first change is that the timber harvest in the shoreland zone will be regulated by the Maine State Forest Service. The second will be that the town will retain regulation of Adams Pond and Knickerbocker Lake and the new ordinance provides a balance to continue to allow harvest but to also preserve the quality of the drinking water supply. With the current ordinance the standards are not sufficient enough to preserve and protect the water quality. Mike Morse from Morse Environmental was hired to draft the new ordinance for the watershed area.

Mike Morse commented about his methods taken for the new ordinance. He consulted with a licensed forester, Steve Pelletier, as well as the Maine Forest Service. He looked at other states and pulled standards from other water districts. Mr. Morris looked further at the standards from the Quabbin Reservoir in Massachusetts. The Maine Forest Service has commented and is fully satisfied with the proposed ordinance.

This ordinance has been reviewed and accepted by the Planning Board.

Sam Morris closed the Public Hearing.

2. OLD BUSINESS:

3. NEW BUSINESS:

Applicant: COGA Holding, Colby and Gale

Mailing address: P.O. Box 208, Damariscotta, ME 04543

Tax Map/Lot: R06/003/5

Property location: 3 Industrial Park

Zone: Industrial Park, Watershed Overlay

Primary Reviewer: Dimsie McBride

Application Review: Applicant seeks approval to clarify/identify watershed boundary line

Matt Poole, President of COGA and Colby and Gale spoke to see approval to clarify/identify watershed boundary line at 3 Industrial Park. Nick Plumer of Boothbay Region Surveyors former Leighton and Associates was hired to create an updated overview of the property.

Nick Plumer presented his findings and said the watershed line does not match one done in 2004. Mr. Plumer was also hired by the Boothbay Region Water District to create an updated watershed map.

Sue Mello also commented and agreed that the watershed line is clearly wrong, but we don't know why but it is not a good representation of the watershed boundary. She also pointed out that the boundary line change proposed is on structures that are not currently working. These structures are the storm drainage installed by the Department of Transportation in 1984. A recommendation would be if storm water can be diverted these areas should still be called part of the watershed. All these regulations in place to keep contaminants out of the watershed should remain.

Bruce Bowler and Sam Morris agreed that the Planning Board is not the right body to be amending the zoning map.

Findings of Fact:

- The owner of the property is Matthew Poole.
- The property is located at 3 Industrial Park Road. The deed for the proposed project can be seen at the Lincoln Count Registry of Deeds in Book #5355, Page #199. The property is in the Industrial Park District and Watershed Overlay. The property is further identifies as Assessor's Tax Map/Lot: R06/003/05. Lot area is a total of 1.84 acres.
- The applicant requests to clarify or amend the exact location of the Watershed Overlay line.

Conclusions:

Dimsie McBride made a motion that the applicant **has** demonstrated Right, Title or Interest in the property in question and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Dimsie McBride made a motion that the applicant **has not** demonstrated that this proposal meets the criteria set forth in Section 1.8 and 3.6, Review Criteria of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 against.

Dimsie made a motion that the applicant **has not** demonstrated that this proposal meets the criteria set forth in Section 2.2.3.2-2.3.3.7, Development and Performance Standards, the Town of Boothbay Zoning Ordinance and Bill Wright seconded the motion. Vote: 5-0 against.

Decision:

Based on the above findings of fact and conclusions, the plans and supporting information submitted, testimony and evidence submitted at the Planning Board meetings on the application on motion made by Dimsie McBride and seconded by Bruce Bowler the Planning Board **denied** the development permit application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions. Vote: 5-0 against.

Conditions of Approval:

The Board is not convinced that the Planning Board is the right body to hear an amendment to the watershed overlay zone map adopted at meeting on May 3, 2004.

Applicant: Allen Maine Properties

Mailing address: 1003 Quietshadows St., Longview, TX 75604

Tax Map/Lot: R01/075/2

Property location: 50 Higbee Lane

Zone: Special Residential, Shoreland Overlay

Primary Reviewer:

Application Review: Applicant seeks of an addition to an existing pier.

Lauren Stockwell of Stockwell Environmental Consulting spoke on behalf of Allen Maine Properties. The applicant seeks approval to add an addition to an existing pier by 90 feet.

Findings of Fact:

- The applicants are Allen Maine Properties, LLC, represented by Stockwell Environmental. Property taxes on account of the premises for which the approval is requested have been paid in full.
- The property is located at 50 Higbee Lane. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book #4805 on Page #87. The property is in the Special Residential Zone with the Shoreland Zone Overlay. The property is further identified as Assessor's Tax Map R01, Lot 75-2. It contains 5.06 acres.
- Town has received copies of the NRPA and the Army Corp. of Engineers permit applications. The Harbormaster has inspected the site and given his approval.
- Applicant seeks approval to add an addition to an existing pier.

Conclusions:

Sam Morris made a motion that the applicant **has** demonstrated Right, Title or Interest in the property in question and Bill Wright seconded the motion. Vote: 5-0 in favor.

Sam Morris made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 3.6, Review Criteria of the Town of Boothbay Zoning Ordinance and Bill Wright seconded the motion. Vote: 5-0 in favor.

Sam Morris made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 3.10.9, Docks, Piers, Wharves Bridges, of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Sam Morris made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 1.8.5, Shoreland, of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Decision:

Based on the above findings of fact and conclusions, the plans and supporting information submitted, testimony and evidence submitted at the Planning Board meetings on the application on motion made by Sam Morris and seconded by Dimsie McBride the Planning Board **approved** the development permit application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

No conditions

4. OTHER BUSINESS:

PRE-APPLICATION REVIEW

- **Pre-Applicant:** Nicole Tibbetts
 - **Address:** 6 Murphy Road
 - **Tax Map/Lot:** R07/105/7
 - **Review of:** Change of Use, personal training service out of home.

Nicole Tibbetts was present to discuss whether or not she should pursue an application for a personal training service out of her home on 6 Murphy Road. The hours would be from 3:30-5:00 and there would only be 1-2 clients per hour. There is adequate parking and believes that this would not bother neighbors because she is on a corner lot and the hours are early enough. She was advised to speak with association but the Planning Board did not foresee any problems with pursuing this application.

5. **APPROVE MINUTES:** Motion made by Sam Morris to approve the minutes from December 18, 2019 and Bruce Bowler seconded the motion. Vote: 3-0 in favor (Dimesie McBride and Peggy Kotin were not at that meeting to vote on approval of minutes)
5. **ADJOURN MEETING:** At 7:36 PM Sam Morris made a motion to adjourn the meeting and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted
Sarah Wade
Secretary