

Planning Board

Robert Ham
Bruce Bowler
Annette Stormont
Sam Morris
Dimsie McBride – Alternate
Peggy Kotin - Alternate



Town of Boothbay Planning Board Meeting
Wednesday, July 18, 2018
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:**

- **Any commentary by the Board or instructions to the audience prior to reviews:**

- Sam Morris made a motion to appoint Peggy Kotin a voting member for this meeting and Bruce Bowler seconded the motion. Vote: 4-0 in favor.

2. **OLD BUSINESS:**

Applicant: Miller Holdings, LLC, Dan Miller

Mailing address: PO Box 513, East Boothbay

Property location: 224 Ocean Point Road, East Boothbay, ME – tax map/lot U16/0001 & 0002

Zone: Maritime Commercial District, Shoreland Overlay Zone

Principal reviewer: Sam Morris

Application review: Applicant seeks approval to remove and rebuild the wharf underneath the restaurant (Lobsterman's Wharf), remove current restaurant and replace with new building, replace pilings and foundation under "fish house" building and install a walking gangway from the jetty off of Ocean Point Marina to the parking lot.

Both Mr. and Mrs. Miller were present to discuss this application.

At the last meeting the Board asked for specifications on the elevations and that has been received.

Jason Lorrain said he spoke with the Fire Chief today and since this will be a two story building it will need a Fire Marshall Review and approval before any construction can begin.

Mr. Miller said he would like to remove the "fish house" and walkway from the application and have it be just for the restaurant.

Bruce Bowler had questions about the size being more non-conforming but it was decided that the new building will actually be slightly shorter.

Findings of Fact:

The owners are Miller Holdings, LLC, Dan Miller relating to the property located at 224 Ocean Point Road, Lobsterman's Wharf Restaurant. Property taxes on the property have been paid in full.

The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 4877 on page 51 and can be further identified as assessor's tax map/lot U16/0001 & 0002. It contains 1.48/0.01 acres.

The property is in the Maritime Commercial Zone and is in the Shoreland Zoning Overlay.

The applicant wishes to remove and replace existing dock and pilings where restaurant is located, remove and rebuild new restaurant.

Conclusions:

Sam Morris made a motion that the applicant has demonstrated Right, Title or Interest in the property in question and Bruce Bower 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 and 3.6 (A-H) Review Criteria of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 3.9.6 Maritime Commercial District of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 Maritime Commercial District of the Town of Boothbay Zoning Ordinance and Annette Stormont 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 3.11.23.3.1 and 3.11.23.3.1.5 Non-conforming structures of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 a motion made by Sam Morris and seconded by Bruce Bowler, the Planning Board approved the development permit application subject to the conditions of approval set forth below, all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

Plan is approved by the Fire Marshall's Review.

Construction shall not start until the Code Office receives the State Fire Marshall's approval.

3. NEW BUSINESS:

COMPLETENESS REVIEW: (The Planning Board, if Planning Board approval is required, shall notify the applicant either that the application is complete, or if the application is incomplete, that additional material is needed to make the application complete.)

Applicant: Chelsea Simmons, owner Bradley Simmons

Mailing address: 307 Ocean Point Road

Property location: 307 Ocean Point Road, East Boothbay, tax map/lot U14/0036

Zone: General Residential

Principal reviewer: Rob Ham

Application review: Applicant seeks approval to add an accessory use of a daycare (home occupation) to her current residence

Both the owner Bradley Simmons and the applicant Chelsea Simmons were present to discuss this application.

Chelsea Simmons gave a brief overview of the project. She lives at this location and wishes to have a day care in her home. She said there is currently enough parking and she plans on making no structural changes. She does want to add a fence to block the driveway from the children.

Ms. Simmons said the real need in the region right now is infant care and that requires a 4-1 ratio of caregivers to children. She has started the process of applying for a state permit.

Findings of fact:

The owner of the property is Bradly Simmons, daughter Chelsea Simmons is the current resident, seeking approval.

The property is located at 307 Ocean Point Road in East Boothbay, it is in the General Residential Zone and can further be identified as assessor's tax map/lot U14/0036 and contains 1.06 acres.

A copy of the deed has been provided and can also be seen at the Lincoln County Registry of Deeds in Book 5004 on page 291. A lease agreement has also been provided.

The applicant requests approval for an accessory change of use to a daycare (home occupation) in her current residence.

Conclusions:

Rob Ham 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.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 1.8.1 (A-C), 1.8.3 (A-E), 3.6.1 (A-H) of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.9.4 through 3.9.4.4.2.2 of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections, 3.10.11, 3.11.11, 3.11.13 and 3.11.20 of the Town of Boothbay Zoning Ordinance and Peggy Kotin seconded the motion. Peggy Kotin asked if there was going to be a sign. Chelsea Simmons said yes there would be a small sign. Ms. Simmons was advised to see the CEO for a sign permit. 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 a motion made by Rob Ham and seconded by Bruce Bowler the Planning Board approved the Use Permit application with no additional conditions of approval all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

4. OTHER BUSINESS:

PRE-APPLICATION REVIEW: ([Pre-Application Meeting. An applicant may appear informally at a regular meeting of the Planning Board to informally discuss a proposed development. No fees shall apply and no binding commitment shall be made between the applicant and the Planning Board.](#))

Applicant: Toby Clarkson

Application review: Owns Colburn House at 732 Wiscasset Road and would like to review the possibility of opening a dentist office at this location or what businesses would be allowed in the Water Reservoirs Protection District.

Mr. Clarkson was not present. Peter Drum, attorney and Scott Sutter, builder were present to discuss this application.

Mr. Drum gave a brief overview of what is being proposed, currently there is a 3800 sf commercial building and they would like to replace it with a 2500sf office building and parking. The building would be moved back by 10-25' and would be made more conforming than the present building. They would use a lot of the current parking.

Annette Stormont asked about the size of the lot. Peter Drum said the front parcel contains approximately 4.12 acres. The new building would be within the 500' setback but out of the 150' setback. They would put plantings in the front to help protect the water reservoir.

Mr. Drum said this would be going from a more intense business to a less intense business. Mr. Drum believes since this was a commercial business in the past there is law to support another commercial business allowed there now.

Sam Morris said the board would need a legal opinion as it has been five years since the pre-existing use was used and according to the town ordinance that use is no longer grandfathered.

The elevation behind the building goes up hill and they would rather not excavate if possible. Overall the impermeable surface will be less than now.

Rob Ham said all his questions revolve around the legal issues.

Scott Sutter said the property was bought in 2013 at auction. The new building would be 40'x60' and would contain 5 exam rooms, offices and reception as well as a lab and full basement. They plan to utilize the current septic system. Any waste products would be taken care of in house by the use of filters. They plan on 10 parking spaces.

Jason Lorrain will seek the opinion of the Town's legal counsel.

5. APPROVE MINUTES: Sam Morris made a motion to approve the minutes of 06/20/2018 as amended and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

6. ADJOURN MEETING: Sam Morris made a motion to adjourn the meeting at 7:30PM and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted
Sherry Tibbetts
Secretary