

Planning Board

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



Town of Boothbay Planning Board Meeting
Wednesday, June 20, 2018
6:30PM – Town Office Conference Room

MINUTES

1. **CALL MEETING TO ORDER:** Alan Bellows called the meeting to order at 6:30PM.

- Roll call of Members & other officials in attendance:** Alan Bellows, Rob Ham, Bruce Bowler, Sam Morris, Dimsie McBride, Peggy Kotin, CEO Jason Lorrain and Secretary Sherry Tibbetts
- Any commentary by the Board or instructions to the audience prior to reviews:** Because a regular member of the board was absent tonight Bruce Bowler made a motion to grant voting privileges for this meeting to Peggy Kotin and Sam Morris seconded the motion. Vote: 4-0 in favor.

2. **OLD BUSINESS:**

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: Daniel & Tammie Cusumano

Mailing address: 964 Wiscasset Road, Boothbay

Property location: 964 Wiscasset Road, Boothbay – tax map/lot U19/0002

Zone: C3

Principal Reviewer: Bruce Bowler

Applicant review: Applicant seeks approval to operate a gunsmith shop on his home property in the C3 District.

Mr. Cusumano was present to discuss this application.

Mr. Cusumano explained he wants to sell handguns out of his garage.

Bruce Bowler asked if there will be any test firing and Mr. Cusumano said yes there will be test firing in the garage into a trap which is essentially firing into a can of water.

Sam Morris asked about soundproofing and Mr. Cusumano said that would be taken care of with insulation. He does not have any close neighbors.

Alan Bellows asked about parking. Mr. Cusumano said right now he has parking for four cars not including his own and has the area to expand it if necessary.

Findings of Fact:

The owners of the property are Daniel and Tammie Cusumano.

The property is located at 964 Wiscasset Road, tax map/lot U19/0002. The property is in the C3 Zone and contains 0.83 acres.

The deed for the proposed extension of use can be seen at the Lincoln County Registry of Deeds in Book 4938 on page 47.

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Applicant seeks approval to operate a gunsmith shop on his home property in the C3 District.

Conclusions:

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

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

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.93 of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.10.7 of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor. Before making this motion, Bruce Bowler asked if there was a buffer and was told the buffer was 150' of woods.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.7 and 3.11.8 of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.10 of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.15 of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.24 of the Town of Boothbay Zoning Ordinance and Rob Ham 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 Bruce Bower made a motion to approve this use permit application with no additional conditions set forth and Rob Ham seconded the motion. Vote: 5-0 in favor.

Applicant: James Back, represented by Chuck Chaney

Mailing address: 1010 Memorial Drive, Cambridge, MA

Property location: 234 Back River Road, Boothbay – tax map/lot R04/0133

Zone: Special Residential, Shoreland Overlay Zone

Principal reviewer: Sam Morris

Application review: Applicant seeks approval to replace an existing block foundation with a poured concrete foundation and to add a new septic system, in the Shoreland Zone.

Joe LeBlanc from LeBlanc Associates was present to represent the Becks for this application.

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Mr. LeBlanc said during some work being done on the property E, M. Wood Company accidentally destroyed the foundation under the building and it needs to be replaced. There would be no change in footprint or height.

The septic system on the property is being replaced and will be moved further from the shore.

Sam Morris asked about the septic design and if it had been approved. Jason Lorrain said the septic system has been approved and signed by the LPI.

Sam Morris asked about an erosion control plan and Jason Lorrain said there is an erosion control plan in place that is more than adequate and DEP has seen the plan.

Alan Bellows said according to the ordinance, if a foundation is being replaced, the structure should be moved back if possible and asked why that was not being done in this case. Mr. LeBlanc said the building is so old that it would not survive a move and there are trees that would need to be cut in order for that to happen.

Rob Ham asked where on the property the septic is located and Jason Lorrain showed it on a map.

Findings of Fact:

The owner is James Back and the taxes have been paid in full.

The property is located at 234 Back River Road, tax map/lot R04/0133. The property is located in the Shoreland and Water Reservoirs Protection District and contains approximately 0.47 acres.

The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book 947 on page 41.

Applicant seeks approval to replace an existing block foundation with a poured concrete foundation and to add a new septic system,

Conclusions:

Sam Morris made a motion that the applicant has demonstrated Right, Title or Interest on the property in question 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 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 3.9.9 Water Reservoir Protection 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 3.11.10 Erosion and Sedimentation Controls 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 3.11.22 Storm Water Runoff and 3.11.23.3.1.3 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, Sam Morris made a motion that was seconded by Bruce Bowler that the Planning Board approve the development permit application with no additional conditions set forth. Vote: 5-0 in favor.

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: Alan Bellows

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.

Mr. Miller said they looked at doing some patching and fixing but they concluded that the dock needs a new foundation and the building is old and in bad shape and should be replaced. The Fish House is sagging and needs a new foundation under it as well. They would like to bring the walkway back between their two properties.

Alan Bellows asked about plans to enclose part of the deck and put seating on top. Mrs. Miller said there is an upstairs now that is not being used. The Millers said the wharf would be the same size and the seating would remain the same, they currently have seating for 170. The building might be smaller with more seating outside but the number of seats would remain the same.

Bruce Bowler raised the question of raising the building because of storm tides.

Alan Bellows said they would be limited in building height. The building can only be 20' in height per the ordinance.

Alan Bellows asked questions about the septic. It is an Overboard Discharge system with a tank up on the hill. Jason Lorrain said he did not think a new building would have any effect on the system as it is based on the number of seats and that will remain the same.

Sam Morris asked if the walk way would trigger a full Army Corp. review and this led to a discussion about the ordinance regarding bridges.

Alan Bellows said the fish house does not meet setback requirements.

Ron Riml said he and his wife Pam are abutters and they are supportive of this project and are very impressed with the operation that the Millers run.

Matthew Mattocks said he was representing Washburn and Doughty who is interesting in buying an adjacent property (Hodgdon Yachts) and had questions about barges and where they may be during construction. Mr. Miller said yes during the construction there would be barges in front but they should not be a problem. He would like construction to happen between the months of October and May.

Alan Bellows can he has concerns about the lack of dimensions on the buildings. He feels the board needs exact dimensions on the current building and the proposed building to make sure that it would not be more non-conforming than it currently is.

Mr. Bellows also talked about the sideline setbacks and to meet those the building would need to be set further back on the water and that would not be practical.

Rob Ham talked about the safety requirements, fire exits, etc.

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Alan Bellows said the fish house does not meet the setbacks now.

Bruce Bower suggested it be moved back if possible.

The Millers are unsure at this time what will be done with the fish house, it is old and in bad shape. They would just like to do both foundations are the same time.

It was discussed if the bridge (walk way) is temporary it can be done by CEO review but if it is permanent it will need to come under Planning Board Review.

Alan Bellows made a motion to table this application until more details can be presented and Bruce Bowler seconded the motion. 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: Allison Evans

Application review: 106 Ocean Point Road, review and discussion of use options allowed.

Ms. Evans explained she is just in the early stages of planning. She is interested in purchasing a lot of land on Ocean Point Road and would like to use the space to build a place for the production side of her ceramic business and wanted to know if this would be allowed in that location.

The lot is currently zoned residential and contains .67 acres.

The board said that manufacturing is forbidden in the zone. According to the Comp Plan, the zoning in that area may be changed and if that happens manufacturing would be allowed with Planning Board review. The proposed ordinance changes hopefully will be voted on at next year's town meeting but there is no guarantee that the changes will pass.

5. **APPROVE MINUTES:** Bruce Bowler made a motion to approve the minutes of May 16th, 2018 with two corrections and Rob Ham seconded the motion. Vote: 5-0 in favor.

6. **ADJOURN MEETING:** AT 8:00PM Bruce Bowler made a motion to adjourn the meeting and Peggy Kotin seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted
Sherry Tibbetts
Secretary