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Planning Board

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



Town of Boothbay Planning Board Meeting
Wednesday, May 15, 2019
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, Robbie Ham, Annette Stormont, Bruce Bowler, Peggy Kotin and acting CEO Dan Bryer
- Any commentary by the Board or instructions to the audience prior to reviews:** Sam Morris made a motion to give voting rights to Peggy Kotin for this meeting and Rob Ham 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: Tim O'Malley

Mailing address: 7 Hodgdon Lane

Property location: 7 Hodgdon Lane – tax map/lot R04/098

Zone: Special Residential

Primary reviewer: Sam Morris

Application Review: Applicant seeks approval to rebuild an existing non-conforming garage. New garage would be 2-story with and 8'x12' porch, connected to the house by a 4'x15' deck.

Tim O'Malley was present to discuss this application and gave a brief overview of the project. The porch and connecting walkway are in the Shoreland Zone. Everything will be new except for the garage footprint, the foundation is cracked, and they will tear it down and start over. With this in mind it should be moved away from property line but that would make it closer to water so should be left in same location. 152.89 sf will be added as non-vegetative surface but they will remove some of the driveway to compensate. The porch does not have a roof. The existing septic system is OK.

Findings of Fact:

The owners are Tim O'Malley and Marylynn McWatters, relating to the property located at 7 Hodgdon Lane, tax map/lot R04/0098. The 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 4937 on page 97.

The property is in the Special Residential Zone and contains 0.26 acres.

Applicant seeks approval to replace an existing, non-conforming garage with a new 2-story garage with an 8'x12' porch connected to the house by a 4'x15' deck.

Conclusions:

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Sam Morris 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.

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 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 this proposal meets the criteria set forth in section 3.9.7.4 of the Town of Boothbay Zoning Ordinance and Rob Ham 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 3.9.7.4.3, 3.11.23.3.1, 3.11.23.3.1.3, 3.11.23.1.3.1, 3.11.23.3.1.4, 3.11.23.3.3.3 Non-conforming structures Additional Standards 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 on a motion made by Sam Morris and seconded by Rob Ham the Planning Board approved the development permit application with no additional conditions set forth. Vote: 5-0 in favor.

Applicant: Constance Jones, Represented by Lauren Stockwell

Mailing address: 2 Waterfront Lane North

Property location: 4 Waterfront Lane North – tax map/lot R05/00673

Zone: C1, Shoreland Overlay

Primary reviewer: Rob Ham

Application Review: Applicant seeks approval to construct a 5'x24' pier with a seasonal 36'x3' runway and a 10'x20' float oriented parallel to the shore. The project also includes a skidway consisting of two 40' skids 9' apart anchored to the ledge. The property is located on the Cross river.

Sam Morris recused himself from the board for this application and Bruce Bowler took over the position of chairman for this application.

Lauren Stockwell was present to discuss this application and gave a brief overview of the project.

Rob Ham asked questions about the Army Corps. Permit as it was a little different and Lauren Stockwell explained that since this was in mud flats and would sink, the use of patio blocks was required.

Findings of Fact:

The applicant is Constance Jones, represented by Stockwell Environmental Consulting. The taxes on the property have been paid in full.

The property is located at 4 Waterfront Road North, also identified as tax map/lot R05/67-3 and contains 1.03 acres. The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 4728 on page 165. The property is located in the C1 Zone with Shoreland Overlay Zone.

The 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 construct a 5'x24' pier with a seasonal 36'x3' runway and a 10'x20' float oriented parallel to the shore. The project also includes a skidway consisting of two 40' skids 9' apart anchored to the ledge.

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Conclusions:

Rob Ham made a motion that the applicant has demonstrated Right, Title or Interest in the property and Annette Stormont seconded the motion. Vote: 4-0 in favor.

Rob Ham 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 Annette Stormont seconded the motion. Vote: 4-0 in favor.

Rob Ham 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 Bruce Bowler seconded the motion. Vote: 4-0 in favor.

Rob Ham 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 Annette Stormont seconded the motion. Vote: 4-0 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 wharves and weirs/shoreland zoning permit application with no additional conditions of approval set forth. Vote: 4-0 in favor.

Applicant: Graham & Nancy Hurst, represented by Lauren Stockwell

Mailing address: PO Box 602, Boothbay, ME 04537

Property location: 333 Barters Island Road – tax map/lot R04/102

Zone: Special residential, Shoreland Overlay

Primary reviewer: Annette Stormont

Application Review: Applicant seeks approval to construct a 37'x6' pier to a seasonal 34'x3' runway and a 10'x20' float parallel to the shore. The project includes a 13'x4' sloped walkway to an existing shed.

Lauren Stockwell was present to discuss this application and gave a brief overview of the project. The shed is existing. There is a letter from the Blake's (abutters) saying they have no objections to the project.

Rob Ham had questions about the riparian lines which Ms. Stockwell answered.

Findings of Fact:

The applicants are Graham & Nancy Hurst, represented by Stockwell Environmental. The property taxes on the property have been paid in full.

The property is located at 333 Barters Island Road and can also be identified as tax map/lot R04/102 and contains 1.5 acres.

The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 4134 on page 101. The property is located in the Special Residential Zone with the Shoreland Overlay.

The 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 construct a 37'x6' pier to a seasonal 34'x3' runway and a 10'x20' float parallel to the shore. The project includes a 13'x4' sloped walkway extending from an existing shed to a 10'x36'x2 skidway 9 feet apart.

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Conclusions:

Annette Stormont 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.

Annette Stormont 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 Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Annette Stormont 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 Bruce Bowler seconded the motion. Vote: 5-0 in favor

Annette Stormont 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 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, on a motion made by Annette Stormont and seconded by Bruce Bowler the Planning Board approved the wharves and weirs/shoreland zoning permit application with no additional conditions of approval set forth. Vote: 5-0 in favor.

Applicant: Andrew & Lori Cozzi

Mailing address: 35 Zeller Drive, Somerset, NJ 088773

Property location: 11 Wendell's Way – tax map/lot R04/0148

Zone: General residential, Shoreland Overlay, Watershed Overlay, Water Reservoirs Protection District.

Primary reviewer: Bruce Bowler

Application Review: Applicant seeks approval to renovate an existing nonconforming residence, adding a garage and mudroom entrance.

Andy Cozzi was present to discuss this application and he gave a brief overview of the project. He would like to retire here and live year round. To help with winter living the house needs to be renovated.

Bruce Bowler had questions about the plans, he said what is proposed does not show on the plans.

Rob Ham had questions about what is existing and what is proposed.

Mr. Cozzi said the blueprints/ building plans were confusing and tried to explain them. Mr. Cozzi said some of the rip rap is going to be taken out and the vegetative area will increase.

Bruce Bowler asked questions about the lot coverage.

Findings of Fact:

The owners are Andrew & Lori Cozzi. The taxes on the property have been paid in full. The deed for the property can be seen at Lincoln County Registry of Deeds in Book 2914 on page 149.

The property is located at 11 Wendalls Way and can be further identified as tax map/lot R04/0148 and contains 1.71 acres. The property is in the Special Residential Zone, Shoreland Zoning Overlay, Watershed Overlay and Water Reservoirs Protection District.

Applicant seeks approval to renovate an existing nonconforming structure. Renovations include constructing a mudroom with master bathroom behind, and a garage.

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Conclusions:

Bruce Bowler made a motion that the applicant has demonstrated Right, Title or Interest on the property in question 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 1.8 and 3.6 Review Criteria 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 3.9.7.4 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 3.11.23.3.1, 3.11.23.3.1.1, 3.11.23.3.1.2 non-conforming structures, Additional Standards 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 3.9.9.4.3 Water Reservoirs Protection District, Additional Standards of the town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 on favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.2 Water Reservoirs Protection District, Additional Standards 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, on a motion by Bruce Bowler and seconded by Rob Ham, 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:

1. Update plan – post proposal
2. Removal of signature block
3. Removal of riprap – replace with vegetation.

Applicant: Suzanne Adams & Marcia Rowland

Mailing address: 70 Withey Road, New Vineyard, ME 04956

Property location: 57 Murray Hill Road – tax map/lot U14/0001

Zone: General Residential, Shoreland Overlay

Primary reviewer: Sam Morris

Application review: Applicant seeks approval to construct a 35'x10' deck on the east side of an existing non-conforming residential dwelling, reaching the line of greatest nonconformance. Also complete a complete interior renovation and shore up structural support underneath an existing shed.

Marcia Rowland was present to discuss this application and gave a brief overview of the project. She would like to bring the home back to life, there is water damage, the house needs to be leveled and the interior totally redone. She would also like to add a deck (340sf) and a pizza oven (25sf).

Sam Morris had questions on the second page of the application. His concerns were about the buildable area both proposed and existing.

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Bruce Bowler said there were lot coverage issues. Mr. Bowler said the buildable area/ developable are already above the allowed amount.

The internal renovations could be done with a regular building permit from the CEO.

Sam Morris made a motion to table this application until the next meeting when Nick from Leighton and Associates could be present to discuss the plans and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Applicant: Mary Ellen Hare, represented by Marden Builders

Mailing address: 657 Mount Parnassus Drive, Granville, OH 43023

Property location: 151 Van Horn Road – tax map/lot U04/013

Zone: Special Residential, Shoreland Overlay

Primary reviewer: Rob Ham

Application Review: Applicant seeks approval to construct a 5 sq. ft. portico roof addition.

Eric Marden was present to discuss this application and he gave a brief overview of the project. With this project they will be under the 50% lot coverage.

Findings of Fact:

The owner is Howard Family Trust, c/o Mary Ellen Hare. The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 4266 on page 290.

The property is located at 151 Van Horn Road and can be further identified as tax map/lot U04/0013 and contains 0.17 acres. The property is in the Special Residential Zone and is in the Shoreland Zoning Overlay

Applicant seeks approval to construct a 5 sq. ft. portico roof addition.

Conclusions:

Rob Ham made a motion that the applicant has demonstrated Right, Title or Interest in the property in question and Sam Morris 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 Section 1.8 and 3.6 Review Criteria 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 Section 3.9.7.4 of the Town of Boothbay Zoning Ordinance and Sam Morris 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 Section 3.11.23.1, 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 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.9.7.4 of the Town of Boothbay Zoning Ordinance and Sam Morris 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 Section 3.11.23.3.1, 3.11.23.3.1.3, 3.11.23.3.1.3.1, 3.11.23.3.1.4, 3.11.23.3.3.3 Non-conforming Structures, Additional Standards of the Town of Boothbay Zoning Ordinance and Sam Morris seconded the motion. Vote: 5-0 in favor.

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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 development permit with no additional conditions all for the reasons set forth. Vote:5-0 in favor.

Applicant: Bruce & Kevin Bowler

Mailing address: PO Box 330 East Boothbay, ME

Property location: Pleasant Cove & Heron Cove Road – tax map/lot R06/068

Zone: General residential, Shoreland Overlay, Stream protection

Primary reviewer: Annette Stormont

Application review: Applicants seek approval to subdivide their property.

Bruce Bowler recused himself from the board for this application and as the applicant gave a brief overview of the project. The Bowlers have a three lot subdivision they would like to turn into four lots. His wife's mother lived on the same lot and has now moved into assisted living. They do not want someone who is not family on the same lot so would like to create a new lot D.

Annette Stormont asked if they would be creating any more lots. Mr. Bowler said no, this is it. Mr. Bowler said there would be no new construction, the house is already existing on the lot.

Rob Ham asked about the Right of way to the lot and Mr. said it would be over Heron Cove Road and not Pleasant Cove.

This would be an amendment to a previously approved subdivision.

Findings of Fact:

The owners of the properties are Bruce and Kevin Bowler. The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 2665 on page 178.

The property is located at Pleasant Cove and Heron Cove Road and can be further identified as tax map/lot R06/0068 and contains 6.5 acres. The property is in the General Residential District, the Shoreland Overlay Zone and Stream Protection area.

The applicant requests approval to redraw the subdivision property line as shown in the plan drawn by McConnell Associates, file #1206 and dated March 14, 2019

Conclusions:

Annette Stormont made a motion that the applicant has demonstrated Right, Title or Interest in the property in question and Rob Ham seconded the motion. Vote: 4-0 in favor.

Annette Stormont made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 1.8 and 3.6.1 of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 4-0 in favor.

Annette Stormont made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 4.6 Subdivision of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 4-0 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 Annette Stormont and seconded by Rob Ham the Planning Board approved the Use permit application with no additional conditions all for the reasons set forth. Vote: 4-0 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: Robert Dodge, represented by Matt Doucette

Properly location: 38 Greenlanding Road – tax map/lot U16/024

Review Of: Deck addition in the shoreland zone

This was not discussed as there was no one present to discuss the application.

5. **APPROVE MINUTES:** Bruce Bowler made a motion to approve the minutes of April 17, 2019 as presented and Sam Morris seconded the motion. Vote: 5-0 in favor.

6. **ADJOURN MEETING:** At 8:15PM Rob Ham made a motion to adjourn the meeting and Sam Morris seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted
Sherry Tibbetts
Secretary