

Planning Board

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



Town of Boothbay Planning Board Meeting
Wednesday, March 20, 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:** Peggy Kotin, alternate, Dimsie McBride, alternate, Bruce Bowler, member, Sam Morris, member, Robert Ham, member, Jason Lorrain, CEO.

•**Any commentary by the Board or instructions to the audience prior to reviews:** Bruce Bowler made a motion to appoint Peggy Kotin as a voting member for this meeting and Sam Morris seconded the motion. Vote: 4-0 in favor.

2. **OLD BUSINESS:** None

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:** Christopher Palmer
Mailing address: 69 Winthrop Street, Hallowell, ME 04347
Property location: 246 Wiscasset Road, Tax Map/Lot R05/0012/C
Zone: C1
Principal reviewer: Bruce Bowler
Application review: Applicant seeks approval for a change of use from a current construction debris stockpile site to a service business.

Christopher Palmer was present and represented himself. He has a geotechnical drilling business that currently runs out of Hallowell. They recently purchased a small home in Boothbay Harbor and plan on migrating this way soon. He purchased the 4 acre lot at 246 Wiscasset Road to put a 60'x120' structure up for storing his equipment. He plans to put up a building that will look similar to a barn with steel roofing, a standing seam roof and it will be steel sheathed. He is the owner /operator of the drilling business for ground water, pollution, geo technical purposes. He would rarely be doing anything in the yard and only on work days, he is usually out drilling somewhere in the state. He plans to have one light on the building. He will be more than 40ft off the Hillside Place and 100ft back from Route 27. He will get a building permit from the CEO, Jason Lorrain. He is waiting on a permit by rule from the DEP because he would be within 75ft of the stream. They are waiting for the snow to melt to assess further.

Sam Morris asked for comments from any abutters. Gene Chandler, an abutter at 227 Wiscasset Road, located across the street had a few questions. He asked if the Town of Boothbay has regulations on lighting. The light must shine down and not cross the property lines. He asked how far away from property line does the building have to be, because he does own property on that side. It has to be 40ft from the property line. What is there for hours of operation limits? Bruce stated there is a noise ordinance, there are certain times that you can't be using large equipment.

Findings of Fact:

The owners of the property are Christopher and Kilene Conrad. The property is located at 246 Wiscasset Road. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book 5319 on page 236. The property is in the C1 Zone. The property taxes on the property have been paid in full.

Applicant seeks approval for a change of use to a service business.

Conclusions:

Based on the above findings of fact Bruce Bowler 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.

Bruce Bowler stated under Review Criteria the land use goals and objectives under ordinance articles 1.8 to 1.83 have been met. He believes it maintains the small town character. It is a commercial/industrial which the town encourages in the C1 District. The general review criteria under articles 3.6.1 A-H have been met. There is no disturbance of ground water or anything else, no environmental effects.

Bruce Bowler made the motion that the applicant has demonstrated that his proposal meets the criteria set forth in sections 1.8 and 3.6.1 of the Town of Boothbay Zoning Ordinance. Sam Morris seconded the motion. Vote: 5-0 in favor.

Under District Standards, C1 with additional standards of 3.10 and 3.11 the proposed is a permitted use. There are no objections to any of the other prohibitions in District Standards. He has 2.75 acres so he is not going to exceed 30% of the developable area. Meets minimum lot size. Bruce Bowler asked for the height of the building and it meets the 34ft height requirement. Bruce Bowler made the motion that the applicant has demonstrated that this proposal meets criteria set forth in Sections 3.9.1 of the Town of Boothbay Zoning Ordinance. Robert Ham seconded. Vote 5-0 in favor.

Commercial Development next to a Residential Area. For the rear and side setbacks landscaping can be used as a visual buffer. Dumpsters and storage will not be allowed in the setback area.

Construction Standards 3.11.4 new structures need to meet the following design criteria. 3.11.4.1. The exterior walls shall be finished with a covering of wood, plastic, or metal, clapboards, wood siding; or wood, asphalt, plastic, or metal shingles; masonry, brick or stone or other nationally advertised siding materials. Tarred paper or tarred felt or similar substances shall not be used unless completely hidden from view by previously prescribed finished exterior wall covering. All buildings set on masonry foundations in the form of masonry walls at least 6 inches thick, or masonry posts at least 6 inches in diameter which in turn rest on ledge or which extend into solid earth for 3½ feet, or a concrete slab 6 inches thick.

3.11.4.5. New commercial construction should be compatible with surrounding properties in terms of formal characteristics such as height, massing, roof shapes and window proportions. Where existing historic buildings surround new construction, building height and exterior materials shall be harmonious with those of adjacent properties.

3.11.6 The location and vertical height of all exhaust fans, vents, chimneys or any other sources discharging or emitting smoke, fumes, gases, vapors, odors, scents or aromas shall be shown on plans submitted with an application, with a description of the source materials.

3.11.10.4 Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was actively worked, by use of rip rap, sod, seed, mulch, or other effective measures. In all cases permanent stabilization shall occur within nine months of the initial date of exposure.

3.11.10.5 Natural and man-made drainage ways and drainage outlets shall be protected from erosion. Drainage ways shall be designed and constructed in order to carry water from a twenty five year storm or greater, shall be stabilized with vegetation or lined with riprap.

Bruce Bowler made the motion that the applicant has demonstrated that this proposal meets the Criteria set forth in Sections 3.10.7, 3.11.6, 3.11.10 and 3.11.11 of the Town of Boothbay Zoning Ordinance. Peggy Kotin seconded. Vote: 5-0 in favor

Section 3.11.13 Noise. 3.11.13.2 Excessive noise at unreasonable hours shall be required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.

3.11.13.3 The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by Section 3 shall be as established by the time period and type of District listed below. Sound pressure levels shall be measured at all lot lines, at a height of at least 4 feet above the ground surface. Applicable Hours: 9 p.m. to 7 a.m.

3.11.15 Parking and Loading. Off-street parking shall be required for all new and expanded uses and shall be adequately sized for the proposed use. 3.11.15.1.2 Off-street Parking shall be located on the same lot as the use for which the parking is required unless other arrangements are approved by the Planning Board. 3.11.15.1.3 No parking space shall serve more than one use unless the Planning Board finds that it is clear it demonstrated that it is ok. 3.11.15.2.5 Entrances and exits shall be clearly identified by the use of entrance and exit signs, curb cuts, and landscaping. 3.11.15.3.11 All parking areas and driveways shall have a gravel sub-base at least 12 inches in thickness and 2 inches of finish gravel, bituminous plant mix grade C hot, or concrete. 3.11.15.3.12 Road and driveway surface drainage shall be directed to an unscarified buffer strip and shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

3.11.18 Sanitation. He is not going to be putting plumbing in at this time.

3.11.20 Signs. Probably not going to have a sign. Bruce Bowler mentioned that if he does decide he wants a sign he will need to go see Jason Lorrain the CEO because of the sign ordinance.

3.11.24 Waste Disposal. He typically stores used motor oil in five gallon buckets. He takes it to a guy he knows that burns waste oil in Augusta at a garage.

Bruce Bowler made the motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.13, 3.11.15, 3.11.18, 3.11.20 and 3.11.24 of the Town of Boothbay Zoning Ordinance. Annette Stormont seconded. Vote: 5-0 in favor.

Decision:

Based on the above findings of fact and conclusions, the plans and supporting information submitted, testimony and evidence presented at the Planning Board meetings on the application, on a motion made by Bruce Bowler and seconded by Annette Stormont the Planning Board approved the Use Permit Application subject to no conditions. Vote: 5-0 in favor.

Conditions: None

- **Applicant:** Colby & Gale
Mailing address: P.O. Box 208, Damariscotta, ME 04543
Property location: 3 Industrial Park Road, Tax Map/Lot R06/0003/5
Zone: C2
Principal reviewer: Sam Morris
Application review: Applicant seeks approval for a retail office and propane fill station.

Sam Morris asked Matthew Poole to give a brief description of the project. They are looking to

put a propane fill station in to fill 20 pounders, 30 pounders and 40 pounders and they are doing a little renovation inside. They are making one door into an archway. They provided a sketch and they have already been cleaning up around the property. The tank will be on the side away from the watershed overlay. The footprint of the house is not changing and there will be no addition of bathrooms. The access will be off the Industrial Park Road.

Findings of Fact:

The owner of the property is Matthew Poole.

The property is located at 3 Industrial Park Road. It is in the Industrial Park Zone. The property is further identified as Assessor's Tax Map R06/0003/05. It contains 1.84 acres.

The applicants have demonstrated a legal interest in the property by providing a copy of the deed. The deed for the proposed extension of use can be seen at the Lincoln County Registry of Deeds in Book 5355 on Page 199. Taxes on the property have been paid.

The applicant requests approval for a retail office and propane fill station.

Conclusions:

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 the motion that under general review criteria. 3.6.1 General. A-H maintains safe healthful conditions, will not have any environmental impact and will not result in water pollution, erosion or sedimentation to surface waters. Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Under 3.9.2 C2 District criteria 3.9.2.1 permitted uses, Sam Morris made a motion that the applicant meets the criteria to support Article 3.9.2 of the Town of Boothbay Zoning Ordinance. Bruce Bowler seconded the motion. Vote: 5-0 in favor.

3.11.14 Outdoor Storage. All outdoor storage facilities for fuel, chemicals, or industrial waste, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike high enough to contain the amount of liquid stored in the area, plus the accumulated rainfall of a 25 year storm. Sam Morris made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in 3.11.14 of the Town of Boothbay Zoning Ordinance. Bruce Bowler seconded the motion. Vote: 5-0 in favor.

3.11.15 Parking and Loading. The parking lot will not change. Sam Morris 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. Bruce Bowler seconded. Vote 5-0 in favor.

Decision:

Based on the above findings and facts 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 Bruce Bowler, the Planning Board approved the use permit application subject to no conditions. Vote 5-0 in favor.

- **Applicant:** Robert & Katherine Horgan
Mailing address: 1030 10th Street West, Boca Grande, FL 33921
Property location: 220 Shore Road, Tax Map/Lot: U03/0018

Zone: Special Residential, Shoreland Overlay

Principal reviewer: Rob Ham

Application review: Applicant seeks approval to renovate existing garage on an existing non-conforming lot.

Steve Berger represented the owners Robert and Katherine Horgan. About a year ago the owners had done renovations to the house and now they want to roof the garage, and put in new windows and siding to match the house. There is no change of use and no plumbing to be added, they will be upgrading the electrical. No change to the footprint, no additions. They are increasing the number of windows on one side for a better view, but nothing is being done that will make it more non-conforming.

Findings of Fact:

The owners of the property are Robert and Katherine Horgan. The property is located at 220 Shore Road. The property taxes have been paid in full.

The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 5174 on Page 18. The property is in the Special Residential Zone and is in the Shoreland Zoning Overlay. The property is further identified as Assessor's Tax Map/Lot: U03/0018. It contains 0.48 acres.

Applicant seeks approval to renovate existing garage on an existing non-conforming lot.

Conclusions:

Based on the above stated facts, the Planning Board makes the following conclusions:

Rob Ham made the motion that the applicant has demonstrated Right, Title or interest in the property in question. Annette Stormont seconded. Vote: 5-0 in favor.

Review Criteria: Will maintain safe and healthful conditions; will not result in water pollution or sedimentation to surface waters. A-H when applicable have been met. Rob Ham made the 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. Seconded by Annette Stormont. Vote: 5-0 in favor.

Additional Review Criteria: Rob Ham made the motion that under Development and Performance Standards 3.9.7.4 through 3.9.7.4.1.3 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. Seconded by Annette Stormont. Vote: 5-0 in favor.

Non-conforming Structures: There are no additions and no expansions. Rob Ham made the 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 Non-conforming Structures, of the Town of Boothbay Zoning Ordinance. Seconded by Bruce Bowler. 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 Annette Stormont, the Planning Board approved the development permit application subject to no conditions. Vote: 5-0 in favor.

Conditions of Approval: None

- **Applicant:** Jon and Mariann Bigelow, represented by Becker Construction

Mailing address: 15 Marvin Ridge Place, Wilton, CT 06897

Property location: 24 Chandler Road, Tax Map/Lot: R04/0058/A

Zone: Special Residential, Shoreland Overlay

Principal reviewer: Rob Ham

Application review: Applicant seeks approval to renovate existing home on an existing non-conforming lot.

No one is present to represent Jon and Mariann Bigelow. Sam Morris made a motion to table the Bigelow application until they are present or a representative is present at the next meeting. Annette Stormont seconded. 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:** None

5. **APPROVE MINUTES:** Sam Morris made a motion to approve the minutes of the February 20th meeting as presented and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

There is a discussion regarding a workshop in Belfast on April 24th being put on by the MMA on Air B&B's. Dimsie McBride is signed up for it and Annette Stormont would like to go. Jason Lorrain, CEO stated he can get her signed up through the Clerk's Office.

6. **ADJOURN MEETING:** At 7:22PM Sam Morris made a motion to adjourn the meeting and Bruce Bowler seconded the motion. Vote: 5-0 in favor of adjourning.

Minutes respectfully submitted
Andrea Lowery
Deputy Town Clerk / Tax Collector