

Planning Board

William Wright, Chair
Robert Ham, Vice Chair
Bruce Bowler
Peggy Kotin
Michael Leighton - Alternate
Lee "Mike" Thompson - Alternate
Lucien Laurie Jr. - Alternate



Town of Boothbay Planning Board Meeting
Wednesday, November 17, 2021
6:30 PM – Town Office Conference Room

MINUTES

CALL MEETING TO ORDER: Wright called the meeting to order at 6:30PM.

Roll call of members & other officials in attendance: William Wright, Robert Ham, Bruce Bowler, Peggy Kotin, Mike Thompson, Lucien Laurie Jr., Jason Lorrain Code Enforcement Officer

OLD BUSINESS:**NEW BUSINESS:**

Applicant: William & Kathryn Kring Irrevocable Income Only Trust; Represented by Stockwell Environmental Consulting, Inc.

Mailing Address: PO Box 97, Dudley, MA 01571-0097

Tax Map/Lot: R1/71-E

Property Location: 17 Fox Loop, Boothbay, ME 04537

Zone: Residential Coastal, Shoreland Overlay District

Application Review: Addition to an existing pier including a 40/34' extension of the pier and a 40'x 3.5' runway at a 45-degree angle. The float length will be the same.

The Board received an email requesting for the application to be tabled until January. Kring (property owner) was present at the meeting and asked for it to be tabled as well.

Wright announced the wharves and weirs on site meeting to be held Monday November 29, 2021 at 12:00 noon.

Wright made a motion to table the application until the next PB meeting. Bowler seconded the motion. Vote: 4-0 in favor.

Jason Lorrain (CEO) interjected, correcting that the applicant wanted the application tabled until the January 19, 2022 meeting.

Wright made an amended motion to table the application until the January 19, 2022 meeting as requested. Bowler seconded the motion. Vote: 4-0 in favor.

Findings of Facts:**Conclusions:****Decision:****Conditions of Approval:****OTHER BUSINESS:****PRE-APPLICATION REVIEW**

Pre-Applicant: Thomas White represented by Mike Roberts

Address: 135 Samoset Trail, East Boothbay ME 04544 (Tax map and lot U8/24)

Zone: Residential-Coastal

Review of: Property owner would like to move his cottage that is built on a pier and rebuild in the same footprint so the wharf can be raised up to avoid flooding issues and the new cottage will not exceed height restrictions.

Mike – Question 1: Tom would like to see if he can move the existing cottage, that is built on a pier over the water, across the street and rebuild on a raised pier to avoid flooding issues. Tom would like to build a smaller cottage, overall square footage, so he does not exceed ordinance and DEP height restrictions and stay within the footprint of the existing cottage.

Question 2: The waterside cottage has its parking and septic on property across the street as a deeded use on a separate lot. Tom has purchased that lot which consists of 2.23A of land. Tom would like to split that lot. One lot having the required shoreland 60,000 sq feet. And another smaller lot which is the piece that has the parking and septic for the cottage across the street. He would like to have the smaller septic lot added to the lot across the street that has the current cottage on it. This would be creating one conforming lot (60,000 sq feet) and create a lot that is non-conforming but when added to the lot across the street it would make that lot less non-conforming. Tom would really like the parking and the septic for the cottage on the water side of the street to be part of that property and be able to get away from the deeded use.

Wright feels that he would have to say no to the construction of a new cottage over the pier based on ordinance **7.5.17.4.1.6** *No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.* Wright considers this a new structure because of the whole removal of the existing one. Wright feels the DEP would also say no based on this same wording. Wright feels that even if the DEP says yes, interpreting the project differently, he would still say no based on the previously mentioned 7.5.17.4.1.6. But says that Tom could go to the appeals board for a possible variance or appeal. Wright feels that if Tom could get all DEP permits for raising the existing cottage and changing the roofline to adhere to height restrictions, it would be the best approach and would consider this alternative.

Lorrain feels that there is room for interpretation and that this should be looked at as an existing non-conforming structure as opposed to a new structure.

Ham feels that if DEP approved it he would look closer at their reasoning and take that into consideration in his decision. He wants to point out that there is wording in the ordinance to the effect that any structure moved or replaced would have to be replaced with as much conformity as possible. Therefore, Tom would have to have good reason why the replaced cottage can't be put somewhere else where it is more conforming. He also states that The Board would be the ones to give the approval or denial of removing the existing cottage and replacing it with a new one. The actual relocation of the existing cottage would be a permit through the Code Office.

Regarding question 2 about creating a non-conforming lot with the septic and parking and combining it with the waterside property would be a question for the assessor. The Board feels there may be issues in combining 2 lots that are split by a road and the creation of a non-conforming lot.

APPROVE MINUTES: Bowler made a motion to approve the October 20, 2021 minutes as written and Ham seconded the motion. Vote 4-0 in favor.

ADJOURN MEETING: At 6:47 PM Bowler made a motion to adjourn the meeting and Wright seconded the motion. Vote: 4-0 in favor.

Minutes respectfully submitted,
Andrea Hodgdon