

Planning Board

William Wright, Chair
Rob Ham, Vice-Chair
Bruce Bowler
Peggy Kotin
Lee "Mike" Thompson, Alternate
Lucian Laurie Jr., Alternate



Town of Boothbay Planning Board Meeting **April 20, 2022 at 6:30 PM** **Town Office Conference Room** **Minutes**

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

Roll call of Members and other Officials in attendance: William Wright, Bruce Bowler, Peggy Kotin, Mike Thompson, Lucian Laurie Jr., Sally Daggett Town Attorney, and Jason Lorrain Code Enforcement Officer.

Actions by the Board or instructions to the audience prior to reviews:

Wright asked the audience and presenters/applicants to stand at the podium and state their name when presenting or commenting.

Bowler made a motion to vote Mike Thompson and Lucian Laurie Jr. in as voting members for this meeting. Kotin seconded the motion. Vote: 3-0 in favor.

OLD BUSINESS : REMANDED APPEAL

Applicant: Heidi Cresta and Virginia Guerriero

Mailing Address: 33 Peachey Circle, Middletown, MA 01949

Tax Map/Lot: R5/67-3

Property Location: 4 Waterfront Road North, Boothbay, ME 04537

Zone: Scenic Gateway, Residential Coastal, Shoreland Overlay District, Resource Protection District

Application Review: Selective cutting of trees in area to be developed to allow for installation of driveway, septic system, well and construction of a one family dwelling in accordance with all pertinent ordinances and standards, including, but not limited to, the Resource Protection District.

Wright presented the Finding of Facts

Please see attached Finding of Facts approved and signed April 26, 2022 for more detail.

Findings of Facts:

- The owners of the property are Heidi Cresta and Virginia Guerriero.
- The property is located at 4 Waterfront Road North. It is in the scenic gateway, shoreland overlay and resource protection districts. The property is further identified as Assessor's Tax Map R5-67-3. The property contains 1.03 acres.
- The applicants are Heidi Cresta and Virginia Guerriero, who have demonstrated a legal interest in the property by providing a copy of the deed. The deed for the proposed project can be seen at the

Lincoln County Registry of Deeds in Book #5780 on Page #37.

- The applicant requests approval to selectively cut trees in the area to be developed to allow for installation of driveway, septic system, well and construction of a one family dwelling in accordance with all pertinent ordinances and standards, including, but not limited to, the Resource Protection District.

Conclusions:

Wright made a motion that the applicant **has** demonstrated Right, Title or Interest in the property in question and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 5.3 and 5.3.5.2.2 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.2 – 5.3.6.2.3 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.4 – 5.3.6.4.7 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.4.5 – 5.4.5.3.2 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.4.6 – 5.4.6.5.1 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.4.6.8 – 5.4.6.23.1 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.7– 7.5.7.2 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.16 – 7.5.16.6 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 4-1(Bowler opposed)

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.17 – 7.5.17.4.5 of the Town of Boothbay Zoning Ordinance and Kotin 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 meeting on the application on a motion made by Wright and seconded by Kotin the Planning Board **approved** the development application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions.

Vote: 4-1 (Bowler Opposed).

Conditions of Approval:

1. Standard condition of approval: The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by applicant in the record of the Planning Board proceedings are conditions of approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the planning board.
2. Show drainage direction of surface water from driveway towards wetlands on plan.
3. Add location of culvert connecting abutter and ditch relief culverts and plunge pools.
4. Show finished driveway dimensions as 12' wide.

NEW BUSINESS

Applicant: Stockwell Environmental Consulting, Inc.

Representing: Linda Jay Burley

Mailing Address: 22 Linekin Landing Road, East Boothbay, ME 04544

Tax Map/Lot: U10/15-A

Property Location: 22 Linekin Landing Road, East Boothbay, ME 04544

Zone: Coastal Residential, Shoreland Overlay District

Application Review: Improvements to an existing pier including widening the pier by 1' and making 2.5' higher; adding a 12'x 4' access ramp and lengthening the runway by 2'.

Kotin presented the Finding of Facts

Findings of Facts:

- The owner of the property is Linda Jay Burley. The property owner has provided authorization for Stockwell Environmental Consulting, Inc. to represent them.
- The property is located at 22 Linekin Landing Rd. It is in the Coastal Residential District & Shoreland Overlay. The property is further identified as Assessor's Tax Map U10/15-A. The property contains 1.2 acres.
- The applicant is Stockwell Environmental Consulting, Inc., who has demonstrated a legal interest in the property by providing a copy of the deed. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book #3598 on Page #10.
- The Town has received copies of the NRPA and the Army Corp. of Engineers permit applications. The Harbormaster inspected the site on Wednesday April 13, 2022 at 3:30 pm.
- Applicant seeks approval to make improvements to an existing pier including widening the pier by 1' and making it 2.5' higher; adding a 12'x 4' access ramp and lengthening the runway by 2'.

Conclusions:

Kotin made a motion that the applicant **has** demonstrated Right, Title or Interest in the property in question and Laurie seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 5.2.2.3.2 and 5.2.2.3.2.11 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3 – 5.3.5.2.2 of the Town of Boothbay Zoning Ordinance and Thompson seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.2 – 5.3.6.2.3 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.4 – 5.3.6.4.7 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.17 – 7.5.17.4.1.10.1 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 9.4 – 9.4.5 of the Town of Boothbay Zoning Ordinance and Thompson 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 meeting on the application on a motion made by Kotin and seconded by Laurie the Planning Board **approved** the development application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

None – approved as presented.

Applicant: A. Maltese Design (Adam Maltese)

Representing: Paul and Julia Spaulding

Mailing Address: 180 Deer Hollow Road, San Anselmo, CA 94960

Tax Map/Lot: U2/17

Property Location: 5 Grimes Ave., East Boothbay, ME 04544

Zone: Coastal Residential, Shoreland Overlay District

Application Review: Replace existing garage with artist's studio. Relocate proposed structure further from the lot line. Expand studio footprint by 49sf (20%).

Applicant called code office and has tested positive for COVID therefore will not be presenting tonight.

Wright made a motion to table the application until the May 18, 2022 meeting. Bowler seconded the motion.
Vote: 5-0 in favor

OTHER BUSINESS

PRE-APPLICATION REVIEW:

Applicant: Gleason Family Trust

Mailing Address: 35 Twoey Drive, Windham, ME 04062

Tax Map/Lot: U4/128

Property Location: 256 Back River Road, Boothbay, ME

Zone: Water Reservoirs Protection, Watershed Protection Overlay and Shoreland Overlay Districts

Application Review: Repair and alteration to the structure which is within 100' of Knickerbocker Lake.

Fran Gleason property owner – We've had multiple sight visits with Jason (Boothbay CEO) and one with Cameron from Maine DEP to go over the repairs, updates and improvements we want to do on the property and with the structure. We already applied for the DEP Permit by Rule and have been approved. We have two stages, one to do this year and one to do next spring.

Wright – When approved, our approval is good for a year, if you are going to start early spring next year it would save you money to get the whole project approved in this trip before The Board. Make sure your calculations are correct. The Board will need a survey with both the existing and proposed calculations on it from a licensed surveyor.

Applicant: John Moran

Represented by Tom Carron

Mailing Address: 772 Fairview Ave. Apt. E, Annapolis, MD 21403

Tax Map/Lot: U11-11

Property Location: 482 Ocean Point Rd., East Boothbay

Zone: Residential

Application Review: Proposed development in a non-conforming situation.

Tom Carron presented that Mr. Moran would like to add a deck onto a non-conforming structure. Mr. Moran feels he is allowed to add the deck on under non-conforming ordinance 6.5.1.1. Wright points out that the space and bulk standards from the district still come into effect then the ordinances in non-conforming fall in. This district is only allowed 30% lot coverage which is currently exceeded making the building non-conforming. The ordinance also reads that a situation can not be made more non-conforming. By adding the deck, the coverage non conformity would be made more non-conforming.

Carron points out that the property owner owns the abutting lot as well asking if that would help the situation.

Bowler asked if the abutting lot is developed?

Carron - no its not.

Bowler, the ordinance allows the town to force a property owner owning 2 adjacent non-conforming lots to combine them to create a more conforming lot.

Wright, what is currently being presented we would probably have to deny due to the proposal making the situation more non-conforming. With what has been discussed hopefully the owner comes up with a new plan that might work.

APPROVE MINUTES: February 16, 2022 meeting minutes. Wright made a motion to approve the February 16, 2022 meeting minutes as written. Thompson seconded the motion. Vote: 3-0 in favor (Bowler & Laurie were not in attendance at the 2/16/22 meeting therefore cannot vote).

March 16, 2022 meeting minutes. Wright made a motion to approve the March 16, 2022 meeting minutes as written. Thompson seconded the motion. Vote: 4-0 in favor (Kotin was not in attendance at the 3/16/22 meeting therefore cannot vote).

ADJOURN MEETING: Wright made a motion to adjourn the meeting at 9:15 PM. Bowler seconded the motion. Vote: 5-0 in favor

Minutes respectfully submitted,
Andrea Hodgdon