

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
May 18, 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. 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.

After talking to Rob Ham prior to the meeting, Bill Wright made a motion to make Rob Ham an alternate and move Mike Thompson and Lucian Laurie Jr. to full members. Bruce Bowler seconded the motion. Vote: 3-0 in favor.

OLD BUSINESS :

TABLED APPLICATION:

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%).

Wright made a motion to take the application from the table for review. Bowler seconded the motion. Vote: 5-0 in favor.

Discussion:

Applicant would like to demolish old garage and rebuild a little bigger. The rebuilt structure will be moved into the lot some to make it less non-conforming by moving it away from the side property line and back from the road.

Bowler doesn't think the proposed move is making it the most non-conforming as possible. The board needs more information regarding septic lines running from the house to the tank and field to properly determine if it is being moved to the greatest possible extent reducing non-conformity.

Bowler and Wright both have concerns and questions regarding the calculations supplied on the plot plans. They don't feel they are properly representing the lot and buildable coverage assumed to be a misunderstanding in the definition and how to make such calculations. The board feels more information regarding utilities and placement on the lot and corrected calculations are needed to make a decision. Bowler made a motion to table the application until the next meeting. Wright seconded the motion. Vote: 5-0 in favor.

NEW BUSINESS

Applicant: Stockwell Environmental Consulting, Inc.

Representing: Erica Tubman & Hugh Reece

Mailing Address: 91 Burget Ave., Unit 2, Medford, MA 02155

Tax Map/Lot: R4/92

Property Location: 365 Barter Island Road, Boothbay, ME 04537

Zone: Coastal Residential, Shoreland Overlay District

Application Review: Construction of a 160'x 6' pier to a seasonal 40'x 3' runway to a 10'x 20' float perpendicular to shore and a skidway for hauling the float.

Kotin presented the Finding of Facts

Mike Thompson recused himself from voting or discussion of this application as he has done work for the property owners.

Findings of Facts:

- The owners of the property are Erica Tubman & Hugh Reece. The property owners have provided authorization for Stockwell Environmental Consulting, Inc. to represent them.
- The property is located at 365 Barter Island Rd. It is in the Coastal Residential District & Shoreland Overlay. The property is further identified as Assessor's Tax Map R4/92. The property contains 1.38 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 #5583 on Page #154.
- The Town has received copies of the NRPA and the Army Corp. of Engineers permit applications. The Harbormaster inspected the site on Tuesday May 10, 2022 at 2:00 pm.
- Applicant seeks approval to construct a 160'x 6' pier to a seasonal 40'x 3' runway to a 10'x 20' float perpendicular to shore and a skidway for hauling the float.

Conclusions:

Kotin made a motion that the applicant **has** demonstrated Right, Title or Interest in the property in question. Bowler seconded the motion. Vote: 4-0 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: 4-0 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 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 4-0 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: 4-0 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: 4-0 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: 4-0 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 Bowler 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 meeting on the application on a motion made by Kotin and seconded by Bowler 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: 4-0 in favor.

Conditions of Approval:

Update application letter: remove reference to DEP permit by rule and note about being a replacement pier.

Applicant: Michael J. Tomko, Create Estates

Representing: Mary & Robert Woodman

Mailing Address: 15 Northwood Drive, Kennebunkport, ME 04046

Tax Map/Lot: U15-27

Property Location: 142 Murray Hill Road, East Boothbay

Zone: East Boothbay Village, Shoreland Overlay District

Application Review: Demolition of existing structure. Build new single-family home in same location with new foundation.

Discussion:

The applicant would like to demolish the existing structure and rebuild in the same location but a little bigger.

Wright has concerns regarding calculations and lot coverage. He is concerned that the district lot coverage may be already exceeded. Because the shoreland overlay says you can expand a structure 30 % (one time) you can't exceed the district standards for lot coverage.

There is also concern that the structure isn't being set back to the greatest possible extent.

There also appears to be some sort of "stream" on the abutting property which would require a 75' setback. There needs to be a determination by the DEP regarding the qualification of the "stream", which will help in determining the setback.

The board would like to make a site visit to see the lot which will help them understand the restrictions of the lot.

The board would like to table the application until the next meeting so they can make a site visit and have updated information on the "stream" and the lot calculations.

The site visit is scheduled to take place on Friday, May 20, 2022 at 4:00 PM,

Bowler made a motion to table the application until the next meeting. Wright seconded the motion.

Vote 5-0 in favor.

Applicant: John & Shelia Moran

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

Tax Map/Lot: U11-11

Property Location: 482 Ocean Point Rd., East Boothbay, ME 04544

Zone: Residential District

Application Review: Construction of a 14'x17' deck onto a nonconforming structure.

Discussion:

Applicant would like to add a 228 square foot deck onto a non-conforming structure. The structure does not meet setbacks, but it also exceeds the allowed lot coverage.

Wright is concerned with the calculations provided. The board needs to see a survey and calculations by a licensed surveyor who understands the requirements of the Ordinance.

The board explains that you cannot increase the lot coverage non-conformity. If you want to add a deck you will have to revegetate something. Or you will have to combine the two owned contiguous lots.

The board would like to table the application until the next meeting. They need to see a formal stamped survey as well as a plan to maintain or reduce the lot coverage.

Wright made a motion to table the application. Bowler seconded the motion. Vote: 5-0 in favor.

OTHER BUSINESS

PRE-APPLICATION REVIEW:

Applicant: Larry Sullivan; Back Eighty Corporation

Tax Map/Lot: R07-105

Property Location: Back Narrows Road, Boothbay, ME

Zone: Residential

Discussion:

The property owner would like to sell a lot that was retained by the Back Eighty Corporation and not included in the formation of the Back Eighty Subdivision. The Boothbay code office, the property owner's lawyer, and the property owner all feel that this lot to be sold is not part of the subdivision. The lawyer of the buyer would like the Planning Board to come up with a letter stating the lot isn't part of the subdivision.

Wright doesn't feel this is something the board has say on. He feels the original determination by the code office is the correct one and thinks that a letter from that office should satisfy the needs of the lawyer.

Applicant: Barter Island Baptist Church
Tax Map/Lot: R01-27
Property Location: 475 Barter Island Rd., Boothbay
Zone: Residential

Discussion:

They would like to erect a FM radio transmission tower.

The board will need an updated survey with property lines, the location of the building and the location of the tower. The board will also need a direction of what the tower will look like and the visual buffers that are proposed. From the old survey they have it appears the lot is very small and the building isn't far from the property lines. The suggestion of a collapsible tower is made. The Pastor has concerns about the cost of a survey as they are a non-profit and don't have the funds to spend. Wright thought it might be possible for the board to do a site visit with a detailed drawing to help them better understand the building location on the lot. But they will definitely need a better idea of the look and options of towers that might work along with visual buffers.

Applicant: Steve Alley
Represented by: Dave Tonry
Tax Map/Lot: U11-3
Property Location: 8 West Wind Drive, East Boothbay
Zone: Residential

Discussion:

The property owner would like to convey part of a subdivision lot to an abutting lot. In such amending the subdivision lot lines. The portion of the subdivision to be conveyed would create a non-conforming lot. Wright says that the portion would have to be joined with the abutting lot as not to create a non-conforming lot. The board will need a clear plan as to what portion is being conveyed and that it will be combined with the adjoining lot.

APPROVE MINUTES: April 20, 2022 meeting minutes. Wright made a motion to approve the April 20, 2022 meeting minutes as written. Bowler seconded the motion. Vote: 5-0 in favor

ADJOURN MEETING: Wright made a motion to adjourn the meeting at 10:05 PM. Bowler seconded the motion. Vote: 5-0 in favor

Minutes respectfully submitted,
Andrea Hodgdon