



**TOWN OF BOOTHBAY
DEVELOPMENT APPLICATION**

For Office Use Only
Applicant _____
Date Received _____
Proposal _____

This application is for proposals requiring Planning Board approval to modify the land, except in connection with a subdivision; to add structures; or to change the location or exterior dimensions of structures. This application together with the applicable Checklists and all accompanying submissions must be completed in accordance with the requirements of the Zoning Ordinance of the Town of Boothbay. Copies of the Zoning Ordinance are available for use or purchase at the Town Office and on the Town’s web site. The original signed copy of pages 1 and 2 of this form must be accompanied by the required application fee and proof that all accounts with the Town are current as required in item 1 of Section III of this form. Responses to the other applicable information requests in Section III are required for the application to be complete and may be provided in writing, by sketch, plan or drawing, or in person, or by a designated representative, in a public hearing. Eight copies of pages 1 and 2 of this form and the other information required to be on paper must be submitted before the application can be considered.

The Boothbay Planning Board normally meets to hear new applications the third Wednesday of each month. Applications must be submitted to the Code Enforcement Officer a minimum of 3 weeks before a Planning Board meeting. The applicant and/or a representative must be present for the Planning Board to consider an application. Failure to appear for two consecutive meetings may result in Planning Board denial of the application. The Planning Board will normally only determine during the first meeting if the application is sufficiently complete or if additional information will be required. If appropriate, an on-site visit will be scheduled. Site visits are normally required for non-residential and non-conforming residential applications. The Planning Board may require the submission of additional information at any time while it is considering an application. All plans and written material requested after the initial submission must be submitted to the Code Enforcement Officer no later than 4:00 PM of the Thursday before a Planning Board meeting for it to be considered at the meeting.

SECTION I – TO BE COMPLETED BY ALL APPLICANTS

- Street Location/Address of the Property: _____
 Tax Map # _____ Lot # _____ Zoning District: _____
 Is any portion of the lot in the Shoreland Overlay Zone (SOZ)? Yes ___ No ___ If in SOZ, is lot in the
 Resource Protection District? Yes ___ No ___ Stream Protection District? Yes ___ No ___
 Is any portion of the lot in the Watershed Overlay Zone? Yes ___ No ___
- Owner of Property: _____
 Authorized Representative (if corporation): _____
 Mailing Address: _____
 Telephone Number: Daytime: _____ Evening: _____
 Fax Number: _____ Email Address: _____
- Applicant (if different from Owner): _____
 Mailing Address: _____
 Telephone Number: Daytime: _____ Evening: _____
 Fax Number: _____ Email Address: _____
- Property part of approved subdivision. Plan Book ___ Page ___ Residential subdivision? Yes ___ No ___
- Interest of applicant in any abutting property:
 Tax Map # _____ Lot # _____ Interest _____
- Registered Farmland, Open Space and/or Tree Growth restrictions apply? Yes ___ No ___

Development Application

7. Existing use of property: _____

8. Proposed use of property as shown in Land Use Table: Principal _____
(Pages 14 – 17 of the Zoning Ordinance of the Town of Boothbay) Accessory _____

(Please describe in detail all changes to the current use of the property, any renovations to be made to existing buildings and any proposed new structure.) NOTE: Accessory Use must be a permitted Use.

(Attach a separate sheet if more space is needed.)

9. Approval Required: Planning Board ____ Site Plan ____ Conditional Use ____
(As shown in the Land Use Table)

10. For all proposed uses other than one and two family dwellings:

Days _____ and hours _____ of operation

Months of operation _____

11. Maximum Developable Area (See Section VI for information on how to calculate)
Separate calculation required for each Zoning District.

Total area of lot: _____ square feet

Buildable Area: _____ square feet

Developed Area: Existing: _____ square feet Proposed (including existing): _____ square feet

Developable Area as a percent of Buildable Area = $\frac{\text{Developed Area}}{\text{Buildable Area}} \times 100 = \text{_____}\%$
(Maximum allowed varies by Zoning District.)

See Dimensional Requirement Table on page 29.)

If in or partially in Shoreland Overlay Zone (Only area in Shoreland Overlay Zone to be included)

Lot Coverage as a percent of total Lot Area = $\frac{\text{Developed Area within Lot}}{\text{Lot Area}} \times 100 = \text{_____}\%$
(Maximum allowed is 20%)

12. Contractor - Sedimentation/Erosion Control Certification # _____

SECTION II - SIGNATURE

In order for the Planning Board to approve this application, the Zoning Ordinance requires the Planning Board to find that the requirements of the Zoning Ordinance have been complied with and the proposal is consistent with the goals and objectives for development in Boothbay as stated in Section III of the Zoning Ordinance. The applicant has the responsibility of proving the proposed development is in conformity with the purposes and provisions of the Zoning Ordinance.

The applicant and owner affirm that they are willing and able, in the event of approval, to undertake and complete all activities in accordance with the approved application and in conformance with all regulations of the Town of Boothbay and in accordance with all conditions for approval required by the Planning Board. In addition, the applicant and owner affirm that they will not make changes to the approved development unless approval is obtained from the Planning Board or Code Enforcement Officer in accordance with Section IV(K) on page 8 of the Zoning Ordinance of the Town of Boothbay, Maine.

The undersigned consent to this application and agree to abide by all terms and conditions set forth in this application or required by the Planning Board. A letter authorizing the development from the owner to the applicant, if different from the owner, is attached.

Owner (Signature) _____ Date _____

Applicant if other than owner (Signature) _____ Date _____

SECTION III REQUIRED INFORMATION

Applications must include as a minimum all of the following information that may be reasonably required in order that the Planning Board may make an informed determination pursuant this Ordinance.

Sketches, plans or drawings must include dimensions that show compliance with all Zoning Ordinance standards, including, but not limited to: setbacks, structure height, buildable area, developed area, maximum developable area, cleared opening, and, in the Shoreland Overlay Zone, lot coverage.

Where appropriate, the name, registration number, and seal of the professional land surveyor and/or engineer responsible for preparing the document is required on the document.

1. Certificate or receipt from the Town that **(One copy attached to the original signed copy of the application.):**
 - A. Real and personal property taxes plus any other accounts of the applicant payable to the Town have been paid in full;
 - B. Real and personal property taxes for the property described in Section I number 1 above have been paid in full;
 - C. Application fees have been paid; and
 - D. There is no outstanding notice of violation issued by the Code Enforcement Officer to the applicant that (i) has not been appealed to the Board of Appeals within the required time period, (ii) is pending before the Board of Appeals or a reviewing court, or (iii) the decision of the Board of Appeals or a reviewing court has not been fully complied with.
2. Copy of Secretary of State's Registration if corporation.
3. Copy of most recent deed showing ownership and, if applicable, contract to purchase or option to lease.
4. Copy of any variation from an Ordinance standard previously granted by the Planning Board, the Board of Appeals, the Superior Court, or State or Federal agency or department.
5. Copy of any deed granting easements on or beneficial to lot.
6. Five copies of a plan to be filed with the Lincoln County Registry of Deeds for all expansions of non-conforming structures in the Shoreland Overlay Zone and for all development requiring a water supply protection buffer.
7. A location map showing the relation of the lot to adjacent properties and to the general surrounding area. The location map shall show all the area within 2,000 feet of the property lines and at least one Town road.
8. A sketch, plan or drawing showing the existing and proposed conditions of the lot to include, but not limited to: topography, vegetation, natural drainage ways, flood plains, ponds, streams, tributary streams and wetlands. Please include lot lines; the upland edge of all drainage ways, flood plains, ponds, streams, tributary streams and wetlands; areas of naturally occurring non-vegetated or impervious surfaces; buffer areas required by the Ordinance; area cleared of trees and other vegetation; areas to be filled or graded; and in the Shoreland Overlay Zone areas with slopes of greater than 20%.
9. A sketch, plan or drawing showing the existing and proposed location of all developments upon the lot, to include, but not limited to: structures, including decks, porches and steps; driveways; parking areas and number of spaces; walkways, walls, patios and all other man-made non-vegetated or impervious surfaces; drainage facilities; above ground and subsurface wastewater disposal systems; utility service if a separate structure, including poles, on the lot; signs and their supporting structures if not attached to a building; lighting; and screening devices. The Buildable Area, as defined in Section VI of this application, wetlands and required setbacks must be shown.
10. A sketch, plan or drawing showing the existing and proposed structures to include, but not limited to: the exterior of all proposed structures as seen from the front, back and each side; and ground elevations and height measurements sufficient to determine the structure height as defined in the Ordinance. 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 the plan, with a description of the source materials.
11. A 3-dimensional model of a proposed above ground structure if required by the Planning Board.
12. In the Water Reservoirs Protection District or the Watershed Overlay Zone a sketch, plan or drawing showing required water supply protection buffers.
13. Information that the proposed development:
 - Will maintain safe and healthful conditions;
 - Will not result in water pollution, erosion or sedimentation to surface waters;
 - Will adequately provide for the disposal of all wastewater;
 - Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - Will protect archaeological and historic resources as designated in the Comprehensive Plan;

Development Application

Will not adversely affect existing commercial fishing or maritime activities in the Maritime Commercial District;

Will avoid problems associated with flood plain development and use; and

Is in conformance with all land use standards of the Zoning Ordinance.

The land use standards vary by use, location in Town, and the type of approval required.

14. Any other information that may be reasonably required in order to make an informed determination pursuant this Ordinance

SECTION IV – ADDITIONAL INFORMATION that may be required before Planning Board can make a determination on the merits of the proposal:

1. **Common Land or Common On-site Services** If owners are to share in the use and maintenance of common water supply, wastewater treatment systems or roads and other ways, organization documents of the organization authorized to conduct these functions, and documents specifying owner's responsibilities and liabilities.
2. **Construction Permit** Copy of permit from the Department of Public Safety if required by 25 M.R.S.A. § 2448.
3. **Deed Restrictions** Copy of new deed easements or restrictions for construction of wells, dug wells, homeowner covenants, subsurface wastewater disposal and water supply protection buffers.
4. **Driveway and Entrance/Exit Permit** Copy of the driveway or entrance or traffic movement permit from the Maine Department of Transportation if required by 23 M.R.S.A. § 704 or § 704-A.
5. **Erosion and Sedimentation Control** A site specific Erosion and Sedimentation Control Plan developed in accordance with the *Maine Erosion and Sediment Control BMPS* of the Bureau of Land and Water Quality, Maine Department of Environmental Protection.
6. **Fire Marshal Approval** Copy of approval from the Office of the State Fire Marshal if required by 5 § 4594-D(7).
7. **Historic Preservation** The response from the Maine Historic Preservation Commission if any development or soil disturbance in the Shoreland Overlay Zone is proposed on or adjacent to archaeological sites listed on, or eligible to be listed on, the National Register of Historic Places, as determined by the Planning Board.
8. **Junkyard** The following additional information is required:
 - A. Name and address of junkyard operator if different from the landowner;
 - B. Identify by list and definition the materials to be stored; and
 - C. Include a plan of the storage area proposed to be used including size, height, and setbacks from property lines; setbacks from public roadways; and setbacks from residences on neighboring properties.
9. **Mineral Extraction** A reclamation plan as required by Section VII(K)(2)(a).
10. **Natural Resources** A permit from the Department of Environmental Protection, if required by 38 M.R.S.A. § 480-C.
11. **Public Sewer Disposal** A written statement from the Boothbay Harbor Sewer District that adequate capacity exists without placing an undue burden on the collection and treatment facilities and that the Sewer District has accepted the final construction proposal for connection to the sewer system.
12. **Public Water Supply** A written statement from the Boothbay Region Water District that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved and that the Water District has accepted the final construction proposal for provision of public water for consumption and/or fire protection.
13. **Public Ways** Typical cross-sections of proposed roads, sidewalks and other public ways. Detailed construction drawings showing a plan and profile view of the proposed roads and existing roads within 300 feet of any proposed intersections.
14. **Sanitation** Evidence of soil suitability for subsurface wastewater disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules. There shall be at least one soil test per lot.
15. **Town Services** A written agreement from the Town Manager or Board of Selectmen if there are any identified impacts.

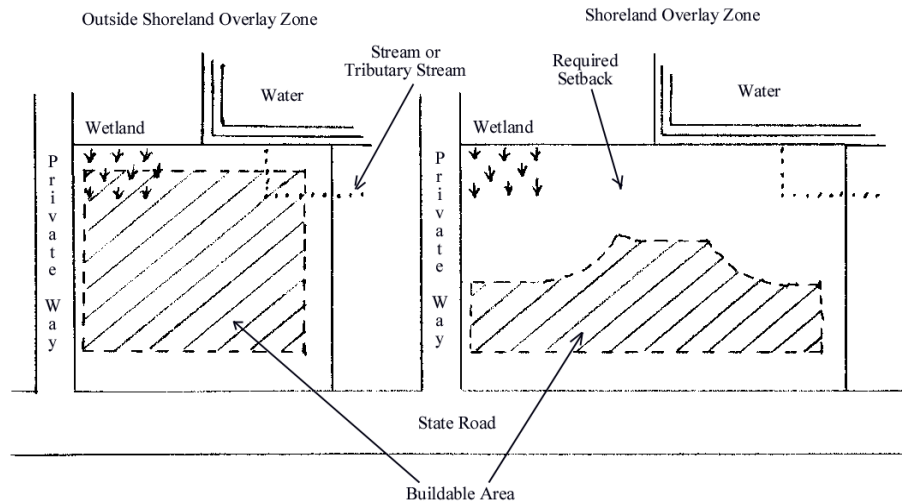
SECTION V CHECKLISTS The following Checklists are provided to help the applicant determine what regulations may apply to their proposal and to provide references to the applicable standards in the Zoning Ordinance. Please complete and attach only the appropriate Checklists.

- Checklist **D** **All Development Applications.**
- Checklist **SP** **All applications for Site Plan approval.**
- Checklist **C** **All applications for Conditional Use approval.**
- Checklist **SOZ** **All applications where any portion of the lot is located within the Shoreland Overlay Zone.**

SECTION VI Selected definitions as an aid to understanding the dimensional requirements. A complete set of definitions is in Section XVI of the Zoning Ordinance.

Buildable Area: The specified portion of a lot where development is allowed. In determining such area of a lot, the following shall be excluded:

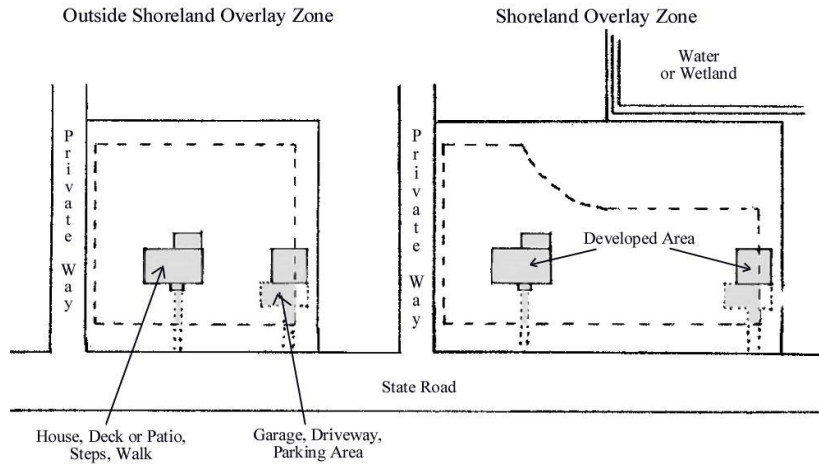
- A. The area included in the required setbacks;
- B. All wetlands in the Shoreland Overlay Zone;
- C. Areas with endangered species, excessive slopes, unstable soil, improper drainage or water pollution as prohibited in Sections VII(C), IX(E)(3)(c) or X(E)(8);
- D. Land that is situated below the normal high-water line of any great pond, stream or freshwater wetland;
- E. Land that is part of a right-of-way, or easement, including utility easements; and
- F. Land that is located within the 100 year frequency flood plain as identified by the Federal Emergency Management Agency or the Department of Housing and Urban Development, Flood Insurance Administration, unless the developer shows proof through the submittal of materials prepared by a Registered Land Surveyor that show that the property in question lies at least 2 feet above the 100 year flood level. The elevation of filled or manmade land shall not be considered.



Development Application

Developed Area: In determining the developed area of a lot, the following areas shall be included:

- A. The foot-print of buildings on the ground or the first floor square footage, whichever is greater.
- B. Within the Buildable Area:
 1. Driveways and parking areas.
 2. Impervious and non-vegetated areas, including, but not limited to, walkways and patios. Areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation.



Distance The horizontal separation of two points in connection with a measurement generally parallel to the earth's surface. Also, the vertical separation of two points in connection with a measurement generally perpendicular to the earth's surface.

Lot Area: The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a great pond, stream or the upland edge of a wetland and minus areas beneath the right-of-way of roads serving more than two lots. {DEP § 17} Outside the Shoreland Overlay Zone land below the upland edge of a wetland is included.

Lot Coverage The areas included in the definition of **Developed Area** within the entire lot

Setback The nearest horizontal distance:

- A. From a lot line or road to the nearest part of a structure; or
- B. From the normal high-water line or upland edge of a wetland to the nearest part of a structure, road, parking space or other regulated use, object or area.

Structure Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground exclusive of fences. The term includes structures temporarily or permanently located, such as decks, patios, portable garages and large satellite dishes. The term does not include flagpoles, signs, picnic tables, small fireplaces/barbecue pits or small digital satellite dishes.

Structure Height The vertical distance measured from the average ground elevation at any point adjacent to the foundation, i.e., the underlying base, substructure, or support of a building, to the highest point of the roof, excluding antennas and chimneys.

Volume of a Structure The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.