



**TOWN OF BOOTHBAY
USE APPLICATION**

For Office Use Only
Applicant _____
Date Received _____
Proposal _____

This application is for proposals requiring Planning Board approval to use a property or structure that does not include a proposal to modify the land, to add structures, or to change the location or the exterior dimensions of structures. This application 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 approve, approve with conditions or deny Use Applications the first time it considers an application. If appropriate, an on-site visit will be scheduled. 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: _____
- Right, Title or Interest in the Property Owner’s Deed: Book _____ Page _____
Contract to purchase or option to lease: Date _____
- Interest of applicant in any abutting property
Tax Map # _____ Lot # _____ Interest _____

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6. Existing use of property: _____

7. 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 and any renovations to be made to existing structures.) NOTE: Accessory Use must be a permitted Use.

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

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

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

Days _____ and hours _____ of operation

Months of operation _____

10. Accessory Uses, including Home Occupations, other than Garage Apartments [Sections VII(D)(2) – (4) on page 20 and VII(I) on page 22]

A Floor area of principal structure: _____ sq. ft.

B Floor area of accessory use in principal structure: _____ sq. ft.

Percentage of floor area in principal structure occupied by accessory use = $\frac{B}{A} \times 100 = \text{_____}\%$
[Maximum allowed is 30%]

C Total floor area of all accessory structures: _____ sq. ft.

D Floor area of accessory use in accessory structure(s): _____ sq. ft.

Percentage of floor area of accessory use in accessory structure(s) to

floor area of principal structure = $\frac{D}{A} \times 100 = \text{_____}\%$
[Maximum allowed is 75%]

Percentage of floor area of all structures used for home occupation = $\frac{B + D}{A + C} \times 100 = \text{_____}\%$
[Maximum allowed is 50%]

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. The applicant has the responsibility of proving the proposed use 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 use 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 of authorizing the use 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.

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 any 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. 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.
7. Information that the proposed use:
 - 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;
 - 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. Written documentation is required for each standard above that a proposed change from one non-conforming use to another in the Shoreland Overlay Zone will have no greater adverse impact.
8. Any other information that may be reasonably required in order to make an informed determination pursuant the Zoning 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 applicant is 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.
3. **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.
4. **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.
7. **Mineral Extraction** A reclamation plan as required by Section VII(K)(2)(a).
8. **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

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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.

9. **Town Services** A written agreement from the Town Manager or Board of Selectmen if there are any identified impacts.

SECTION V CHECKLIST

This Checklist must be completed for every Use Application. Please indicate with a ✓ or X those items applicable to your application. The information required by the relevant section of the Zoning Ordinance must be provided for the Planning Board to consider your application. The required information may be provided in writing or in person, or by a designated representative, in a public hearing, except submission must be on paper where specific information is requested on this checklist or is required to be attached.

(8 copies of this Checklist and documentation being submitted for Planning Board review are required.)

Note: The reference in the brackets, [], is the applicable section and page in the Zoning Ordinance.

- ___ Laundromat [Section VII(C)(9)(a) on page 19]
- ___ Maritime Commercial District [Sections VII(C)(2) on page 18, IX(B) on page 32 and XI(D)(3) on page 47]
- ___ Non-conforming uses [Sections IV(C)(6)(c) on page 4 and XI(D) on page 46]
- ___ Yard sales exceeding 3 days or more than 4 times a year [Sections IV(C)(6)(d) on page 4 and VII(N) on pages 26 and 27]

SECTION VI USES REQUIRING CONDITIONAL USE APPROVAL

The following uses require Conditional Use approval from the Planning Board

- Accessory Garage Apartment [Section VII(O) on page 27]
- Hazardous Materials [Sections VII(C)(9)(b) and VII(C)(10)(d) on page 19]
- Home Occupation in the Maritime Commercial District [Section VII(I) on page 22]
- Laundromat [Section VII(C)(9)(a) on page 19]

All applicants must provide information in writing or in person, or by a designated representative, in a public hearing that:

1. The proposed use will not place a burden on municipal services which, due to its location or the characteristics of the site or proposed development, is significantly greater than the burden that would result from similar uses in other situations;
2. The proposed use will not create hazards to vehicular or pedestrian traffic on the roads and sidewalks serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, intensity of use by both pedestrians and vehicles, and the visibility afforded to pedestrians and the operators of motor vehicles;
3. The proposed use will not cause water pollution, sedimentation, or erosion; contaminate any water supply; nor reduce the capacity of the land to hold water so that a dangerous, aesthetically unpleasant, or unhealthy condition may result;
4. The proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants;
5. The proposed use will not create nuisances to neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard, or unreasonably restricted access of light and air to neighboring properties;
6. The proposed location for the use has no peculiar physical characteristics due to its size, shape, topography, or soils which will create or aggravate adverse environmental impacts on surrounding properties;
7. The proposed use has no characteristics that are atypical of the general category of use that will depreciate the economic value of surrounding properties; and
8. If located in the Shoreland Overlay Zone, the proposed use (a) will not result in damage to spawning grounds, fish, aquatic life, birds or other wildlife habitat; (b) will conserve shoreland vegetation to the greatest extent practical; (c) will conserve visual points of access to waters as viewed from public facilities to the greatest extent practical; (d) will conserve actual point of access to waters; and (e) will avoid problems associated with flood plain development and use.