



TOWN OF BOOTHBAY
WHARVES AND WEIRS APPLICATION

For Office Use Only
Applicant _____
Date received _____
Purpose _____

This application is for proposals requiring Planning Board approval to construct or modify a dock, pier and other structure extending beyond a high-water line. If any structure inland from the high-water line other than the land end of the structure is to be constructed, a **Development Application** must also be submitted. 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 page 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 non-commercial Wharves and Weirs 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 lot in the Resource Protection Area? Yes ___ No ___ Stream Protection Area? 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 _____
- Existing use of property: _____
- Proposed development (pier, ramp, float(s), haul-out, etc.): _____

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 1.8 of the Zoning Ordinance. The applicant has the responsibility of proving the proposed development and/or 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 development and/or use unless approval is obtained from the Planning Board or Code Enforcement Officer in accordance with Section 3.5.7 on page 3-7 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 development and/or use from the owner to the applicant, if different from the owner, is attached.

The Owner consents to this application (Signature) _____ Date _____

Applicant's signature (if other than owner) _____ Date _____

SECTION III REQUIRED INFORMATION

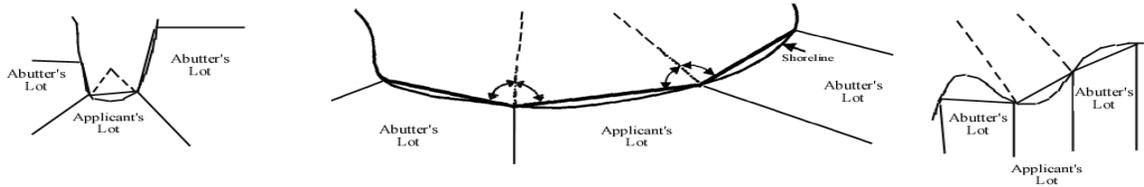
Applications must include as a minimum all of the following information that may be reasonably required in order that the Planning Board may make an informed determination pursuant this Ordinance.

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. 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.
3. Copy of Secretary of State's Registration if corporation.
4. Copy of most recent deed showing ownership and, if applicable, contract to purchase or option to lease.
5. Copy of any variation from an Ordinance standard previously granted by the Planning Board, the Board of Appeals or Superior Court, or State or Federal agency or department.
6. Copy of any deed granting easements on or beneficial to lot.
7. A survey showing the lot to be developed or on which the use will occur and the abutting water front properties. Show the location of the proposed structures, normal high-water and low-water lines and near edge of navigation channel at normal low-water. Show the distance of the proposed structures from the property lines, riparian rights lines and from any structures on abutting properties that extend beyond the shoreline.

This submission must include Riparian Rights Lines in accordance with the following diagram unless specifically defined by deed or the applicant can demonstrate that different lines are supported by other Maine legislative or judicial precedent. If defined by deed, attach copy.

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Step 1: Extend lot lines to Shoreline – the normal high-water line, or upland edge of a freshwater or coastal wetland.

Step 2: Connect points found in Step 1.

Step 3: Bisect angles formed by the connections in Step 2 and extend to the line of navigation (Three foot depth at lowest tide level of the year as identified in tide table published by the National Ocean Service.)

8. Sketch or plan showing top and side view of existing and proposed structures extending beyond the high-water line including all length, width and height dimensions. On vertical views, show elevations above normal high-water line.
9. Photographs at low tide from high-water line at point of proposed pier looking toward both abutters and in direction of proposed pier. Photographs at low tide from high-water line at both property lines toward location of proposed pier, runway and float.
10. Copy of submission to Department of Environmental Protection Permit.
11. Copy of submerged land lease from Department of Conservation if pier is to extend beyond normal low tide.
12. Copy of submission to Army Corp of Engineers Form.
13. Copy of cover sheets sent to the Maine Historic Preservation Commission and Tribal Historic Preservation Officers in accordance with Army Corp of Engineers regulations.
14. All applicants must provide information in writing, or in person or by a designated representative in a public hearing, that the proposed development and/or use:
 - Will maintain safe and healthful conditions;
 - Will not result in water pollution, erosion or sedimentation to surface waters;
 - 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 the land use goals and objectives of Section 1.8 and the standards of Section 3 of the Zoning Ordinance.
15. In addition all applicants must provide information in writing or in person, or by a designated representative, in a public hearing that the proposed structure and/or use will meet the following standards:
 - Access from shore shall be developed on soils appropriate for such use and constructed so that erosion is controlled by employing Best Management Practices;
 - The location shall not interfere with existing developed or natural beach areas;
 - The facility shall be located so as to minimize adverse effects on fisheries;
 - The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. Non-commercial docks, piers and wharves shall not exceed 6 feet in width and commercial docks, piers and wharves shall not exceed 12 feet in width;
 - The structure/use shall not have an unreasonable adverse effect on the value or enjoyment of abutting property owners;
 - The structure/use shall not be a threat to public safety, health or welfare;
 - The structure shall conform to all local, state and federal regulations in existence at the time of construction or change.
16. Any other information that may be reasonably required in order to make an informed determination pursuant the Zoning Ordinance