

Planning Board

Robert Ham
Bruce Bowler
Annette Stormont
Sam Morris, Chair
Dimsie McBride – Alternate
Peggy Kotin - Alternate



Town of Boothbay Planning Board Meeting
Wednesday, February 20, 2019
6:30PM – Town Office Conference Room

MINUTES

1. CALL MEETING TO ORDER: Sam Morris called the meeting to order at 6:30PM.

- Roll call of Members & other officials in attendance:** Bruce Bowler, Annette Stormont, Sam Morris, Dimsie McBride, Peggy Kotin, CEO Jason Lorrain
- Any commentary by the Board or instructions to the audience prior to reviews:** Sam Morris made a motion to appoint Dimsie McBride and Peggy Kotin as a voting members for this meeting and Annette Stormont seconded the motion. Vote: 3*0 in favor.

2. OLD BUSINESS:

Applicant: William and Geraldine Duncan

Mailing address: 10748 Trego Trail, Raleigh, NC 27614

Property location: 81 Royall Road, Tax map/lot R09/0004/A

Zone: Special Residential, Shoreland Overlay

Principal reviewer: Dimsie McBride

Application review: Applicant seeks approval to expand 2nd floor living space to add a bathroom, expand a dormer, and add a second egress window. Also expand the shed dormer, enlarge the bunkroom & add two egress windows.

Adam Maltese, from A. Maltese Design was present to represent the owners and discuss the application. He was asked back to give a better explanation of the calculations. There was an error in the calculations presented to the board before. The last version submitted was 1635 sq. feet and it should have read 1922 sq. feet. The 1st and 2nd floors should both be 961 sq. feet. They are within the margin with a fair amount to spare.

At the meeting on January 16th they had decided to approve the application as long as the corrected figures were submitted to the CEO, Jason Lorrain. CEO, Jason Lorrain stated they have been submitted to his office. The board will sign the plans after the meeting.

3. NEW BUSINESS:

COMPLETENESS REVIEW: (The Planning Board, if Planning Board approval is required, shall notify the applicant either that the application is complete, or if the application is incomplete, that additional material is needed to make the application complete.)

- **Applicant:** Erik Carlson
Mailing address: 33 Creek Lane
Property location: 16 Chippah Way, Tax Map/Lot R06/0055/B
Zone: Industrial Park
Principal reviewer: Sam Morris
Application review: Applicant seeks approval for a change of use from wood processing/manufacturing to firewood processing at his shop in the Industrial Park. All preliminaries are done to satisfaction. He will be putting the processor outside the building under a 3 sided lean-to that

already exists on the building. It is diesel powered so it couldn't be put inside. He has adequate fire extinguishers on the premises.

Findings of Fact:

The owner of the property is Erik Carlson and the deed can be seen at the Lincoln County Registry of Deeds in Book 5342 on page 146. The property taxes on the property have been paid in full.

Applicant seeks approval for a change of use from wood pellet manufacturing to fire wood processing.

Conclusions:

Based on the above findings of fact Annette Stormont made a motion that the applicant has demonstrated Right Title or Interest in the property in question and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Annette Stormont made a motion that under review criteria the land use goals and objectives under ordinance articles 1.8 to 1.83 have been met. The general review criteria under articles 1 A-H have been met. There is no disturbance of ground water or anything else, no environmental effects. Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Annette Stormont moves that the applicant has demonstrated that the proposal meets the criteria set forth in section 1.8 and 3.61 of the Town of Boothbay Zoning Ordinance. Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Under the ordinance 3.9.5 the Industrial Park District standards in addition to the use standards in 3.10 and the development performance section 3.11 under permitted uses, does not fall into any of the restrictions listed under section 3.9.5.2. He meets development and performance standards under the 3.9.5.4. He meets the setback. Annette Stormont moves that the applicant has demonstrated that this proposal meets the criteria set forth in section 3.9.5 of the Town of Boothbay zoning ordinance. Bruce Bowler seconded. Vote: 5-0 in favor.

Decision:

Based on the above findings of fact and conclusions, the plans and supporting information submitted, testimony and evidence presented at the Planning Board meetings on the application, on a motion made by Annette Stormont and seconded by Bruce Bowler the Planning Board approved the Use Permit Application subject to no conditions. Vote: 5-0 in favor.

Conditions: None

- **Applicant:** William and Lisa Cloutier represented by Lauren Stockwell
Mailing address: 162 Ash Street, West Newbury, MA 01985
Property location: 373 Barters Island Road, Tax Map/Lot R04/0091
Zone: Special Residential Shoreland Overlay
Principal reviewer: Rob Ham

Application review: Applicant seeks approval to construct a 4' x 20' sloped access ramp, a 65' x 6' pier, a 40' x 3' runway to a 10' x 30' float parallel to the shore. The project also includes the installation of a 27' x 10' skidway for hauling the float.

Lauren Stockwell stated what the application is for. All information has been submitted, the certification that taxes have been paid, the location map, the statement that they are private citizens and not a corporation, the deed is attached. There are no easements on the property, the plans for the pier are attached, photographs and the DEP application L- 28069 - 4P-A- N which was approved on February 12, 2019. A copy of submerged lands easements # 2011- E - 48 dated for January 23, 2019. There is a

copy of the Army Corp of Engineers permit dated January 8, 2019 and a copy of the letter sent to the Maine Historical Preservation Commission dated November 15, 2018 and their response stamped on it dated November 19, 2018. Copy of the letter sent to all five tribes and a list of names and addresses. She heard back from the Passamaquaddy and the Penobscot Nation. The onsite application was done with Peter Ripley the Harbor Master and he wrote a letter of no objection.

Findings of Fact:

The owners of the property are William and Lisa Cloutier.

The property is located at 373 Barters Island Road and can be identified as Tax Map/Lot R04/0091 and it contains 1.03 acres. The property is in a residential zone. A copy of the deed for the proposed project can be seen at the Lincoln County Registry of Deeds on Book 5277 on page 119. The taxes on the property have been paid in full.

Applicant seeks approval to construct a 4' x 20' sloped access ramp, a 65' x 6' pier, a 40' x 3' runway to a 10' x 30' float parallel to the shore. The project also includes the installation of a 27' x 10' skidway for hauling the float.

Conclusions:

Sam Morris made a motion that the applicant has demonstrated Right, Title or Interest in the property in question and Annette Stormont seconded the motion. Vote: 5-0 in favor.

Sam Morris stated under general review criteria, A-H maintains safe healthful conditions, will not have any environmental impact and won't affect commercial fishing or other maritime activities. Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Under additional review criteria 3.10.9 for piers wharves and bridges, Sam Morris made a motion that the applicant meets the criteria to support Article 3.10.9 of the Town of Boothbay Zoning Ordinance. Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Sam Morris made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Shoreland Article 1.8.5 of the Town of Boothbay Zoning Ordinance and Peggy 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 meetings on the application, on a motion made by Sam Morris and seconded by Peggy Kotin the Planning Board approves the Wharves and Weirs application with no conditions of approval. Vote: 5-0 in favor.

- **Applicant:** Ocean Point Colony Trust
Mailing address: PO Box 297, East Boothbay
Property location: 19 Park Street, Tax Map/Lot U01/113
Zone: Special Residential
Principal reviewer: Annette Stormont
Application review: Applicant seeks approval to replace casino structure, rebuild two tennis courts, replace third tennis court with a multi – sport play area and miscellaneous site improvements.

They are non-profit so they do not pay property taxes to the Town of Boothbay.

Patrick McGranaghan, the Architect for the project is presenting for the Ocean Point Colony trust.

Other members of the team present are, Mike Anderson, the President of the Ocean Point Colony Trust, Paul Taylor, who is the Chair of the Building Committee assembled for the project, John Edgerton their Civil Engineer and Sue Mendleson who has been assisting with the preparation of the project from its origin.

They moved the tennis court and the multi- sport court from the south property line to be compliant with the setback. They addressed the concern about handicap parking, they identified a parking spot adjacent to Park Street for that purpose. They will also use that space for loading and bringing food and materials into the facility. It is sized and positioned properly for handicap access. They changed the organization of the multi-sport court. They combined the pickle ball and basketball area for more flexibility, even with the changes they are still below the developed area that exists today.

They have also made a proposal to change the location of the handicapped ramp to be closer to the play area and the restrooms. To address parking concerns they would use the adjacent ball field owned by the Ocean Point Colony Trust for parking. They have provided a written statement regarding the parking. They could fit around 100 cars there.

Findings of Fact:

The owners of the property are The Ocean Point Colony Trust. The property is located at 19 Park Street and can be further identified as Tax Map/Lot U01/113.

The deed for the property can be seen at the Lincoln County Registry of Deeds in book 785 on page 15.

The property is in the Special Residential Zone.

Applicant seeks approval to replace casino structure, rebuild two tennis courts, replace third tennis court with a multi- sport play area, and miscellaneous site improvements.

Conclusions:

Review criteria general and review criteria 1.8, everything is addressed in the application. Sam Morris makes a motion the applicant has demonstrated and meets the review criteria. Bruce Bowler seconded. Vote: 5-0 in favor.

Additional Review Criteria, development and performance standards. They are actually reducing the developmental area. Sam makes a motion the applicant has met the criteria set forth in 3.9.7.4 in the Town of Boothbay Zoning Ordinance. Bruce Bowler seconded. Vote: 5-0 in favor.

3.9.7 Special Residential District based on the continuation of existing use they have demonstrated the application now meets the lot line setbacks. Sam Morris makes a motion that the applicant has met the criteria set forth in the 3.9.7 Special Residential District. Bruce Bowler seconded. Vote: 5-0 in favor.

Commercial development next to residential use. Sam Morris makes the motion that the applicant has met the conditions of 3.10.7 of the Commercial Special Residential District of the Town of Boothbay Zoning Ordinance. Annette Stormont seconded. Vote: 5-0 in favor.

3.11.23.3 Non-conforming Structures. The applicant is reducing the nonconformance by 6 percent. Sam Morris makes the motion that the proposal meets the criteria set forth in 3.11.23.3, Non-conforming Structures. Annette Stormont seconded. 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 meetings on the application, on a motion made by Sam Morris and seconded by Bruce Bowler. Vote: 5-0 in favor.

Conditions of Approval:

The application is approved conditioned that the septic be approved by the site evaluator to make sure the design flow matches the size of the field.

4. OTHER BUSINESS:

PRE-APPLICATION REVIEW: (Pre-Application Meeting. An applicant may appear informally at a regular meeting of the Planning Board to informally discuss a proposed development. No fees shall apply and no binding commitment shall be made between the applicant and the Planning Board.)

- **Applicant:** Andrew Cozzi, represented by Knickerbocker Group
Application review: 11 Wendells Way
Review of: Garage addition

Sue Medelson from the Knickerbocker Group is representing the owners Lori and Andrew Cozzi. They want to put an addition onto their cottage that is on Knickerbocker Lake. The preliminary sketches are discussed. The addition proposed is in the existing parking area. It is already developed land. There are no issues with the septic location. They are in the Reservoir District but are far enough away from the 150' setback.

The addition would be a 1 car garage, an entry space and master bath. They are not adding a bathroom, they are removing the bathroom from inside the master bedroom to outside the bedroom.

The owners will submit a survey with their application. This will be on the April agenda.

The board sees no issues with the plans.

- **Applicant:** Colby & Gale, represented by Troy Sawyer
Application review: 654 Wiscasset Road
Review of: Change of use for office space and a propane fill station.

The applicant is proposing to put a propane fill station at 654 Wiscasset Road, they are opening a satellite office at the property. Part of the property is in the watershed. It is in District C2.

They would like to put a 500 or 1000 gallon propane tank for retail sale of the propane. The tank would be 12' long and 3' around, roughly the size of what someone would have at their residence.

He will add the location of the tank to his building permit so the board knows exactly where he is putting it. The entrance will be off of the Industrial Park Road and they have plenty of parking. They will be doing very little to the building, changing the front door to a larger one and taking down a wall on the inside. The board agrees if the tank is placed outside the Overlay Zone it is permitted.

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- **Applicant:** Lester Spear
- **Application review:** 798 Wiscasset Rd
Review of: Continuation of non-conforming use of property for popcorn and fudge production and retail sale of product.

Applicant Lester Spear wants to put a popcorn and fudge production and retail business at the site of the old Pinkham Seafood store located at 798 Wiscasset Road. There will not be any seating inside, possibly a couple of picnic tables outside.

The septic system has been replaced recently so the past issue has been taken care of. It is located in the C3 District so retail is allowed, restaurants are allowed. They will be shipping and receiving there as well.

The property is in the Water Reservoir Protection or Watershed Zone so this would be a continuation of a nonconforming use. Article 3.4.3.2. states the nonconforming use may be transferred. He won't be doing much renovation work on the building, he wants to replace the flooring and put up a wall to separate the space. The board sees no issues.

5. **APPROVE MINUTES:** Sam Morris made a motion to approve the minutes of the January 16th meeting as amended and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

The board signs the plans submitted by William and Geraldine Duncan.

6. **ADJOURN MEETING:** At 8:04PM Sam Morris made a motion to adjourn the meeting and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted
Andrea Lowery
Deputy Town Clerk / Tax Collector