

Planning Board

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



Town of Boothbay Planning Board Meeting
Wednesday, January 16, 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:** Robert Ham, Bruce Bowler, Annette Stormont, Sam Morris, Dimsie McBride, Peggy Kotin, CEO Jason Lorrain and Secretary Sherry Tibbetts
- Any commentary by the Board or instructions to the audience prior to reviews:** Bruce Bowler made a motion to appoint Dimsie McBride as a voting member for this meeting and Rob Ham seconded the motion. Vote: 4*0 in favor.

2. **OLD BUSINESS:**

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:** Mark & Ann Sullivan, Represented by Lauren Stockwell
Mailing address: 38 Salem Road, Wilton, CT 06897
Property location: 563 West Side Road, Tax map/lot R01/00754
Zone: Special Residential, Shoreland Zone
Principal reviewer: Rob Ham
Application review: Applicant seeks approval of the addition of a 10'x10' float and two 2 pilling dolphins to an existing pier. New 45'x9' skidway 7' north of the existing skidway, which will be removed.

Lauren Stockwell was present to discuss this application. Ms. Stockwell gave a brief overview of the project. The DEP and Army Corp. permits have been obtained. This project meets the riparian setback lines.

There were questions about the kayak rack and Gear storage box, the owners originally wanted these on the float but DEP said they wanted them on land. The current diagram before the board does not show where exactly they are located on the land, it shows them still on the dock. Rob Ham asked about the size of the box and if it met the setbacks.

Findings of Fact:

The owners of the property are Mark and Ann Sullivan and the deed can be seen at the Lincoln County Registry of Deeds in Book 5176 on page 124. The property taxes on the property have been paid in full.

The property is located at 563 West Side Road and can be further identified as tax map/lot R01/75-A. The property is in the Special Residential district with the Shoreland Zone overlay and contains 16.99 acres.

The Town has received copies of the NRPA and the Army Corp. of Engineers permit applications. The Harbor Master has inspected the site and given his approval.

Applicant seeks approval of the addition of a 10'x10' float and two 2 pilling dolphins to an existing pier. New 45'x9' skidway 7' north of the existing skidway, which will be removed.

Conclusions:

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

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.6 Review Criteria of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.10.9 Docks, Piers, Wharves, Bridges of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8.5 Shoreland of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 Rob Ham and seconded by Bruce Bowler the Planning Board approved the wharves and weirs/shoreland zoning permit application subject to the conditions of approval set forth below, all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

Conditions:

A plan be submitted showing the location of the Kayak rack and Gear Box.

- **Applicant:** Richard & L. Ann Reinert
Mailing address: 179 King Street, Charleston, SC 29401
Property location: 680 Ocean Point Road, Tax map/lot U6/0001
Zone: Special Residential
Principal reviewer: Sam Morris
Application review: Applicant seeks approval to change the accessory use to a home occupation (other) to use as an artist studio.

Rick Reinert was present to discuss this application and he gave a brief overview of the project. The project is in the Special Residential Zone.

Sam Morris said according to the ordinances, in the zone he can have a studio but her cannot sell his painting in that location.

Peggy Kotin asked questions about teaching other artists. Mr. Reinert said he was hoping to teach a class once in a while, the classes would only have 3 or 4 people. If he had a larger class he would teach it somewhere else.

Findings of Fact:

The owners of the property are Richard and L. Ann Reinert.

The property is located at 680 Ocean Point Road and can be identified as tax map/lot U06/0001 and it contains 1.258 acres. A copy of the deed can be seen at the Lincoln County Registry of Deeds on Book 5321 on page 3. The taxes on the property have been paid in full.

Applicant seeks approval to change the accessory use to a home occupation (other) to use as an artist studio.

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 made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 1.8 and 3.6.1 of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Sam Morris made a motion that the applicant has not demonstrated that this proposal meets the criteria set forth in Sections 3.9.7 of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 Sections 3.9.7.3 of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 Bruce Bowler the Planning Board denied the use permit application with no conditions of approval set forth below, all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

- **Applicant:** Mark & Jan Doukakis, represented by Richard Spofford
Mailing address: 27629 Deerfield Lane, Valencia, CA 91354
Property location: 8 Lookout Drive Tax map/lot U01/077
Zone: Special Residential
Principal reviewer: Annette Stormont
Application review: Applicant seeks approval to add 8'x10' rounded porch to existing porch

Dick Spofford was present to represent the owner and discuss this application. Mr. Spofford gave a brief overview of the project.

Annette Stormont asked if the project was within the setback and was told it was.

Jason Lorrain said an abutter had questions about a pipe that runs through the property. Mr. Spofford said there was no construction that would be over the pipe, it would not be disturbed and would still be accessible.

Findings of Fact:

The owners of the property are Mark & Jan Doukakis. The property is located at 8 Lookout Drive and can be further identified as tax map/lot U01/0077.

The taxes on the property have been paid in full and the deed for the property can be seen at the Lincoln County Registry of Deeds in book 4837 on page 234.

The property is in the Special Residential Zone and contains 0.12 acres.

Applicant seeks approval to add 8'x10' rounded porch to existing porch

Conclusions:

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

Annette Stormont made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8 and 3.6 Review Criteria of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Annette Stormont made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.9.7.4 of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Annette Stormont made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11023.3.1, 3.11.23.3.1.3, 3.11.23.3.1.3.1, 3.11.23.3.1.4 Non-conforming Structures of the Town of Boothbay Zoning Ordinance and Dimsie McBride 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 Annette Stormont and seconded by Dimsie McBride the Planning Board approved the development permit application subject to the conditions of approval set forth below, all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

The applicant must re-vegetate the same amount of impervious space that was traded for the deck.

The change must be recorded with the Lincoln County Registry of Deeds if the CEO after investigation finds the need to do so.

- **Applicant:** William & Geraldine Duncan, represented by Adam Maltese

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 was present to represent the owners and discuss this application. Mr. Maltese gave a brief overview of the project. There have been two previous expansions to this property.

Dimsie McBride had questions on the SF and Volume calculations. From the calculations on the plans it looks like the Square Footage (SF) would be over but the volume would be within the allowed amount. It was agreed that the SF calculations needs to be redone.

Dimsie McBride had questions on the septic, but as there is no change in the number of bedrooms this is not a problem.

The question of height was raised and there will be no additional height.

During the Public Comment section, Linda Yarmosh, representing an abutter, expressed concerns that no expansion more than allowed by the Code would be done. Ms. Yarmosh also expressed concerns on if there was going to be an extra bedroom, but it was determined that there will be no additional bedrooms, just an enlargement of the current one. Ms. Yarmosh asked if it came under the 30% on volume and it does. Ms. Yarmosh expressed concerns that this would become an Air B&B and the board said that would be out of their jurisdiction as there was nothing in the Ordinance to address this issue.

Findings of Fact:

The owners are William & Geraldine Duncan and a copy of the deed can be seen at the Lincoln County Registry of Deeds in Book 5188 on page 195. Taxes on the property have been paid in full.

The property is located at 81 Royall Road and can also be identified as tax map/lot R09/0004/A and contains 7.2 acres.

The property is in the Shoreland Zoning Overlay.

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.

Conclusions:

Dimsie McBride 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.

Dimsie McBride made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8 and 3.6 Review Criteria of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Dimsie McBride made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.9.7.4 of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Dimsie McBride made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.23.3.1, 3.11.23.3.1.3, 3.11.23.3.1.3.1, 3.11.23.3.1.4, 3.11.23.3.3.3 Non-conforming Structures, Additional Standards of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 Dimsie McBride and seconded by Bruce Bowler the Planning Board approved the development permit application subject to the conditions of approval set forth below, all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

The applicant will submit corrected volume and Square Footage calculations to show the non-conforming structure is less than 30%

4. OTHER BUSINESS:

DRAFT

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:** Ocean Point Colony Trust Inc. represented by Knickerbocker Group
Application review: 19 Park Street
Review of: Discussion of Casino property

A representative of the Ocean Point Colony Trust gave a brief overview and history of the project. The original Casino built in 1905 burned in the 1970's and the current building was hastily built and now needs to be replaced.

Architect Patrick McGranaghan showed on his computer pictures of the original building, the current building and diagrams of the proposed building and grounds.

It was discussed that they would tear down the current building. The current building has 1 bathroom, the new one would have two. There is a kitchen in the current building and there would be one in the new building. There are currently 3 Tennis Courts and there would only be 2 in the new plan plus a small basketball area.

The building is used for breakfast, BBQ's, dinners and activities as well as occasionally be rented to host a wedding or such activity. There are no new activities planned. The max. Capacity of the building is 295 but occupancy is usually much smaller.

The proposed construction would be more conforming on the Park Street side but would become more non-conforming on the opposite side.

The Planning Board expressed two issues with the plans: (1) the setback toward Spring Street is a problem and (2) parking would need to be shown on a plan as dictated in the Ordinance.

5. APPROVE MINUTES: Sam Morris made a motion to approve the minutes of the December 19th meeting as amended and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

6. ADJOURN MEETING: At 8:40PM Bruce Bowler made a motion to adjourn the meeting and Sam Morris seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted
Sherry Tibbetts
Secretary