

DRAFT

**Planning Board**

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



Town of Boothbay Planning Board Meeting  
Wednesday, July 17, 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:** Sam Morris, Rob Ham, Annette Stormont, Bruce Bowler, Dimsie McBride, Peggy Kotin, CEO Jason Lorrain and Secretary Sherry Tibbetts
- Any commentary by the Board or instructions to the audience prior to reviews:**

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:** Raymond Egan

**Mailing address:** PO Box 613, Boothbay, ME 04537

**Property location:** 60 Bottle Cove Road – Tax map/lot R6/66 & /r6/104

**Zone:** General Residential, Shoreland Overlay

**Primary Reviewer:** Dimsie McBride

**Application Review:** Applicant seeks approval to harvest timber on his property to comply with the State Tree Growth Program.

Mr. Egan was present to discuss this application and gave a brief overview the project. The goal of the project is to comply with the law regarding land in the State Tree Growth Program. Mr. Egan said it was important to note this was a commercial harvest, not a cutting for development or private property improvement.

Dimsie McBride asked how many acres were in each zone and - the information is in the Tree Growth Plan. Ms. McBride next asked which option they were using #1 not more than 40% cut or #2 60SF based on the area of retention. Ms. McBride said the ordinance required that they specify which option they are using, either one is acceptable.

Arthur McMann, an abutter asked if this was a commercial enterprise (yes) and if it was allowed in this zone (yes). Mr. McMann asked if there were other enterprises like this in Boothbay (yes). He also asked when the dry season is and if this was going to go on for two years or longer. Mr. Egan answered that it was weather dependent and he would like to see it all done in 2019 and 2020 but if it cannot all get done in that time frame he would come back and ask the board for an extension.

Mr. McMann next asked about the kind of equipment that might be used and if was going to be large and make a lot of noise. The board responded that yes, heavy equipment would most likely be used but they would have to meet the town code for hours of operation and noise levels. Mr. McMann wanted to know if any consideration would be given for neighbors. Mr. Egan responded that he has been talking to neighbors and trying to keep everyone up to date on what is happening and feels confident that the people doing the work will be sensitive to the neighbors.

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Mr. McMann said the town doesn't tax land in the Tree Growth Program at the same rate as other land and he would like to know how the Town makes up for the lost revenue and was told that was a question for the Assessor not this board.

Susan Harmon an abutter asked how close to the property line they would cut. Mr. Egan said they select individual trees and he cannot tell how close to the property line might be cut, there are no setback requirements. Mr. Egan said the forester told him the land has not been cut properly for 30 years and it really needs to be done.

Desiree Scorgia a Boothbay resident said a neighbor of hers had this done and it really is not an issue for the neighbors as far as hearing the work and seeing it.

### **Findings of Fact:**

The owner is Ray Egan relating to the properties located at 60 Bottle Cove Road and Annable Road. The taxes on the property have been paid in full.

The deed for the property can be seen at the Lincoln County Registry of Deeds in book 4412 on page 286 and book 4412 on page 284. The property is in the General Residential zoning district and in the Shoreland Overlay. The properties are further identified as tax map/lots R06/66 & 104 and each containing 178.6, 136 and 42.6 acres respectively.

Applicant seeks approval to harvest timber on his property to comply with the State Tree Growth Program.

### **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 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 3.9.4 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 3.10.21 Review Criteria 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 provide information showing which option number they chose from the ordinance.

**Applicant:** Lester Spear, Represented by Knickerbocker Group

**Mailing address:** 798 Wiscasset Road

**Property location:** 798 Wiscasset Road – tax map/lot R07/15/A

**Zone:** C3, Water Reservoirs Protection District

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**Primary reviewer:** Bruce Bowler

**Application Review:** Applicant seeks approval to demolish existing structures, construct a new building, demolish existing pavement parking lot, rebuild parking lot, and install underground power and roadside median.

Randy Smith from Knickerbocker Group and Lester Spear were present to discuss this application. Mr. Smith gave an overview of the project. They will be using the existing septic system, they have had it checked and told it would be adequate for the project.

Dimsie McBride asked if they were removing the current pavement and Mr. Smith yes they would remove the current pavement and replace it as well as fix the drainage. They would like to put in underground power.

Rob Ham said that Alan Baldwin has not signed a document in the packet and asked if that would be a problem and Jason Lorrain said no, since there was a purchase and sales document.

Bruce Bowler asked what the Water Department thought about the project. Lester Spear said that Sue Mello had been to the property and walked it and gave some suggestions. They would like to start construction in the fall if everything can be in place by then.

Bruce Bowler asked what they would do to try and get people to use entrance and exit correctly. Mr. Spear said clear signage.

Richard Rodriguez an abutter had questions about the easement.

Alan Barker an abutter had questions about drainage and the damp area behind the buildings and was told They plan to improve the drainage and there would be catch basins. Mr. Barker said he likes something nice happening here.

Bruce Bowler asked questions about the square footage of the parking lot and was told the old parking lot was 7,297SF and the new one would be 6,967SF.

Rob Ham had questions about the curbing being closer to the pond and about the dumpster. He feels the dumpster location needs to be moved to make its location better and further from the pond.

### **Findings of Fact:**

The owners are Baldwin Realty, with a purchase and sale agreement with Lester Spear relating to the property located at 798 Wiscasset Road. The taxes on the property have been paid in full.

The property is located at 798 Wiscasset Road, also identified as tax map/lot R07/015/S and contains approximately 1 acre. The property is in the C3 District and Water Reservoirs Protection District.

The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 2739 on page 107.

Applicant seeks approval to demolish existing structures (2), construct a new building, demolish existing pavement parking lot, rebuild parking lot, and install underground power and roadside median.

### **Conclusions:**

Bruce Bowler made a motion that the applicant has demonstrated Right, Title or Interest in the property in question and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Bruce Bowler 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 Annette Stormont seconded the motion. Vote: 5-0 in favor.

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Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.9.1 Development and Performance Standards of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.9.4.4.2 Structures of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.9.9.4 Development and Performance Standards of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.10.7 Commercial Development next to a Residential Use of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.11 Lighting of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.13 Noise of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.14 Outdoor Storage of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.15 Parking Requirements of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.16 Roads and driveways of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.17 Roadside Trees and Walls of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.18 Sanitation of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.19 screening of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.20 Signs of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. Vote: 5-0 in favor.

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Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.22 Storm Water Runoff of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.23 Structures of the Town of Boothbay Zoning Ordinance and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.24 Waste Disposal 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 Bruce Bowler and seconded by Annette Stormont 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 dumpster location be moved further from the road and meet all of the other requirements and not block the entrance.

## **4. OTHER BUSINESS:**

Bruce Bower asked a question about signs. Is the support part of the sign? There is a size limit on signs, is the support counted in the size or not? The board was not sure of this answer and decided they will have to work on this question.

**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.](#))

5. **APPROVE MINUTES:** Sam Morris made a motion to approve the minutes of June 19<sup>th</sup> as presented and Dimsie McBride seconded the motion. Vote: 5-0 in favor.

6. **ADJOURN MEETING:** At 8:00PM Sam Morris made a motion to adjourn the meeting and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted  
Sherry Tibbetts  
Secretary