

Planning Board

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



Town of Boothbay Planning Board Meeting
Wednesday, April 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:** Peggy Kotin, alternate, Dimsie McBride, alternate, Bruce Bowler, member, Sam Morris, member, Jason Lorrain, CEO.
- **Any commentary by the Board or instructions to the audience prior to reviews:** Bruce Bowler made a motion to appoint Peggy Kotin and Dimsie McBride as voting members for this meeting and Sam Morris seconded the motion. Vote: 2-0 in favor.

2. OLD BUSINESS:

- **Applicant:** Jon and Mariann Bigelow, represented by Becker Construction
Mailing address: 15 Marvin Ridge Place, Wilton, CT 06897
Property location: 24 Chandler Road, TaxMap/Lot: R04/0058/A
Zone: Special Residential, Shoreland Overlay
Principal reviewer: Annette Stormont
Application review: Applicant seeks approval to renovate an existing home on an existing non-conforming lot.

Deb Wilson from Becker Construction is representing Jon and Mariann Bigelow. The property is 24 Chandler Road on Sawyer's Island. There are two different facets of the project in the existing footprint. They are proposing to enclose a roofed entry to make a mudroom and on the 2nd floor they have a very tiny bathroom. They have four bedrooms upstairs and to get a master bath they want to take one of the small bedrooms adjacent to the master bedroom and turn it into a master bathroom. They would also like to increase the size of the little bathroom so they can add a shower. Then they plan to make a corner of the master bedroom into a closet.

Sam Morris stated there is no increase in square footage, there is a slight increase in the volume of the structure with enclosing the mudroom. No expansion outside of the existing building footprint and only a 4% increase in volume that is certainly under the allowable limit. Bruce Bowler asked if there had been any other expansions since the building was constructed. There was, but it was before the cutoff date in 1988. The cutoff date is 1999. Sam Morris stated the 2nd bathroom would be up to the plumbing inspector. Jason Lorrain, CEO stated it is an OBD, overboard discharge license for 450 gallons per day. If they are reducing by one bedroom it shouldn't be a factor.

Findings of Fact:

The owners of the property are Jon and Mariann Bigelow, the property is located at 24 Chandler Road. The property taxes have been paid in full. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book 5309 on Page 295. The property is in the Special Residential Zone and in the Shoreland Zoning Overlay. The property is further identified as Assessor's Tax Map/Lot: R04/0058/A. It contains 0.35 acres.

The applicant seeks approval to renovate an existing, non-conforming structure. Renovations include enclosing a roofed entry into a mudroom, convert a bedroom into a master bath, enlarging a bath to include a shower and to create a master closet in the corner of the master bedroom.

Conclusions:

Based on the above stated facts, the Planning Board makes the following conclusions:

Sam Morris motioned that the applicant has demonstrated Right, Title or Interest on the property in question. Bruce Bowler Seconded. Vote : 4-0 in favor.

Under Review Criteria, General, Section 1.8, A-H. Sam Morris made the 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. Bruce Bowler seconded. Vote : 4-0 in favor.

Under Additional Review Criteria, 3.9.7.4 Development and Performance Standards. From 3.9.7.4.1 through 3.9.7.4.1.3. Sam Morris made the 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. There are no changes in what is existing. Dimsie McBride seconded. Vote: 4-0 in favor.

Under 3.11.23.3, Non-conforming Structures. 3.11.23.3.1 to 3.11.23.3.1.4 and Additional Standards in the Shoreland Overlay Zone 3.11.23.3.1.5. Sam Morris made the motion 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. Dimsie McBride seconded. Vote: 4-0 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 has 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: 4-0 in favor.

Conditions: None

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:** Maria G. Canning Revocable Trust, represented by Joe LeBlanc
Mailing address: 126 Hersey Street, Portland, ME 04103
Property location: 41 Albion Point Road, Tax Map/Lot: R04/61/1
Zone: Special Residential, Shoreland Zone
Principal reviewer: Bruce Bowler
Application review: Applicant seeks approval to rebuild and modify a PT wood 6' x 90' pier with granite crib supports, 3' x 50' aluminum ramp and a 14' x 40' wood float.

Joe LeBlanc from LeBlanc Associates is representing the Maria G. Canning Revocable Trust. They are proposing to rebuild and modify the existing pier, ramp and float at their house on Albion Point Road. He has the Board refer to their packets, Exhibit 2, to walk them through the structure. They have a 4' x 100' wooden pile supported pier and they would like to replace it with a 6' x 90' granite supported pier. There are two support points for the granite cribs. Then the 3' x 40' aluminum ramp will be replaced by a 3' x 50' ramp and the float will be expanded to a 14' x 40'. There is plenty of distance from the property lines and the distance from the abutter to the pier structure is 300 feet.

They have the DEP and Corp permits in the packet, the letters were sent to the Indian tribes and the letter from the Harbormaster. Bruce Bowler pointed out they included the tax bill for the property and not the receipt showing taxes are paid. It is the applicant's responsibility to supply proof that the taxes have been paid.

Findings of Fact:

The applicant, Maria G. Canning Revocable Trust, represented by LeBlanc Associates. Property taxes have been paid in full. The property is located at 41 Albion Point Road. The deed for proposed project can be seen at the Lincoln County Registry of Deeds in Book 5195 on Page 314. The property is further identified as Assessor's Tax Map R04, Lot 66-1. It contains 3.89 acres. The town has received copies of the NRPA and the Army Corp of Engineers permit applications. The Harbormaster has inspected the site and given his approval. Applicant seeks approval to rebuild and modify a PT wood 6' x 90' pier with granite crib supports, 3' x 50' aluminum ramp and a 14' x 40' PT wood float.

Conclusions:

Based on the above findings of fact Bruce Bowler made a motion that the applicant has demonstrated Right Title or Interest on the property in question and Dimsie McBride seconded the motion. Vote: 4-0 in favor.

Bruce Bowler stated under Review Criteria, General, 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. Sam Morris seconded. Vote: 4-0 in favor.

Under Additional Review Criteria, 3.10.9 Docks, Piers, Wharves, Bridges and other structures and uses extending over or below the highwater line etc. Bruce Bowler 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. Dimsie McBride seconded. Vote: 4-0 in favor.

1.8.5 Shoreland: The Town should adopt, administer, and enforce land use regulations consistent with the Department of Environmental Protection's guidelines A through H. Bruce Bowler made the motion that the applicant demonstrated that this proposal meets the criteria set forth in Section 1.8.5, Shoreland, of the Town of Boothbay Zoning Ordinance. Sam Morris seconded. Vote: 4-0 in favor.

Decision:

Based on the above findings and facts and conclusions, the plans and supporting information submitted, testimony and evidence submitted at the Planning Board meetings on the application, on motion made by Bruce Bowler and seconded by Sam Morris, 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: 4-0 in favor.

Conditions of Approval:

Evidence that the taxes have been paid in full is to be provided.

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:** None

5. **APPROVE MINUTES:** Sam Morris made a motion to approve the minutes of the March 20th meeting as presented and Bruce Bowler seconded the motion. Vote: 4-0 in favor.

6. **ADJOURN MEETING:** At 6:51PM Sam Morris made a motion to adjourn the meeting and Bruce Bowler seconded the motion. Vote: 4-0 in favor of adjourning.

Minutes respectfully submitted
Andrea Lowery
Deputy Town Clerk / Tax Collector