

Planning Board

William Wright, Chair
Rob Ham, Vice-Chair
Bruce Bowler
Peggy Kotin
Lee "Mike" Thompson, Alternate
Lucian Laurie Jr., Alternate



Town of Boothbay Planning Board Meeting
January 19, 2022 at 6:30 PM
Town Office Conference Room
Minutes

CALL MEETING TO ORDER: Wright called meeting to order at 6:30 PM

Roll call of Members and other Officials in attendance: William Wright, Bruce Bowler, Peggy Kotin, Mike Thompson, Lucian Laurie Jr. and Jason Lorrain Code Enforcement Officer.

Actions by the Board or instructions to the audience prior to reviews:

Wright asked the audience and presenters/applicants to stand at the podium and state their name when presenting or commenting.

Wright made a motion to vote Mike Thompson and Lucian Laurie Jr. in as voting members for this meeting. Bowler seconded the motion. Vote: 3-0 in favor

OLD BUSINESS:

TABELED APPLICATION: *From November 17, 2021 meeting.*

Applicant: William & Kathryn Kring Irrevocable Income Only Trust

Represented by: Stockwell Environmental Consulting, Inc.

Mailing Address: PO Box 97, Dudley, MA 01571-0097

Tax Map/Lot: R1/71-E

Property Location: 17 Fox Loop, Boothbay, ME 04537

Zone: Residential Coastal, Shoreland Overlay District

Application Review: Addition to an existing pier including a 40/34' extension of the pier and a 40'x 3.5' runway at a 45-degree angle. The float length will be the same.

Wright presented the finding of facts

Findings of Facts:

- The owners of the property are William & Kathryn Kring. The property owner has provided authorization for Stockwell Environmental Consulting, Inc. to represent them.
- The property is located at 17 Fox Loop. It is in the Residential Coastal District & Shoreland Overlay. The property is further identified as Assessor's Tax Map R1/71-E. The property contains 0.51 acres.

- The applicant is Stockwell Environmental Consulting, Inc., who has demonstrated a legal interest in the property by providing a copy of the deed. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book #5252 on Page #36.
- The Town has received copies of the NRPA and the Army Corp. of Engineers permit applications. The Harbormaster inspected the site on November 29, 2021 at noon.
- The applicant requests approval to construct an addition to an existing pier including a 40/34' extension of the pier and a 40'x 3.5' runway at a 45-degree angle. The float length will stay the same.

Conclusions:

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

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 5.2.2.3.2 and 5.2.2.3.2.11 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3 – 5.3.5.2.2 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.2 – 5.3.6.2.3 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.4 – 5.3.6.4.7 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.17 – 7.5.17.4.1.10.1 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Bowler made a motion to strike Sections 9.4 – 9.4.5 and 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 Wright and seconded by Bowler the Planning Board **approved** the development application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

Receipt of submerged land lease approval.

NEW BUSINESS

Applicant: Stockwell Environmental Consulting, Inc.

Representing: John Dix Druce Jr.

Mailing Address: 392 Spring Street, Portland, ME 04102

Tax Map/Lot: R1/140

Property Location: 122 Kimballtown Rd., Trevett, ME 04571

Zone: Residential Coastal, Shoreland Overlay District

Application Review: Addition of 3 drift pilings at existing pier.

Kotin presented the Finding of Facts

Findings of Facts:

- The owner of the property is John Dix Druce Jr. The property owner has provided authorization for Stockwell Environmental Consulting, Inc. to represent them.
- The property is located at 122 Kimballtown Rd. It is in the Residential Coastal District & Shoreland Overlay. The property is further identified as Assessor's Tax Map R1/140. The property contains 13.4 acres.
- The applicant is Stockwell Environmental Consulting, Inc., who has demonstrated a legal interest in the property by providing a copy of the deed. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book #3812 on Page #71
- The Town has received copies of the NRPA and the Army Corp. of Engineers permit applications. The Harbormaster inspected the site on January 10, 2022 at 11:30 AM.
- The applicant requests approval to add three drift pilings at existing pier

Conclusions:

Kotin made a motion that the applicant **has** demonstrated Right, Title or Interest in the property in question and Laurie seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 5.2.2.3.2 and 5.2.2.3.2.11 of the Town of Boothbay Zoning Ordinance and Laurie seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3 – 5.3.5.2.2 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.2 – 5.3.6.2.3 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.4 – 5.3.6.4.7 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.17 – 7.5.17.4.1.10.1 of the Town of Boothbay Zoning Ordinance and Bowler seconded the motion. Vote: 5-0 in favor.

Kotin made a motion to strike Sections 9.4 - 9.4.5 and 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 Kotin and seconded by Bowler the Planning Board **approved** the development application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

None – approved as presented.

Applicant: Heidi Cresta and Virginia Guerriero

Presented by: Brian Cresta

Mailing Address: 33 Peachey Circle, Middletown, MA 01949

Tax Map/Lot: R5/67-3

Property Location: 4 Waterfront Road North, Boothbay, ME 04537

Zone: Scenic Gateway, Residential Coastal, Shoreland Overlay District, Resource Protection District

Application Review: Selective cutting of trees in area to be developed to allow for installation of driveway, septic system, well and construction of a one family dwelling in accordance with all pertinent ordinances and standards, including but not limited to the Resource Protection District.

Bowler presented the finding of facts

One of the abutters requested a site visit. The board discussed and decided it wasn't needed. Bowler made a motion not to have a site visit. Wright seconded the motion. Vote: 5-0 in favor

Findings of Facts:

- The owners of the property are Heidi Cresta and Virginia Guerriero
- The property is located at 4 Waterfront Road North. It is in the scenic gateway, shoreland overlay and resource protection districts. The property is further identified as Assessor's Tax Map R5-67-3. The property contains 1.03 acres
- The applicant is Heidi Cresta and Virginia Guerriero who have demonstrated a legal interest in the property by providing a copy of their deed. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book #5780 on Page #37.

- The applicant requests approval to selectively cut trees in the area to be developed to allow for installation of driveway, septic system, well and construction of a one family dwelling in accordance with all pertinent ordinances and standards, including but not limited to the Resource Protection District.

Conclusions:

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

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 5.3 and 5.3.5.2.2 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.2 – 5.3.6.2.3 of the Town of Boothbay Zoning Ordinance and Laurie seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.4 – 5.3.6.4.7 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.4.5 – 5.4.5.3.2 of the Town of Boothbay Zoning Ordinance and Laurie seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.4.6 – 5.4.6.5.1 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.4.6.8 – 5.4.6.23.1 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.7 – 7.5.7.2 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.16 – 7.5.16.6 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Bowler made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.17 – 7.5.17.4.5 of the Town of Boothbay Zoning Ordinance and Laurie 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 Bowler and seconded by Kotin the Planning Board **approved** the development application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

- Show drainage direction of surface water from driveway towards wetlands.
- Add location of culvert connecting to abutter; ditch relief culverts & plunge pools.
- Show finished driveway dimension as 12'.

Applicant: Diana Kerr

Mailing Address: P.O. Box 198, East Boothbay, ME 04544

Tax Map/Lot: U14/20

Property Location: 268 Ocean Point Rd., East Boothbay, ME 04544

Zone: East Boothbay Village District

Application Review: Applicant seeks approval to add an accessory use to her property. Accessory use: Retail space in attached barn (440 sq. ft.). Primary use: Single family home remains unchanged.

Wright presented the finding of facts

Findings of Facts:

- The owner of the property is Diana Kerr.
- The property is located at 268 Ocean Point Road. It is in the East Boothbay Village District. The property is further identified as Assessor's Tax Map U14-020. The property contains 0.46 acres.
- The applicant is Diana Kerr, who has demonstrated a legal interest in the property by providing a copy of the deed. The deed for the property can be seen at the Lincoln County Registry of Deeds in Book #4030 on Page #224
- The applicant requests to add an accessory use to her property. Accessory use: Retail space in attached barn (440 sq. ft.). Primary use: Single family home remains unchanged.

Conclusions:

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

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 5.3 and 5.3.5.2.2 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.2 – 5.3.6.2.3 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 5.3.6.4 – 5.3.6.4.7 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 7.5.6 – 7.5.6.7 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 8.1 – 8.1.1.7 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Section 9.6 of the Town of Boothbay Zoning Ordinance and Kotin seconded the motion. Vote: 5-0 in favor.

Wright made a motion that the applicant **has** demonstrated that this proposal meets the criteria set forth in Sections 10.1 – 10.2.3 of the Town of Boothbay Zoning Ordinance and 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 Wright and seconded by Bowler the Planning Board **approved** the development application subject to the conditions of approval set forth below, all for the reading set forth in the finding and conclusions. Vote: 5-0 in favor.

Conditions of Approval:

- Update plan to correct the mislabeled gravel parking lot to gravel driveway.

OTHER BUSINESS:

PRE-APPLICATION REVIEW

Applicant: Robert & Mary Woodman

Represented by: Mike Tomko

Tax Map/Lot: U15/27

Property Location: 142 Murray Hill Road, East Boothbay, ME 04544

Zone: East Boothbay Village, Shoreland Overlay Zone

Application Review: Replacement of a one family dwelling unit, including new foundation, new year-round connection to town water, new subsurface wastewater disposal system, addition of 1 bedroom, and replacement of deck stairs & landings including allowed SOZ expansion, as permitted by Boothbay Shoreland Zone ordinances

Mike Tomko – There is an existing house on the above noted property that has yet to exhaust the 30% expansion. The existing house is inside the 75’ setback and has a small portion inside the 25’ setback. The owners would like to tear down the existing home and rebuild a new home in the same place and they would like to exhaust the 30% increase as well. The owner feels the home needs to stay in the same location on the property. The remaining part of the property is a drainage gully and a cliff. Then the small spot at the top of

the cliff is the location of the septic field, leaving the only buildable spot on the property where the current home is located. The proposed new structure would not create any more non-conformity.

When the minor development application comes in The Board asked for an in depth survey with contour lines, photos, possibly a site visit, to determine if the house can be moved anywhere else on the lot. They will need lot coverage calculations, building heights and the 30% increase figures as well as all other required applicant information.

PUBLIC COMMENT:

Resident asking for amendments to the ordinance – Eben Wilson presenting a letter and research done by Allison Evans. Allison, Eben and other East Boothbay residents and lobstermen are concerned with the landing of a high-power cable on the property of Bigelow Laboratory that will be coming from an off shore wind project, traveling underground along the Public Utility Corridor (PUC), through the village of East Boothbay, down Rt. 96 (Ocean Point Rd.) to the substation at the intersection of Rt. 27 (Townsend Ave.) and Rt. 96 in Boothbay Harbor. Residents and lobstermen are hoping the Town of Boothbay Ordinances can be added to or amended to provide regulations for this type of project. The letter contains language for other towns' ordinances that put forth regulations that may work in this case. Eben understands this has been a long meeting but wanted to get the information in The Board's hands and asked to be on the agenda for the February 16, 2022 meeting to further discuss the possibility of opening up workshops to amend the existing ordinances.

Eben is added to the February agenda and the discussion will continue.

NOTE: Bruce Bowler, board member – recuses himself from any discussions on Bigelow Laboratories specifically because he is a recent retiree.

APPROVE MINUTES: Wright made a motion to approve the November 17, 2021 meeting minutes as written. Bowler seconded the motion. Vote: 5-0 in favor

ADJOURN MEETING: Wright made a motion to adjourn the meeting at 9:45 PM. Bowler seconded the motion. Vote: 5-0 in favor

Minutes respectfully submitted,
Andrea Hodgdon