

## **Planning Board**

Francis McBrearty – Chair  
Rosemary Bourette – Vice Chair  
Alan Bellows  
Michael Tomacelli  
Andrew Morley, Alternate  
Melinda Browne, Alternate



Town of Boothbay Planning Board Meeting  
Wednesday, January 20, 2016

## ***MINUTES***

1. Call meeting to order Chairman Fran McBrearty called the meeting to order at 6:30PM.
2. Roll call of members Fran McBrearty, Rosemary Bourette, Alan Bellows, Michael Tomacelli, Melinda Browne and Art Dunlap, CEO.
3. OLD BUSINESS:
4. NEW BUSINESS: Alan Bellows made a motion to make Melinda Browne a voting member for this meeting and Rosemary Bourette seconded the motion. Vote: 4-0 in favor.

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:** Cathy Hodgdon, represented by Joe LeBlanc  
**Property location:** 606 Ocean Point Road, East Boothbay, ME 04544, tax map/lot U10/0024  
**Mailing address:** PO Box 5, East Boothbay, ME 04544  
**Zone:** SR District, Shoreland Overlay  
**Reviewer:** Rosemary  
**Applications Review:** The applicant proposes to construct a PT wood 4'x6' access platform, a 6'x80' pier with batter pilings, a 3'x40' aluminum ramp, a PT wood 12'x30' float and a 10'x40' timber frame float haul out.

Joe LeBlanc was present to discuss this application. Mr. LeBlanc gave a brief overview of the project. The ramp and float are seasonal and all abutters have been notified.

Fran McBrearty asked questions about the riparian lines and Mr. LeBlanc referenced exhibit 1B1 and 2. Mr. LeBlanc said the project is set back 60' from the South property line and there is over 200' to the North property line. Fran McBrearty also asked a question about the distance to other structures.

### **Findings of Fact:**

The applicant is Cathy Hodgdon, represented by Joe LeBlanc.

The property is located at 606 Ocean Point Road, Tax map/lot U10/0024. The taxes have been paid in full.

The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book #4839 on page 206. The property is in the Special Residential underlying zoning district and in the Shoreland Zone and contains .23 acres.

The Town has received copies of the NRPA and Army Corp. of Engineers permits. The Harbor Master has inspected the site and given his approval, of which the CEO has a copy.

The applicant proposes to construct a PT wood 4'x6' access platform, a 6'x80' pier with batter pilings, a 3'x40' aluminum ramp, a PT wood 12'x30' float and a 10'x40' timber frame float haul out.

**Conclusions:**

Rosemary Bourette made a motion that the applicant has demonstrated Right, Title or Interest on the property in question and Mike Tomacelli seconded the motion. Vote: 5-0 in favor.

Rosemary Bourette made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8 (A-H) and 3.6 Review Criteria of the Town of Boothbay Zoning Ordinance and Mike Tomacelli seconded the motion. Vote: 5-0 in favor.

Rosemary Bourette made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.10.9 (A-F) Docks, Piers, Wharves, Bridges of the Town of Boothbay Zoning Ordinance and Mike Tomacelli seconded the motion. Vote: 5-0 in favor.

Rosemary Bourette made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8.5 (A-L) Shoreland of the Town of Boothbay Zoning Ordinance and Mike Tomacelli 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 Rosemary Bourette and seconded by Mike Tomacelli the Planning Board approved the wharves and weirs/shoreland zoning permit application with no additional conditions all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

- **Applicant:** John Andrews, represented by Peter Ripley  
**Property location:** 73 Van Horn Road, East Boothbay, ME 04544, Tax map/lot U04/0003A  
**Mailing address:** 472 Sophia Avenue, Scarborough, ME 04074  
**Zone:** SR District, Shoreland Overlay  
**Reviewer:** Alan  
**Applications Review:** The applicant proposes to relocate a 12’x14’ bedroom and 292sf deck of the existing non-conforming residence in the Shoreland Overlay zone.

Peter Ripley was present to discuss this application. Mr. Ripley gave a brief overview of the project. This house has not been added onto in the past and they are under the 30% expansion allowed.

**Findings of Fact:**

The owners are John and Marietta Andrews, represented by Peter Ripley.

The property is located at 73 Van Horn Road and 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 #2940 on page 244.

The property is in the Special Residential Zone and can be further identified as map/lot U04/0003A and it contains .50 acres.

The applicant proposes to relocate a 12’x14’ bedroom and 292sf deck of the existing non-conforming residence in the Shoreland Overlay zone.

**Conclusions:**

Alan Bellows made a motion that the applicant has demonstrated Right, Title or Interest on the property in question and Rosemary Bourette seconded the motion. Vote: 5-0 in favor.

Alan Bellows made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8 (A-H) and 3.6 Review Criteria of the Town of Boothbay Zoning Ordinance and Rosemary Bourette seconded the motion. Vote: 5-0 in favor.

Alan Bellows 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 Rosemary Bourette seconded the motion. Vote: 5-0 in favor.

Alan Bellows made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.20.3.1 Non-conforming Structures of the Town of Boothbay Zoning Ordinance and Rosemary Bourette 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 Alan Bellows and seconded by Rosemary Bourette, the Planning Board approved the development permit application with no conditions all for the reasons set forth in the findings and conclusions. Vote: 5-0 in favor.

APPLICATION REVIEW: NONE

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.](#))

OTHER BUSINESS:

- Letter received from Philip Simard, abutter of R07-100-06 regarding approval of Wharf and Weir application – Zwicker residence at 67 Firth Drive on September 30, 2015.

Mr. Simard was present and said he had two main concerns:

1. is the riparian lines, he is not sure where they are between his property and the Zwicker property. He stated they are not shown on the plans and the original plans were shifted slightly towards his property.
2. He stated the plans show 30' between the new float and the rock outcropping and if a boat is tied up that shortens the length and does not leave a lot of room for him to get out. He does not feel that 30' is adequate for an ingress and outgress.

Fran McBrearty said that both CEO's went out to see the property and said the construction is being done per the permit application. The CEO also stated that there are stakes marking the riparian lines.

Alan Bellows said that the Harbor Master had visited the property and said he saw no problem with the distance and had signed off on the application before the Planning Board made its decision and the board discussed the distance before they made their decision.

Mr. Bellows said the Planning Board dealt with this application on 09/30/2015 and the appeal time has expired and construction has already begun. He does not feel the Planning Board can review this again unless there was a gross error or some incorrect information was used.

Fran McBrearty said the application was approved by the Selectmen, the Planning Board, DEP and the Army Corp. and he feels at this late date the right to appeal has been forfeited. Whether or not an abutter received notices or not does not change the outcome.

Fran McBrearty made a motion that the Planning Board did not find any valid reason to reconsider this application at this time and Alan Bellows seconded the motion. Vote: 5-0 in favor.

5. APPROVE MINUTES: Alan Bellows made a motion to approve the minutes as amended and Mike Tomacelli seconded the motion. Vote: 5-0 in favor.
  
5. ADJOURN MEETING: AT 7:15PM Fran McBrearty made a motion to adjourn the meeting and to go into a workshop session and Alan Bellows seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted  
Sherry Tibbetts  
Secretary