

## **Planning Board**

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



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

## ***MINUTES***

1. Call meeting to order: Chairman, Alan Bellows called the meeting to order at 6:30PM
2. Roll call of members: Alan Bellows, Mike Tomacelli, Melinda Browne, Rosemary Bourette and CEO Art Dunlap
3. OLD BUSINESS:
4. NEW BUSINESS:  
Alan Bellows appointed Melinda Browne as a voting member for this meeting.

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: Robert & Elaine McCoy**, represented by Joe LeBlanc  
**Mailing address:** 10 Forster Road, Manchester, MA 01944  
**Property location:** 11 Hodgdon Lane, Boothbay, ME 04537, tax map/lot R04/0097/B  
**Zone:** General Residential District  
**Principal reviewer:** Mike Tomacelli  
**Applications Review:** The applicant proposes to construct a PT wood 6'x55' pier, a 3'x40' aluminum ramp, a PT wood 10'x20' float and a 10'x40' timber frame haulout.

Joe LeBlanc was present to discuss the application.

Joe LeBlanc gave an overview of the project, he pointed out that in exhibit 2 it shows there already was a set of ways for hauling the boat out. The float would be stored above the water line in the winter and the ramp would be stored on the pier.

The Harbor Master has given his OK to this project.

### **Findings of fact:**

The applicants are Robert and Elaine McCoy represented by Joseph LeBlanc. The property is located at 11 Hodgdon Lane, tax map/lot R04/0097/B. Property taxes on the premises for which the approval is requested have been paid in full.

The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book 4911 on page 171. The property is in the General Residential underlying zoning district and in the Shoreland Zone and contains 1.38 acres.

The Town has received copies of the NRPA and the 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 6'x55' pier, a 3'x40' aluminum ramp, a PT wood 10'x20' float and a 10'x40' timber frame haulout.

**Conclusions:**

Mike Tomacelli made a motion the applicant has demonstrated Right, Title or Interest on the property in question and Melinda Browne seconded the motion. Vote: 4-0 in favor.

Mike Tomacelli made a motion the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8 and 3 review standards, Review Criteria of the Town of Boothbay Zoning Ordinance and Melinda Browne seconded the motion. Vote: 4-0 in favor.

Mike Tomacelli 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 Melinda Browne seconded the motion. Vote: 4-0 in favor.

Mike Tomacelli made a motion 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 Melinda Browne seconded the motion. 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 Mike Tomacelli and seconded by Melinda Browne the Planning Board approved the wharves and weirs/shoreland zoning permit application with no conditions of approval all for the reasons set forth in the findings and conclusions. Vote: 4-0 in favor.

- **Applicant: Janet Clark**, represented by Joe LeBlanc  
**Mailing address:** 3 Cheney Hill Road, Bradford, NH 03221  
**Property location:** 24 Tecumseh Trail, East Boothbay, ME 04544, tax map/lot U08/0018  
**Zone:** Special Residential District  
**Principal review:** Alan Bellows  
**Applications Review:** The applicant proposes to construct a PT 6'x40' pier, a 3'x36' aluminum ramp, a PT wood 10'x20' float with two PT wood position pilings, a 10'x40' timber frame float haulout.

Joe LeBlanc was present to discuss this application.

Mr. LeBlanc gave an overview of the proposed project. He said the project is 35' from the property to the South and that there is 50' between floats.

**Findings of Fact:**

The applicant is Janet Clark, represented by Joe LeBlanc. The property is located at 24 Tecumseh Trail, tax map/lot U08/0018. Property taxes on the premises for which the approval is requested have been paid in full.

The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book 4944 on page 175. The property is in the Special Residential underlying zoning district and in the Shoreland Zone and contains .75 acres.

The Town has received copies of the NRPA and the Army Corp of Engineers permits as well as the PBL/Submerged land lease. The Harbor Master has inspected the site and given his approval, of which the CEO has a copy.

The Town has received a letter of concerns from Susan Biagioni and Donald Hard which have been addressed by the applicant's representative. This information is included with the application.

The applicant proposes to construct a PT 6'x40' pier, a 3'x36' aluminum ramp, a PT wood 10'x20' float with two PT wood position pilings, a 10'x40' timber frame float haulout.

**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: 4-0 in favor.

Alan Bellows made the motion the applicant has demonstrate that this proposal meets the criteria set forth in Section 1.8 & 3 standards, Review Criteria of the Town of Boothbay Zoning Ordinance and Melinda Browne seconded the motion. Vote: 4-0 in favor.

Alan Bellows made the motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.10.9 A-G Docks, Piers, Wharves, Bridges of the Town of Boothbay Zoning Ordinance and Rosemary Bourette seconded the motion. Vote: 4-0 in favor.

Alan Bellows made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8.5 A-L Shoreland of the Town of Boothbay Zoning Ordinance and Rosemary Bourette seconded the motion. 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 Alan Bellows and seconded by Melinda Browne 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:**

The Board of Selectmen approve this application.

- **Applicant: Boothbay Craft Brewery**, represented by Edwin Mitchell  
**Mailing address:** 301 Adams Pond Road, Boothbay, ME 04537  
**Property location:** 301 Adams Pond Road, Boothbay, ME 04537, tax map/lot R04/0165  
**Zone:** C3 District  
**Principal reviewer:** Rosemary Bourette  
**Applications review:** The applicant requests approval to provide outdoor restaurant seating.

Both Win and Lori Mitchell were present to discuss this application.

The owner of the property is technically the Vintage House and it is represented by the Mitchells.

Mr. Mitchell gave an overview of the project. He said all of the uses on the property are primary uses.

Mr. Mitchell presented a letter from the Water District giving their OK to the additional seating as well as an updated parking plan. The seating would be on a 22'x22' patio and grassy area and surrounded by shrubbery to the South and East.

Mr. Mitchell said he is asking the board to waive one of the original conditions placed on the restaurant and to allow outdoor seating. His permit for the restaurant currently allows 50 seats indoor. He is asking for an additional 50 seats outside. He has the parking for those seats. There will be no change in the hours. The Sewer District in a letter said he can go up to 200 seats without going over the capacity for the sewer.

Mike Tomacelli said he has safety concerns. The increase in vehicles/customers turning into Adams Pond Road from Route 27 could cause problems.

Mike Wallace, an abutter said he is not against local business but the condition was put in originally for a reason and he would like to keep it that way. He said he is not against the project or the Mitchells but

is trying to protect what he has. He feels like he is just being asked to give and give. The trees planted as a buffer between the properties are growing fine.

Mr. Mitchell reviewed the boundary buffer that was put in, both trees and fence (6' in height) to help with sight and noise.

There was a discussion about the noise and impact on Mr. Wallace.

Alan Bellows asked about additional lighting and was told mostly just lights strung in the trees.

**Findings of Fact:**

The owner of the property is the Vintage House, Inc. represented by Edwin and Lori Mitchell.

The property is located at 301 Adams Pond Road and is in the C3 Zone. The property is further identified as tax map/lot R04/0165 and contains 6.60 acres.

The applicants are Edwin and Lori Mitchell, who have demonstrated a legal interest in the property by providing a copy of the deed. The deed for the proposed extension of use can be seen at the Lincoln County Registry of Deeds in Book 3692 in page 222.

The applicant requests approval to lift the outdoor seating restriction and provide outdoor restaurant seating for the Watershed Tavern.

**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: 4-0 in favor.

Rosemary Bourette made a motion that the applicant has demonstrated that this proposal meets the criteria set for in Sections 1.8.1 (A-C), 1.8.3 (A-E) and 3.6 (A-H) of the Town of Boothbay Zoning Ordinance and Alan Bellows seconded the motion. Vote: 4-0 in favor.

Rosemary Bourette made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.10.7 of the Town of Boothbay Zoning Ordinance and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

Rosemary Bourette made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.7 and 3.11.8 of the Town of Boothbay Zoning Ordinance and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

Rosemary Bourette made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.11.10 of the Town of Boothbay Zoning Ordinance and Mike Tomacelli seconded the motion. 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 Rosemary Bourette and seconded by Mike Tomacelli, the Planning Board approved the Use 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:**

All other original conditions still remain in effect from the 2012 permit.

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.)

- **Eric Marden:** to discuss lot coverage in the shoreland zone.  
Mr. Marden built a set of stairs and a platform over an existing concrete retaining wall without getting a permit.  
This was brought to the attention of the CEO.  
There is a set of stairs on the other side of the property that can be removed. This would prevent any additional lot coverage. The platform is over impervious surface.  
Alan Bellows after a discussion with the rest of the board and CEO said that this needs an application and will need to come before the Planning Board.
  
- **Dean Domeyer / Compass Rose Events:** to request a special Planning Board meeting.  
Neil Jones, CFO of Compass Rose Events and Dean Domeyer were both present.  
Mr. Jones said that Compass Rose Events plans to rent the Playhouse and move their operation there. The house would be used for offices and the Playhouse would be used as a call center and for storage. They did not realize this needed to come before the Planning Board in time to get everything ready for tonight's meeting and asked if it would be possible to have a special meeting so they did not have to wait another month to be heard.

The Board set a meeting for May 4<sup>th</sup> at 6:30PM.

OTHER BUSINESS: Rosemary Bourette made a motion to appoint Alan Bellows as chair and Mike Tomacelli seconded the motion. Vote: 3-0 in favor. Alan Bellows abstained.

Alan Bellows made a motion to appoint Melinda Browne as a regular member of the board and not an alternate and Mike Tomacelli seconded the motion. Vote: 3-0 in favor. Melinda Browne abstained.

Rosemary Bourette informed the board that she has sold her house and will temporarily be living in Boothbay Harbor. She has spoken to Dan Bryer and he is going to ask the Selectmen if they will allow her to remain on the board as she plans to move back to Boothbay.

5. APPROVE MINUTES: Rosemary Bourette made a motion to approve the minutes of March 16, 2016 as amended and Melinda Browne seconded the motion. Vote: 4-0 in favor.

6. ADJOURN MEETING: Rosemary Bourette made a motion to adjourn the meeting at 8PM and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

Minutes respectfully submitted  
Sherry Tibbetts  
Secretary