

## Planning Board

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



Town of Boothbay Planning Board Meeting  
Wednesday, June 15, 2016

## **MINUTES**

1. Call meeting to order: Chairman Alan Bellows opened the meeting at 6:30PM.
2. Roll call of members Alan Bellows, Rosemary Bourette, Melinda Browne, Michael Tomacelli and CEO Art Dunlap
3. OLD BUSINESS:
4. 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.)

- **Applicants**: John and Lesley Malone, represented by Stewart Hall  
**Mailing address**: 27 Lewis Road, Sidney, ME 04430  
**Property location**: 55 Burleigh Hill Road, Boothbay, ME 04537 Tax map/lot – R05/0021 & 21A  
**Zone**: C1 District, Resource Protection District, Shoreland Overlay  
**Principal Reviewer**: Rosemary Bourette  
**Applications Review**: The applicants seek approval to conduct and manage timber harvesting operations in the Resource Protection Zone.

Since this property is actually owned by the same people as the next application and they are both for the same purpose, the board decided to consider both applications together as one.

- **Applicants**: Vacationland Development Inc., represented by Stewart
- **hall**  
**Mailing address**: 27 Lewis Road, Sidney, ME 04430  
**Property location**: 159 Wiscasset Road, Boothbay, ME 04537 tax map/lot – R05/0020  
**Zone**: C1 District, Resource Protection District, Shoreland Overlay  
**Principal Reviewer**: Rosemary Bourette  
**Applications Review**: The applicants seek approval to conduct and manage timber harvesting operations in the Resource Protection Zone.

Stewart Hall was present to discuss these two applications. Mr. Hall gave an overview of the proposed project. He explained that some of the trees would be cut for aesthetic reasons but that most would be diseased or damaged trees. The cut will be much lighter around the house and there will be some trees cut within the 75' setback, but only those that are dead or dying.

Alan Bellows asked if there would be any cleared openings within the 75' setback and Mr. Hall said no.

Art Dunlap said that there could not be any mechanical equipment within the 75' setback.

Rosemary Bourette said that less than 5% was all that could be cut within the 75' setback. Rosemary Bourette also asked about the time span.

Mr. Hall said they may start this summer with the lot that used to be the campground as there was hard gravel roadways for the equipment and then the rest would be done this fall and winter. They would like to do most around the house on frozen ground with snow.

Janet Day, member of the audience asked if it was not a money making project, why do it? Mr. Hall explained that under the Tree Growth you had to follow a forest plan and that this was good for the land. Ms. Day asked if they were doing this to allow a development there and Mr. Hall said no.

**Findings of fact:**

The owners are John and Lesley Malone and Vacationland Development Inc., relating to the properties located at 159 Wiscasset Road and 55 Burleigh Hill Road.

Property taxes on account of 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 2714 on page 195 and Book 613 on page 9.

The property is located in the C1 zoning district and in the Resource Protection District. The properties are further identified as Tax map/lots R05-20, 21 and 21A each containing 27 acres, 11.45 acres and 81 acres respectively.

The applicants seek approval to conduct and manage timber harvesting operations in the Resource Protection Zone.

**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 forth in Section 3.6 Review Criteria of the Town of Boothbay Zoning Ordinance and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

Rosemary Bourette made a motion the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.9.1 Review Criteria of the Town of Boothbay Zoning Ordinance and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

Rosemary Bourette made a motion 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 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 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:**

There shall be no machinery within the 75” setback.

- **Applicant:** PGC5 LLC, represented by Rand Smith, Knickerbocker Group  
**Mailing address:** PO Box 757, Boothbay, ME 04537  
**Property location:** 1036 Wiscasset Road, Boothbay, ME 04537 tax map/lot – U18/0027  
**Zone:** Village District  
**Principal reviewer:** Mike Tomacelli  
**Applications Review:** The applicant proposes a residence/dry cleaning drop off/pick up shop from existing residence/printing shop, both are retail spaces.

Randy Smith was present to discuss this application. Mr. Smith gave an overview of the proposed project. They would like to take the former “Prints Charming” retail space and change it to a Dry cleaning drop off business. They would be changing one retail use to another retail use. The dry cleaning would not be done on site, it would be taken to Bath, and this would be simply a drop off – pick up location. The business would have one employee and be open June through September.

Parking would be on a lot beside the building. The parking would actually be on a separate lot that is owned by the same company. The owner would be willing to combine the two lots into one if need be. There will be no parking in front of the building. There will be 2 residences above the business the same as there is now, the parking for tenants is in a separate space in the back.

Mike Tomacelli asked where the pickup and delivery will take place. Mr. Smith said those would take place in the space in front of the building which would be marked with signage.

Janet Day, a member of the audience, asked if the Wanser’s customers would be allowed to park in front of their building and Mr. Smith said that would be discouraged.

Karen Vander, a member of the audience, asked how many residences. Mr. Smith said there were two apartments with their own parking in back. Ms. Vander said there is not enough parking for the residents.

Alan Bellows talked about the Chamberlain lot being residential and if buffering was needed between a residential lot and business lot. The residential use has been discontinued and a demolition permit has been taken out.

There was a discussion about parking, and parking lots vs parking spaces for a business.

Mike Tomacelli had questions about signage. Directional signage will be needed to direct customers to the parking spaces. There should be a sign in the front that says No parking, commercial loading zone. Mr. Smith asked if a window decal would be considered signage and was told it would not count as one of their signs. The business plans on two signs, one on the building and one on a post. A business can only have two signs and directional signs do not count.

There was a discussion about merging the two lots or at a minimum an easement should be required.

**Findings of fact:**

The owner of the properties is PGC5 LLC.

The properties are located at 1034 and 1035 Wiscasset Road. They are located in the Village District.

The properties are further identified as Assessor's Tax maps U18-0026 and U18-0027; they contain .14 and .20 acres respectfully.

The applicant is PGC5 LLC represented by Randy Smith who has demonstrated the owner's legal interest in the property by providing a copy of the deed. The deed for the proposed Change of Use can be seen at the Lincoln County Registry of Deeds in Book 4934 on page 22.

The applicant proposes a dry cleaning drop off/pick up shop from existing printing shop, both are retail spaces.

**Conclusions:**

Mike Tomacelli 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.

Mike Tomacelli made a motion that the applicant has demonstrate that this proposal meets the criteria set forth in Sections 1.8 and 3.6.1 of the Town of Boothbay Zoning Ordinance and Rosemary Bourette 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 3.9.8 of the Town of Boothbay Zoning Ordinance and Rosemary Bourette 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 3.10.7 of the Town of Boothbay Zoning Ordinance and Rosemary Bourette seconded the motion. Vote: 4-0 in favor.

Mike Tomacelli made a motion that this proposal meets the criteria set forth in Section 3.11.12 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 Mike Tomacelli and seconded by Rosemary Bourette 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:**

No parking, commercial loading zone is designated in front of building.

The business must have a directional sign for customer parking.

There needs to be a documented easement or the two lots must be combined into one lot.

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.](#))

- ✓ **Craig Lewis** to discuss R07-16, 786 Wiscasset Road, currently a residence with a separate non-conforming restaurant, "Phil & Mike's" but used to be an efficiency apartment. Would like to convert restaurant back to a 2 dwelling property. Located in the Water reservoirs protection district.

The Lewis's are interested in purchasing the property but they do not want to have a business, they would like to turn the restaurant back into an efficiency apartment.

It was explained that the usage goes with the property not the owner.

Alan Bellows said that one non-conforming use can be changed to another non-conforming use with Planning Board approval.

There is 232' from the front of the house to the road.

The board would need to hear from the Water District that there would be no further impact from the new use than from the current use. It was suggested that they might want to have the septic systems (there are currently two separate systems) inspected to show they can handle the change in use.

The Lewis's also would like to expand the house slightly and build a garage. There are lot coverage standards that would have to be met.

#### OTHER BUSINESS:

Alan Bellows said he attended a MMA Planning Board training session. Melinda does not have the MMA handbook and needs to get one. Mr. Bellows talked about the process for doing completeness reviews and that this isn't really being done now.

It was discussed that the Comp Plan needs to be uploaded to the State.

Also discussed was that the Findings of Fact procedure might need to be changed, may need to explain why/ how certain criteria pieces were met.

There will be an ordinance workshop on July 6, 2016.

5. APPROVE MINUTES: May 18<sup>th</sup> meeting Rosemary Bourette made a motion to approve the amended minutes of May 18, 2016 and Melinda Browne seconded the motion. Vote: 4-0 in favor.

6. ADJOURN MEETING: Rosemary Bourette made a motion to adjourn the meeting at 8:40PM and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

Minutes respectfully submitted  
Sherry Tibbetts  
Secretary