

Planning Board

Alan Bellows - Chair
Melinda Browne – Vice Chair
Robert Ham
Bruce Bowler
Annette Stormont



Town of Boothbay Planning Board Meeting
Wednesday, August 16, 2017
6:30PM – Town Office Conference Room

MINUTES

1. **CALL MEETING TO ORDER:** Alan Bellows called the meeting to order at 6:30PM.

- **Roll call of Members & other officials in attendance:** Alan Bellows, Melinda Browne, Robert Ham, Bruce Bowler, Annette Stormont, CEO Art Dunlap and Jason Lorraine, Secretary Sherry Tibbetts
- **Any commentary by the Board or instructions to the audience prior to reviews:**

2. **OLD BUSINESS:**

- **Applicant: James & Mary Duffy, represented by Joe LeBlanc**
Mailing address: 129 Pleasant Run Road, Flemington, NJ 08822
Property location: 420 Barters Island Road, Trevett, ME tax map/lot R01/0012
Zone: Special Residential with Shoreland Overlay
Principal reviewer: Rob Ham
Application Review: Applicant wishes to construct a PT wood 4'x6' access platform, 3'x14' access stairs, 6'x12' pier, an aluminum 3'x30' ramp and a PT wood 110'x20' float. (Site visit with Harbor Master present on 05/19/2017)

Joe LeBlanc was present for this discussion. This application was seen in June, however the DEP and Army Corp permits were missing, they have now been received and the Harbor Master has given his approval to the project. (Rob Ham was not present for this application, Alan Bellows acted as the lead reviewer)

Findings of Fact:

The applicants, James & Mary Duffy, represented by LeBlanc Associates, Inc., relating to the property located at 420 Barter's Island Road, tax map/lot R01/66-C. Property taxes for this property have been paid in full.

The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in Book 4649 on page 90. The property is in the Special residential district with the Shoreland zone overlay and contains 0.34 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 wishes to construct a PT wood 4'x6' access platform, 3'x14' access stairs, 6'x12' pier, an aluminum 3'x30' ramp and a PT wood 110'x20' float.

Conclusions:

Alan Bellows made a motion that the applicant has demonstrated Right, Title or Interest on the property in question and Melinda Browne 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 3.6 (A-H) Review Criteria of the Town of Boothbay Zoning Ordinance and Melinda Browne 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 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.

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 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 Alan Bellows and seconded by Melinda Browne the Planning Board approved the wharves and weirs/shoreland zones permit application with no additional conditions set forth. Vote: 4-0 in favor.

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: John H. Welsh, Jr. represented by Lauren Stockwell**

Mailing address: 142 Dover Road, Boothbay, ME

Property location: 142 Dover Road, Boothbay, ME Tax map/lot: R02/0034

Zone: General residential with Resource protection overlay

Principal reviewer: Melinda Browne

Applications Review: Applicant wishes to construct a 6'x5' pier with a seasonal 26' x 3' runway to a 10' x 20' float, parallel to the shore. A skidway consisting of two, 30' long 6' x 6' beams, ten feet apart on the Cross River.

Lauren Stockwell was present for this discussion. Ms. Stockwell presented the board with a paper showing the riparian rights and stated that there was not an existing pier on the property.

Findings of fact:

The applicant John H. Welsh Jr. represented by Stockwell environmental Consulting relating to the property located at 142 Dover Road, Boothbay, Me. Tax map/lot R02/0034.

Taxes on the property have been paid in full. The deed for the proposed project can be seen at the Lincoln County Registry of Deeds in book 2204 on page 155. The property is in the General residential district with the Resource protection overlay. The property contains 66.75 acres.

The Town has received copies of the NRPA and the Army Corp. of Engineers permit. The Harbormaster has inspected the site and given his approval.

Applicant wishes to construct a 6'x5' pier with a seasonal 26' x 3' runway to a 10' x 20' float, parallel to the shore. A skidway consisting of two, 30' long 6' x 6' beams, ten feet apart on the Cross River.

Conclusions:

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

Melinda Browne made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.6 (A-H) Review Criteria of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 4-0 in favor.

Melinda Browne made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 2.2.2.2.2, 3.10.9, & 3.11.15 Docks, Piers, Wharves, Bridges within the Resource Protection Overlay of the Town of Boothbay Zoning Ordinance and Annette Stormont seconded the motion. Vote: 4-0 in favor.

Melinda Browne 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 Annette Stormont 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 Melinda Browne and seconded by Annette Stormont the Planning Board approved the wharves and weirs/shoreland zoning permit application with no additional conditions set forth. Vote: 4-0 in favor.

- **Applicant: John & Leslie Malone represented by Lauren Stockwell**

Mailing address: 92 Burleigh Hill Road, Boothbay, ME

Property location: 32 Dover Road, Boothbay, ME Tax map/lot: R02/0026

Zone: General residential with Resource protection overlay

Principal reviewer: Annette Stormont

Applications Review: Applicant wishes to repair an existing log cabin, with an addition of a 6' x 14' roof overhand for continues use for picnics. The extending roof is for ATV storage. The roof will be supported by posts and will be over a graveled area.

Lauren Stockwell was present for this application.

Findings of fact:

The owners are John and Leslie Malone represented by Stockwell Environmental Consulting relating to the property located at 32 Dover Road, Boothbay tax map/lot R02/0026.

Tax 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 4524 on page 158. The property is in the General residential zone with Resource protection overlay. The property contains 48 acres.

Applicant wishes to repair an existing log cabin, with an addition of a 6' x 14' roof overhand for continues use for picnics. The extending roof is for ATV storage. The roof will be supported by posts and will be over a graveled area.

Conclusions:

Annette Stormont made a motion that the applicants have demonstrated Right, Title or Interest on the property in question and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Annette Stormont made a motion that the applicants have demonstrated that this proposal meets the criteria set forth in Section 1.8 and 3.6 (A-H) Review Criteria of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Annette Stormont made a motion that the applicants have demonstrated that this proposal meets the criteria set forth in Section 3.9.7.4 of the Town of Boothbay Zoning Ordinance and Bruce Bowler seconded the motion. Vote: 5-0 in favor.

Annette Stormont made a motion that the applicants have demonstrated that this proposal meets the criteria set forth in Section 2.2.2.2 and 3.11.23.3 non-conforming structures located in the Resource protection overlay of the Town of Boothbay Zoning Ordinance and Bruce 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 Annette Stormont and seconded by Bruce Bowler the Planning Board approved the development permit application with no additional conditions set forth. Vote: 5-0 in favor.

4. OTHER BUSINESS:

Marijuana Ordinances:

Alan Bellows said the Board had all received a copy of the warrant articles for November containing the new proposed marijuana ordinances. Mr. Bellows said the Selectmen had made a couple of changes to them since the last Planning Board workshop. There will be a public hearing on this at the beginning of the Selectmen's meeting on August 23rd at 7:00Pm and all of the Planning Board is requested to be there.

Tom McFall and Eric Ryant were present to talk with the board about their understanding of the Marijuana industry. Mr. McFall is a resident of East Boothbay. Mr. McFall and Mr. Ryant have marijuana business in Colorado. They presented a handout to the board and reviewed the common issues associated with Industries involved in cash drugs and alcohol such as: Customer theft, Employee theft, Serving under 21, Cultivation odor, Community impact, Marketing the right audience and Locations designated for retail and cultivation centers.

Mr. McFall and Mr. Ryant answered questions the board had and shared some of their experience in dealing with this issue in Colorado.

Mike Tomacelli:

Mike Tomacelli gave a brief history of the Industrial Park subdivision and the Industrial Park Zone and of several lots he sold to Neal Reny in 2012. Now Mr. Tomacelli would like to sell a piece of land to Mr. Reny that is not part of the subdivision and will not be changing zones, it is in C2 and not in the Industrial Park District. The Planning Board said they did not feel they needed to be included in this transaction.

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.)

5. APPROVE MINUTES: Bruce Bowler made a motion to approve the minutes of July 19, 2017 as amended and Melinda Browne seconded the motion. Vote: 5-0 in favor.

6. ADJOURN MEETING: Bruce Bowler made a motion to adjourn the meeting at 7:55PM and Melinda Browne seconded the motion. Vote: 5-0 in favor.

Minutes respectfully submitted
Sherry Tibbetts
Secretary