

Planning Board

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



Town of Boothbay Planning Board Meeting
Wednesday, October 18, 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 Bellow, Melinda Browne, Robert Ham, Bruce Bowler, Tim Utley, CEO Jason Lorrain and Secretary Sherry Tibbetts
- **Any commentary by the Board or instructions to the audience prior to reviews:**

2. OLD BUSINESS:

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: H. Winston & Christine Kipp**
Mailing address: 9 Larkspur Lane, Brunswick, ME 04011
Property location: 12 Seascape Drive, East Boothbay, ME 04544, tax map/lot U01/009
Zone: Special Residential, Shoreland Zone
Principal reviewer: Melinda Browne
Application Review: Applicant wishes to tear down cottage, build a new structure in approximately the same footprint.

Mr. & Mrs. Kipp were present to discuss this application.

Mr. Kipp explained that the seasonal cottage was built between 1912 and 1916. He would like to tear it down and rebuild a year round home in the approximate same footprint. The cottage is currently non-conforming and when rebuilt will be slightly more conforming than it is now. He would like to put in a foundation if possible.

Melinda Browne asked questions about drainage and Mr. Kipp said it would not change and showed on the map how the drainage is now.

Tim Utley asked if he would be removing any of the ledge and blasting. Mr. Kipp said he would be removing some ledge but no blasting, it would be done with drilling.

Bruce Bowler asked if it would be possible to make the cottage conforming. He said according to the ordinance if possible should make conforming. Mr. Kipp said the septic location, privacy and aesthetics are some of the reasons why he does not want to do that. Mr. Kipp's builder also made a few comments on why it should not be moved further than they plan to move it.

There was a discussion about 3.11.20.3.1.2 where it says that buildings should be moved as far as practicable to make conforming.

Rob Ham said he felt moving the cottage back would make it so close to the garage it would need to be attached.

Findings of fact:

The owners are Christine & H. Winston Kipp.

The taxes on account of the premises for which the approval is requested have been paid in full.

The property is located at 12 Seascapes Drive. The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 3910 on page 271.

The property is in the Special Residential Zone and is in the Shoreland Zoning Overlay and is identified as tax map/lot U01/009, it contains .42 acres.

Applicant wishes to tear down cottage, build a new structure in approximately the same footprint.

Conclusions:

Melinda Browne made a motion that the applicant has demonstrated Right, Title or Interest on the property in question and Bruce Bowler 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 and 3.6 (A-H) Review Criteria of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 3.9.7.4 of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 3.11.20.3.1 non-conforming structures of the Town of Boothbay Zoning Ordinance and Rob Ham seconded the motion. There was a discussion about the pros/cons of moving the cottage back as far as practicable. Vote: 3-1 in favor with Bruce Bowler casting the negative vote.

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 Bruce Bowler the Planning Board approved the development permit application all for the reasons set forth in the findings and conclusions: Vote: 3-1 in favor, with Bruce Bowler casting the one negative vote.

- **Applicant: Alden & Carole Jordan**

Mailing address: PO Box 674 Boothbay Harbor, ME 04538

Property location: 655 Wiscasset Road, Boothbay, ME 04537, tax map/lot R6/02/02

Zone: C2

Principal reviewer: Rob Ham

Application Review: Applicant wishes to build a 48'x32' single story building with 3 separate inside rooms, 8 individual kennels, office, bathroom/kitchenette, storage, grooming area. Plus 3 outside pen areas, 88'x72' for dog day care/kennel/boarding/grooming.

Carole Jordan was present to discuss the application.

Ms. Jordan gave a brief overview of the plan. She would like to build a doggy day care with a maximum of 30 dogs and some boarding. She said there is a big need for this in the area.

Rob Ham asked questions about the subdivision.

Ms. Jordan said that the closest neighbor is Dan Giles and he has no problems with the plan. If she keeps dogs overnight they will be kept inside. She is also thinking about a self dog wash.

Tim Utleigh asked questions about the septic system. Ms. Jordan said she can tie it into the septic for Jordan Construction. If there comes a time when that is not enough she will expand the system to accommodate it. The dog waste will go into the dumpsters.

Bruce Bowler asked if when she does a dog wash if this will still go into the current septic system and she said yes it has the capacity to take it. Bruce Bowler also asked if there was space on the lot for another system if needed and Ms. Jordan said yes there was.

Alan Bellows asked how close the nearest residential neighbor was and Ms. Jordan said that would be on Adams Pond Road.

Findings of Fact:

The owner of the property is Alden and Carole Jordan.

The property is located at 655 Wiscasset Road, also identified as tax map/lot R06/0002/02 and contains 1.65 acres.

The deed for the property can be seen at the Lincoln County Registry of Deeds in book 2568 on page 329.

Applicant wishes to build a 48'x32' single story building with 3 separate inside rooms, 8 individual kennels, office, bathroom/kitchenette, storage, grooming area. Plus 3 outside pen areas, 88'x72' for dog day care/kennel/boarding/grooming.

Conclusions:

Rob Ham 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.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 1.8 and 3.6.1 of the Town of Boothbay Zoning Ordinance and Melinda Browne seconded the motion. Vote: 4-0 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.9.2 of the Town of Boothbay Zoning Ordinance and Melinda Browne seconded the motion. Vote: 4-0 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 3.10.7, 3.11.10., 3.11.6, 3.11.10 and 3.11.11 of the Town of Boothbay Zoning Ordinance and Melinda Browne seconded the motion. Vote: 4-0 in favor.

Rob Ham made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.11.13, 3.11.15, 3.11.18, 3.11.20 and 3.11.24 of the Town of Boothbay Zoning Ordinance and Melinda Browne seconded the motion. Discussion: Bruce Bowler asked if there was enough parking so if a lot of people arrived at one time there would be no back up of cars onto the road and Ms. Jordan said there was plenty of room and there should not be any back up of cars. 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 Rob Ham and seconded by Melinda Browne the Planning Board approved the development permit application all for the reasons set forth in the findings and conclusions: Vote 4-0 in favor.

- **Applicant: Deborah & Robert Barris, III, represented by Stockwell Environmental**

Mailing address: PO Box 519 Boothbay, ME 04537

Property location: 34 Arrowhead Road, Boothbay, ME 04537, tax map/lot R4/35/D

Zone: Special Residential, Shoreland Zone

Principal reviewer: Alan Bellows

Application Review: Applicant wishes to add a 6'x150' extension to the current pile-supported pier, replace the existing float with two 10'x20' floats orientated perpendicular to the shore. This will allow for a Boston Whaler to access the float at all times. The applicant also wishes to do improvements by adding: 4'x4' landing at the landward end of the pier, a kayak rack & storage box.

Lauren Stockwell and Mr. Barris were both present to discuss this application.

Ms. Stockwell gave a brief overview of the project and the reasoning for it. The current float is in the mud at low tide. The Selectmen have not yet voted on this application but all other permits have been received.

Alan Bellows questions the kayak rack and storage box. He was trying to determine according to the ordinance if they were considered structures and had to comply with shoreland set back requirements. This led to a brief discussion and it was decided that maybe because of their small size they would not be considered structures.

Ms. Stockwell said they were on the DEP approval of the application.

Findings of fact:

The applicants are Deborah and Robert Barris III and they are represented by Stockwell Environmental Consulting.

The property is located at 34 Arrowhead Road, tax map/lot R04/35/D 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 5002 on page 55. The property is in the Special residential district with the Shoreland Zone overlay. The property contains .37 acres.

The town has received copies of the NRPA and the Army Corp permit applications. The Harbor master has inspected the site and given his approval.

Applicant wishes to add a 6'x150' extension to the current pile-supported pier, replace the existing float with two 10'x20' floats orientated perpendicular to the shore. This will allow for a Boston Whaler to access the float at all times. The applicant also wishes to do improvements by adding: 4'x4' landing at the landward end of the pier, a kayak rack & storage box

Conclusions:

Alan Bellows made a motion that the applicant has demonstrated Right, Title or Interest on the property in question and Bruce Bowler 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 Review Criteria of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 Bruce Bowler 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 Shoreland of the Town of Boothbay Zoning Ordinance and Bruce Bowler 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 Bruce Bowler the Planning Board approved the development permit application all for the reasons set forth in the findings and conclusions: Vote 4-0 in favor.

- **Applicant: Romee May**

Mailing address: 18 Nichols Road, East Boothbay, ME 04544

Property location: 18 Nichols Road, East Boothbay, ME 04544, tax map/lot R08/07/Y

Zone: General Residential

Principal reviewer: Bruce Bowler

Application Review: Applicant wishes to use her home as a business for private yoga classes, massages and consultations.

Ms. May was present to discuss this application.

Ms. May explained she is losing the current location of her business and would like to convert a bedroom in her home to a studio to be used for consultations, yoga for 1 to 2 people and massage.

Bruce Bowler asked if she would ever have more than 2 people at a time for yoga. She said maybe if a small family wanted to do it together but as a general rule no.

When asked about parking, she said there is room in her driveway for 6 – 8 cars at one time.

She will hold her group classes at the YMCA and is also looking at other options as well.

The board received a letter for a neighbor who is in favor of this application.

Findings of fact:

The owner of the property is Romee May.

The property is located at 18 Nichols Road and also identified as tax map/lot R08/007/Y. The property contains .82 acres of land.

The deed for the property can be seen at the Lincoln County Registry of Deeds in Book 3226 on page 876.

The property is in the General Residential Zone.

The applicant requests approval for a home occupation.

Conclusions:

Bruce Bowler 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.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 1.8 and 3.6.1 of the Town of Boothbay Zoning Ordinance and Melinda Browne seconded the motion. Vote: 4-0 in favor.

Bruce Bowler made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Section 3.10.11 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 Bruce Bowler and seconded by Melinda Browne the Planning Board approved the development permit application all for the reasons set forth in the findings and conclusions: Vote 4-0 in favor.

The applicant was advised if she puts up a sign she will need a sign permit from the CEO.

- **Applicant: John Farnham**

Mailing address: PO Box 107, East Boothbay, ME 04544

Property location: 50 Murray Hill Road, East Boothbay, ME 04544, tax map/lot U14/005

Zone: General residential, Shoreland Overlay

Principal reviewer: Alan Bellows

Application review: Applicant wishes to tear down existing building that is in bad condition and rebuild on the same footprint with the same square footage.

Mr. Farnham and his builder Steve Gray were both present for this discussion of this application.

Mr. Gray said the current workshop and garage are in bad shape and Mr. Farnham would like to tear them down and replace them in the exact footprint. The volume will not increase and the height will remain the same.

Alan Bellows raised the issue that this was only 3' from Lobsterman's way a small road. There was a brief discussion about this but it was decided there was no wiggle room to try and make this more conforming than it is.

Findings of fact:

The owner of the property is Jonathan Farnham and the taxes on the property in question have been paid in full.

The property is located at 50 Murray Hill Road, also identified as tax map/lot U14/0005. The property contains .32 acres.

The deed for the property can be seen at the Lincoln County Registry of Deeds in book 1278 on page 143.

The property is in the Special Residential Zone and is in the Shoreland Zoning Overlay.

Applicant wishes to tear down existing building that is in bad condition and rebuild on the same footprint with the same square footage.

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 1.8 and 3.6 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 3.9.7.4 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 demonstrate 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 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 development permit application all for the reasons set forth in the findings and conclusions: Vote4-0 in favor.

4. OTHER BUSINESS:

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.](#))

A resident of Sproul Lane asked the board if a permit was needed to put up a flag pole. The board said a permit is not needed.

- 5. APPROVE MINUTES:** Rob Ham made a motion to approve the minutes of September 20, 2017 with the correction of two typos and Melinda Browne seconded the motion. Vote: 4-0 in favor.
- 6. ADJOURN MEETING:** Alan Bellows made a motion to adjourn the meeting at 8:00PM and Bruce Bowler seconded the motion. Vote: 4-0 in favor.

Minutes respectfully submitted
Sherry Tibbetts
Secretary