

## **Planning Board**

Alan Bellows - Chair  
Melinda Browne – Vice Chair  
Michael Tomacelli  
Robert Ham - Alternate  
Andrew Morley, Alternate  
Tim Utley - Alternate



Town of Boothbay Planning Board Meeting  
Wednesday, November 16

## ***MINUTES***

1. **Call meeting to order:** Chairman Alan Bellows called the meeting to order at 6:30PM.
2. **Roll call of members:** Alan Bellows, Melinda Browne, Michael Tomacelli, Tim Utley, CEO Art Dunlap and Secretary Sherry Tibbetts

Mike Tomacelli made a motion to grant voting privileges to Tim Utley for this meeting and Melinda Browne seconded the motion. Vote: 3-0 in favor.

### 3. **OLD BUSINESS:**

- **Applicant: Coastal Maine Botanical Gardens** (continuance)  
**Mailing address:** 132 Botanical Gardens Dr., Boothbay, ME 04537  
**Property location:** 132 Botanical Gardens Dr., Boothbay, ME 04537 Tax map/lot R04/109, 24, 23  
**Zone:** General Residential, Shoreland zone  
**Applications Review:** The applicant proposes to construct a Visitor Center and Gift Shop, a new entrance, new visitor and staff parking lots and road improvements to the entrance.

This is a continuance from last month. Since then there was a site visit which Melinda missed. Tim Utley recapped what happened at that site visit.

Tim Utley said everyone met at CMBG, Planning Board members, members from the engineering firm, CMBG staff, Sue Mello (Boothbay Region Water District rep.), and Kevin Anthony. They walked to the proposed new site, they walked the undisturbed land to the Gachlin Road and the Anthony's property line. They were shown where things are proposed to go and where the land would be left natural. They also walked the ridge. They reviewed the watershed, where the proposed parking would be and the leach fields. Alan Bellows added that these would be a full 130' from the property line.

Kevin Anthony said there would be no trees between the parking lot and the Anthony property, no buffer between lot B and the Anthony property, just a few Alders and 2 Spruce trees.

Alan Bellows said the thought there were trees there and was confident there would be trees in the buffer between the abutters and the parking area.

Bill Cullina said they plan to heavily revegetate the areas along the road to the Anthony property to block the view.

After this recap, Alan Bellows asked the board, abutters and applicants if they had any objections to Melinda Browne voting on this application and Mike Tomacelli made a motion to allow Melinda to vote on this application and Tim Utley seconded the motion. Vote: 3-0 in favor.

Alan Bellows explained that at the last meeting CMBG was asked to supply some supplemental information which they have done, but the Board has not yet had time to review it thoroughly as they only had it two days before the meeting.

A representative from Wright Pierce explained that CMBG now has permits from the Army Corp, DEP and the Natural Resource Program. They held a public information hearing last January, they applied for the Natural Resource Permit in February and received it in October. They applied for a traffic movement permit from MDOT in September and public hearings were held for that. The Army Corp. permit was received in September.

Alan Bellows mentioned that the town's attorney said a Fire/Safety permit was needed before the town could issue a permit. The rep. from Wright Pierce said that would have to be worked on because you usually cannot get that until you build the building.

Bill Cullina said CMBG has been working on this since mid-2000 and this plan was started in 2012, he said they have been working with the Army Corp and DEP for years and have met the phosphorus and storm water requests. He stated that CMBG wants to be environmentally sensitive.

The Wright Pierce rep. said the supplemental information packet contains: copies of all permits, supplemental storm water plans with pre/post development, maps of watershed both pre and post, maps showing areas that will be treated for phosphorus and where not, parcel maps showing preservation area, BRWD comments were addressed, the site lighting plan, supplemental landscaping plan for the parking lots, correspondence received from the Fire Chief, the water reservoir protection district and lot coverage are and what is there both pre/post and access roadways.

Mike Tomacelli asked for details of the lighting plan. The Wright Pierce rep. explained two different types of lights. The tallest pole would be 20' for parking, they would be LED, low wattage, pointing down and the lights for the walkways and around the gift shop would be a ground level.

Mr. Anthony said the lights will be uphill from their house and will be shining down on them.

Alan Bellows said per the Town Ordinance the lights cannot be seen from the abutting property.

Alan Bellows had questions about the Landscaping plan and Mr. Cullina showed the plan and explained. Mr. Cullina explained that near the parking lots they want more native trees, Evergreens, Pines, Spruce and Cedar. In sensitive areas, such as buffers and near the Anthony's property they would try to get trees as tall as possible, he said you can White Pines in the 15' range, Balsam Fir in the 10' to 12' range, Spruce trees would be smaller and the White Cedar might be able to be larger. He said with proper care they can grow them fairly fast.

Tim Utley asked how the lighting is positioned. The Wright Pierce rep said there is no light above the fixture, with the trees it would hard to see the light source from a lower level. Mr. Cullina said the lights in the Parking lots would only be used for maybe 6 – 8 weeks per year. Mr. Cullina added they are only planning the minimum that is need to comply with ADA.

Alan Bellows said in the Water Reservoir Protection District they already exceed the developable area allowed and asked if there was any way to deal with this. The road is not even now, they would like to make it 22' wide the whole length to keep it standard, the Wright Pierce rep. said they may be able to move some things around, relocate part of a stone wall etc., and consider unused tennis courts.

Mr. Anthony asked If there was going to be any buffer between the parking lot and their lot. Mr. Cullina and Mr. Harkins both said there are plans for trees to be there.

Kevin Anthony read a prepared list of comments, which included such things as adverse impact on their residence, application not in compliance with the Town's ordinances. He suggested that public sewer needs to be put in and the leach field needs to be moved. He said the run-off figures are not to be believed and that the Anthony's are appealing the DEP permit.

Sue Mello said the Water District has not had time to review the supplemental information and asked the board to table this application until next month.

John Ziegra from the Boothbay Region Water District said getting the proper info structure into the site is important. Water and Sewer are important and he would like to see this application tabled.

Jason Anthony said this project is not environmentally friendly, it is destroying the forest and disturbing the wetlands. He said this is not allowed in a Residential District according to the Comp Plan, it is too large scale and does not fit. He said this will depreciate abutting property and that is not allowed per the ordinance. He asked for clarification on winter parking, (he was told there are no plans to salt/sand the lots and the snow will be snowblowed and not plowed.) He said the potential hazard to the Anthony's well has not been addressed. Mr. Anthony said the expansion is unnecessary and not needed, the Garden's will be fine without this.

Mary Neal a volunteer at CMBG and past board member said she has a deep love of the land and of this area. The Board is very concerned about the environment and education about it. She said many students have come to CMBG to learn about the environment and this is important and it is important that they grow. She said CMBG is not operating to make money.

A member of the Anthony family said CMBG can provide a good experience and not abandon their goal without expanding, this is not necessary in a rural area.

Paula Sweatland, a CMBG board member said she was chair of the committee for the Master Plan and that they considered many plans over a three year period. She said the current parking will be converted to gardens so there will not be double parking. She said the goal is to provide a better on site visit experience and they are trying to do this as responsibly as they can.

Bill Cullina said he felt like they have met the ordinance and this is their third time before the Planning Board and if they cannot get started in January, the plans will be pushed out another year and he urged the board to vote to approve this application tonight.

Mr. Anthony asked how others would feel if there was parking spaces 200' from their home.

Gary Arnold with the West Harbor Pond Association talked about run-off from Knickerbocker and CMBG. He urged the board to pay more attention to run-off.

Sue Mellow said she has concerns with the DEP models. She said the parking needs have not really been established, she suggested other models be looked at.

Alan Bellows made a motion that this application is now complete and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

A third party consultant was engaged and they still need information from Wright Pierce and their report will not be available until 12/2/2016. The board felt they needed this information before voting.

Alan Bellows made a motion to table this application until 12/15/2016 at 6:30 when a special meeting will be held to decide on this application and Melinda Browne seconded the motion. Vote: 4-0 in favor.

#### 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.)

- **Applicant: Ronnie Campbell, owner of AC Midcoast Storage LLC**  
**Mailing address:** PO Box 450, Boothbay, ME 04537  
**Property location:** 20 Industrial Park Road, Boothbay, ME 04537 Tax map/lot R06/0010/A02/A03  
**Zone:** C2 District  
**Principal reviewer:** Melinda  
**Applications Review:** The applicant requests approval to combine two lots in an established subdivision.

Mr. Campbell said leaving the two lots separate gives him about 40' of unusable space and combining the two lots will give him more room to build.

**Findings of fact:**

The owner of the property is AC Midcoast Storage, LLC, Ronnie Campbell.

The property is located at 20 Industrial Park Road, it is in the C2 District and is identified as tax map/lot R06/0010/A02 and A03. The lots contain 2.36 and 2.59 acres more or less.

The applicant has demonstrated a legal interest in the property by providing a copy of the deed, the deed can be seen at the Lincoln County Registry of Deeds in Book 5060 on page 318 and Book 5061 on page 1.

The applicant requests approval to dissolve the subdivision line between lot 2 and lot 3 un an existing subdivision.

**Conclusions:**

Melinda Browne 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.

Melinda Browne made a motion he applicant has demonstrated that this proposal meets the criteria set forth in Sections 1.8.1 (A-C), 1.8.3 (A-E), 3.6.1 (A-H) of the Town of Boothbay Zoning Ordinance and Mike Tomacelli 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 4.6 Subdivision 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 Melinda Browne and seconded by Mike Tomacelli the Planning Board approved the Use Permit application with no additions conditions all for the reasons set forth in the findings and conclusions. Vote: 4-0 on 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:

- ✓ **Eric Marden** to discuss an existing, non-conforming sf residence in the Shoreland zone. (this was not discussed as Eric Marden was not present to discuss this)

- ✓ **Mike Tomacelli** (Mike recused himself from the board and joined the audience for this application) **and Ronnie Campbell** presented the board with a map of properties adjoining the Industrial Park that they would like included in the Industrial Park District. They requested that this be put on the ballot for the May Town Meeting. The Planning Board will take this under review.
- ✓ **Dale Page** to discuss 100 River Road and potential conversion to Multi-dwelling. Mr. Page said is buying a property on River Road, he is hoping to close this month and plans on doing the rehab on the property himself so it may take him a couple of years. He wants to make it into three apartments, this is allowed in the General Residential district with Planning Board Approval. At this point the board did not see any obvious flaws with the project but reminded Mr. Page nothing is binding in a pre-application discussion.
- ✓ The board began a very preliminary discussion on the implications of pot becoming legal.

5. APPROVE MINUTES: No minutes were available to review.

6. ADJOURN MEETING: Mike Tomacelli made a motion to adjourn the meeting at 9:05PM and Tim Utleby seconded the motion. Vote: 4-0 in favor.

Minutes respectfully submitted  
Sherry Tibbetts  
Secretary