

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, December 21, 2016

MINUTES

1. Call meeting to order: 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

Alan Bellows made a motion to make Tim Utley a voting member for this meeting and Mike Tomacelli seconded the motion. Vote: 3-0 in favor.

3. OLD BUSINESS:

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

The board reviewed the printed findings of fact with conditions that was approved on 12/15/2016. Mike Tomacelli had questions on the next to last condition but after discussion, it was decided the condition was what was voted on at the last meeting it was just worded different.

Melinda Browne made a motion to approve the findings of fact with conditions and sign them. Mike Tomacelli 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**: Arthur Reed
Mailing address: PO Box 406, Boothbay, ME 04537
Property location: My Way, Boothbay, ME 04537 – Tax map/lot R07/0017/ 9 & 10
Zone: C2 District
Principal Reviewer: Mike Tomacelli
Applications Review: The applicant requests to redraw the property line between lots 9 & 10.

Alan Bellows asked if there were any structures currently on lot 9 and Mr. Reed said no. As there were no other questions, the board went directly to the findings of fact.

Findings of fact:

The owners of the properties are Arthur E. Reed and Pamela G. Reed.

The properties are located at My Way. They are in the C2 District. The Watershed Overlay and Lot 17 is partially in the Watershed Reservoirs Protection District. The properties are further identified as Assessor's Tax maps R070017 (identified on the Stone Wall subdivision plan as lot 10) and R070017/09. They contain 2.46 and 2.02 acres respectively. With a change in the property line they will be 2.61 and 1.87 acres respectively.

The applicant is Arthur E. Reed who has demonstrated a legal interest in the property by providing a copy of the deed. The deed for the properties can be seen at the Lincoln County Registry of Deeds in Book 3282 on page 159.

The applicant requests approval to redraw the subdivision property line between lot 9 and lot 10 of the existing Stone Wall Subdivision as shown in the plan drawn by McConnell Associates, file # 1554 and dated October 1, 2013.

Conclusions:

Mike Tomacelli 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.

Mike Tomacelli made a motion that the applicant has demonstrated that this proposal meets the criteria set forth in Sections 1.8 and 3.6.1 (A-H) 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 Sections 4.6 Subdivision 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 use permit application with no additional conditions. Vote: 4-0 in favor.

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:

Sue Mello asked if the date of the approval of the Botanical Gardens application was tonight or last Thursday. Art Dunlap said the approval date is 12/15/2016. The Plans say on them the date they were approved and the date they were signed both.

Kevin Anthony said he had sent in a request that both his and his parent's wells be tested and can that be added to the conditions. They cannot be added since the approval as already been voted on. Dan Bryer has forwarded the request to the Town's attorney. The Anthony's were advised to put the request into CMBG and that maybe the request can be included in the monitoring plan that will be developed between BRWD, CMBG and the Town CEO.

Dr. Anthony questioned that the Town's Attorney said that 1.8 was advisory and not mandated. He wanted to know when this changed and why. Alan Bellows said it has always been advisory and nothing has changed.

Dr. Anthony continued this line of questions and was advised that he was making innuendos against the Planning Board and it was not an appropriate conversation for this time and place.

Paula Arsenault asked what happens if the phosphorus level in the lake is over the limit, what would be the consequences. Art Dunlap explained the only thing he could do, would be in the septic system failed, he could shut it down until it was fixed.

Dr. Anthony said it was going to be a big problem when it fails and he wants to know who will pay.

The Board briefly discussed an email from Mark Eyerman and proposed changed to the Village District. The board will discuss this at their next workshop on 01/05/2017.

5. APPROVE MINUTES: Melinda Browne made a motion to approve the minutes of 12/15/2016 with minor changes. Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

6. ADJOURN MEETING: At 7:30 Mike Tomacelli made a motion to adjourn the meeting and Alan Bellows seconded the motion. Vote: 4-0 in favor.

Minutes respectfully submitted
Sherry Tibbetts
Secretary