

Planning Board

Kristina Ford, Chair
Bruce Bowler, Vice Chair
Holly Stover
Ken Hanson
Nancy Lowell-Cunningham
Estelle Appel
Svend Jorgensen



Town of Boothbay Planning Board Meeting
Tuesday, May 15, 2007

MINUTES

1. Call meeting to order

Chairman, Kristina Ford called the meeting to order at 6:00PM.

2. Roll call of members

Kristina Ford- Chairman, Holly Stover, Nancy Lowell-Cunningham, Estelle Appel, Svend Jorgensen, Ken Hanson, Bruce Bowler were all present. Jim Betts, assistant Code Enforcement Officer, was sitting in for Marian Anderson.

3. Before beginning the business of the evening, Chairman, Kristina Ford reviewed with all present, the **Land Use Goals of the Town of Boothbay.**

1. *Assure that the Small town, rural character of Boothbay is maintained;*

(Section III Land use Goals and Objectives of the Zoning Ordinance includes the following: Small Town Character: As the community grows, the Town should assure that the small town, rural character of Boothbay is maintained by keeping the scale of new development in proportion to the existing residential character of the town.)

2. *Ensure that residential development is a positive addition to the community – that there is a range of housing opportunities, and that development does not overburden the town’s ability to provide services;*

(The population and Housing Planning Element, Volume I Section II(A) Includes as a goal “Promote housing opportunities that provide a variety of alternatives for a broad range of family groups and income levels to secure adequate housing while promoting the village and coastal character of Boothbay”)

3. *Encourage commercial and industrial enterprises that provide year-round employment opportunities for local people;*

4. *Preserve the quality of life and Boothbay’s environment; and*

The Land Use Element, Volume I Section II(B) describes the purpose of the Special Residential District as: “to continue to accommodate limited residential activity: “Special emphasis will be placed on a strict site plan review process that ensures that new development activity (so) that scenic values are not compromised and neighbors are not adversely affected”.)

5. *Administer and enforce land use regulations consistent with the Department of Environmental Protection’s guidelines for Shoreland zoning ordinances.*

Chairman, Kristina Ford also asked if all members of the audience and the board would address all comments and questions to the chair so that there would be less ambiguity and to allow for a clearer record.

4. OLD BUSINESS:

➤ **Applicant: Ledges Trust, Laurence Latta, Trustee**

KEN

Represented by Roger J. Katz

Mailing address: PO Box 1051, Augusta, Maine

Property location: 27 Old Wharf Road – Map R01, Lot 0132

Zone: Special Residential, Shoreland Overlay Zone.

Proposal is to submit evidence that there exists no location on the property which the boathouse can be relocated outside of the 75 foot water setback.

During the last vote taken by this board on this matter, Ken Hanson has recused himself as he had not attended the site visit. Kristina Ford made a motion that Ken Hanson was capable to participate fully in this matter tonight and, Bruce Bowler seconded the motion. Vote: 5-0 in favor.

*Ken Hanson made a motion to deny this application based on the grounds that they did not submit evidence on or before May 1, 2007 as set in the decision made by this board on January 23, 2007. Bruce Bowler seconded the motion. Attorney Katz, representing the Latta's produced a letter dated March 27, 2007 showing that he had been in touch with Marian Anderson regarding a survey that should be delivered by T. Leighton's office and a letter dated April 4, 2007 requesting to be placed on the May agenda instead of the April agenda. **Vote: 5-0 Not in favor.***

Attorney Katz presented the new survey map by Leighton showing slopes of 32-40% in the area the board had suggested that the boat house might be able to be placed. The slope right behind the boat house is 25-30%. The survey seemed to be concentrated in the areas that had been suggested as possible locations for the boat house. Attorney Katz's position is that there is not another practicable location to maintain functionality. Wendell Lewis, caretaker for the property was also present and mentioned the high slopes behind the boat house.

The board felt there was not enough information on the map. The board felt the need for a more topographical map showing all sustainable slopes 20% or less and the boundaries of the slopes. Ken Hanson made a motion to postpone this application until more information could be provided. Nancy Lowell Cunningham seconded the motion. Vote: 5-0 in favor. No deadline was set.

➤ **Applicant: Ocean Song, Ltd.**

ESTELLE

Represented by LeBlanc Associates, Inc.

Mailing Address: PO Box 665, Spring House, PA 19477-0665

Property location: Higbee Lane, Barter's Island Map R04, Lot 63

Zone Special Residential, Shoreland Overlay Zone

Proposal is to build two (2) 10'x20' ruggedized wing floats, four (4) dolphin moorings, and single support pilings to support a large vessel.

Joe LeBlanc stated that the plans have been changed slightly so that when the vessel is docked, it will be directly in the middle of the owners property, which will keep it as far away as possible from the abutter's property. The board is concerned with how this application proposal is consistent with keeping the rural character of the area. This is not simply a sailboat, it is 115' where as the average length of a sailboat in the area is 19'. Allowing this would not be keeping in scale of new development. Mr. LeBlanc and Attorney Bowden answered some of the board's concerns; they stated that the lighting would be subdued at night and that they would comply with all of the town's noise regulations. They stated that all activity would be taking place below mean low water and the board feels this is not true as the five crew members will be going on and off the boat by way of the owners property. It was discussed that this was not a normal wharfs & weirs hearing – with a crew of five living on the boat, the boat could be viewed as an accessory structure on the property. It was determined to ask the town's attorney, Ms. Daggett to explain how the permits enter play with each other, the D.E.P., State and Town regulations as well as the Selectmen's view of navigational issues.

Some board members as well as members of the audience feel that this could create an attractive nuisance or a tourist destination. People will see it, tell others about it and a lot of people will try to go and get a look at it. This would mean a lot of people traveling on a narrow dead end road without a turn around at the end. People will be constantly driving by and turning into neighbors yards. Mrs. Logan an abutter stated that she does not want more people turning into her driveway and feels that the boat could act as a magnet.

DRAFT

Mr. LeBlanc and Attorney Bowden did state that there is a boat in the area that will go along side of boats and pump out the discharge, so that should not be a problem. The crew will not be using any upland structures. There will be only one vehicle on the property for the crews use when they need to go to town, the speakers will be removed or controlled. The boat would be here approximately 2 ½ months from July 4th until mid September.

The abutter on the North side has a concern with lights, on the pier as well as the boat and asked if the lights could be shielded so they would not shine directly on to the neighbors.

Ken Hanson made a motion to deny this application. As there was no second, the motion failed. Bruce Bowler made a motion to table any decision on this application until this fall and to allow the boat to spend the summer in the same location, but tied to moorings without the floats for this one season only as a test, contingent up on the Selectmen deciding that the water way is still navigational with the boat tied there. Estelle Appel seconded the motion. Vote: 4-1 in favor, Ken Hanson casting the negative vote for all of the above stated reasons. Attorney Bowden will keep the abutters up to date and will work with them to try and keep them happy and satisfied.

5. NEW BUSINESS:

COMPLETENESS REVIEW:

➤ **Applicant: Raymond C. Egan**

NANCY

Mailing address: PO Box 613, Boothbay, ME 04537*0613
Property location: 256 Bottle Cove Road, Tax Map R06, lot 0066
Zone: GR/SZ
Proposal: cut trees in the 75 foot setback from the shore for an access path.

Mr. Egan stated he had not identified which trees yet but he plans on creating a path less that six feet wide and to do a little thinning. Nancy Lowell Cunningham made a motion to grant this application and Estelle Appel seconded the motion. Vote: 5-0 in favor.

APPLICATION REVIEW: NONE

PRE-APPLICATION REVIEW: NONE

OTHER BUSINESS: NONE

APPROVE MINUTES: *Minutes of the previous meeting, April 24, 2007, were not available to approve.*

ADJOURN MEETING: *Bruce Bowler made a motion to adjourn the meeting at 8:15PM and, Estelle Appel seconded the motion. Vote: 5-0 in favor.*

Minutes respectfully submitted
Sherry Tibbetts
Secretary