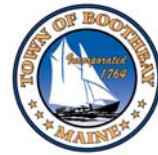


Planning Board

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, July 17, 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, and Bruce Bowler were all present. Marian Anderson and new assistant CEO Jeff Smith were also present.

Before beginning the business of the evening, Chairman, Kristina Ford shared with all present, her concerns about people who don't think they have to abide by the ruling of the planning board. They seem to think that the rules won't be enforced. She sited a couple of recent examples, the Bourassa property, where what was built was not what was approved and needs to be removed from the property. The Latta Trust, where they do not want to do what the planning board approved so they keep delaying coming before the board for a final decision. A concern was expressed that if the town does not take action within a certain time frame, it is as if the town is saying yes, it is OK.

Before beginning its business for the evening, the board needed to elect a chairman, vice-chairman and secretary for the coming year. Estelle Appel made a motion to appoint Kristina Ford as chairman for the 2007-2008 year and Nancy Lowell Cunningham seconded the motion. Vote: 5-0 in favor. Kristina Ford made a motion to appoint Bruce Bowler as Vice-Chairman for the 2007-2008 year and Estelle Appel seconded the motion. Vote: 5-0 in favor. Estelle Appel made a motion to appoint Nancy Lowell Cunningham as secretary for the 2007-2008 year and Ken Hanson seconded the motion. Vote: 5-0 in favor.

3. OLD BUSINESS:

Bruce Bowler made a motion to hear an application that was not on the agenda as the board had completed a site review of a property and the applicant's husband was present to discuss the application. Estelle Appel seconded the motion. Vote: 5-0 in favor.

➤ **Applicant: Diane Traphagen**

NANCY

Property location: 15 Albion Point Road, Map R04-0066-02-C

Zone: special Residential, Shoreland Overlay Zone

Proposal is to replace an existing 10'x20' seasonal float with a 10'x40' float; replace a 3'x34' seasonal runway with a 3'x40'seasonal runway.

After a discussion around the best direction for the float, why the need for a larger float and the height of the water at low tide and various other issues, Svend made a motion to approve this application as presented to replace a 10'x20' seasonal float with a 10'x40' seasonal float in this particular location because of the width of the water frontage owned by the applicant, the distance between the riparian lines, the width of the channel and that there are no objections from the abutters. Estelle Appel seconded the motion. Vote 4-1 in favor. Bruce Bowler cast the apposing vote. Ken Hanson recused himself from voting and Ken Hanson cast a vote as he is senior alternate member.

➤ **Applicant: Jim and Colleen Micka**

SVEND

Continued from September 19, 2006

Mailing Address: 5 North Lincoln Ave., Wenonah, NJ 08090

Property Location: 268 Back River Road, Boothbay, Map R04, Lot 125

Zone: The Water Reservoir Protection, Watershed Overlay & Shoreland Overlay Zone

Proposal is to expand an existing non-conforming structure by the addition of a 10'x14.5' bedroom.

It was noted that the application was on a 2004 form not the current form. Since plans could not be found for the current septic system it has been inspected by Pat Jackson and a new septic design has been created in case it is needed. Concern was expressed about the length of the new driveway, too long with no turn around at the end. There does not appear to be any problems with the amount of lot coverage. Svend made a motion to approve this application as long as the volume of the addition falls within 30% volume of the original house and the plans for a new septic system drawn by Terry Adams in 2006 stay on record and will be created if current system fails. Nancy seconded the motion. Vote: 5-0 in favor.

➤ **Applicant: Jamerling Ogg**

Requests conversation with the Board regarding the April 17, 2007 approval of his subdivision.

Due to the Patriots Day storm in April 2007, the scheduled Planning Board meeting was changed to a different day and the applicant could not make the new meeting date. The applicant states that he asked ahead of time that if any conditions were to be put on his application that it be heard the following month so that he could be there for the discussion. The board reviewed Mr. Ogg's application in April, even though he was not present and they approved the application with the condition there only be one access into the property which is a condition precluded by State rule and is explained on page 57 of the town ordinances under access control.

The intent of the Planning Board was good. They felt since they were not mandating conditions to be placed on the application, simply taking out something not allowed by the ordinance that it would be acceptable to the applicant. Their decision would have been the same whether the applicant was present or not.

The applicant feels that since he was not present to hear the discussion, the approval of the application with the condition placed on it was not fair. He feels as though he did not get his day in court, that any time something is added or changed on plans the applicant should have the opportunity to have his say. Mr. Ogg wrote a letter to Chairman Kristina Ford and did not receive a reply so on advice from his attorney filed an appeal with the court. Kristina said by the time she received the letter she had been advised not to answer it as the appeal had already been filed. It was also explained that the planning board does not have the authority to grant variances.

Mr. Ogg said he has also not been able to obtain a copy of the April Planning Board meeting minutes as they have not yet been approved by the planning board. He holds not grudges against the board, he just feels that the Planning Board did not follow procedures and he wanted a change to publicly explain his actions in filing an appeal

➤ **Applicant: Melissa Thorton**

Approved March 2007, applicant requests "de minimis" change to original application. Requests to include Barn structure as gallery to meet the turning radii for wheelchairs and the construction of a handicapped bathroom.

Property location 802 Back River Road.

Kristina Ford made a motion that when it is "de minimis" change the application does not have to come before the planning board. Estelle Appel seconded the motion. Vote: 5-0 in favor.

4. NEW BUSINESS:

COMPLETENESS REVIEW:

The Boothbay Planning Board will hold a Wharves and Weirs review pursuant to Section IX (E) (4) of the Zoning Ordinance on Tuesday, July 17, 2007 at 6:00PM at the Boothbay Town Office for the following:

- **Applicant: Louis and Irene Gerney** KRISTINA
Represented by LeBlanc Associates, Inc.
Mailing Address: PO Box 431, Trevett, ME 04571
Property location: the Ledges, Map R01, Lot 147-02
Zone: Special Residential, Shoreland Overlay Zone
Proposal is to build a 3'x40' ramp and 12'x20' float.
Kristina Ford made a motion to approve this application as it meets all of the standards and Estelle Appel seconded the motion. Vote: 5-0 in favor.

- **Applicant: Thomas and Carole Gopsill** BRUCE
Represented by LeBlanc Associates, Inc.
Mailing Address: 238 Savage Road, Farmington, ME 04938
Property location: Delano Drive, Map R01, Lot 0071-L
Zone: special Residential, Shoreland Overlay Zone
Proposal: to build a 4'x10' access stairs overlapping a 6'x45' pier, 3'x36' ramp, and a 10' x 20' float.
Optional 10' safety rope approaching access stairs.
No problems were seen with this application and Bruce Bowler made a motion to approve, the motion was seconded by Nancy Lowell Cunningham. Vote: 5-0 in favor.

- **Applicant: Damon and Mary Ann Lizzi** HOLLY
Represented by LeBlanc Associates, Inc.
Mailing Address: 105 Brays Island Drive, Sheldon, SC 29941
Property location Steves Road, Map R06, Lot 100-16
Zone: General Residential, Shoreland Overlay Zone
Proposal: to install access stairs to a previously approved march 20, 2007 application for a 5'x25' pier, 3'x36' ramp and 10'x30' float.
The Selectmen remanded this application back to the Planning Board. The stairs will be built elsewhere and brought in to minimize the impact on the location. The canopy of trees will remain. Holly Stover made a motion to approve this application as long as none of the structures will be any wider than 4' in accordance with both DEP and town of Boothbay ordinances. Estelle Appel seconded the motion. Vote: 5-0 in favor.

APPLICATION REVIEW: NONE

PRE-APPLICATION REVIEW: NONE

- **Applicant: Douglas Carter**
Represented by LeBlanc Association, Inc.
Property Location: Little River Map U-8, Lot 24B

Mr. Carter recently purchased the Little River Lobster site and do to tight spaces wants to open up middle of enclosed area and install a ramp and float. Kristina Ford made a motion that this would be a

“de minimis” change and to approve as long as there is no change in height or footprint. Bruce Bowler seconded the motion. **Vote: 5-0 in favor.**

OTHER BUSINESS:

➤ **Applicant: Andrew Stein**

KEN

Tax map R01, lot 54A, Barters Island
Requests revision to previously approved plan.

*Kristina Ford made a motion to accept the change as long as he is just flipping the plan and not changing any requirements and the flip does not bring the stairs closer to the water than previously approved. Bruce Bowler seconded the motion. **Vote: 5-0 in favor.***

➤ **Applicant: Tallwood Estates**

NANCY

Mailing Address: 33 Presley Drive, East Boothbay, ME 04544
Property location: Presley Drive, Map R08, Lot 0007-01-16
Zone: General Residential, Shoreland Overlay Zone
Proposal is to Amend a condition to a float permit approved March 17.

*On a previous application from 1992 they were limited to 1 float as a concession to the neighbors. The current abutters on the East side have no problems with plans; it was the former owners who had a problem. Ken Hanson made a motion to approve the amended condition and Estelle Appel seconded the motion. **Vote: 5-0 in favor.***

5. APPROVE MINUTES: *Approval of minutes of the April 24, May 15, and June 19, 2007 meetings. Bruce Bowler made a motion to approve the minutes of the April 24th meeting with the correction of several typing mistakes. Estelle Appel seconded the motion. **Vote: 5-0 in favor.** The minutes of May 15th and June 19th were tabled until the next meeting.*
6. ADJOURN MEETING: *Ken Hanson made a motion to adjourn the meeting at 7:40PM. Estelle Appel seconded the motion. **Vote: 5-0 in favor.***

Minutes respectfully submitted
Sherry Tibbetts
Secretary