



**Town of Boothbay Harbor Planning Board**

**AGENDA**

**Wednesday, August 10, 2022**

**6:00 PM**

**Boothbay Harbor Town Hall**

**11 Howard St.**

- **Call to Order**
- **Roll Call of Members**
- **Approval of July 13, 2022 Minutes**
- **Old Business**
- **New Business**
  - **John and Jane Whitten, represented by Phelps Architects, Inc, 133 McKown Point Road, Tax Map 4 Lot 59, applicant is seeking to reconstruct a non-conforming structure, and relocate it to meet all required setbacks to the greatest practical extent , requiring site plan approval under Chapter 170, Article VIII, Subsection 170-101.7 (C) 2.**
  - **Planner's Report: Review Process Improvements**
- **Adjourn**



Isabelle Oechsle  
Town Planner  
[Planner@boothbayharbor.org](mailto:Planner@boothbayharbor.org)  
(207) 633-3671

AGENDA ITEM #5A  
Meeting of August 10, 2022

MEMORANDUM

Shoreland Zoning Permit/Determination of "Best Practical" – Witten Residence  
133 McKown Point Road – John & Jane Witten  
PID #2201

INTRODUCTION

Applicants John and Jane Witten are requesting Planning Board review in order to replace an existing non-conforming dwelling with a new dwelling on their property at 133 McKown Point Road, which is also within the Shoreland Overlay. Sections 170-101.7(C)1 and (C)2 require a Planning Board review and determination that the proposed, new dwelling (while still non-conforming) has been moved to meet all setbacks "to the greatest practical extent." Additionally, compliance with the shoreland regulations as outlined in Section 170-101.11(D)(3) are required for all projects within the Shoreland Overlay. The parcel is identified as Assessor's Tax Map 4, Lot 59 and it is located within the Special Residential Zoning District and Special Residential Shoreland Overlay.



Legal advertisements regarding this request appeared in the Boothbay Register on July 27, 2022 and August 3, 2022. However, a public hearing is not required for Shoreland Zoning permits. The Board may choose to take comments during the meeting at the discretion of the Chair.

This submission is being reviewed pursuant to Chapter 170, Article VIII, Section 170-101.11(D) and Section 170-101.7: Nonconformance.



Isabelle Oechsle  
Town Planner  
[Planner@boothbayharbor.org](mailto:Planner@boothbayharbor.org)  
(207) 633-3671

---

## SUBMISSION CHRONOLOGY

---

Application Received: July 25, 2022  
Deemed Complete for Planning Board: August 3, 2022

---

## PROJECT DATA

---

<b>Zoning:</b>	Special Residential	
<b>Land Area:</b>	25,854 s.f. (existing nonconformity)	
<b>Existing Land Use:</b>	Single-family Residence/Dwelling	
<b>Proposed Land Use:</b>	Single-family Residence/Dwelling	
	<b>Allowed:</b>	<b>Proposed:</b>
<b>Min. Front Yard:</b>	60 feet	130 feet
<b>Min. Shore Frontage:</b>	150 feet	208 feet
<b>Min. Side Yard:</b>	25 feet****	36 feet, 8 inches (at closest point)
<b>Min. Rear Yard:</b>	25 feet****	29.5 feet (at closest point, during high tide)
<b>Min. Water Setback:</b>	75 feet	29 feet (at closest point, during high tide)
<b>Min. Off-Street Parking*:</b>	2 spaces	2 spaces
<b>Max. Lot Coverage:</b>	20%**	19.95%
<b>Max. Building Height:</b>	30 feet	29.5 feet from lowest elevation

\*Pursuant to Section 170-50(I).

\*\*Pursuant to Section 170-101.10(B)4.

\*\*\*Pursuant to Section 170-101.10(B)2.

\*\*\*\*Or the height of the building, whichever is greater.

---

## REVIEW PROCESS

---

Before reviewing the application, the Planning Board must vote to find the application complete. Staff believes the application to be complete (see attached letter of determination). If the Planning Board agrees with this determination, a suggested motion is: ***"I move to find that the Shoreland Permit application for 133 McKown Point Road is complete."***

As noted above, a public hearing for this application is not required, though public comments may be taken at the discretion of the Chair.



---

## ANALYSIS OF PROJECT

---

Determination of “best practical” is reviewed according to the standards of Chapter 170, Article VIII, Section 170-101.7: Nonconformance. Shoreland Zoning Permits requiring review by the Planning Board are reviewed according to the standards of 170-101.11(D)(3).

Staff’s analyses of the aforementioned standards are organized by topic below, with references to the corresponding provisions.

### A. Safe & Healthful Conditions (Section 170-101.11(D)(3)(a))

The project, as further described in each of the analyses of the standards below, will not create unsafe or unhealthy conditions in the vicinity of the project.

### B. Water Pollution, Erosion, or Sedimentation (Section 170-101.11(D)(3)(b))

Stormwater is proposed to be managed by the addition of a 12” catch basin located in the side yard of the proposed house, and a rip-rap depression topped with river rock is proposed to be located in the back yard. The site will be regraded to create a swale which will redirect the flow of stormwater into these areas. The stormwater management plan is more fully described in section J below.

Applicants are proposing to install silt fencing in areas sensitive to erosion, which will remain in place until the areas are stabilized with landscaping at the conclusion of construction. During construction, site contractors will be required to follow erosion and sedimentation control best management practices, as provided by the Maine Department of Environmental Protection in their *Maine Erosion and Sediment Control Practices Field Guide for Contractors* (2014). Condition of Approval #7 reaffirms this requirement.

### C. Wastewater Disposal (Section 170-101.11(D)(3)(c))

The project will tie into the existing public sewer system within McKown Point Road. The Superintendent of the Boothbay Harbor Sewer District has indicated that there is adequate capacity to serve the proposed structure. Prior to the issuance of a Certificate of Occupancy, the Boothbay Harbor Sewer District will be required to approve of the connection.

### D. Impacts on Wildlife (Section 170-101.11(D)(3)(d))

As the entirety of construction is to be contained on land and erosion control and stormwater management systems will be in place, no fish or aquatic life habitats will be harmed by this application. Additionally, this area is not within an Essential Wildlife Habitat as defined and mapped by the Maine Department of Inland Fisheries & Wildlife. Therefore, this standard has been met.

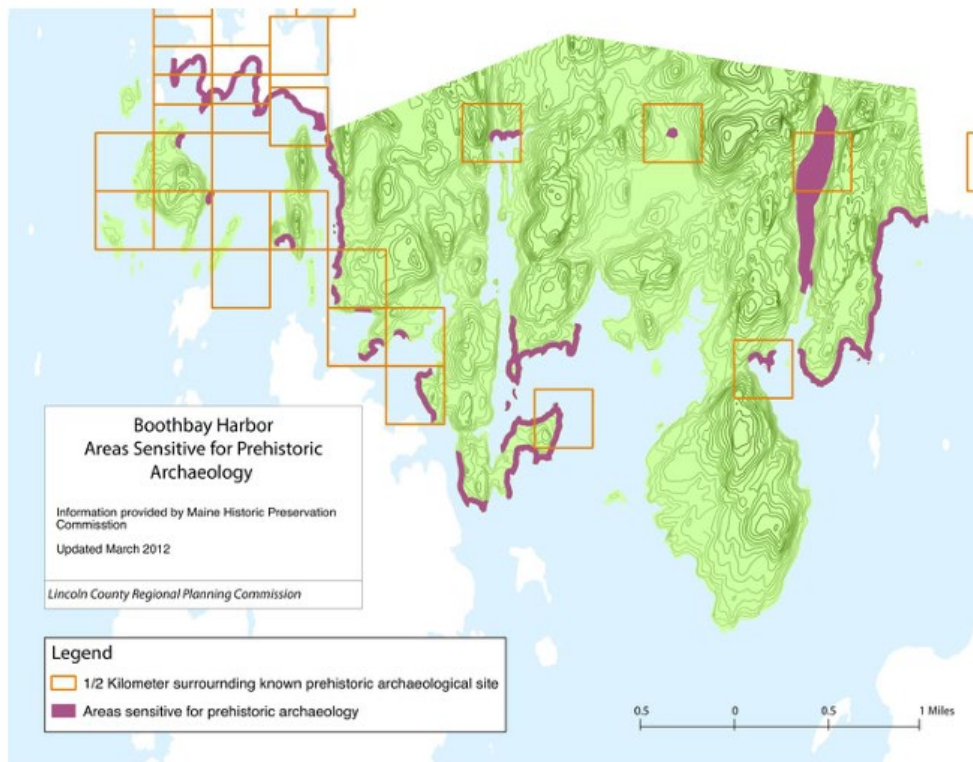
### E. Access to Water (Section 170-101.11(D)(3)(e))

Currently, physical access to the shore is limited to the owners of the property. This is not proposed to change with this application. The application includes information related to the visual impact to the shore, which shows that the proposed structure will be of a scale and will be placed in such a way as to not visually impact access to views of the shoreline over existing conditions.

#### F. Archeological & Historic Resources (Section 170-101.11(D)(3)(f))

This area of the Town was found to be an area with potential for being a prehistoric archeological resource in the 1980s. This has been documented in the 2015 Comprehensive Plan (map below). Condition of Approval #8 requires that the applicant submit documentation from the Maine Historic Preservation Commission on the potential of this project to impact archeological resources prior to the issuance of any building permits. As conditioned, this standard has been met.

Figure 1.1 Areas Sensitive for Prehistoric Archaeology



#### G. Effect on Commercial Fishing or Maritime Uses in the Working Waterfront District (Section 170-101.11(D)(3)(g))

As the site is not within the Working Waterfront District, this standard is not applicable.

#### H. Floodplains (Section 170-101.11(D)(3)(h))

The project will minimize problems associated with development within the floodplain by moving the new home entirely out of the VE zone (whereas a portion of the existing home is currently within the VE zone).





---

**I. Conformance with Land Use Standards (Section 170-101.11(D)(3)(i))**

This project conforms with the land use standards as described in the project data table above and within the analyses below.

**a. Minimum Lot Standards (Section 170-101.10(A))**

While the proposed project will not meet the minimum lot standards as currently provided within the referenced section, Section 170-101.11 allows the project to continue if the Planning Board makes a positive finding that each of the below standards have been met.

**1. Expansion of Structure (Section 170-101.7(C)1(a))**

This standard notes that any portion of the structure that is currently non-conforming cannot be expanded, as measured in floor area or volume, by 30% or more. This project is proposing to expand the proposed structure by the one-time allowance of 30% within the non-conforming area, as provided by this section. Condition #9 reaffirms that no further expansions within the non-conforming area are allowed.

**2. Replacement or Enlarged Foundation (Section 170-101.7(C)1(b))**

Staff recommends that the Planning Board find that the placement of the foundation meets the setbacks of the Special Residential Zoning District and Shoreland Overlay Area, as described in the project data table above, due to the physical constraints of the site (including the presence of ledge, steep slopes, and wooded areas in the area between the proposed front façade and the front property line).

**3. Relocation of a Non-conforming Structure (Section 170-101.7(C)2(a))**

Staff recommends that the Planning Board find that the replacement structure meets the setbacks of the Special Residential Zoning District and Shoreland Overlay Area, as described in the project data table above, and for the reasons as further described in the above section.

**4. Considerations (Section 170-101.7(C)2(b))**

Based on the plans submitted, no trees will be impacted by the relocation of the structure. The applicants are proposing to relocate the new structure approximately 12 feet back from the water and are proposing fairly extensive planting and a new lawn area in the area where the existing structure is to be removed. Therefore, this standard has been met.

**b. Principal & Accessory Structures (Section 170-101.10(B))**

Staff recommends that the Planning Board finds that the replacement structure meets the setbacks of the Special Residential Zoning District and Shoreland Overlay Area, as described in the project data table above, and for the reasons as further described in the above section.

**c. Piers, Docks, Wharves, Bridges (Section 170-101.10(C))**

No changes to piers, docks, wharves, bridges or the like are proposed as part of this application. Therefore, this standard is not applicable.

**d. Campgrounds (Section 170-101.10(D))**

This application does not contemplate the addition of a campground; therefore, this standard is not applicable.



---

**e. Private Campsites (Section 170-101.10(E))**

This application does not contemplate the addition of any private campsites; therefore, this standard is not applicable.

**f. Commercial & Industrial Uses (Section 170-101.10(F))**

This application does not contemplate any commercial or industrial uses on site; therefore, this standard is not applicable.

**g. Parking Areas (Section 170-101.10(G))**

The parking area is proposed to be located at the front of the site, more than 125 feet from the shoreline. Additionally, Section 170-50 of the Land Use Code requires at least 2 parking spaces for a single-family dwelling unit. The proposed parking area provides 2 spaces and thus, this standard has been met.

**h. Roads & Driveways (Section 170-101.10(H))**

All driving and parking areas are located at the front of the site, more than 125 feet from the shoreline, as noted above. The location of the existing driveway and its curb cut are proposed to remain the same as part of this application. No roads are proposed. This standard has been met.

**i. Signs (Section 170-101.10(I))**

No signage is proposed as part of this application; therefore, this standard is not applicable.

**j. Stormwater Runoff (Section 170-101.10(J))**

The applicant has indicated that grades around the new building will be such that stormwater flow is redirected into the existing vegetative buffer zone, allowing the vegetation to absorb runoff and filter sediments. Within the graded swales, new landscaping will be planted to slow runoff. Additionally, a vegetated berm is proposed in order to provide an additional location to capture stormwater runoff.

The project is subject to a Permit-By-Rule issued by the Maine Department of Environmental Protection due to its proximity to a protected resource, and thus is subject to additional State standards.

**k. Septic Waste Disposal (Section 170-101.10(K))**

The subject site is currently served by the Boothbay Harbor Sewer District (public sewer) with tie-in at the front of the site adjacent to McKown Point Road. Thus, this standard is not applicable.

**l. Essential Services (Section 170-101.10(L))**

The site is already served by overhead electric. The applicants are proposing to underground the electric lines from the existing CMP pole on the property. The construction of other essential services (utility lines) is not proposed as part of this application. Since this proposal does not require the digging up of any public street or right-of-way, this standard is not applicable.

**m. Mineral Exploration & Extraction (Section 170-101.10(M))**

Mineral extraction of more than 100 cubic yards is not proposed with this application, therefore this standard is not applicable.



**n. Agriculture (Section 170-101.10(N))**

Agricultural activities meeting the definition of the Land Use Code are not proposed with this application, thus this standard is not applicable.

**o. Timber Harvesting (Section 170-101.10(O))**

Timber harvesting operations are not proposed as part of this project; therefore, this standard is not applicable.

**p. Clearing or Removal of Vegetation (Section 170-101.10(P))**

The clearing and removal of trees is not proposed with this application, as shown on the proposed site plan. In order to protect water quality, this section notes that existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as shown on plans approved by the Planning Board. Condition of Approval #10 reaffirms this requirement.

**q. Erosion & Sedimentation Control (Section 170-101.10(Q))**

Silt fencing will be installed along the entire east side of the property in order to protect the existing buffer zone and resource, and these controls will remain throughout the entire demolition phase through to construction completion. Once native plants have been installed over the existing building footprint and other landscaping plants, shrubs, trees and mulch are installed, the silt fence will be removed. The project as designed meets the standard.

**r. Soils (Section 170-101.10(R))**

The applicant is proposing to site the building in such a way as to minimize impact to any sensitive soils. Blasting will not be required as part of this project. As connection to the public sewer system is proposed, a full soils report is not necessary. The application as designed meets this standard.

**s. Water Quality (Section 170-101.10(S))**

The project as designed will not deposit any polluted waters into the groundwater or the ocean. The applicant has provided sufficient erosion and sedimentation controls as described in item Q above, and is proposing to connect into the existing public sewer system.

**t. Archeological Resources (Section 170-101.10(T))**

As noted in section F above, this area of town was found to potentially include prehistoric archeological resources. Condition #8 requires that the applicant submit documentation from the Maine Historic Preservation Commission on the potential of this project to impact archeological resources prior to the issuance of any building permits.

---

## WAIVERS

The applicant has not requested any waivers as part of this project.





Isabelle Oechsle  
Town Planner  
[Planner@boothbayharbor.org](mailto:Planner@boothbayharbor.org)  
(207) 633-3671

## RECOMMENDATION

Based on the review of the project and all information in the record, staff recommends the following action:

Approve the application of John and Jane Witten, dated through August 1, 2022; drawings dated through August 1, 2022, for the Witten Residence at 133 McKown Point Road, with the findings as presented during the meeting on August 10, 2022 subject to the following conditions:

### *Conditions of Approval*

	Condition	Municipal Oversight	Must be Completed By:
1.	This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, are subject to the review and approval of the Planning Board prior to implementation, except those which are determined by the Code Enforcement Officer to not affect any approval standards or findings of fact and which do not alter the essential nature of the proposal (per Sec. 170-72(C)).	Town Planner	Ongoing
2.	All conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits. The plans submitted shall be stamped and signed by all appropriate professionals.	Code Officer	Prior to Issuing Building Permit
3.	This Site Plan Review approval shall expire after a period of three years after the date of approval if substantial development has not begun, or after a period of five years after the date of approval if development is not complete. A statement to this effect must appear on all approved plans.	Town Planner	Ongoing
4.	Prior to the issuance of a Building Permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Town Planner	Prior to Submitting a Building Permit
5.	The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Any Construction
6.	The landscaping plan shall only use native plant species and shall not include trees and shrub species listed on the States Advisory List of Invasive Plants.	Town Planner	Prior to Occupancy
7.	During construction, site contractors will be required to follow erosion and sedimentation control best management practices, as provided by the Maine Department of Environmental Protection in their <i>Maine Erosion and Sediment Control Practices Field Guide for Contractors</i> (2014).	Code Officer	During Construction
8.	Prior to the issuance of a building permit, the applicant shall submit to the Town Planner documentation from the Maine Historic Preservation Commission that this project will not impact any known prehistoric archeological resources.	Town Planner	Prior to Issuing a Building Permit



**Isabelle Oechsle**  
*Town Planner*  
[Planner@boothbayharbor.org](mailto:Planner@boothbayharbor.org)  
(207) 633-3671

	<b>Condition</b>	<b>Municipal Oversight</b>	<b>Must be Completed By:</b>
9.	As this project is proposing to expand the proposed structure by the one-time allowance of 30% within the non-conforming area, as provided by this section, no further expansions within the non-conforming area are allowed.	Code Officer	Perpetual/Ongoing
10.	In order to protect water quality, any existing vegetation under three feet in height and any other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or any other uses as shown on plans approved by the Planning Board.	Town Planner	Ongoing/Perpetual

*Isabelle V Oechsle*

Isabelle V. Oechsle  
Town Planner  
August 10, 2022

---

**ATTACHMENTS:**

- |                |  |
|----------------|--|
| Attachment [1] | Application Deemed Complete Letter, Dated August 3, 2022         |
| Attachment [2] | Applicant Response to Comments Submissions, Dated August 1, 2022 |
| Attachment [3] | Plan Set, Dated through August 1, 2022                           |
| Attachment [4] | Original Application Binder, Received July 25, 2022              |



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

### Shoreland Zoning Permit/Determination of “Best Practical” – Witten Residence

133 McKown Point Road – John & Jane Witten

PID #2201

The Town of Boothbay Harbor Planning Board issues the following Findings of Fact and Decision at its duly-noticed meeting of **August 10, 2022**:

- A. The Planning Board considered the Project, the staff report, and received and considered all written and oral public comments on the Project which were submitted up to and at the time of the meeting for the Project; and
- B. Legal advertisements regarding this request appeared in the Boothbay Register on July 27, 2022 and August 3, 2022; and
- C. The project description is as follows:

Applicants John and Jane Witten are requesting Planning Board review in order replace an existing non-conforming dwelling with a new dwelling on their property at 133 McKown Point Road, which is also within the Shoreland Overlay. Sections 170-101.7(C)1 and (C)2 require a Planning Board review and determination that the proposed, new dwelling (while still non-conforming) has been moved to meet all setbacks "to the greatest practical extent." Additionally, compliance with the shoreland regulations as outlined in Section 170-101.11(D)(3) are required for all projects within the Shoreland Overlay. The parcel is identified as Assessor's Tax Map 4, Lot 59 and it is located within the Special Residential Zoning District and Special Residential Shoreland Overlay; and

- D. The Project is subject to the following policies and standards of review:
  - a. Chapter 170, Article VIII, Section 170-101.11(D); and
  - b. Section 170-101.7: Nonconformance.



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

E. The core Project Data includes:

<b>Zoning:</b>	Special Residential	
<b>Land Area:</b>	25,854 s.f. (existing nonconformity)	
<b>Existing Land Use:</b>	Single-family Residence/Dwelling	
<b>Proposed Land Use:</b>	Single-family Residence/Dwelling	
	<b>Allowed:</b>	<b>Proposed:</b>
<b>Min. Front Yard:</b>	60 feet	130 feet
<b>Min. Shore Frontage:</b>	150 feet	208 feet
<b>Min. Side Yard:</b>	25 feet****	36 feet, 8 inches (at closest point)
<b>Min. Rear Yard:</b>	25 feet****	29.5 feet (at closest point, during high tide)
<b>Min. Water Setback:</b>	75 feet	29 feet (at closest point, during high tide)
<b>Min. Off-Street Parking*:</b>	2 spaces	2 spaces
<b>Max. Lot Coverage:</b>	20%**	19.95%
<b>Max. Building Height:</b>	30 feet	29.5 feet from lowest elevation

\*Pursuant to Section 170-50(I).

\*\*Pursuant to Section 170-101.10(B)4.

\*\*\*Pursuant to Section 170-101.10(B)2.

\*\*\*\*Or the height of the building, whichever is greater.

F. Based on its review of the entire record herein, the Planning Board has determined that the Project meets the applicable policies and standards of review, and the Planning Board makes the following findings:

**A. Safe & Healthful Conditions (Section 170-101.11(D)(3)(a))**

The project, as further described in each of the analyses of the standards below, will not create unsafe or unhealthy conditions in the vicinity of the project.

**B. Water Pollution, Erosion, or Sedimentation (Section 170-101.11(D)(3)(b))**

Stormwater is proposed to be managed by the addition of a 12" catch basin located in the side yard of the proposed house, and a rip-rap depression topped with river rock is proposed to be located in the back yard. The site will be regraded to create a swale which will redirect the flow of stormwater into these areas. The stormwater management plan is more fully described in section J below.

Applicants are proposing to install silt fencing in areas sensitive to erosion, which will remain in place until the areas are stabilized with landscaping at the conclusion of construction. During construction, site contractors will be required to follow erosion and sedimentation control best management practices, as provided by the Maine Department of Environmental Protection in their *Maine Erosion and Sediment Control Practices Field Guide for Contractors* (2014). Condition of Approval #7 reaffirms this requirement.



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

### C. Wastewater Disposal (Section 170-101.11(D)(3)(c))

The project will tie into the existing public sewer system within McKown Point Road. The Superintendent of the Boothbay Harbor Sewer District has indicated that there is adequate capacity to serve the proposed structure. Prior to the issuance of a Certificate of Occupancy, the Boothbay Harbor Sewer District will be required to approve of the connection.

### D. Impacts on Wildlife (Section 170-101.11(D)(3)(d))

As the entirety of construction is to be contained on land and erosion control and stormwater management systems will be in place, no fish or aquatic life habitats will be harmed by this application. Additionally, this area is not within an Essential Wildlife Habitat as defined and mapped by the Maine Department of Inland Fisheries & Wildlife. Therefore, this standard has been met.

### E. Access to Water (Section 170-101.11(D)(3)(e))

Currently, physical access to the shore is limited to the owners of the property. This is not proposed to change with this application. The application includes information related to the visual impact to the shore, which shows that the proposed structure will be of a scale and will be placed in such a way as to not visually impact access to views of the shoreline over existing conditions.

### F. Archeological & Historic Resources (Section 170-101.11(D)(3)(f))

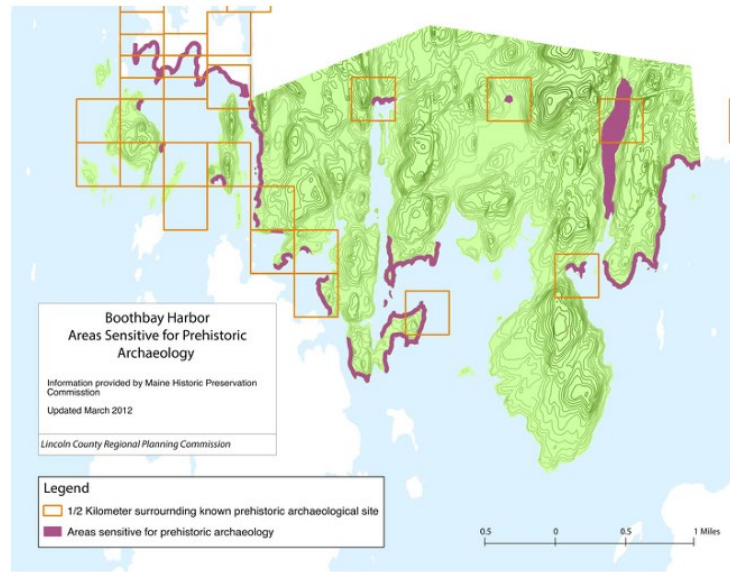
This area of the Town was found to be an area with potential for being a prehistoric archeological resource in the 1980s. This has been documented in the 2015 Comprehensive Plan (map below). Condition of Approval #8 requires that the applicant submit documentation from the Maine Historic Preservation Commission on the potential of this project to impact archeological resources prior to the issuance of any building permits. As conditioned, this standard has been met.



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

Figure 1.1 Areas Sensitive for Prehistoric Archaeology



### G. Effect on Commercial Fishing or Maritime Uses in the Working Waterfront District (Section 170-101.11(D)(3)(g))

As the site is not within the Working Waterfront District, this standard is not applicable.

### H. Floodplains (Section 170-101.11(D)(3)(h))

The project will minimize problems associated with development within the floodplain by moving the new home entirely out of the VE zone (whereas a portion of the existing home is currently within the VE zone).





## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

### I. Conformance with Land Use Standards (Section 170-101.11(D)(3)(i))

This project conforms with the land use standards as described in the project data table above and within the analyses below.

#### a. Minimum Lot Standards (Section 170-101.10(A))

While the proposed project will not meet the minimum lot standards as currently provided within the referenced section, Section 170-101.11 allows the project to continue if the Planning Board makes a positive finding that each of the below standards have been met.

##### 1. Expansion of Structure (Section 170-101.7(C)1(a))

This standard notes that any portion of the structure that is currently non-conforming cannot be expanded, as measured in floor area or volume, by 30% or more. This project is proposing to expand the proposed structure by the one-time allowance of 30% within the non-conforming area, as provided by this section. Condition #9 reaffirms that no further expansions within the non-conforming area are allowed.

##### 2. Replacement or Enlarged Foundation (Section 170-101.7(C)1(b))

The Planning Board found that the placement of the foundation meets the setbacks of the Special Residential Zoning District and Shoreland Overlay Area, as described in the project data table above, due to the physical constraints of the site (including the presence of ledge, steep slopes, and wooded areas in the area between the proposed front façade and the front property line).

##### 3. Relocation of a Non-conforming Structure (Section 170-101.7(C)2(a))

The Planning Board found that the replacement structure meets the setbacks of the Special Residential Zoning District and Shoreland Overlay Area, as described in the project data table above, and for the reasons as further described in the above section.

##### 4. Considerations (Section 170-101.7(C)2(b))

Based on the plans submitted, no trees will be impacted by the relocation of the structure. The applicants are proposing to relocate the new structure approximately 12 feet back from the water and are proposing fairly extensive planting and a new lawn area in the area where the existing structure is to be removed. Therefore, this standard has been met.

#### b. Principal & Accessory Structures (Section 170-101.10(B))

The Planning Board found that the replacement structure meets the setbacks of the Special Residential Zoning District and Shoreland Overlay Area, as described in the project data table above, and for the reasons as further described in the above section.



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

**c. Piers, Docks, Wharves, Bridges (Section 170-101.10(C))**

No changes to piers, docks, wharves, bridges or the like are proposed as part of this application. Therefore, this standard is not applicable.

**d. Campgrounds (Section 170-101.10(D))**

This application does not contemplate the addition of a campground; therefore, this standard is not applicable.

**e. Private Campsites (Section 170-101.10(E))**

This application does not contemplate the addition of any private campsites; therefore, this standard is not applicable.

**f. Commercial & Industrial Uses (Section 170-101.10(F))**

This application does not contemplate any commercial or industrial uses on site; therefore, this standard is not applicable.

**g. Parking Areas (Section 170-101.10(G))**

The parking area is proposed to be located at the front of the site, more than 125 feet from the shoreline. Additionally, Section 170-50 of the Land Use Code requires at least 2 parking spaces for a single-family dwelling unit. The proposed parking area provides 2 spaces and thus, this standard has been met.

**h. Roads & Driveways (Section 170-101.10(H))**

All driving and parking areas are located at the front of the site, more than 125 feet from the shoreline, as noted above. The location of the existing driveway and its curb cut are proposed to remain the same as part of this application. No roads are proposed. This standard has been met.

**i. Signs (Section 170-101.10(I))**

No signage is proposed as part of this application; therefore, this standard is not applicable.



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

**j. Stormwater Runoff (Section 170-101.10(J))**

The applicant has indicated that grades around the new building will be such that stormwater flow is redirected into the existing vegetative buffer zone, allowing the vegetation to absorb runoff and filter sediments. Within the graded swales, new landscaping will be planted to slow runoff. Additionally, a vegetated berm is proposed in order to provide an additional location to capture stormwater runoff.

The project is subject to a Permit-By-Rule issued by the Maine Department of Environmental Protection due to its proximity to a protected resource, and thus is subject to additional State standards.

**k. Septic Waste Disposal (Section 170-101.10(K))**

The subject site is currently served by the Boothbay Harbor Sewer District (public sewer) with tie-in at the front of the site adjacent to McKown Point Road. Thus, this standard is not applicable.

**l. Essential Services (Section 170-101.10(L))**

The site is already served by overhead electric. The applicants are proposing to underground the electric lines from the existing CMP pole on the property. The construction of other essential services (utility lines) is not proposed as part of this application. Since this proposal does not require the digging up of any public street or right-of-way, this standard is not applicable.

**m. Mineral Exploration & Extraction (Section 170-101.10(M))**

Mineral extraction of more than 100 cubic yards is not proposed with this application, therefore this standard is not applicable.

**n. Agriculture (Section 170-101.10(N))**

Agricultural activities meeting the definition of the Land Use Code are not proposed with this application, thus this standard is not applicable.

**o. Timber Harvesting (Section 170-101.10(O))**

Timber harvesting operations are not proposed as part of this project; therefore, this standard is not applicable.



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

**p. Clearing or Removal of Vegetation (Section 170-101.10(P))**

The clearing and removal of trees is not proposed with this application, as shown on the proposed site plan. In order to protect water quality, this section notes that existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as shown on plans approved by the Planning Board. Condition of Approval #10 reaffirms this requirement.

**q. Erosion & Sedimentation Control (Section 170-101.10(Q))**

Silt fencing will be installed along the entire east side of the property in order to protect the existing buffer zone and resource, and these controls will remain throughout the entire demolition phase through to construction completion. Once native plants have been installed over the existing building footprint and other landscaping plants, shrubs, trees and mulch are installed, the silt fence will be removed. The project as designed meets the standard.

**r. Soils (Section 170-101.10(R))**

The applicant is proposing to site the building in such a way as to minimize impact to any sensitive soils. Blasting will not be required as part of this project. As connection to the public sewer system is proposed, a full soils report is not necessary. The application as designed meets this standard.

**s. Water Quality (Section 170-101.10(S))**

The project as designed will not deposit any polluted waters into the groundwater or the ocean. The applicant has provided sufficient erosion and sedimentation controls as described in item Q above, and is proposing to connect into the existing public sewer system.

**t. Archeological Resources (Section 170-101.10(T))**

As noted in section F above, this area of town was found to potentially include prehistoric archeological resources. Condition #8 requires that the applicant submit documentation from the Maine Historic Preservation Commission on the potential of this project to impact archeological resources prior to the issuance of any building permits.

**G.** No waivers were requested as part of this project.



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

### DECISION:

- H. Based on its review of the entire record herein, including the August 10, 2022 Planning Board staff report; all supporting, referenced, and incorporated documents; and all comments received; the application of John and Jane Witten, dated through August 1, 2022; drawings dated through August 1, 2022, for the Witten Residence at 133 McKown Point Road, is hereby

	YAE	NAE	Absent/Abstain
DENIED			
APPROVED WITH THE CONDITIONS BELOW			

### CONDITIONS OF APPROVAL

	Condition	Municipal Oversight	Must be Completed By:
1.	This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, are subject to the review and approval of the Planning Board prior to implementation, except those which are determined by the Code Enforcement Officer to not affect any approval standards or findings of fact and which do not alter the essential nature of the proposal (per Sec. 170-72(C)).	Town Planner	Ongoing
2.	All conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits. The plans submitted shall be stamped and signed by all appropriate professionals.	Code Officer	Prior to Issuing Building Permit



## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

	Condition	Municipal Oversight	Must be Completed By:
3.	This Site Plan Review approval shall expire after a period of three years after the date of approval if substantial development has not begun, or after a period of five years after the date of approval if development is not complete. A statement to this effect must appear on all approved plans.	Town Planner	Ongoing
4.	Prior to the issuance of a Building Permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Town Planner	Prior to Submitting a Building Permit
5.	The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Code Officer	Prior to Any Construction
6.	The landscaping plan shall only use native plant species and shall not include trees and shrub species listed on the States Advisory List of Invasive Plants.	Town Planner	Prior to Occupancy
7.	During construction, site contractors will be required to follow erosion and sedimentation control best management practices, as provided by the Maine Department of Environmental Protection in their <i>Maine Erosion and Sediment Control Practices Field Guide for Contractors</i> (2014).	Code Officer	During Construction
8.	Prior to the issuance of a building permit, the applicant shall submit to the Town Planner documentation from the Maine Historic Preservation Commission that this project will not impact any known prehistoric archeological resources.	Town Planner	Prior to Issuing a Building Permit





## PLANNING BOARD FINDINGS OF FACT AND DECISION

Date: August 10, 2022

9.	As this project is proposing to expand the proposed structure by the one-time allowance of 30% within the non-conforming area, as provided by this section, no further expansions within the non-conforming area are allowed unless a change to this provision within the ordinance occurs.	Code Officer	Perpetual/Ongoing
10.	In order to protect water quality, any existing vegetation under three feet in height and any other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or any other uses as shown on plans approved by the Planning Board.	Town Planner	Ongoing/Perpetual



**Isabelle Oechsle**

*Town Planner*

[Planner@boothbayharbor.org](mailto:Planner@boothbayharbor.org)

(207) 633-3671

August 3, 2022

Michelle Phelps, AIA  
Phelps Architects  
278 Main Street  
Damariscotta, ME 04543

**RE:** Shoreland Zoning Permit/Determination of Best Practical  
Witten Residence  
133 McKown Point Road

This letter provides the Town of Boothbay Harbor's determination that the application to replace an existing non-conforming dwelling with a new dwelling, requiring the Planning Board's determination that the new dwelling will meet all setbacks "to the best extent practical," at 133 McKown Point Road (PID: #2201), received July 25, 2022 with additional resubmittal received August 2, 2022, is **complete** for filing. The Planning Board will need to make a formal determination of their agreement with staff during the meeting where this project will be heard.

## **NEXT STEPS**

This project has been scheduled for review by the Planning Board during their meeting on **August 10, 2022. The meeting begins promptly at 6:00PM and will be held at the Town Office** (11 Howard Street, Boothbay Harbor). Please prepare any presentations or materials that you would like to show to the Board.

## COMPLETENESS ITEMS

---

This section includes required completeness items. The items outlined below identify revisions or materials that must be addressed in order for the application to be considered complete, per Chapter 170. An application cannot be processed further until all completeness items are addressed by the applicant. Items in ~~striketrough~~ have been addressed by the applicant through a subsequent submittal. Items added following a review of subsequent material submittals are denoted as “\*NEW as of [DATE]\*”

### PLANNER REVIEW

1. ~~**Stormwater:** Section 170-101.11(D)(3)(b) and Section 170-101.10(J) requires the Planning Board to make a finding that the project will not result in undue water pollution. It would be helpful to have a narrative describing how the proposed stormwater management system will work and how much runoff is proposed to be treated.~~
2. ~~**Wastewater/Sewage:** Section 170-101.11(D)(3)(c) requires the Planning Board to make a finding that the project will adequately provide for the disposal of all wastewater. Please submit evidence that the on-site sewage pump station adequate to handle the proposed demand.~~
3. ~~**Scenic Views of Water:** Section 170-101.11(D)(3)(c) requires that the Planning Board make a finding that access to scenic water views will not be impacted as a result of this project. It would be helpful to have a photo mock-up or similar of how the proposed project will impact views of the water over existing conditions.~~
4. ~~**Erosion & Sedimentation Control:** All activities, which involve filling, **grading**, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall include the provisions for: mulching and revegetation of disturbed soil; temporary runoff control features, such as hay bales, silt fencing, or diversion ditches; permanent stabilization structures, such as retaining walls or riprap. This is required as part of Section 170-101.10(Q).~~

### CODE ENFORCEMENT REVIEW

1. ~~**Building Height:** Need confirmation that the height of the building will not exceed 30', as required by Section 170-101.10(B)(2).~~

## CONCLUSION

Please submit **electronic copies** in PDF and WORD formats to address all listed completeness items noted in this letter.

Include a **transmittal** or **cover memo** to accompany your application resubmittal that outlines how each completeness item in this letter has been addressed. Provide an explanation to justify a request to remove or modify any item noted in this letter.

The Town looks forward to assisting with the processing of this application. If you feel any item in this letter requires further discussion, please do not hesitate to contact me. I can be reached via telephone at (207) 633-3671 or email at [Planner@boothbayharbor.org](mailto:Planner@boothbayharbor.org).

Sincerely,

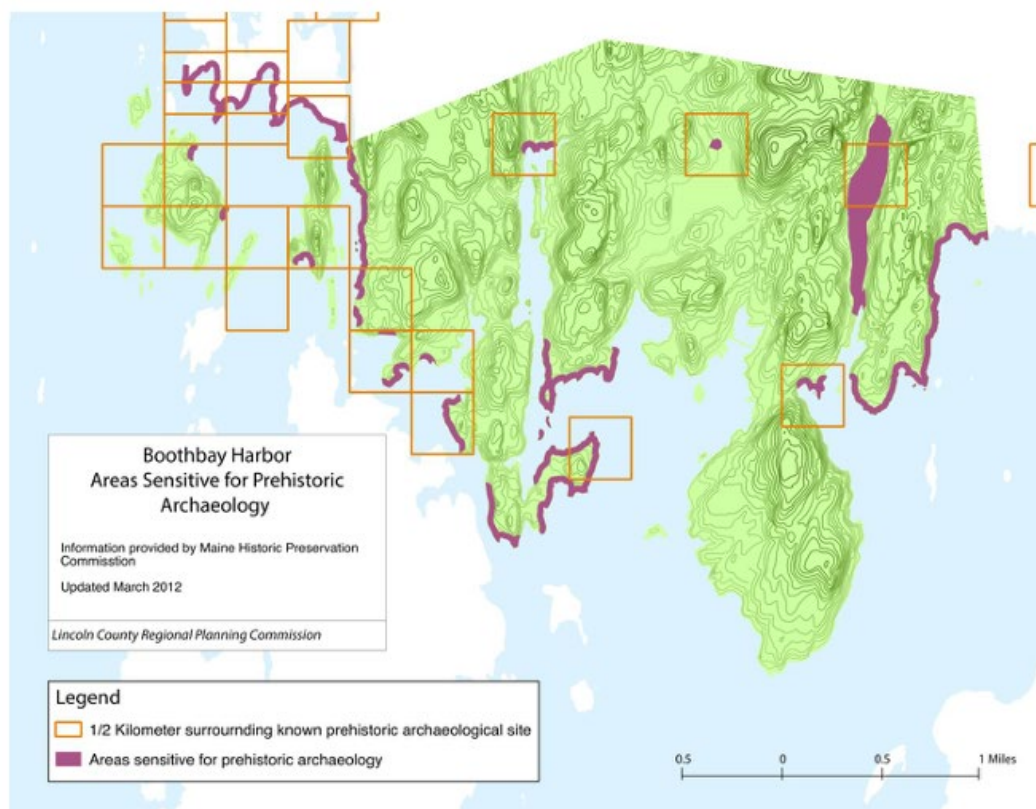
*Isabelle V Oechsle*

Isabelle V. Oechsle  
Town Planner

## ATTACHMENTS

*Attachment 1 - Map of Prehistoric Archeological Resources (from the 2015 Comprehensive Plan)*

Figure 1.1 Areas Sensitive for Prehistoric Archaeology





August 01, 2022

Attention: Boothbay Harbor Planning Board and DEP Officials:

Project: Witten Residence

Project Address: 133 McKown Point Rd, Boothbay Harbor

Permit by Rule Application: Brief narrative per 2.B(3)

We propose to demolish the existing building and place the new constructed building back to the furthest possible extent given the property setbacks and lot constraints per location on the site plan submitted.

The new building is proposed to be constructed on a new foundation and is located further back than the previous existing building. The new building is proposed to be built entirely outside the VE zone, whereas the existing building is partially inside the VE zone. The new building footprint is proposed to be expanded by the allowable one time 30% expansion in volume and square footage requirements. A portion of the new building is proposed to remain inside 75' with no portion being closer to the HAT than the existing building.

Lot coverage has been addressed and the current site plan shows we propose not to exceed 20% lot coverage with calculations provided.

Site Improvements at Existing Building Footprint:

- a. Any portion of the old existing building footprint that will not be covered by the new building or terrace is proposed to be replanted with new appropriate native permeable vegetation.
- b. All vegetation proposed will not include any invasive species and is proposed to be of species which will thrive in the existing climate, grow quickly, and assist in the filtration of the natural site drainage and in serving as a filter for natural site water run-off.
- c. The current grades at the existing building footprint which will not be covered by the new building are proposed to be graded to blend in with the natural surrounding topography grades and covered with natural native vegetation to become part of the natural vegetated buffer zone inside 75'.
- d. Storm Water & Erosion & Sedimentation Control:
  - i. Grades around the new proposed building will be graded in a natural swale formation to disperse water run-off evenly into the natural replanted areas as well as into the existing vegetated buffer zone to allow the buffer zone to absorb the run off and filter sediments along the route. New native plantings located in the swale and called out on the landscape plan are selected to slow run off.
  - ii. A new proposed vegetated berm is located central in the lower South-East buffer zone with rip-rap depression topped with river rock. The intent is to provide an additional location/low point for storm water and run off to disperse and drain naturally into the



- new vegetated berm. This also provides a location for building perimeter drains to daylight to disperse more naturally into the naturally vegetated site.
- iii. A silt fence will be installed along the entire down hill side (East & South/Eastside) protecting the existing buffer zone and resource and remain throughout the entire demolition through construction completion. Once native plants have been installed over the existing building footprint and other landscaping plants, shrubs, trees and mulch are installed, the silt fence will be removed.
  - iv. Site areas at the entire down hill side of the building (East & South-East will remain as an existing buffer zone of native plant/tree and shrub species . The area will have additional native plantings added and shrubs to strengthen the existing buffer to the resource.)
- e. Disturbance of the site will be minimized during the demolition with equipment being located on the West side of the building site for access at the existing driveway to remain.

Michelle B. Phelps, AIA, NCARB

Phelps Architects Inc.





**PHELPS ARCHITECTS INC**  
PLANNING | RESIDENTIAL & COMMERCIAL DESIGN | INTERIORS

Date: 08/01/22

Project: Witten Residence

Location: 133 McKown Point Rd.

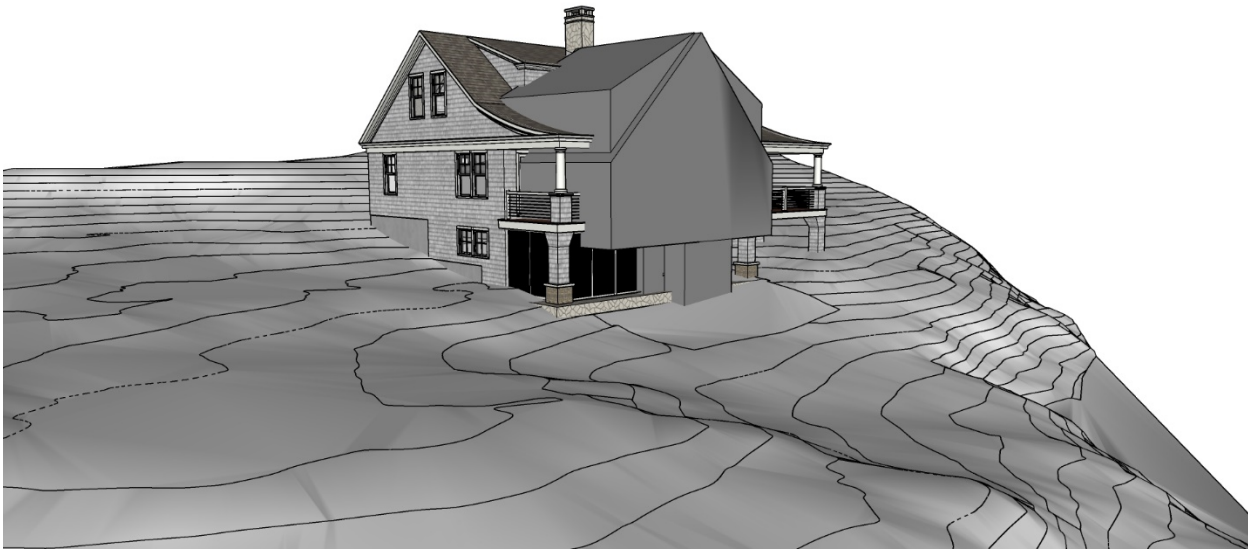
Description: Scenic Views of Water: Section 170-101.11 (D) (3)

The following 3D drawing shows the new proposed building mass (shown with windows/siding) overlaid over the existing building mass (shown in solid grey) for reference. This shows the new building will not impact views to neighbors and street/property behind 133 McKown Point Rd. as it is close to same total height and is further back on the site than the existing building.





**PHELPS ARCHITECTS INC**  
PLANNING | RESIDENTIAL & COMMERCIAL DESIGN | INTERIORS



# PHELPS ARCHITECTS INC

Damariscotta Office: 278 Main Street, P.O. Box 32, Damariscotta, ME 04543 - 207-563-1616

Portland Office: 254 Commercial Street, Merrills Wharf, Suite 245, Portland, ME 04101 - 207-523-3441

www.phelpsarchitects.com

## BUILDING SQUARE FOOTAGE CALCULATIONS BREAKDOWN

Date:	8/1/2022
Project Name:	Witten - Residence
Location:	Boothbay Harbor
	SF Calculations
<b>AREA INSIDE 75' SETBACK</b>	
<b>Foundation Crawl Space Unfinished (excluded from Finished SF under 4' ht.)</b>	<b>511</b>
Basement over 4' in height	828
First Floor Finished	1339
Second Floor Finished	954
Porches/Decks	497
steps	50
<b>TOTAL FINISHED SQ. FT. FROM ABOVE</b>	<b>3668</b>
<b>AREA OUTSIDE 75' SETBACK</b>	
<b>Foundation Crawl Space Unfinished (excluded from Finished SF under 4' ht.)</b>	<b>73</b>
First Floor Finished	73
Second Floor Finished	4
Porches/Decks	70
<b>Total SF outside 75'</b>	<b>147</b>





PLAN AND DEED REFERENCES: Lincoln County  
Registry of Deeds, Wiscasset, Maine.

Source: 402/173

Reference: 396/499

Plans:

- "Oak Ledge"  
Dated November, 1988  
By Russell N. Woodin  
Not Recorded
- "David H. Clark and Barbara D. Clark"  
Dated February 27, 2006  
By Leighton & Associates  
Recorded in Plan Book 84 Page 52

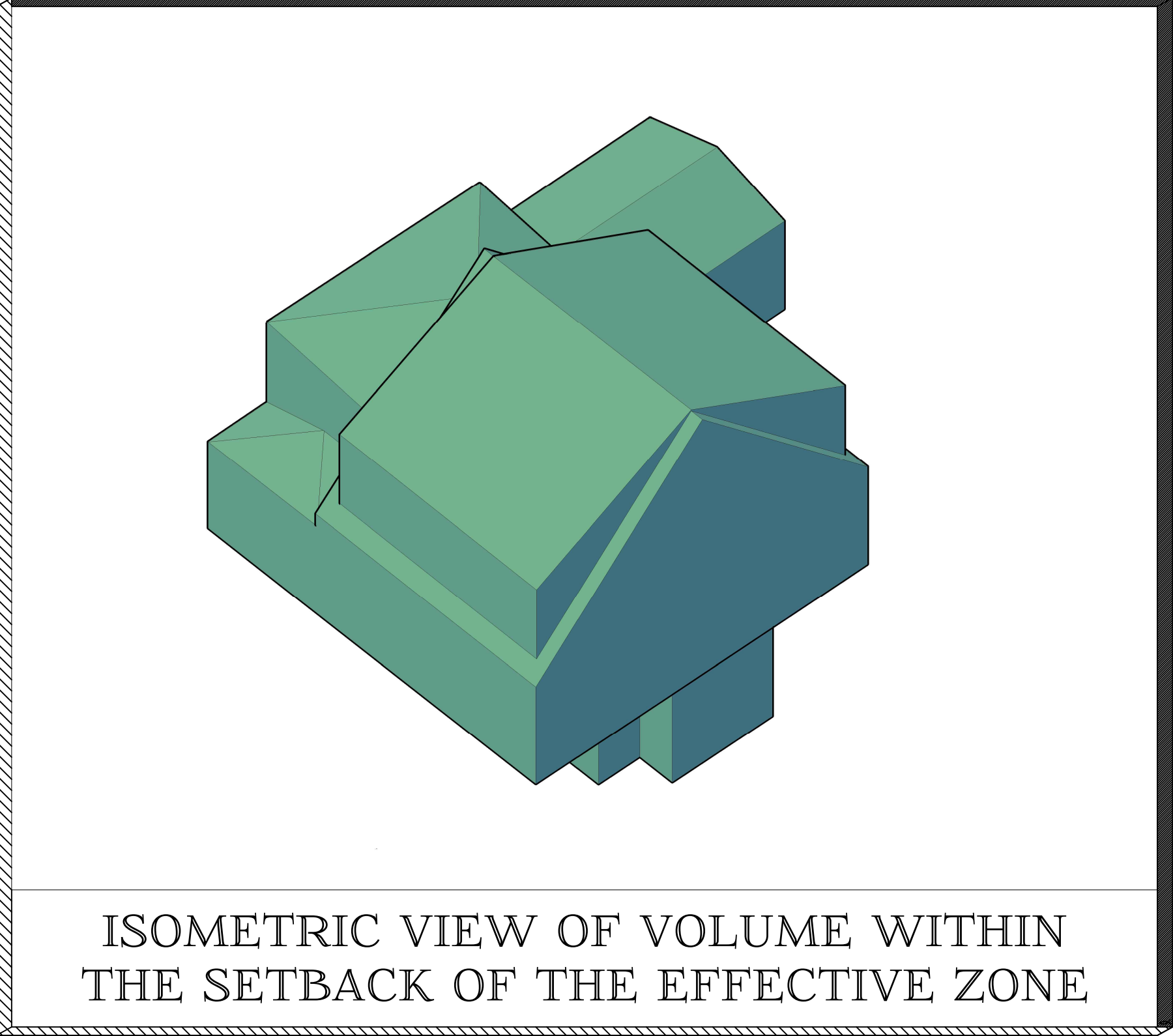
Town of Boothbay Harbor  
Planning Board:

Chairman

Conditions of approval:

Date approved:

EXISTING AREA AND VOLUME CALCULATIONS AT THE REQUEST OF: John M. Witten & Jane T. Witten			
AREA INSIDE OF H.A.T. SETBACK		VOLUME INSIDE OF H.A.T. SETBACK	
Area of each floor	Existing		
Basement	866 Sq. Ft.		
1st Floor	1,266 Sq. Ft.	Overall:	16,461 Cu. Ft.
2nd Floor	745 Sq. Ft.		
Area of decks			
	110 Sq. Ft.		
SUMMARY AREA INSIDE OF H.A.T. SETBACK	2,987 Sq. Ft.	SUMMARY VOLUME INSIDE OF H.A.T. SETBACK	16,461 Cu. Ft.
AREA OUTSIDE OF H.A.T. SETBACK		VOLUME OUTSIDE OF H.A.T. SETBACK	
Area of each floor	Existing		
Basement			
1st Floor		Overall:	
2nd Floor			
Area of decks			
SUMMARY AREA OUTSIDE OF H.A.T. SETBACK	0 Sq. Ft.	SUMMARY VOLUME OUTSIDE OF H.A.T. SETBACK	0 Cu. Ft.
TOTAL AREA OF HOUSE	2,987 Sq. Ft.	TOTAL VOLUME OF HOUSE	16,461 Cu. Ft.
30% AREA OF HOUSE INSIDE H.A.T. SETBACK	896 Sq. Ft.	30% VOLUME OF HOUSE INSIDE H.A.T. SETBACK	4,938 Cu. Ft.



State of Maine

ss Registry of Deeds

Received at

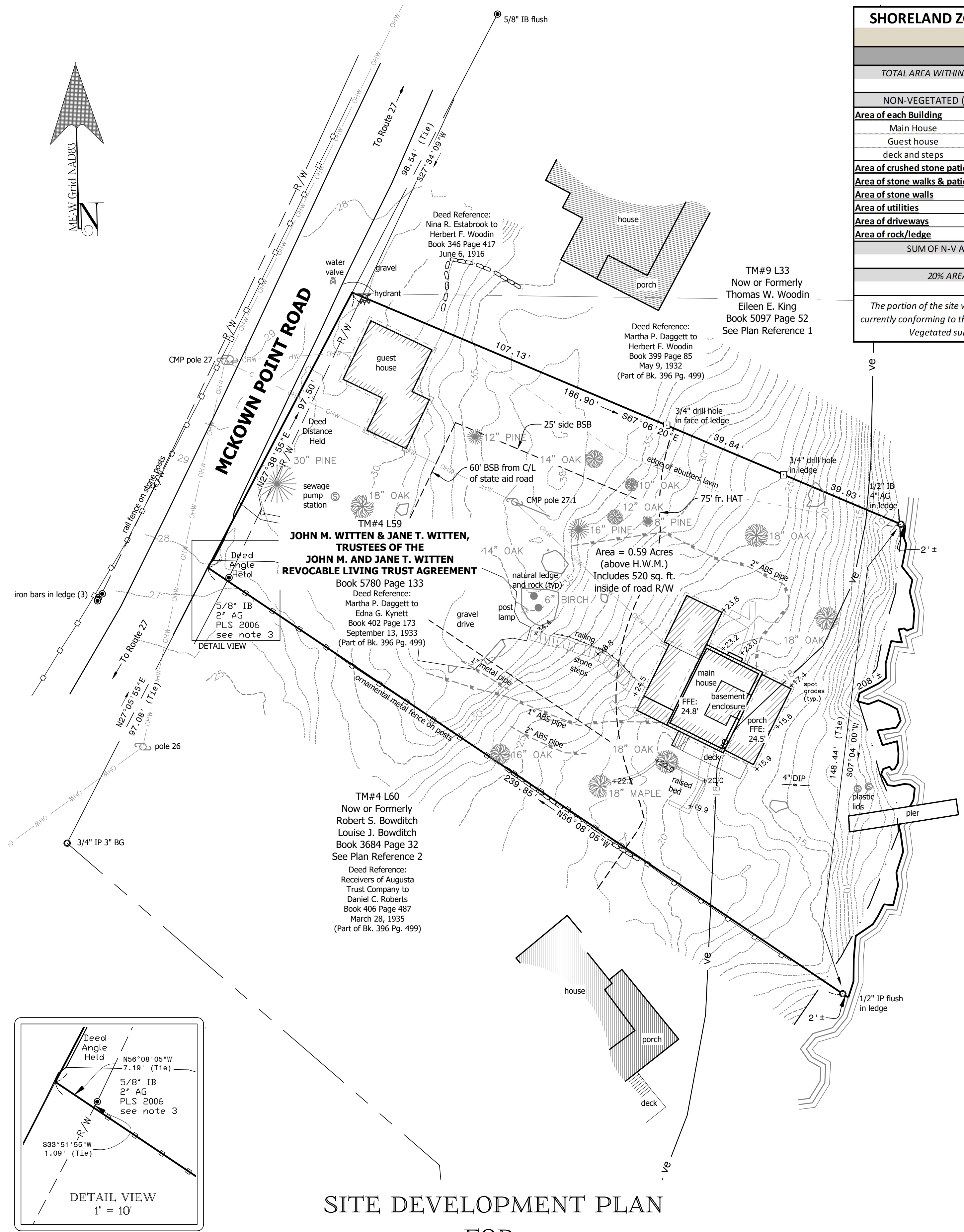
II. M. M. and recorded in Plan Book, Page.

Attest: Register

Graphic Scale

(in feet)

1 inch = 20 ft.



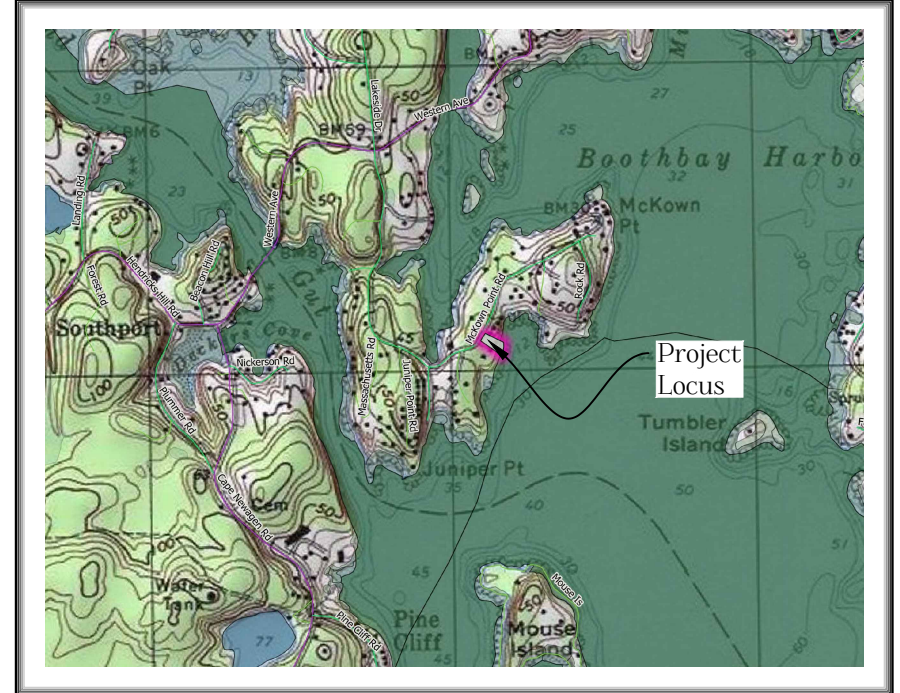
SITE DEVELOPMENT PLAN  
FOR  
JOHN M. WITTEN AND JANE T. WITTEN,  
TRUSTEES OF THE JOHN M. WITTEN AND JANE  
T. WITTEN REVOCABLE TRUST AGREEMENT  
133 MCKOWN POINT ROAD  
BOOTHBAY HARBOR, MAINE

SHORELAND ZONE AREA CALCULATIONS AT THE REQUEST OF: John M. Witten & Jane T. Witten			
EXISTING		TOTAL AREA	
TOTAL AREA WITHIN SHORELAND ZONE (S.Z.)		25,854 Sq. Ft.	
NON-VEGETATED (N-V) AREA WITHIN S.Z.		25,854 Sq. Ft.	
Area of each Building			
Main House	1,412 Sq. Ft.		
Guest house	743 Sq. Ft.		
deck and steps	107 Sq. Ft.		
Area of crushed stone patio	91 Sq. Ft.		
Area of stone walks & patio	173 Sq. Ft.		
Area of stone walls	95 Sq. Ft.		
Area of utilities	11 Sq. Ft.		
Area of driveways	1,730 Sq. Ft.		
Area of rock/ledge	228 Sq. Ft.		
SUM OF N-V AREA INSIDE OF S.Z.	4,591 Sq. Ft.	TOTAL LOT COVERAGE	
20% AREA WITHIN S.Z.	5,171 Sq. Ft.	SURPLUS OF LOT COVERAGE	
The portion of the site within the Shoreland Zone is currently conforming to the DEP'S Shoreland Zone Non-Vegetated surface requirement		EXISTING NON-VEGETATED SURFACE AREA (%)	
		17.8%	

BOOTHBAY HARBOR  
(TIDAL)

- SDP Notes:
- Vertical datum is NAVD88.
  - Hypsographical contour interval is 1' inside of the area of interest. This data was provided by Aerial LiDAR drone survey on December 21, 2021.
  - The site was oriented to State Plane Coordinates using a survey grade differential (RTK) GPS and data collector utilizing an established OPUS base station and network rover (NTRIP) by averaging epochs on two points for 3 minutes each with a RMS of < 0.06'.
  - A portion of the site is within the 18' BFE (NAVD88), VE zone, floodplain as shown on FIRM Map #: 23015C04340, effective date July 16, 2015.
  - No research has been performed yet to determine the age of the structure shown hereon.

To the best of my knowledge, information and belief this survey has been completed in accordance with the Maine Board of Licensure for Professional Land Surveyors Technical Standards (adopted April 1, 2000).



Location Map

- NOTES:
- Record owners of the property are John T. Witten and Jane T. Witten Trustees of the John M. and Jane T. Witten Revocable Living Trust Agreement. For title reference see a deed from John M. Witten and Jane T. Witten dated September 21, 2021 and recorded in Book 5780 Page 133.
  - The record layout of this section of Mckown Point Road has not been researched at this time. Town records indicate a width of 33'. The sideline of the road shown hereon is based on the iron bars found and on the deed dimensions. Public rights may extend beyond deed boundary. R/W line shown is 33' Right of way centered on traveled way.
  - Survey monument set by PLS# 2006 was found to be offline since the presumed original monuments were found on the northeasterly line, thus accurately recreating north corner was possible. From this, original road frontage of 97.5 feet was granted to senior deed dated September 13, 1933 and recorded in LCDR Deed Book 402 Pg. 173.
  - The location of the boundaries of the property between high and low water mark has not been determined.
  - Underground features on or near the property have not been located. Call Dig-Safe prior to soil disturbance.

- Legend
- CMS - Calculated Monument Set unless otherwise stated - 5/8" rebar capped.
  - N.W. PLUMER PLS# 2547
  - IP - Iron pipe (found)
  - IB - Iron Bolt, iron rod, or rebar (RB) (found)
  - DH - Drill hole (found)
  - Pile of stones
  - Point on property line
  - Below Grade
  - AG Above Grade
  - Denotes monument shot at base
  - Electrical Meter
  - Utility pole
  - Water valve
  - Well
  - Stone wall
  - Remnants of barbed wire fence
  - OHW - Overhead Wires
  - UGP - UnderGround Power or OHP for OverHead
  - R/W - Right of Way lines
  - AE - FEMA flood line
  - HAT - Highest Annual Tide line
  - BSB - Building Setback
  - DIP - Ductile Iron Pipe

**BOOTHBAY REGION**

**SURVEYORS**

1037 Wiscasset Road  
Boothbay Maine

(207) 633-4445  
N.Plumer@BRSMaine.com

Client Name: John M. Witten and Jane T. Witten, Trustees  
Client Address: 1720 Chestnut Hill Road, Pottstown, PA 19465

Crew Chief: SDG Field Date: December 21, 2021  
Drawn By: DCT Job No: 21-381 SDP-8  
Checked by: NWP Plot date: January 12, 2022

File Name: 21-381 Witten 133 Mckown Point Road BBR Sheet: 1 of 1



ALL DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF PHELPS ARCHITECTS INC. THESE DOCUMENTS ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECTS OR PURPOSES OR BY ANY OTHER PARTIES WITHOUT THE SPECIFIC WRITTEN AUTHORIZATION OF DANIEL A. PHELPS, AIA, NCARB



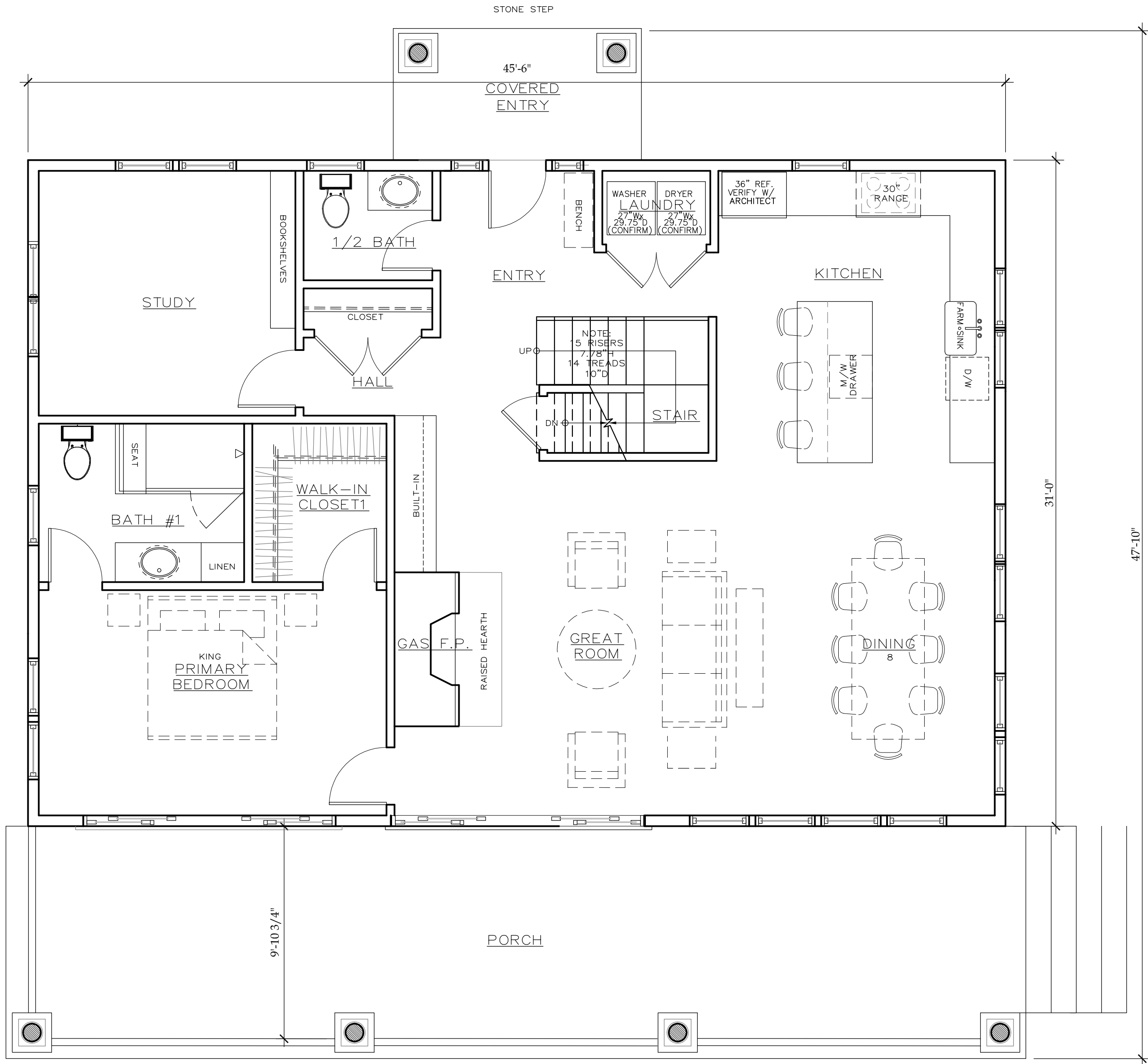
- ◆ PLANNING
- ◆ COMMERCIAL
- ◆ RESIDENTIAL
- ◆ INTERIOR DESIGN

MICHELLE B. PHELPS, AIA, NCARB  
DANIEL A. PHELPS, AIA, NCARB

278 MAIN STREET, P.O. BOX 32  
DAMARISCOTTA, ME 04543  
PH 207-563-1616

254 COMMERCIAL STREET,  
MERRILL'S WHARF, SUITE 245  
PORTLAND, ME 04101  
PH 207-523-3441

[www.phelpsarchitects.com](http://www.phelpsarchitects.com)



FIRST FLOOR PLAN

1/4" = 1'-0"

WITTEN  
RESIDENCE  
133 McKown Point Road  
Boothbay Harbor, Maine

REVISIONS:	DATE:

DRAWING TITLE:

SCHEMATICS

DATE:

08/01/22

SCALE:

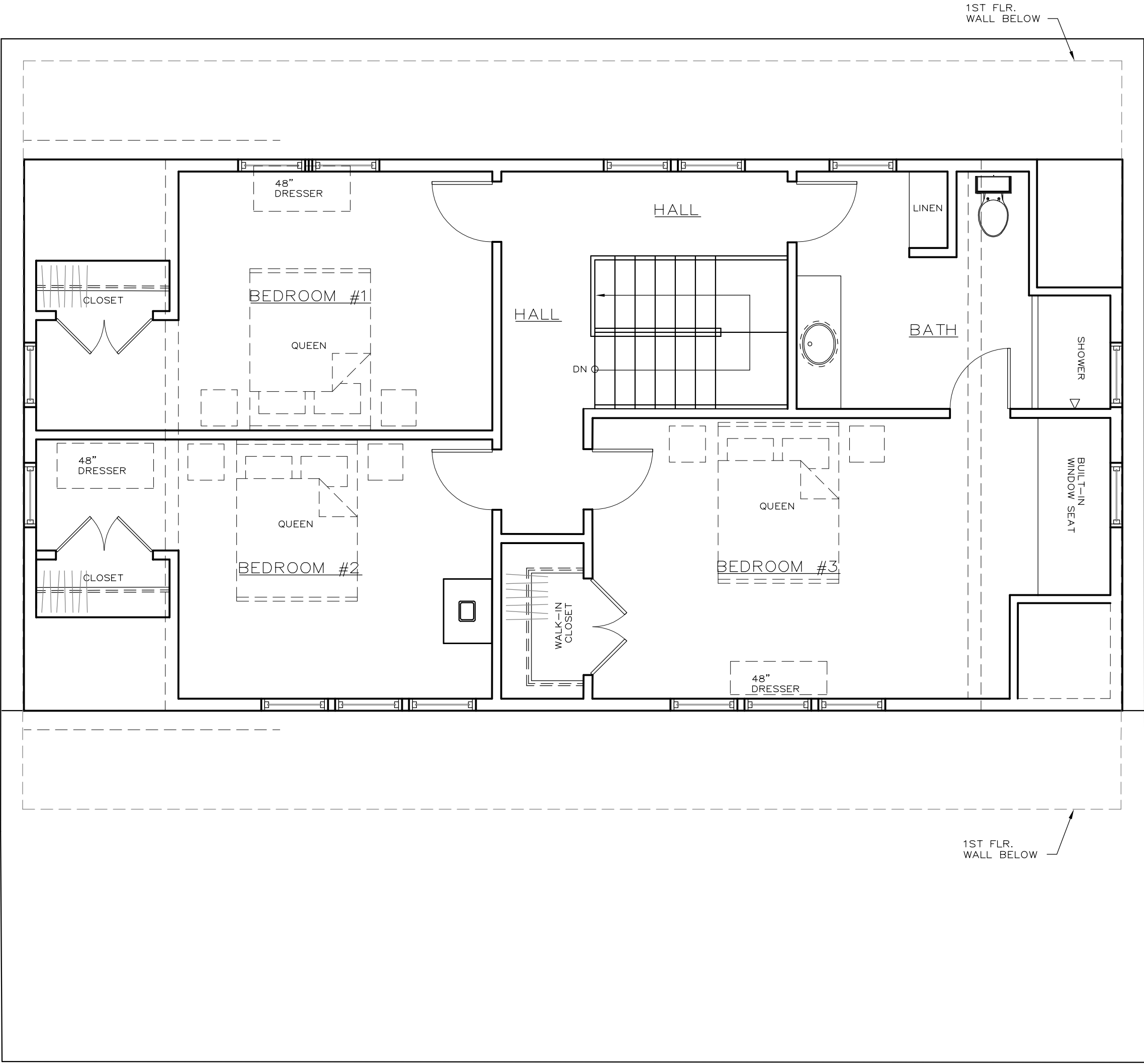
1/4" = 1'-0"

DRAWING NUMBER:

A-100



ALL DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF PHELPS ARCHITECTS INC. THESE DOCUMENTS ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECTS OR PURPOSES OR BY ANY OTHER PARTIES WITHOUT THE SPECIFIC WRITTEN AUTHORIZATION OF DANIEL A. PHELPS, AIA, NCARB



SECOND FLOOR PLAN  
1/4" = 1'-0"

WITTEN

RESIDENCE

133 McKown Point Road

Boothbay Harbor, Maine

REVISIONS:	DATE:

DRAWING TITLE:  
SCHEMATICS

DATE:  
08/01/22

SCALE:  
1/4" = 1'-0"

DRAWING NUMBER:

A-101

ALL DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF PHELPS ARCHITECTS INC. THESE DOCUMENTS ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECTS OR PURPOSES OR BY ANY OTHER PARTIES THAN THOSE PROPERLY AUTHORIZED BY CONTRACT WITHOUT THE SPECIFIC WRITTEN AUTHORIZATION OF DANIEL A. PHELPS, AIA, NCARB



WITTEN

RESIDENCE

133 McKown Point Road

Boothbay Harbor, Maine

REVISIONS:	DATE:

DRAWING TITLE:

SCHEMATICS

DATE:

08/01/22

SCALE:

1/4" = 1'-0"

DRAWING NUMBER:

A-200

ALL DRAWINGS AND SPECIFICATIONS, AS INSTRUMENTS OF PROFESSIONAL SERVICE, ARE AND SHALL REMAIN THE PROPERTY OF PHELPS ARCHITECTS INC. THESE DOCUMENTS ARE NOT TO BE USED IN WHOLE OR IN PART FOR ANY OTHER PROJECTS OR PURPOSES OR BY ANY OTHER PARTIES THAN THOSE PROPERLY AUTHORIZED BY CONTRACT WITHOUT THE SPECIFIC WRITTEN AUTHORIZATION OF DANIEL A. PHELPS, AIA, NCARB



ELEVATION  
1/4" = 1'-0"

WITTEN

RESIDENCE

133 McKown Point Road

Boothbay Harbor, Maine

REVISIONS:	DATE:

DRAWING TITLE:  
SCHEMATICS

DATE:  
08/01/22

SCALE:  
1/4" = 1'-0"

DRAWING NUMBER:



**TOWN OF BOOTHBAY HARBOR**  
11 Howard Street, Boothbay Harbor, ME 04538  
(207) 633-3671

received  
7/25/22  
(ND)

## Planning Board Application

Owner's Name: Mr. & Mrs. John and Jane Witten \_\_\_\_\_

Phone: 610-327-8099 \_\_\_\_\_

Applicant's Name: Mrs. Michelle Phelps, AIA, Phelps Architects Inc.

Phone: 207-563-1616 \_\_\_\_\_

Location of Lot: 133 McKown Point Rd. \_\_\_\_\_ Map: 4 \_\_\_\_\_ Lot: 59 \_\_\_\_\_

Book: 5780 \_\_\_\_\_ Page: 133 \_\_\_\_\_

Existing Use of Property:

Residence/Dwelling \_\_\_\_\_

Zoning District: Special Residential \_\_\_\_\_ Is property part of a Subdivision?

No \_\_\_\_\_

Please explain the reason for this request: Replace Existing Dwelling Structure with New Replacement Structure outside VE Zone

Code Reference: Chapter: \_\_\_\_\_ Article: \_\_\_\_\_ Section: \_\_\_\_\_ Subsection: \_\_\_\_\_ Page: \_\_\_\_\_

Other Relevant Facts: Existing building is a Grandfathered structure partly inside the VE zone. The new proposed replacement structure is proposed to be moved out of the VE Zone, and moved further back on the existing property to the furthest extent possible given the existing hillside topography and granite ledge. \_\_\_\_\_

### CERTIFICATION

I Michelle B. Phelps, AIA \_\_\_\_\_ certify that if this application is approved, I will conform with the provisions of the Code of Boothbay Harbor and any restrictions or conditions imposed by the Planning Board through the approval process. If the property owner is not able to attend the Planning Board Hearing, please enter the name of the person who will be representing you, \_\_\_\_\_.

Date: 07/20/22 \_\_\_\_\_

Signature of Applicant: Michelle B. Phelps

NOTE: Please be advised that a party aggrieved by a decision of the Planning Board or actions of the Code Enforcement Officer relating to this application shall have the right to appeal said decision or action to the Board of Appeals. Any appeal must be filed within thirty (30) days of the date of the decision or action causing said grievance or said right is forever forfeited. Please cross reference Chapter 170, the Article on Appeals, of the Code of the Town of Boothbay Harbor.

## OFFICE USE ONLY

Decision:      Granted \_\_\_\_\_ Denied \_\_\_\_\_

Conditions(s) / Remarks: \_\_\_\_\_

Date: \_\_\_\_\_

Chairperson Signature \_\_\_\_\_

### **SITE PLAN APPLICATION CHECK-LIST**

The following items are listed in the Town Code and are considered to be required information. However, the Planning Board recognizes that each application is unique and that not all required information is necessary for the Board to review an application. The applicant should review the list below and submit the information they feel is pertinent to their application.

Be aware that the Planning Board will review the submitted information and has the right to table the application if they feel information required by the Code is relevant and necessary but which the applicant has not submitted.

### **SUBMISSION ITEMS**

#### **1. Application form, completed and signed**

#### **2. Required fee**

#### **3. Sketch Plan**

- Property lines
- Zoning
- Existing buildings with setbacks to property lines
- Roads, streets, driveways, parking areas
- Utility lines (electric, water, sewer)
- Septic tank and leach fields
- Topography
- Major natural features
- Fences, walls,
- Drainage
- Signs
- Lighting
- Shore land zoning
- Flood plains

#### **5. Evidence of Right, title or interest**

#### **6. Proposed Site Plan**

- Buildings, additions, demolitions
- Driveways and parking
- ROW's, easements
- Setbacks from property lines
- Setbacks from shore land zoning
- New water lines, sewer lines, and change in volume or use
- Solid waste storage
- Illumination
- Proposed Signs
- Storm water control
- Fences, walls, piers, landscaping
- Schedule of Construction
- Incinerators
- Machinery, equipment
- Outside storage
- Estimate of changes in traffic

#### **4. Copies of any Applicable Tax Maps**

7. Covenants, deed restrictions

8. A Brief Summary of the Proposed Activity

**PLEASE PROVIDE 8 COPIES OF THE APPLICATION AND ALL SUBMITTED MATERIAL**



**TOWN OF BOOTHBAY HARBOR**  
11 Howard Street, Boothbay Harbor, ME 04538  
(207) 633-3671

**Building Permit Application**

Owner's Name & Address: Mr. & Mrs. John and Jane Witten, Stone Bridge Farm, 1720 Chestnut Hill Rd., Pottstown, PA 19465

Applicant's Name & Address: Mrs. Michelle B. Phelps AIA, Phelps Architects Inc., P.O. Box 32, Damariscotta, ME 04556

Address of Lot: 133 McKown Point Rd. Owner's Phone # 610-327-8099

Map # 4 Lot # 59 Contractor's Name T.B.D.  
Contractor's Phone # T.B.D.

**Building Setbacks:**

130' Feet from center line of road      39'-8" Feet from the left side property line  
36'-8" Feet from the right side property line      29'-0" Feet from the rear property line

☐ New Building, Type: House Size 49' X 45'-6" ☐ Repairs

(i.e. house, garage, shed or barn)

☐ Addition Size X ☐ Alterations

☐ Demolition Existing House ☐ Other

Height of Building: 34'-10 1/4" Measured To Lowest Grade

Construction comments: Proposed Replacement Structure of Grandfathered Dwelling Structure

Zoning District of property: Special Residential Use of Structure: Dwelling

Is this structure within 250 feet of any water body? Yes

Will a Plumbing Permit or Septic Design be required? Yes Permit #

**CERTIFICATION**

I, Michelle B. Phelps certify that if the application is granted, all work completed will conform to the provisions of the Code of Boothbay Harbor.

Signature: *Michelle B. Phelps*  
If Applicant is not the owner of the property, attach a statement of legal right of interest

Date 07/20/22



**FOR CODE ENFORCEMENT USE**

Date Fee Collected: \_\_\_\_\_ Amount: \_\_\_\_\_ Paid By: \_\_\_\_\_

Date of Issue: \_\_\_\_\_ Date of Denial: \_\_\_\_\_ Permit No. \_\_\_\_\_

\_\_\_\_\_  
Code Enforcement Officer

Remarks: \_\_\_\_\_  
\_\_\_\_\_

**PLANNING BOARD/BOARD OF APPEALS ACTION**

Date of Hearing(s): \_\_\_\_\_

Finding:      Granted ☐      Denied ☐      Other ☐

Conditions Of Approval/Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Planning Board/ Board of Appeals Board Chair: \_\_\_\_\_

Additional Comments:

# PLUMBING APPLICATION

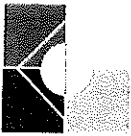
Maine DHHS/CDC – Division of Environmental & Community Health

PROPERTY ADDRESS				ISSUING MUNICIPAL OFFICE			
City, Town, or Plantation		BOOTHBY HARBOR		Town/City			
Street/Subdivision Lot #		133 MCKOWN POINT ROAD		Permit #		Total Fee \$	
PROPERTY OWNER INFORMATION				Date Issued		Double Fee	
Name (Last, First)		WITTEN, JOHN, M					
Applicant Name (Last, First)		PHELPS ARCHITECTS INC		Local Plumbing Inspector Signature		License #	
OWNER/APPLICANT MAILING ADDRESS				FEES		State \$	
Street		1720 CHESTNUT HILL ROAD		Local		\$	
City		POTTS TOWN		LOCATION		Map #	
State		PA		Lot #			
Zip Code		19465		Internal plumbing fixtures and piping may not be installed until a permit is issued by the Local Plumbing Inspector. The permit authorizes the owner or installer to install the plumbing system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.			
OWNER/APPLICANT STATEMENT							
I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector(s) to deny a permit.				<b>CAUTION: INSPECTION REQUIRED</b> I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.			
Signature of Owner/Applicant		PHELPS ARCHITECTS INC		Date		7-20-22	
				LPI Signature		Date (Rough-In)	
Copy:		Property Owner <input type="checkbox"/>		Town <input type="checkbox"/>		State <input type="checkbox"/>	
						Date (Final)	

PERMIT INFORMATION					
This application is for: New Plumbing <input checked="" type="checkbox"/> Relocated Plumbing <input type="checkbox"/>		Type of structure to be served: Single Family Residence <input checked="" type="checkbox"/> Modular or Mobile Home <input type="checkbox"/> Multiple Family Dwelling <input type="checkbox"/> Other (specify below) <input type="text"/>		Plumbing to be installed by:	
				Master Plumber <input type="checkbox"/> License # TBD Oil Burner Installer <input type="checkbox"/> License # Mfd. Housing Rep. <input type="checkbox"/> License # Public Utility Rep. <input type="checkbox"/> License # Property Owner <input type="checkbox"/>	
Column 1 – Hook-Up & Relocation		Column 2 – Fixtures		Column 3 – Fixtures	
Maximum 1 Hook-Up		Type of Fixture	Qty	Type of Fixture	Qty
Hook-Up (a) <input type="checkbox"/> <i>Hook-up to public sewer in those cases where the connection is not regulated and inspected by the local sanitary district.</i>		Hosebib/Sillcock	3	Bathtub (and Shower)	
		Floor Drain	1	Shower (Separate)	2
		Urinal		Sink	4
		Drinking Fountain		Wash Basin	
Hook-Up (b) <input type="checkbox"/> <i>Hook-up to a newly permitted or existing subsurface wastewater disposal system.</i>		Indirect Waste		Water Closet (Toilet)	3
		Treatment Softener, Filter, etc.		Clothes Washer	1
		Grease/Oil Separator		Dishwasher	1
Piping Relocation <input type="checkbox"/> <i>Relocation of sanitary lines, drains, and piping without new fixtures.</i>		Roof Drain		Garbage Disposal	1
		Bidet		Laundry Tub	
		Other:		Water Heater	1
Total Column 1 <input type="text"/> +		Total Column 2 <input type="text"/> 4 +		Total Column 3 <input type="text"/> 13 = Enter Total Fixtures / Hook-Ups Below	
<b>PERMIT TRANSFER ONLY</b> <input type="checkbox"/> \$10.00				Total Fixtures / Hook-Ups	
				Per-Fixture Fee	
				TOTAL PERMIT FEE	

**State of Maine**  
 Department of Health and Human Services/  
 Center for Disease Control and Prevention  
 Environmental & Community Health – Subsurface Wastewater  
 286 Water Street  
 State House Station 11  
 Augusta, ME 04333  
 207-287-2070  
 HHE-211  
 Revised 7/24/2018

Total Fixtures / Hook-Ups	17
Per-Fixture Fee	\$ 10.00
TOTAL PERMIT FEE	\$ 170.00



**PHELPS ARCHITECTS INC**  
PLANNING | RESIDENTIAL & COMMERCIAL DESIGN | INTERIORS

July 5, 2022

Town of Boothbay Harbor  
11 Howard Street  
Boothbay Harbor, ME 04538

Attention: Geoff Smith, Code Enforcement Officer

We authorize Phelps Architects Inc. to represent our interest as Owners Agent in order to obtain the following permits based on the following scope of work to include:

Permit Type: **Town Building Permit**  
**DEP Permit by Rule**

Property Owner(s): John & Jane Witten

Property Address: 133 McKown Point Road, Boothbay Harbor, Maine

Project Description:

DocuSigned by:

*John Witten*

EAD7E76597054EE...

7/6/2022

**John and/or Jane Witten**

Date