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**BOOTHBAY HARBOR PLANNING BOARD**

MINUTES OF PUBLIC HEARING

**January 10, 2018**

MEMBERS PRESENT: Lee Corbin, Second Alternate

 Jon Dunsford, First Alternate

 William Hamblen, Chairman

 John Hochstein

 Margaret Perritt

 Chris Swanson

 CEO, Geoff Smith

In addition to these typed minutes, audio recordings are available to be listened to at the Boothbay Harbor Town Office.

**OLD BUSINESS**

* Approval of December 13, 2017 Minutes

**NEW BUSINESS**

* **PGC3 LLC, Map 15, Lot 61, 101 Commercial Street.** Applicant is proposing to expand a non-conforming structure in the Shoreland Zone requiring Planning Board approval per Chapter 170, Article V § 170-101.7 (C).

**OTHER BUSINESS**

* Advisory Workgroup update
* Other Workshop topics
* Density

 Chairman Hamblen called the January 10, 2018 Planning Board meeting to order and stated the first order of business was to make First Alternate, Jon Dunsford a **full voting member** since Vice Chairman Churchill was absent. John Hochstein **motioned** to make Jon Dunsford a full voting member. Chris Swanson **seconded**. **Unanimous approval**.

Chairman Hamblen stated under **Old Business**, approval of December 13, 2017 minutes, pointed out a correction to page 13 where the word "divine" was used instead of the word "design." Margaret Perritt **motioned** to approve the minutes as amended. John Hochstein **seconded**. **Unanimous approval**.

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Chairman Hamblen stated they had one application on the agenda for **New Business** from PGC3 LLC and asked who would represent the applicant. Melissa Neel, Paul Coulombe's Vice President of Operations, stated she would be the representative.

Melissa stated the home was going to be kept as a single family home. They were asking to use some of the onetime 30% expansion allowed to expand the deck, add dormers and an elevator shaft. There would be no additional lot coverage or increase of impervious surface.

Melissa confirmed the height of the elevator shaft would not be higher than the existing roof and that it was not anywhere near anyone else's view.

Chairman Hamblen stated since there were no more questions they would begin the **Findings of Facts** process.

**Findings of Fact:**

1. The owner and applicants is PGC3 LLC, relating to the property located at 101 Commercial St.. Property taxes on account of the premises for which the approval is requested have been paid in full.
2. The property is in the Downtown Business B zoning district, and the Shoreland Zone Overlay District. The property is further identified as Assessor’s Tax Map/Lot: 15/61.
3. The applicant proposes to reconstruct and expand a structure in accordance with **Chapter 170, Article VIII, §170-101.7 C., and Chapter 170, Article VII.**

# Conclusions

Based on the above stated facts, the Planning Board makes the following conclusions:

**Right, Title or Interest in the Property**

The applicant \_X\_***has/***\_\_\_\_\_\_***has not*** demonstrated Right, Title or Interest on the property in question.

**Motion made by \_\_**Chris Swanson**\_\_, seconded by \_\_\_**John Hochstein**\_\_\_**

**Vote\_\_**UNANIMOUS**\_\_ \_\_**ALL**\_\_In Favor \_\_\_\_\_\_Against**

**Chapter 170, Article VIII, §170-101.7 C**

[**C.**](http://ecode360.com/8628904#8628904)**Nonconforming structures.**

[**(1)**](http://ecode360.com/8628905#8628905)**Expansions.** A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with Subsection[C(1)(a)](http://ecode360.com/8628906#8628906) and [(b)](http://ecode360.com/8628907#8628907) below:

[(a)](http://ecode360.com/8628906#8628906)After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, in, on or over the water, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the

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requirements of Subsection [C(3)](http://ecode360.com/8628916#8628916) and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989, had been expanded by 30% in floor area and volume since that date.

[Amended 5-5-2012 by ATM Art. 28]

[(b)](http://ecode360.com/8628907#8628907)Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure:

[[1]](http://ecode360.com/8628908#8628908)The structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Subsection [C(2)](http://ecode360.com/8628910#8628910), Relocation, below.

[[2]](http://ecode360.com/8628909#8628909)If the completed foundation does not extend beyond the exterior dimensions of the structure; except for expansion in conformity with Subsection [C(1)(a)](http://ecode360.com/8628906#8628906) above, and the foundation does not cause the structure to be elevated by more than three additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

The applicant \_X\_***has/***\_\_\_\_\_\_***has not*** demonstrated that this proposal meets the criteria set forth in **Chapter 170, Article VIII, §170-101.7 C** of the Town of Boothbay Harbor Zoning Ordinance.

**Motion made by \_\_**Margaret Perritt**\_\_, seconded by \_\_** John Hochstein**\_\_\_**

**Vote\_\_** UNANIMOUS**\_\_ \_\_** ALL**\_\_In Favor \_\_\_\_\_\_Against**

**Conditions of Approval or Addendums**

(None)

**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 motion made by \_\_\_ Chris Swanson\_\_, **seconded by** \_\_\_ John Hochstein\_\_\_, the Planning Board

\_\_\_X\_\_\_**Approves**  \_\_\_\_\_\_\_**Denies**

this application subject to the conditions of approval set forth below, all for the reasons set forth in the findings and conclusions.

**Vote:\_\_**ALL **In Favor \_** **Against**

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

The application was approved.

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Chairman Hamblen stated **Other Business** was nexton the agendabeginning with **Advisory Workgroup** issues.

Jon Dunsford expressed concern about the low threshold on height tolerance being only one foot above mean high tide (for new construction) in the Shoreland zone.

Chairman Hamblen responded Bob Faunce was recommending that they increase this to three feet. For that reason though, it might mean allowing buildings to be built three feet higher which would have to be taken into consideration. The other height issue is that many of the buildings in the Downtown district are already higher than thirty feet.

Lee Corbin had a question about water oriented uses such as aquaculture.

C EO, Geoff Smith clarified that aquaculture was more of a **process** than a **product**.

Chairman Hamblen offered to get the official state analysis for the Board.

Boat storage was discussed. A limit of five boats is presently set at the Fish Pier.

Chairman Hamblen stated they would move on to **density.**

According to a study he had conducted of the Downtown business district, Jon Dunsford stated there were approximately 180 individual parcels. The present Comprehensive Plan favors having retail downstairs and residential upstairs in this zone, which is the way approximately one third of this number can presently be set up. Therefore he suggests changing the 10,000 square feet required per commercial use to 2,000 square feet. Margaret Perritt **motioned** to recommend this proposal to the Selectmen to consider for a warrant. John Hochstein **seconded**. **Unanimous approval**.

[CEO, Geoff Smith agreed to keep the Board on schedule in the process of recommending ordinance changes.]

Chairman Hamblen opened up discussion for those on the floor.

1. Selectman Mike Tomko stated at the Select Board's last meeting, they had been in favor of having the Planning Board come up with language concerning night sky lighting compliance as well as architectural harmony, water runoff and vegetative buffers as mentioned in Chapter 13 of the Comp Plan (bottom of page 206).
2. Tom Myette suggested the town should get equipment to amplify voices at meetings.

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ADJOURN

The meeting was adjourned at 7:37 pm.

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William Hamblen, Chairman Kellie Bigos, Recording Secretary