

PUBLIC HEARING

**CASCO BAY BOATWORKS – Expansion of Business
32 Bakers Wharf Road, Tax Map 31, Lot 52**

MEMBERS PRESENT: Ashley Thayer, John Totman, Jr., Lori Follett (alt), and Marie Varian, Chair

APPLICANTS PRESENT: Matthew Brewer, Kara McIntire

1. [56:24]: Call to Order - Declare Quorum

The hearing was called to order by Ms. Varian at 6:24 pm at Town Hall. She appointed alternate member, Lori Follett, to serve in place of a regular member, Clifford Newell.

Ms. Varian stated that the purpose of the public hearing was to address an expansion of business for Matthew Brewer of Casco Bay Boatworks to their land at 32 Bakers Wharf Road. She introduced the Board members at the table, along with their Administration Assistant.

Ms. Varian asked the Board if there were any conflicts of interest, which there were none. She announced that there was a quorum, which by law is three, and that four voting members were present. Ms. Varian said that per the direction of the Town of Phippsburg Shoreland Zoning Ordinance, the Public Hearing was timely and properly advertised and published in *The Times Record* on August 2, 2024.

2. [58:49] Explanation of Hearing Procedure

Ms. Varian gave instructions on the hearing procedure, including that participation should be through the Chair and that speakers should give their name, address, and interest in the application. She explained that the Board may ask questions and make comments throughout the hearing, and that attendees may ask questions and make comments as well. Ms. Varian stated that everyone had the right to speak in an orderly fashion and would have the opportunity to be heard.

3. [1:00:15] Public Hearing:

Ms. Varian gave the applicants the floor. Ms. McIntire said they would like to expand their boat business from 115 Stoneybrook Road to 32 Bakers Wharf. She explained that the business would continue operating in the same way, with the addition of the hauling and launching. Ms. McIntire said they would be hauling over the road less as they now have their own ramp and wharf. Mr. Brewer said they would no longer plan to use town facilities to haul and launch. Mr. Totman asked if they would continue to store boats at their Stoneybrook Road property, and Mr. Brewer said he is considering selling his current location.

Mr. Cole Palmer, an abutter, congratulated the applicants and explained that he had previously spoken briefly with Ms. McIntire on the phone. He stated that his family has owned the property next door to the applicants for over 100 years. Mr. Palmer explained that the applicant's proposal

includes a tree buffer. He said the land next to his property includes a ravine, trees, a brook, and ledge. Mr. Palmer stated he was respectfully requesting that the Board consider leaving that land as it is, with no tree cutting, as part of their approval of the business. Mr. Palmer said that they are in favor of the project and that the tree line buffer is important to his family.

Ms. Thayer referenced the map from the applicant's application, stating that it appeared as though there would be 23 feet of buffer. Ms. McIntire said that she was willing to have a buffer but noted that other abutters had additional buffer on their own property sides, which is not the case with the Palmers. Ms. McIntire stated that this was the first time she had heard this request and that it had not been discussed in her phone call with Mr. Palmer. She stated that she believed keeping a large buffer only on their property was unfair. Ms. McIntire explained that they are a boat business, and that acreage is where they make their money. She reviewed photographs from the application packet with the Board and reiterated that she wanted a buffer but suggested matching the measurements with the buffer on her other abutter's side.

An audience member, Jared Darling, asked Ms. Varian what the buffer requirements were for commercial properties. He also asked what the buffer requirements of the previous commercial property were.

Mr. Palmer reiterated that between his property line and the building on the shore, there is a stream, a ravine, and ledge, and the area around all of those are unbuildable. Ms. McIntire said she was unaware of a stream on that part of the property.

Ms. Varian said that the property type and previous uses should be taken into consideration. She said that if a business was starting on a brand-new piece of land, there would be required buffer lengths, but that this has been commercial property for quite some time and that history should be considered. There was some discussion about the measurements of the trees in buffer area and what is located within that area. The history of the previous businesses on the property were also discussed. Ms. Varian explained that if this were a new business, there would be different regulations in place for it, but since there are existing foundations and it has a history of being a commercial property, there are items that are "grandfathered."

Ms. Varian stated that if there is a stream in the buffer zone, that limits what the applicants can do in that area. Mr. Palmer said that the area has not been developed by previous owners because of the stream, ravine, and ledge and the expense those developments would cost. Ms. McIntire said she plans to leave a buffer, but that she may remove trees if she receives approval to do so. She stated that she was interested in leaving a 15-foot buffer which is the same distance that she has on the Sosnowski side.

Ms. Palmer explained that they are a residential property between two commercial properties. She stated that she loves what the applicants plan to do with the property, and that the Palmers are present to make sure their property is protected. Ms. Varian reiterated that it has been a business site for decades and explained that a brand-new business location would require 100-foot buffers,

but this is an existing commercial property with lesser buffers. She stated that the Planning Board has the authority to approve a substitute buffer zone.

Ms. Varian asked if the Palmers and the applicants agreed on where the property line is. Ms. Thayer asked if it had been surveyed, and Ms. McIntire said they had a survey and had found the pins. There was some discussion of the stream, which Ms. McIntire said she had not seen. Ms. Varian said if there is a stream, that it has its own protection rules. Ms. McIntire said they would protect a stream, and that she did not want any unfair restrictions to be placed on the business. Ms. Palmer said she lives quietly, and she would like to protect it and that she does not believe what she was asking was unreasonable and that she would like some consideration, especially since her house has been there so long.

There was further discussion of the location of the trees and distances to the water. Ms. Varian stated that the business would be located in the Village District within the Shoreland Zone and read its definition from Section 13.A.C of the Shoreland Zoning Ordinance as:

“The Village District includes areas of light commercial and residential uses. This district includes areas of two or more contiguous acres in size devoted to a mix of residential, low intensity business and commercial uses, including but not limited to, commercial fisheries, maritime activities, and commercial functionally water dependent uses. Industrial uses are prohibited excluding the packaging and processing of shellfish, finfish, and other marine products.”

Ms. Varian proposed a guaranteed 30-foot buffer, regardless of where the stream is, where vegetation could not be disturbed. She noted that additionally, the applicants would have to follow any regulations required around the stream. Ms. McIntire clarified that it would not impact any of the buildings on the property, which the Board explained it would not. Mr. Totman suggested that the applicants should still be able to maintain the land. Ms. Varian asked if the applicants and the Palmers found a 30-foot buffer agreeable, and they all agreed.

There was some discussion of a light that the previous landowners had which shone into the Palmer’s windows. Ms. McIntire said she had not found any exterior lights pointing towards their abutters, so neither party believed it would be an issue in the future.

Ms. Varian referenced the Shoreland Zoning Ordinance, Section 15.G.3.c, which discusses substitute buffer zones. She asked the Board if they found the buffer agreeable, which they did. There was some discussion of other buffers, along with the buildings, foundations, and wharf on the property. Ms. Varian told the applicant that if they wanted to rebuild any buildings, that they would need to receive a permit from the Code Enforcement Officer. She stated that the Board had received proof of abutter notifications and site plans. Ms. Varian stated that there were no noise concerns. She asked if there were any additional questions, which there were not. She explained that the only thing out of the ordinary with this application would be the 30-foot buffer along the easterly property line.

Ms. Varian referenced the Findings (Shoreland Zoning, Section 17.D.3) and the Board considered the questions. All findings were found positive.

Ms. Varian asked if there were any other Board or audience comments, which there were not.

Mr. Totman made a motion to approve the application as proposed with the condition of a 30-foot buffer setback on the easterly property line. Ms. Thayer seconded the motion, which the Board passed unanimously.

The applicant paid a fee of \$275 by check #597.

Ms. Varian read the Planning Board Action aloud stating: "The application is considered under the Town of Phippsburg Shoreland Zoning Ordinance in that the location of the business is near the mouth of the New Meadows River and the confluence with the Atlantic Ocean. This is an expansion of the owner's business at 115 Stoneybrook Road, and such expansion is considered a new business for the purposes of the ordinance, Section 15.G.1. The lot has hosted several types of businesses over many decades and buildings and parking areas are onsite with various buffer footages. Section 13.C describes usages in the Village District, including the nature of this business. The Public Hearing produced concerns about the present tree growth along the east property line. Section 15.G.3. allows a substitute buffer zone decided by the Planning Board. It was decided to create a 30-foot measurement of the present natural wooded area from the east property line. The Findings were voted positive. The buffer zone will be totally on the applicant's property."

4. [2:39:52] Adjourn.

Ms. Varian adjourned the hearing at 8:08 pm.

Respectfully submitted,



Rachael Newbert

Administrative Assistant to the Planning Board and Board of Appeals