

BOOTHBAY HARBOR PLANNING BOARD
MINUTES OF PUBLIC HEARING
Wednesday, February 1, 2022

Members Present

Tom Churchill, *Chair* (Attending Via Zoom)

Thomas Minerich

William Hamblen

Merritt Blakeslee, *Second Alternate*

Jon Dunsford (Attending Via Zoom)

Lee Corbin (Attending Via Zoom)

Also Attending

Geoff Smith, *Code Enforcement*

Julia Latter, *Town Manager*

In addition to these typed minutes, an audio recording is available for review at the Boothbay Harbor Town Office. This meeting was held at the Boothbay Harbor Town Office and remotely on Zoom.

Tom Churchill called the meeting to order at 6:01 PM.

The purpose of this hearing is to receive comments from the public regarding proposed ordinance changes on Chapter 170, Land Use, in our ordinance, drafted by the Planning Board.

New Business

SIDE YARD SETBACKS (Presented by Jon Dunsford):

The Planning Board proposes that note E apply to "Residential" and "All other" categories and to add a new note "L" to allow for a stoop and equipment pad on either side of the dwelling.

Following a suggestion by Boothbay Harbor resident and Board of Appeals member Wendy Wolf, it's agreed that the Planning Board will briefly explain the proposed changes. If anyone would like to ask questions or review further, they will do so at that time.

Boothbay Harbor resident John Seitzer questions why the proposals were unavailable to the public before today. Tom Minerich explains that this is only the first meeting, so there is plenty of time to review.

AFFORDABLE HOUSING (Drafted primarily by John Cunningham/Presented by Tom Churchill):

These proposed changes aim to bring the Town of Boothbay Harbor into compliance with the proposed State law LD 2003.

The changes in this ordinance would allow up to 4 dwelling units on an existing lot. In addition, it will allow any property with a single-family dwelling the right to have a second dwelling on that lot. It will also define affordable housing.

DOWNTOWN BUSINESS DISTRICT B (Presented by William Hamblen):

The Planning Board proposes that the ordinance is adjusted so that additional parking is not required when a public parking lot is nearby.

Boothbay Harbor resident John O'Connell questions, in regards to employee housing, how many people would be allowed in a living space. Regarding Building Height, he would like to know more about the overall height change from 30-35 feet.

In response, Tom Churchill moves the discussion to Building Height.

BUILDING HEIGHT (Presented by Tom Minerich):

Minerich proposes that the building height restriction be changed to an overall 35' to simplify the code.

John O'Connell expresses concern that a restriction of 35' will "wall off" the inner harbor. However, William Hamblen explains that the height restriction is already 35' in that area, and everything would remain the same.

John Seitzer questions why the Planning Board wants to adjust this code; Tom Minerich explains that a universal height restriction could simplify things.

Boothbay Harbor resident, Dave Flanagan, looks for clarity on what affordable housing will be. Minerich explains that there will be new and accessory dwelling units.

Flanagan reiterates that these proposals should have been available before today.

John Seitzer suggests the height limit should be 30' for new affordable housing.

AUTHORITY OF THE BOARD OF APPEALS (Presented by Merritt Blakeslee):

The Planning Board proposes that the Board of Appeals may review the record of the Planning Board up until it reaches a decision, and that the Board of Appeals may remand the Planning Board for clarification rather than fact-finding. Blakeslee adds that he would also like §170-108(D)(2)(a) rewritten to harmonize with corresponding provisions in the Shoreland Zoning ordinance.

John O'Connell asks Blakeslee to explain the meaning of "clarification." Blakeslee assures everyone there is no hidden meaning; if there is confusion, the Board of Appeals may turn to the Planning Board.

Wendy Wolf gives handouts from Board of Appeals member and Boothbay Harbor resident Ronald Cohen who could not attend this meeting.

Cohen expresses concern regarding the changes in the duties of the appeals board.

Blakeslee explains further what the process would look like and ensures proper checks and balances would still be in place.

Wendy adds that if this change is to restrict the Board of Appeals in any way, she strongly objects.

Geoff Smith states that the Planning Board is not required to issue a findings of fact, nor are they required to have a written decision.

Wendy Wolf emphasizes that this is where we should be starting to ensure the Appeals Board is getting reliable documentation and evidence.

A discussion occurs about what would happen if a new fact came to light a considerable amount of time after the Board of Appeals made a decision. Everyone agrees that, in that scenario, the way to solve it would be to reapply.

Wendy asks how detailed of a process the Planning Board goes through in documenting the record. William Hamblen explains there is a checklist they go through where the Planning Board must address each line.

John Seitzer asks if, at this point, it is possible to make changes to these proposed ordinances, if it's possible for the Select Board to make changes, and if the Select Board can override the Planning Board.

William Hamblen answered yes to all three questions and clarified that these are only suggestions from the Planning Board.

EMPLOYEE HOUSING (Presented by Tom Churchill):

The Planning Board recommends adding employee housing as a residential use, with 9 Units to be allowed in each space and one parking spot required for every two units.

George Craig asks why the Planning Board chose to classify it as residential rather than commercial use and how they decided on nine units.

Tom Churchill makes it clear that this is the first of multiple attempts to the amendments and additions to these ordinances, and the Planning Board welcomes feedback from the public. Tom adds that there is no solid reason the Planning Board settled on nine units other than that we have to start somewhere to debate.

John Seitzer recommends there be one parking space per bedroom.

Tom Churchill explains that the Planning Board would not want to require parking that employees will not use.

RESIDENTIAL USE IN THE DOWNTOWN BUSINESS AREA (Presented by Tom Churchill):

Tom Churchill proposes we amend this section so residential association uses or structures, duplexes, manufactured housing exclusive of mobile homes (modular), and single-family dwellings would not be permitted in the Downtown Business district and that multifamily dwellings would be a conditional use in the DB district requiring approval from the planning board.

John Seitzer questions if multifamily dwellings are allowed in the Downtown Business district. Geoff Smith finds that they are not permitted.

The meeting adjourned at 7:35 PM.