

BOOTHBAY HARBOR PLANNING BOARD

MINUTES OF PUBLIC MEETING

Planning Board workshop

Tuesday Nov 23, 2021

MEMBERS PRESENT:

Tom Churchill - Chair

John Hochstein

Bill Hamblen

Jon Dunsford

Tom Minerich 2nd Alternate

CEO Geoff Smith

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 Hall.

The Workshop was called to order by Chair Tom Churchill at 7:00 p.m. Four documents were circulated and are available at the town office:

1. An emailed agenda for the workshop.
2. A draft finding of fact for the previous review of the building permit application for Eastside Waterfront Park was circulated and approved for the chair to sign and provide to the CEO.
3. A Draft letter to the Town Appeals Board summarizing the previous review of the findings of fact, associated with September approved amendment to the previously approved site plan of the Eastside Waterfront Park, was circulated and approved for the chair to sign and provide to the CEO.
4. An informational document regarding ordinance reviews of "Short term Rentals", from a town in Florida, was circulated for the members of the board to read. It was not a subject of this workshop

A member of the Eastside Waterfront Park requested that the planning Board Sign a Mylar for the approved September amendment referred to above.

- The CEO pointed out that the official process of signing Mylars and recording them has changed and this process is no longer performed.
- It was determined that signed copies of the September submitted amendment already existed, so there was no need to consider resigning of any document. The CEO advised the Representative of the Eastside Waterfront Park that he could come to the Town office and request a copy of that signed print.

Workshop items:

1. Museums: Jon Dunsford raised the issue of there being no reference to Museums in the list of acceptable uses in BBH. This issue was raised in earlier years but never completed. Members discussed relevant parking, sizes and other concerns that need to be

reviewed to make a complete recommendation. Jon Dunford will captain this issue and report to the next workshop.

2. Simpler site plan review: Several members expressed concern that the new onerous 23-page review, added to another yet to be seen checklist for shorelands, seems to be unnecessary for many of the residential changes that are typically proposed to this board. Tom Churchill will captain this issue and report on a first set of recommendations at the next workshop.
3. Site Plan review lacks compliance article: After some discussion, it was agreed that there ought to be some ordinance clause that stipulates that a Site Plan review does determine that the applicant does meet all the requirements of the ordinances unless so noted. Bill Hamblen will captain this issue and provide some suggested recommendations at the next workshop.
4. Subdivision pre-application: The written limitation of one pre-application meeting was discussed at length. The element of potential relief may come from a review of the "Sketch" requirement for such a meeting. There was consensus that for a small subdivision of an existing property, the needs are quite different than for a larger proposed project. Tom Churchill will make some recommendations at the next meeting to provide more clarification to potential applicants.
5. Chapter 1000: BBH planning board decided not to adapt the 2015 revision to this chapter some years ago. Geoff Smith advised that after 5 years there are many known problematic issues with those rule changes, and the State DEP is now considering new revisions. It was agreed that no action is required until the State acts.
6. Derelict cars and boats: In an informative discussion, Geoff Smith explained the State rules regarding unregistered cars laying around on one's property. Apparently 2 cars less than 20 years of age, plus anymore that are 20 years of age are OK to the State. Although most on the board expressed their opinion that this is not desirable in certain zoning, there is no current plan to investigate making a new town ordinance. The same conclusion applies to boats for which the State apparently does not have any limitation.
7. Wind Turbines: the fact no regulation currently mentions wind turbines nor solar arrays was raised as a possible height concern. After some discussion it was agreed that Bill Hamblen will captain these two issues and report some findings at the next workshop.
8. Duplexes. It was pointed out in open discussion that there are a few inconsistencies in the ordinance regarding the impact of a duplex. In one area, it's said to be treated as a single-family home. In use calculations, it is considered two uses. We understand in the shoreland, the State DEP has a position too. Jon Dunsford will Captain this issue and report to the next workshop.
9. Downtown BD retention of ground floor commerce: the board was reminded that the comprehensive Plan of 2015 clearly shows a town interest to maintain the downtown commercial element, especially on the ground level. In recent years some of the valuable downtown commercial property has been bought and converted to private residential use. As Tom Minerich pointed out, this process can "kill" the downtown. Geoff Smith confirmed his understanding of another property that will change next year to residential. The board discussed the process of a few years ago to find the DTBD to be over 90 %

non-conforming under the 10,000 SF per use. 9:10 AM the PB recommended an area reduction for all uses other than residential to 2000 SF as a first step fix and it was passed at the next town meeting. The possibility to limit existing ground floor uses to prohibit conversion from commercial to residential was tabled. Geoff Smith will contact legal advice as to the potential of such an ordinance. Tom Minerich will Captain this issue and report more on the issue at the next workshop.

Jon Dunsford – Recording Secretary