

**BOOTHBAY HARBOR PLANNING BOARD**

MINUTES OF PUBLIC MEETING

**June 10, 2020**

MEMBERS PRESENT:

Chris Swanson  
William Hamblen  
John Hochstein  
Margaret Perritt  
Tom Churchill

Jon Dunsford, First Alternate  
Lee Corbin, Second Alternate

CEO, Geoff Smith

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

- Meeting was called to order by Chair Tom Churchill.
- Minutes from February 12, April 8, and May 13, 2020 were approved unanimously
- Footbridge Brewery, 25 Granary Way, Tax Map 20, Lot 91, applicant is seeking to amend a previously approved permit, requiring site plan review under Chapter 170, Article V, §170-61
  - Owner Nick Ullo presented the application. Applicant was requesting that outdoor seating and an outdoor standing bar area be approved, as an amendment to their previous site plan approval. Ullo described the proposed seating and outdoor space. William Hamblen asked about live entertainment, Ullo said that their license did not allow them to have live entertainment. Churchill asked about a lease agreement between the property owner and the Town in regards to the bathrooms which are leased by the Town for public use. Ullo did not know. Application was approved with a vote of 5-0.
- Boothbay Harbor Waterfront Preservation, represented by MRLD, LLC, 60 Atlantic Ave, Tax Map 16, Lot 24, applicant is seeking to establish a new use requiring site plan review under Chapter 170, Article V, §170-61
  - MRLD, LLC, (Mitchell Rasor) began the discussion talking about existing and proposed uses. Chris Swanson felt that before discussing uses, the Board should get an opinion from the DEP Shoreland Zoning Department. Hamblen felt that while the DEP has opinions, it is the Board's

responsibility to evaluate the proposal and determine compliance. Hamblen referenced an email that he had sent to the Board previously, and discussed his position that the existing and proposed number of uses match. Specifically, Hamblen felt that the existing marina and boat works are one use, and that one of the single-family dwellings should not be used, but given the combining of the boat works and the marina, the number of uses being proposed seemed reasonable. Rasor said that they were fine with that approach. Churchill said that he came up with a similar list that Hamblen had. Swanson asked about the southern boundary, and Rasor explained that BBHWP was open to doing what it took to benefit both parties, and working with the Town. Swanson asked about precedent for being concerned about the southern boundary of the subject property and the northern boundary of the adjacent property. CEO Geoff Smith explained the history of discrepancies in surveys of this boundary line, and that the Town and BBHWP would be talking to see what can be resolved. Rasor reiterated that BBHWP was very willing to engage in these discussions with the Town. Churchill asked about a connector to the two properties, such as a walking path, and Rasor felt that this was very possible. Swanson asked whether the discrepancy caused issues with right, title and interest, and Smith responded that he could get an opinion from the Town's attorney. Jon Dunsford felt that the line in question did not prevent the Board from discussing other aspects of this application. Hamblen discussed parking, and explained that he would like some issues reworked, and would like to see how the parking requirements were arrived at, and noted that the parking shown on the plan was within the setback, and needed to be adjusted. Options were discussed, but the Board directed Rasor to return at a future meeting with his answers or amendments. Hamblen asked about access to the "overflow" parking, and said that it should be looked at. Churchill asked about the grass areas, or "overflow" parking. Access to this "overflow" parking was questioned, and Rasor said that it would be only used for special occasions. Churchill asked that Rasor address it at a future meeting. Hamblen asked about the approval block on L-3, but there needed to be a note that the approval referenced all of the sheets. Smith noted that a "conditions" block must also be on the final plan. Hamblen discussed lighting, and using down lighting to promote "dark sky" efforts. Rasor reviewed drawing L-7, and the lighting. John Hochstein asked about overnight parking. Hamblen asked about outdoor seating, noting that some of it was in the 75' setback. Dunsford asked about DEP's requirements, and who will be ensuring that proper approaches to buffering, stormwater management and phosphorous control. Smith said that he would ask the DEP to provide some information on what their review involved. Churchill discussed the safety of the splash pad, both in terms of health for those using it (how the water will be treated) and how the treated water will affect the environment. Churchill requested

information on how it will function, and how health and safety aspects will be addressed, to be presented at future meeting. Hochstein asked about the time frame for other permitting. Churchill explained that a meeting before their next regularly scheduled meeting would not be necessary. Churchill explained that the Board would not conditionally approve anything until all other regulatory agencies have issued their permits. The Board voted 5-0 to table the application until the July 8, 2020 meeting.

- The Board discussed Shannon Schmelzer's request to replace her food trailer with another. The board voted 5-0 that they did not feel that Schmelzer needed to come back before the Board, and the change was de minimis.
- Discussion was had regarding possible ordinance review, as well as the comprehensive plan, harbor master plan, and land use code. There was general consensus that the Harbor Master Plan should be part or drafted concurrently with the new Comprehensive Plan. A re-write of the Town Ordinances should wait until after the Comprehensive Plan is complete. These discussions will continue at future meetings. Hochstein suggested that the Board recommend to the Board of Selectmen that the Harbor plan be undertaken concurrently and integrated as an integral part of the Comprehensive Plan. Churchill indicated he would address this with the BOS prior to the next PB meeting.
- Meeting was adjourned at 9:01 p.m.

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Tom Churchill

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Geoff Smith, Recording Secretary