

BOOTHBAY HARBOR PLANNING BOARD

MINUTES OF PUBLIC MEETING

Wednesday, July 14, 2021

MEMBERS PRESENT:

Tom Churchill - Chair
Chris Swanson –Vice Chair
John Hochstein
Margaret Perritt
Lee Corbin, Second 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.

Meeting was called to order by Chair Tom Churchill at 7:00 p.m.

As Bill Hamblen was not present for the meeting, Tom Churchill raised Lee Corbin from alternate to voting member.

Old Business:

The board reviewed the minutes of the June 9, 2021 meeting. Chris Swanson moved for their approval as corrected and Lee Corbin seconded the motion. Motion passed unanimously.

New Business:

1. Kirsten Buchanan, 35 Union Street, Tax Map 20, Lot 67, of Boothbay Harbor, presented her application to the Board to expand a currently non-conforming structure in the shoreland zone, requiring Planning Board approval under Chapter 170, Article VIII, §170-101.7 C. This expansion would include removal of the dilapidated garage to be replaced with a new structure cut back from the road by six feet to enhance safety. The applicant also plans to replace the foundation of the house and breezeway.

Lee Corbin inquired as to the height of the main building on the plot. Geoff Smith replied the height is immaterial as it will not be increased from the height of the present structure.

John Hochstein asked the applicant whether the ancillary structure referred to in the application as shed two would be retained. Ms. Buchanan replied that it would. Margaret Perritt related some historical details about the shed.

Tom Churchill asked whether shed two would be retained. Ms. Buchanan replied that it would.

Tom Churchill moved the application submitted met the criteria for completeness. Margaret Perritt seconded the motion. Vote passed unanimously.

With no further questions from the Board members, the findings of fact concerning the application were considered. Chris Swanson moved the applicant had demonstrated satisfactory right, title, and interest in the property. The motion was seconded by Margaret Perritt. In discussion, Lee Corbin questioned whether the sale of the property to Ms. Buchanan was a valid transfer granting her legal ownership. Geoff Smith assured her that it was. In the vote, Ms. Corbin voted to disapprove, while all other Board members voted to approve. The motion passed by a majority vote.

Chris Swanson moved the application met the criteria set forth in Chapter 170, Article VIII, §170-101.7 C of the land use code. This motion was seconded by Margaret Perritt and passed unanimously. Chris Swanson then moved the application met the required conditions and therefore should be approved. Margaret Perritt seconded the motion and it was unanimously approved by the Board without any further conditions being required.

2. James Welch, 48 Wall Point Road, Tax Map 17, Lot 11, of Boothbay Harbor, presented his application to the Board to expand a currently non-conforming structure in the shoreland zone, requiring Planning Board approval under Chapter 170, Article VIII, §170-101.7 C. This expansion will be to expand a free-standing shed on the property from eight foot, four inches, to ten foot, ten inches. The expansion would occur on the side of the shed away from the water.

Tom Churchill asked if the expansion was to involve the shed only and not the primary structure. Mr. Welch replied it was to involve only the shed.

John Hochstein asked whether the expansion of the shed would limit any later expansion of the cottage. Geoff Smith replied, since expansion of separate structures is calculated independently, any expansion of the shed would have no bearing on subsequent applications concerning the house.

With no further questions from the Board members, the findings of fact concerning the application were considered. Chris Swanson moved the applicant had demonstrated satisfactory right, title, and interest in the property. The motion was seconded by Margaret Perritt and passed unanimously.

John Hochstein moved the application met the criteria set forth in Chapter 170, Article VIII, §170-101.7 C of the land use code. This motion was seconded by Lee Corbin and passed unanimously. Chris Swanson then moved the application met the required conditions and therefore should be approved. Margaret Perritt seconded the motion and it was unanimously approved by the Board without any further conditions being required.

3. Nominations were held for Board chair. John Hochstein nominated Tom Churchill with Lee Corbin seconding the motion. Tom Churchill nominated Chris Swanson, who respectfully declined. With no further nominations, the Board voted unanimously to elect Tom Churchill as chairperson. After discussion, the Board voted unanimously to continue having Tom Churchill and Chris Swanson share the duties of recording secretary.

4. Tom Churchill opened discussion on the ongoing contract for review of the Land Use Code. Julia Latter, Town Manager, provided a brief update of the status of the work, which is currently in its beginning stages.
5. Tom forwarded the idea to have Board members review the Land Use Code to identify areas that need to be revised. Geoff Smith advised that, due to the interwoven manner in which the current Code is written, it would be far better to revise the Code as a whole, rather than as piecemeal changes that could create further conflicts and confusion within the document rather than remedy them.

Lee Corbin stated that, due to their expertise and experience in local planning matters, it would be a viable alternative for Board Members to undertake the revision of the Land Use Code rather than a planning consultant. Geoff Smith responded the project would almost certainly be headed by a planning consultant, but Board members would certainly be encouraged to provide input.

John Hochstein expressed a fear that a planning consultant might provide an overly-generic product; one not taking into account local interests. Chris Swanson replied he envisioned the primary focus of the consultant would be to simplify the structures of the current Code, rather than to modify specific provisions, and certainly not without intensive consultation with local officials and residents.

6. Geoff Smith asked whether the Board felt it necessary to act on an application for Carter's Wharf to install a lobster tank, especially since DEP approval was already required. Consensus was there was no need for the request to come before the Board.

Geoff Smith asked whether the Board wanted drawings of the entire subdivision in cases where applicants were seeking to split plots or amalgamate them together. Board consensus was drawings of the entire subdivision would be required.

7. Tom Churchill asked whether the sign for Newcastle Realty was located on the roof of their building. Geoff Smith replied he considered it to not be located on the roof.
8. Tom Churchill asked what was the status of the legal issue between the Town and Newcastle Realty. Geoff Smith replied it was still in litigation and, therefore, it was not appropriate for the matter to be discussed.
9. There being no further business, the meeting be adjourned at 7:55 p.m.