

Annual Town Meeting Minutes  
May 2 & 3, 2025

Meeting was called to order by Michelle Farnham, Town Clerk, at 8:00 a.m. on May 2nd and the following action was taken:

Article 1      Nicholas Upham was elected moderator and sworn into office by the Town Clerk, Michelle Farnham.

Article 2      The following were elected by secret ballot for a three-year term:

- 2 Selectmen and Overseers of the Poor
  - Alyssa D. Allen                      215
  - Michael J. Tomko                      210
- 1 School Committee Member of the Boothbay-Boothbay Harbor CSD
  - Margaret Lembo-Splaine              146
  - Thomas I Perkins                      155
- 1 Trustee of the Boothbay-Boothbay Harbor CSD
  - Ronnie R. Campbell                      256
- 1 Trustee of the Boothbay-Boothbay Harbor Cemetery District
  - Patricia M. Minerich                      180
- 1 Trustee of the Boothbay Region Water District
  - Steven Lorrain (Write-ins)              14

Polls closed at 6:00 p.m. by Moderator, Nicholas Upham.

On May 3, 2025 Moderator, Nicholas Upham, swore Deputy Moderator, Melissa Holmes in to run the Annual Town Meeting.

The meeting was opened at 9:00 a.m. by Deputy Moderator, Melissa Holmes.

Reverend Mary Jones gave the Invocation.

Article 3      Voted to accept the alewife fishing rights pursuant to DMR rules on West Harbor Pond for the year 2026 and that said pond shall remain closed for conservation.

Article 4      Voted to authorize the tax collector or treasurer to accept prepayments of taxes not yet committed pursuant to 36 M.R.S.A. Section 506.

Article 5      Voted to establish the date taxes are due upon receipt of tax bills. The first installment is due September 17, 2025. Interest for the overdue amount begins September 18, 2025, at a rate of 7.5%. The second installment is due March 18, 2026. Interest for the overdue amount begins March 19, 2026, at a rate of 7.5%.

Article 6      Voted to set the interest rate at seven and a half percent (7.5%) to be paid by the Town on abated taxes pursuant to 36 M.R.S.A. Section 505(4-A).

- Article 7 Voted to appropriate the overlay to pay tax abatements and applicable interest granted during the fiscal year.
- Article 8 Voted to authorize the municipal officers, on behalf of the town, to sell and convey any real estate acquired by the town for non-payment of taxes, under such terms and conditions as they deem advisable, and to execute a quitclaim deed for such property.
- Article 9 Voted to authorize the municipal officers to make final determinations regarding the closing or opening of roads to winter maintenance pursuant to 23 M.R.S.A. Section 2953.
- Article 10 Voted to authorize the municipal officers to dispose of any town-owned personal property under such terms and conditions, they deem advisable.
- Article 11 Voted to authorize the municipal officers to carry forward any unexpended account balance, they deem advisable, provided that the account carried forward is used for the same purpose, and to fund any expenditure exceeding budget from the undesignated fund balance.
- Article 12 Voted to authorize the municipal officers to accept any state funds received by the Town and to appropriate any funds received for a particular purpose to that purpose. Funds received but not dedicated to a particular purpose are appropriated for such uses, terms and conditions as the municipal officers deem advisable.
- Article 13 Voted to authorize the municipal officers to apply for, accept and administer any state, federal, or private grant they deem advisable.
- Article 14 Voted to authorize the municipal officers, on behalf of the Town, to accept gifts and donations, and to appropriate those gifts and donations to the purposes for which they were received, under such terms and conditions they deem advisable.
- Article 15 Voted to use and appropriate ESTIMATED REVENUES of \$1,828,718 to reduce the property tax commitment.
- Article 16 Voted to raise and appropriate \$4,048,237 for the remaining Town of Boothbay Harbor Municipal accounts.

\$157,000	for the CAPITAL account
\$286,006	for the DEBT SERVICE account
\$286,006	for the ADMINISTRATION account
\$36,065	for the ASSESSING account
\$82,700	for the CONTRACT SERVICES account
\$4,120	for the SUPPLEMENTAL account
\$77,179	for the FINANCE account
\$100,964	for the INSURANCE account
\$13,802	for the MEETINGS & ELECTIONS account
\$108,040	for the MUNICIPAL BUILDINGS & VEHICLES account
\$16,693	for the SELECTMEN account
\$111,623	for the TOWN CLERK account
\$168,165	for the TOWN MANAGER account
\$333,038	for the PAVING & CONSTRUCTION account
\$632,131	for the PUBLIC WORKS account
\$29,533	for the PUBLIC RESTROOMS account

\$115,155	for the WINTER OPERATIONS account
\$16,000	for the ANIMAL CONTROL account
\$7,324	for the EMERGENCY MANAGEMENT account
\$111,087	for the CODE ENFORCEMENT account
\$116,919	for the FIRE DEPARTMENT account
\$66,939	for the HARBOR MANAGEMENT account
\$43,126	for the PUMP OUT account
\$1,041,465	for the POLICE account
\$84,157	for the PARKING account
\$3,000	for the WELFARE account

Article 17 Voted to raise and appropriate \$1,623,752 for STREET LIGHTING, HYDRANT SERVICE, BOOTHBAY REGION REFUSE DISPOSAL DISTRICT, BAYVILLE/ISLE OF SPRINGS, and FIREWORKS accounts.

\$17,600	for the STREET LIGHTING AND LIGHTS account
\$761,430	for the HYDRANT SERVICE account
\$699,207	for the BOOTHBAY REGION REFUSE DISPOSAL DISTRICT account
\$127,715	for the BAYVILLE/ISLE OF SPRINGS account
\$17,800	for the FIREWORKS account

Article 18 Voted to raise and appropriate \$732,946 for the SUPPORT ORGANIZATIONS accounts.

\$18,000	for the BB/BBH CEMETERY DISTRICT account
\$15,000	for the BOOTHBAY REGION COMMUNITY RESOURCE COUNCIL account
\$6,500	for the BOOTHBAY REGION HEALTH & WELLNESS FOUNDATION (Community Center) account
\$37,458	for the COMMUNITY CABLE CHANNEL account
\$4,000	for the HARBOR LIGHTS FESTIVAL account
\$4,000	for the HISTORICAL SOCIETY account
\$700	for the MEMORIAL DAY/AMERICAN LEGION account
\$74,360	for the MEMORIAL LIBRARY account
\$1,270	for the NEW HOPE FOR WOMEN account
\$24,950	for the BOOTHBAY REGION DISTRICT NURSE ASSOCIATION account
\$5,500	for the BOOTHBAY REGION HEALTH CARE, INC. account
\$1,000	for the HARBOR THEATER account
\$1,600	for the SUMMER BAND CONCERTS account
\$536,851	for the AMBULANCE SERVICE account
\$507	for the LIFEFLIGHT account
\$1,250	for the VEGGIE TO TABLE account

Article 19 Voted to amend Section 146-5.2(A) (Exemptions) of Chapter 146 (Signs) of the current Land Use Code as follows:

**Section 146-5.2 Exemptions.**

- A. Because of their significance to the community or the conveyance of public information, the following signs are exempt from these requirements: national, state and county flags, holiday decorations and banners, flags, the old gas pump in front of Gimbel's store, church and signs relating to church services, fraternal and veteran's organizations, the school sports scoreboards and the public announcement sign at the entrance to the schools, emergency services signs relating to emergency health care (hospital signs), public utility and highway maintenance signs, a public announcement sign at the YMCA for emergency and community notices, the time/temperature sign at the north intersection of Oak Street and Townsend Avenue and the "Welcome to Boothbay Harbor" sign south of the CMP substation. Also, because of their landmark value, Brown Bros. fisherman, Fisherman's Wharf's mill stone and the words "Trading Post" on the roof of the Trading Post building.

Article 20 Voted to amend the current Land Use Code as follows

**I. Section 170-12 Permit application procedure, is amended as follows:**

**1. A new subsection B (7) is added to read as follows:**

(7) In addition to the items required to be shown on the plan as set forth above, the applicant shall submit with the application any and all permits required by the State Fire Marshal for the subject project or evidence that no such permits are required from the State Fire Marshal. This evidence shall be in the form of correspondence from the State Fire Marshal's office, clearly relating to the project being applied for. The Code Enforcement Officer may, at their discretion, waive this requirement if it is clear that the proposed project is outside the jurisdiction of the State Fire Marshal's Office.

**II. Section 170-67 Other required permits, is amended as follows:**

The granting of site plan approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use, such as subdivision approval, building, plumbing and electrical permits, subsurface wastewater disposal permits, sewer connection permits, and the like. Furthermore, if the proposed project requiring Site Plan review requires a permit under the Site Location of Development Act, the Stormwater Management Law or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, or requires approval

and/or permitting through the State Fire Marshal's Office, then final approval of the site plan application shall not be granted by the Planning Board until all such approvals and/or permits are obtained. If the project requiring Site Plan review does not require permitting through any of the aforementioned offices or agencies, then evidence of that fact must be provided to the Planning Board in the form of correspondence from the relevant office or agency clearly relating to the project requiring Site Plan review, stating that no permitting by or through the said office or agency is required. All such permits or approvals submitted shall be current and valid at the time of Planning Board approval. The fact that the applicant may have obtained or been granted such permits or approvals prior to site plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards but shall not be deemed conclusive evidence as to compliance.

**III. Section 170-101.10 Land Use Standards, is amended as follows:**

**1. A new subsection U is added to read as follows:**

(U) If the proposed activity or use requiring review for the purposes of permitting under Section 170-101.11(B), or as required in Table 1, requires a permit under the Site Location of Development Act, the Stormwater Management Law, or the Natural Resources Protection Act or is otherwise under the jurisdiction of the Maine Departments of Environmental Protection or Transportation, or requires approval and/or permitting through the State Fire Marshal's Office, then final approval of the shoreland permit application shall not be granted by the Planning Board or the Code Enforcement Officer until all such approvals and/or permits are obtained. If the proposed project under shoreland review does not require permitting through any of the aforementioned offices and/or agencies, then evidence of that fact shall be provided to the Planning Board or the Code Enforcement Officer (whichever is the reviewing authority) in the form of correspondence from the relevant office or agency clearly relating to the project requiring shoreland permit review, stating that no permitting by or through the said office or agency is required. All such permits or approvals submitted shall be current and valid at the time of Planning Board approval.

Article 21 Voted to amend the current Land Use Code as follows:

**I. Section 170-27(E) Schedule of Uses, is amended as follows:**

1. Under the heading "Residential Uses," on the item line "Manufactured housing exclusive of mobile homes (modular)", the "RP" column, currently blank, is changed to "P".

1. Under the heading "Residential Uses," under the heading "Residential Uses", on the item line "Mobile homes", the "GR" column remains "C", the "SR" column is changed from blank to "C", the "DB" column is changed from blank to "C", the "LC/M" column is changed from blank to "P", the "WW" column is left blank, the "GB" column remains "C", and the "RP" column is changed to "P".

Article 22 Voted to amend the current Land Use Code as follows:

**Section 170-27(E) Schedule of Uses, is amended as follows:**

1. Under the heading "Residential Uses," for the item "Multifamily dwellings" the block in the "DB" column, currently blank, is amended to add "P<sup>22</sup>".
2. Under the heading "Commercial Uses," for the item "Motels, hotels, inns" the block in the "DB" column, currently blank, is amended to add "P<sup>23</sup>".
3. A new footnote 22 is added to read as follows: "Downtown Business A, B and C".
4. A new footnote 23 is added to read as follows: "Downtown Business B and C only".

Article 23 Voted to amend the current Land Use Code as follows:

**I. Section 170-27(E) Schedule of Uses, is amended as follows:**

1. Under the heading "Residential Uses," following the item "Single-family dwellings", a new item line is added to read "Accessory dwelling Units<sup>20</sup>". P",
2. A new footnote 20 is added to read as follows: "<sup>20</sup>Accessory dwelling units shall be in accordance with §170-31.1".
3. A new footnote 21 is added to read as follows: "<sup>21</sup>Multifamily dwellings can be designated as Affordable Housing Developments according to §170-31".

**II. Section 170-28 Schedule of Dimensional Requirements, is amended as follow:**

1. The heading "Minimum Land Area per Dwelling Unit or Use (square feet)" is amended to indicate the applicability of two footnotes, as follows: "Minimum Land Area per Dwelling Unit or Use (square feet)<sup>L,M</sup>".
2. A new footnote L is added to read as follows: "<sup>L</sup>Accessory dwelling units do not count towards the net residential density calculation".
3. A new footnote M is added to read as follows: "<sup>M</sup>Multiple principal dwelling units are allowed on a single lot so long as all dimensional standards are met".

**III. Section 170-31 Affordable housing; density bonus, is amended as follows:**

- A.** Notwithstanding other provisions of this Land Use Code, there shall be a density bonus for affordable housing subdivisions and/or senior citizen housing (excluding mobile home parks) of 25%, to be calculated by subtracting the respective percentage from the lot size normally required in the district from the lot size requirement, to arrive at the overall density requirement of the development. This density bonus shall be available only to proposed developments served by public water and sewer where the developer submits evidence and the Planning Board determines that at least 25% of the housing units can be afforded by households at or below 80% of Boothbay Harbor's median household income (per figures published by the State Planning Office).
- B.** Affordable housing developments are eligible for a density bonus of up to 250% of the base residential density for multifamily dwellings in §170-28 Schedule of Dimensional Requirements if the project meets the affordable housing development requirements of Title 30-A MRS §4364, in the determination of the Planning Board, sewage disposal capacity exists, and the applicant agrees to market such lots or units within defined affordable guidelines. Deed restrictions or other binding provisions must be made that continue the affordability to future purchasers or renters.

**IV. Section 170-49(C) Multifamily dwellings, is amended as follows:**

- C.** Building size limitation. There shall be no more than four units per structure. This limitation may be increased to six units per structure with the approval of the Planning Board in accordance with the requirements of Subsection B above. This provision shall not apply to affordable housing developments or elderly housing projects, as defined.

**V. "Parking Schedule" set forth in Section 170-50 Parking Standards, is amended as follows:**

- 1. The number of required spaces for the listed use "Residential" is amended to read: "2 per dwelling unit, not including Accessory Dwelling Units".
- 2. Immediately following the listed use "Residential", a new use is added to read: "Residential, Multifamily dwelling designated as Affordable Housing Development under §170-31(B)". The number of required spaces for this use is added to read: "2 per 3 dwelling units".

**VI. Section 170-57 Two dwellings in one lot, is amended as follows:**

**§ 170-57 Multiple principal dwelling units in one lot**

The distance between dwelling units in separate principal structures on one lot or parcel shall be at least equal to the minimum side yard setback for the district in which the dwellings are to be located.

**VII. A new section 170-31.1 Accessory dwelling units (ADUs), is added to read as follows:**

**170.31.1 Accessory dwelling units (ADUs)**

- A.** Accessory dwelling units (ADU/ADUs) shall be accessory to the use of the premises as a single-family dwelling and shall be on the same lot as a single-family dwelling unit. Only one ADU shall be permitted per lot.
- B.** ADUs must comply with all local dimensional standards and other applicable zoning district requirements except the following:

  - (1)** Minimum land area per dwelling unit or use in §170-28 Schedule of Dimensional Requirements. An ADU shall not be counted as a unit when calculating density or minimum lot area per dwelling unit.
  - (2)** Minimum parking requirements in §170-50 Parking Standards. No additional parking spaces shall be required for ADUs.
- C.** In zoning districts where ADUs are allowed, the reviewing authority according to §170-27 Schedule of Uses shall approve an ADU upon a determination that the following conditions are met:

  - (1)** ADUs shall have an interior floor area of at least 190 square feet, but no larger than 800 square feet. For the purposes of this section, “interior floor area” shall mean the total enclosed floor area within the accessory dwelling unit (ADU), measured from the interior faces of the exterior walls.
  - (2)** ADUs shall not alter the single-family character of the property, as determined by the permitting authority. This includes ensuring the ADU is secondary in scale and visual prominence to the single-family dwelling and minimizing impacts on surrounding properties. Exterior floor areas, including but not limited to porches, decks, or patios, may be permitted but shall not exceed 25% of the ADU’s interior floor area.
  - (3)** If the ADU’s primary entrance is not the same as that for the principal dwelling unit, the ADU shall have a separate front, rear, or side entrance to the outside and comply with applicable code standards for egress.
  - (4)** ADUs must be connected to adequate water and wastewater services.

    - a.** ADUs must demonstrate adequate capacity in areas served by municipal or private sewers.
    - b.** ADUs in areas not served by municipal or private sewers shall be treated as a separate dwelling unit for the purposes of septic design. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.
  - (5)** ADUs shall comply with all applicable building, plumbing, electrical, and fire safety codes in effect at the time of application.



**D.** ADUs shall not be rented or leased for a duration of less than four months when financial compensation is involved. Financial compensation includes any form of payment provided to occupy the ADU. This does not include informal arrangements where no payments are made. Subleasing or allowing additional occupants under separate agreements for shorter durations is not permitted.

- (1)** A certificate of occupancy issued for an ADU reviewed and approved pursuant to §170-31.1 shall contain the following condition: "This accessory dwelling unit shall not be rented or leased for a duration of less than four months when financial compensation is involved. Financial compensation includes any form of payment provided to occupy the ADU. This does not include informal arrangements where no payments are made. Subleasing or allowing additional occupants under separate agreements for shorter durations is not permitted. The owner of the ADU must provide a copy of the executed lease or rental agreement, upon request by the Town, to verify compliance with this condition."

**VIII. Section 170-113(B) is amended with respect to the terms set forth below as indicated. Terms added to the list shall be located alphabetically within the list.**

#### **ACCESSORY DWELLING UNIT**

A self-contained dwelling unit located within, attached to, or sharing a wall with a single-family dwelling unit or as a new structure for the primary purpose of creating an accessory dwelling unit located on the same parcel of land. Accessory dwelling units are designed to be occupied by a person or persons living independently from the person(s) occupying the principal dwelling.

#### **ACCESSORY STRUCTURE OR USE**

A use or structure which is customarily incidental and/or subordinate to the principal use or structure and located on the same lot. Accessory uses, when aggregated (formed by collection into a mass or sum), shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or garage attached to the principal structure by a roof or a common wall is considered part of the principal structure. For accessory dwelling uses, see Accessory Dwelling Unit.

#### **AFFORDABLE HOUSING DEVELOPMENT**

Affordable Housing Development as defined by Title 30-A MRS §4364.

#### **DUPLEX**

A residential structure containing two dwelling units. A duplex does not include a single-family dwelling and an accessory dwelling unit located within or attached to the single-family dwelling.

#### **NET RESIDENTIAL DENSITY**

The number of units per net residential acre. Net residential density does not include accessory dwelling units.

Article 24 Voted to amend the current Land Use Code as follows:

**Section 170-28 Schedule of Dimensional Requirements, is amended as follows:**

1. Under the heading “Minimum Land Area per Dwelling Unit or Use (square feet),” for the item “With Town water and sewer” the block in the “DB” column is amended as follows:

DB-A - No Minimum Area Required for any Dwelling or Use  
DB-B and DB-C – Residential 10,000, All other 2,000

2. Under the heading “Minimum Side Yard<sup>1</sup> and Rear Yard Setback or the Center Line of Rights-of-Way Less Than 25 Feet in Width, Whichever is Greater (feet)” for the item “Residential” the block in the “DB” column is amended as follows:

10 (J)

3. Under the heading “Minimum Side Yard<sup>1</sup> and Rear Yard Setback or the Center Line of Rights-of-Way Less Than 25 Feet in Width, Whichever is Greater (feet)” for the item “All Other” the block in the “DB” column is amended as follows:

10 (J)

Article 25 Voted to amend the current Land Use Code as follows:

**1. Section 170-35.1(C) Building standards, is added as follows:**

C. In Downtown Business A, single-family dwelling units that are not accessory dwelling units shall contain a minimum of 500 square feet of living area, to include sleeping, bathing and cooking facilities as well as dedicated utility rooms. This area shall be exclusive of access stairs, access hallways, fire escapes, decks, patios, and porches.

Article 26 Voted to amend the current Land Use Code as follows:

**1. Section 170-83(D) Nonconforming structures, is amended as follows:**

D. Expansion. A nonconforming structure may be added to or expanded after obtaining a permit from the Code Enforcement Officer, if such addition or expansion does not increase the nonconformity of the structure. An increase in area shall not be considered to increase the nonconformity of the structure. Lateral extensions of preexisting, nonconforming structures within a setback are not considered an increase in nonconformity. The shoreland zoning standards in Chapter 170, Article VIII, shall govern structures in the shoreland zoning setback. However, such increase shall not be permitted if it creates or increases a safety hazard.

Article 27 Voted to amend the current Land Use Code as follows:

**Section 170-41(B) Height of building, is amended as follows:**

B. Unless otherwise specified, the maximum height of a building shall be as follows:

- (1) The maximum height of a building shall be 35 feet.
- (2) Structures within the Shoreland Zoning District must cross reference the height standards specific to those structures within the district.
- (3) Exceptions: television or radio towers, church spires, belfries, monuments, water and fire towers, water standpipes, cooling towers, cupolas, chimneys, elevator bulkheads, smokestacks, flagpoles, grain silos and windmills or other structures necessary for essential services.

Article 28 Voted to affirm the eligibility guidelines set as of March 1, 1971 for membership in the Town's PLD Plan with the Maine Public Employees Retirement System (MainePERS); confirming that its intention has always been to exclude employees who work less than full-time or who are temporary or seasonal, and to exclude elected or appointed officials who work less than full-time, including its committee and board members, from participating in its Maine PERS PLD Plan. The Town Manager or the Board of Selectmen Chair is authorized to sign the Amended Agreement with MainePERS.

Article 29 Voted to change the Town's plan to 3C for its eligible, full-time police officers who are employed by the Town and participating in MainePERS on July 1, 2025, for all service to the Town as an eligible police officer; to remit payment to MainePERS of the additional liability to the Plan of \$49,955.00; and to provide Special Plan 3C to eligible, full-time police officers hired after July 1, 2025. The Town Manager is authorized to make a payment arrangement with MainePERS that is acceptable to both parties by June 30, 2025, and is authorized to sign the Amended Agreement with MainePERS.

The meeting was adjourned at 10:50 a.m.

A True Copy Attest:   
Michelle Farnham/Town Clerk

