BOOTHBAY HARBOR PLANNING BOARD APRIL 11, 2018 Page 1 of 12

**BOOTHBAY HARBOR PLANNING BOARD**

MINUTES OF PUBLIC HEARING

**April 11, 2018**

MEMBERS PRESENT: Lee Corbin, Second Alternate

 Jon Dunsford, First Alternate

 William Hamblen, Chairman

 John Hochstein

 Margaret Perritt

 Chris Swanson

 CEO, Geoff Smith

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

**OLD BUSINESS**

* Approval of March 14, 2018 Minutes

**NEW BUSINESS**

* P UBLIC HEARING

 Shannon Lynn Schmelzer, Map 20, Lot 91, 23 Townsend Avenue. Applicant is proposing to relocate an existing business requiring site plan review under Chapter 170, Article V § 170-61.

**OTHER BUSINESS**

* Advisory Workgroup update
* Discussion of Board's priorities for Harbor consultant
* Review possible sections of the Land Use Code to review

Chairman Hamblen called the April 11, 2018 Planning Board meeting to order and stated the first order of business was to elevate First Alternate, Jon Dunsford to a full voting member in order to have a quorum. **Motion** was made by Chris Swanson and **seconded** by Margaret Perritt. **Unanimous approval**.

**OLD BUSINESS**

Chris Swanson **motioned** to approve the minutes of the March 14th, 2018 meeting. Jon Dunsford **seconded**. **Unanimous approval**.

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**NEW BUSINESS**

Chairman Hamblen stated they had an application from Shannon Schmelzer of "Shannon's Unshelled" to review and invited Shannon to explain her proposal.

Shannon stated she wanted to relocate her building (a mobile unit) to a safer location about forty feet from where she was presently located. The move will basically be from one side of the street to the other. The new location is roped off and much safer than the corner of her present location. This property belongs to Sewall and Betty Maddocks so she will be hooking up her water and sewer into their private lines which feed into the same public lines in that area that she had been hooked into before.

CEO, Geoff Smith confirmed Chris Higgins presently had no issues with the sewer lines but suggested they may want to enlarge some of the lines in the future. [This was not part of the application that evening.]

CEO, Geoff Smith stated he did not see any other problems with the application.

John Hochstein commented that it will have a more attractive appearance coming down the street.

Chairman Hamblen stated the safety aspect of this move is a real plus. Chairman Hamblen asked for confirmation that nothing will conflict the two handicapped spaces in that area.

Shannon confirmed they might obstruct the handicapped spaces during the relocation of the building but that would be the only time. [Before Memorial Day weekend when Shannon intends to be open for business.]

CEO, Geoff Smith confirmed there is a letter in the file from the Maddocks giving Shannon permission to use this space to satisfy the first question on the Findings of Facts sheets.

Betty Maddocks confirmed the relocation of the building would not interfere with access to the nearby public rest rooms.

Chairman Hamblen began the Findings of Facts process.

**Findings of Fact:**

1. The owner is Betty Jean Maddocks, relating to the property located at 23 Townsend Ave.. Property taxes on account of the premises for which the approval is requested have been paid in full. The applicant is Shannon Schmelzer.
2. The property is in the Downtown Business zoning district, and the Shoreland Zone Overlay District. The property is further identified as Assessor’s Tax Map/Lot: 20/91. The property can be reviewed at the Lincoln County Registry of Deeds under Book 2280, Page 232.

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1. The applicants propose constructing and opening a restaurant in accordance with Chapter 170, Article VIII, §170-53, and Article V, §170-61 and §170-69.

# Conclusions

Based on the above stated facts, the Planning Board makes the following conclusions:

**Right, Title or Interest in the Property**

The applicants \_X\_***have/***\_\_\_\_\_\_***have not*** demonstrated Right, Title or Interest on the property in question.

**Motion made by \_\_**Chris Swanson**\_\_\_, seconded by \_\_\_**Margaret Perritt**\_\_**

**Vote\_\_**Unanimous**\_\_ \_**5**\_In Favor \_\_\_\_\_\_Against**

**Chapter 170, Article VIII, §170-53**

No retail/wholesale sales or services of food, beverages or other items intended for immediate human consumption shall be offered or solicited except on privately owned property, in which the retail sales or services are located, except for restaurants, which may offer on-premises consumption incidental to the operation of the restaurant on a deck, porch or equivalent structure or in a garden, patio or equivalent area. Before approval or use of a drive-up or take-out window, the applicant or operator shall submit to the Town a litter control plan suitable for the service provided. No drive-up or take-out window may interfere with the public’s use of a public way. This provision shall not apply to civic events or statewide or regional events of nonprofit organizations.

**Chapter 170, Article V, §170-61**

Site plan review and approval by the Planning Board shall be required for:

[A.](http://ecode360.com/8628250#8628250)The construction or placement of any new building or structure for commercial, office, industrial, recreational or institutional uses, including mobile retail establishments.

**Chapter 170, Article V, §170-69**

[A.](http://ecode360.com/8628293#8628293)Utilization of site. The plan for the development must reflect the natural capabilities of the site to support development. Buildings, lots and support facilities must be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas, including but not limited to wetlands, steep slopes, floodplains, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, and sand and gravel aquifers must be maintained and preserved to the maximum extent. Natural drainage areas must also be preserved to the maximum extent. The development must include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction and limiting the extent of excavation.

[B.](http://ecode360.com/8628294#8628294)Traffic access.

[(1)](http://ecode360.com/14420317#14420317)Adequacy of road system.

[(a)](http://ecode360.com/14420318#14420318)Vehicular access to the site must be on roads which have adequate capacity to accommodate the additional traffic generated by the development. For developments which generate 50 or more peak-hour trips based on the latest edition of the Trip Generation Manual of the Institute of Traffic

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Engineers, intersections on major access routes to the site within one mile of any entrance road which are functioning at Level of Service D or better prior to the development must function, at a minimum, at Level of Service D after development. If any such intersection is functioning at Level of Service E or lower prior to the development, the project must not reduce the current level of service. This requirement may be waived by the Planning Board if the project is located within a growth area designated in the Town's adopted Comprehensive Plan and the Board determines that the project will not have an unnecessary adverse impact on traffic flow or safety.

[(b)](http://ecode360.com/14420319#14420319)A development not meeting this requirement may be approved if the applicant demonstrates that:

[[1]](http://ecode360.com/14420320#14420320)A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or

[[2]](http://ecode360.com/14420321#14420321)The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will assure the completion of the improvements with a financial guaranty acceptable to the municipality.

[(2)](http://ecode360.com/14420322#14420322)Access into site. Vehicular access to and from the development must be safe and convenient.

[(a)](http://ecode360.com/14420323#14420323)Any driveway or proposed street must be designed to provide the minimum sight distance as required by § [170-54C(8)](http://ecode360.com/14419939#14419939).

[(b)](http://ecode360.com/14420324#14420324)Points of access and egress must be located to avoid hazardous conflict with existing turning movements and traffic flows.

[(c)](http://ecode360.com/14420325#14420325)The grade of any proposed drive or street must not be more than plus or minus 3% for a minimum of two car lengths, or 40 feet, from the intersection.

[(d)](http://ecode360.com/14420326#14420326)The intersection of any access/egress drive or proposed street must function at Level of Service D following development if the project will generate 100 or more peak-hour trips or at a level which will allow safe access into and out of the project if fewer than 100 peak-hour trips are generated.

[(e)](http://ecode360.com/14420327#14420327)Where a lot has frontage on two or more streets, the primary access to and egress from the lot must be provided from the street where there is less potential for traffic congestion and for traffic and pedestrian hazards. Access from other streets may be allowed by the Planning Board if it finds if it is safe and does not promote shortcutting through the site.

[(f)](http://ecode360.com/14420328#14420328)Where it is necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, the applicant shall be responsible for providing turning lanes, traffic directional islands and traffic controls within public streets.

[(g)](http://ecode360.com/14420329#14420329)Accessways must be designed and have sufficient capacity to avoid queuing of entering vehicles on any public street.

[(h)](http://ecode360.com/14420330#14420330)The following criteria must be used to limit the number of driveways serving a proposed project:

[[1]](http://ecode360.com/14420331#14420331)No use which generates fewer than 100 vehicle trips per day shall have more than one two-way driveway onto a single roadway. Such driveway must be no greater than 30 feet wide.

[[2]](http://ecode360.com/14420332#14420332)No use which generates 100 or more vehicle trips per day shall have more than two points of entry from and two points of egress to a single roadway. The combined width of all accessways must not exceed 60 feet.

[(3)](http://ecode360.com/14420333#14420333)Accessway location and spacing. Accessways must meet the following standards:

[(a)](http://ecode360.com/14420334#14420334)Private entrances/exits must be located at least 50 feet from the closest unsignalized intersection and 150 feet from the closest signalized intersection, as measured from the point of tangency for the accessway. This requirement may be reduced if the shape of the site does not allow conformance with this standard.

[(b)](http://ecode360.com/14420335#14420335)Private accessways in or out of a development must be separated by a minimum of 75 feet where possible.

[(4)](http://ecode360.com/14420336#14420336)Internal vehicular circulation. The layout of the site must provide for the safe movement of passenger, service and emergency vehicles through the site.

[(a)](http://ecode360.com/14420337#14420337)Nonresidential projects that will be served by delivery vehicles must provide a clear route for such vehicles with appropriate geometric design to allow turning and backing for a minimum of WB-40 vehicles.

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[(b)](http://ecode360.com/14420338#14420338)Clear routes of access must be provided and maintained for emergency vehicles to and around buildings and must be posted with appropriate signage (fire lane - no parking).

[(c)](http://ecode360.com/14420339#14420339)The layout and design of parking areas must provide for safe and convenient circulation of vehicles throughout the lot.

[(d)](http://ecode360.com/14420340#14420340)All roadways must be designed to harmonize with the topographic and natural features of the site insofar as practical by minimizing filling, grading, excavation or other similar activities which result in unstable soil conditions and soil erosion, by fitting the development to the natural contour of the land and avoiding substantial areas of excessive grade and tree removal, and by retaining existing vegetation during construction.

[C.](http://ecode360.com/8628295#8628295)Parking layout and design. See § [170-50](http://ecode360.com/8628074#8628074).

[D.](http://ecode360.com/8628296#8628296)Pedestrian access.

[(1)](http://ecode360.com/14420341#14420341)The site plan must provide for a system of pedestrianways within the development appropriate to the type and scale of the development. This system must connect the major building entrances and exits with parking areas and with existing sidewalks, if they exist or are planned in the vicinity of the project The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in an open space or recreation areas. The system must be designed to connect the project to residential, recreational, and commercial facilities, schools, bus stops, and existing sidewalks in the neighborhood or, when appropriate, to connect to amenities, such as parks or open space on or adjacent to the site.

[(2)](http://ecode360.com/14420342#14420342)When an existing or planned sidewalk is interrupted by a proposed project entrance, the sidewalk must be constructed and marked to distinguish it as a sidewalk or cross walk in compliance with all applicable slopes and markings. Furthermore, if street vegetation or trees exist on an adjacent property, like or similar vegetation or trees must be planted on the new site. In urban situations, a widening of a sidewalk onto private property to encourage local commerce and improved streetscape should be encouraged. Benches, sculptures, planters and other street furniture should be encouraged.

[E.](http://ecode360.com/8628297#8628297)Buildings.

[(1)](http://ecode360.com/14420343#14420343)Building placement.

[(a)](http://ecode360.com/14420344#14420344)The site design should avoid creating a building surrounded by a parking lot.

[(b)](http://ecode360.com/14420345#14420345)In urban built-up areas, buildings should be placed close to the street, in conformance with existing adjacent setbacks. Parking should be to the side preferably in the back.

[(c)](http://ecode360.com/14420346#14420346)In rural uncongested areas, buildings should be set well back from the road to conform to the rural character of the area. If the parking is in front, a fifteen-foot or greater landscape buffer between the road and the parking lot shall be provided. Unused areas should be kept natural, as field, forest, wetland etc.

[(d)](http://ecode360.com/14420347#14420347)Where two or more buildings are proposed, the buildings should be grouped and connected with sidewalks. Tree plantings should be used to provide shade and break up the scale of the site. Parking should be separated from the building by a minimum of five to 10 feet. Planting should be provided along the building edge, particularly where building facades consist of long or unbroken walls.

[(2)](http://ecode360.com/14420348#14420348)Setback and alignment of buildings. Where is a reasonably uniform relationship between the front walls of buildings and the street, new buildings must be placed on a lot in conformance with the established relationship. For buildings on corner lots, the setback relationship of both streets should be maintained. The creation of empty corners should be avoided through the placement of the building and other site features.

[(3)](http://ecode360.com/14420349#14420349)Building entrances.

[(a)](http://ecode360.com/14420350#14420350)The main entrance to the building should be oriented to the street, unless the parking layout or grouping of the buildings justifies another approach, and should be clearly identified as such through building and site design, landscaping, and signage.

[(b)](http://ecode360.com/14420351#14420351)At the building entrance areas and dropoff areas, site furnishings such as benches and sitting walls and, if appropriate, bicycle racks shall be encouraged.

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[(c)](http://ecode360.com/14420352#14420352)Additional plantings may be desirable at these points to identify the building entrance and to complement the pedestrian activity at this point.

[(4)](http://ecode360.com/14420353#14420353)Building illumination.

[(a)](http://ecode360.com/14420354#14420354)Building facades may be illuminated with soft lighting of low intensity that does not draw inordinate attention to the building. The light source for the building façade illumination must be concealed.

[(b)](http://ecode360.com/14420355#14420355)Building entrances may be illuminated using recessed lighted in overages and soffits or by use of spotlighting focused on the building entrance with the light source concealed (e.g., in landscaped areas.) Direct lighting of limited exterior building areas is permitted when necessary for security purposes.

[(5)](http://ecode360.com/14420356#14420356)Drive-through facilities. Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. No drive-through facility shall be located in an area of the site adjacent to a residential use or residential zone. Communication systems must not be audible on adjacent property in a residential use. Vehicle access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. A minimum of 12 queuing spaces must be provided to prevent any vehicles from having to wait on a public way, within the entry from the street or within designated parking areas. The drive-through must not interfere with any pedestrianway or bicycle path.

[F.](http://ecode360.com/8628298#8628298)Storage of materials.

[(1)](http://ecode360.com/8628299#8628299)Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse (cross reference § [170-34](http://ecode360.com/8627894#8627894)) must have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential use and users of a public way.

[(2)](http://ecode360.com/8628300#8628300)All dumpsters or similar large collection receptacles for trash or other waste must be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it must be screened by fencing or landscaping.

[(3)](http://ecode360.com/8628301#8628301)Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter children from entering the premises must be provided and maintained in good condition.

[G.](http://ecode360.com/8628305#8628305)Water supply: must comply with § [170-106B(6)](http://ecode360.com/14420798#14420798), except that the development shall be served by public water if it is available within 500 feet of the project parcel.

[H.](http://ecode360.com/8628324#8628324)Sewage disposal.

[(1)](http://ecode360.com/8628325#8628325)Must comply with § [170-106B(7)](http://ecode360.com/14420804#14420804) except that the development shall be served by public sewer if it is available within 500 feet of the project parcel. The Planning Board may waive this requirement if the use is already served by a properly functioning subsurface disposal system that is properly sized for the projected flows, provided that connection to the public system must occur if and when the subsurface system needs to be replaced.

[(2)](http://ecode360.com/8628326#8628326)When two or more lots or buildings in different ownership share the use of a common subsurface disposal system, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

[(3)](http://ecode360.com/8628327#8628327)Industrial or commercial wastewater may be discharged to public sewers in such quantities and/or of such quality as to be compatible with sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction, and dilution.

[I.](http://ecode360.com/14420357#14420357)Utilities. The development must be provided with electrical, telephone, and telecommunication service adequate to meet the anticipated use of the project. New utility lines and facilities must be underground.

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[J.](http://ecode360.com/14420358#14420358)Natural features. The landscape must be preserved in its natural state insofar as practical by limiting tree removal to access, parking areas, utility installation and areas within 25 feet of a building unless approved by the Planning Board as part of a landscaping plan. In addition, disturbance and compaction of soils shall be minimized and existing vegetation shall be retained insofar as practical during construction. No trees shall be removed prior to final approval. Extensive grading and filling must be avoided as far as possible.

[K.](http://ecode360.com/14420359#14420359)Water quality protection. All aspects of the project must be designed so that:

[(1)](http://ecode360.com/14420360#14420360)No person shall locate, store, discharge or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that may run off, seep, percolate or wash into surface or ground waters so as to contaminate, pollute or harm such waters. No person shall cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste or unsightliness, or be harmful to human, animal, plant or aquatic life.

[(2)](http://ecode360.com/14420361#14420361)All storage facilities for fuel, chemicals, chemical or industrial wastes and biodegradable raw materials must meet the standards of the Maine Department of Environmental Protection and the State Fire Marshal's office.

[L.](http://ecode360.com/14420362#14420362)Hazardous, special and radioactive materials.

[(1)](http://ecode360.com/14420363#14420363)The handling, storage and use of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive must be done in accordance with the standards of these agencies.

[(2)](http://ecode360.com/14420364#14420364)No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet in the case of underground storage. All materials must be stored in a manner and location which complies with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state and local regulations.

[M.](http://ecode360.com/14420365#14420365)Shoreland relationship.

[(1)](http://ecode360.com/14420366#14420366)The development must not adversely affect the water quality or shoreline of any adjacent water body or wetland. The development plan must provide for access to abutting navigable water bodies for the use of the occupants of the development as appropriate.

[(2)](http://ecode360.com/14420367#14420367)When a proposed development is immediately visible from a great pond, river or stream, the development must be designed so that it fits harmoniously into the visual environment when viewed from the water body. In predominantly natural environments, site clearing must be minimized, natural vegetation must be maintained adjacent to the shoreline to soften the appearance of the development and vegetation must be retained or provided to minimize the visual intrusion of the development. In developed shoreland environments, the appearance of the new developments when viewed from the water must be compatible with the existing visual character in terms of scale, massing and height to the maximum extent possible. Storage and service areas must be screened or landscaped to minimize their visual impact.

[N.](http://ecode360.com/14420368#14420368)Capacity of the applicant. The applicant must demonstrate that he/she has the financial and technical capacity to carry out the project in accordance with this chapter and the approved plan.

[O.](http://ecode360.com/14420369#14420369)Solid waste management. The proposed development must provide for adequate disposal of solid wastes. All solid waste must be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

[P.](http://ecode360.com/14420370#14420370)Historic and archaeological resources. If any portion of the site has been identified as containing historic or archaeological resources, the development must include appropriate measures for protecting these resources, including but not limited to modification of the proposed design of the site, timing of construction and limiting the extent of excavation. All work shall be in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties.

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[Q.](http://ecode360.com/14420371#14420371)Floodplain management. If any portion of the site is located within a special flood hazard area as identified by the Federal Emergency Management Agency, all use and development of that portion of the site must be consistent with the Town's floodplain management provisions.

Editor's Note: See Art. VII, Floodplain Management.

[R.](http://ecode360.com/14420372#14420372)Additional Route 27 design standards. Notwithstanding the general provisions of Chapter [170](http://ecode360.com/8627687#8627687), Land Use, and the technical standards of Article [V](http://ecode360.com/8628247#8628247), Site Plan Review, development and redevelopment within 500 feet of that portion of Route 27 extending from the Boothbay Town line to Route 96 shall be consistent with the following standards.

[(1)](http://ecode360.com/14420373#14420373)Nonresidential parking areas shall be located at or behind the facade of the principal building.

[(2)](http://ecode360.com/14420374#14420374)Direct access to Route 27 shall be limited to no more than one per property unless adjacent properties share an access, in which case a property may have one dedicated access and one shared access to Route 27.

[(3)](http://ecode360.com/14420375#14420375)Parking areas on adjacent properties shall be interconnected with internal vehicle and pedestrian accesses.

[(4)](http://ecode360.com/14420376#14420376)Parking spaces for seasonal uses may be developed on grass surfaces or other pervious surfaces designed for parking.

[(5)](http://ecode360.com/14420377#14420377)The minimum number of parking spaces required in § [170-50I](http://ecode360.com/14419555#14419555) may be reduced by the Planning Board if the parking lot is to be shared by two or more uses that require parking during different time periods.

[S.](http://ecode360.com/14420378#14420378)Off-site improvements. All off-site improvements required by the Planning Board, including but not limited to roads, intersections, signalization, sidewalks and drainage, shall be installed by the applicant at his or her expense.

**Review Criteria**

The applicants \_X\_***have/***\_\_\_\_\_\_***have not*** demonstrated that this proposal meets the criteria set forth in **Chapter 170, Article VIII, §170-53, and Article V, §170-61 and §170-69** of the Town of Boothbay Harbor Zoning Ordinance.

**Motion made by \_\_**John Hochstein**\_\_, seconded by \_\_\_**Margaret Perritt**\_\_\_**

**Vote\_\_\_**Unanimous**\_\_ \_\_**5**\_\_In Favor \_\_\_\_\_\_Against**

**If the criteria have not been met, the reasons are explained below (i.e. –not applicable);**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Conditions of Approval**

\_\_\_(NONE)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Decision**

Based on the above findings of fact and conclusions, the plans and supporting information submitted, testimony and evidence submitted at the Planning Board meetings on the application, on motion made by \_\_\_Jon Dunsford\_\_\_and seconded by \_\_\_John Hochstein\_\_\_, the Planning Board

\_\_\_\_X\_\_\_\_**Approves**  \_\_\_\_\_\_\_\_\_\_\_**Denies**

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this application subject to the conditions of approval set forth below, all for the reasons set forth in the findings and conclusions.

**Vote\_\_\_\_**Unanimous**\_\_\_\_ \_\_**5**\_\_In Favor \_\_\_\_\_\_Against**

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

**Appeal**

Any appeal from this decision must be made to the Board of Appeals within 30 days after the date of the decision of the Planning Board, in accordance with the Article X of the Land Use Ordinance.

[Chris Swanson suggested the Board think about adding something to the ordinances concerning "food trucks" for the future.]

**OTHER BUSINESS**

**Advisory Workgroup update**: Chairman Hamblen stated, as reported in the Boothbay Register, that the Advisory Workgroup committee were not planning to hold any more meetings and had put together a draft (see copy) that incorporates the two items at the final meeting.

1. Setting the required square footage per commercial use to 2,000 square feet in the proposed district.
2. Setting the details of view corridors to 20 feet for lots with over 100 feet of frontage.

Bob Faunce has submitted verbiage concerning an "impact fees."

Chairman Hamblen suggested the Board read through the draft and decide on an action plan to submit the draft to the Select Board. There might be additional issues to bring along with this such as consistency in building height between the east and west sides of the harbor.

Chris Swanson felt the Board needed more time to read the draft before discussing it that evening.

The consensus of the Planning Board was to schedule a **special** Planning Board meeting in two weeks (on April 25th at 7:00 p.m.) instead of waiting another whole month to give more people a chance to attend and provide feedback.

Chairman Hamblen added that Bob Faunce is an experienced planner and has crafted some specific wording, an important step. They would also need a legal review from the DEP on their final draft.

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Jon Dunsford suggested they might want to save some items until a later date rather than complicate what they already have worked out.

Chairman Hamblen read a list of items he had thought of that they may or may not want to include in the draft.

* Investigate extending some of the zoning recommended for the east side to other districts in town
* Building height
* Impact fees
* Adapting our land use code to the increased flood plain elevations
* Examining zoning changes for Union Street
* Parking ordinances and planning
* Residential use in Downtown Business and Mixed Used districts
* Consultant to examine harbor wide (Town wide) planning for recommendations
* Food trucks
* Temporary buildings

A brief discussion among the Planning Board ensued on each of these items.

CEO Geoff Smith pointed out they did not have enough time to advertize another public hearing before their regularly scheduled meeting on May 9th, so the meeting on April 25th would be just a workshop meeting.

**Discussing the Board's priorities for Harbor consultant:**

* Lee Corbin stated she felt they should keep the perspective confined to the commercial harbor area surrounding Boothbay Harbor instead of looking at it "Town wide," which is too broad a scope.
* John Hochstein stated the study should be from the harbor point of view so this can become a boater's destination.
* Margaret Perritt stated the Select Board should also be involved in the discussion about the duties of a Harbor consultant.
* Chairman Hamblen stated that grant opportunities might be another source of funding.
* Jon Dunsford stated in Rockland boaters could purchase WIFI which could be a way to generate additional revenue.
* Chairman Hamblen pointed out that that boaters often select ports of call that have grocery stores so providing transportation to Hannaford's as well as the laundromat should be considered.

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Chairman Hamblen asked for any comments from the floor.

1. John Seitzer felt hiring a consultant **after** the east side development issues were settled was like putting "the cart before the horse." John also wondered why the "residential upstairs and commercial downstairs" objective was not considered for the east side as well as the Downtown business zone rather than allowing multi-family housing.

Chairman Hamblen explained in the Comprehensive Plan it states that having "residential upstairs and commercial downstairs" provides for a vibrant Downtown district; that multi-family housing takes up less space and makes more sense for a mixed use district.

2. Mike Tomko complimented the work of the Advisory Workgroup. Mike stated that based on observations of other coastal towns in Maine, multi-family housing is not unique to Boothbay Harbor. Mike suggested inviting some people in particular to the special meeting on April 25th such as from the Chamber, the YMCA or Mary Ellen Barnes from the Lincoln County Planning Commission for input on such profound decisions.

3. Lee Corbin suggested looking southward at towns like Kennebunk Port to see what they have done.

4. Lynne Seitzer worried that summer residents are not here to voice their opinions.

Chairman Hamblen pointed out that they don't get to vote here.

Lee Corbin clarified summer residents would not be denied from making comments.

5. Attorney Logan wondered if the draft will be sent out to everyone.

Chairman Hamblen responded that it would be.

6. Julie Roberts pointed out that multi-family housing (if she was not mistaken) was limited to six units per acre of land and there were not many parcels on the east side that could accommodate these.

Chairman Hamblen confirmed this to be correct and thought there probably could not be more than a total of twelve units.

7. John Seitzer questioned increasing the density.

Chairman Hamblen explained building a multi-family unit would have to be offset by having an equal open space so would not increase the density.

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ADJOURN

The meeting was adjourned at 8:13 pm.

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William Hamblen, Chairman Kellie Bigos, Recording Secretary