

Town of Boothbay Harbor  
Town Warrant

To Douglas Snyder, Constable of the Town of Boothbay Harbor, in the County of Lincoln, State of Maine,

GREETINGS:

In the name of the State of Maine, you are hereby required to notify and warn the Inhabitants of the Town of Boothbay Harbor in said county and state, qualified by law to vote in town affairs, to meet at the Boothbay Harbor Municipal Fire Station in said Town on Friday, the 5th day of May, 2023, then and there to act upon Articles 1,2, and 3. The polls for voting on Articles 1,2, and 3 shall open at 8:00 AM and will close at 6:00 PM. The remaining business to be transacted under the TOWN WARRANT will be taken up on Saturday, the 6th day of May, 2023, at 9:00 AM in the Boothbay Harbor Municipal Fire Station.

Article 1        To choose a moderator to preside at said meeting.

Article 2        To choose by secret ballot, the following public officials for a three-year term:

- 2 Selectmen and Overseers of the Poor
- 1 School Committee Member of the Boothbay-Boothbay Harbor CSD
- 1 Trustee of the Boothbay-Boothbay Harbor CSD
- 1 Trustee of the Boothbay-Boothbay Harbor Cemetery District
- 1 Trustee of the Boothbay Region Water District

Article 3        Do you favor changing the debt limit of the Boothbay Region Water District from \$12,000,000 to \$19,000,000?

Article 4        To see if the town shall accept the alewife fishing rights pursuant to DMR rules on West Harbor Pond for the year 2024 and that said pond shall remain closed for conservation.

Article 5        To see if the town will vote 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 6        To see if the town will vote to establish a date when taxes are due and payable, and to fix a rate of interest on delinquent taxes.

Selectmen's Recommendation: Taxes are due upon receipt of tax bills. The first installment is due September 13, 2023. Interest for the overdue amount begins September 14, 2023, at a rate of 8%. The second installment is due March 13, 2024. Interest for the overdue amount begins March 14, 2024, at a rate of 8%.

Article 7        To see if the town will vote to set the interest rate to be paid by the Town on abated taxes pursuant to 36 M.R.S.A. Section 505(4-A).

Selectmen's Recommendation: 8%

Article 8        To see if the town will vote to appropriate the overlay to pay tax abatements and applicable interest granted during the fiscal year.

- Article 9 To see if the town will vote 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 10 To see if the town will vote 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 11 To see if the town will vote to authorize the municipal officers to dispose of any town owned personal property under such terms and conditions, they deem advisable.
- Article 12 To see if the town will vote 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 13 To see if the town will vote 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 14 To see if the town will vote to authorize the municipal officers to apply for, accept and administer any state, federal, or private grant they deem advisable.
- Article 15 To see if the town will vote 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 16 To see if the town will vote to use and appropriate ESTIMATED REVENUES of \$1,558,200 to reduce the property tax commitment.

(Selectmen and Budget Committee recommend \$1,558,200)

- Article 17 To see if the town will vote to raise and appropriate \$3,513,865 for the remaining Town of Boothbay Harbor Municipal accounts.

\$225,862	for the CAPITAL account
\$220,569	for the DEBT SERVICE account
\$230,093	for the ADMINISTRATION account
\$30,760	for the ASSESSING account
\$82,700	for the CONTRACT SERVICES account
\$3,500	for the SUPPLEMENTAL account
\$96,702	for the FINANCE account
\$92,500	for the INSURANCE account
\$14,447	for the MEETINGS & ELECTIONS account
\$107,573	for the MUNICIPAL BUILDINGS & VEHICLES account
\$13,322	for the SELECTMEN account
\$93,914	for the TOWN CLERK account
\$148,735	for the TOWN MANAGER account

\$275,000	for the PAVING & CONSTRUCTION account
\$427,275	for the PUBLIC WORKS account
\$29,358	for the PUBLIC RESTROOMS account
\$104,575	for the WINTER OPERATIONS account
\$7,500	for the ANIMAL CONTROL account
\$8,397	for the EMERGENCY MANAGEMENT account
\$93,271	for the CODE ENFORCEMENT account
\$89,124	for the FIRE DEPARTMENT account
\$62,151	for the HARBOR MANAGEMENT account
\$31,911	for the PUMP OUT account
\$973,583	for the POLICE account
\$48,043	for the PARKING account
\$3,000	for the WELFARE account

(Selectmen and Budget Committee recommend \$3,513,865)

Article 18 To see if the town will vote to raise and appropriate \$1,373,562 for STREET LIGHTING, HYDRANT SERVICE, BOOTHBAY REGION REFUSE DISPOSAL DISTRICT, BAYVILLE/ISLE OF SPRINGS, and FIREWORKS accounts.

\$15,000	for the STREET LIGHTING AND LIGHTS account
\$641,157	for the HYDRANT SERVICE account
\$597,869	for the BOOTHBAY REGION REFUSE DISPOSAL DISTRICT account
\$104,536	for the BAYVILLE/ISLE OF SPRINGS account
\$15,000	for the FIREWORKS account

(Selectmen and Budget Committee recommend \$1,373,562)

Article 19 To see if the town will vote to raise and appropriate \$672,912 for the SUPPORT ORGANIZATIONS accounts.

\$17,220	for the BB/BBH CEMETERY DISTRICT account
\$15,000	for the BOOTHBAY REGION COMMUNITY RESOURCE COUNCIL account
\$5,530	for the BOOTHBAY REGION HEALTH & WELLNESS FOUNDATION (Community Center) account
\$36,636	for the COMMUNITY CABLE CHANNEL account
\$3,750	for the HARBOR LIGHTS FESTIVAL account
\$2,000	for the HISTORICAL SOCIETY account
\$500	for the MEMORIAL DAY/AMERICAN LEGION account
\$70,460	for the MEMORIAL LIBRARY account
\$1,450	for the NEW HOPE FOR WOMEN account
\$24,850	for the BOOTHBAY REGION DISTRICT NURSE ASSOCIATION account
\$5,000	for the BOOTHBAY REGION HEALTH CARE, INC. account
\$500	for the HARBOR THEATER account
\$1,200	for the SUMMER BAND CONCERTS account
\$488,816	for the AMBULANCE SERVICE account

(Selectmen and Budget Committee recommend \$672,912)

Article 20 To see if the Town will vote to amend the current Land Use Code as follows:

**1. Section 170-26(C)(1) Downtown Business District, Section A, is amended to read as follows:**

- (1) Section A: Shall be as an overlay of Section B, beginning at a point at the intersection of McKown Street, Todd Avenue and Howard Street, then south along the Boothbay Harbor Tax Map No. 15, and continuing in a southerly direction along said lot line to the westerly property line of the rights-of-way known as Greenleaf Lane, continuing south along said property line and south along the westerly property line of Lot No. 63, crossing Commercial Street, continuing along the westerly property line of Lot No. 17 to the waters of Boothbay Harbor; thence in an easterly direction along the waters of the harbor to the intersection of the easterly property line of Lot No. 83 of Tax Map No. 20; thence in a northwesterly direction along the northern property lines of Lots No. 83 and No. 82, crossing Townsend Avenue, continuing along the northern property lines of lots described as Map No. 19, Lot Nos. 148, 147, 146 and 145 to the center line of Oak Street; then south along the center line of Oak Street to its intersection with Howard Street, then in a westerly direction along the center line of Howard Street back to its point of beginning.

**II. Section 170-50(I) Parking Standards, is amended to read as follows:**

- I. Number required. Off-street parking spaces shall be provided to conform to the number required in the following schedule except that in the Downtown Business District, Section A, there shall be no additional parking demands required for any expansions of use or change of use of an existing structure, provided that there is no increase in building footprint (including decks, etc.). Also in the Downtown Business District, Section A, even with an increase in the building footprint, there shall be no additional parking demands if there is a public parking lot of more than 20 spaces within 200 feet of the structure. Any change in use or expansions that add to the requirement for deliveries shall provide for off-street loading areas large enough to provide for the off-street parking of delivery vehicles.

Article 21 To see if the Town will vote to amend the current Land Use Code as follows:

**1. Section 170-101.11(H)(3)(b) Administrative Appeals, is amended as follows:**

- (b) When the Board of Appeals hears an appeal of a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the article or contrary to the facts presented in the record to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board at the time it reached the decision under appeal. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board. The Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for clarification.

**II. Section 170-108(D)(2)(a) Board of Appeals, Powers and Duties, is amended as follows:**

- (a) Administrative appeals to hear and decide where it is alleged there is an error on any order, requirement, decision or determination made by the Code Enforcement Officer or by the Planning Board. When the Board of Appeals hears an appeal of a decision of the Code Enforcement Officer or the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Code Enforcement Officer or the Planning Board only upon finding that the decision was contrary to specific provisions of the article or contrary to the facts presented in the record to the Code Enforcement Officer or the Planning Board. The Board of Appeals may only review the record of the proceedings before the Code Enforcement Officer or the Planning Board at the time that it reached the decision under appeal. The Board of Appeals shall not receive or consider any evidence which was not presented to the Code Enforcement Officer or the Planning Board at that time. The Board of Appeals may receive and consider written or oral arguments.

Article 22 To see if the Town will vote to amend the current Land Use Code as follows:

**I. Section 170-113 Words and terms defined, is amended by adding new definitions, as follows:**

**AFFORDABLE HOUSING DEVELOPMENT**

“Affordable housing development” means:

- A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
- B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs.

**ACCESSORY DWELLING UNIT**

A dwelling unit for one family which may be within or attached to an existing primary dwelling. It may also be a separate structure on the same lot as the primary dwelling unit.

**DUPLEX**

Two dwelling units in one structure. A residential structure with two independent and separate dwelling units of approximately equal size. The units may be side by side or have one above the other. Each must have a separate front and rear entrance, and separate utility services including water, sewer, and electric.

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

- A.** Notwithstanding other provisions of this Land Use Code, there shall be a density bonus for affordable housing developments, calculated as the greater of the following two options:
- (1) 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).
  - (2) An affordable housing development where multifamily dwellings are allowed may have a dwelling unit density of up to 2 1/2 times the base density that is otherwise allowed in that location and shall not require more than 2 off-street parking spaces for every 3 units. The development must be in a designated growth area consistent with Title 30-A, section 4349-A, subsection 1, paragraph A or B, or the development must be served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system. The development must comply with minimum lot size requirements in accordance with Title 12, chapter 423-A, as applicable.
- B.** Before an affordable housing development can be approved (for site plan approval, subdivision, building permit, or other approval), the owner of the affordable housing development must have executed a restrictive covenant, recorded in the Lincoln County Registry of Deeds, for the benefit of and enforceable by a party acceptable to the Town, to ensure that for at least 30 years after completion of construction:
- (1) For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
  - (2) For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.
- C.** The owner of an affordable housing development shall provide written verification to the Town that each unit of the housing development is connected to adequate water and wastewater services before the development may be certified for occupancy. Written verification under this subsection must include:
- (1) If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

(2) If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under Title 30-A, section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

(3) If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and

(4) If a housing unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

D. An affordable housing development must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and the shoreland zoning provisions of this Land Use Code.

**III. Article IV Performance Standards, is amended by adding a new Section 170-31.1, as follows:**

**§ 170-31.1 Affordable housing; up to 4 dwelling units allowed.**

- A. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which housing is allowed, structures with up to 2 dwelling units per lot shall be allowed if that lot does not contain an existing dwelling unit, except that up to 4 dwelling units per lot shall be allowed if that lot does not contain an existing dwelling unit and the lot is located in a designated growth area consistent with Title 30-A, section 4349-A, subsection 1, paragraph A or B, or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan. On a lot with one existing dwelling unit, the addition of up to 2 dwelling units shall be allowed: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.
- B. With respect to dwelling units allowed under this Section, if more than one dwelling unit has been constructed on a lot as a result of the allowance under this Section or Section 170-31.2, the lot is not eligible for any additional increases in density.
- C. This Ordinance may not establish dimensional requirements or setback requirements for dwelling units allowed under this section that are greater than dimensional requirements or setback requirements for single-family housing units, except that this Ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

- D.** The owner of a housing structure to be approved under this Section must provide written verification that the structure is connected to adequate water and wastewater services before the structure may be certified for occupancy. Written verification under this subsection must include:
- (1) If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the structure and proof of payment for the connection to the sewer system;
  - (2) If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under Title 30-A, section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;
  - (3) If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the structure, proof of payment for the connection and the volume and supply of water required for the structure; and
  - (4) If a housing structure is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.
- E.** A housing structure to be approved under this Section must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and the shoreland zoning provisions of this Land Use Code.

**IV. Article IV Performance Standards, is amended by adding a new Section 170-31.2, as follows:**

**§ 170-31.1 Affordable housing; accessory dwelling units.**

- A.** Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, an accessory dwelling unit shall be allowed to be located on the same lot as a single-family dwelling unit in any area in which housing is permitted.
- B.** An accessory dwelling unit may be constructed only:
- (1) Within an existing dwelling unit on the lot;
  - (2) Attached to or sharing a wall with a single-family dwelling unit; or
  - (3) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.
- C.** With respect to accessory dwelling units, the following conditions apply notwithstanding any other provision of the Land Use Code (other than shoreland zoning provisions):



- (1) At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; and
- (2) If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this Section or section 170-31.1, the lot is not eligible for any additional increases in density.

**D.** With respect to accessory dwelling units, the following conditions apply notwithstanding any other provision of the Town's Code (other than shoreland zoning provisions):

- (1) Accessory dwelling units are exempted from any density requirements or calculations related to the area in which the accessory dwelling unit is constructed.
- (2) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, in which case the requisite setback requirements for such a structure apply.
- (3) An accessory dwelling unit is not subject to any additional parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.

**E.** In all cases, the accessory dwelling unit shall be no larger than 40% of the finished and heated portion of the single family house, or more than 750 square feet, whichever is smaller. An accessory dwelling unit must meet a minimum size of 190 square feet. If the Technical Building Codes and Standards Board under Title 10, section 9722, adopts a different minimum size, that standard applies.

**F.** The owner of a housing accessory dwelling unit must provide written verification that the accessory dwelling unit is connected to adequate water and wastewater services before the accessory dwelling unit may be certified for occupancy. Written verification under this subsection must include:

- (1) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the accessory dwelling unit and proof of payment for the connection to the sewer system;
- (2) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector under Title 30-A, section 4221. Plans for subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with subsurface wastewater disposal rules adopted under Title 22, section 42;

(3) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the accessory dwelling unit, proof of payment for the connection and the volume and supply of water required for the structure; and


(4) If an accessory dwelling unit is connected to a well, proof of access to potable water. Any tests of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

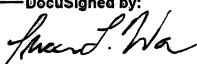
G. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and the shoreland zoning provisions of this Land Use Code.

**V. The provisions of this Article shall take effect as of July 1, 2023, provided, however, that if the date by which municipalities are required to implement the requirements of Title 30-A, §§ 4364, 4364-A, and/or 4364-B is postponed or repealed, then the effective date of this Article shall be similarly postponed or repealed.**

A person who is not registered as a voter may not vote in any election. You are directed to serve this publication and to post it at the Boothbay Harbor Post Office, West Boothbay Harbor Post Office, and the Town Office at least seven (7) days before the time of said meeting.

Hereof, fail not and have this Warrant with your doings, thereon at the time and place stated. Given under our hands this 27<sup>th</sup> day of March, 2023.

DocuSigned by:  
  
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Michael Tomko, Chair

DocuSigned by:  
  
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Tricia Warren, Vice-Chair

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Denise Griffin

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Kenneth Rayle

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Alyssa Allen