

BOOTHBAY HARBOR PLANNING BOARD MINUTES

December 13, 2023

In addition to these typed minutes, video recordings of all Planning Board meetings can be viewed at BRCTV, and audio recordings at the Boothbay Harbor Town Office.

ATTENDING:

Jon Dunsford
Merritt Blakeslee
Dave Cody - 2nd Alternate
Tom Churchill - Chair
Ronald Cohen - 1st Alternate
Tom Minerich - Vice Chair

Julia Latter - Town Manager
Geoff Smith - Code Enforcement Officer
John Cunningham - Town Attorney

*Dave Cody will act as a voting member.

MINUTES

1. The October 18th meeting minutes will be heard on January 10th due to revisions.
2. Motion to approve the minutes of November 8, 2023 made by Blakeslee and seconded by Minerich; approved 5-0.

NEW BUSINESS

1. **Catherine Lynn Vajda, 12 Old Ice House Road**; Represented by Dirigo Structures. The applicant is seeking a determination of the greatest practical extent, per Chapter 170, Article VIII, §170-101.7 C (2). This is a building permit application before the code enforcement officer but requires that the planning board determine that the proposed non-conforming structure conforms to all setback requirements to the greatest practical extent.
 - Blakeslee had questions regarding the front setback.
 - Dunsford had questions about the de minimis change from a prior application and Cunningham pointed out this was a different application requesting the determination of greatest practical extent.
 - The board agrees that options are limited on this property and the applicant has done a good job at squeezing in what they have into the existing footprint.
 - Motion that the applicant has demonstrated the building will conform to all setback requirements to the greatest practical extent made by Dunsford and seconded by Minerich; approved 5-0.

2. **Metehan Sahn, DBA Harborside 1901 Bar and Grill, 12 Bridge Street**; Represented by Phelps Architects. The applicant seeks a pre-application discussion with the board, per Chapter 170, Article V, §170-61 B.
 - The applicant proposes the addition of a deck accessed by stairways on each side of the building. A small corner of this proposal impedes the 75-foot setback. The board discusses three conditions; they ask that one set of stairs be internal and the other be external for two means of egress, there be some security from anyone accessing that area while unattended, and there must be a stamp of approval from a structural engineer.
 - Churchill brought up concerns over lighting and noise. Questions regarding live bands and/or music during hours of operation.
3. **Linekin Bay Holdings, 92 Wall Point Road**; Represented by Zander Shaw. The applicant is seeking a shoreland permit, per Chapter 170, Article VIII, §170-101.11 B, to remove and replace sections of a commercial building.
 - Two single-story wings on the backside of the building are in disrepair; Shaw proposes removing them and rebuilding essentially a new addition. The new addition would include extended bathroom services as well as a handicapped bathroom and code-compliant stairway to the second floor. Rooms will be renovated on the second floor and a suite will be added. The applicant is not looking for an expansion, but rather removing the area from within the 75-foot setback from the shoreland zone.
 - Chapter 170-101.10 Land Use Standards
 - The Board finds the project will;
 - remain in a safe and healthful condition;
 - will not result in water pollution, erosion, or sedimentation to surface waters;
 - will adequately provide for the disposal of all wastewater;
 - will not have an adverse impact on spawning grounds;
 - will conserve shore cover and visual as well as actual points of access to inland and coastal waters, if applicable;
 - will protect archeological and historic resources as designated in the comprehensive plan;
 - will not adversely affect existing commercial fishing or maritime activities in the working waterfront district;
 - will avoid problems associated with floodplain development and use.
 - Motion to approve the shoreland zone application for Linekin Bay Holdings made by Blakeslee and seconded by Minerich; approved 5-0.
4. **Linekin Bay Holdings, 92 Wall Point Road**; Represented by Knickerbocker Group. The applicant seeks a pre-application discussion, per Chapter 170, Article V, §170-61.
 - All proposed plans are outside of the shoreland zone.
 - The applicant is looking to put six units of staff housing on an existing gravel storage yard connected to a new septic system with public water. This housing is modular; roughly 18'x47' and will be set on posts.
 - The tennis court will be expanded to include four pickleball courts, and a new gym and sauna will be added.
 - Older cottages will be renovated, and 11 staff parking spaces will be placed.
 - Resident John Seitzer questions if the parking will be adequate to which the applicant says that most employees are H2B and the majority do not have vehicles, plus there is access to off-site parking.

5. Boothbay Region Housing Trust, Alexander Way (Harbor Point Subdivision):

Represented by Deborah Yale, president of the Boothbay Region Housing Trust. The applicant is seeking site plan review and approval per Chapter 170, Article IV, §170-38, Extraction/ excavation or filling.

- This application is an approved subdivision that is partially constructed and comes before the board as §170-38 states that if excavation occurs over a hundred cubic yards then the applicant will need site plan approval unless it is a single-family residence. There is room for interpretation as the subdivision is made up of seven single-family homes.
- 6/7 homes have already completed excavation and each lot is taxed individually.
- Abutter Sue Aleman says that the land use ordinance clearly states that moving more than 100 cubic yards of earth requires site plan approval. Although §170-38 includes an exception for the construction of single-family houses, §170-5 of the land use ordinance states that when there are conflicts between provisions of the land use ordinance, the more restrictive requirements apply.
- Abutter William Hallinan says that runoff from the project is flooding his property every storm.
- The board recognizes that there is a problem and decides that the applicant must return with a revised plan.
- Motion to table this application until revised information is submitted made by Cody and seconded by Dunsford; approved 5-0.

6. PGC8 LLC, 47,49 & 53 Atlantic Avenue - Grand Atlantic Hotel;

Represented by Knickerbocker Group. The applicant is seeking site plan review and approval, per Chapter 170, Article IV, §170-61, and a shoreland permit under Chapter 170, Article VIII, §170-101.11 B.

- The applicant proposes the construction of a 10-Unit Boutique Hotel.
 - Applicant is combining 2 lots into 1 to meet the Minimum lot requirements in LCMD Shoreland Zone.
 - Sewer/Water approval.
 - Traffic study complete.
 - DEP & Army Corps complete to remove asphalt from water.
 - however have not received DOT permitting yet. The planning board is not able to grant site plan approval today, and instead will be reviewing the shoreland zoning requirements.
- Chapter 170-101.10 Land Use Standards
 - The Board finds the project will; remain in a safe and healthful condition;
 - will not result in water pollution, erosion, or sedimentation to surface waters;
 - will adequately provide for the disposal of all wastewater;
 - will not have an adverse impact on spawning grounds;
 - will conserve shore cover and visual as well as actual points of access to inland and coastal waters;
 - will protect archeological and historic resources as designated in the comprehensive plan;
 - will not adversely affect existing commercial fishing or maritime activities in the working waterfront district;
 - will avoid problems associated with floodplain development and use.
- Motion that this application meets the requirements of section 170-101.11 section D3(a-i) made by Cohen and seconded by Dunsford; approved 5-0.

PUBLIC FORUM

- Resident John Seitzer questions if the parking will be adequate, which the board tells him will be revisited during the site plan review.
- Resident Sewall Maddocks, abutter to 12 Bridge Street makes it clear to the board that he will not allow the project to encroach on his property.

ADJOURNMENT: Motion to adjourn at 8:45 PM made by Blakeslee and seconded by Cody; approved 5-0.