



**Town of Boothbay Harbor Planning Board
AGENDA
Wednesday, September 14, 2022 – 6:00 PM
Boothbay Harbor Town Office
11 Howard Street**

- 1. Call to Order**
- 2. Roll Call of Members**
- 3. Review of July 13, 2022 and August 10, 2022 Meeting Minutes**
- 4. Old Business**
 - a. Discussion of letter from the Board of Appeals requesting information about the remand of the Planning Board's earlier permit decision for the Boothbay Harbor Waterfront Preservation waterfront park project**
 - b. Further discussion of policy project priorities**
- 5. Planner's Report**
- 6. Adjournment**

Boothbay Harbor Board of Appeals

Request for Status of Action upon the Order of Remand

In the Matter of: Appeal of the Planning Board Decision of November 17, 2021, Approving a Building Permit for Eastside Waterfront Park

On January 13, 2022, the Board of Appeals held a hearing on the above-captioned matter. The Board of Appeals found that the Planning Board decision of November 17, 2021, requires clarification and/or additional explanation to address certain issues. Therefore, the Board of Appeals remanded this matter to the Planning Board pursuant to § 170-101.11(H)(3)(b), so that the Planning Board may reconsider and revise its findings and decision in order to address the issues identified in the order of remand and such other issues as may arise during the Planning Board's reconsideration. The Planning Board has not yet returned its revised findings and decision to the Board of Appeals, and the Board of Appeals inquires of the Planning Board as follows:

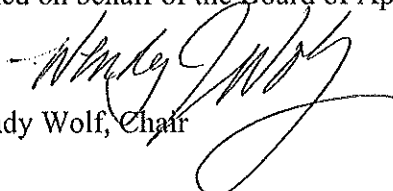
1. What are the reasons that the action upon the order of remand is delayed, or is the action not unduly delayed? Are there extenuating circumstances of which the Board of Appeals should be made aware?
2. When does the Planning Board anticipate it can act upon the order of remand?

The Board of Appeals understands this matter will be discussed at the Planning Board's meeting on September 14, 2022, and requests that the Planning Board present its responses to the Board of Appeals by September 16, 2022.

Dated:

8/31/22

Signed on behalf of the Board of Appeals


Wendy Wolf, Chair

Recommended Policy Items for Future Workshops

Project	Project Lead	Suggested Project Assist	Estimated Work (in hours)	Priority	Comprehensive Plan Category	Notes	Planning Board Workshop Date
Misc. Ordinance Updates	Isabelle		20	HIGH		Needs to be done in order to revise references to CEO in Planning Board review and other updates to reference updated processes.	Wednesday, October 12, 2022
Affordable Housing Overlay/Floating Zone	Isabelle		30	MED	Housing	Could potentially utilize Maine Housing's grant programs (Housing Opportunity Fund) to hire a consultant to do this for us. Need to understand desire and community temperature for policies to be included in zone. Further exploration should be undertaken before applying for any \$	
Housing Trust Fund	Isabelle	Julia	50 (+ additional work annually)	MED	Housing	Creates an account that would allow for grant funding to be provided by the Town for the following expenses related to the development of certain priority housing projects: Pre-development project expenses, such as land surveys, site engineering, and permitting; Purchase of vacant land; Acquisition of developed land for rehabilitation; Building materials and labor costs; Gap financing. Community priorities would be updated annually and an RFP would be released to allow housing developers (for-profit or non-profit) to apply for funding. This would need to be entirely grant funded for the time being. Covenants would likely be required for affordable (less than 80% AMI). From a recommendation of the April 2022 Housing Report and 2018 Economic Development Master Plan to "consider public-private partnerships for housing development."	
Fee Schedule Update	Isabelle	Kathleen	30	LOW	Fiscal Capacity	Specific to projects requiring Planning Board review. Our fees are significantly lower than surrounding communities, which might be a good thing, but also might require taxpayers to pick up the tab for development review projects. Additional research needs to be undertaken to understand the time that staff spends reviewing each project, and the application fees should reflect this time.	
Revised Planning Board Regulations/By-Laws	Isabelle		15	HIGH		To include standard conditions and standard advisory comments, as well as further detail about meeting administration (agenda order, etc).	Wednesday, October 12, 2022
Add Village Residential Area Zone	Isabelle		35	MED	Housing	Recommendation of the 2015 Comprehensive Plan and April 2022 Housing Report.	
Explore the splitting of the General Residential zone into two zones (a more rural area and a growth area), in accordance with the recommendations from the 2015 Comp Plan	Isabelle		40	MED	Housing	Recommendation of the 2015 Comprehensive Plan and April 2022 Housing Report.	
Short-Term Rental Ordinance	Isabelle	Geoff	40	MED	Housing	Need to understand how the community wishes to regulate short-term rentals, if at all. At minimum, would recommend that short-term rentals should be required to be registered with the Town and should be inspected on a regular basis by the CEO.	
Shoreland Zoning	Isabelle	Geoff	40	MED	Water Resources	Specifically need to address the administration of permits (when the Planning Board must review vs the Code Officer - conflicting language in various sections). Need to ensure that we are meeting/reflecting current State requirements.	
Creation of a minor, staff-level Site Plan review process for certain designated projects	Isabelle		20	MED	Economy	As part of this, application noticing requirements should be revisited to understand if we are being too restrictive.	

Project	Project Lead	Suggested Project Assist	Estimated Work (in hours)	Priority	Comprehensive Plan Category	Notes	Planning Board Workshop Date
Update of dimensional standards and permitted/conditional uses within the DB zones, possible consolidation of DB zones?	Isabelle		30	HIGH	Housing/Economy	This could also be an opportunity to review land uses and dimensional standards in all zones, or we can add that as a separate category depended on how high of a priority it is. Board requested to review side lot setbacks and height limits specifically. Also a recommendation of the 2015 Comprehensive Plan and the April 2022 Housing Report.	
Provide for a contract and/or conditional zoning process	Isabelle		20	HIGH	Housing/Economy	In accordance with MRSA 30-A, §4352. To add another tool to the toolbox for getting the kinds of projects that are desired with maximum community benefit.	Wednesday, October 12, 2022
Review minimum lot area per use standards; possibly revise to allow multiple uses on one property with no minimum lot area per use	Isabelle		35	MED	Housing/Economy	As both a housing promotion and economic development tool, to allow for multiple businesses or a mix of units and businesses. Also a recommendation of the April 2022 Housing Report and 2018 Economic Development Master Plan. This policy may be appropriate in some areas of town, but in areas where the development pattern is historically mixed-use (such as Downtown), it may not be what the community actually desires.	
Create standards for accessory dwelling units	Isabelle	Geoff	20	MED	Housing	In preparation for LD 2003. Also a recommendation of the 2015 Comprehensive Plan and the April 2022 Housing Report.	
Review PUD Ordinance to understand why it has never been used	Isabelle		30	MED	Housing	Also a recommendation of the April 2022 Housing Report. Perhaps it needs to be more enticing, or perhaps it needs to be scrapped entirely (or somewhere in between) - for discussion	
Standards for tiny homes	Isabelle	Geoff	20	LOW	Housing	Currently allowed by State Statute anywhere that a single-family home is allowed, though we may want to add additional standards. For discussion.	
Reviewing subdivision standards (what is working and what is not)	Isabelle		50	MED	Housing	Discussion items may include: Are there impediments to developing subdivisions here? What might they be? Are those impediments of value to the community or not? Also a recommendation of the April 2022 Housing Report.	
Discourage dead-end streets within subdivisions, encourage interconnectivity	Isabelle		20	MED	Transportation	Either encourage or expressly require future connectivity - something to be explored	
Review Parking in DB districts (specifically DB A)	Isabelle	Police Dept.	20	MED	Transportation	Can be linked together	
Parking regulations (and review against Parking Ord.)	Isabelle	Police Dept.	40	MED	Transportation		
Revision of multi-family development standards	Isabelle		30	MED	Housing	Currently overly restrictive, effectively eliminating multi-family units from the majority of the community and only allowing up to 4 units per structure. Need a better understanding of how many rental units we can support (in light of parking, traffic, and other impacts). Also a recommendation of the 2015 Comprehensive Plan and the April 2022 Housing Report.	
Review standards for drive-thrus under Sec. 170-53.	Isabelle	Geoff	20	LOW	Economy	Need to clarify whether it is a permit or Site Plan approval that is needed for drive-thru operation as there is conflicting language.	
Revise stormwater runoff standards in Sec. 170-56	Isabelle	Contract Engineer	40	HIGH	Water Resources	Way too broad and do not reflect DEP's updated guidelines to design for a 100 year storm.	
Consideration of pre-approved building types (for housing) to allow for an expedited permitting process in line with community values.	Isabelle	Contract Architect/Engineer	50+	LOW	Housing	See this article FMI: https://mrsc.org/Home/Stay-Informed/MRSC-Insight/July-2014/What%E2%80%99s-Not-to-Like-%E2%80%93-Pre-Approved-Plans-Offer-Fast.aspx	



Isabelle Oechsle
Town Planner
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(207) 633-3671

MEMORANDUM

TO: Planning Board
FROM: Isabelle Oechsle, Town Planner
CC: Geoff Smith, Code Enforcement Officer; Julia Latter, Town Manager
RE: Updated Development Review Documents & Suggested Process Updates

INTRODUCTION

Attached for the Planning Board's review are the following items:

1. **Completeness Letter Template:** I am recommending using this template in order to provide written documentation for the record of those items which may be deficient in Planning Board applications, in the determination of the Code Enforcement Officer (per the standards of §170-66B (Site Plan Review Applications), §170-104 (Subdivision Applications), and additional standards as may be applicable). In general, the completeness letter is intended to be a written record to the applicant and the Planning Board of staff's actions leading up to the application appearing before the Board.
2. **Staff Memo Template** (referencing standards of site plan review, but would be updated to reference any applicable standard of review depending on the type of application): I am recommending that the Planner begins preparing a memo template that references staff's findings and recommendations related to the standards of review for applications before the Board. This memo should not be construed as a decision being made on an application prior to the Planning Board reviewing an application, but is instead intended to act as a recommendation to assist the Planning Board in their review. As is typical, the Planning Board can (and should) continue to ask questions of and gather evidence from the applicants and their consultants during the course of review.

For full disclosure, I have largely based the formatting of this memo on the review memo template that we used during my time working for the City of South Portland. To illustrate how this template may work in the context of varying projects, I have attempted to choose a representative sample of applications that I reviewed in that community and have linked them below:

- [A single-family home on a non-conforming lot \(small project\)](#)
- [A 52-unit apartment building on one lot \(medium project\)](#)
- [A 43-unit subdivision that included condo lots, apartment buildings, and was under a contract zone agreement with the City \(large project\)](#)

-
3. **Process Flowcharts for (A) Site Plan and (B) Subdivision applications:** These flow charts are intended to serve as a helpful guide to applicants in getting their applications to the point of review by the Planning Board, as well as to outline post-review condition compliance. They have been created based on current policy within Chapter 170: Land Use.
 4. **Updated Planning Board Application Form:** Intended to be used for all Planning Board projects. Currently under legal review are checklists, based on the standards of §170-66B (Site Plan Review Applications) and §170-104 (Subdivision Applications), that will be included as attachments to the universal application form. Thus, if a project is subject to multiple types of review, the applicants can utilize the checklists to assist them in developing their application binder.

CONSIDERATIONS

The importance of an efficient, clear, and consistent development review process cannot be understated. An inefficient development review process causes frustration for all involved (Town staff, the Planning Board, applicants, and members of the public). Inefficient processes can contribute to a greater delay and expense in the construction process, and may even **disincentivize would-be applicants from securing proper permits**, requiring additional time and money to be concentrated on enforcement. A report published by the White House during the Obama administration even noted that “unnecessarily lengthy permitting processes restrict long-run housing supply responsiveness to demand, and also present an inefficiency for city planners and reviewers whose time could be more effectively spent on essential tasks.”¹

On the other hand, efficient processes build credibility within the community (between both neighboring property owners and developers alike), provide staff with more time to devote to policy priorities, and attract investment (hopefully resulting in diversification of the community’s tax base).

STAFF RECOMMENDATION

The Planning Board has recently discussed updating and/or amending its by-laws. I recommend inclusion of these items as appendices within said by-laws.

If the Planning Board finds this recommendation to be favorable, staff will add a discussion of amending Planning Board By-Laws to a subsequent meeting agenda.

¹ https://obamawhitehouse.archives.gov/sites/whitehouse.gov/files/images/Housing_Development_Toolkit%20f.2.pdf



Geoff Smith
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Date

Name
Address
Address Line 2

RE: Review Type (Site Plan, Prelim Subdivision, etc.)
Project Name
Project Address

This letter provides the Town of Boothbay Harbor's determination that the application to construct, establish, etc. at Project Address (PID: # _____), received Date, is **incomplete** for filing. In order to process the application to completion, review the completeness items below and provide revised or supplemental application material as needed. In addition, staff has provided advisory items in this letter to improve the project or provide relevant information for your consideration.

Project Description.

Please feel free to consult the Code Enforcement Officer early and often as you work to address each comment and/or recommendation. An open dialogue is welcomed throughout the review process and is not predicated on the prior submittal of all information requested.

NEXT STEPS

1. Review the attached Completeness and Advisory comments.
2. Provide a response to all Completeness items, and include an annotated memo with a response to how each Completeness item has been addressed.
3. Submit all necessary materials to respond to Completeness items and staff will review the material for sufficiency.
4. Please be aware: The applicant shall provide all responses to staff comments, supplemental documentation, and revised plans to the Planning staff at least 14 days before a Planning Board meeting. The Planning Board meets the second Wednesday of each month. This letter does not establish a scheduled Planning Board hearing date for your review.

Commented [P1]: When the project is deemed complete by staff, CEO would simply send an email that says:

The project has been scheduled for the [date] Planning Board public hearing agenda. Please notify staff if this date is acceptable and prepare any presentation materials that you may want to provide in the hearing. The Planning Board holds the public hearings in person at the Town Office, 11 Howard Street, Boothbay Harbor. The meeting will begin at 6:00 PM.

COMPLETENESS ITEMS

This section includes required completeness items. The items outlined below identify revisions or materials that must be addressed in order for the application to be considered complete, per Chapter 170. An application cannot be processed further until all completeness items are addressed by the applicant. Items in ~~strike through~~ have been addressed by the applicant through a subsequent submittal. Items added following a review of subsequent material submittals are denoted as “*NEW as of [DATE]*”

PLANNER REVIEW

1. **Keyword:**

CODE ENFORCEMENT REVIEW

2. **Example:** Sec. 101-123.4 requires that the applicant submits a site plan which has been stamped by all professionals. The site plan provided with the initial application was not stamped. Please rectify.

FIRE DEPARTMENT REVIEW

3. **Keyword:**

ENGINEERING PEER REVIEW

4. **Keyword:**

ADVISORY COMMENTS

Advisory Comments are not items that determine the completeness of an application. They are intended to highlight revisions or supplemental materials that could help clarify, improve, or support the application.

ADVISORY FIRE DEPARTMENT COMMENTS

1. **Keyword:**

ADVISORY ENGINEERING COMMENTS

2. **Keyword:**

ADVISORY PLANNING COMMENTS

3. **Keyword:**

CONCLUSION

Please submit **electronic copies** in PDF format to address all listed completeness items noted in this letter. Additionally, please submit 8 hard copies of all materials to the Town Office.

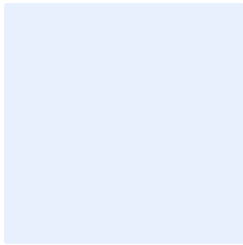
Include a **transmittal** or **cover memo** to accompany your application resubmittal that outlines how each completeness item in this letter has been addressed. Provide an explanation to justify a request to remove or modify any item noted in this letter.

Commented [IO2]: May be surrounding access, etc.

Commented [IO3]: If determined to be necessary based on unique factors within the plan. Sec. 170-66A(2) allows the Planning Board to require this, at the applicant's expense.

The Town looks forward to assisting with the processing of this application. If you feel any item in this letter requires further discussion, please do not hesitate to contact me. I can be reached via telephone at (207) 633-3671 or email at GSmith@boothbayharbor.org.

Sincerely,



Geoff Smith
Code Enforcement Officer

ATTACHMENTS



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AGENDA ITEM #3X
Meeting of DATE

MEMORANDUM

Application Type (e.g. Site Plan) – Project Name
Address – Applicant
PID #

INTRODUCTION

Project description - matches notice. The parcel is further identified as Assessor's Tax Map , Lot and it is located within the Zoning District and Overlay District.



Statement re.: noticing

This submission is being reviewed pursuant to Chapter 170, Article Roman Numeral Name of Article, and for compliance with the Comprehensive Plan.

SUBMISSION CHRONOLOGY

Application Received:

Pre-Application Date:

Commented [P1]: Legal advertisements regarding this request appeared in the Boothbay Register on ____, 2022 and ____, 2022. Public hearing notices were sent on ____, 2022 to ____, property owners within 250 feet of the subject site and were posted at the Town Office.

Commented [P2]: Examples may include...
Section 170-69: Site Plan Review Standards (if the project requires Site Plan Review, additional findings must be made confirming compliance with Section 170-35: Buffering)
Section 170-101.11(D)(3): Shoreland Standards
Section 170-106: General Requirements and Standards (Subdivisions)

Look out for any other special standards (performance standards) or uses that may be involved, such as conditional uses, etc

Commented [P3]: If applicable



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PROJECT DATA

Zoning:		
Land Area:		
Existing Land Use:		
Proposed Land Use:		
	Allowed:	Proposed:
Min. Front Yard:		
Min. Side Yard:		
Min. Rear Yard:		
Min. Water Setback:		
Min. Off-Street Parking*:		

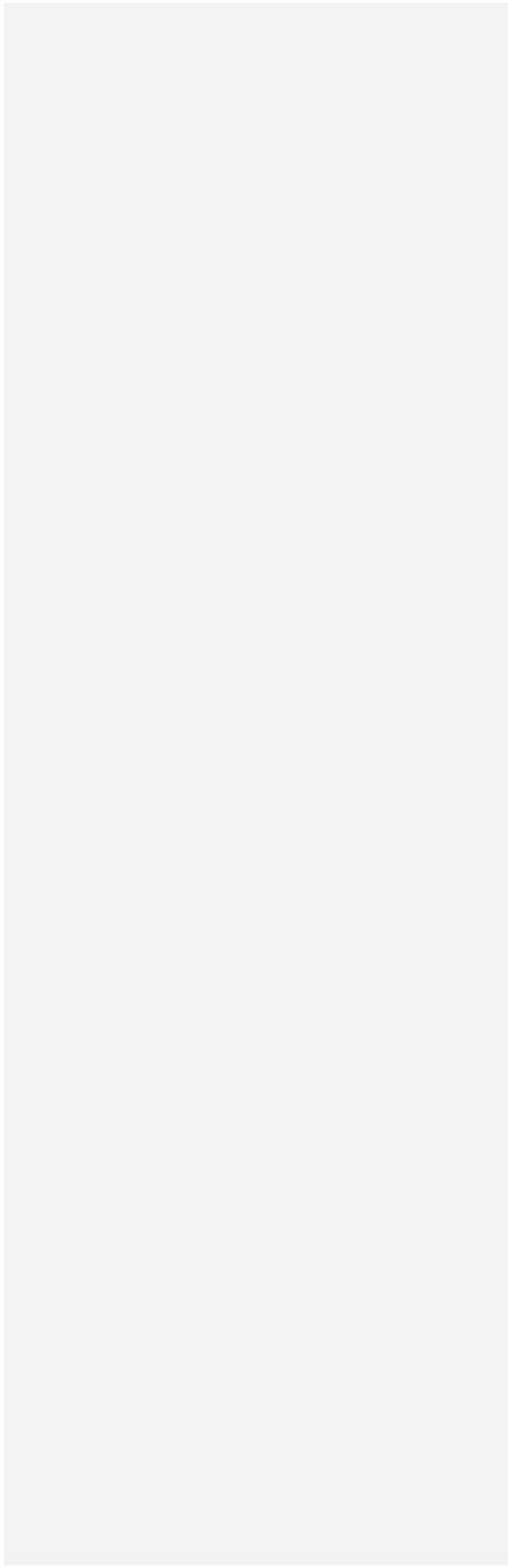
*Pursuant to Section 170-50(I).

REVIEW PROCESS

Note anything unique, e.g. previous processing

Prompt the Board with what will be required during the meeting e.g. a vote to find the application complete, public hearing, etc

Pending Planning Board I



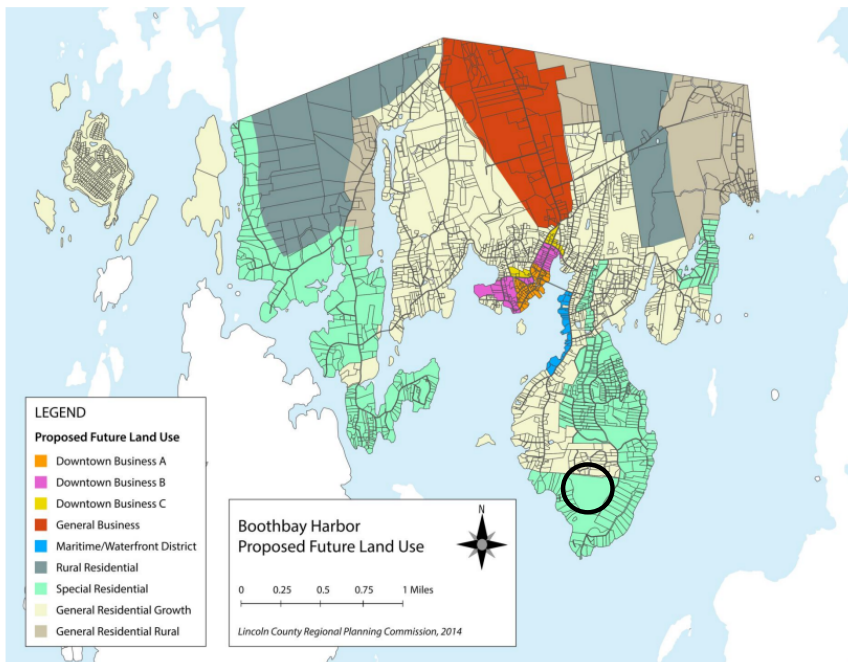


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COMPREHENSIVE PLAN CONSISTENCY

The site is in the Town’s Growth Area () per the 2015 Comprehensive Plan Figure 8 *Proposed Future Land Use Map* (page 23 of the Comprehensive Plan).

FLUP Figure 8 Boothbay Harbor Proposed Future Land Use Map



Mixed-Use Growth Areas are (copy from Comp Plan) (Comp. Plan page). The (special area) Area anticipates (summarize vision from comp plan) (Comp. Plan page).

Describe neighborhood in the vicinity.

Staff recommends that the Board find that the proposed use is in compliance with the Comprehensive Plan land use vision for the area because .

ANALYSIS OF PROJECT

Type of Standard applicable e.g. Site Plan, Subdivision, Special Exception, ADU, etc. |

Commented [P4]: This should be written as follows:
Final major subdivision review is subject to the standards outlined in Ordinance Section **170-106(Standards, General)**. **Site Plan** review standards are outlined in **Section 170-69** of the Zoning Ordinance.



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Staff's analysis of the (list all that are noted above (e.g. subdivision, site plan, special exception, etc.) standards are organized by topic below, with references to the corresponding provisions. The Planning Board may ask any questions of the applicant or of staff during the meeting if it finds that additional information is necessary to make adequate findings in accordance with the applicable standards.

1. Utilization of Site & Natural Features (Section 170-69(A) and (J))

In accordance with Section 170-69(A), all developments subject to Site Plan review must avoid or minimize impacts to wetlands. Wetlands will (not) be impacted by the development. (If wetlands are impacted): An alternatives analysis was provided that considered:

- A. Wetland impact avoidance by developing on other sites. Summarize findings.
- B. Wetland impact avoidance through project reductions or reconfiguration. Summarize findings.

A letter from the Department of Inland Fisheries & Wildlife indicates that no mapped Essential or Significant Wildlife Habitats or fisheries would be directly affected by the project.

Describe tree loss conditions. Describe landscaping plan and issues of relevance. Given the replacement trees and the limited value of the existing tree resources on site, staff is recommending that the proposed landscaping plan is adequate and consistent with Section 170-69(A) and (J).

2. Traffic, Access, and Parking (Section 170-69(B), (C), and (D))

Trips

A traffic assessment was conducted by on date for the applicant and has been submitted in the application. To summarize the findings of the traffic report:

- The proposed development will generate AM peak hour trips, and PM peak hour trips.
- Trip generation is forecast to be less than 99 trip ends for all peak hours, which is the threshold for requiring a MaineDOT and therefore a Traffic Movement Permit (TMP) from MaineDOT is (not) required.
- There are High Crash Locations in the immediate vicinity of the site.
- The existing and proposed site accesses meet MaineDOT sight distance requirements. Note any anomalies or interesting findings.

Access

Describe access

Describe navigation conditions for all users. Is a sidewalk needed? Additionally, the Fire Department has reviewed the project. The Department has indicated that access is/is not sufficient for the proposed development.

Given the level of traffic generation and the capacity and design of the roadways connected to the site, staff is recommending that the project will not cause unreasonable public road congestion or unsafe conditions on private or public ways, consistent with the requirements of Section 170-69(B).

Commented [P5]: These will need to be revised or expanded upon if the project includes other performance standards or if the project is a subdivision

Commented [IO6]: If they are on site, the standards of Sec. 170-58 must be met.



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Parking

Section 170-50(I) requires that (land use) provide parking spaces per , therefore the project requires spaces. The project provides parking spaces, including XXXX ADA-compliant spaces. Note if applicable: An EV charging station is also proposed, and bike racks have been included. As designed the parking supplied meets the requirements of Section 170-69(C) and Section 170-50(I) in the conclusion of staff.

3. Buildings, Site Layout, & Buffering (Section 170-69(E))

Staff is recommending that the project is well within all bulk and spacing requirements established in the Zoning District, and furthermore, is compatible with the scale and type of development in the vicinity, per the architectural harmony standards of Sec. 170-33.

Describe building placement and alignment of buildings with other buildings on the street. As designed, staff recommends that the project meets the requirements of Sec. 170-69(E)(1) and (E)(2).

Describe building entrances. Is the entrance oriented toward the street or parking areas? Is it clearly identified using landscaping or architectural details? As designed, staff recommends that the project meets the requirements of Sec. 170-69(E)(3).

Describe lighting, specifically around entrance areas. Additionally, draft Condition of Approval # requires that all exterior lighting in the project is Dark Sky compliant to minimize light pollution and light intrusion on adjacent properties.

Are drive-thru facilities proposed? Are the standards in Sec. 170-69(E)(5) met?

Section 170-35 requires all projects subject to site plan review to meet certain buffering and screening standards as outlined below. Do the widths of the buffer strips proposed meet the widths required within this section? As designed, staff recommends that the buffer strips provided meet the requirements of this section. Describe screening proposed. As designed, staff has found that the project meets the screening requirements provided in this section. The referenced section requires maintenance in perpetuity of the buffer areas shown on the site plan. Draft Condition of Approval #XX would reinforce this requirement.

4. Storage of Materials (Section 170-69(F))

Describe screening for storage of materials (e.g. dumpster, equipment, etc). The storage of hazardous and/or special materials is described in item 8 below. As designed, staff recommends finding that the project meets the requirements of Section 170-69(F) for the reasons described.

5. Water Supply & Sewage Disposal (Section 170-69(G) and (H))

Has a public water capacity letter been received? If not, add a condition to receive prior to the issuance of building permits. Additionally, the Fire Department has reviewed the project. The Department has indicated that the proposed placement of the fire hydrants are/are not sufficient for emergency access.

Include sewer capacity statement. Therefore, staff recommends finding that the project meets Section 170-69(H) requirements for adequate sewage waste disposal.

6. Utilities (Section 170-69(I))

Commented [P7]: EX: At 101 rooms, the proposed sewer demand is 10,220 GPD and a letter from the Boothbay Harbor Sewer District has been provided indicating adequate collection and treatment capacity is available. The applicant is proposing to tie into the existing 8" sewer main in Main Avenue via a 4" pipe.



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Describe utilities provided. Are they adequate to serve the proposed development? Are they all undergrounded?

7. Water Quality Protection (Section 170-69(K))

Describe the site (topo, drainage pattern, soils, watercourses, etc.).

Describe existing stormwater and other water flow management. Where does it go and how is it handled.

The proposed development is _____ and will be completed over a (construction timeline) period from _____. Describe the proposed solution for stormwater..

Document whether DEP permit approval was granted, and what % of runoff is treated per the permit. Cite the permit. || _____

Describe any agreements that are necessary and reference related conditions. | _____

Pursuant to Sec. 170-104C(2)(b)[13], an erosion and sedimentation control plan has been submitted. Describe soil conditions (e.g. Medium Intensity Soil Survey was submitted alongside the application materials... the soils are XXXX, and are susceptible to erosion, etc.). Construction activities are stabilized through _____. Temporary stockpiles will be stabilized and protected. Post-construction (describe ESC plan).

Staff recommends finding that all stormwater, drainage, and water effluent are managed appropriately for the proposed use as outlined in the analysis above. Staff notes that the proposed project, as conditioned, will not adversely affect the quality or quantity of groundwater, consistent with Sec. 170-69(K), and Sec. 27-1536, governing the Stormwater Management Plan. A detailed discussion of wetland impacts is provided in item 1 above.

8. Hazardous Materials (Section 170-69(L))

Describe if the project proposes the handling of hazardous materials and how they will be stored. As such, staff recommends that the project as designed meets the standards of Section 170-69(L).

9. Shoreland Relationship (Section 170-69(M))

Describe any potential impacts to the shoreline and view corridor | _____

10. Financial & Technical Capacity (Section 170-69(N))

The applicant has submitted evidence from the Maine Secretary of State's Office indicating that is a limited liability company in good standing in Maine. Technical capacity statement. Therefore, staff recommends finding that the applicant has sufficient technical capacity to complete the project consistent with Section 170-69(N).

The estimated project cost is \$ _____. The applicant submitted a letter from _____ indicating that the applicant appears to have the financial capacity to complete the project.

11. Solid Waste Management (Section 170-69(O))

Define solid waste plan for construction and post-occupancy. As there are no known capacity constraints regarding solid waste, staff recommends finding that the project is consistent with Section 170-69(O).

12. Historic and Archeological Resources (Section 170-69(P))

Commented [P8]: EX: The applicant has received a Site Location of Development Act (SLDA) Major Amendment with the Maine DEP (cite L number). The development provides treatment for 97% of the proposed impervious area and 83% of the developed area. The proposed development has been designed to meet the Basic Standard, the BMP Standard under the General Standard, and the Urban Impaired Stream standard.

Commented [P9]: EX: "The applicant is proposing to retain ownership of the stormwater management facility and system and have provided a Maintenance Plan and Drainage Maintenance Agreement. Condition #10 requires filing and recordation of the Agreement to ensure ongoing operation and maintenance of the stormwater systems."

Commented [P10]: View corridor is specifically for properties within the Limited Commercial/Maritime district



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Note if any known historic or archeological resources have been identified in the vicinity of the site, and what the applicant has done to protect them

Commented [P11]: If there are no known/identified historic or archeological resources within the vicinity of the site, this should read "There are no known or documented historic or archeological resources within the proposed site. Therefore, this standard is not applicable."

13. Floodplain Management (Section 170-69(Q))

If the site is within the floodplain, this section needs to elaborate on how the project has met the standards of 170-92. If the site is not within the special flood hazard area as identified by FEMA, this standard can be noted as not applicable.

14. Additional Route 27 Design Standards (Section 170-69(R))

If the site is within the noted area, additional standards apply. If the site is not within the noted area, this standard can be noted as not applicable.

15. Off-Site Improvements (Section 170-69(S))

Describe any off-site improvements that may be required

POTENTIAL HOUSING AFFORDABILITY IMPACTS FROM THE PROJECT

Commented [IO12]: While this isn't a standard of approval that could sway approval or denial of a project, it seems to something that the Board and broader community have identified that they care about, so I want to reference it in my review memo for their knowledge.

WAIVERS

The applicant requests the following waivers for the project:

1. Waiver pursuant to Zoning Ordinance Section 170- to .
Analysis: Is this justifiable?

RECOMMENDATION

Based on the review of the project and all information in the record, staff recommends the following action:

Approve the site plan, subdivision, etc. application of applicant, dated through ; drawings stamped and dated , for the project name at address, and grant the requested waivers and adopt the findings of fact as presented, subject to the following conditions:

Draft Conditions of Approval

Condition	Must be Completed By:
1. This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from the plans, proposals and supporting documents, are subject to the review and approval of the Planning Board prior to implementation, except those which are determined by the Code Enforcement Officer to not affect any approval standards or findings of fact and which do not alter the essential nature of the proposal (per Sec. 170-72(C)).	Ongoing

Commented [IO14]: I would like the Planning Board to eventually pursue adoption of standard conditions of approval which will be applied to every project as part of their by-laws. These items would be my recommendations. Standard conditions is fairly common in larger municipalities to underscore requirements of the Ordinance and to give clarity to the applicants regarding expectations of the Town.



Isabelle Oechsle
 Town Planner
Planner@boothbayharbor.org
 (207) 633-3671

	Condition	Must be Completed By:
2.	All conditions of approval and any waivers granted shall appear on the face of the plans submitted for building permits, and the face of the subdivision plan, if applicable.	Prior to Issuing Building Permit
3.	Prior to the issuance of a building permit, or release of the subdivision plat if applicable, the applicant shall pay all outstanding review escrow account fees, post the necessary performance guarantee(s) in such amount(s) as established by the Town, hold a pre-construction meeting with the Town if necessary, and pay any compensation and/or impact fees as determined by the Planning Board.	Prior to Issuing Building Permit
4.	This Planning Board approval is valid for _____ months from the date of approval. Unless the Special Exception use has commenced, if applicable, or Start of Construction, as defined in Section 27-201 and verified by the Code Enforcement Office, is completed within that period, the approval shall expire	Prior to Submitting a Building Permit
5.	Prior to the issuance of a Building Permit, the applicant shall submit two hard-copy plans at 24" x 36" size to the Town Planner with all conditions and waivers listed on the plans.	Prior to Submitting a Building Permit
6.	The applicant shall secure a Building Permit from the Code Enforcement Officer in coordination with the Town Planner, Fire Department, and all relevant review authorities, prior to commencing any construction activities.	Prior to Issuing Building Permit
7.	All exterior lighting shall be Dark Sky compliant.	Prior to Issuing Building Permit
8.	Within 30 days of the issuance of a Certificate of Occupancy, the applicant shall submit to the Town a certified "as-built" grading plan & CADD file; grades will not be modified from the approved grading plan without Planning Board approval.	Within 30 days of Occupancy
9.	A waiver has been granted pursuant to Section _____, which allows _____.	Ongoing

Commented [P13]: Only for project involving the construction of >20,000 s.f. of floor area or 50,000 s.f. of impervious surface

Final Subdivision Applications

10.	Prior to the issuance of any Certificates of Occupancy for the project, except as otherwise allowed by the Planning Board through a granted waiver, the applicant shall submit an inspection report to the Code Enforcement Officer documenting that the stormwater facilities have been installed and are functioning as designed and approved and are fully operational. This inspection report must be prepared by a qualified third-party inspector.	Prior to Occupancy
11.	All underground utilities, including stubbing out all utilities to all lots, shall be completed prior to the final coat of paving.	Prior to Occupancy

Wetland Impacts Applications

12.	Prior to holding a pre-construction meeting and submitting a building permit, wetlands and their uplands, associated setbacks and stream setbacks are to be staked to ensure that all erosion and sedimentation controls and site disturbance and construction activities avoid the protected wetland or required upland buffer areas.	Prior to Submitting a Building Permit
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Applications which identify trees to be protected

13.	Prior to holding a pre-construction meeting and submitting a building permit, the applicant shall establish fencing at the drip line of all trees that are designated for preservation in the approved site plan. No construction staging or other construction-related activity is permitted within the drip line fence barrier unless reviewed and approved by the Code Enforcement Officer or Planning Board, as applicable.	Prior to Submitting a Building Permit
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Isabelle V Oechsle

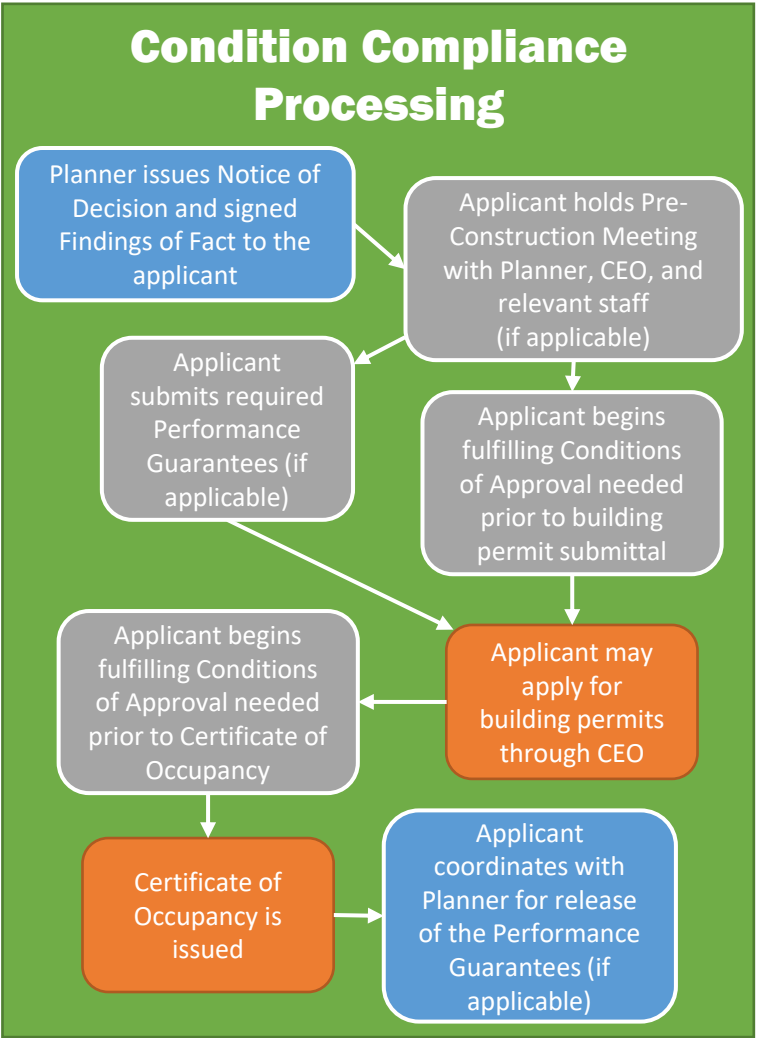
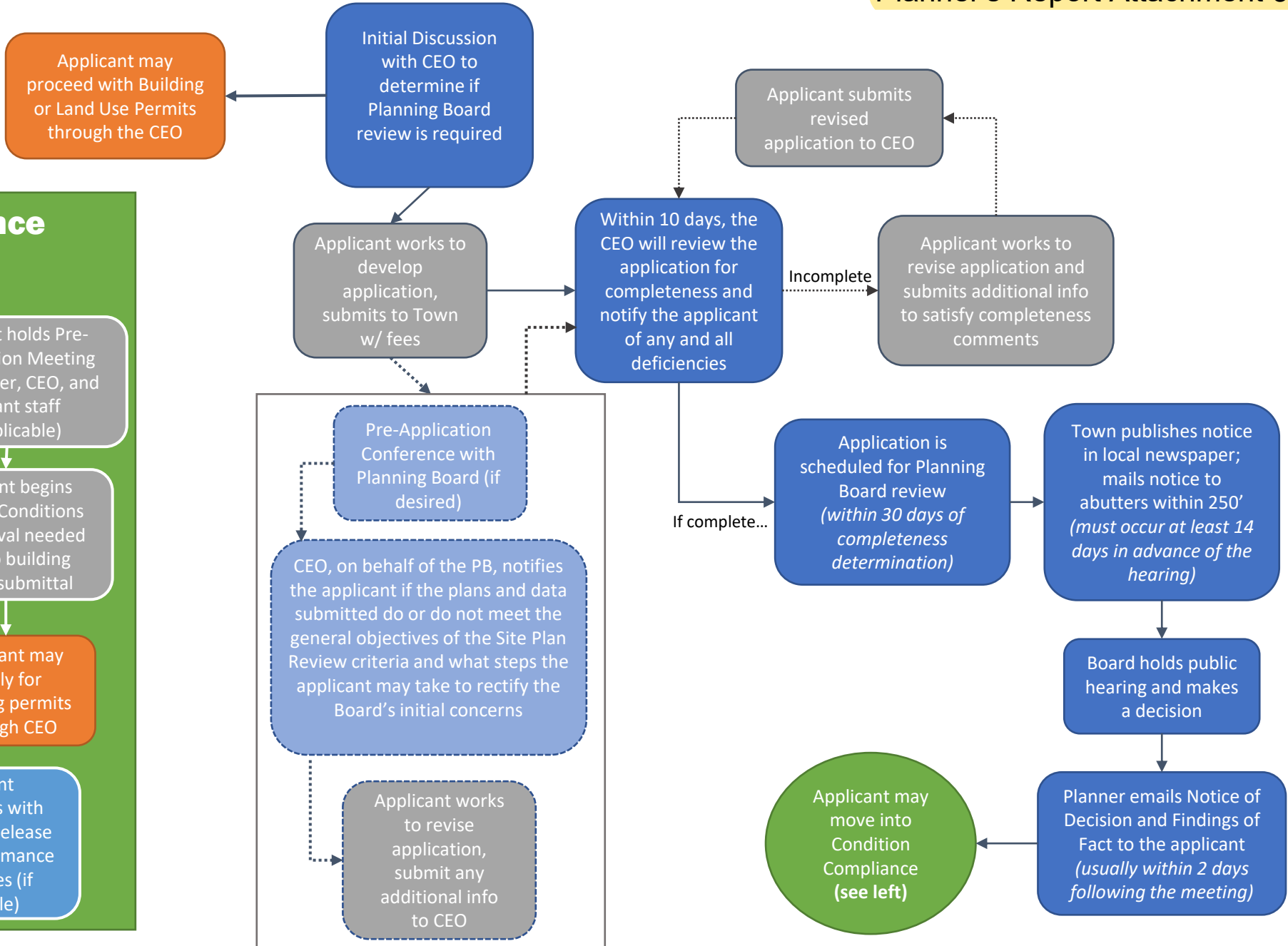
Isabelle V. Oechsle
Town Planner
Date of Hearing

ATTACHMENTS:

- Attachment [1] Application Deemed Complete Letter, Date issued
- Attachment [2] Applicant Response to Comments Submissions
- Attachment [3] Plan Set, Date stamped
- Attachment [4]



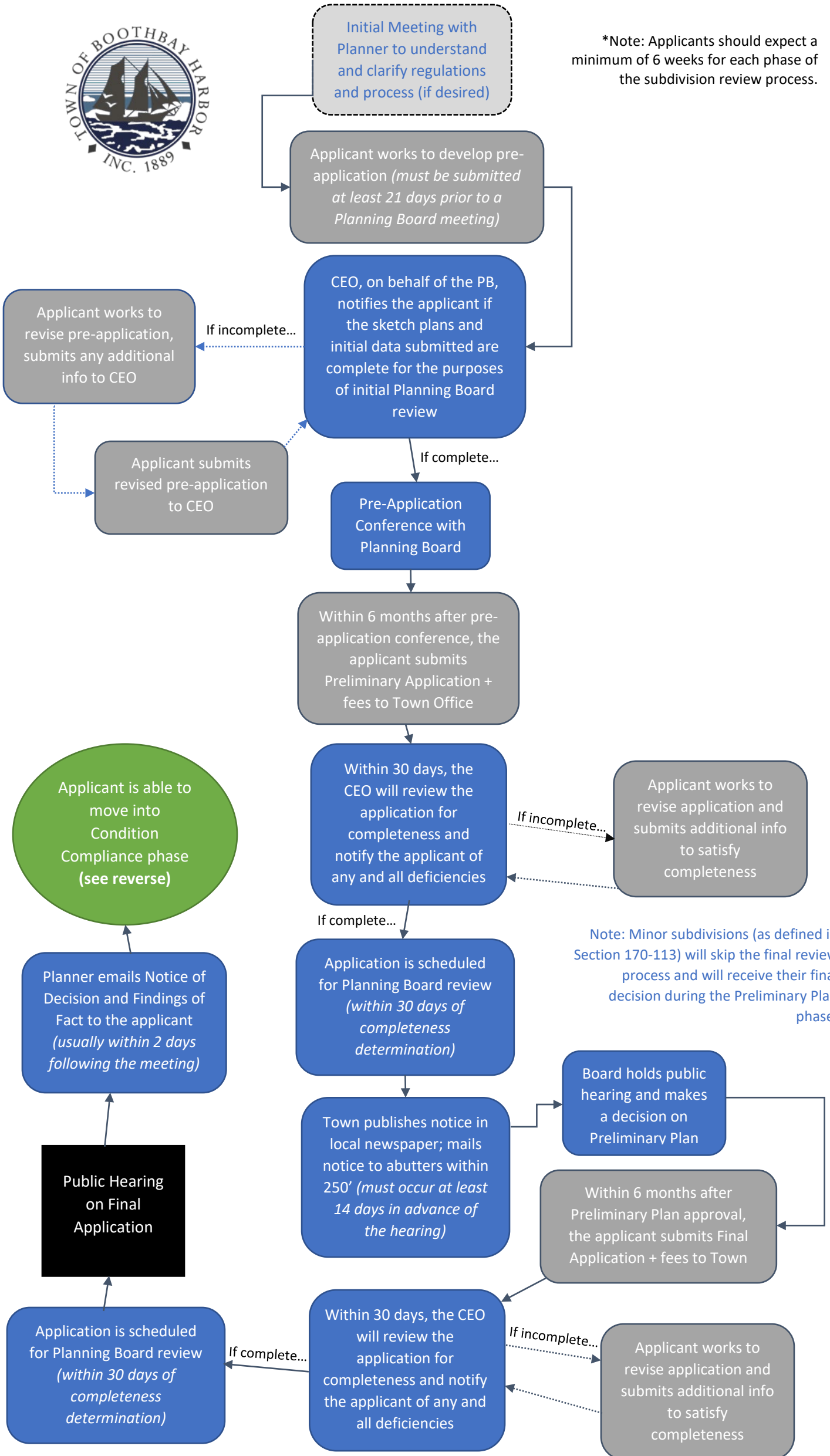
Town of Boothbay Harbor Site Plan Review Process



Town of Boothbay Harbor Subdivision Review Process

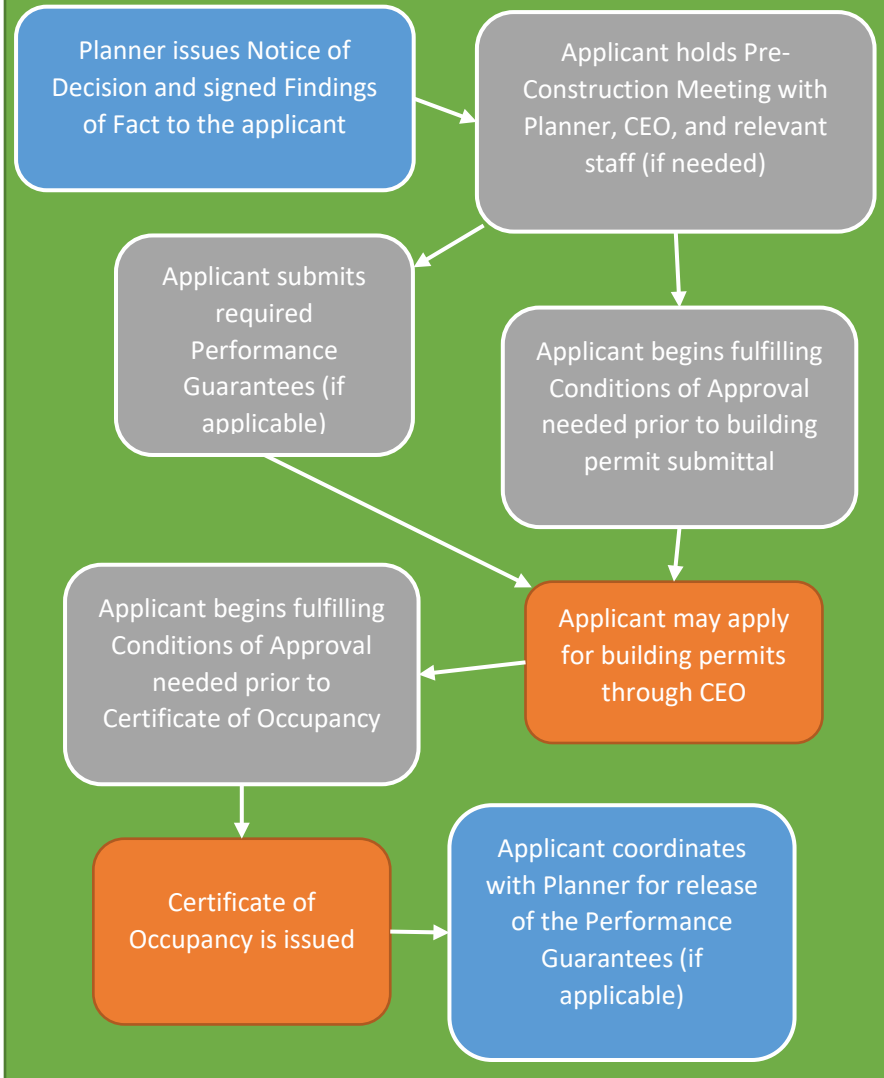


*Note: Applicants should expect a minimum of 6 weeks for each phase of the subdivision review process.



Note: Minor subdivisions (as defined in Section 170-113) will skip the final review process and will receive their final decision during the Preliminary Plan phase.

Condition Compliance Processing





PLANNING BOARD APPLICATION

OFFICE USE ONLY

PID: _____ Pre-Application Date: _____
Fee: _____ Date Stamp: _____

NOTE: 8 hard copies of all application materials shall be dropped off at the Town Office. Additionally, one PDF copy of all application materials shall be emailed to Planner@boothbayharbor.org

SITE DETAILS

Street Address _____
[Deed Book and Page](#) _____
Existing Subdivision Name _____ Not Applicable
 Lot within subdivision _____ Not Applicable
[Tax Map & Lot](#) _____
[Zoning district](#) _____
Existing land use(s) _____

PROPERTY OWNER INFORMATION

Property Owner Name _____
Mailing Address _____
Phone Number _____
Email _____

APPLICANT INFORMATION (IF DIFFERENT FROM ABOVE)

Applicant Name _____
Mailing Address _____
Phone Number _____
Email _____

CONTACT PERSON / AGENT INFORMATION

Staff will **only contact one designated person** regarding the application. Please identify the primary contact:

- Property owner Applicant Other (fill out section below):

Applicant Name _____
Mailing Address _____
Phone Number _____
Email _____

PROJECT INFORMATION

Project Description _____

Is the project located within any of the following?:

- Floodplain area [Shoreland Zoning District](#)

APPLICATION TYPE

Please select **ALL** that apply:

- | | |
|--|--|
| <input type="checkbox"/> Pre-Application | <input type="checkbox"/> Minor Subdivision |
| <input type="checkbox"/> Site Plan (land disturbance only) | <input type="checkbox"/> Preliminary Major Subdivision |
| <input type="checkbox"/> Site Plan (with building) | <input type="checkbox"/> Final Major Subdivision |
| <input type="checkbox"/> Building Permit in Shoreland Zone | <input type="checkbox"/> Use Requiring Planning Board Review |
| <input type="checkbox"/> Zoning Map Amendment | <input type="checkbox"/> Zoning Text Amendment |

SIGNATURES

PROPERTY OWNER'S CONSENT REQUIRED:

I declare under penalty of perjury that I am the owner of said property. I certify that all of the submitted information is true and correct to the best of my knowledge and belief. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Property Owner

Date

I, _____, authorize the applicant or agent named on this application to file this application.

OWNER
INITIAL

APPLICANT / AGENT CERTIFICATION:

I certify that all of the information provided within this application form and accompanying materials is true and accurate to the best of my knowledge. I understand that any misrepresentation of submitted data may invalidate any approval of this application.

Signature of Applicant

Date

Print Name and Title