BOOTHBAY HARBOR PLANNING BOARD JULY 11, 2018 Page 1 of 5

**BOOTHBAY HARBOR PLANNING BOARD**

MINUTES OF PUBLIC HEARING

**July 11, 2018**

MEMBERS PRESENT: Thomas Churchill, Vice Chairman

 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 June 13, 2018 Minutes

**NEW BUSINESS**

* None

**OTHER BUSINESS**

* Continue discussion of possible amendments to the ordinance

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Chairman Hamblen called the July 11, 2018 Planning Board meeting to order, stating they had a full Board so the Alternates would be participating but not voting that evening.

**OLD BUSINESS**

Chris Swanson **motioned** to approve the minutes of the June 13, 2018 meeting. Margaret Perritt **seconded**. **Unanimous approval**.

**NEW BUSINESS**

(None)

7/11/18 Page 2 of 5

**OTHER BUSINESS**

Chairman Hamblen stated they would continue to discuss possible amendments to the East Side ordinance. Chairman Hamblen reiterated they had been at this process for awhile. The Advisory Committee put together some recommendations to go to the Planning Board for review which is now being reviewed by the DEP and the town lawyer. The review by the DEP and the town lawyer can change things significantly. Until this part is complete the Planning Board cannot forward their final recommendations to the Board of Selectmen.

So far they have only heard from the DEP who has made the following initial response.

* DEP considers the proposed district to be closest to the Limited Commercial

District, not the General Development 1 District has defined in the state’s model

Shoreland zoning document (DEP, Chapter 1000).

* This will require us to provide solid justifications as to why we should have the

setback, lot coverage and square footage per use numbers that we are currently

proposing.

* From DEP’s perspective this justification should be based on current conditions in the district.
* Thus DEP has requested a table showing the following.
	+ Lot size
	+ Existing number of uses
	+ Existing lot coverage
	+ Existing building setbacks
	+ Narratives for justification of proposed changes to all of these.
* From the data we have so far I believe we have strong justification for lot coverage and setbacks, but poor justification for the currently proposed square feet per use.
* By way of an example, here is what DEP provided in a earlier email.

 *Example: there 3 lots in this proposed reduction in standards, these lots are made up of 40,000 sq ft combined with 6 existing uses. Lot 1 has 15,000 sq ft and 2 uses, Lot 2 has 15,000 sq ft and 3 uses , Lot 3 has 10,000 sq ft and 1 use. Giving an average of 1 use per 6666.6 sq ft. the municipality would like to reduce the land required per use to 5,000 sq ft to expand uses on these properties while keeping consistent with the current level of development.*

7/11/18 Page 3 of 5

Chairman Hamblen showed a table of the current uses on the East Side.

There are 19 waterfront parcels in the proposed district.

* Twelve of the 19 parcels have structures with setbacks less than 25'.
* Three of the parcels have no structures.
* Three of the 19 parcels have structures with setbacks between 25' and 75'.
* One of the parcels has a structure with a setback greater than 75'.

Therefore the average setback is 17'.

The total existing square footage per use divided by the number of current uses averages 7,544 square feet per use (average of 7,445 commercial and 8,463 residential). This works out to be 5.77 uses per acre.

Currently the square footage per use is 10,000 square feet. They are proposing 2,000 square feet per commercial use (the same as on the west side) and 2,500 for multi-family use.

Jon Dunsford pointed out that parking makes a significant distinction between the east and west sides. (Parking space is not required on the west side like it is on the east.)

Chris Swanson confirmed this would allow six uses per acre on the east side. Chairman Hamblen stated they could consider something less to satisfy the DEP.

CEO, Geoff Smith stated when he'd run the proposal by DEP's Colin Clark, the 2,000 square feet per use was not well received since it works out to be as many as 20 uses per acre compared to the much lower numbers set by state standards. CEO, Geoff Smith stated they could make a case using pre-existing conditions and the argument to encourage economic development to have 5 - 6 uses per acre approved. Colin was also unwilling to budge on multi versus single family dwellings.

Chris Swanson **motioned** to allow 7,620 square feet per use (six per acre). John Hochstein **seconded**. **Motion passed 4 - 1**. (Thomas Churchill dissented.)

Lee Corbin had concerns about the minimum setback of 25' and suggested either a 75' setback or setting different setback requirements for different uses to allow more access to boaters.

Chris Swanson cautioned that this might force structures to be located closer to Atlantic Avenue. Chris also felt the extra space from the water would create unused space that would still not be accessible to the public.

CEO, Geoff Smith stated they should try to get approval from the DEP for 25' setbacks first and then impose stricter setbacks during site plan review as they see fit.

7/11/18 Page 4 of 5

Margaret Perritt stated she agreed with Lee Corbin, mentioning the drawing displayed of a preliminary plan for a structure to replace the existing restaurant on the water at the Cap'n Fish property.

Chairman Hamblen pointed out there would be a lot of hoops for a building to be built over the water more than the pre-existing building it is replacing that cannot be moved back any further.

Thomas Churchill stated he was not sure what the gain would be but felt maybe 25' might not be enough in some cases.

CEO, Geoff Smith stated the DEP will care about the least restrictive setback the most. It would then be up to the Planning Board to make the setback greater.

Chris Swanson **motioned** to go forward with the 25' setback to see if the DEP will approve it for the preliminary review purpose. John Hochstein **seconded**. **Unanimous approval**.

Margaret Perritt wondered if the town lawyer could create verbiage for "water dependent" uses and how it works with properties applying.

CEO, Geoff Smith responded he will providing a very complete review as soon as they have things in a final stage.

Jon Dunsford requested having a preliminary discussion on housing ordinances on the agenda for their next meeting, as well as west side residential which had been started a year ago.

Chairman Hamblen stated another future Planning Board topic might be giant inflatable lobsters as advertizing signs.

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Chairman Hamblen opened the floor for public comment.

1. Doug Hayner hoped east side development could include some sort of public boardwalks like there is on the west side. [Chairman Hamblen responded this is part of an active discussion of the advisory group.]

2. Lynne Seitzer wondered if multi-family housing was residential or commercial. [Chairman Hamblen responded that it is residential.]

3. Kathy Rice felt a 25' setback was an important question and thanked Lee Corbin for bringing it up.

7/11/18 Page 5 of 5

4. Cory Tibbetts asked if residential and commercial uses could be on the same property and if so, if residential had a 75' setback and commercial had a 25' setback, which would prevail. [Chairman Hamblen responded it would have to be the 75' setback.]

5. Jenn Jones had questions about restrictions concerning opening a year-round restaurant. [Chairman Hamblen suggested they talk after the meeting.]

ADJOURN

The meeting was adjourned at 7:44 pm.

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William Hamblen, Chairman Kellie Bigos, Recording Secretary