MINUTES

BOOTHBAY HARBOR

SELECTMEN’S MEETING

JANUARY 8, 2018

In addition to these typed minutes, video recordings of all Selectmen’s meetings are available to be viewed at BRCTV and audio recordings are available to be listened to at the Boothbay Harbor Town Office.

ATTENDING: Denise Griffin, Vice Chair

Mike Tomko

Trisha Warren

Wendy Wolf, Chair

Tom Woodin, Town Manager

**Chair Wolf called the Board of Selectmen’s meeting to order at 7:00 pm.**

Pledge of Allegiance: The Board of Selectmen and members of the audience.

TOWN MANAGER’S ANNOUNCEMENTS:

1. Each year the Boothbay Region Land Trust makes a voluntary donation to the town and this year they would like to donate $472.00 if the Board would like to approve it. Vice Chair Griffin **motioned** to accept the donation. Selectman Warren **seconded** the motion. **Unanimous approval**.

2. The Budget Committee meeting scheduled for this Wednesday, January 10th from 4:30 p.m. to 6:00 p.m. has been cancelled due to a conflict for use of town hall.

3. Chair Wolf congratulated the participants of the Festival of Lights for another successful season. There will be a debrief with Green Tree Events at the Opera House on Wednesday, January 10th from 5:00 p.m. to 7:00 p.m. as they begin to make plans for next year. Anyone interested may attend.

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board.

MINUTES:

Selectman Tomko **motioned** to approve the minutes of the December 11th meeting. Vice Chair Griffin **seconded**. **Unanimous approval.**

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SELECTMEN REPORTS:

1. Chair Wolf stated that the Joint Economic Development Committee had met on Tuesday, January 2nd to review the preliminary action plan and report from the economic development consultants at Camoin Associates. They are preparing this document to be presented to all the four town's Select Boards as well as those who participated in the process and as many of the general public as the Boothbay Fire Station can accommodate (on the second floor) on Thursday, February 1st from 5:30 p.m. to 7:30 p.m.

2. Selectman Tomko reported that the Planning Board Advisory Committee meeting had been held on Wednesday, December 20th with great attendance and were planning to meet again on Wednesday, January 10th from 5:00 p.m. to 7:00 p.m.

LICENSES:

1. Chair Wolf stated the first application was from the Topside Inn to upgrade their Victualer license to Class H. Selectman Tomko **motioned** to approve the application. Selectman Warren **seconded**. **Unanimous approval**.

2. Chair Wolf stated the next was a Wharves & Weirs application from PGC8, LLC d/b/a Oceanside Golf Resort, Map #16, Lots #30, #32, #33, 35/37/41 Atlantic Avenue who are proposing to extend their south float from 82' to 112' in length in the waters of Boothbay Harbor. Selectman Tomko, Selectman Warren and Chair Wolf had held an onsite hearing at 3:00 p.m. that was attended by several members of the public.

There were three things to assess.

1. If the proposed application has all the necessary approvals from the Department of Environmental Protection, the Army Corp of Engineers and the state of Maine, Submerged Lands.
2. If the proposed application creates injury to the rights of others.
3. If the proposed application will interfere or cause obstruction to navigation.

Chair Wolf asked that public comments be directed to these specific questions.

Attorney Bill Logan, representing PGC8, LLC, announced that Lauren Stockwell would be presenting the application.

Lauren Stockwell stated the Board had copies of the approved permits in the folders they had been given and displayed a site plan that showed a 75 foot setback from the channel to allow for navigation. Lauren clarified that the width of boats to be berthed at float A (the additional 30 foot extension) would be restricted to no more than 10 feet.

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Selectman Tomko wondered if red reflectors, that were recommended in a letter of concern from Bob McKay, could be placed on the ends of the pylons for safety. [The letter from Bob Mckay is attached with these minutes.]

Paul Coloumbe stated he had no problem with adding red reflectors.

Selectman Tomko also asked what methods would be used to restrain the floats to the pylons.

Sam Fuller, son of Chuck Fuller who would be installing the float, assured Selectman Tomko that the strongest brackets would be used.

Chair Wolf read parts of a letter from Chuck Fuller (who was not able to attend the meeting) in defense of the extension to the float. [The letter from Chuck Fuller is attached with these minutes.] Then Chair Wolf invited those who attended the on-site hearing to comment first.

1. John Seitzer was concerned about the adverse affect to aesthetics the extension might cause as well as creating a navigation issue.

[Comments were then opened up to anyone else.]

1. Sam Fuller, graduate of Maine Maritime Academy, stated according to navigation rules vessels under sail are supposed to stay out of the channel and did not see this as a conflicted area. [Sam read more of his father's letter.]

Chair Wolf responded that paddle boarders and other small recreational boats are often either unaware or disregard maritime rules when in the harbor.

2. Bob McKay, holder of a 100-ton coast guard license, stated he was concerned about safety in the inner harbor and showed a chart of the prevailing southwest wind to explain how it might affect vessels tied up at floats or on moorings in this area.

3. Doug Carter commented on how at the same meeting that this application had been turned down previously, his abutter had received approval to have 226 feet of floats without pylons or reflectors. Doug stated Chuck Fuller would not create a float that was not suitable for the size boats that were going to be tied up to it or in an unsafe manner so did not understand why a 30 foot extension was getting so much attention.

4. Tom Perkins asked on behalf of his brother, Vice Admiral Perkins, for a delay on the decision until the spring when his brother returns from being away.

5. Melissa Neel stated when you look at the site plan, one can see that the 30 foot extension would not impede or be an obstacle for navigation.

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6. Attorney Logan pointed out the floats at the Carousel Marina and Brown's Wharf go out east/west but then go north/south which dispels Bob McKay's argument about the affects of the predominant wind on the float extension in question. Attorney Logan also stated Vice Admiral Perkins was not "injured" under the statute so there is no need for a delay on a decision.

7. Bob McKay stated the large boats at Brown's Wharf face into the southwest wind.

8. Attorney Logan responded that was not the case with the Carousel Marina and that many large boats go in and out on the west side of the harbor every day.

To keep things in perspective, Chair Wolf reminded everyone that the float in question is already there and that they are talking about a 30 foot extension.

9. Paul Coloumbe stated he'd owned and docked a 112 foot boat at the Carousel Marina for four years and had no problems there; that the floats in the inner harbor do not have the wind problems like the marinas closer to the outer harbor. Chuck Fuller has the expertise to build whatever it takes for a float to be safe and so he will do whatever Chuck advises.

Chair Wolf recapped that it appeared all of the permits were in order and there has been discussion about whether the proposed application might create injury to the rights of others, so was looking for a motion. Selectman Tomko **motioned** the application would **not** create injury to the rights of others based on the evidence presented. Vice Chair Griffin **seconded**. **Unanimous approval**.

Chair Wolf stated at the previous meeting the public comments did not have as much diversity of opinion about navigation and safety issues from people on both sides with very credible experience and backgrounds. Based on the evidence presented this evening and the public discussion, Chair Wolf **motioned** that the extension would not adversely affect navigation. Selectman Tomko **seconded**.

Vice Chair Griffin expressed her concern about sailboats coming in under sail having difficulty turning about in this area.

Selectman Warren agreed with the safety issue for kayakers and expressed concern about the size of large vessels scheduled to come in next summer.

Selectman Tomko stated there have not been such large boats in this part of the harbor so they did not have anything to go on.

Paul Coloumbe responded that there are 100 foot long boats tied up at McSeagull's all summer long, which is even further into the harbor.

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Chair Wolf stated that based on the evidence presented, she felt the extension was not going to adversely affect navigation.

The motion on the floor (to that affect) **passed 3 to 1** (Vice Chair Griffin).

Chair Wolf **motioned** to grant the license limiting boats no wider than 10 feet wide to be berthed on the south side of the extension of the float and with red reflectors placed on the pylons. Selectman Tomko **seconded**.

Vice Chair Griffin thought they should amend the limitations to require that the floats are also properly maintained and that no boats extend beyond the end of the float. Chair Wolf and seconder Selectman Tomko 01 08 18agreed to **amending the motion**.

Based on the facts above and discussion by the Board with relation to the review criteria the motion passed **unanimously** to approve the placement of the proposed 30 foot float extension in the waters of Boothbay Harbor with the following limitations.

1. There is a ten-foot wide berthing area restriction on the south side of the new float (Float A).
2. There should be red reflectors marking the end pilings/dolphins.
3. The float will be properly maintained.
4. No boats will extend past the end of the float.

NEW BUSINESS:

1. Chair Wolf stated they needed to appoint a member of the Select Board to the Planning Board Advisory Committee and that Selectman Tomko, being very involved with these issues, would be willing to be appointed. Selectman Warren **motioned** to appoint Selectman Tomko to be the Select Board representative to the Planning Board Advisory Committee. Vice Chair Griffin **seconded**. **Unanimous approval**.

2. Chair Wolf stated they needed to appoint an interim representative for the Refuse District to replace Palmer Payne who has become ill. A suggestion was made to appoint Selectman Hoffman. Chair Wolf stated she'd talk to him about it when he returns from being away.

3. The Wayfinding concept presentation was tabled.

4. The Board had been asked for a letter of support for MDOT's work with the town of Wiscasset stating that it would be prudent for them to work together without introducing other mitigating factors. Selectman Tomko **motioned** for the Board to write the letter of support. Selectman Warren **seconded**. **Unanimous approval**.

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ONGOING BUSINESS:

Chair Wolf stated Lincoln County Planner, Bob Faunce, was there to talk about the Boothbay Harbor Flood Impact Study that had been approved by the Select Board.

After a brief account of studies of twenty properties in the flood zone of Boothbay Harbor that had been done, Bob introduced Noah Slovin, Environmental Scientist in the Water Resources department of Milone & MacBroom Consultants to report on the increasing risk of sea level rise, based on a scenario of the highest astronomical tide.

Bob Faunce concluded that presently the ordinance for new construction in Boothbay Harbor requires the elevation to be one foot above the flood zone elevation. Based on this latest study, he recommended it should be amended to three feet.

[The flood zone study is on the town's website.]

PUBLIC FORUM:

1. Darrell Gudroe expressed concern about the footbridge being cleared of snow.

2. Cory Tibbetts wished to thank the businesses for sponsoring free cab rides for people on New Year's Eve.

WARRANTS:

Vice Chair Griffin **motioned** to approve the warrants upon careful review. Selectman Tomko **seconded**. **Unanimous approval.**

EXECUTIVE SESSION:

The Board went into Executive Session under MRSA Title 1, Chapter 13 - 405, (6) (C) - Acquisition of real property or economic development at 8:53 p.m.

**The Board came out of Executive Session at 9:20 p.m.**

**No decisions were made.**

MOVE TO ADJOURN:

The meeting was **adjourned** at 9:20 p.m.

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