

BOOTHBAY HARBOR PLANNING BOARD MINUTES

July 8, 2026 6pm

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:

Merritt Blakeslee – Chair
Ronald Cohen – Vice Chair
David Cody – Secretary
Lisa Tholl – Voting Member
Tom Minerich – Voting Member
Jim Mahoney – 1st Alternate Member
Linc Sample – 2nd Alternate Member

ALSO PRESENT:

Julia Latter – Town Manager
Daniel Feeney – Code Enforcement Officer (Interim)
Dan Stockford – Town Attorney

Executive Session: Planning Board motions to enter executive session at 1700, hours The Chair, Merritt Blakeslee moved to open the session under section Title 1 M.R.S. section 405(6)(E). Nothing was voted on and no decisions were made. Motion by Chair and a 2nd by Cohen to exit Executive session at 1747 hours.

Opening of Regular Monthly Meeting of the Planning Board Call to order at 1802

The Regular meeting of the Planning Board opened at 1800 hours.

Approval of previous minutes, none

Chair welcomed all and pointed out exits of the building.

Announcement of recent elections of officers to the board: Merritt Blakeslee Chair, Ron Cohen Vice Chair, David Cody Recording Secretary.

Old business: Public hearing on the site plan review application of the Boothbay Harbor Waterfront Preservation Park.

A. Completeness Determination of Park's Site Plan Application

On May 13, the PB issued a conditional determination of completeness. This determination required the Park to provide the December 2, 2022, letter from the Water Doctors to the Department of Environmental Protection that was cited in DEP's NRPA Order L-21383-2F-F-M, dated January 2, 2025. The determination further requested the Park to provide a printed version of Plan L4 showing clearly details visible on the electronic version of L4 submitted on April 3, 2026, but not visible on the paper version of L4 dated March 31, 2026.

These two items have been submitted to the Planning Board after the May 13th meeting. In addition, the Park submitted updated copies of Plan C1 (Sewer Connection Plan) and Plan C2 (Civil Details), both dated May 27, 2026.

Motion by Chair and seconded by Minerich:

Motion pursuant to § 170-66(A)(6) to find that the Park's amended application is complete.

Vote passed 5-0.

Motion by Chair seconded by Minerich on 170-66 (A) (7) (8):

Motion pursuant to § 170-66(A)(7) and (8) to find that the Park's amended application is pending, to determine to hold a hearing on the application, and to proceed immediately to a public hearing for which notice has been provided by newspaper publication and by mail to abutters, at the end of which the PB will "take action to give final approval, with or without modifications, or disapproval of [the pending] application."

Vote passed 5-0.

B. Outline of Procedures to be Followed in Site Plan Review Hearing

Chair explained the responsibility of the Board in considering the Park's application and reaching a decision on it. He described the script provided to the Board, to the two attorneys, and to the public. He then made the following motion:

Moved that the PB make the script that has been distributed to the PB and to the parties a part of the record of the present hearing and that it be used in the present proceeding solely for ease of reference and the convenience of the PB and the parties during the present proceeding.

The Board agreed by a vote of 5-0 that the script was to be used to guide the proceedings.

Discussion by Chair of the provisions to be reviewed, the time limits that will be imposed on comments, and the procedures to be followed:

- At the opening of the hearing, the PB will invite opening comments by counsel for the parties, limited to 15 minutes each.

- Next, the PB will invite general comments from the public, limited to 5 minutes per speaker.
- As the PB considers the Park's application in light of the relevant ordinance provisions, the PB will, as appropriate, entertain comments from counsel and from the public on the issue under consideration before reaching its decision.
- If the hearing is not concluded by 9:30 PM on the evening of July 8, it will be continued and a date will be agreed upon for its resumption. This date will be the earliest consistent with notice requirements, if any; with the availability of the meeting room; and with the availability of the parties.

1. Opening Comments from Counsel to the parties:

Attorney Muri from the park opened with questions on the script vs normal discussion of facts. They the Park are here to amend a previous site plan approved in 2020. Discussed splash pad design and placement, layout of walkways, elimination of parking, and buffering.

Shoreland zoning is in the law court; they are here for site plan approval.

Mitch Rasor was invited to speak by Mr. Muri and spoke on the project, stating that shoreland zoning has been upheld in court twice. Park is up and running. Rasor explained the history of the splash pad as it was amended and accepted. The town did not provide the proper notice to the abutters. 5 minutes' extra speaking time was granted to Mr. Rasor.

Attorney Collins for the abutters explained that site plan review and shoreland review should roll together now or when the court decides. Both are dependent upon each other.

Werman Gilliam, a project manager/ planner for the abutters, spoke about submissions to the board and that they should be consistent, he explained there are many inconsistencies. He states that the board should be looking for more information.

Attorney Muri asked where Gilliam was during previous hearings and said it's unfair and unacceptable to bring him in now.

Attorney Collins says the whole site plan is in front of the board.

2. Opening Comments from the public:

George Craig BBH resident and on the Preservation Board. Seeking small changes, not everything is on the table. They must go piecemeal, and decisions are dependent on what has happened.

Charles Bagley, 6-month resident/ lawyer, speaks on consistency.

Mr. Doyle, abbuter wants just a park

Jason Magee, 25-year visitor, there has been a change from the original concept.

John Seitzer spoke on splash pad placement with regards to the 75-foot line.

Kauri Smith, BBH resident, spoke on rules to be followed by residents and abuttes.

Bob Krink spoke on zoning and that the area is zoned for “multiple use”

James Dilley, speaking in favor of the park and friends of BBH, wants just a park.

George Bagley questions 501c3 status, wants a park.

John O'Connell, President of BBHWP, spoke on multiple uses, sight lines, and future of Hodgdon house.

David Flannigan, board of directors, BBHWP, stated it's not Disneyland but provides services and was upheld in court.

Joe Doyle says he wants a park and he spoke of the deed of the land.

James Dilly questions: strategic direction of BBH and opined that the splash pad is only good for a few years, then problems arise.

Attorney Collins questioned what she heard about the future of the Hodgdon house.

John O'Connell The Park will reconfigure the Hodgdon house in accordance with the ordinance and there will be no neighborhood grocery store.

Attorney Collins wants to stop here and have new plans that reflect the change in Hodgdon house.

Mitch Rasor: House is not in front of the board.

Craig Fisher wants to see mediation, not court battle. Questions permit expiration.

Attorney Muri: planning board is not the deciding body on the expiration of permits. The courts would need to decide this, and the burden of proof is on the Doyles.

Attorney Collins states the CEO decides the site plan approval expiration. Shoreland does not require CEO (§ 170-67). The Board should decide on shorelands permit expiration.

George Craig states that the standard to prove substantial start and costs was OK'd by Attorney Cunningham.

Mitch Rasor wants to proceed with the site plan; claims there is no evidence that permits have expired.

Attorney Collins spoke that the CEO and Attorney Cunningham did not provide information requested to determine substantial start and costs.

C. Status of previously granted approvals

Town Attorney Dan Stockford: Planning Board does not have the power nor is it appropriate for it to decide the site plan approval expiration issue.

1. Shoreland Zoning Approval

Ron Cohen offered the following motion on this point:

Moved that the PB find that the issue of the possible expiration of the Park's shoreland zoning permit is not before the PB in this site plan review hearing, [which is] held under a different article of the ordinance [from the shoreland zoning rules], and, therefore, requires no decision by the PB at this time.

Vote passed 5-0.

2. Site Plan Approval

Chair read site plan ordinance

Attorney Muri: site plan is out of PB purview; it rests with the CEO. Permits still in effect

Attorney Collins says the Planning board has all the information to decide on permits. The park is not built to plan, therefore there are no plans to expire.

Attorney Muri The prior CEO made no determination of permit expiration.

Gilliam noted that there are inconsistencies in the process.

Attorney Collins: Park not built to plans.

Mitch Rasor: Plans were approved by planning board permits still good

Robert Kirk: bottom line, delay the program.

Craig Fisher: Spoke on parking lot pavers and costs

George Craig: court is the best place to decide substantial start

Attorney Muri: the expiration is in late December but would have to get to court much sooner than that

Wayne Sheridan: this should have been determined long ago

Joe Doyle: Stalling has been by park not them.

Tom Minerich offered the following motion, which was seconded by Dave Cody:

Moved that the PB find that the issue of the possible expiration of the Park's 2020 site plan review approval is an issue directly relevant to the present proceeding. Since authority to decide this issue resides solely within the jurisdiction of the CEO and is outside of the PB's authority to decide, the PB requests that the CEO issue a ruling on this issue and convey that ruling to the PB and the parties within 30 days, during which time the present hearing will be continued until the PB's next regularly scheduled meeting.

The motion passed by a vote of 5-0.

Chair to CEO: This issue is in your hands. Please confer with the Town Lawyer at every step to avoid improper ex-parte communications.

CEO Feeney needs to talk to lots of people about lots of moving parts, this is a difficult decision.

Public Hearing continued to the next regular meeting.

Motion to adjourn passed 5-0 at 21:15.

Respectfully submitted
David W. Cody
Recording Secretary
Boothbay Harbor Planning Board