

BOOTHBAY HARBOR PLANNING BOARD MINUTES

August 12, 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
Dan Stockford – Town Attorney

Executive Session: Planning Board motions to enter executive session at 1734, Motion by Blakeslee Second by Sample vote 5-0, to consult with legal counsel pursuant to Title 1 M.R.S. §405(6)(E). Nothing was voted on and no decisions were made. Planning Board motions to exit executive session at 1755, Motion by Blakeslee Second by Cohen; vote 5-0.

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

MINUTES: Motion to approve the minutes of March 11, 2026, Motion by Cohen/Second by Mahoney; vote 5-0.

Motion to approve the minutes of April 8, 2026, Motion by Blakeslee/Second by Cohen vote 5-0.

Motion to approve the minutes of May 27, 2026, Motion by Blakeslee/Second by Cohen vote 5-0.

Motion to approve the minutes of June 10, 2026, Motion by Blakeslee/Second by Cohen vote 5-0.

NEW BUSINESS:

185 Townsend Avenue Boothbay Harbor Maine

Planning Board Letter to owners regarding non submittal of site plan review application. A copy of the draft letter is attached to these minutes. The chair informed the PB that he was requesting approval to send the letter.

Planning Board Member Lisa Tholl asked to be recused as she is an abutter to project.

Mahoney elevated to the position of voting member.

On August 9th, 2026, Blakeslee asked CEO Feeney to place a stop work order on the project at 185 Townsend Ave. Blakeslee made a motion that if the stop work order is not issued by Friday August 14th the planning board will send a formal appeal to the Appeals Board. Minerich seconded the motion. Vote 5-0.

Mahoney moved back to alternate; Tholl resumes her voting position.

RENEWED REQUEST FOR THE MANDATORY RECUSAL OF TOM MINERICH

Mr. Muri, Counsel for the park and Ms. Collins, Counsel for abutters both spoke on the issue of recusal. Minerich recused from this issue and Mahoney was elevated to a voting position.

Blakeslee Moved and seconded by Cohen that Tom Minerich's conduct in writing a letter expressing an opinion regarding the proper interpretation of § 170-70 and circulating that letter to the PB was legally permissible and does not require his mandatory recusal or disqualification from participation in the present proceeding for bias. In so finding, the PB adopts the "Proposed Findings of Fact and Conclusions of Law" attached hereto. Vote 4-1 Cody voted in the negative. Mahoney returned to alternate position Minerich returned to full member status. A copy of the "Proposed Findings" is attached to these minutes.

Cody spoke on the issue of finding of fact paper with conclusion sent to board members by the PB Chair may taint the opinion of board members. The Chair noted that these were proposed and open for discussion.

Expiration of the Park's 2020 site plan review approval

Motion by Cody seconded by Cohen that the Planning Board move forward with this evening's scheduled site plan review hearing because the Town's Code Enforcement Officer has not yet provided a determination whether the PB's October 14, 2020, approval of the Park's original site plan application has expired, a determination that the PB requested from the CEO at its July 8, 2026, meeting. Vote 5-0.

Input from the Parties

The Chair floated an idea to conduct a fact-finding exercise where people could speak freely. Collins felt this was not necessary and information would come out in the normal process. Muri felt this was a sensible thing to do however it should have restrictions to use. Board Members felt adherence to the script was the proper way to go.

Review of Present Amended Site Plan Application

On August 12, Counsel for the Park stated that, while it had no immediate plans to use Hodgdon House as a neighborhood grocery, the Park has not withdrawn the grocery from the list of uses approved in 2020 that it intends to rely on. Mr. Muri promised to confirm the Park's restated position in writing to the PB.

Mr. O'Connell, the grocery store, will remain in the project.

Mr. Rasor explained that there are only 3 uses on the property a neighborhood grocery store, recreational outdoor space, and pier (x2).

Ms. Collins read definition of a marina section 170-113. Along with Mr. Doyle discussion on multiple uses beyond the 3 uses the Park is claiming.

170-28 Schedule of Dimensional Requirements

The Chair then asked for a written letter from both parties stating the specific uses of the site as it relates to the requirements of 170-28

§170-67 Other required permits

Discussion regarding necessary permits and are they in place.

Motion by Cody seconded by Blakeslee, moved that the Park has provided evidence that it has received all required permits. Vote 4-1. Minerich voted in the negative.

§ 170-69(B)(1) Adequacy of road system.

Motion by Blakeslee seconded by Cody moved that the present amended application requests no changes to the application approved on October 14, 2020, that require compliance with the requirements of § 170-69(B)(1).

§ 170-69(B)(2) Access into Site safeguards against hazards

Park encourages sidewalks along with crosswalks and would welcome it on their property but has no plans to undertake this project on its own. It looks to the town for these improvements.

Motion by Cody seconded by Blakeslee moved that the present amended application requests no changes to the application approved on October 14, 2020, that require compliance with the requirements of § 170-69(B)(2). Vote 5-0

§ 170-69(E) Buildings.

The building housing the proposed grocery store was approved by Planning Board on October 14, 2020, under the predecessor provision to § 170-69(E). The present application proposes no changes to Hodgdon House or to the Marina Operations building. Vote 5-0

§ 170-69(F) Storage of materials.

Moved that the present amended application requests no changes to the application approved on October 14, 2020, that require compliance with the requirements of § 170-69(F). Vote 5-0

§ 170-69(G) Water supply

See letter of April 3, 2026, from the Boothbay Region Water District to Boothbay Harbor Water-front Preservation (submitted to Planning Board on May 2, 2026). Letter submitted satisfied the requirements of 170-69(G)

Motion by Blakeslee seconded by Cohen to continue public hearing until August 26th. Vote 5-0

Motion by Blakeslee seconded by Minerich to adjourn at 2125. Vote 5-0

Respectfully submitted
David W. Cody

Recording Secretary
Boothbay Harbor Planning Board