

BOOTHBAY HARBOR PLANNING BOARD MINUTES

September 28, 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
Tom Minerich – Voting Member
Lisa Tholl-Voting Member
Jim Mahoney – 1st Alternate Member

Also Present:

Julia Latter – Town Manager
Dan Stockford-Town Attorney

Executive Session: Planning Board motions to enter executive session at 1730, 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 1806 hours.

Opening of Boothbay Harbor Planning Board meeting, Continuance of Boothbay Harbor Waterfront Park's Amendment to Site Plan Application

Called to order at 1815

Member status: All present

MINUTES: Approval of July 8th and August 12th regular PB meeting minutes along with the August 27th and September 2nd Comprehensive Plan workshops. Motion to approve all minutes 5-0

NEW BUSINESS:

Dan Stockford asked that at some point this evening we go into executive session to discuss a legal matter.

It was decided the Board will remain and meet at the conclusion of tonight's meeting.

Board is taking a detour and will address the abutters submitted concerns. Starting on page 10 of the distributed script, how to address the issues the abutters have raised in their September 24 communication.

Effect of the Wastewater Denial

Ms. Collins spoke to the effects of the wastewater denial from previous meeting. The decision by the Board was to have the splash pad water sent to the Municipal sewer system. BBHWP had no objection to going to the sewer system but did object to the notion that this would be grounds to vacate the entire application.

Ms. Collins spoke to the application and said that without the changes to a drawing the plan is not complete and therefore can't be approved. Mr. Muri understands and says they will fix it, meaning a new site plan and new L1.

The Chair crafted a motion to amend a previous motion that would have required the park to seek a new NERPA permit. It now reads as a motion by Blakeslee that the Planning Board will require the BBHWP connect the splash pad to the municipal sewer system for disposal of wastewater only, as a condition of any approval of BBHWP's amended site plan review application, and that prior to final approval, it obtain all required permits, including a new NERPA permit, or confirmation that a new NERPA is not required. Second by Cohen. Discussion none. Vote 5-0

Permit Expiration

The abutters feel that the Planning Board has the necessary information to resolve the expiration issue. The two-town CEO's who have examined documents felt they did not have enough information to conclude that the permits had not expired. Ms. Collins feels that BBHWP has not met its burden of proof to show that it made a timely substantial starts or that it has timely completed work. The question from the Chair is what if BBHWP does not provide that information? Mr. Muri states that the PB is not constituted in a way that permits it to decide on the question of the status of the permits. Mr. Muri also questions the assignment of the burden of proof. The Maine law court has not decided this question squarely so there is no decision to rely on. Mr. Muri feels the burden lies with the abutters, but BBHWP has an obligation to come forward with some evidence of what it has done. Mr. Muri stated that BBHWP will try to provide additional information. There is a question of some sophisticated bookkeeping questions, and Mr. Muri's firm does not have the capacity to answer these questions. They need to get the information in the hands of someone that can wrestle with the questions. A CPA firm would need 60 to 90 days to complete its work once found and it begins the process.

Ms. Collins does not want to move forward. In the event the permits have expired, and BBHWP finishes all the remaining work, this can't be walked back. Ms. Collins explains that abutters are not usually in the conversations and it is in the hands of the CEO so no, the abutters do not have the burden of proof. Time is not an issue (60-90 days) if they are not building anything.

Ms. Collins speaks on a prior request to the CEO to install pavers. Mr. Feeney did approve the installation in his September 17th letter as long as it is consistent with the 2020 plan. Ms. Collins questioned the NERPA permit that the board just asked for and suggested that it was not the same as the 2020 plan. Mr. Gilliam says that the 2020 application shows 28.27% lot coverage and has been revised to show 32.8% and there have been 12 renditions of the plan over time. Mr. Feeney sent a letter to Mr. O'Connell regarding work to the walkway only. The letter was dated September 18th, 2026. Loose bark much is not consistent with the original plan and poses a poor

walking surface and does not meet accessibility standards and not compliant for those with disability issues. The CEO encourages BBHWP to proceed with the installation of the paver walkway with three conditions: 1) it must be consistent with 2020 site plan, 2) it must conform to the 2021 shoreland zone approval, and 3) details and construction materials be consistent with 2020 and 2021 approvals. Any changes may require approval by the PB.

Both the PB and Ms. Collins have not seen the letter as of this meeting.

The Chair asked Mr. Muri to sacrifice that small improvement (the walkway) to bridge the gap and move forward with the application. Mr. Muri stated he was not authorized to do this.

George Craig questioned Mr. Stockford saying at the last meeting that the issue of permits expiration is not in the prevue of the PB. The Chair answered for Mr. Stockford and said it was in the hands of the CEO. The town also asked for the shoreland permit review. Mr. Craig noted that this was not in question at the last meeting.

Ms. Collins questioned the lot coverage. With the bricks going in they would exceed the 28.8% coverage. She is not willing to budge on work moving forward. Not sure of where they are on lot coverage. Mr. Muri will assure the Town, through their board, they will take the pavers out if necessary, so no enforcement action will be needed.

Cohen asked for a 2020 overlay of the pavers, as the drawings, we have do not match up with present drawings.

Meeting takes short break to work on a draft of a proposal for pavers. After the break Mr. Muri said he would need overnight to digest the proposal. Ms. Collins agreed. This issue will be taken up at the next meeting. Mr. Stockford proposed that the PB ask BBHWP to produce two additional overlays, one from 2020, 2021, and the present.

Hodgdon House. BBHWP states that they are asking for nothing related to the Hodgdon house in their amendment request. Ms. Collins points to §170-67 that states that no approval can be granted without the State Fire Marshal's approval for the Hodgdon House. George Craig points out that the building is not suitable for use as is and will need to be reworked. A new permit will be sought when plans are drawn. Ms. Collins argues about parking on the site. They have eliminated 1 more space. BBHWP understands that it will have to return to the planning board if, and when changes to the Hodgdon house are applied for. Two dwelling units were eliminated and with that the two spaces were eliminated for the units. They are still at a positive two spaces. Mr. Gilliam wants the applicant to provide the PB with a new parking table. Decision for the next meeting date is given to the attorneys to decide, as their schedules are the hardest to accommodate.

Meeting ended at 2117 move to Executive session

Executive session 2120 Hours

Vote to move to Executive session 5-0.

Planning Board motions to enter executive session at 2120, 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 2211 hours.

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

