

BOOTHBAY HARBOR
PLANNING BOARD MINUTES
November 8, 2023

Neither video nor audio recording of this Planning Board meeting is available at the Boothbay Harbor Town Office due to technical difficulties.

ATTENDING:

Tom Churchill – Chair
Tom Minerich – Vice Chair
Ronald Cohen – Secretary, 1st Alternate
Jon Dunsford
Lee Corbin
Merritt Blakeslee
Dave Cody – 2nd Alternate

Julia Latter – Town Manager
Geoff Smith – Code Enforcement Officer
John Cunningham – Town Attorney

Tom Churchill called the meeting to order at 6:00 p.m.

MINUTES: The minutes from 9/13/23 were approved 5-0 with no corrections. The minutes from 10/11/23 were approved 4-0 with no corrections (Jon Dunsford abstained as he was not present at that meeting). The minutes from the workshop on 10/18/23 will not be approved today as not all board members have had a chance to review them.

OLD BUSINESS:

1. **John and Jane Witten, represented by Phelps Architects, Inc, 133 McKown Point Road, Tax Map 4 Lot 59, applicant is seeking to relocate and rebuild a non-conforming structure in the shoreland zone, requiring Planning Board approval under Chapter 170, Article VIII, Subsection 170-101.7(C)2 and expand their structure within the 30% allowed, requiring Planning Board approval under Chapter 170, Article VIII, 101.7(C)1 - PREVIOUSLY TABLED - Request from applicant to take up from the table and continue to review.**
 - Michelle Braun, daughter of the applicant, is present.
 - Motion to take this application off the table; approved 5-0.
 - Attorney Cunningham provided a brief explanation of the definitions of relocation and reconstruction. Reminded the board that their decision is only whether the applicant meets the criteria of greatest practical extent.
 - The Board's decision was to pick up the discussion where it was tabled.
 - Ms. Braun provided explanation regarding Phelps' plan and why the greatest practical extent was achieved:

- A solid ledge runs through the adjacent properties and blasting would disrupt the foundations of the abutting neighbors.
- There are underground utilities that would potentially be disturbed.
- Mr. Dunsford spoke to abutters location, appearance of coastal views, current landscaping, and character of the town.
- Ms. Corbin spoke to privacy requirements and blasting for moving septic and/or town sewer.
- Mr. Blakeslee asked for clarification on how moving the house to a higher location on the ledge would change the character of the landscape.
- Ms. Corbin and Mr. Dunsford both described the character of the coastline as having houses that are staggered instead of in one long line. Moving the house back would disrupt the current character of the coastline.
- Mr. Churchill compared the location to that of Juniper Point.
- Mr. Cody asked for clarification on whether property value, retail sales, character, and ambiance determine the greatest practical extent.
- Attorney Cunningham references the town code and suggests that the board makes sure all areas are discussed.
- Ms. Corbin points out that the house is already in place and that the ground will not be disturbed, however, soil erosion may increase if the house is moved to the top of ledge.
- Ms. Corbin also asked if cost is considered in determining the greatest practical extent.
- Attorney Cunningham affirmed that in some cases it does.
- Mr. Dunsford made a motion that the Presentation by Phelps demonstrates the house is moved back to the greatest practical extent. This motion was amended by Ms. Corbin to include the wording “The board considered the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation”. Lee seconded the motion, and the application was approved 3-2, with Mr. Churchill and Mr. Blakeslee opposed.

NEW BUSINESS:

1. **Boothbay Region Housing Trust, Alexander Way (Harbor Point Subdivision), applicant is seeking site plan review and approval per Chapter 170, Article IV, §170-38, Extraction/excavation or filling. RESCHEDULED UNTIL DECEMBER 13, 2023.**
2. **Pre-Application**
 1. **Metehan Sahn, DBA Harborside 1901 Bar and Grill, 12 Bridge St., applicant seeks a pre-application discussion with the Board to discuss an upcoming site plan review, per Article V, Chapter 170, §170-61 (B). POSTPONED INDEFINITELY WHILE PLANS ARE REVISITED.**

ORDINANCE DISCUSSION:

1. **Attorney Cunningham began a discussion regarding the upcoming State Statutes that are to be implemented July 1, 2024. He provided copies for everyone to read and at a future meeting will be discussed in further detail.**

- 2. Town Manager Latter will work on setting up a meeting to discuss LD2003 with a 3rd party town planner who has experience with this issue.**
- 3. Mr. Churchill opened discussion on Chapter 170, Article VIII, §170-101.7(C)(3)(a).**
 - 1. Attorney Cunningham advised the Board that DEP sets the guidelines for the Shoreland Zone so it cannot be changed without their approval.**
 - 2. Attorney Cunningham suggested that the Planning Board establish a set of rules to follow when dealing with issues in the Shoreland Zone.**

ADJOURN: Motion to adjourn at 7:34 PM; approved 5-0.