

Scope of Work for Expert Peer Review Consultation

Date: December 14, 2018

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Secondary Contact: Geoff Smith, Code Enforcement Officer ([gsmith@boothbayharbor.org](mailto:gsmith@boothbayharbor.org) )

The Town of Boothbay Harbor is seeking a qualified professional planning consultant with experience in harbor waterfront management to conduct an **expert peer review** of proposed zoning changes for Boothbay Harbor’s East Side waterfront. The goal of the review is to obtain an objective assessment of proposed zoning changes so the Planning Board, Select Board and public are confident that the new zoning ordinances are consistent with sound planning practices and appropriate harbor management.

The peer review should focus on four key questions:

1. Is the zoning proposal establishing two zones on the east side of the harbor consistent with appropriate planning practices?  Are the specific use changes consistent and in keeping with our community character and history?  Please elaborate.
2. Are the proposed zoning ordinances for the harbor’s east side consistent with the goals and objectives outlined in the town’s 2015 Comprehensive Plan? Please elaborate.
3. From a planning perspective and based on appropriate harbor front development in other coastal towns that have balanced marine/water-dependent uses with other business and residential use, do you foresee significant unintended outcomes that the new proposed zoning ordinances may prompt or any obvious loopholes in the proposed ordinances that have not been anticipated?  Please identify any concerns you note including but not limited to:
   1. Pedestrian and vehicular  traffic
   2. Parking
   3. Complimentary uses of maritime related activities
   4. Natural and cultural resources
   5. Visual and  public access to the waterfront
   6. Economic development potential (year-round vs seasonal)
   7. Affordable year-round housing
4. Please elaborate on any significant criteria we are missing.

**Background**

Current Harbor East Side Zoning: The town’s harbor waterfront is currently zoned for a combination of Downtown Business District (harbor west side), Residential (head of the harbor) and Maritime/Water-Dependent District (harbor east side).

* The east side Maritime/Water-dependent district was adopted in the mid-1980’s to promote maritime use and attenuate the development of non-marine businesses and condominiums on the waterfront[[1]](#footnote-1). The Maritime/Water Dependent District included several pre-existing hotels; but because the District prohibited these uses and other non-water dependent uses, many new businesses were prohibited and the existing businesses established prior to the zoning regulations faced restrictions on expansions in use.
* Since adoption of the Maritime/Water Dependent district, there have been changes in ownership of the existing maritime businesses in the district, and there has been no expansion of marine and water-dependent businesses into other properties in the district[[2]](#footnote-2).

Development of New East Side Zoning Proposals: Since the current Maritime/Water Dependent district prohibits many of the pre-existing uses at this location, as well as potentially compatible new businesses, new businesses were prohibited from locating in the district. To address this issue, the Planning Board has developed updated zoning ordinances for the east side of the harbor.

* The Planning Board initially appointed an ad hoc *Advisory Workgroup* comprised of two Planning Board members, a selectman, two east side business owners, and two planning professionals; one representing a local developer (Dan Bacon, Gorrill Palmer) and a planning professional from Lincoln County Regional Planning (Bob Faunce) who was hired to represent the town’s interest. Their charge was to examine best practices and appropriate zoning changes to the Maritime/Water-dependent district that would allow existing businesses to renovate, relocate, rebuild and reinvest, yet preserve Boothbay Harbor’s existing water dependent uses, while maintaining public access and connectivity to the waterfront. Their final recommendations informed the Planning Board’s deliberations.
* Based on extensive public feedback, and review and input from the DEP and the town attorney, the Planning Board developed and approved the current proposal to establish a two-zone district for the east side. This two-zone proposal has been extensively reviewed by Colin Clark at Maine DEP, and the DEP is satisfied with the current recommendations. While Boothbay Harbor has not adopted the DEP’s year 2015 Chapter 1000 Shoreland Zoning Rules, the town has adopted the year 2000 Chapter 1000 rules.

Next Steps for Town Review Process: The expert peer review assessment and findings will be shared with the Select Board and Planning Board. If the expert peer review raises significant questions or suggestions for revisions, the Planning Board will review this feedback and consider amending the zoning proposals. The goal is to have the zoning proposals sent to the Select Board in time for their review and the development of the warrant that can be voted in time for the May annual meeting.

Timeline and Deliverables for the Expert Peer Review:

* December 14: Release of scope of work and related materials
* Week of December 17-20: Consultant engagement kick-off call with Town Manager, Code Enforcement Officer, and two Select Board members
* January 7, 2019: Call to discuss preliminary findings with Town Manager, CEO, and two Select Board members (Wolf, Tomko)
* January 9, 2019: Submission of draft written memo to Town Manager outlining responses to key questions and other findings
* January 14, 2019: Select Board presentation of expert peer review findings

Project Budget: Consultant must submit a budget proposal for the scope of work, not to exceed $5,000.

Relevant Review Materials:

* Current Boothbay Harbor zoning ordinances, zoning map, and current town Land Use Codes
* East side zoning recommendations with detailed proposed ordinance changes, Land Use table with proposed uses and list of property lots in new zones
* Relevant correspondence from Department of Environmental Protecion
* 2015 Town of Boothbay Harbor Comprehensive Plan
* 2015 Boothbay Region Economic Development Plan

1. Public forum comments by Mary Lee Brown and Bill Logan, former selectmen and town residents [↑](#footnote-ref-1)
2. Data provided by Boothbay Harbor Code Enforcement Officer Geoff Smith [↑](#footnote-ref-2)