

**MINUTES
BOOTHBAY HARBOR
SELECTMEN'S MEETING
JANUARY 14, 2019**

In addition to these typed minutes, video recordings of all Selectmen's meetings are available to be viewed at BRCTV and audio recordings are available to be listened to at the Boothbay Harbor Town Office.

ATTENDING: Denise Griffin, Vice Chair
Russ Hoffman
Mike Tomko
Trisha Warren
Wendy Wolf, Chair

Tom Woodin, Town Manager
Julia Latter, Finance Officer

Chair Wolf called the Board of Selectmen's meeting to order at 7:00 pm.

Pledge of Allegiance: The Board of Selectmen and members of the audience.

TOWN MANAGER'S ANNOUNCEMENTS:

1. Nomination papers are available to pick up from the Town Clerk as of January 23rd for several positions: two selectmen positions, one school committee member of the Boothbay-Boothbay Harbor Community School District (CSD), one trustee of the Boothbay-Boothbay Harbor CSD, one trustee of the Boothbay Region Water District and one trustee of the Boothbay-Boothbay Harbor Cemetery District.
2. Town meeting will take place on May 3rd (voting on the warrants) + May 4th (meeting). Absentee ballots must be available 30 days prior to the vote (by April 4th). The referendum hearing on the warrants must be held 60 days prior to the day they are voted on (by March 5th).
3. Barney Baker update on footbridge design postponed due to illness.

SELECTMEN REPORTS:

1. Vice Chair Griffin announced that on Wednesday, January 16th there would be a school committee meeting to vote on whether or not to take out a five million dollar bond which is allowed for renovations without voter approval by the School Charter that was written in 1956. Vice Chair Griffin stated the Selectmen were planning to attend, following the Budget Committee meeting, to monitor the situation and encouraged concerned citizens to attend as well.

2. **JEDC:** Chair Wolf stated that Boothbay had received a grant to study broadband for the peninsula from the Maine Community Foundation (a grant submitted by Boothbay but a Boothbay-Boothbay Harbor venture). They will need some volunteers to identify what is available and the key needs of individuals and businesses.

Chair Wolf also stated at the last meeting of the JEDC, Roger Ferrell of Edgecomb and the Pastor of the Anchor Church, spoke about bGEN a new business incubator program in collaboration with the Boothbay Harbor Region Chamber of Commerce.

Finally, Chair Wolf stated the Boothbay Lights committee reported the third year of the festival had proved to be the busiest one yet.

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board.

MINUTES:

Selectman Tomko **motioned** to approve the minutes of the December 10th meeting. Selectman Hoffman **seconded**. **Unanimous approval.**

LICENSES:

(None)

NEW BUSINESS:

1. Chair Wolf invited Doug Coombs, Maine DOT, to explain the drainage project planned for Atlantic Avenue.

Doug Coombs stated there was "closed drainage" replacement necessary on Atlantic Avenue and that it was presently in the design phase. Coombs explained that closed drains are drains that empty into catch basins and then outfall instead of from ditch to ditch, to help with frost. The DOT classifies Atlantic Avenue as a **corridor priority 4** (the lowest priority). The project is to run from Lobster Cove Road extending southerly 0.21 miles. The estimated cost of the project is \$460,000 and planned for 2020. Improvements to the area sidewalks/crosswalks (width for paving and ADA compliance) will be taken care of at this time. No work will be done between June 15th and Labor Day. (Chris Leeman of Public Works and Manager Woodin had been consulted.)

There were several concerns expressed by the public.

- Whether the DOT would need DEP approval.
- Whether the work can be done in a way to relieve flooding in the area.
- If the water going into the drains can be treated before flowing into the harbor.

Doug Coombs stated he would look into these concerns.

Planning Board Chairman, Bill Hamblen, gave a review of the Planning Board's final East Side Zoning Recommendations as presented at a Public Hearing on January 9th (as displayed on the Town website) now being passed on to the Select Board.

The recommendation is for a two-district zone.

1. Working Waterfront
2. Limited Commercial/Maritime

The recommendation contains two questions and one recommendation.

Question 1: The key elements of the two districts.

Question 2: The building height of 35' (town-wide).

Recommendation: Increasing permitting fees for use of acquiring or enhancing public spaces.

Bill Hamblen confirmed two questions for Selectman Tomko.

- The more restrictive setback would apply when a structure has more than one use.
- The Working Waterfront would continue to have zero setbacks, no fee structures and no residential or micro breweries allowed for additional protection.

Bill Hamblen confirmed one question for Vice Chair Griffin.

- A basement cannot be counted as a floor of a structure as long as it is not more than 6' in height.

Bill Hamblen confirmed two questions and recapped the process for Selectman Hoffman.

- Side yard setbacks do not count as view corridors.
- The Working Waterfront consists of 23 percent of the total east side zone.

In brief: Over the past 15 months, the question of whether hotels on the east side should be a permitted use spurred the formation of a working group who met seven times to examine uses and develop a vision for the east side. There were meetings and email communications with DEP for guidance. They studied optional districts from other communities. Twenty-five foot setbacks from the water are only permitted if industry is allowed so they accepted the 75' advised by the DEP for the Limited Commercial Use district. The Town's lawyer verified the proposed two-district plan is aligned with their comprehensive plan (whereas the earlier proposed one-zone district did not).

Bill Hamblen confirmed two questions for Selectman Warren.

- Lincoln County Planner, Bob Faunce, came up with 20 feet for view corridors after looking at other view corridor implementations. (Fifteen feet seemed too narrow and 25 feet would have used up too much buildable space.)
- Public access has been talked about at length, such as having a boardwalk along the waterfront, which was denied by the DEP unless a rail line or other parcel had previously been there. Otherwise, personal land would not have to be taken by eminent domain.

Chair Wolf asked Bill Hamblen to summarize why the Planning Board went from the plan with a one-district zone to a two-district zone.

Bill Hamblen stated they had been consulting with the Town lawyer all along who felt a one-zone plan would not be consistent with the comprehensive plan. Since the people of the town were against amending the comprehensive plan, the Planning Board revisited an earlier idea of a two-district zone. The Town lawyer verified that this would be consistent with the comprehensive plan by protecting the Working Waterfront while providing for economic development on the east side.

Chair Wolf opened the floor for any **technical** questions.

1. Mike McBride questioned 75' high water setbacks and 20% lot coverage because he felt it was very restrictive for development.

Bill Hamblen responded 20% lot coverage includes anything impervious (buildings, driveways, steps, etc). If a pre-existing structure was rebuilt it would be grandfathered to continue to have 70% coverage. If a building is taken down by more than 50% it would have to be moved back to the greatest practical extent from the water (which is a Planning Board determination using guidelines). However, in most cases on the east side there is not that much room for buildings to be moved back. If a non-conforming structure is totally rebuilt, the new building could continue as a non-conforming use. Hamblen pointed out that CEO, Geoff Smith is the authority on all of this and would have to be consulted for accuracy.

2. George Craig requested that Bill Hamblen confirm the 70% lot coverage could be grandfathered.

3. Bill Logan made the same request as George Craig (from the DEP as well as Geoff Smith).

Chair Wolf introduced Mitchell Rasor, MRLD Landscape Architecture + Urbanism, to present the independent review of the Planning Board's recommendations to rezone the Maritime/Water-Dependent District on the east side of the harbor into two districts: A Limited Commercial/Maritime District and a Working Waterfront District.

Mitchell Rasor cautioned about potential pedestrian and vehicular congestion due to increased development and advised against using parking lots as primary uses. Rasor stated there no provisions to create opportunities for public access to the water or covenants to protect the Fisherman's Memorial or other resources adding to the local character.

Rasor suggested eliminating permitting uses of churches, banks and parking lots in the Limited Commercial/Maritime District due to the constriction of the area as well as yacht clubs in the Working Waterfront District since it would become a private organization displacing working waterfront use.

In his review, Rasor maintained the proposed districts are still inconsistent with the comprehensive plan since competition of housing, restaurants and hotels could become incompatible with marine related uses when the current restrictions are lifted.

(The findings of the peer review to the specific questions posed to Mitchell Rasor can be seen **in detail** on the Town's website.)

Chair Wolf stated the Planning Board and members of the public had also grappled with many of the things Mitchell Rasor had highlighted. Chair Wolf felt while some of the items were interesting and important, they were items to think about in the context of a Master Harbor Plan. As for inconsistency with the comp plan, Chair Wolf stated that in the first two drafts from Rasor, he believed the two-district zone was consistent with the comp plan. But in the final version the conclusion was that the plan is not compatible. Chair Wolf stated they have shared the latest report with the town attorney and he continues to believe very much that the two-district zone to be in keeping with the comp plan and that it does build in some extra protections for the working waterfront.

Chair Wolf pointed out the review of Mitchell Rasor was not a legal opinion but a review from his training and perspective of which they have a difference of opinion. Chair Wolf stated the town's attorney felt they would be in a good position to survive a legal challenge about consistency with the comp plan given his interpretation of the plan.

Chair Wolf opened the floor for Public Forum.

1. Marty Gleason shared a letter of support for revitalization on the east side from 70 businesses in town.

2. Susan Craig wondered if Mitchell Rasor would return to a future meeting in case they have questions to ask as well as the town lawyer. Chair Wolf responded that the scope of Mitchell Rasor's work concludes with the delivery of this final report. The town attorney will definitely share his perspective on the soundness of the two-district zone and consistency with the comp plan in a final review he owes the Select Board.

- 3. Lynne Seitzer stated the review was good and gave her ideas of how to achieve their long-term goals for a Master Harbor Plan.
- 4. Chris Kenniston stated she was not aware of the Rockland Trail mentioned in Mitchell Rasor's review and wondered if it was similar to the trail in Belfast. Mitchell Rasor explained water front trails differ from community to community for a number of reasons..."that one size does not fit all."
- 5. Douglas Hayner noted the west side of the harbor already has such a trail from the Foot Bridge to Kaler's.
- 6. John Seitzer was impressed by the building length restriction that Mitchell Rasor had quoted in his review.
- 7. Bill Logan stated the waterfront trails in the communities Mitchell Rasor had talked about were in less restrictive districts than a Limited Commercial zone.
- 8. Ken Fitch stated the people opposed to development on the east side are not anti-business and believes the Planning Board had come up with a very balanced approach to a very complicated problem.
- 9. Rick Shinay confirmed the Select Board would discuss the Mitchell Rasor review at their next meeting.

Due to the lateness of the hour, Chair Wolf felt they should table the other agenda items until the next meeting. [The consensus of the Board was in agreement.]

WARRANTS:

Vice Chair Griffin **motioned** to approve the warrants upon careful review. Selectman Warren **seconded**. **Unanimous approval.**

EXECUTIVE SESSION:

(None)

MOVE TO ADJOURN:

The meeting was **adjourned** at 9:42 p.m.

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