

**MINUTES
BOOTHBAY HARBOR
SELECTMEN'S MEETING
NOVEMBER 26, 2018**

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. Town Manager has a draft of the updated rules for use of the public portions of the Fish Pier prepared to put on the agenda for the Board to discuss at the next meeting.
2. There are currently ads in the Boothbay Register for a Harbor Master, deputy Harbor Master, a full-time position on the Budget Committee, a position for an alternate on the Board of Appeals and positions for two alternates on the Port Committee.
3. The Board might want to cancel the next meeting which falls on Christmas Eve. [The consensus of the Board was in favor of this.]
4. The fireworks display in the inner harbor for Boothbay Lights is scheduled for Friday, December 7th at 6:00 p.m. [In the event of bad weather it will be postponed to Saturday, December 8th.]
5. The paving on Lakeview Road, Williams Street and Reed Road will be completed soon with the curbing. (Reed Road will need a second coat in the spring.) The school parking lot by the new pickle ball and basket ball courts is also receiving curbing so it can begin to be used.
6. Selectman Warren thanked the fire and police departments for their recent swift response to a fire at the place where she works.

FINANCIALS:

Finance Officer Latter reviewed the financial totals with the Board stating that 80% more of their snow removal budget has been used than last year at this time.

MINUTES:

Selectman Tomko **motioned** to approve the minutes of the November 13th meeting. Selectman Warren **seconded**. **Motion passed 3 - 3 Abstentions**. (Vice Chairman Griffin and Selectman Hoffman did not attend.)

SELECTMEN REPORTS:

1. Chair Wolf stated the Select Board and Planning Board have been discussing having a very focused independent review of the east side zoning proposal, once the DEP review has been completed, by someone who is a knowledgeable planner to insure these are appropriate proposals to bring before the town for a vote. Chair Wolf, Manager Woodin, CEO, Geoff Smith, Selectman Tomko and two members of the Planning Board met to articulate the key questions this consultant would focus on in a timely way. They have had informational discussions with some potential individuals qualified to do such a review.
2. Selectman Hoffman reported that it was "audit and budget" season for the Ambulance Service.

LICENSES:

(None)

NEW BUSINESS:

1. Chair Wolf stated there had been a wharves and weirs hearing onsite at 3:30 p.m. that afternoon at 3 Ships Point Road, Map #14, Lot #5A. Alison Praver, represented by Atlantic Environmental, LLC, is proposing to replace a ten foot wide by twenty foot long seasonal float with a twelve foot wide by thirty six foot long seasonal float and connect a four foot wide by forty foot long seasonal finger float perpendicularly from the twelve foot by thirty six foot float in the waters of Boothbay Harbor. Those present, along with Atlantic Environmental and the owners, had been Chair Wolf, Vice Chair Griffin, Selectman Tomko, Harbor Master Nick Upham and CEO, Geoff Smith.

Tim Forrester, owner of Atlantic Environmental, stated the design being proposed will enable the owner access to their floats at low tide. The floats will be connected by a strong arm bracket so they can adjust with the tide instead of moving around. Forrester presented the Board with a letter from the abutters, the Byrds, stating they have no objections to its close proximity to their pier which passed the Army Corp of Engineers restrictions early in the process.

Harbor Master Upham stated, "given the location, it should not be a hazard to navigation or impose on anyone else."

Vice Chair Griffin felt it was a tight as well as shallow cove and was relieved to know the neighbors do not have a problem with it. Vice Chair Griffin stated for this reason she'd vote in favor of the application but did not want this to set a precedent for other applicants because they were not complying with the riparian line setback.

Chair Wolf stated they would go through the Findings of Facts process.

- Does the proposed application interfere with or cause an obstruction to navigation? [The consensus of the Board was that it did not.]
- Does the proposed application cause injury to the rights of others? [The consensus of the Board was that it did not.]
- Has the applicant included all necessary approvals from other agencies such as the Maine State Department of Environmental Protection, the Army Corp of Engineers and the State of Maine Bureau of Parks and Lands? [The answer was "yes."]

DECISION: Based on the facts above and discussion had by the Board with relation to the review criteria above, on November 26, 2018 the Boothbay Harbor Board of Selectmen voted to APPROVE the proposal to replace a ten foot wide by twenty foot long seasonal float with a twelve foot wide by thirty six foot long seasonal float and connect a four foot wide by forty foot long seasonal finger float perpendicularly from the twelve foot by thirty six foot float in the waters of Boothbay Harbor, Maine.

2. Chair Wolf invited Maine Preservation Executive Director, Greg Paxton to talk about his organization that had recently listed the working waterfront in Boothbay Harbor (with six other buildings or structures) on their Most Endangered Historic Places list for 2018.

Greg Paxton introduced Chris Closs, Field Service Advisor, who was there with him and explained the Maine Preservation is a nonprofit, statewide historic preservation organization founded in 1972. Paxton explained their mission is to promote and preserve historic places, buildings, downtowns and neighborhoods, strengthening the cultural and economic vitality of Maine communities.

Greg Paxton stated most communities conduct an architectural survey and update them every twenty years or so to keep the comprehensive plan current. (The last one Boothbay Harbor had done was in 1981.) Paxton recommended a few things.

- Update the chapter in the town's comprehensive plan that addresses cultural resources.
- Begin an update of the architectural survey.

- Identify buildings that might be eligible for the National Register and possible historic tax credits. [Tax credits only apply to income properties.]

Chris Closs spoke about the Most Endangered Historic Places list saying last year they had added "coastal/river front communities" due to the affects of changing environmental conditions and this year "working waterfronts" (due to a nomination from someone in Boothbay Harbor). Closs pointed out the working waterfront was on the East Side of Boothbay Harbor and (thirty years ago) rezoned to include the entire district as a limited commercial/maritime dependent zone. Their concern is whether the zone is consistent with the state's coastal management policies.

- **HARBOR DEVELOPMENT:** Promote the maintenance, development and revitalization of ports and harbors for fishing, transportation and recreation.
- **MARINE RESOURCE MANAGEMENT:** Manage the marine environment and related resources to improve the ecological integrity and diversity of habitats.
- **SHORELINE MANAGEMENT AND ACCESS:** Support Shoreline management gives preference to water dependent uses over other uses that promotes public access to the Shoreline and considers the cumulative effect of development.
- **OTHER:** Recreation, tourism and water quality.

In conclusion, Greg Paxton stated Maine Preservation believes the proposed zoning change (in Boothbay Harbor) is moving in a positive direction. Because of the importance of preserving working waterfronts, Maine Preservation listed Boothbay Harbor as an example.

Selectman Hoffman wondered if working waterfronts are limited to fishing and was told they include all **maritime related** activities.

Greg Paxton explained to Selectman Tomko that the National Register for Historic Places originated in 1966 and includes places of national, state or local significance. [These only have to be 50 years old to qualify.]

Margaret Perritt felt an architectural survey would help them to discover a really nice old town.

Dave Racicot expressed concern for public space and public access to the water.

Greg Paxton pointed out there are funds that are tied to having public space.

ONGOING BUSINESS:

Vice Chair Griffin stated she and Selectman Tomko with Manager Woodin met with a representative from the Maine Department of Transportation to rekindle plans that began in 2012 for sidewalks and bike trails. MDOT suggested the first step is to obtain some right-of-way surveys to determine where there is room.

They had talked about an extension of the sidewalk along the Meadow Mall, an extension of the sidewalk on Rte 96, a sidewalk from Union at Townsend to Oak and a sidewalk heading to Southport. The DOT also suggested painting signs on the road at the beginning of cross walks that say, "stop, wait + wave," like they have in downtown Camden.

Selectman Tomko spoke favorably of moving forward.

Manager Woodin stated Terry Leighton had quoted them approximately \$2,800 to do a survey from the Fish Pier to the footbridge when they were working on the comprehensive plan.

Chair Wolf stated MDOT has a state-wide transportation improvement plan for the next 2-3 years that would let them know where the state is going to do work and asked Manager Woodin to get a copy. Chair Wolf also commented on the difficulty to understand where sidewalks are allowed according to their ordinance. Planning Board Chairman, Bill Hamblen, who was in attendance agreed it was gray and weak as well as usually applying to new roads or substantial redevelopment.

Vice Chair Griffin **motioned** to have Manager Woodin get a survey done from the Fish Pier to the footbridge. (According to Manager Woodin Townsend Avenue to Oak Street from Union Street does not need a survey because it is wide enough for a sidewalk.) Selectman Tomko **seconded**. **Unanimous approval.**

[Vice Chair Griffin pointed out the Budget Committee needs a list of sidewalks in need of repair.]

PUBLIC FORUM:

1. Ken Fitch felt the town needed a plan before rushing the east side development and wondered if the mixed zone could just extend from the Oceanside to the footbridge.
2. Tom Minerich stated that the voters need to make the decision on the east side zoning.
3. Bill Logan wondered if Bob Faunce could do the independent town planner review.
4. Dave Racicot did not see the need to rush the east side development.

WARRANTS:

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

EXECUTIVE SESSION:

(None)

MOVE TO ADJOURN: The meeting was **adjourned** at 8:50 p.m.

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