

BOOTHBAY HARBOR PLANNING BOARD  
MINUTES OF PUBLIC MEETING  
Wednesday, February 8, 2023

**Members Present**

Jon Dunsford  
Lee Corbin  
William Hamblen  
Tom Minerich  
Merritt Blakeslee, *Second Alternate*  
Tom Churchill, *Chair* (Attending via Zoom)

**Also Attending**

John Cunningham, *Town Attorney*  
Geoff Smith, *Code Enforcement*  
Julia Latter, *Town Manager*

In addition to these typed minutes, an audio recording is available for review at the Boothbay Harbor Town Office. This meeting was held at the Boothbay Harbor Town Office and remotely on Zoom.

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

Tom Minerich motions to approve minutes from the meeting on January 11, 2023. Seconded by William Hamblen, this motion is approved 4-1, with Lee Corbin abstaining because she was absent from that meeting.

**Old Business**

**EMPLOYEE HOUSING:**

The Planning Board adds a definition for "Living Units" and rewords the proposed ordinance to say there is one parking spot required per two living units rather than per living space.

**SIDE YARD SETBACKS:**

In the proposed new note "L," the Planning Board deletes "per dwelling unit" because it is a structural rather than a dwelling issue.

There is a correction in the proposed changes to Downtown Business District B in the sixth sentence of the background section to say "literally" instead of "laterally." The Planning Board notes that "literally" may be deleted altogether.

**AUTHORITY OF THE BOARD OF APPEALS:**

The proposal is corrected to show edits included within the original text to make it more understandable.

#### **BUILDING HEIGHT:**

Further discussion on changing the proposal to 30' rather than 35'. The Planning Board decides the proposal will stay at 35'.

#### **AFFORDABLE HOUSING:**

Legally, we cannot make current requirements more stringent. However, there is some discussion on adding an ordinance on short-term rentals.

Tom Churchill motions to submit these changes to John Cunningham for final review, to then be given to the Board of Selectmen. Seconded by Merritt Blakeslee, this motion is approved 5-0.

#### **New Business**

**EMILY AND NICHOLAS MIRABILE (Woodsong Market):**

23 Townsend Ave, Tax Map 20 Lot 91

Applicant seeks Site Plan approval under 170-61(g)

This application pertains to interior renovations for change of use.

There is a discussion regarding whether the Planning Board must go through the Site Plan Review Checklist.

John Dunsford motions to waive this review procedure as a de-minimus project. Seconded by Lee Corbin, this motion is approved 5-0.

The Planning Board asks various questions about how the business will operate.

Tom Churchill motions that there will be no extreme changes to the facility, which is a change of use requiring only interior modification. Seconded by Tom Minerich, this motion is approved 5-0.

**BETTY AND SEWALL MADDOCKS (Footbridge Brewery):**

25 Granary Way, Tax Map 20 Lot 91

Applicant seeks Site Plan approval under §170-61

Represented by Dan Pangburn and Laura Murphy.

There is a discussion of what changes the Footbridge Brewery plans to make and if adequate parking will exist.

It is determined the proposed plan follows Town Ordinances and is deemed safe.

There is a discussion on whether this project could be considered a de-minimus change and if the Planning Board will waive the Site Plan Review Checklist.

John Dunsford moves that this is a de-minimus change because the exterior dimension of the structure is similar in size and the intensity of use is not significantly changing. Seconded by Lee Corbin, this motion is approved 5-0.

### **Other Business**

Consideration of the Board of Appeals' Order of Remand about the Boothbay Harbor Waterfront Preservation, dated February 2, 2023.

The Board of Appeals suggests an issue with parking under Shoreland Zoning. The Board of Appeals requests evidence that supports the Planning Board's decision.

William Hamblen reviews the Shoreland Zoning requirements they must consider, and the Planning Board decides that this matter meets the ordinance requirements.

There is some debate about an appropriate way to respond to this remand. All members, excluding Tom Minerich, believe we should respond as simply as possible.

William Hamblen moves that in reaching its decision, the Planning Board determined that moving the parking lot, which is a structure, is analogous to the "building relocation" reference in section 170-101(7)(c)(2). Lee Corbin seconds this motion.

Audience member Sherry Smith supports only answering what the Board of Appeals explicitly asks of the Planning Board.

President of the Boothbay Harbor Waterfront Preservation John O'Connell thanks the Planning Board for all the hard work put into this project for almost two years.

The motion is approved, split (4-1), with Tom Minerich opposing.

The meeting adjourned at 7:33 PM.