

To: Boothbay Planning Board
From: Mark Eyerman
Subject: Botanical Gardens
Date: Updated January 3, 2019

In my first cut at the treatment of the botanical garden, I proposed creating a new use that would cover a botanical garden, adding the use to the Table of Land Uses as allowed in the Residential District, and adding standards for that use. In subsequent discussions, it appeared that the consent decree required the botanical garden be classified as an educational facility. Now there appears to be agreement between the Town (based on Sally's email) and the Coastal Maine Botanical Garden that the consent decree could allow the botanical garden to be classified as something other than an educational facility as long as it is treated similarly in a way that is consistent with the decree.

If the Planning Board wants to pursue the concept of creating a new use for a botanical garden, we need to address the following:

1. We need to add a definition of Botanical Garden in the definitions section
2. We need to add Botanical Garden to the Table of Land Uses and probably make it a use that is allowed in the Residential District with review
3. We need to provide a reference to the consent agreement as recommended by Sally
4. We need to consider whether there needs to be use specific performance standards for a botanical garden

I have put together some possible provisions to be added to the draft so we can start to see how this approach could work.

DEFINITION

In his draft Bill Cullina proposed defining a botanical garden as being owned by a public or private nonprofit entity. So the first question in terms of broader applicability is does the Board want to limit a botanical garden to exclude private for-profit facilities. While it is not likely, the Town could possibly see someone want to open a small botanical garden to capitalize on the traffic to the CMBC. So here is a draft of a possible definition that can be altered to address either approach:

Botanical Garden: A facility (that is owned by a public or private nonprofit entity) that is primarily used for the display and conservation of plants including related botanical education and research activities. A botanical garden may

include the following types of facilities provided that such facilities are accessory to the primary function of the botanical garden: gardens, visitor centers, education and research facilities, greenhouses, conservatories, plant maintenance and propagation facilities, trails, docks, concessions including eating facilities and gift shops, meeting rooms, and parking and other transportation facilities.

TABLE OF LAND USES

We would then add Botanical Gardens to the Table of Land Uses and indicate that it is allowed in the Residential District with review. We can include a footnote to this use that references the consent decree. This would look like this:

USE/ACTIVITY - DISTRICT	R	R-C	BVC	BVF	BVMU	EBV	SG	RMU	CC	MB	MC	WRP-27	WRP	WP	RP
Botanical Garden	PR ²¹	N	N	N	N	N	N	N	N	N	N	N	N	N	N

21. All uses, facilities and activities of the Coastal Maine Botanical Garden shall comply with the April 24, 2018 Consent Decree between the Coastal Maine Botanical Gardens and the Town of Boothbay

USE SPECIFIC PERFORMANCE STANDARDS

I am not sure if there is a need for any special standards that would apply to botanical gardens in the R District but we should look at this.