

To: Boothbay Planning Board  
From: Mark Eyerman  
Subject: Botanical Gardens  
Date: November 20, 2018

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 discussion, it appeared that the consent decree required the botanical garden be classified as an educational facility.

If there is agreement between the Town and the Coastal Maine Botanical Garden that the consent decree allows the botanical garden to be classified as something other than an educational facility, then the approach laid out by Bill Cullina makes a lot of sense. Here are a couple of observations:

1. I think the definition is fine.
2. I think adding botanical garden into the Table of Land Uses and making it a use permitted with review in the Residential District works and gets us around the problem with size limitations for other education uses in that district.
3. I am a little uncomfortable with the proposed language suggested to be added to 7.5.18.2.8. The suggested definition of botanical garden is generic and while it includes the CMBG it is not exclusive to it. And this generic provision continues in adding it to the Table of Land Uses. So that allows for the CMBG but it also allows for someone else to propose another botanical garden or to allow botanical gardens in another district. While this is highly unlikely, the provisions allow for this. The language proposed to be added to the WPO use limitations then limits botanical gardens in the WPO to the CMBG. If the objective is to limit botanical gardens to the CMBG then the language added in 7.5.18.2.8 might better read:

7.5.18.2.8 The following uses are allowed in the WPO with review by the Planning Board:

- Botanical Gardens subject to the limitations set forth in the April 24, 2018 Consent Decree between the Coastal Maine Botanical Gardens and the Town of Boothbay

But is it the Town's objective to limit botanical gardens in the WPO to only the CMBG? If someone wants to develop a spinoff – say a perennial garden with a tea room along the road to CMBG – should that be prohibited? If so, then the limitation is fine but if not we need to find another way to address this.