

MINUTES
Southwest Harbor Planning Board
May 6, 2010
6:00 p.m.
Southwest Harbor Town Office

I. RollCall/Call to Order: The meeting was called to order at 6:00 p.m. Present: Lee Worcester, Gordon Wissinger, Mike Magnani, Eric Davis, Bob Bosserman. Excused: Chris Rawls, Ryan Donahue

II. Visitors to be heard not on the Agenda: none

III. Application for Dawson: CEO said with the removal of items J & K from the ordinance by Tuesday's vote, he has the authority up to 250 s.f. and this is less, and is within his office and the Planning Board does not have to look at it.

Chris Rawls joined the meeting at 6:07 p.m. Wissinger asked why there were no minutes to approve on the agenda. CEO said recorder made the agenda. Most Board members had not reviewed the minutes of April 15th. Donahue arrived at 6:08 p.m. Full board was present.

IV. Workshop: Worcester said Walsh had prepared a time frame for the Board in order to get changes to the LUO on the ballot for November. CEO has two items to review: Length of a permit, and for the Planning Board to review the Ordinance and develop a list of items to work on. Chair suggested narrowing it down, and concentrating only on problem areas, coming up with individual lists and dividing up the work. Worcester suggested a member of the Board tackling a subject, creating a draft, and editing that at a meeting. This should make the process run smoother. Wissinger asked if any member had a specific area in mind to review. If not, he suggested breaking the Ordinance into sections and having a team review each section. Board agreed that this process would work well. Worcester suggested the Board review definitions with an eye toward problems of interpretation. Board will review the Ordinance over the next two weeks to recommend areas to review. Wissinger said the Sub-Division Ordinance could use review. Rawls mentioned the Finding of Facts, and suggested including references to the Ordinance and the tapes of the meeting. CEO said his write up for the next application will mostly make up the Finding of Facts for that application. He suggested looking at SECTION VIII of the Ordinance for duplications in subsection D.3.d.

Wissinger said the Board should have recommended changes by the first of July, and Worcester said they would craft those changes in July. Rawls asked if walk-thru could be included during ordinance review, expressing concern that the Board should bring concerns to the CEO is, years later, the project had not conformed to the parameters set out by the Board at the time of approval.

Worcester suggested putting in the application that the Planning Board is authorized to walk through the property prior to review. CEO said walk thru needs to be advertised, and Board Members should go on the advertised date as a group. Donahue said it would be more appropriate in commercial applications and/or subdivisions rather than something that would come before the CEO. The Board agreed that they would individually provide lists of items of concern in the LUO and meet in two weeks to determine items for review. Bosserman will have to leave at 7PM on the meeting of the 20th, because of a conflict. Lagrange cautioned the Board about discussing items by e-mail, as that is considered “a meeting”. There is an application for Merle Cousins on the 20th. Wissinger suggested a workshop from 5pm – 6pm and the application at 6pm. Agreed.

Donahue asked about discussing the life of a building permit. Board agreed to hear that proposed change. Lagrange said it gives the applicant time to build. He said footing in the ground should be sufficient to extend the permit time. Currently the LUO says a significant start is 30% of the project. Bosserman discussed this in relation to a subdivision, asking if a developer divided property into two parcels, but had not done anything further, would the CEO issue a building permit. He would. Bosserman said a permit does not have to be issued upon site plan approval. Donahue said in order for the process to start, the CEO issues a building permit. In Section VIII, Bosserman suggested a change to the wording to make it clearer. Donahue agreed. “Once the CEO issues a building permit, after site plan approval in the case of a subdivision”... Wissinger suggested replacing the term ‘site plan’ with ‘application’ approval. Permit Application Review was suggested as the replacement term.

Donahue explained that he had gone to the Board of Appeals to get an extension of a commercial building permit, and asked the Board if, based on that, they would prefer he recuse himself. The Board agreed that was not needed.

Bosserman suggested, in terms of permits for use, that the Board should look at revisions that would allow for review of buffering after a period of disuse.

Wissinger suggested that after a length of time, example, 6 years, the Ordinance might be changed to require a new application be submitted, if no substantial completion has been accomplished.

The tape ended.