

MINUTES OF MEETING
SOUTHWEST HARBOR PLANNING BOARD
January 20, 2011

- I. Call to Order/Roll Call: The meeting was called to order at 6:14 p.m. Present: Mike Magnani, Gordon Wissinger, Lee Worcester, Ryan Donahue and Code Officer, Donald Lagrange.
- II. Visitors to be heard not on the agenda: none
- III. Workshop: The Planning Board worked on Land Use Ordinance Changes to be brought before voters at the May 2011 Town Meeting. Among those were the LUO changes that went before the voters in November, and as they were part of a larger ordinance change, they were defeated. Site procedures and approvals will be changed to Permit procedures and Permit approvals under Permit Review. CEO will correct the hard copies of Section C, with new headings. Chairman said he wanted the Board to review the rough draft of the warrants when they are prepared in order to be sure they are what the Board wants. He will discuss with the Town Manager. Noted that Section C was missing from the review pages. Wissinger said in Section C and Section D – Site plan application should be permit application, site plan approval procedure should be changed to permit approval procedure. Chairman said the whole thing would be called Permit Review. CEO will provide corrections at the next meeting. It was Moved Wissinger and Seconded Magnani to forward the recommended changes in Section to the Board of Selectmen recommending they place this on the ballot. Vote: 4 – 0.

Accessory Structure was reviewed – Board recommended eliminating that definition – Accessory structure and principal structure are all used the same. It is the recommendation of the Board to delete accessory structure from the definitions. Donahue asked, concerning removing definitions, if the rationale was to clear up the ordinance and should there be an explanation. Wissinger said it was. Accessory structure, said the Chairman, only comes up in the ordinance reference to an 8 x 10 shed and is not used in the ordinance anywhere else. CEO said within the zones there are structure standards. He will re-write eliminating accessory. The Board thoroughly discussed the ramifications of this change, saying when this goes to the voters; there is concern that the explanation be clear. CEO said the explanation could go on the warrant, rather than vote this on the floor of Town Meeting in order to explain it thoroughly. CEO told the Board that this change would allow the possibility of smaller multiple dwelling units along the shoreline. Chairman polled the Board to see if they are in favor of proposing this change. Three of the four members present agreed, and the fourth member felt it needed more thought, but was not opposed.

Zones B & C: Chair explained that he and CEO had blended the concepts of B & C into one zone, based upon the ability to support a greater density. He said changes were made to zone B and zone C was deleted. Wissinger said if it was presented that way he felt it would fail. His said that the visuals of the Town were not going to change, that the lot coverage is being changed so it will not decrease the open space, and what is going to change is there may be more buildings, and more affordable lots. Magnani, using the candy dish scenario, said this is a way to achieve some of the points made in the Comprehensive Plan concerning affordable housing. Chairman outlined the proposed lot sizes and buildable areas allowed as it pertained to utilities available. It was Moved Worcester and Seconded Magnani that the proposal for the blending of Zones B & C as amended by the CEO be forwarded to the Board of Selectmen for inclusion in the May Warrant. Discussion: Wissinger cautioned that too many changes within the LUO at the same time may defeat the purpose, and confuse the voters. He asked if it would be better to split the proposed changes, doing some in May, and the remainder in November. The Board discussed putting off the splitting of the ordinance into shoreland and land use, until November. Vote: 4 - 0

CEO asked if the Board wanted to review those changes they have already approved to go to the BOS. Chairman said they would like to review a final copy before they go to the Selectmen. Those voted Section III – housekeeping and removing the word accessory, changing the campsite time usage; Section X – delete accessory structure; Section VIII – permit review; Section II – life of a permit; general regulations and standards; Zone A – not doing anything; Residential shoreland B – not doing anything; Recommendations for Zones B & C will go forward. Multi Family and Engineered Central Wastewater System could be held off for another time. Definition: Add change of use - CEO said this is not important to go to the voters in May. Other item to discuss at a later date is the separation of the shoreland zone from the land use zone. CEO said the packet contains information of what is depicted on the map and what is described in the ordinance. The two are not compatible, and CEO said the law cases in the State of Maine indicate that the map rules. Chairman said there should be a 1992 map. CEO will look for that map.

Chairman asked about the next meeting. CEO said Anna’s Quietside Final will take a short amount of time – the Board needs to approve the checklist again. Chairman said that should take a half an hour and the Planning Board should then work on the final items for the LUO.

IV. It was Moved (Wissinger) and Seconded (Magnani) to adjourn the meeting at 8:00 p.m. Vote: 4 – 0.