

Minutes  
Southwest Harbor Planning Board  
Regular Meeting  
April 16, 2015

I. Roll Call/Call to Order

Chairman Ryan Donahue opened the meeting at 6:07 PM. Other Planning Board members included Eric Davis, Mike Magnani, Chad Terry, Chris Rawls, and CEO Don Lagrange

II. Eric Davis moved to accept the public hearing minutes of March 5, 2015. Seconded by Chad Terry and voted in favor 5/0/0.

III. Visitors not on the agenda

There were no visitors not on the agenda to be heard

IV. Application from Pemetic School, 329 Main Street, Map 6, Lot 92: Install 25' x 45' greenhouse replacing the batting area. Authorization to CEO Lagrange to represent the School.

Eric Davis moved the application is complete per following guidelines:

- ~ Scale, north arrow and names of abutting property owners. (OK)  
North direction and list of abutting properties are represented
- ~ Dimension and area of each lot to be built upon or otherwise used: (N/A)  
Noted on site plan
- ~ Location of any wells on the lot or within 100' of property lines: (N/A)
- ~ Name and location of any abutting water body, streams, brooks and wetlands: (N/A). No water bodies indicated on site plan.
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (N/A). No areas required to be cleared
- ~ Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. Include setbacks from lots lines, rights of way, water bodies: (OK) the lot is located in Zone A as well as setback of proposed structure.
- ~ Outdoor lighting, signs: Existing and proposed locations (NA?)  
No signs indicated on plan.
- ~ Sewer and water facilities: Existing and proposed (OK)  
Public Sewer and Water supplies.
- ~ Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking). Legal non-conforming parking spaces to be noted: (N/A) Additional parking not required for proposal. Existing shown on plan.
- ~ Location of existing and proposed roads/driveways with setback from nearest lot line: (OK) Existing drive noted on plan
- ~ Name/location of existing or proposed right of way and easements on the site or abutting the property: (N/A) No right of ways or easements proposed

- ~ Existing grades and proposed changes in grades. (NA) no grade changes
- ~ Soil Erosion and Sedimentation control plan: (N/A)  
No soil disturbance requiring erosion and sedimentation controls
- ~ Freshwater wetlands or hydric soils: (NA)
- ~ Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans: (N/A)  
Proposed greenhouse is typical. Plans not requested.
- ~ Buffering/Landscape plan as described in Section VI. (N/A)  
Existing natural vegetation surround area.

The property is in compliance with any applicable ordinance and meets all the requirements of Section II of the LUO.

RIGHT, TITLE, INTEREST:

This is Town of Southwest Harbor property

PROJECT KEY PLAN: Attached to the application

SITE PLAN: Part of the Key Plan

STANDARDS FOR SPECIAL ACTIVITIES: N/A

DEPARTMENT REVIEW: No review by the Police, Fire and Highway Departments, nor from the Conservation or Harbor Committees are required; no requests were submitted for their input.

Seconded by Mike Magnani and voted in favor 5/0/0

Eric Davis moved the following performance standards are not applicable to the Pemetec application for the greenhouse for reasons as stated:

- ~ Landscaping/Buffering  
Buffering is not proposed due to existing vegetation as well as project replacing an existing use.
- ~ Clearing of vegetation  
Clearing of vegetation is required for review in shore land zones. This parcel is located inland in Zone A and review is not necessary.
- ~ Driveway and Driveway opening  
No changes in the entrance or the size of the opening. This is not applicable.
- ~ Erosion/Sedimentation Controls  
None Required
- ~ Exterior Lighting  
No exterior lighting is proposed.
- ~ Fill and Excavation  
None required
- ~ Fire Protection  
None is required by the standards of the LUO.
- ~ Flood Hazard Permit  
Location of proposed structure is not in the Flood Zone as indicated on the FEMA maps and a permit is not required.
- ~ Heavy Commercial or Industrial Pollutants  
Not applicable due to the use of structure being non-industrial.

- ~ Noise  
No noise expected from the use of green house.
- ~ Parking and Loading Standards.  
None required
- ~ Road Standards  
Existing road entrances
- ~ Sewerage Disposal Standards  
Public sewer on site. None required for project.
- ~ Sign Regulations  
No signs are proposed
- ~ Soil Standards  
No impact on existing soil conditions
- ~ Storm Water Runoff Standards  
Storm water area sufficient for drainage.
- ~ Stream Standards  
No stream on parcel
- ~ Vibration Standards  
There will be no vibration activity.
- ~ Water Quality Standards  
There are no activities which require water quality monitoring or assessment.
- ~ Water Supply Standards  
Water Supply Standard is not applicable.

Seconded by Chad Terry and voted in favor 5/0/0.

Chris Rawls moved the Handicap Access standard is applicable to the request and the structure to be constructed with ADA compliance. Seconded by Eric Davis and voted in favor 5/0/0.

Ryan Donahue moved to approve the application of Pemetic School for a 25' x 45' greenhouse to be constructed at the existing batting cage location on school grounds at 329 Main Street, Map 6, Lot 92 subject to all representations, comments and documents, ADA compliance and recommended to consider the snow loads for safety. Seconded by Chris Rawls and voted in favor 5/0/0.

IV. David Lloyd, 561 Seawall Road, Map 19, Lot 21: Convert existing restaurant into three dwelling unit structure.

Eric Davis moved the application was complete with the required information as noted below with exception(s):

- ~ Location Map included any existing subdivisions in proximity of the proposed subdivision Location and names of existing and proposed streets; boundaries and designations of zoning districts; outline of subdivision and any remaining owner's property.
- ~ No advisory opinion from appropriate federal, state and local agencies as to the application of their rules was required.
- ~ 2 copies; scale not more than 1" = 100'; 8 copies of the plan(s) reduced to a size of 11 x 17" were included.

- ~ Identifying title; Assessor's Map and Lot numbers; Evidence of right, title, or interest in the property; Field survey of the boundary lines of the tract (General Standard C.1.SECTION VIII); Date the plan was prepared; North Arrow; Graphic map scale; Name & addresses of owner(s), sub divider, & who prepared plan; Name of adjoining property owners; Number of acres within the proposed subdivision; Location of property lines, existing buildings, watercourses, vegetative cover type, other essential, existing physical features; proposed lot lines with approximate dimensions and lot areas; location, names & widths of existing & proposed streets, easements, building lines, parks & other open spaces on or adjacent to the subdivision(n/a); width & location of any streets or public improvements shown on the official map & Comprehensive Plan, if any, within the subdivision(n/a); parcels of land proposed to be dedicated to public use and conditions(n/a); location of any open space to be preserved, improvements & management(n/a); names & addresses of owners of record of adjacent properties; location of any shoreland Zoning boundaries affecting the subdivision (n/a); Boundaries of any flood hazard areas & 100-year flood elevation; required for subdivision, near bodies of water: contour lines at interval specified by Board showing elevations in relation to NGVD; indication of type of sewage disposal to be used within subdivision(to be determined under performance standards); indication of the type of water supply to be used; copy of the deed from which the survey was based; copy of all covenants or deed restrictions, easements, rights-of-way, etc. (n/a); copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision(n/a); copy of the portion of the State soil survey covering the subdivision(n/a); adequate storm water management plan(n/a); location & size of existing & proposed wells, subsurface sewage systems, culverts, & drainage ways on or adjacent to subdivision; determination that proposed subdivision will not adversely affect the quality or unreasonable affect the shoreline of any body of water(n/a); map identifying all freshwater wetlands regardless of size, rivers, streams, brooks within or abutting the subdivision; estimate of the amount & type of vehicular traffic to be generated on a daily basis and at peak hours(n/a); statement of financial capacity demonstrating the financial ability of the sub divider to complete the project(n/a).

Seconded by Chris Rawls and voted in favor 5/0/0

The Board acted on each review criteria separately as follows:

- ~ Eric Davis moved pollution will not result in undue water or air pollution pursuant to site evaluation stating existing field is adequate. Second by Mike Magnani and voted in favor 5/0/0.
- ~ Eric Davis moved there is sufficient water available for the reasonably foreseeable needs of the subdivision; second by Chris Rawls and voted in favor 5/0/0.
- ~ Eric Davis moved the project will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water; second by Mike Magnani and voted in favor 5/0/0.
- ~ Ryan Donahue moved, subject to soil & sedimentation control depicted on the plan, will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; seconded by Mike Magnani and voted in favor 5/0/0.
- ~ Eric Davis moved the applicant will provide adequate storm water management; seconded by Ryan Donahue and voted in favor 5/0/0.

- ~ Eric Davis moved the applicant to provide an opinion from a soil evaluator is required to determine the sewerage disposal system has adequate capacity; seconded by Ryan Donahue and voted in favor 5/0/0
- ~ Eric Davis moved the requirement for solid waste disposal is not applicable; seconded by Chad Terry and voted in favor 5/0/0.
- ~ Eric Davis moved this application will not cause unreasonable public road congestion or unsafe conditions with respect to use of the public roads, that it will be an improvement with less traffic; seconded by Chris Rawls and voted in favor 5/0/0.
- ~ Eric Davis moved the aesthetic, cultural and natural values on the scenic or Inatural beauty of the area is not applicable; seconded by Mike Magnani and voted in favor 5/0/0.
- ~ Eric Davis moved the project will not adversely affect the quality of the body of water or affect the shoreline within the watershed of Seawall Pond; seconded by Mike Magnani and voted in favor 5/0/0.
- ~ Subject to building height not to exceed 30', Ryan Donahue moved the project is in conformance with the Southwest Harbor Land Use Ordinance, Southwest Harbor Comprehensive Plan (SECTION VIII, General Standard F., and Conformance with the Comprehensive Plan, Other Plans, Codes and Ordinances, Page 21); seconded by Chris Rawls and voted in favor 5/0/0.
- ~ Eric Davis moved that any principal structures within the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation); seconded by Ryan Donahue and voted in favor 5/0/0.
- ~ Eric Davis moved all potential freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application; seconded by Chris Rawls and voted in favor 5/0/0.
- ~ Eric Davis moved the applicant was not required to provide adequate financial capacity; seconded by Chris Rawls and voted in favor 5/0/0.
- ~ Ryan Donahue moved the permanent monuments are not required for the development of three dwelling units; seconded by Chris Rawls and voted in favor 5/0/0

Eric Davis moved the application for David Lloyd for the construction of a three family residential structure is approved subject to septic system analysis; soil erosion and sedimentation plan noted on plan and the plan will depict the structure to contain three units. Seconded by Chris Rawls and voted in favor 5/0/0.

- V. CEO Lagrange suggested the Planning Board review portions of Zone B and the Maritimes Activities zone to be considered as Zone A. The Board unanimously agreed the zoning map to be considered at the next meeting but include a review of all areas.
- VI. CEO Lagrange presented a revision of the Road Ordinance prepared by Olver Engineering for updated requirements. Board to discuss at next meeting.
- VII. No other business was discussed.
- VIII. Chad Terry moved to adjourn meeting at 8:02 PM, seconded by Ryan Donahue and voted in favor 5/0/0.