



Southwest Harbor Planning Board

Regular Meeting

June 18, 2015 @ 6:00 PM

Southwest Harbor Town Office

I. Roll Call/Call to Order

Chairman Chris Rawls opened the meeting at 6:10 PM with Planning Board members included Mike Mansollil, Mike Magnani, Lee Worcester and CEO Don Lagrange.

II. Approval of Minutes

Mike Magnani moved to continue approval of April 16, 2015 minutes to next meeting due to lack of participating members. Second by Mike Mansollili and voted in favor 4/0/0.

III. No visitors not on the agenda.

III. Michael & Jean Forbes of 157 Seawall Road, Map 1, Lot 57, Book 1017, Page 399 requested to demolish existing shed, deck and studio and replace with a 16' x 34' one story dwelling/studio utilizing the same footprint as existing structure. The existing structure is 1.82' from the property line. The Planning Board has authority per Section III, (C) (3) of the Land Use Ordinance to allow reconstruction of a non-conforming structure.

Lee Worcester moved the application was complete stated as follows:

- ~ Scale, north arrow and names of abutting property owners. (OK)
North direction and list of abutting properties are represented on 2015 survey
- ~ Dimension and area of each lot to be built upon or otherwise used: (OK)
Noted on 2006 site plan
- ~ Location of any wells on the lot or within 100' of property lines: (OK)
There are no wells on the property or abutting properties. Public water service is provided.
- ~ Name and location of any abutting water body, streams, brooks and wetlands: (N/A) No abutting water bodies.
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (N/A) No clearing or earthwork
- ~ 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) Depicted on survey. House and shed pre-exist zoning.

- ~ Outdoor lighting, signs: Existing and proposed locations (N/A)
- Residential Property
- ~ Sewer and water facilities: Existing and proposed (OK)
- Public water and sewer services are provided
- ~ 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) due to being residential Property
- ~ Location of existing and proposed roads/driveways with setback from nearest lot line: (O/K) 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 are proposed
- ~ Existing grades and any proposed changes in grades. (OK)
- There are no changes in grades
- ~ Soil Erosion and Sedimentation control plan: (N/A) None required
- ~ Freshwater wetlands or hydric soils: (NA) Not applicable
- ~ Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans: (OK)
- Front elevation and footprint plans included with application
- ~ Buffering/Landscape plan as described in Section VI. (N/A)
- Residential properties are not required to provide buffering
- ~ The property is in compliance with any applicable ordinance and meets all the requirements of Section II General Regulations of the LUO.
- ~ The deed is included with application showing right, title and interest.
- ~ There is a project key plan and a site plan included with application
- ~ There are no required standards for special activities.
- ~ 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.

The motion was seconded lby Mike Mansollili and voted in favor 4/0/0

Lee Worcester moved the following performance standards are not applicable to the application due to the stated reasons:

- ~ Landscaping/Buffering
- Buffering is not required due to applicant is a residential use.
- ~ Clearing of vegetation
- Clearing of vegetation is required for review in shore land zones. This parcel is located inland in Zone B and review is not required.
- ~ Driveway and Driveway opening
- No changes in the entrance or the size of the opening. This is not applicable.
- ~ Fill and Excavation
- The LUO allows for fill and excavation to be included with permit application through CEO approval.
- ~ 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.

- ~ Handicap Access
ADA compliance not required for personal residence
- ~ Heavy Commercial or Industrial Pollutants
Residential use. No commercial or industrial pollutants
- ~ Noise
Not applicable to residential use.
- ~ Parking and Loading Standards.
Residential use. Existing parking predates LUO.
- ~ Road Standards
Not applicable.
- ~ Sewerage Disposal Standards
Existing public service.
- ~ Sign Regulations
Sign applications to be submitted to CEO for approval.
- ~ Soil Standards
Not applicable
- ~ Storm Water Runoff Standards
No changes or expansions of structures
- ~ Stream Standards
No stream on parcel
- ~ Vibration Standards
No vibration activity on site during construction or post construction.
- ~ Water Quality Standards
No activities require water quality monitoring or assessment.
- ~ Water Supply Standards
Water Supply Standard is not applicable.

Seconded by Mike Magnani and voted in favor 4/0/0

Lee Worcester moved the following performance standards to be conditions upon approval of the application:

- ~ Erosion and sedimentation controls will be installed per DEP best practices where necessary.
- ~ Any new lighting will be shielded from neighbors and the night sky as amended by Lee Worcester.
- ~ Chris Rawls suggested due to minimal setback from abutting property, the abutting wall will be constructed with a three hour rating a minimum of two layers of 5/8" sheetrock.

Lee Worcester moved the reconstruction of the building at the existing site location at 1.82' from the property line was the greatest practical extent per Land Use Ordinance Section III (C) (3) for the following reasons:

- ~ Relocating the structure to the center of the narrow lot will diminish the value of the property due to obstruction of the harbor views.
- ~ The enjoyment of the property will be reduced if the building were to be moved beyond the existing footprint.

- ~ The parcel is very narrow which would limit practical uses if the building were to be relocated beyond the existing footprint.
- ~ The proposed location of the existing building provides more suitable access in case of emergencies.

Seconded by Mike Magnani and voted in favor 4/0/0.

Lee Worcester moved the applicant shall comply with the following conditions:

- ~ The property may be developed and used only in accordance with the plans, documents, and materials submitted with the permit application.
- ~ This approval is based on information provided by the applicant/owner regarding the ownership of property and boundary location. The applicant has the burden of ensuring that he/she has a legal right to use the property and that he/she is measuring required setbacks from the legal boundary lines of the lot. The approval in no way does not relieve the applicant of this burden, nor does it constitute a resolution in favor of the applicant on any issues regarding the property boundaries, ownership, or similar title issues. The applicant/owner would be well advised to resolve any such title problems before expending money in reliance on the approval of this permit.
- ~ The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
- ~ This permit does not relieve the applicant's responsibility of other applicable State and Federal permit requirements.

Seconded by Mike Magnani and voted in favor 4/0/0.

Lee Worcester moved the application of Michael and Jean Forbes as presented is approved subject to all representations, comments and documents. Seconded by Mike Magnani and voted in favor 4/0/0.

Mike Magnani moved to continue items IV thru VIII listed on the agenda to the next Planning Board meeting due to lack of a full board. Seconded by Lee Worcester and voted in favor 4/0/0.

- IV. Night sky initiative; Review exterior lighting standards, Section VI, subsection E of the Land Use Ordinance to determine suitability for protecting dark night sky.
- V. Review Road Ordinance changes recommended by Olver Engineering
- VI. Clarification of zones (Discussion) Areas that should have a different designation
- VII. Land Use Ordinance Amendment, Section XII Appendix
Direction error in the description of Resource Protection.
- VIII. Election of Officers: Chairman, Vice Chairman, Secretary

There being no other business, Lee Worcester moved to adjourn meeting at 7:00 PM. Seconded by Mike Magnani and voted in favor 4/0/0.