



## **Planning Board Meeting**

Southwest Harbor Tuesday, March 03, 2026 @ 6:00 PM

SWH Town Office & via Zoom

1. Call to Order/Roll Call
2. Adoption of the Agenda
3. Approval of Minutes
  - February 17, 2026
4. Conflict of Interest
5. Old Business
  - Public Hearing – Division of lot for possible future sale of business
  - Public Hearing – Construction of third dwelling
6. New Business
  - Goal of March 10<sup>th</sup> for revised “Soil Testing” ordinance language to be submitted to Town Office to meet deadlines for possible inclusion on June 2026 ballots.
7. CEO Issues:
  - Notes from Maine Association of Site Evaluators Training
  - Public Hearing for Town Garage project is scheduled for the March 17<sup>th</sup> Planning Board meeting
8. Next Meeting Date: Tuesday March 17<sup>th</sup>, 2026 at 6:00pm
9. Adjourn Meeting

PLANNING BOARD MINUTES  
TUESDAY, FEBRUARY 17, 2026  
6:00 PM  
SOUTHWEST HARBOR TOWN OFFICE  
MEETING ROOM & ZOOM

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**I. CALL TO ORDER/ROLL CALL**

The Chair called the meeting to order at 6:02 PM.

Members present: Chair Eric Davis, Joel Wolak, Priscilla Ksionzyk, John Williams, Charlotte Gill, and Vice Chair Worcester arriving late via zoom.

Member Levesque was absent.

**II. ADOPTION OF AGENDA**

There were no modifications to the agenda.

**III. MINUTES**

**September 16, 2025**

Chair Davis moved to approve the September 16, 2025 minutes as prepared. Member Williams seconded the motion and the Board voted 5-0 to approve the motion.

**February 3, 2026**

Chair Davis moved to approve the February 3, 2026 minutes as prepared with the correction that the meeting date be changed from February 6, 2026 to February 3, 2026. Member Ksionzyk seconded the motion and the Board voted 4-0-1 to approve the motion with Member Williams abstaining.

**IV. CONFLICT OF INTEREST**

There were none disclosed.

**V. OLD BUSINESS**

There was none.

**VI. NEW BUSINESS**

## **Preliminary review of Building Permit Application: Town of Southwest Harbor Public Works Garage**

The Board reviewed the submission requirements for the application to determine if everything required was submitted.

Member Williams asked whether anyone from Oliver and Associates was present to answer a question. It was determined that no representative was present. Member Williams then noted a statement indicating that the project would include a new underground 1,000-gallon tank and questioned why the tank would not be installed above ground adjacent to the existing generator tanks, utilizing a single trench.

Vice Chair Worcester asked whether the project would be required to comply with the new ordinance provisions related to adjacency to uncontrolled sites. CEO Kushla responded that the land use is located approximately 0.54 miles from the uncontrolled site and therefore would not be required to meet the new requirements.

Chair Davis moved that the applicant provided a complete application as required by the Southwest Harbor Land Use Ordinance. Member Williams seconded the motion and the Board 6-0 to approve the motion.

CEO Kushla asked if a site visit was required. Vice Chair Worcester stated that it was not required for this project. CEO Kushla stated that he would schedule this project for a public hearing.

### **Discussion on 30-A MRSA 4364-A – Residential area, generally: up to 4 dwelling units allowed.**

The Board discussed what modifications the new legislation would require to the Land Use Ordinance and the potential overall impacts. Member Wolak asked whether any maps were available showing Southwest Harbor's designated growth areas, noting that color maps were included in the Comprehensive Plan. CEO Kushla stated that he only had access to the zoning maps.

Vice Chair Worcester stated that while the legislation requires allowances to support additional housing, any development or housing project would still be required to comply with all other applicable dimensional requirements. He suggested that the Board consider examples of the types of buildings or developments to which the legislation might apply.

Chair Davis noted that the intent of the language was also to avoid requiring subdivision review by the Planning Board, resulting in a more efficient process for developers, which he did not view negatively.

Vice Chair Worcester agreed and stated that he supported a process in which both subdivision and site plan review were not required, as it can result in the review of duplicative standards.

**Discussion on “An Act to Promote Responsible Outdoor Lighting”**

CEO Kushla mentioned that the Town of Mount Desert had recently adopted ordinance language to comply with the legislation and that he could provide the Board with copies of that language.

It was noted that the new language would apply only to public outdoor lighting that is either a new installation or a replacement.

Vice Chair Worcester stated that the Southwest Harbor ordinance already contains much of this language and therefore he did not see an urgency in addressing the issue. CEO Kushla noted that while the act itself goes into effect in September, that date is not the deadline by which the Town must adopt the language.

An unidentified speaker asked who would be responsible for enforcing the new provisions and pointed out that lighting at Bar Harbor Bank appeared to extend beyond the property lines and did not seem to be compliant. Vice Chair Worcester stated that if no one is going to enforce the language, it is merely ink on paper.

CEO Kushla will bring the Town of Mount Desert’s language to the Board to review.

**VII. CEO ISSUES**

CEO Kushla asked if a new fence and additional pickleball court at the Causeway Club needed to be reviewed by the Planning Board. The consensus of the Board was that their approval was required.

**VIII. NEXT MEETING DATE: March 3, 2026 6:00 PM**

**IX. ADJOURNMENT**

Chair Davis moved to adjourn at 6:54 PM. Member Williams seconded the motion and the Board voted 6-0 to approve the motion.

\_\_\_\_\_  
Eric Davis  
Southwest Harbor Planning Board Chair

\_\_\_\_\_  
Date

# Maine Association of Site Inspectors Meeting Notes

## **Parking, Size, and Occupancy Regulations**

Municipal regulations regarding Accessory Dwelling Units (ADUs) outline several key provisions:

No additional parking is required for the addition of an ADU to an existing single-family unit.

ADUs must be at least 160 square feet in size, establishing a minimum standard. Municipalities may set a maximum size as they deem appropriate.

An ADU is permitted on a non-conforming lot, provided the accessory structure does not further violate the zoning ordinance.

Municipalities may not require owner occupancy of either the ADU or the primary structure. They may, however, regulate short-term rentals in local ordinances.

## **Residential Use and Permitted Units**

Residential use permissions vary depending on whether a property is located in a growth area and whether it is served by public water or sewer systems.

In areas where residential uses are permitted but not served by public water/sewer systems, a minimum of three dwelling units per lot is allowed. This includes ADUs, and units may be either attached or detached.

If a lot is in a designated growth area or served by public water/sewer, a minimum of four dwelling units per lot is permitted. This also includes ADUs, with flexibility for attached or detached units.

## **Zoning Provisions for Municipalities**

Municipalities may undertake several actions as long as they remain consistent with the recent housing law.

They can continue developing Growth Management programs, enforce local shoreland zoning ordinances, conduct site plan reviews (if authorized), and regulate the maximum size of ADUs. Municipalities may also regulate short-term rentals in their community.

Local ordinances may be enacted to allow specific housing types per lot, prohibit certain accessory dwellings in designated areas, or limit affordable housing designations based on public service access.

## **Lot and Density Requirements**

Municipalities may adjust lot and density requirements, but the following are typical minimum standards:

In growth areas served by public water and sewer, the minimum lot size is 5,000 square feet, permitting up to four units per lot. These may include a quadplex, triplex, duplex, or single-family home, with ADUs allowed as detached or attached units.

Within growth areas without public water/sewer, the minimum lot size is 20,000 square feet, permitting one unit per lot. Single-family dwellings with ADUs are allowed.

Outside growth areas served by public water/sewer, the minimum lot size is 5,000 square feet, permitting two units in one structure. Both duplexes and single-family homes may include an ADU.

Outside growth areas without public water/sewer, the minimum lot size is 20,000 square feet, permitting one unit per lot. A single-family home with an ADU is allowed.

## **Minimum Lot Size and Wastewater Requirements**

Municipalities must establish a minimum lot size of at least 20,000 square feet for one dwelling unit on lots not located in a growth area and not served by public water/sewer systems, per M.R.S. § 4364-A.

Subsurface wastewater disposal rules apply in these areas. Lot area determinations are based on the number of units beyond a single dwelling, with specific gallon-per-bedroom requirements.

## **Additional Zoning Considerations**

Valid and enforceable easements, covenants, deed restrictions, and other private agreements remain in effect, provided they do not restrict constitutional rights.

Subdivision law still applies if a proposed development meets the legal definition of a subdivision. 4 or fewer exempt from subdivision review

Development review and site plan requirements remain applicable under municipal ordinances. All dwelling units must comply with relevant local and state standards.

Shoreland zoning takes precedence