

PLANNING BOARD MINUTES  
TUESDAY, OCTOBER 7, 2025  
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 6:00 PM.

Members present: Chair Eric Davis, Joel Wolak on Zoom, Priscilla Ksionzyk, John Williams, Michael Levesque, and Charlotte Gill.

Vice Chair Lee Worcester was recused.

**II. ADOPTION OF AGENDA**

Member Levesque moved to add something unintelligible after item IV. It's unclear who seconded the motion and the Board voted 6-0 to approve the motion.

**III. MINUTES –September 30, 2025**

Member Levesque moved to table the approval of the September 30, 2025 minutes as they were unavailable. Chair Davis seconded the motion and the Board voted 6-0 to approve the motion.

**IV. CONFLICT OF INTEREST**

Member Levesque moved to recuse Member Worcester. Chair Davis seconded the motion and the Board voted 6-0 to approve the motion.

**V. PUBLIC HEARING - Proposed Ordinance Changes to Land Use Ordinance**

Chair Davis opened the public hearing.

Ryan Blotnik identified himself as the speaker and as one of the parties who helped prepare the citizens' initiative. He stated that Jim Vallette, Craig Kesselheim, and Kaylee Hess were also parties who assisted in authoring the initiative.

Mr. Blotnik read a prepared statement entitled "*Time's Up, Clean Up the Dump.*" He explained that the initiative would require soil testing and mitigation within a one-half mile radius of any uncontrolled site, as defined by the Maine Department of Environmental Protection.

Mr. Williams interrupted Mr. Blotnik to express concern that Mr. Blotnik was advocating for the initiative to be approved by voters.

Mr. Blotnik responded that he could strike language suggesting how voters should vote and asked for clarification regarding what type of comments are acceptable during a public hearing. He stated that his intent was to provide background information on the proposal.

Member Ksionzyk disagreed with Mr. Williams and stated that, during a public hearing, members of the public should be allowed to express their opinions.

Chair Davis allowed Mr. Blotnik to continue.

Craig Kesselheim spoke next and stated that he resides on Seal Cove Road. He noted that Southwest Harbor residents benefit from the convenience of a transfer station but have also borne the burden of receiving the island's trash for approximately 90 years. He read an excerpt from the Solid Waste Ordinance and encouraged the Board to use it as a reference.

Nick Loazo identified himself as a professional geologist. He commended the Planning Board for its attention to the issue and stated that the proposed initiative could serve as an effective tool.

Mark Sullivan spoke and stated that Southwest Harbor should not knowingly allow polluted sites to be sold without additional oversight.

Chair Davis closed the public hearing at 6:41 PM

**VI. OLD BUSINESS - None**

**VII. NEW BUSINESS**

**Discussion on proposed changes to Land Use Ordinance  
Refer to Select Board with recommendation**

Member Levesque stated that he was in favor of recommending the initiative as written to the Select Board. He added that if the Worcester Landfill is properly closed, the site would no longer be considered an uncontrolled site, and the proposed language would no longer be necessary.

Chair Davis disagreed and identified several deficiencies that he believed should be strengthened to make the proposed provision a more effective tool. He objected to the absence of any exceptions to the requirement, noting that, as written, no building permit could be issued without soil testing and mitigation. He provided an example in which a property owner constructing a roof dormer would be subject to the requirement despite no soil disturbance occurring.

Member Wolak agreed with Chair Davis's assessment.

Chair Davis further stated that the proposal lacked parameters for soil testing. He questioned whether a property owner would only be required to provide a minimal sample, such as a small

surface sample, or a deeper core sample. He also asked how the requirement would apply to larger properties, such as a parcel measuring ten acres.

Member Levesque stated that the proposed language could serve as a catalyst for the Town to better protect the community from the impacts of a landfill.

Member Ksionzyk argued that the soil testing would be required to be conducted in accordance with state standards. Chair Davis disagreed, stating that the language does not specify compliance with state standards. He further noted that, while the proposal requires soil testing to be performed by a state-certified professional, it does not define the type of professional required.

Member Wolak questioned what type of state-certified professional would qualify, noting that many professions are state certified and that the language does not provide clarification.

Member Ksionzyk asked whether she could suggest changes to the wording. Chair Davis responded that the Board could not amend the language and must make a recommendation based on the proposal as written. He added that a workshop process would have been more appropriate for refining the proposal, but that such a process was not before the Board.

Chair Davis stated that he would not recommend the proposal as written.

Member Levesque stated that he supported the intent and spirit of the proposal. He added that he had previously asked the Select Board to seek legal advice on the matter but had not received a response.

The Board spent a considerable amount of time discussing and debating their differing perspectives.

Member Williams stated that he agreed with points raised by both Member Levesque and Chair Davis but believed the language could have been strengthened had it been reviewed through a workshop process with the Board.

Member Levesque moved to recommend adoption of the citizens' petition requiring soil testing within a one-half mile radius of the Worcester Landfill.

Member Williams suggested that Member Levesque should recuse himself from the discussion, noting that Member Levesque had previously recused himself from all meetings related to the subdivision proposed by Lee Worcester. Member Levesque responded that the citizens' petition was not related to Lee Worcester.

It was unclear who seconded the motion. The Board then voted 3–3, with Chair Davis, Member Wolak, and Member Williams voting against the motion. The motion failed.

CEO Larson advised the Board that no additional motion was required, as the record would reflect that no recommendation had been made.

Member Levesque then moved that the Board made no decision on the citizens' petition. Member Gill seconded the motion. The Board again voted 3-3, with Chair Davis, Member Wolak, and Member Williams voting against the motion. The motion failed.

**VIII. CEO ISSUES - None**


**Schedule next meeting October 21, 2025 at 6:00 PM.**


CEO Larson stated that there were no CEO issues.

Chair Davis moved that the next meeting be October 21, 2025. Member Levesque seconded the motion and the Board voted 6-0 to approve the motion.

**IX. ADJOURNMENT**

Member Levesque moved to adjourn the meeting at 7:22 PM. Member Williams seconded the motion and the Board voted 6-0 to approve the motion.

  
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Eric Davis  
Southwest Harbor Planning Board Chair

  
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Date