

PLANNING BOARD MINUTES  
TUESDAY, NOVEMBER 18, 2025  
6:00 PM  
SOUTHWEST HARBOR TOWN OFFICE  
MEETING ROOM

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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, Michael Levesque, Priscilla Ksionzyk, John Williams, and Charlotte Gill.

Vice Chair Lee Worcester recused.

**II. ADOPTION OF AGENDA**

There were no modifications to the agenda.

**III. MINUTES - None**

There were no minutes for approval.

**IV. CONFLICT OF INTEREST**

Member Levesque recused himself from Item V. a.

**V. OLD BUSINESS**

**a. Continuation of Trundy Farms Subdivision performance review**

The Chair opened the discussion by noting that all submission requirements in the application had been addressed with the exception of soil suitability. He invited the applicant, Lee Worcester, to speak to the Board or provide clarification regarding his recent submission on soil suitability.

Mr. Worcester stated that he believed the final paragraph of the Haley Ward report submitted was the most important portion of the document, and he read that paragraph aloud for the record.

The Board asked Mr. Worcester to identify the locations of the soil samples. He explained that the samples were not pinpointed on a map but were taken from various locations across the

entire property. When asked about the sampling depth, he responded that the samples were taken at a depth of approximately six inches.

A member of the public, Jim Vallette, asked the Board whether this was a public meeting. The Chair responded that it was not. Mr. Vallette then interjected to ask whether the Board had read the rebuttal memo he had submitted, and whether there were any comments or responses to it.

Chair Davis stated that he had read Mr. Vallette's memo and that, in his view, Mr. Vallette was attempting to apply standards to the project that were not applicable under the ordinance.

The Board spent considerable time discussing whether the engineers hired by the applicant had a potential conflict of interest because they had performed prior work for this property owner. The Board also discussed whether the soil evaluation had been conducted in accordance with Maine Department of Environmental Protection requirements.

Chair Davis noted that he was concerned about the Board questioning the work of a licensed professional, emphasizing that such professionals have ethical obligations and are required to self-regulate the quality and integrity of their work.

The Board reviewed the plain language of Land Use Ordinance Article VI(O)(2) and discussed how it should be properly interpreted. Several members agreed that the section was not applicable in this case because the use of the word "and" requires that *both* conditions be met: the site must require a subsurface wastewater disposal system *and* it must involve a commercial, industrial, or similarly intensive use.

Members noted that the proposed division of the property does not require subsurface wastewater disposal systems, and therefore Article VI(O)(2) does not apply.

Mr. Vallette argued that he disagreed with that interpretation.

Member Gill questioned why the report stated that soil samples were taken from Lot 14, noting that the subdivision contains only twelve lots. Mr. Worcester clarified that the lot proposed to be divided is identified as Lot 14 on Tax Map 13, which explains the reference.

A member of the public, Michael Levesque, expressed surprise that the Board was not allowing public comment on the applicant's new submission.

Member Gill stated that she believed the Board had erred by not establishing clear parameters for how the soil study should be conducted. She argued that contamination does not follow lot lines and that the report appeared inadequate because it did not meet the Maine DEP standards she believed were applicable.

Member Wolak responded that he was unable to locate the DEP standards referenced by Member Gill, despite spending considerable time searching for them online. Member Ksionzky agreed with Member Gill.

Member Williams asked Member Ksionzky if the Board deems the applicant's submission is insufficient, what additional information the Board should request.

Member Gill proposed that the Board table the item to the next meeting to allow time to determine whether the report meets state standards. She questioned whether the six-inch sampling depth was adequate, suggesting that a deeper sample might have been more appropriate. She also noted that she had only received Mr. Vallette's rebuttal that day and needed time to read and consider it.

Member Gill moved to table the agenda item until the December 2, 2025 meeting. Member Ksionzky seconded the motion and the Board voted 4-1 to approve the motion with Member Williams against.

#### **VI. NEW BUSINESS - None**

#### **VII. CEO ISSUES**


- a. **Schedule next meeting December 2, 2025 at 6:00 PM.**


#### **VIII. ADJOURNMENT**

Member Levesque rejoined the Board and reminded the Board that on at least two other occasions, they had received information on three pieces of housing legislature, LD 1829, LD 997, and LD 427 which they had yet to discuss.

Chair Davis moved to put the discussion of LD 1829, LD 997, and LD 427 on the December 2, 2025 agenda. Member Levesque seconded the motion and the Board voted 6-0 to approve the motion.

Member Levesque moved to adjourn at 7:00 PM.

  
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Eric Davis  
Southwest Harbor Planning Board Chair

  
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Date

