

Southwest Harbor Planning Board  
MINUTES  
January 21, 2016

I. Roll Call/Call to Order: Chairman Chad Terry opened the meeting at 6:00 PM. In attendance Lee Worcester, Mike Magnani, Eric Davis, Chris Rawls, Ryan Donahue and CEO Donald Lagrange. Mike Mansollili was excused due to illness.

II. Approval of Minutes

Mike Magnani moved to accept the minutes of March 7, 2013, seconded by Chris Rawls and voted in favor 4/0/2 with Terry and Davis abstaining. Approval of minutes were previously overlooked.

Chris Rawls moved to accept the minutes of September 17, 2015, seconded by Eric Davis and voted in favor 5/0/1 with Terry abstaining.

Eric Davis moved to accept the minutes of November 12, 2015, seconded by Mike Magnani and voted in favor 5/0/1 with Donahue abstaining.

III. Visitors not on the agenda, NONE

IV. Review of application from Real Madore regarding property located on 100 Clark Point Road, as referenced on the tax maps as Map 4, Lot 10. The purpose of the application is for a change of use from a single family residence/commercial use to a six room bed and breakfast.

This application is a request for a change of use of a commercial gallery into a three (3) bedroom, 2.5 bath Inn with a common kitchen, living room and expand the second story of the structure to a maximum 25' height. Also, change of use for the single family structure to a three-bedroom Inn. Change of use results in a six room Inn.

Lee Worcester moved the following requirements have been met for completeness of application, seconded by Eric Davis and voted in favor 6/0/0.

- ~ Scale, north arrow and names of abutting property owners. (OK)  
North direction and scale noted. List of abutting properties attached
- ~ Dimension and area of each lot to be built upon or otherwise used: (O/K)  
Noted on plan.
- ~ Location of any wells on the lot or within 100' of property lines: (N/A)  
There are no wells within the location of the proposed addition that have any impact to the project. Town utilities in the area
- ~ Name and location of any abutting water body, streams, brooks and wetlands: (O/K) Abutting water bodies include Atlantic Ocean.
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (N/A) No earth work required.
- ~ 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 plan.
- ~ Outdoor lighting, signs: Existing and proposed locations (O/K)  
Shielded exterior fixtures noted on plan
- ~ Sewer and water facilities: Existing and proposed (N/A)  
Property serviced by municipal water and sewer services
- ~ Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking). Legal non-conforming parking spaces to be noted: (O/K) Parking requirement noted on plan with offsite parking.
- ~ 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: No right of ways or easements are shown on the plan.
- ~ Existing grades and any proposed changes in grades. (N/A)  
There are no changes in grades
- ~ Soil Erosion and Sedimentation control plan: (N/A)  
No external construction requiring erosion and sedimentation controls.
- ~ 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: (O/k)  
Plans indicate floor layout and expansion of a non-conforming structure.
- ~ Buffering/Landscape plan as described in Section VI. (N/A)  
To be determined by Planning Board.

**GENERAL REGULATIONS/STANDARDS:**

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

**RIGHT, TITLE, INTEREST:**

Purchase and Sale agreement attached to application qualifies interest.

**PROJECT KEY PLAN:** Attached to the application

**SITE PLAN:** Part of the Key Plan

**STANDARDS FOR SPECIAL ACTIVITIES:** None.

**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.

Eric Davis moved the following performance standards are not applicable for change of use proposed by Madore due to the reasons noted, seconded by Lee Worcester and voted in favor 6/0/0.

- ~ Clearing of vegetation  
Clearing of vegetation is required for review in shore land zones. There is no representation of any clearing.
- ~ Driveway and Driveway opening  
No changes in the entrance or the size of the opening. This is not applicable.
- ~ Erosion/Sedimentation Controls  
No earth excavation activities suggested.
- ~ Fill and Excavation  
None required.
- ~ 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  
No commercial or industrial pollutants will be used
- ~ Road Standards  
Not applicable.
- ~ Sewerage Disposal Standards  
Town sewer utility.
- ~ Sign Regulations

- No sign is proposed.
- ~ Soil Standards
  - Not applicable
- ~ Storm Water Runoff Standards
  - Will not impact any abutting property owners.
- ~ Stream Standards
  - No stream on parcel
- ~ Vibration Standards
  - No vibration activity on site.
- ~ Water Quality Standards
  - No activities require water quality monitoring or assessment.
- ~ Water Supply Standards
  - Water Supply Standard is not applicable.

The following **PERFORMANCE STANDARDS are applicable** to this application.

- ~ Landscaping/Buffering
  - Lee Worcester moved the impact is low and buffering requirements limited to parking area is not required due to minimal lot area for snow removal between abutters. Seconded by Mike Magnani and voted in favor 6/0/0.
- ~ Eric Davis moved that Exterior Lighting, Fire Protection, Handicap Access and Noise performance standards have been met. The lighting will be shielded; the State Fire Marshall noted no requirements from their office regarding fire protection or ADA compliance and there will be no noise activity from the use as an inn.
- ~ The Board agreed to amend the change of use request to one structure into a (3) room Inn and no change to the existing single family structure. Lee Worcester moved to approve, seconded by Mike Magnani and voted in favor 6/0/0. This modification allows for a parking requirement of (3) onsite spaces, (1) onsite drop off area and (2) offsite parking spaces on property owned by applicant on Harbor View supported by a permanent easement. Lee Worcester moved the parking requirements have been met, seconded by Mike Magnani and voted in favor 6/0/0.

The applicant represented there would be a boundary line agreement with both abutters, the Sweeney's and the Stanley's to accommodate four 9 ½ x 18' parking spaces.

It was moved by Lee Worcester to accept the parking proposal based on the above change with (4) spaces onsite with space #4 dedicated to a drop off area, (2) easement offsite spaces on Harbor View with (2) spaces on Harborview for the residence. Seconded by Mike Magnani and voted in favor 6/0/0.

The Board was required to review application per Section III, Non-Compliance, and expansion of a non-conforming structure. The proposal was to raise the height of the second story knee wall and add a new porch on the west side. Lee Worcester moved the addition to the knee wall did not expand the footprint in the shoreland zone and did not increase the non-conformity. The proposed porch did expand the non-conformity and was not allowed. Seconded by Ryan Donahue and voted in favor 6/0/0.

The Board did not discuss Section III (C) (4) (a) requiring a written affidavit that the proposed use will have no greater adverse impact on the water body or adjacent abutters.

Chairman Terry read the standard requirements for approval stating the applicant must comply with all the requirements of the Town of Southwest Harbor Land Use Ordinances. In addition, in order to further promote the purposes of the Southwest Harbor Ordinances, the following conditions on the approval of this application:

1. The property may be developed and used only in accordance with the plans, documents, and materials submitted with the permit application.
2. 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.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. This permit does not relieve the applicant's responsibility of other applicable State and Federal permit requirements.

Lee Worcester moved to approve the application of Real Madore for the change of use from a commercial building to a three (3) room Inn with a common kitchen and living area, no new additions, with (3) onsite parking spaces and a drop off space, (2) offsite parking spaces by easement on the applicants property located on Harborview, (2) parking spaces for the residence on Harborview, contingent upon boundary line agreements with abutters Stanley and Sweeney. Seconded by Ryan Donahue and voted in favor 6/0/0.

VI. Revision the condominium plat for Hyewood, A Condominium increasing the building envelop and modify building standards to allow single family units or duplexes based on allowable lot area coverage. Location is 196 Seawall Road and more fully described as Map 17, Lot 7 on the SWH tax maps. Owner is Anita Chalfoun.

Marc Chalfoun represented the project describing a change in condo docs to reflect a different footprint per unit. This is the same request as the application for modification presented at the July 23, 2015 meeting to change condo doc specifics for unit #7. The request is to identify a change in designated land use for unit's #1 - #6. Lee Worcester moved to approve the changes as presented to a previously approved subdivision in 2005 known as Hyewood, A Condominium do not change or alter the character of the subdivision, seconded by Chris Rawls and voted in favor 6/0/0.

VII. Other Business: Review of Village Green project

Philip Steele, Kevin Buck and Jim Mitchell presented a proposal for a community development including a performing arts building within a modified American Legion building, improvements of landscaping and parking arrangements, and structural aesthetics to all buildings around the Village Green area. The provided a conceptual blueprint for these proposals. The Planning Board discussed traffic issues and the passage around the senior housing complex may

not be available to be included in their plans. They indicated a fund drive would begin in the spring to further this proposal.

VIII. Ryan Donahue moved to adjourn the meeting at 9:21 PM, seconded by Lee Worcester and voted in favor 6/0/0.