

Southwest Harbor Planning Board Minutes  
May 4, 2017

I. Chairman Mike Mansollili opened the meeting at 6:00 PM. In attendance Lee Worcester, Mike Magnani, Eric Davis, Ryan Donahue, Jesse Dunbar and CEO Donald Lagrange.

II. Approval of Minutes

~ Mike Mansollili moved to table accepting minutes of February 23, 2017 due to lack of voting members, seconded by Jesse Dunbar and voted in favor 6/0/0. (Mansollili, Donahue, Dunbar, Rawls)

~ Eric Davis moved to accept minutes of March 16, 2017, seconded by Mike Magnani and voted in favor 4/0/2. (Mansollili, Magnani, Dunbar, Davis)

III. Visitors not on the agenda:

Lydia Goetze mentioned a meeting of the Island Housing Trust being held on Thursday, May 11 at 2:00 PM

IV. Review application to amend Salem Woods Subdivision to combine 50 & 52 Salem Town Road, Tax Map 12, Lots 28 & 27 to create one lot under common ownership. Applicant is Patricia Guarino of 52 Salem Towne Road.

**PURPOSE: Lot line adjustment whereas Patricia Guarina, owner of 52 Salem Towne Road Map 12, Lot 27 and 50 Salem Towne Road, Map 12 Lot 28, wish to amend Salem Towne subdivision and combine both lots into one parcel. Ms. Guarino purchased 52 Salem Towne Road on January 11, 2016 and abutting lot on August 5, 2016. It is depicted on the portion of the previously approved subdivision plan supplied with this application as lots 4 & 5. Amendment to subdivision listed combined lots as lot #4.**

Information required on application:

1.  identifying title
2.  Assessor's Map and Lot numbers
3.  Evidence of right, title, or interest in the property
4.  Field survey of the boundary lines of the tract (General Standard C.1.SECTION VIII)
5.  Date the plan was prepared
6.  North Arrow
7.  Graphic map scale
8.  Name & addresses of owner(s), sub divider, & who prepared plan
9.  Name of adjoining property owners
10.  Number of acres within subdivision
12.  Proposed lot lines with approximate dimensions and lot areas
17.  Names & addresses of owners of record of adjacent properties
23.  Copy of the deed from which the survey was based; copy of all covenants or deed restrictions, easements, rights-of-way, etc.

Mike Mansollili moved the above information is required and is shown on revised plan, seconded by Mike Magnani and voted in favor 6/0/0

Information not required on application:

11.  Location of property lines, existing buildings, watercourses, vegetative cover type, other essential, existing physical features.
13.  Location, names & widths of existing & proposed streets, easements, building lines, parks & other open spaces on or adjacent to the subdivision.
14.  Width & location of any streets or public improvements shown on the official map & Comprehensive Plan, if any, within the subdivision
15.  Parcels of land proposed to be dedicated to public use and conditions
16.  Location of any open space to be preserved, improvements & management
18.  Location of any shore land Zoning boundaries affecting the subdivision

19.  Boundaries of any flood hazard areas & 100-year flood elevation
20.  Required for subdivision, near bodies of water: contour lines at interval specified by Board showing elevations in relation to NGVD
21.  Indication of type of sewage disposal to be used within subdivision
  - a)  public sewer: a letter shall be submitted from the Town indicating that there is adequate capacity within the Town's system to transport and treat sewage
  - b)  subsurface wastewater disposal: test pit analyses, prepared by a Licensed Site Evaluator
  - c)  centralized or shared subsurface sewage disposal system: prepared by a licensed site evaluator
22.  Indication of the type of water supply to be used.
  - a)  public water supply: a letter from the S.W. Harbor Water Company indicating adequate supply and pressure & approving the plans for extensions where necessary.
  - b)  Where the S. W. Harbor Water Company's supply lines is to be extended, a written statement from the Fire Chief (or assistant), stating approval of the location of fire hydrants.
  - c)  evidence of adequate ground water supply and quality may be requested by the Board and this shall be submitted by a well driller or a hydro-geologist familiar with the area.
24.  Copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
25.  Copy of the portion of the State soil survey covering the subdivision.
26.  adequate storm water management plan.
27.  Location & size of existing & proposed wells, subsurface sewage systems, culverts, & drainage ways on or adjacent to subdivision.
28.  Determination that proposed subdivision will not adversely affect the quality or unreasonable affect the shoreline of any body of water.
29.  Map identifying all freshwater wetlands regardless of size, rivers, streams, brooks within or abutting the subdivision.
30.  Estimate of the amount & type of vehicular traffic to be generated on a daily basis and at peak hours.
31.  Statement of financial capacity demonstrating the financial ability of the sub divider to complete the project.

Ryan Donahue moved the above Information not necessary to be shown on revised plan for a lot line adjustment in an existing subdivision where two abutting lots will be combined, seconded by Lee Worcester and voted in favor 6/0/0.

Following not required for purpose of boundary line adjustment:

1. POLLUTION: will not result in undue water or air pollution
2. WATER: has sufficient water available for the reasonably foreseeable needs of the subdivision; or, if the Town supply is used, will not cause an unreasonable burden on the existing supply.
3. GROUND WATER: will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water. .
4. EROSION: will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result
5. STORM WATER: will provide adequate storm water management
6. SEWAGE DISPOSAL: will provide for adequate sewage waste disposal; and will not cause an unreasonable burden on the Town services, if they are utilized

7. SOLID WASTE DISPOSAL: will provide for adequate solid waste disposal; and will not cause an unreasonable burden on the Town's ability to dispose of solid waste.
8. TRAFFIC: will not cause unreasonable public road congestion or unsafe conditions with respect to use of the public roads existing or proposed
9. AESTHETIC, CULTURAL AND NATURAL VALUES: will not have an undue adverse effect on the scenic or natural beauty of the area
10. SURFACE WATERS: will not adversely affect the quality of that body of water or unreasonable affect the shoreline of that body of water whenever the proposed subdivision is situated in whole or in part, within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river.
12. FLOOD WATERS: will determine if the subdivision is in a flood hazard area; (If it is, the proposed plan must show the flood hazard boundaries and include a condition of plan approval requiring that principal structures within the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation
13. FRESHWATER WETLANDS, RIVERS, STREAMS OR BROOKS: all potential freshwater wetlands, regardless of their size, within the proposed subdivision have been identified on any maps submitted as part of the application and all rivers, streams and brooks within or abutting the
14. FINANCIAL AND TECHNICAL CAPACITY: must have adequate financial capacity to meet above criteria of this Ordinance

Mike Mansollili moved the above performance standards is no required for the purposes of a boundary line modification between abutting lots in common ownership in a previously approved subdivision, seconded by Eric Davis and voted in favor 6/0/0.

The following performance standards are required for boundary line adjustment to combine lots 27 & 28 (4 & 5 on the plan).

11. CONFORMITY WITH LOCAL ORDINANCES AND PLANS: Mike Mansollili moved the application is in conformance with the Southwest Harbor Land Use Ordinance, Southwest Harbor Comprehensive Plan, seconded by Eric Davis and voted in favor 6/0/0.
15. MONUMENTATION: Mike Mansollili moped that permanent monuments must be set at or within 50' of lot corners & street intersections, seconded by Mike Magnani and voted in favor 6/0/0.

Mike Mansollili moved to approve the application of Patricia Guarino for lot line adjustment to combine 52 Salem Towne Road, Map 12, Lot 27 and 50 Salem Towne Road, Map 12 Lot 28, both lots into one parcel, seconded by Eric Davis and voted in favor 6/0/0.

V. Review application from the Talaria Company, LLC known as the Hinckley Company to construct a 78' x 250' accessory building on 130 Shore Road, Tax Map 17, Lot 65.

I. GENERAL REGULATIONS/STANDARDS:

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

II. RIGHT, TITLE, INTEREST:

Deed on file.

III. PROJECT KEY PLAN:

Attached to the application

IV. SITE PLAN:

Part of the Key Plan

V. STANDARDS FOR SPECIAL ACTIVITIES:

None.

## VI. 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.

**Completeness:** Section VIII (C) (4) (c) of the LUO requires each application to include 16 site plan requirements:

- ~ North arrow and names of abutting property owners. (OK)  
North direction indicated on plan and abutting property owner's listed on separate sheet.
- ~ Dimension and area of each lot to be built upon or otherwise used. (OK)  
"Existing Conditions Plan" providing metes and bounds.
- ~ Location of any wells on the lot or within 100' of structure: (N/A)  
Town water serves the abutting properties.
- ~ Name and location of any abutting water body, streams, brooks and wetlands:  
(N/A): No wetlands or waterbodies abutting property.
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (O/K) Other than construction fill, construction will be in a cleared area.
- ~ Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. Include setbacks from lots lines, rights of way, and water bodies: (OK): Depicted on plan.
- ~ Outdoor lighting, signs: Existing and proposed locations (O/K): Shielded exterior fixtures are not listed on plan however any lights to be installed will be shielded per ordinance. Narrative described light installation.
- ~ Sewer and water facilities: Existing and proposed (O/K): Water service from existing service to be installed.
- ~ Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking). Minimum 1 space per employee required. (OK): The proposal includes an additional five employees with five parking spaces provided adjacent to structure, in conformance with parking ordinance.
- ~ 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):
- ~ Existing grades and any proposed changes in grades (OK): There are no changes in grades. Does not require a DEP construction permit due to less than one acre construction activity.
- ~ Soil Erosion and Sedimentation control plan (O/K): Soil erosion control measures identified on plan.
- ~ Freshwater wetlands or hydric soils: (NA)
- ~ Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans (OK): Preliminary frame cross section plan indicates height of structure at 37'-3". Maximum structure height in zone in zone B is 40'.
- ~ Buffering/Landscape plan as described in Section VI. (O/K): The plan indicates woody vegetation on the south and easterly side of property to protect abutting residential property.

Lee Worcester moved the above sixteen requirements for completeness of application have been met, seconded by Mike Mansollili and voted in favor 6/0/0-.

PERFORMANCE STANDARDS:

Lee Worcester moved the following performance standards for the construction of a maintenance addition are not required for reasons stated except for item D, erosion and sedimentation control to be installed according to best practices as stated on notes from Applicant, seconded by Jesse Dunbar and voted in favor 6/0/0.

- ~ Clearing of vegetation: Clearing of vegetation is required for review in shore land zones. This property not within shoreland zone.
- ~ Driveway and Driveway opening: Driveway entrance is existing off Shore Road and Mansel Lane.
- ~ Erosion/Sedimentation Controls: Noted on Plan
- ~ Fill and Excavation: Allowed for construction purposes as part of the permit.
- ~ 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.
- ~ Road Standards: Not applicable.
- ~ Sewerage Disposal Standards: None to be installed.
- ~ Sign Regulations: No sign is proposed.
- ~ Soil Standards: Not applicable
- ~ Storm Water Runoff Standards: There is no change in impervious area and the project will not impact any abutting property owners.
- ~ Stream Standards: No stream on parcel
- ~ Water Quality Standards: No activities require water quality monitoring or assessment.
- ~ Water Supply Standards: Water Supply Standard is not applicable.

Applicable Performance Standards:

- ~ Landscaping/Buffering Section V (A): Lee Worcester moved the buffering impact per ordinance is low and the existing natural vegetation is adequate for buffering, seconded by Eric Davis and voted in favor 6/0/0.
- ~ Mike Magnani moved the representation from Applicant that all exterior lighting will be shielded as required per Section VI (E) of the Land Use Ordinance (LUO), seconded by Eric Davis and voted in favor 6/0/0.
- ~ Fire Protection, Section VI (G): Eric Davis moved the applicant to secure State Fire Marshall permit to be included with building permit application, seconded by Mike Magnani and voted in favor 6/0/0.
- ~ Mike Magnani moved the Applicant to secure State Fire Marshall ADA permit to be included with building permit application, seconded by Mike Mansollili and voted in favor 6/0/0.
- ~ Lee Worcester moved the Applicant has indicated on notes the proposed storage building is of similar occupancy of existing structures and pollutants will be managed similar to existing methods meets the criteria of the LUO, seconded by Jesse Dunbar and voted in favor 6/0/0.
- ~ Eric Davis moved to accept the Applicant's representation no new outside noise is anticipated and meets the Noise Standards, Section VI (K) of the LUO, seconded by Mike Mansollili and voted in favor 6/0/0.

~ Mike Mansollili moved the parking requirements have been met for the five new employees and meets the Parking and Loading Standards, Section VI (L) of the LUO, seconded by Jesse Dunbar and voted in favor 6/0/0.

~ Eric Davis moved the Applicant has met the Vibration Standards, Section VI (S) of the LUO and represents no nuisance such as vibration is proposed at this storage building, seconded by Jess Dunbar and voted in favor 6/0/0

~ Chairman Mansollili also required the following as conditions of approval:

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 Hinckley Yacht Service to construct a 78' x 250' accessory building to include boat storage and maintenance, subject to State Fire Marshall approval for both the structure and ADA compliance, seconded by Mike Mansollili and voted in favor 6/0/0.

~ A discussion by Planning Board members regarding expanding lot coverage area for commercial projects in Zone B from 20% to 40% was moved to the next meeting for further discussion. The purpose of proposed amendment is to provide increased business opportunities as well as allow greater density for multi-family, seasonal cottages and condo units on parcels in common ownership. Currently in Zone A, property owners are allowed 100% lot coverage.

~ There was no discussion to amend Section VIII, Section B, subsection 1-b to allow CEO to approve commercial additions up to 1,000 square feet subject to conditions.

~ There being no other business, Mike Mansollili moved to adjourn meeting at 9:00 PM, seconded by Jesse Dunbar and voted in favor 6/0/0.