

Southwest Harbor Planning Board
Minutes of Sept 21, 2017

PUBLIC HEARING

- I. Chairman Masollili called the public hearing to order at 6:00 PM. In attendance was Mike Magnani, Lee Worcester, Jesse Dunbar, Eric Davis and CEO Lagrange
- II. The following amendments to ordinance were discussed to an audience of one.
- ~ Amend Zone B to allow 40% lot coverage by structures for commercial uses which also includes multi-family structures in excess of three dwelling units and seasonal cottages in common ownership, subject to all performance standards.
- ~ Amend Section VIII (B-1-b) increasing approval authority by the CEO for commercial additions up to 1,000 square feet subject to definitive performance standards
- There being no further discussion, Mike Mansollili moved to close the public hearing at 6:05 PM, seconded by Lee Worcester and voted in favor 5/0/0.

REGULAR MEETING

- I. Chairman Masollili called the regular Planning Board meeting to order at 6:05 PM. In attendance was Mike Magnani, Lee Worcester, Jesse Dunbar, Eric Davis and CEO Lagrange
- Roll Call/Call to Order
- II. Eric Davis moved to approve the minutes of July 20, 2017, seconded by Mike Magnani and voted in favor 4/0/1 with Lee Worcester abstaining.
- Lee Worcester moved to approve the minutes of Sept 7, 2017, seconded by Mike Mansollili and voted in favor 5/0/0.
- III. Visitors not on the agenda, none
- IV. Application from Overstanding, LLC of 28 Fernald Point Road, Map 9, Lot 27 for installation of frost wall and reconstruction of non-conforming boat house.
- Completeness: Section VIII (C) (4) (c) of the LUO requires each application to include 16 site plan requirements, if applicable.
- Eric Davis cited the following criteria and moved the application was complete after amending item #15 to reflect 30' structure height in shoreland zone and #16 was not applicable, seconded by Mike Mansollili and voted in favor 5/0/0.
- ~ 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. (N/A)
- Replacement of an existing structure does not require the lot to be described in its entirety. This is a non-conforming structure due to set back from HWL and westerly property line of 6.5'.
- ~ Location of any wells on the lot or within 100' of structure: (N/A) this is a non-habitable structure and its replacement will not affect any wells.
- ~ Name and location of any abutting water body, streams, brooks and wetlands: (O/K). The ocean is depicted on the site plan with existing building set back 23' from HWL.
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (N/A) Structure replacement only; no additional areas to be cleared.
- ~ 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: (N/A) Replacement structure only will not impact change in lot coverage.

- ~ Outdoor lighting, signs: Existing and proposed locations (N/A)
Lighting not required.
- ~ Sewer and water facilities: Existing and proposed (N/A) No facilities are proposed
- ~ Layout and location of parking areas with existing and proposed parking spaces required. (N/A) This proposed structure is accessory to principle use and does not require parking facilities.
- ~ Location of existing and proposed roads/driveways with setback from nearest lot line: (N/A) none proposed.
- ~ 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. (N/A) There are no changes in grades.
- ~ Soil Erosion and Sedimentation control plan: (O/K) Erosion control measures described on plan.
- ~ 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: (OK) Plan indicates roof line elevation. Maximum structure height in zone in Residential Shoreland zone is 30'.
- ~ Buffering/Landscape plan as described in Section VI. (N/A)
This is a residential location not requiring to meet buffering standards.
Lee Worcester cited the following performance standards and moved they were not applicable to this application, seconded by Eric Davis and voted in favor 5/0/0.
- ~ Landscaping/Buffering: Not required for residential use
- ~ Clearing of vegetation: No clearing of vegetation.
- ~ Driveway and Driveway opening: Not applicable to boat house replacement
- ~ Fill and Excavation: Allowed for construction purposes as part of the permit.
- ~ Fire Protection, Section VI (G): State Fire Marshall review not required.
- ~ Handicap Access, Section VI (I): Not subject to State Fire Marshall review
- ~ Heavy Commercial or Industrial Pollutants: None associated with project
- ~ Noise Standards, Section VI (K): The proposed use will not generate objectionable noise.
- ~ Parking and Loading Standards: Accessory to principle use does not require parking.
- ~ 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: Will not impact any abutting property owners.
- ~ Stream Standards: No stream on parcel
- ~ Vibration Standards, Section VI (S): No vibration will occur on property.
- ~ Water Quality Standards: No activities require water quality monitoring or assessment.
- ~ Water Supply Standards: Water Supply Standard is not applicable.

Applicable Performance Standards:

Mike Mansollili moved the erosion and sedimentation control plan depicted on the application is satisfactory; any new lighting will be shielded according to LUO, and the structure in flood zone shall be constructed to applicable building standards, seconded by Mike Magnani and voted in favor 5/0/0.

Per Section III, (C) (3), Greatest Practical Extent of the Land Use Ordinance, Mike Magnani moved the structure is located at the greatest practical extent due to the rear retaining wall, existing garden behind structure, existing fence as well as a loss of vegetation and it will be the least damage to the environment, seconded by Mike Mansollili and voted in favor 5/0/0.

Mike Mansollili moved to approve the application of Overstanding, LLC for the construction of foundation and replacement of boat house on Map 9, Lot 27, seconded by Eric Davis and voted in favor 5/0/0.

V. Ordinance Revisions:

~ Lee Worcester moved to approve changes in the definition of 'structure' to limit decks, patios, balconies, piers, dumpsters and satellite dishes to shoreland zoning for lot coverage and setback requirements as well as eliminated unnecessary language as follows:

STRUCTURE: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, poles, wiring and pedestals associated with service drops. The term *in shoreland zones* includes structures temporarily or permanently located, such as decks, patios, balconies, piers, dumpsters, and satellite dishes; ~~but excludes incidental structures for residential use, such as picnic tables, chairs, birdhouses, flagpoles.~~

Seconded by Eric Davis and voted in favor 5/0/0.

VI. Other Business: Mike Mansollili tendered his resignation from the Planning Board after eight years of service, due to change of residency to Tremont.

VII. Mike Mansollili moved to adjourn meeting at 6:30 PM, seconded by Lee Worcester and voted in favor 5/0/0.