

DRAFT MINUTES
Southwest Harbor Planning Board
April 26, 2018

- I. Chairman Mike Magnani opened the meeting at 6:03 PM. In attendance John Williams, Eric Davis, Jack Ksionzyk, Jesse Dunbar and CEO Don Lagrange
- II. Visitors not on the agenda: Mr. Snow presented a memo questioning the permit approval of Milagro addition.
- III. a. Accept Minutes of October 5, 2017 (Tabled to next meeting due to lack of voting members. Dunbar, Magnani, Davis, Worcester)
- b. Accept minutes of October 19, 2017 (Table to next meeting due to lack of voting members. Worcester, Magnani, Dunbar, Jessica Williams, Chris Rawls)
- c. Accept minutes of October 26, 2017. Table to next meeting to lack of voting members. Worcester Dunbar, Magnani, Davis, Rawls)
- d. Eric Davis moved to accept minutes of February 15, 2018, seconded by Mike Magnani and vote in favor 4/0/1. (Magnani, Davis, John Williams, Dunbar)
- IV Review application of Vertical Bridge Development, LLC to construct a 195' transmission tower on land owned by Kenneth Hutchins off the Buttermilk Road, and more fully described on tax map 21, lot 9. Continued from Planning Board meeting of October 19, 2017.
- ~ Due to two members present that were not at the initial meeting of October 19, 2017, Chairman Magnani asked both John Williams and Jack Ksionzyk if they were familiar with the application and materials submitted by Vertical Bridge Development and did they review the minutes of October 19, 2017 such that they are satisfied they can participate in the current meeting to render a decision. Both responded positively they were familiar with application and they could render a decision.
- ~ CEO Lagrange distributed a letter to Board members authorizing Lindsay Beckwith of Centerline Solutions to act on behalf of Vertical Bridge Development, LLC. It also stated Vertical Bridge Development and BRT Group LLC are affiliated with one another and are both under Vertical Bridge Holdings, LLC.
- Lagrange also indicated only the cover page and signature page of the lease agreement between property owner Hutchins and Lessee BRT Group, a division of Vertical Bridge Holdings, LLC was included in packet materials. The full lease of 45 pages was on file in the Town office.
- ~ Mike Magnani read through the requirements for completeness:
- ~ Scale, north arrow and names of abutting property owners. (OK)
North direction and list of abutting properties are represented on plan and list of abutters indicated on notice to abutters.
- ~ Dimension and area of each lot to be built upon or otherwise used: (OK)
Noted on site plan as a 100' x 100' leased land area, part of a vacant parcel remaining from a previous subdivision comprised of 29.91 acres.
- ~ Location of any wells on the lot or within 100' of property lines: (N/A)
No wells required for transmission towers.
- ~ Name and location of any abutting water body, streams, brooks and wetlands: (N/A)
None
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (O/K)
Clearing as required for construction purposes. No description required
- ~ Size, shape and location of existing and proposed buildings. (OK)
Depicted on plan.
- ~ Outdoor lighting, signs: Existing and proposed locations (N/A)

Signs application by CEO; Lighting voted N/A at meeting of October 19, 2017

- ~ Sewer facilities: Existing and proposed (N/A)
No proposed facilities
- ~ Layout and location of parking areas with existing and proposed parking spaces (O/K)
Two parking spaces depicted on plan as required from previous meeting.
- ~ Location of existing and proposed roads/driveways with setback from nearest lot line: (O/K)
Existing driveway from Buttermilk Brook Road depicted on plan
- ~ Name/location of existing or proposed right of way and easements on the site or abutting the property: (O/K)
Right of Way proposed through Buttermilk Brook Road.
- ~ Existing grades and any proposed changes in grades. (N/A)
There are no changes in grades except to accommodate construction of tower.
- ~ Soil Erosion and Sedimentation control plan: (O/K)
Noted 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: (O/K)
Front elevation and footprint plans attached
- ~ Buffering/Landscape plan as described in Section VI. (O/K)
Moved by Mike Magnani and seconded by Chris Rawls the project does not require a buffering plan and voted in favor 5/0/0 at the October 19, 2017 meeting.

Mike Magnani moved the application of Vertical Bridge Development is complete, seconded by Eric Davis. A discussion by Eric Davis regarding #4 to indicate there are wetlands and should be 'OK', not N/A, due to the notation on the plan. It was voted on as amended 5/0/0.

John Williams went through the required performance standards indicating applicability:

- A. Landscaping/Buffering: Voted at previous meeting not applicable
- B Clearing of vegetation: Clearing of vegetation is required for review in shore land zones and is not applicable.
- C. Driveway and Driveway opening: No opening off a public road; it a continuation of a privately owned road.
- E. Exterior Lighting: No proposed lighting has been proposed that will affect abutters; lighting to be reviewed by CEO with building application. Jack
- F. Fill and Excavation: None required.
- G. Fire Protection: None is required by the standards of the LUO.
- H. Flood Hazard Permit: Site not in the flood zone.
- I. Handicap Access: ADA compliance per State Fire Marshalls office.
- J. Heavy Commercial or Industrial Pollutants: No commercial or industrial pollutants
- K. Noise: Not applicable
- M. Road Standards: Not applicable.
- N. Sewerage Disposal Standards: None
- O. Sign Regulations: None
- P. Soil Standards: Not applicable
- Q. Storm Water Runoff Standards: No changes in grades to affect abutters
- R. Stream Standards: No stream on parcel

- S. Vibration Standards: No vibration activity associated with use.
- T. Water Quality Standards: No activities require water quality monitoring or assessment.
- U. Water Supply Standards: Water Supply Standard is not applicable.

Mike Magnani moved the above performance standards A, B, C, E, F, G, H, I, J, K, M, N, O, P, Q, R, S, T & U are not applicable for stated reasons in the application of Vertical Bridge Development, LLC for the construction of a 195' Communication Tower. Seconded by Jack Ksionzyk. Further discussion from applicant indicated FAA light requirements are at 200'. The height of tower is 195'. The motion was voted in favor 5/0/0.

~ Mike Magnani moved the following performance standards are applicable to the application of Vertical Bridge Development, LLC and meets the requirements of the Land Use Ordinance for approval in the application of Vertical Bridge Development, LLC for the construction of a 195' tower. Seconded by Jack Ksionzyk and voted in favor 5/0/0.:

D. Erosion/Sedimentation Controls

As required from the meeting of October 19, 2017, erosion and sedimentation controls are depicted on the plan.

L. Parking and Loading Standards.

According to Section VI, subsection L-m, parking spaces are not specifically detailed but is closest similarity to subsection l, requiring one parking space per employee. Vertical Bridge has depicted two parking spaces on plan as required from previous meeting.

~ Jack Ksionzyk moved the application of Vertical Bridge Development, LLC for the construction of a 195' communication tower is complete and compliant with the Land Use Ordinance, subject to construction and routine maintenance debris to be removed, to be located on land owned by Kenneth Hutchins located on the Buttermilk Brook Road, Map 21, Lot 9 to be approved, seconded by Mike Magnani and voted in favor 5/0/0.

V. Application of William & Deborah Knowlton represented by William Hanley of WMH Architects, for the reconstruction of a non-conforming residential structure in the Residential Shoreland zone, 23 Connor Point Road, tax map 11, Lot 10 of the Southwest Harbor tax maps.

This is a request for the sole purpose to reconstruct the main cottage within the 75' setback area, a non-conforming single family structure with a reduced footprint of 1,226 square feet. The controlling requirement is Section III, subsection C-3, Reconstruction of a non-conforming structure. Questions regarding number of dwelling units, height of structure (less than 25') and lot coverage is a CEO review authority.

Eric Davis moved the application for William and Deborah Knowlton is complete as presented after reviewing the following criteria, seconded by Mike Magnani and voted in favor 5/0/0.

- ~ Scale, north arrow and names of abutting property owners. (OK)
North direction and list of abutting properties are represented on 2017 survey
- ~ Dimension and area of each lot to be built upon or otherwise used: (OK)
Attached topographic survey dated 8-18-2014
- ~ Location of any wells on the lot or within 100' of property lines: (OK)
Located behind garage on the westerly side of property.
- ~ Name and location of any abutting water body, streams, brooks and wetlands: (O/K)
Fernald Cove, Atlantic Ocean
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (N/A)
No clearing or earthwork if permitted to replace on same or smaller footprint

- ~ 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 survey.
- ~ Outdoor lighting, signs: Existing and proposed locations (N/A)
Residential Property
Note: Eric Davis included all lights will be shielded per ordinance.
- ~ Sewer facilities: Existing and proposed (OK)
There is an existing septic system permitted in 1991. The attached revision to replace the existing system which will provide ample capacity for the request of a (4) bedroom main structure, a two bedroom cottage and a two bedroom garage apartment.
- ~ Layout and location of parking areas with existing and proposed parking spaces (N/A) Residential Property
- ~ 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: (O/K) Connors Point Lane ROW to existing site noted on 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)
Minimal soil disturbance
- ~ 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)
Included
- ~ Buffering/Landscape plan as described in Section VI. (N/A)
Residential use does not require buffering.

PERFORMANCE STANDARDS:

- A. Landscaping/Buffering
Buffering is not required due to residential use of property.
- B Clearing of vegetation
Clearing of vegetation is required for review in shore land zones. Providing the proposed structure is approved to be constructed on the same footprint (or less) then there is no review of the clearing of vegetation.
- C. Driveway and Driveway opening
No changes in the location of the entrance or the size of the opening. This is not applicable.
- D. Erosion/Sedimentation Controls
See Architects notes suggesting there will be little or no erosion issues if reconstruction is approved at the same footprint.
- E. Exterior Lighting
No lighting has been proposed; lighting to be reviewed by CEO with building application
- F. Fill and Excavation
None required.
- G. Fire Protection
None is required by the standards of the LUO.
- H. Flood Hazard Permit
Location of proposed structure is in the Flood Zone as indicated on the FEMA maps and a permit will be required with submission of building application.
- I. Handicap Access
ADA compliance not required for residential use.
- J. Heavy Commercial or Industrial Pollutants
No commercial or industrial pollutants

- K. Noise
Not applicable to residential use.
- L. Parking and Loading Standards.
Not applicable to residential use.
- M. Road Standards
Not applicable.
- N. Sewerage Disposal Standards
Existing and proposed septic systems per plumbing inspector.
- O. Sign Regulations
No review required for residential use.
- P. Soil Standards
Not applicable
- Q. Storm Water Runoff Standards
No changes or expansions of structures which would increase storm water review
- R. Stream Standards
No stream on parcel
- S. Vibration Standards
No vibration activity associated with residential use.
- T. Water Quality Standards
No activities require water quality monitoring or assessment.
- U. Water Supply Standards
Water Supply Standard is not applicable.

John Williams moved the above performance standards A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T & U are not applicable for stated reasons, in the application of William and Deborah Knowlton for a replacement non-conforming residential structure on existing footprint per plans, within the 75' setback to high water line with the exception that additional floating booms will be placed in the water for additional erosion control measures as per architect, seconded by Jesse Dunbar and voted in favor 5/0/0.

The Planning Board reviewed the application per Section III, (C) (3), Greatest Practical Extent of the Land Use Ordinance. Replacement structure will decrease the non-conforming lot area within the 75' setback from high water line requirement. The following reasons per architect propose reconstruction plans as proposed meets the measure of the ordinance.

- a. The lot is a long narrow peninsula forming the southern tip of Connor Point Road
- b. The slope of the land is a significant elevation change for which the proposed structure is over and not into.
- c. The proposed foundation is built atop a pier foundation system, elevated above the existed topography, resulting in minimal or no impact on existing grades.
- d. Soil erosion will be minimal due to structure being reconstructed in the existing location.
- e. Relocation of structure would place the new home in undesirable proximity to the existing structures and neighboring homes.
- f. The established and significant mature tree growth will not be disturbed with reconstruction on the same footprint.
- g. The owners have express their desire to minimize any impact to and co-exist with the existing natural environment of the property and the reconstruction on the same footprint will not alter that.

Eric Davis moved the reasons to rebuild in the same footprint as proposed meets the intent of the land use ordinance section III (C) (3) on Map 11, Lot 10, seconded by Mike Magnani and voted in favor 5/0/0.

Mike Magnani moved the application of William and Deborah Knowlton for the reconstruction of a (4) bedroom residence on the existing or lesser footprint of existing structure, according to the representation, plans and specs herein presented by their agent Wm Hanley, is hereby approved, seconded by Jesse Dunbar and voted in favor 5/0/0.

There being no further business, Mike Magnani moved to adjourn meeting at 7:55 PM, seconded by Jesse Dunbar and voted in favor 5/0/0.