

Southwest Harbor Planning Board  
MINUTES  
January 17, 2019

I. Chairman Mike Magnani opened the meeting at 6:00PM. In attendance Lee Worcester, Chris Rawls, John Williams, Eric Davis and CEO Lagrange

II. Visitors to be heard not on the agenda: None

III. Lee Worcester moved to accept minutes of October 18, 2018, seconded by Chris Rawls and voted in favor 4/0/1 with Eric Davis abstaining.

IV Chairman Magnani opened the public hearing and review of application from Tom Benson, agent for John Carter and John's Desire, LLC for amendment #2 to Captains Den Subdivision located at 246 Main Street, and described on Southwest Harbor tax map 7, lot 34.

PURPOSE: Divide parcel into two lots: Lot one containing 22,434 s/f and Lot 2 containing 17,566 s/f. This is an amendment to the original subdivision application which created three dwelling units. Lot 1 will include a three family dwelling unit and a single dwelling rental.

SCOPE OF REVIEW: Review shall be limited to those portions of the plan which are proposed to be changed, following the procedures for preliminary plan approval.

~ The applicant's agent Tom Benson presented the plan and made mention of the notes on the plan pertaining to setback from the new property line was 15' as required with exception of the overhang which will be removed.

~ The revised subdivision plan has been reviewed by the CEO with the following recommendations:

- 1) The location map provides all necessary information
- 2) No advisory opinions are required from federal or state agencies for a lot line adjustment.
- 3) Sufficient copies with appropriate scale have been submitted.

Lee Worcester moved to accept the above is complete to continue with the review of the application, seconded by John Williams and voted in favor 5/0/0.

~ Chairman Magnani reviewed the requirements of information to be included on the revised plan:

- A) 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
11. √ Location of property lines, existing buildings, watercourses, vegetative cover type, other essential, existing physical features
12. √ Proposed lot lines with approximate dimensions and lot areas
13. √ Location, names & widths of existing & proposed streets, easements, building lines, parks & other open spaces on or adjacent to the subdivision.  
*Note: The right of way requires a road/street name and the rear buildings will have a revised address. A street name requires approval from the Board of Selectmen and is recorded with Maine State E911 system.*
17. √ Names & addresses of owners of record of adjacent properties
21. √ Indication of type of sewage disposal to be used within subdivision

*Note: A memo from the S.W. Harbor Water & Sewer District requires each lot to be independently serviced, eliminating any common utility lines. Also, both parcels are required to be serviced by public water and sewer for the purposes of lot area based on available utilities in Zone B.*

22. ✓ Indication of the type of water supply to be used.

*Note: A memo from the S.W. Harbor Water & Sewer District requires each lot to be independently serviced, eliminating any common utility lines. Also, both parcels are required to be serviced by public water and sewer for the purposes of lot area based on available utilities in Zone B.*

23. ✓ Copy of the deed from which the survey was based; copy of all covenants or deed restrictions, easements, rights-of-way, etc.

24. ✓ Copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.

*Note: Easement for right of way through Lot 2 to be part of deed and recorded in Hancock Registry of Deeds.*

Lee Worcester moved the above information in Section A has been reviewed and is shown on the revised plan as required and is approved subject to following being completed:

- ~ A street name being provided to the Town in accordance to E-911 standards.
- ~ A note on the plan that both lots 1 & 2 shall be serviced separately with only public water and sewer.
- ~ Right of way easement will be recorded and a copy provided to the Town

Seconded by Chris Rawls and voted in favor 5/0/0

B. Information not necessary to be shown on revised plan for a lot line adjustment.

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
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.

Lee Worcester moved the above information in Section B has been reviewed and is not required to be shown or included in the subdivision amendment application, seconded by Mike Magnani and voted in favor 5/0/0.

C. The following criteria has been previously reviewed for original subdivision application and will not change with the creation of two separate lots:

1. POLLUTION: will not result in undue water or air pollution part of the application shown on the revised plan as required and is approved subject to following being completed:
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

Eric Davis moved the above items in Section C have been previously reviewed for the original subdivision and are not required as part of this application for the division of Lots 1 & 2, seconded by Mike Magnani and voted in favor 5/0/0

*The following performance standards are recommended to be included in the decision for the division of Map 7, Lot 34.*

11. CONFORMITY WITH LOCAL ORDINANCES AND PLANS:

The division of Map 7, Lot 34 into two separate parcels will be in conformance with the Southwest Harbor Land Use Ordinance as amended through May 8, 2018.

- a. ✓ Lot lines: Structures must be located 15' from side and rear lines which includes overhangs.
- b. ✓ Lot coverage: Commercial structures may cover up to 40% lot area.
- c. ✓ Maximum structure height shall not exceed 40'.
- d. ✓ Street setback is not applicable to structure on lot 2 due to predating ordinance.
- e. ✓ Minimum lot size shall be not less than 15,000 s/f provided public water and sewer services the properties.

Eric Davis moved the application conforms with local ordinance with the exception of the overhangs which are required to be removed to comply with setbacks, seconded by Lee Worcester and voted in favor 5/0/0.

15. MONUMENTATION: permanent monuments must be set at or within 50' of lot corners & street intersections

Mike Magnani moved to accept the representation by surveyor Tom Benson the property pins have been set as indicated on the plan, seconded by Chris Rawls and voted in favor 5/0/0.

Eric Davis moved to approve the application from John Carter for the amendment #2 to Captains Den subdivision as presented provided the overhang on the 'barn' dwelling unit is trimmed to comply with setback to property lines, seconded by Mike Magnani and voted in favor 5/0/0.

VII. Other Business:

CEO Lagrange suggested that setback to structures not include overhangs up to 18" since there have been numerous situations involving correct setback to structure foundations but did not include overhangs. Lee Worcester suggested a note on applications to remind permit holders that setback includes all parts of the structure. There was no recommendation to amend the land use ordinance with this proposal.

VIII. Next meeting (Tentative): February 21, 2019 @ 6:00 PM

IX. Lee Worcester moved to adjourn meeting at 6:45 PM, seconded by Mike Magnani and voted in favor 5/0/0.