

MINUTES
Southwest Harbor Planning Board
March 21, 2019

I. Due to resignation of Chairman and absence of vice-chair, the CEO suggested a nomination of an acting Chairman to open the meeting. Lee Worcester nominated Eric Davis as acting chair, seconded by Chris Rawls and voted in favor 5/0/0.

II. Roll Call/Call to Order: Acting Chair Eric Davis called the meeting to order at 6:05 PM. Members present include Eric Davis, Lee Worcester, and Chris Rawls, new board member Ken Salvatore, Jack Ksionzyk and CEO Lagrange.

III. The acting chair requested nominations for Chairman and Vice-Chairman. Lee Worcester nominated Eric Davis as Chairman and Jesse Dunbar as Vice-Chair, seconded by Ken Salvatore and voted in favor 5/0/0. Newly elected Chairman Eric Davis continued the meeting.

IV. Visitors not on the agenda: There were no visitor in the audience to be heard.

V. Approval of minutes:

Eric Davis moved to continue the minutes of January 17, 2019 and February 21, 2019 to next meeting due to lack of voting quorum, seconded by Chris Rawls and voted in favor 5/0/0.

VI. Review application from Southwest Harbor Congregational Church, located at 33 High Street, Map 5, Lot 25 of the Tax Maps for a 20' x 26' two story addition, to relocate the lower Basement Sunday school classes to street level rooms and facilitate ADA compliance.

There were no abutters in the audience for or against this application.

The CEO explained the issue is whether the Church, which is institutional by definition, can be reviewed under the umbrella of a commercial application as it pertains to the Land Use Ordinance (LUO), since the LUO does not reference directly to institutional uses except parking, which have the same criteria as other uses.

Due to the above question, the application was presented to the Planning Board for review as allowed by Section VIII, subsection B-3 of the Land Use Ordinance, which in the judgement of the CEO, a public hearing is required.

Land Use Ordinance Requirements:

Prior to review of application, the Planning Board must determine if this application can be treated as a commercial/institutional use for the purposes of lot coverage:

The lot area consists of 26,136 Square Feet with existing structures containing 4,793 Square Feet or 18.3% lot coverage. The proposed addition would increase lot coverage to 5,319 Square Feet or 20.4% lot coverage. The Land Use Ordinance allows 40% lot coverage for commercial (non-residential) applications and 12% lot coverage for other uses on lots with public water.

After a 25 minute discussion, the members agreed there is no distinction between a church and other commercial uses as it pertains to lot coverage in Zone B.

Eric Davis moved that, considering the Land Use Ordinance as it defines lot coverage, and does not make a distinction between commercial and institutional, only between residential and non-residential uses and the church is clearly nonresidential, seconded by Ken Salvatore and voted in favor 5/0/0.

CEO Lagrange suggested with the Planning Board approval of the 40% lot coverage, the building permit can now be reviewed by the CEO due to less than the 1000 square foot authority. Eric Davis moved the applicant now falls under the jurisdiction of the Code Officer, seconded by Ken Salvatore and voted in favor 5/0/0.

VII. Lee Worcester moved to amend Planning Board bylaws to change the regular meeting day from the first Thursday of the Month to the third Thursday of the month, seconded by Eric Davis and voted in favor 5/0/0.

VIII. The next tentative meeting date is April 4th, 2019.

IX. There being no other business, Lee Worcester moved to adjourn meeting at 6:35 PM, seconded by Eric Davis and voted in favor 5/0/0.