

MINUTES

Southwest Harbor Planning Board April 4, 2019

- I. Roll Call/Call to Order: Chair Eric Davis called the meeting to order at 6:00 PM. Members present include Eric Davis, Lee Worcester, and Chris Rawls, Ken Salvatore, Jack Ksionzyk and CEO Lagrange.
- II. Visitors not on the agenda: Mike Levesque was concerned with the development of a parcel off Marshall Brook Road with the recent acquisition of land by James Norwood citing potential issues with septic systems and tree cutting. He requested the Planning Board take action however CEO Lagrange suggested his concerns, if existed, were enforcement issues and it was outside the purview of the Planning Board.
- III. 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 Ken Salvatore and voted in favor 5/0/0.
- VI. Application review and public hearing for 58' x 110' boat storage building with attached seasonal two bedroom dwelling unit located 8 Spar Lane, Map 17, and lot 102; recorded in Hancock County Registry of Deeds Book 5858, Page 179:
Note: This is a request to demolish existing boat storage structure and construct a 58' x 110' boat storage building with attached seasonal two bedroom dwelling unit. The property is split in two zones with the predominate zone being Zone B which allows 40% lot coverage and a Maritime Activities zone on the north westerly portion of the parcel. The structure deemed to be a commercial structure, although for private use, may be available for fee storage. The Planning Board is the authority due to size of structure exceeding 1,000 square feet.

The Planning Board reviewed the following for completeness:

- ~ Scale, north arrow and names of abutting property owners. (OK)
North direction shown and list of abutting property owners on attached abutter notices.
- ~ Dimension and area of each lot to be built upon or otherwise used: (OK)
Noted on revised Feb 5, 2019 site plan
- ~ Location of any wells on the lot or within 100' of property lines: (OK)
There are no wells on the property or abutting properties. Public water service is provided.
- ~ Name and location of any abutting water body, streams, brooks and wetlands: (N/A)
No abutting water bodies.
- ~ Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity:
(N/A) No clearing or earthwork
- ~ Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. (OK) Depicted on survey. .
Outdoor lighting, signs: Existing and proposed locations (N/A)
No signs. Lighting to be shielded per memo.
- ~ Sewer and water facilities: Existing and proposed (OK)
Public water and sewer services are available from Shore Road.
- ~ Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking). (N/A)
Private boat storage facility
- ~ 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) Right of way over Spar Lane, a private way

- ~ Existing grades and any proposed changes in grades. (OK)
There are no changes in grades
- ~ Soil Erosion and Sedimentation control plan: (O/K)
Best management practices as stated on memo
- ~ 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)
Building plans attached to application.
- ~ Buffering/Landscape plan as described in Section VI. (N/A)
Non-commercial use for private boat storage and maintenance

Lee Worcester moved the application complete as amended with the words 'non-commercial' in buffering/landscaping be changed to 'commercial', seconded by Chris Rawls and voted in favor 5/0/0.

The Planning Board reviewed the following performance standards and determined they were not applicable to the request:

B Clearing of vegetation

Clearing of vegetation is required for review in shore land zones. This parcel is located in both the Maritimes Activity Zone and Zone B. There is no vegetation on the property to be cleared.

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

Erosion control measures noted on memo.

E. Exterior Lighting

Lighting to be shielded as indicated on memo. Location to be determined during construction.

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 not in the Flood Zone as indicated on the FEMA maps.

I. Handicap Access

ADA compliance not required for private boat storage.

J. Heavy Commercial or Industrial Pollutants

Boat storage only, no commercial or industrial pollutants

K. Noise: Not applicable to boat storage.

L. Parking and Loading Standards.

Sufficient area is provided for parking access to parcel.

M. Road Standards: Not applicable.

N. Sewerage Disposal Standards: Existing public service.

O. Sign Regulations

Sign applications to be submitted to CEO for approval.

P. Soil Standards: Not applicable

R. Stream Standards: No stream on parcel

S. Vibration Standards: No vibration activity on site during construction or post construction.

T. Water Quality Standards: No activities require water quality monitoring or assessment.

U. Water Supply Standards: Water Supply Standard is not applicable.

Eric Davis moved the performance standards B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, R, S, T & U are not applicable for stated reasons in the Robert Brown application for construction of 58' x 110' boat storage facility, that Landscaping/Buffering standard (A) and Storm Water Runoff standard (Q) are applicable, seconded by Chris Rawls and voted in favor 5/0/0.

Eric Davis moved the application to construct boat storage meets the following standards of Zone B of the Land Use Ordinance, seconded by Lee Worcester and voted in favor 5/0/0.

1. The primary use of structure is boat storage and is allowed in zone B.
2. The parcel contains 18,295 s/f and the larger portion is located in zone B with the northwesterly portion in Maritime Activities zone as depicted on attached plan.
3. Section XII of the LUO allows the larger zone to determine requirements in split zones to a maximum of 50' into the smaller zone.
4. The height of the portion of structure in the shore land zone is 24.6'; Zone B shore land zone allows 30' height.
5. The structure is deemed to be commercial use in nature and lot coverage of 40% is allowed per Zone B of the LUO. The structure area is 6,380 s/f and lot coverage maximum is 7,318 s/f.
6. The section of the structure in Zone B is less than 40' height as allowed by Zone B of the Land Use Ordinance.
7. The structure location is $\geq 15'$ side and rear setbacks required by LUO.

A. Landscaping/Buffering

Commercial use requires buffering. Planning Board must determine level of buffering per Section VI, sub A. Applicant proposes to plant cedar hedge forming a fence.

Lee Worcester moved the level of buffering per Section VI of the LUO is low, seconded by Eric Davis and voted in favor 5/0/0.

Eric Davis moved to require a 110' hedge be install on the northerly side that will grow to six feet within 5 years, seconded by Lee Worcester and voted in favor 5/0/0.

Q. Storm Water Runoff Standards:

The applicant represented to install gutters and downspouts to a crushed gravel building perimeter, draining to a side drainage swale along Spar Lane to drainage on Shore Road.

Eric Davis moved to accept applicant's representation to control storm water runoff, seconded by Lee Worcester and voted in favor 5/0/0.

Chairman Davis requested if any members of the audience had any comments or objections to the proposal. There were no members in the audience regarding this application other than the applicant and contractors.

Lee Worcester moved to approve the application of Robert Brown as presented for the construction of a 58' x 110 boat storage structure with two bedroom dwelling unit located at 8 Spar Lane, Map 17, Lot 102 meets the criteria of the Land Use Ordinance, seconded by Chris Rawls and voted in favor 5/0/0 this date of April 4, 2019.

VIII. CEO suggested a meeting for April 18, but due to a lack of quorum by members present, the next meeting would be May 16 to discuss pickle ball courts and take out eatery at MDI Lobster.

IX. There being no further business, Eric Davis moved to adjourn meeting at 7:05 PM, seconded by Lee Worcester and voted in favor 5/0/0.