



Select Board

Tuesday, September 8, 2020 @ 6:00pm
Southwest Harbor Fire Station

MINUTES

I. Chair Kristin Hutchins called the meeting to order at 6:01 pm;
Present: Board members Carolyn Ball, Snap Willey, Chad Terry, George Jellison.
Town Manager, Justin VanDongen; Admin Assistant, Jesse Dunbar; Town Clerk, Marilyn Lowell.

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

III. Minutes of August 25, 2020 - Motion made by Carolyn Ball to approve the minutes of August 25, 2020 as written, seconded by Chad Terry. Passed 5-0-0.

IV. Manager's Report

- COVID-19– The Town now has mask signs installed around town., The posts these are on will be reutilized once COVID-19 is no longer an issue. These items were funded with grant money from the Keep ME Healthy grant the town received. Hutchins inquired about the mask supply the town office has; VanDongen indicated the supply was sufficient for now.
- Town Garage –Justin VanDongen gave an update on the status of the Town garage replacement. He has spoken with one of the owners who seemed hesitant to sell; he now seems open to the idea of selling to the Town and renting a bay of the garage. He is going to think it over and get back in touch with the Town.
- Chris's Pond Update –VanDongen met with Misha Mytar, Project Manager, from Maine Coast Heritage Trust as well as a representative from Island Housing Trust to discuss purchase of the site. MCHT has secured an option to purchase the property for \$152,500.00; VanDongen believes the development costs could be more burdensome than the purchase cost. Hutchins would like the Board to discuss further the purchase of the lot and development. VanDongen believes there are several grant opportunities available for creating outdoor recreational spaces.

V. New Business:

a. Shellfish License Recommendation – Jellison explained the Shellfish Committee is recommending unlimited recreational licenses but no commercial licenses. This is in line with what the Committee recommendations in previous year.

Motion: George Jellison moved that the Board approve the Shellfish Committees recommendation of unlimited recreational licenses and no commercial licenses, Seconded Carolyn Ball. Passed 5-0-0.

VI. Old Business:

a. & b. Land Use Ordinance & Shoreland Zoning Ordinance – Deputy Code Officer Jesse Dunbar gave an overview of the purpose for separating shoreland zoning out of the current Land Use Ordinance. The State of Maine Department of Environmental Protection must review any ordinance that involves shoreland zoning before it takes effect. By separating it out from the land use ordinance, only the new Shoreland Ordinance will need to be overview of the ordinance. Dunbar highlighted the changes that were also made to the Land Use Ordinance that were shown on a summary of changes such as. Discussion was had by the Board on the proposed changes.

Motion: Chad Terry moved to leave the definition of structure under the general standards section as amended by the will of the voters on May 9, 2019, seconded Hutchins. Passed 4-1-0 with Hutchins opposed.

Motion made by Chad Terry to leave definition of structure as amended on May 9, 2019 and remove strikeout of decks portion, Seconded Kristin Hutchins. Passed 5-0-0.

Motion Carolyn Ball moved to leave strikeout and remove the proposed change to the height limit in zones A & B, keeping the height limit at 40' forty feet, seconded by Kristin Hutchins. Passed 5-0-0.

c. Subdivision Ordinance – Dunbar explained the amendments were to bring the ordinance into compliance with some State updates. The Planning Board has already been reviewing applications according to State law the ordinance is just being caught up.

d. Marijuana Ordinance – VanDongen explained that by enacting this proposed ordinance the Town is opting in to allowing marijuana to be sold, cultivated, manufactured, or tested and licensing and regulating marijuana. Hutchins explained that if the Town wants to opt in, enacting this Ordinance makes us more restrictive than the State rules. Ball discussed that some of criteria, for choosing who will receive a license may be unconstitutional by potentially violating interstate commerce. Hutchins explained the Marijuana Committee had discussed it and ultimately decided to leave the criteria the way it is. The severability clause would kick in if it was found to be unconstitutional. Discussion was had on the additional land use standards found on page 12.

VII. Other Business/Consent Items (Selectmen)

VII. Accept:

Motion by Chad Terry to accept
General Fund Warrants: FY20: 22
Payroll Warrants: FY21: 903, 910, 20, 21
School Payroll Warrants: FY 21: 18 and 19
Conservation Warrants FY 21: 21 and 817
Seconded by Allen Willey, Passed 5-0-0.

IX. Next Meeting Date: September 15th, 2020 Public Hearing on the Marijuana Ordinance at the Southwest Harbor Fire Station. 6pm.

X. Adjourn Meeting

Motion to adjourn at 7:42pm by Chad Terry, Seconded by Kristin Hutchins. Passed 5-0-0.

Minutes Prepared by Jesse Dunbar