



Board of Selectmen  
Tuesday, March 8, 2011 @ 6:00 P.M.  
Southwest Harbor Town Office

Minutes of Meeting

- I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m.
- Present: Ralph Dunbar, Jr., George Jellison, Jr., David Minctons, Trudy Bickford, Dorr Wilson and Town Manager, Robin M. Bennett
- Visitors: Mark Good, David Chapais, Kristin Hutchins, Tom Benson, Pat Biegler, Lee Worcester, Jim Wimbiscuis, Don Lagrange, Lee Worcester, Ingrid Kachmar, Melissa Berry, Don Lodge
- II. Visitors to be heard not on the agenda: none
- III. Approval of Minutes: Selectmen Minutes of February 22, 2011. It was Moved (Bickford) and Seconded (Jellison) to approve the minutes of February 22, 2011 as presented. Vote: 4 – 0 – 1 (abstain, Wilson)
- IV. Manager's Report: The Auditors will present at the next meeting; the variable speed pump motor has been installed; the Town sponsored an Erosion Sedimentation Control Seminar which was a success with 29 participants; Mike Faulkingham has been hired as maintenance worker replacing Dean Tozier. Adam Thurston is at the Maine Criminal Justice Academy; Bennett attended the Maine Manager's Interchange in Orono. The meeting schedule for Selectmen was listed in Bennett's report.
- V. Warrants: Administration 136-144 Water 7  
Sewer 136-144
- VI. Old Business: none
- VII. New Business
- a. LUO/Ordinance Proposals: The Planning Board asked the Board of Selectmen to reconsider two ordinances from the last meeting which were not forwarded to warrants for the May Town Meeting. Worcester said moving these forward and putting them on the ballot begins the public education process. These two changes deal with the Land Use Ordinance in a fundamental way. Section II (B)( 1)( c)( 1) eliminates the need for the distinction between accessory and principal structures. This is a mixed use Town. This change allows all of the allowable uses in a zone on one lot as

long as you meet all of the performance standards for each use and also meet the lot standards. The Planning Board is willing, with advice from the Selectmen to have as many public meetings as needed prior to the Town Meeting vote. The second ordinance change proposed is the re-creation of Zone B. Changes proposed would eliminate the need for Zone C and would direct development intensity to the availability of utilities. Looking at the present Zoning map, a large portion of Zone B has little or no availability to any of the utilities. The change encourages people to use the Town utilities, as there is reasonable capacity, and it may assist with the utilities financial woes. Bickford said this proposal deals with mixed use better. Worcester said it does not follow that everyone within these areas would take advantage of the possibilities that would exist. Dunbar said since the last meeting he has educated himself and feels these ordinance changes could move forward. He said the Planning Board put a lot of work into this. Susan Griffiths asked that letters be read that were received tonight. She asked for Anna Demeo's letter to be read. Jellison read the letter. Tom Benson said as a land surveyor he has reviewed this with the CEO and feels it has been written with the Comprehensive Plan in mind – he also said that there appears to be plenty of room in the water and sewer utilities for this type of development. He feels this is a step forward. To get credit for water, one must connect to the water. Worcester said it is not just that you have the ability- but if you bring a proposal to build a house on a 15,000 s.f. lot, you have to connect and use the utilities available. Hutchins said that when doing the Comprehensive Plan the single most important use that keeps coming up is affordable housing and while this does not necessarily get us to affordable housing it is a step in the right direction. Lodge said the language should be more specific to indicate a landowner must be connected to the utility. Wilson said one of the biggest concerns he has heard was the large developer. He expressed concern and called it a “huge change”. He suggested waiting until November. Kachmar asked how many people showed up for the public hearing. Planning Board Members said about 12-13. Klein said he was not able to attend the public hearing. He understood that only those ordinance changes that were approved by the Selectmen at the last meeting would be discussed at the public hearing. He asked if the zones as they exist were flawed. Worcester said they were, as the zones that do allow more density do not have access to utilities. He said most of Zone B could only be developed as if it were Zone C. Worcester said with regard to the time frame, there is ample time for individuals to learn about these ordinance proposals before a vote in May. Bickford noted that when she was on the Planning Board these things begin early in the process. Worcester said these proposed changes were started after the November ballot and the vote on the new Comprehensive Plan. There were several workshops held by the Planning Board and publicly noticed, and those meetings were very lightly attended, only occasionally were there others besides the Planning Board present at those workshops. Dunbar said this could open the door to help support the Town in many ways. There will be a public hearing, and if the voters wish, they may reject it in May. It was Moved (Bickford) and Seconded (Minctons) to move the two Planning Board Ordinance proposals: Section II (B) (1) (c) (1) and Zone B to the

May 2011 Warrant. Discussion: Wilson asked for clarification on whether on a 15,000 s.f. lot with water and sewer you could put a 3,000 s.f. building. Worcester said that was correct. Lodge said there appears to be no distinction between common and private ownership as it relates to development. Wilson said if we go down this route we should divide the Town into commercial and residential zones. Vote: 3 – 2 (Minctons, Wilson). Wilson suggested setting the public hearings for this. Worcester said the Planning Board is willing to have, within reason, several public hearings. Wilson said the closer to Town meeting the better. The Thursday before Town Meeting was thought to be the best. Three meetings will be held - one the Thursday before Town Meeting and Worcester will let the BOS know when the other two meetings will be. BOS will likely have April 19<sup>th</sup> as their date for public hearing. Kachmar asked if there was a way to televise these meetings. Wilson suggested Dobbs for that. Hutchins said the notices of meetings are posted and agendas are available on line. It was suggested and agreed that impact numbers would be useful in informing the public. Bickford suggested overlays for maps to show impact. CEO said the Planning Board has already started work with COA and has recommended that zoning be based on public utilities. Klein suggested 8 x 10 maps at the hearings. These suggestions will be taken into consideration.

- b. Shoreland Zone Ordinance Proposal: Bennett said the BOS agreed to put this on the agenda again to discuss whether it should move forward. Worcester said the Planning Board is not prepared to bring this to the voters at this time. It will be brought up at another ballot date.
- c. Harbor House Lease Proposal: Bennett said Harbor House is moving their fitness program to the Herrick Road and wish to lease some of the space to the Chamber of Commerce and the Historical Society. Relating this to the CBD Grant, the current lease does allow Harbor House to rent out portions of their property. Neither the Chamber nor the Historical Society is a 501 (c) (3) corporation – but they may be considered “consistent” with same. Bickford said some of the stipulations in the lease have not been done. Hutchins said the Chamber is very interested in being in that space. Dunbar said he feels it fits with the use of the building while helping Harbor House at the same time. Jellison agreed, but was concerned that the wording of the lease be met. It was Moved Dunbar and Seconded Wilson to support the Harbor House request to rent space to the Chamber and the Historical Society. Bennett suggested amending the motion to include “as long as there are not objections from the CBD Grant overseers”. The revised motion was: It was Moved (Dunbar) and Seconded (Wilson to support the Harbor House request to rent space to the Chamber and the Historical Society as long as there are not objections from the CBD Grant overseers. Vote: 4 – 1 (Bickford).
- d. Water/Sewer Ordinance Amendments: Bennett – this is just the incorporation of the amendments from the last meeting in final form. Funding source changes were signed to go to the Town Clerk to be certified before going on the warrant. Changes to the BOA Ordinance, which were approved at an earlier meeting, were signed.
- e. Clarifier Bond Document Execution: Bennett provided documents for signature of the BOS. It was Moved (Wilson) and Seconded (Bickford) to

accept the bid of \$124,890.00 from Penta Corporation for the Clarifier replacement. Vote 5 - 0

- IX. Other Business: Wilson asked Biegler to investigate a ditch opposite Causeway Lane South next to the Terry property – the wing of the snowplow is carrying over to the ditch and it is causing people to be caught in the ditch when they pull over to let someone pass. Biegler will look at that tomorrow. Bickford – re the Harbor House Lease she feels it is important to have them comply with all the stipulations of the lease. Bennett has asked them to do that. Benson said in relationship to the ditch on Fernald Point that the paving is right to the ditch.

Wilson asked if the budget information in his packet was already moved on by the Board and Bennett said those were his copies from a prior meeting. Berry suggested there are many ways to use the south wing of the elementary school building for several purposes – Wilson agreed. Dunbar agreed also. Wilson asked if there would be any benefit in this Board looking at a Water Sewer Board as a liaison to this Board. Bennett said a lot of the issues would have to go to the BOS anyway, and it might be repetitive. Dunbar thought it should be a discussion at a future meeting. Jellison said the BOS has an opportunity to manage these utilities better with the new meter system that will be installed over the next couple of years. Dunbar asked the highway crew to look at the storm drain at the bottom of Mansell Lane. Bickford suggested a newsletter to inform the public. The Chairman asked Walsh if she would assist with this. Yes. The Board was asked to bring suggestions for topics to be included to the next meeting. Jellison asked Biegler who was responsible for repair of pot holes on what streets. Biegler listed Town and State responsibilities.

- X. Sign Warrants: It was Moved (Bickford) and Seconded (Wilson) to approve the warrants as presented. Vote: 5 - 0
- XI. Adjournment: It was Moved (Wilson) and Seconded (Bickford) to adjourn the meeting at 745 p..m