



**Town of Southwest Harbor**  
**Planning Board Minutes November 7, 2024**  
**Town Office and via Zoom 6:00 PM**

**I. Call to Order:**

Eric Davis called the November 7, 2024, Planning Board meeting to order at 6:00pm.

**II. Roll Call:**

Eric Davis, Priscilla Ksionzyk, Charlotte Gill, Michael Levesque, John Williams. Joel Wolak via zoom

Others attending: CEO John Larson, Madilynn Michaud, Applicant Jose Feliciano, William Reiff, Rosanne Guerette, Michael Guerette, Dwayne P., Julie Francis, Tom Raynor, Nate Guerette via Zoom.

Absences: Lee Worcester

**III. Adoption of the Agenda:**

Eric Davis adopted the November 7, 2024; agenda as presented.

**IV. Approval of Minutes: October 17, 2024**

Michael Levesque motioned to approve October 17, 2024, minutes.

Seconded by John Williams. Motion passed 4 | 0 | 2 - Eric Davis, Priscilla Ksionzyk – abstained due to their absence last meeting

**V. Discussion on procedural issues as they relate to Acadia Views subdivision.**

1. Original application dated November 6, 2023
2. Abutters were not notified

*Discussion: CEO John Larson suggested that the Planning Board start from scratch to avoid an appeal due to the abutting properties not being notified after the subdivision application was submitted back on November 6, 2023. Larson says “The ordinance states that the applicant has six months from the time you guys did that site walk to submit an application” therefore the application had expired. Larson informs the board that he gave Jose Feliciano another Subdivision Application to complete although Feliciano did not comply. The abutters have since been notified. All the board would have to do is to go through the completeness of the Preliminary Plan again which are in the October 17, 2024 minutes. Once deemed complete they should proceed with the public hearing.*

## VI. **Public Hearing:** Acadia Views Subdivision

Eric Davis motioned to open a public hearing at 6:09pm.

Discussion:

- *Abutters from 240 Main Street, Rosanne and Michael Guerette have experienced negative effects dating back to when the project began in the fall of 2022. Since then, they have had to dig ditches to divert flowing water away from their house. They've also lost all privacy and all wind, sound and artificial light mitigation due to the removal of all trees. Guerette asks for there to be a mandated engineered storm water drainage plan. Micheal Guerette asks "If the water continues who's going to fix that? We can't leave this room thinking that well we hope it will be okay. That doesn't work." Roseanne Guerette concludes, "This is not a building permit for two sheds. It is a subdivision application, and therefore it is subject to the subdivision ordinance."*
- *Abutters from 94 East Ridge, Thomas Raynor has many questions and requests more time as an abutter. "We need to talk to engineers, DEP, we need to look over the land use ordinance, subdivision ordinance. We need to find out who the engineer was, which was required. We need to see the design of the cabins, size, heating, and safety. We have ingress and egress issues with fire department, police department, ambulance service"*
- *Nate Guerette would like an engineer to confirm that what is in the ground will work correctly. "The Planning Board is there to protect private property. I just want to make sure that that's the goal here, that you're listening to everyone and you're protecting private property."*
- *Applicant Jose Feliciano says that his main goal is just to build these two cabins. That's it. Also, what was wetland before is all grass now which will hold all the water.*

Eric Davis closed a public hearing at 6:34pm.

Board Discussion:

- *Eric Davis believes that the most important thing right now is giving the abutters more time to research their concerns. Davis states that it isn't Feliciano's obligation to be a "shield" for his abutting properties. He also does not believe that granting a storm water waiver for Feliciano currently is an issue.*
- *Michael Levesque thinks that the abutters have had enough time. He is worried this is causing a lot of hardship on Mr. Feliciano. He thinks that having an engineer look at this project could be a "project killer". Levesque is also concerned that with winter coming, postponing the approval of completeness is going to set him back more than necessary. Levesque tries to*

*motion to move ahead with completeness contingent upon Mr. Feliciano digging ditches alongside the Guerette's property to redirect runoff.*

- *CEO John Larson reiterates that a storm water plan is part of the permit application process. It is used to determine the completeness of an application.*
- *John William, Priscilla Ksionzyk, and Charlotte Gill all agree that it would be important and beneficial to get the approval from an engineer to determine completeness of Feliciano's Subdivision application.*

**VII. Old Business:**

Final Subdivision Plan for Acadia Views  
228 & 234 Main Street  
Jose Feliciano Map 007 Lots 29 & 31  
Finding of Facts

Eric Davis motioned to table the Acadia Views subdivision final compliance vote for the November 21, 2024, Planning Board meeting.

Seconded by John Williams. Motion passed 5 | 1 | 0 – Michael Levesque – opposed

**VIII. New Business: None.**

**IX. CEO Issues: None.**

**X. Next Meeting Date:**

Regular Planning Board Meeting, Thursday, November 21, 2024 @ 6:00 PM

To continue with Acadia Views Subdivision public hearing and reviewing the Finding of Facts to determine completeness of the application.

**XI. Adjourn Meeting:**


Michael Levesque motioned to adjourn at 7:28pm.

Seconded by Priscila Ksionzyk. Motion passed 6 | 0 | 0

Respectfully submitted,

Madilynn Michaud  
Deputy Clerk

APPROVED

  
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Planning Board, Chair

Date: 3/20/25