

Town of Southwest Harbor
Planning Board Minutes April 6, 2023
Town Office & via Zoom

- I. Roll Call- Eric Davis, Lee Worcester, Mike Levesque, Priscilla Ksionzyk, Jack Ksionzyk, John Williams, Ken Salvatore.

No excused absences

Also Present: Natasha Johnson, Tyler Johnson & Mike Rogers, Ann Ratcliff

- II. Call to Order- Eric Davis called the April 6, 2023, Planning Board Meeting to order at 6:00pm.
- III. Approval of Minutes: March 16, 2023

Motion by: Eric Davis to approve the minutes of the March 16, 2023, Planning Board Meeting

Seconded by: Lee Worcester

No discussion

Motion passed: 6|0|1- Ken Salvatore abstained.

- IV. Old Business:

Land's End Ventures, LLC – Lark Studio
Multi-family / unit Residential
388 Main Street in the B Zone
Tax Map 003 Lot 034
Performance standards

Discussion on whether the subdivision ordinance is stricter than the Land Use Ordinance and whether both truly apply to the Land's End Ventures, LLC, application.

Eric Davis made a motion to treat this application as not required to use the Subdivision Ordinance because the Land Use Ordinance standards are as strident as the Subdivision Ordinance.

Seconded by: Jack Ksionzyk

Motion passed. 6|1|0

Land's End Ventures, LLC – Lark Studio
Multi-family / unit residential
388 Main Street Tax Map 3 Lot 34
B Zone

Applicable Section VI: Performance Standards: Land Use Ordinance

A. Landscaping/Buffering

Commercial use requires buffering. Planning Board must determine level of buffering per Section VI,

Standard Met. Level 1 based on existing vegetative buffer adequate.

Mike Levesque motioned to consult the Conservation Commission on Buffering Standards. Seconded by Ken Salvatore. Motion did not pass. Vote 3|4|0

Eric Davis motioned that the application met the buffering standards as outlined in the LUO. Seconded by John Williams. Motion passed. 6|1|0

B. Driveway and Driveway opening

Eric Davis motioned that the driveway standards were met. Seconded by Jack Ksionzyk. Motion passed. 6|1|0

C. Erosion/Sedimentation Controls

Standard met. The District's construction contractor will be required to provide consistent erosion control measures in accordance with the current Maine Erosion & Sediment Control Best Management Practices (BMP's). District will provide full time resident inspector to ensure consistent maintenance of necessary controls as work progresses.

Eric Davis motioned that the Erosion and sedimentation control standards were met. Seconded by Jack Ksionzyk. Motion passed 7|0|0

D. Exterior Lighting

Standard met. Exterior lighting will be provided and meet dark sky design requirements, with exterior lights shielded and luminance less than 0.1 foot candles at the property line.

Eric Davis motioned that the exterior lighting standards were met. Seconded by Jack Ksionzyk. Motion passed. 7|0|0

E. Fill and Excavation Standards

Standard Met.

Eric Davis motioned that the fill and excavation standards were met. Seconded by Jack Ksionzyk. Motion passed. 7|0|0

F. Fire Protection Standards

Standard met. The proposed work does not meet the threshold triggering State Fire Marshal review as referenced in the ordinance. The SWH Fire Chief has provided a letter stating there are no concerns with the project.

Eric Davis motioned that after hearing the discussion and applicant performance the fire protection standards have been met per the LUO. Seconded by Jack Ksionzyk. Motion passed. 6|1|0

G. Flood Hazard Area Standards

Eric Davis motioned that the flood hazard area standards are non-applicable to the applicant. Seconded by Lee Worcester. Motion passed. 7|0|0

H. Handicapped Access Standards

Lee Worcester motioned that the applicant building plans meets the ADA Standards. Seconded by Eric Davis. Motion passed. 7|0|0

I. Heavy Commercial or Industrial Pollutant Standards

Eric Davis motioned that the heavy commercial or industrial pollutant standards are non-applicable to the application. Seconded by Ken Salvatore. Motion passed 7|0|0

J. Noise:

The Planning Board reserves the right to determine if noise from a proposed project or an expansion of a use will be “objectionable”. A majority vote of the Board is required for this determination.

1. Will there be any objectionable noise transmitted outside the lot?
2. If there is noise that may be objectionable, the Board must determine by majority vote.

Motion: This Standard has been met based on no objectionable noise transmitted outside the lot.

Motion by Eric Davis, second by Lee Worcester
Motion passed 6|1|0

K. Parking and Loading Standards

Eric Davis motioned that the application meets the parking and loading standards. Seconded by Jack Ksionzyk. Motion passed. 7|0|0

L. Road Standards

Eric Davis motioned that the road standards are non-applicable as this is a driveway not a road. Seconded by Lee Worcester. Motion passed. 6|1|0

M. Sewerage Disposal Standards

Standard met. Wastewater will be treated at the District's facility.

Eric Davis motioned that the applicant has met the sewerage disposal standards as per the LUO. Seconded by Jack Ksionzyk. Motion passed 7|0|0

N. Sign Regulations

Eric Davis motioned that the sign regulation standards are non-applicable because there is no sign. Seconded by Jack Ksionzyk. Motion passed. 7|0|0

O. Soil Standards

Eric Davis motioned that the applicant has met soil standards. Seconded by Lee Worcester. Motion passed. 7|0|0

P. Storm Water Runoff Standards

Eric Davis motioned that the information and plans submitted meets the storm water runoff standards. Seconded by Lee Worcester. Motion passed. 7|0|0

Q. Stream Standards

N/A No stream on property.

Lee Worcester motioned that the stream standards are non-applicable as there is no stream on the property. Seconded by Ken Salvatore. Motion passed. 7|0|0

R. Vibration Standards

N/A No operation of facility will create vibrations.

Eric Davis motioned that the vibration standards are non-applicable as there will be no facility to create vibrations. Seconded by Jack Ksionzyk. Motion passed. 7|0|0

S. Water Quality Standards

Standard met. The project will not discharge anything that will adversely impact water quality. All work will meet DEP NRPA standards. The DEP is partially funding the project has reviewed the project and approved for construction.

The DEP isn't funding the applicant's project, but they are funding part of the Main Street Project where they are replacing part of the storm water system.

Eric Davis motioned that the water quality standards have been met. Seconded by Jack Ksionzyk. Motion passed. 7|0|0

T. Water Supply Standards

Standard met. Lot is already served by water supply.

Eric Davis motioned that the water supply standards have been met as the applicant already uses town water. Seconded by Jack Ksionzyk. Motion passed. 7|0|0

Eric Davis motioned that after reviewing the application it meets the performance standards per the Land Use Ordinance. Seconded by ken Salvatore. Motion passed. 6|1|0

V. New Business

Natasha & Tyler Johnson
Commercial Structure
Multi-family/ unit Residential
Milky Way in the B Zone
Tax Map 13 Lot 025-010-3
Determination of Complete Application

Natasha Johnson spoke on how they purchased the lot of land, about 2.5 acres, and how they have been taking down some trees and looking into what they can do for the local housing issues. They wanted to incorporate that into their project so the building will have two apartments on the second story while the first floor will be used for a garage with storage space. In the future the hope would be to turn the commercial space on the first floor into a cultivation space overseen and maintained by Meristem, but with current complications they will not be moving forward with that aspect at this time.

The board discussed that none of the members had any conflicts of interest before proceeding to the completeness of the application.

Natasha & Tyler Johnson
Milky Way in the B Zone
Tax Map 13 Lot 025-010-3

Completeness: Section VIII (C) (4) (c) of the LUO requires each application to include 16 site plan requirements, if applicable:

- 1) Scale, north arrow and names of abutting property owners. North direction shown on stormwater & erosion control plan and list of abutting property owners on attached abutter notice.

Shown on plan

- 2) Dimension and area of each lot to be built upon or otherwise used:

Shown on plan

- 3) Location of any wells on the lot or within 100' of property lines:

Shown on plan

- 4) Name and location of any abutting water body, streams, brooks and wetlands:

None abutting

- 5) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity:

Shown on plan

- 6) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks.

Shown on plan

- 7) Outdoor lighting: Proposed locations

Shown on plan

- 8) Sewer and water facilities: Existing and proposed
Shown on plan
- 9) Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking).
Shown on plan
- 10) Location of existing and proposed roads/driveways with setback from nearest lot line:
Shown on plan
- 11) Name/location of existing or proposed right of way and easements on the site or abutting the property:
Shown on plan
- 12) Existing grades and any proposed changes in grades.
Shown on plan
- 13) Soil Erosion and Sedimentation control plan:
Shown on plan
- 14) Freshwater wetlands or hydric soils:
None to show
- 15) Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans:
Shown on plan
- 16) Buffering/Landscape plan as described in Section VI.
Shown on plan

Eric Davis motioned that the application was complete per the Land Use Ordinance. Seconded by Lee Worcester. Motion passed 7|0|0

Public Hearing & Performance Standards will be held April 20, 2023 @6:00pm

VI. CEO Issues- None

VII. Next Meeting Date: April 20, 2023

Regular Planning Board Meeting, Thursday, April 20, 2023 @6:00pm

VIII. Adjourn Meeting

Eric Davis motioned to adjourn the meeting at 7:27pm.

Seconded by John Williams.

Motion passed. 7|0|0

Respectfully submitted,

Sarah Abbott,
Deputy Clerk

APPROVED



Eric Davis, Chair

Date: April 20 2023