

Town of Southwest Harbor  
Planning Board Minutes August 3, 2023  
Town Office & via Zoom

- I. Roll Call- Eric Davis, Lee Worcester, John Williams, Joel Wolak, Priscilla Ksionzyk, & Mike Levesque

Excused Absence- Ken Salvatore

- II. Call to Order- Eric Davis called the August 3, 2023, Planning Board Meeting to order at 6:00pm.

- III. Election of Officers

Mike Levesque motioned to appoint Eric Davis as Chair of the Planning Board.

Seconded by Priscilla Ksionzyk

No discussion

Motion passed: 5|0|1- Eric Davis abstained.

John Williams motioned to appoint Lee Worcester as Vice Chair of the Planning Board.

Seconded by Eric Davis

No discussion

Motion passed: 5|0|1- Lee Worcester abstained.

- IV. Approval of Minutes

May 18, 2023

July 20, 2023

Eric Davis motioned to approve the minutes of the May 18, 2023, Planning Board Meeting.

Seconded by Mike Levesque

No discussion.

Motion passed: 5|0|1- Joel Wolak abstained.

Priscilla Ksionzyk motioned to approve the minutes of the July 20, 2023, Planning Board Meeting.

Seconded by Lee Worcester

No discussion.

Motion passed: 4|0|2- Eric Davis & Lee Worcester abstained.

Town of Southwest Harbor  
Planning Board Minutes August 3, 2023  
Town Office & via Zoom

V. Public Hearing

WHM Architects  
Alder Lane LLC  
19 Alder Lane  
Tax Map 1 Lot 90  
Replacement of Non-Conforming Structure

Eric Davis opened the Public Hearing at 6:03pm.  
There was no discussion.  
Eric Davis closed the Public Hearing at 6:04pm.

VI. Old Business:

WHM Architects  
Alder Lane LLC  
19 Alder Lane  
Tax Map 1 Lot 90  
Replacement of Non-Conforming Structure  
Performance Standards

Applicable Section VI: Performance Standards: Land Use Ordinance

- A. Landscaping/Buffering  
Commercial use requires buffering. The Planning Board must determine the level of buffering per Section VI.

**N/A- Not commercial. There is existing vegetation around existing residential structure.**

- B. Driveway and Driveway opening

**Standard Met- Driveway has slight expansion of parking area only.**

- C. Erosion/Sedimentation Controls

**Standard Met- There will be little to no impact on existing grades with the open pier foundation. The reconstruction of the structure is designed to fit with the topography and soils of the site, to create the least potential for erosion.**

- D. Exterior Lighting

Town of Southwest Harbor  
Planning Board Minutes August 3, 2023  
Town Office & via Zoom  
**Standard Met- Will have normal residential exterior lighting that meets the dark sky design requirements.**

E. Fill and Excavation

**Standard Met**

G. Fire Protection

**N/A- The proposed work does not meet the threshold triggering State Fire Marshal review as referenced in the ordinance.**

H. Flood Hazard Permit

**Flood Hazard Permit to be issued by the Code Enforcement Officer.**

I. Handicap Access

**N/A**

J. Heavy Commercial or Industrial Pollutants

**N/A**

K. 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 to be transmitted outside the lot. There will be no added noise due to the reconstruction of the residential structure.**

Motion by Mike Levesque, seconded by Priscilla Ksionzyk

Vote 6|0|0

L. Parking and Loading Standards.

Town of Southwest Harbor  
Planning Board Minutes August 3, 2023  
Town Office & via Zoom

**Standard Met- Parking will meet the requirements of the LUO for a single-family residential unit.**

M. Road Standards

N/A

N. Sewerage Disposal Standards

**Standard Met- Will be connecting to Town Sewer**

O. Sign Regulations

N/A

P. Soil Standards

**Standard met- The proposed reconstruction of an existing structure will be established with minimal environmental impacts.**

Q. Storm Water Runoff Standards

**Standard met- The site is already developed and will have an expansion of less than 30% as allowed in the Land Use Ordinance. There will be minimal to no changes in the runoff patterns. Any runoff will flow to the shoreline, therefore will not adversely impact other properties.**

R. Stream Standards

**N/A- No stream on property**

S. Vibration Standards

N/A

T. Water Quality Standards

**Standard met- The lot is already served by town water.**

U. Water Supply Standards

**Standard met- The lot receives summer water from the Town of Southwest Harbor's Water Department**

Town of Southwest Harbor  
Planning Board Minutes August 3, 2023  
Town Office & via Zoom

Eric Davis motioned that the application from WHM Architects is compliant and has met the Performance Standards per the Land Use Ordinance.

Seconded by Mike Levesque

No discussion.

Motion passed: 6|0|0

VII. New Business:

Charles Watson

20 County Lane

Tax Map 017 Lot 014

Permit Amendment for Ground Mounted Solar Panels

Mr. Watson spoke on his application to amend the permitted solar panels from the roof of his proposed 40' X 100' building to the ground. The co-owner of the property, Storey King, spoke about liability concerns and his disapproval of the project.

Abutting property owner, George Jellison, spoke about the easement that gives Mr. Watson a right-of-way to access the 20 County Lane Lot.

The board discussed whether the solar array is considered a structure as well as if the solar array themselves are residential or commercial.

Eric Davis motioned that the solar array is not commercial.

Seconded by Lee Worcester

No discussion

Motion passed 6|0|0

Lee Worcester motioned that the Planning Board deems this a new application and not an amendment.

Seconded by Mike Levesque

Discussion: The solar panels are being moved to a new location on the lot- making them a new structure for a new permit.

Motion passed 6|0|0

Eric Davis motioned to accept the new application as presented.

Seconded by John Williams

No discussion.

Motion passed 6|0|0

The board discussed with the applicant what was needed to deem the application complete. They gave the Deputy CEO questions that they wanted a legal opinion on regarding co-ownership, net metering, and easement restrictions before the next meeting.

Town of Southwest Harbor  
Planning Board Minutes August 3, 2023  
Town Office & via Zoom

Mike Levesque motioned to table the application from Chuck Watson until the next meeting on August 17, 2023.

Seconded by Eric Davis

No discussion.

Motion passed 6|0|0

Mike Levesque motioned to have a special Planning Board meeting on Thursday, August 10, 2023, at 6:00pm for the tabled application.

Seconded by Eric Davis

There was discussion to move this application ahead as they have done recently with another application to not delay the project's timeline.

Motion passed: 6|0|0

VIII. CEO Issues- None

IX. Next Meeting Date

Special Planning Board Meeting, Thursday, August 10, 2023, @6:00pm

X. Adjournment

Priscilla Ksionzyk motioned to adjourn the meeting of August 3, 2023, at 7:34pm.

Seconded by Joel Wolak

No discussion.

Motion passed: 6|0|0

Respectfully submitted,

Sarah Abbott,  
Deputy CEO

**APPROVED**



\_\_\_\_\_  
Planning Board, Chair

Date: 8/17/2023