

Town of Southwest Harbor  
Planning Board Minutes April 15, 2021  
via Zoom 6:00 PM

- I. Roll Call – Eric Davis, John Williams, Jack Ksionzyk,  
Michael Levesque, Lee Worcester, Chris Blain and CEO John Larson  
Ken Salvatore was absent  
Also present: Meristem LLC

The Chair called the April 1, 2021 Planning Board meeting to order at 6:10pm.

- II. Adoption of agenda for tonight’s meeting.

- III. Approval of Minutes: April 1, 2021 Minutes

Motion: To approve minutes of April 1, 2021 as presented.

Motion by Eric Davis, 2<sup>nd</sup> by Lee Worcester

Motion passed: 5-0-1 Chris Bain abstaining

Public Hearing opened at 6:14pm

No one from public spoke

Jack Ksionzyk recused himself for personal reasons.

Public Hearing closed at 6:20pm

- V. Old Business:

Meristem, LLC  
11 Seal Cove Road Tax Map 007 Lot 021 B Zone  
Adult Use Marijuana Retail Store

Applicable Article III. 6) c) Performance Standards: Marijuana Ordinance

Article III. 6)c i. Fixed Location

This Standard has been met based on application showing proposed use part of existing structure.

ii) Indoor Operation

This Standard has been met based on application showing retail sales inside existing structure.

iii) (1)-(3) Ventilation and Order

This Standard has been met based on application stating only pre-packaged marijuana products will be sold. Further safeguards may include carbon filter air scrubber units, order mitigating paint and caulking. The applicant has submitted facility floor plan showing entrance and emergency exit doors. Retail space 93.5 square feet accessible to public.

iv) Disposal Plan

This Standard has been met based on disposal plan made part of application stating marijuana waste will be rendered unusable prior to leaving facility.

v) Security

This Standard has been met based on security plan made part of application stating lighting, alarm system, video surveillance, control access, and storage of product.

Motion: Motion to approve application based on meeting all performance standards of the Town of Southwest Harbor Marijuana Ordinance.

Motion by: Lee Worcester 2<sup>nd</sup> by Michael Levesque  
Motion passed 5-0

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, sub

N/A No new construction

B. Driveway and Driveway opening

N/A Existing access to site is indicated on the plan.

C. Erosion/Sedimentation Controls

N/A No new construction

D. Exterior Lighting

N/A Existing structure, no soil disturbance

E. Fill and Excavation Standards

N/A No new construction.

F. Fire Protection Standards

N/A Mercantile structure not over 3000 square feet.

G. Flood Hazard Area Standards

N/A Existing structure not located in flood zone.

H. Handicapped Access Standards

N/A No new construction.

I. Heavy Commercial or Industrial Pollutant Standards

N/A No materials subject to State of Maine regulations for heavy commercial or industrial pollutants

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 Lee Worcester 2<sup>nd</sup> by Eric Davis  
Motion passed 5-0

K. Parking and Loading Standards

This Standard has been met based on plan showing 13 spaces in front of retail store and 15 additional spaces in parking lot. Ordinance requires 1 space per 200 square feet of retail space plus 1 per 2 employees.

L. Road Standards

N/A No new roads proposed.

M. Sewerage Disposal Standards

N/A No sewer disposal proposed.

N. Sign Regulations

This Standard has been met based on signage plan submitted as part of application.

O. Soil Standards

N/A No new construction proposed.

P. Storm Water Runoff Standards

N/A No new construction proposed.

Q. Stream Standards

N/A No portion of project within stream setbacks.

R. Vibration Standards

N/A No vibrations generated by proposed activity.

S. Water Quality Standards

N/A Proposed activity will not discharge and pollutants.

T. Water Supply Standards

N/A No water used in facility.

Motion: Motion to approve application based on meeting all applicable performance standards of the Town of Southwest Harbor Land Use Ordinance.

Motion by: Eric Davis 2<sup>nd</sup> Lee Worcester  
Motion passed 5-0

VI. New Business:

Susan Allen- dba Harbor Cottage Inn Change of Use  
9 Dirigo Road Tax Map 004 Lot 100 B Zone

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

- a. The applicant shall submit a project key and site plan and eight copies.  
*Part of application*
- b. A key map must show the entire project; its relation to surrounding properties; and names of the property owners.  
*Part of application*
- c. 1) Scale, north arrow and names of abutting property owners.  
*Noted on Plan*
- 2) Dimensions and area of each lot to be built upon or otherwise used  
*Noted on Plan*
- 3) Location of any wells on the lot or within 100' of property lines.  
*Not Applicable public water*
- 4) Name and location of any abutting water body, streams, brooks and wetlands.  
*Not Applicable*
- 5) Location of any streams, brooks, and wetlands  
*Not Applicable*
- 6) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity.  
*Not Applicable*
- 7) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. Include setbacks from lots lines, rights of way, water bodies.  
*Noted on Plans*
- 8) Outdoor lighting, signs: Existing and proposed locations  
*Noted on plan*
- 9) Sewer and water facilities: Existing and proposed.  
*Existing: Town Water and Sewer*
- 10) Location and layout of parking areas with existing and proposed parking spaces (including commercial vehicle parking). Legal non-conforming parking spaces to be noted.  
*Noted on plan*
- 11) Location of existing and proposed roads/driveways with setback from nearest lot line.  
*Noted on Plans*
- 12) Name/location of existing or proposed right of way and easements on the site or abutting the property.  
*Right of Way noted on Plans*

13) Existing grades and any proposed changes in grades.  
*Not Applicable*

14) Soil erosion and sedimentation control plan  
*Not Applicable*

d. Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans.  
*Not Applicable*

e. A buffering/Landscape plan as described in Section VI. A (Applicable to non-residential permit request)

Impact Level: Level 1, low    Level 2, medium    Level 3, high  
*Note in Narrative.*

f. A map of the property showing any freshwater wetlands and hydric soils on the site  
*Not applicable.*

g. Any addition information requested by CEO or Planning Board for determining whether the proposed structure and uses of the site conform to the requirements and objectives of this Ordinance  
*Not applicable.*

Motion: Motion to deem application complete based on submittal requirements of the Town of Southwest Harbor Land Use Ordinance.

Motion by: Eric Davis 2<sup>nd</sup> Jack Ksionzyk  
Motion passed 6-0

Next meeting May 6, 2021

Motion to adjourn at 6:49  
Motion by Eric Davis 2<sup>nd</sup> by John Williams  
Motion passed 6-0

Chairman: \_\_\_\_\_