

Town of Southwest Harbor  
Planning Board Minutes August 18, 2022

Town Office and via Zoom 6:00 PM

- I. Roll Call – Eric Davis, John Williams, Chris Blain, Ken Salvatore, Lee Worcester, Jack Ksionzyk, and CEO John Larson, Michael Levesque was absent
- II. The Chair called the August 18, 2022, Planning Board meeting to order at 6:05 pm.
- III. Approval of Minutes of August 4, 2022  
Motion by

IV. Old Business:

Linda Higgins – Antique Shop & Apartment  
124 Main Street  
Tax Map 012 Lot 049 – B Zone

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 and part of application.
- 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:  

Tax map shows stream on abutting property.
- 5) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity:  

No areas to be cleared.
- 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  
All lighting is existing.
- 8) Sewer and water facilities: Existing and proposed  
Permit applied for Town Sewer.
- 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:  
No new roads/driveways proposed.
- 11) Name/location of existing or proposed right of way and easements on the site or abutting the property:  
None
- 12) Existing grades and any proposed changes in grades.  
No change in existing grade.
- 13) Soil Erosion and Sedimentation control plan:  
No soil disturbance to take place.
- 14) Freshwater wetlands or hydric soils:
- 15) Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans:  
No new structures proposed.
- 16) Buffering/Landscape plan as described in Section VI.  
Level 1

Motion by Eric Davis, second by Ken Salvatore that the application is deemed complete.

Motion passed 5-0

Chair opened the Public Hearing at 6:05pm.  
No one spoke to the application.  
Chair Closed the Public Hearing at 6:06pm.

The Planning Board proceeded with Section VI. Performance Standards

Findings of Fact for Change of Use from private storage and two apartments to Antique Shop and two apartments.

Planning Board deemed the application for an Antique Shop complete on August 4, 2022.

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,

Level 1 based on existing vegetative buffer adequate.

B. Driveway and Driveway opening

Copy of MDOT Entrance Permit made part of application.

C. Erosion/Sedimentation Controls

N/A no new construction proposed

D. Exterior Lighting

No change in exterior lighting.

E. Fill and Excavation Standards

N/A no fill or excavation proposed.

F. Fire Protection Standards

N/A no new structures proposed.

G. Flood Hazard Area Standards

N/A No portion of project in a Flood Zone.

H. Handicapped Access Standards

N/A

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 Eric Davis, second by Ken Salvatore  
Motion passed unanimously

K. Parking and Loading Standards

This standard has been met base on plan showing six spaces.

L. Road Standards

N/A no new road proposed.

M. Sewerage Disposal Standards

Permit applied for Town sewer hookup.

N. Sign Regulations

Proposed sign meets requirements of Section VI. N.

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 stream on property.

R. Vibration Standards

N/A No operation of business will create vibrations.

S. Water Quality Standards

N/A No new construction proposed.

T. Water Supply Standards

Existing well adequate.

Motion by Eric Davis, second by Ken Salvatore, the application for a change of use by Linda Higgins meets the Performance Standards of the Land Use Ordinance.  
Motion passed unanimously

Golf of Main LLC  
55 Main Street  
Tax Map 012 Lot 062 – B Zone

Golf of Maine  
55 Main Street  
Tax Map 012 Lot 062  
B Zone  
18 Hole Mini-Golf

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 and made part of application.

- 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:

No wells within 100 feet of property line. Proposed well location on plan.

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

No abutting water body, streams, brooks or wetlands identified.

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

Location of areas to be cleared noted on plan.

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

Noted on plan.

- 7) Outdoor lighting: Proposed locations

Noted on plan.

- 8) Sewer and water facilities: Existing and proposed

None existing. Septic system made part of application.

- 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:

None

- 12) Existing grades and any proposed changes in grades.

None

- 13) Soil Erosion and Sedimentation control plan:

Submitted as part of original plan.

14) Freshwater wetlands or hydric soils:

None

15) Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans:

Made part of application.

16) Buffering/Landscape plan as described in Section VI.

Level 2, natural vegetation, and fence. Abutters to agree on plan.

Chair opened the Public Hearing at 6:40pm

Several people voiced concerns about future development on the quiet side.

Chair Closed the Public Hearing at 7:10pm.

Findings of Fact for Golf of Maine LLC

Planning Board deemed application for 18 hole mini-golf complete on August 4, 2022.

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,

The Board determined the project required Level 2 buffering. The applicant declared whatever was necessary they would accommodate.

B. Driveway and Driveway opening

MDOT entrance permit submitted.

C. Erosion/Sedimentation Controls

Erosion and sedimentation plan part of original vendor plan.

D. Exterior Lighting

Lighting plan submitted and no light to leave lot as required in Section VI.

E. Fill and Excavation Standards

A fill permit not required for less than 100 cubic yards.

F. Fire Protection Standards

N/A structures are less than 3000 square feet.

G. Flood Hazard Area Standards

No part of project in a flood zone.

H. Handicapped Access Standards

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 Eric Davis, second by Michael Leveque  
Motion passed unanimously.

K. Parking and Loading Standards

This standard has been met based on parking plan by G.F. Johnston & Associates.

L. Road Standards

No new roads proposed

M. Sewerage Disposal Standards

Septic design by Robert Vile showing system designed for 900 GPD.



N. Sign Regulations

Sign application submitted meets the sign standards in section VI.

O. Soil Standards

Based on proposed terracing of golf course, and stormwater plan with catch basins, no adverse impact on the environment.

P. Storm Water Runoff Standards

This standard has been met based on stormwater plan by G.F. Johnston and the land slopes away from abutting properties.

Q. Stream Standards

N/A No streams on site.

R. Vibration Standards

No vibration beyond property lines.

S. Water Quality Standards

No pollutant or other activity will impair water quality.

T. Water Supply Standards

Town water will not be utilized.

Motion: To approve application by Golf of Maine for Mini golf course and club house & gift shop.

Motion by: Eric Davis, second by Ken Salvatore

Motion passed unanimously.

MDI Lobster-Amend Site Plan  
126 Clark Point Road  
Tax Map 4 Lot 21 – CFMA Zone

Attorney Daniel Pileggi representing MDI Lobster requested the application be tabled as the Zoom link crashed and Attorney Patrick Lyons representing an abutter was not able to participate.

A motion by Eric Davis, second by Lee Worcester to table application.

The motion passed unanimously.

V. New Business:

None

VI. CEO Items: None

VII. Next Meeting date September 1, 2022

VIII. Adjourn Meeting

Motion to adjourn at 7:35pm by Eric Davis, 2<sup>nd</sup> by John Williams

Motion passed 6-0.