

Town of Southwest Harbor  
Planning Board Minutes December 3, 2020

via Zoom

6:30 PM

Roll Call –John Williams, Ken Salvatore, Michael Levesque, Jack Ksionzyk, Chris Blain. Lee Worcester, CEO John Larson and Deputy CEO Jesse Dunbar were present. Eric Davis was absent.

I. Adoption of agenda for tonight’s meeting.

II. Approval of Minutes: November 5, 2020 Minutes

Minutes were tabled due to lack of quorum.

III. Old Business:

None

IV. New Business:

Michael Forbes  
Map 1 Lot 57 in B Zone  
Replacement and Relocation of non-conforming structure

Michael & Jean Forbes of 157 Seawall Road requested to demolish existing shed and construct new 10' X 12' garden shed. The existing shed is 3' 6" from the property line. The Planning Board has authority per Section III.C.3. on page 5 of the Land Use Ordinance to allow for reconstruction or replacement in compliance with the dimensional requirements to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance.

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. (OK)  
North direction shown on plan and list of abutting property owners on attached abutter notice.
- 2) Dimension and area of each lot to be built upon or otherwise used: (OK)  
Noted on site plan.
- 3) Location of any wells on the lot or within 100’ of property lines: (OK)  
There are no wells on the property. Public water service is provided.
- 4) Name and location of any abutting water body, streams, brooks and wetlands: (N/A)  
No water body abuts property

- 5) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (N/A)  
Area has been cleared.
- 6) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. (OK)  
Shown on site plan.
- 7) Outdoor lighting: Proposed locations (N/A)  
No outdoor lighting proposed
- 8) Sewer and water facilities: Existing and proposed (N/A)  
Sewer and water facilities existing and no sewer or water at replaced garden shed.
- 9) Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking). (N/A)  
Residential property and existing parking adequate.
- 10) Location of existing and proposed roads/driveways with setback from nearest lot line: (N/A)  
No new roads or driveways proposed.
- 11) Name/location of existing or proposed right of way and easements on the site or abutting the property: (N/A)  
No right of way or easement is noted for access to abutting properties.
- 12) Existing grades and any proposed changes in grades. (OK)  
No substantial changes in grades.
- 13) Soil Erosion and Sedimentation control plan: (N/A)  
None required.
- 14) Freshwater wetlands or hydric soils: (NA)  
Not applicable
- 15) Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans: (OK)  
Noted on site plan.
- 16) Buffering/Landscape plan as described in Section VI. (N/A)  
Residential properties not required to provide buffering.

**Motion:** Move the application for Michael and Jean Forbes is complete as presented.

Motion by Chris Blain, 2<sup>nd</sup> by Ken Salvatore, the motion passed 4-0-1 with Mike Levesque abstaining.

Compliance Review:

PERFORMANCE STANDARDS:

Following performance standards should **not be applicable** for reasons stated:

- A. Buffering  
Buffering is not required for residential use.
- B. Driveway and Driveway opening  
No changes in the entrance or size of opening.
- C. Erosion/Sedimentation Controls  
None required as no earth moving proposed.

- D. Exterior Lighting  
No exterior lighting proposed.
- E. Fill and Excavation  
Fill for approved construction projects do not need a separate permit.
- F. Fire Protection  
None is required by the standards of the LUO.
- G. Flood Hazard Permit  
Location of proposed structure is not in the Flood Zone as indicated on the FEMA maps.
- H. Handicap Access  
ADA compliance not required for residential structures.
- I. Heavy Commercial or Industrial Pollutants  
No commercial or industrial pollutants.
- J. Noise  
Not applicable to residential use.
- K. Parking and Loading Standards  
Parking is existing and no loading requirements for residential use.
- L. Road Standards  
Not applicable.
- M. Sewage Standards  
Existing public sewer.
- N. Sign Regulation Standards  
Not applicable.
- O. Soil Standards  
Not applicable.
- P. Stormwater Runoff Standards  
Not applicable.
- Q. Stream Standards  
Not applicable. No stream on parcel.
- R. Vibration Standards  
No vibration activity on site during construction or post construction.
- S. Water Quality Standards  
No activities require water quality monitoring or assessment.
- T. Water Supply Standards  
No water proposed to new garden shed.

**Motion:** The above performance standards A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, & T are not applicable for stated reasons in the application of Michael and Jean Forbes

Motion by Jack Ksionzyk, 2nd by Ken Salvatore, motion passed 5-0-1 with Mike Levesque abstaining.

**Applicable Performance Standards:**

The Planning Board needs to determine the replacement structure is moved back from property line to greatest practical extent. In determining the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the lot and adjacent properties, the location of septic system and other on-site soils suitable for septic systems and type and amount of vegetation to be removed to accomplish relocation.

1. The lot is 59.24 feet wide and further relocation would limit practical uses of the property.

2. Relocating structure 6' from property line takes it away from edge of sloped land.
3. The proposed location of proposed structure provides more suitable access in cases of emergencies.
4. No vegetation needs to be removed in the structures relocation.
5. Relocating structure to center of narrow lot will diminish the value of the property due to obstruction of the harbor views.

**Motion:** The application of Michael and Jean Forbes is approved subject to all representations, comments and documents presented.

Motion by Jack Ksionzyk, 2<sup>nd</sup> by that the applicant has met standards of Section 12(C)(3)

**Vote:** 5-0-1

**Motion:** By Jack Ksionzyk, 2<sup>nd</sup> by Chris Blain to adjourn at 7:30 PM.

**Vote:** 6-0

Planning Board Chairman \_\_\_\_\_