

Town of Southwest Harbor  
Planning Board Minutes September 10, 2020  
Fire House and via Zoom  
6:00 PM

Roll Call – Eric Davis, Michael Levesque, Lee Worcester, John Williams, via Zoom Ken Salvatore, Jack Ksionzyk, CEO John Larson and Deputy CEO Jesse Dunbar were present. Chris Blain had trouble logging into zoom.

Adoption of agenda for tonight's meeting.

Old Business: John Williams recused himself

John & Martha Williams Parking Lot  
Remanded to Planning Board from Appeals Board decision  
February 22, 2020 and March 4, 2020

Remand from Appeals Board Perruzzi Findings:

1. The Planning Board erred in relying on the Rockland Plaza case. The Planning Board needs to review and apply the road standards in Section VI.M.2.C.2 and
2. The Planning Board neglected to address commercial use of the private right-of-way, Three Rod Road, and the record does not indicate that the Board reviewed that section of the Ordinance.

Wolak Findings:

3. The Board finds that the buffering on the south side of the Williams Lot is not consistent with the buffering on the North side of the lot. The Board further finds the Planning Board record insufficient to indicate that it considered Level 3 buffering long south side bordering Three Rod Road.
4. The Board finds that the buffering plan presented and approved at the January 2<sup>nd</sup> meeting does not meet the standards set out in Section VI.A.2.C.

Discussion on submitted application by John Williams to widen Three Rod Road and proposed buffering. Proposed motion by Mike Leveque to re-submit plan showing widening of Three Rod Road to meet commercial standards, buffering to include six foot fence. Motion did not receive a second.

**Motion** by Lee Worcester, 2<sup>nd</sup> by Eric Davis to table the application until applicant submits plan for widening Three Rod Road showing 30' minimum right of way and 20' travel surface and drainage plan, buffering plan along Three Rod Road the length of parking lot that meets Level 3 standards, motion passed 4-1.

New Business – John Williams rejoined meeting

Ordinance Review after Selectboard edits on Land Use Ordinance, Shoreland Ordinance, Subdivision Ordinance and Marijuana Ordinance.

Discussion on shoreland regulations being removed from Land Use Ordinance.

Selectboard recommended patio and decks remain exempt from setback as currently in Land Use Ordinance. The Selectboard also recommended height limits in shoreland zone remain the same as the Land Use Ordinance in new Shoreland Zoning Ordinance which is 20' in Resource Protection Zone; 30' in Residential Shoreland Zone; 25' in General Development Zone and Commercial Fishery/Maritime Activity Zone.

**Motion** by Mike Levesque and 2<sup>nd</sup> by Ken Salvatore to keep height limits the same in the Shoreland Zoning Ordinance as they were in Land Use Ordinance, motion passed 4-2

**Motion** by Lee Worcester, 2<sup>nd</sup> by Ken Salvatore to change item 3. Applicability to read "This Ordinance applies to all Shoreland Zones as depicted on Shoreland Zoning Map".

Motion passed 6-0

**Motion** by Lee Worcester, 2<sup>nd</sup> Mike Levesque to agree with Selectboard to leave patios and decks out of definition of structures in the Land Use Ordinance.

Motion passed 6-0

**Motion** Lee Worcester, 2<sup>nd</sup> Mike Levesque to leave height limit in Zone A&B at 40' as it currently reads.

Motion passed 6-0

Next Meeting to be October 1, 2020.

**Motion** by Eric Davis to adjourn meeting, 2<sup>nd</sup> by Mike Levesque, motion passed 5-0

Meeting adjourned at 8:35 pm.

Planning Board Chairman

