

Town of Southwest Harbor
Planning Board Minutes January 2, 2020

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

Visitors not on agenda but signed in– Jennifer Perruzzi, Jay Perruzzi, Chad Terry, Adam Perruzzi, Rene Miller, Jose Feliciano Jr., Joel Wolak, Robert Gross, Steve Stanley, Sarah Hinckley, Bryan Stevens, Pamela Parker, Carolyn Ball,

Adoption of agenda for tonight’s meeting adopted as presented.

A motion to approve the minutes from the December 19, 2019 Planning Board Meeting was made by Christopher Blain , 2nd Michael Levesque , vote 5-0.

Old Business:

Application by John & Martha Williams
Modification to an Approved Permit June 20, 2019
Tax Map 003 Lot 003 Located in “B” Zone
Book 6834 Page 146
376 Main Street

At this point John Williams recused himself and stepped away.

After lengthy discussion to include public comment, the three exits from parking lot onto Three Rod Road is not a decision the Planning Board needs to make if the applicant presents reasonable documentation. Rockland Plaza Corp. v. LaVerdiere’s Enterprises. The applicant provided the Planning Board with recorded document stating right to access Three Rod Road. The Planning Board Manual states “the Board has no legal authority to resolve boundary or title disputes as part of its decision”

The Planning Board determined the trees planted along Three Rod Road as depicted on the plan were not a sufficient buffer, the board decided adding a fence would be required. The Landscape & Buffering Plan is approved with the following conditions. A four foot fence after the 25’ setback from Main Street to access way, then four foot gate and continue the 4’ fence for twenty-four more feet. Two rows of trees eight feet on center for the length of fence.

Eric Davis moved the application be approved, as amended. Second by Mike Leveque. Vote 4-0

New Business:

Richard P. Bradford/G.F.Johnston & Associates presented preliminary subdivision plan to amend Hillcrest Acres Subdivision #3.

**PRELIMINARY PLAN SUBMISSION
FIRST AMENDMENT TO HILLCREST ACRES TO SUBDIVISION #3
56 HILLCREST CIRCLE**

Map 15, Lot 69-5

Determination of Complete Application

1. **LOCATION MAP**

Existing subdivisions in proximity of the proposed subdivisions; It is a lot in Hillcrest Acres Subdivision Tab 5

Location and names of existing and proposed streets;

Boundaries and designations of zoning districts;

Outline of subdivision and any remaining owner's property.

Tab 1

2. **OTHER REQUIRED PERMITS:** advisory opinion from appropriate federal, state, and local agencies as to the application of their rules.

Tab 2

3. **PLANS:** two copies; scale not more than 1"=100'; eight copies of the plan(s) reduced to a size of

8 ½ x 11" or 11 x 17".

Tab 13

INFORMATION TO BE SHOWN ON THE PRELIMINARY PLAN OR ACCOMPANY THE APPLICATION

1. Identifying title Tab 1

2. Assessor's Map and Lot numbers Tab 3

3. Evidence of right, title, or interest in the property Tab 4

4. Field survey of the boundary lines of the tract (General Standard C.1.SECTION VIII)
Tab 5

5. Date the plan was prepared Tab 13

6. North arrow Tab 13

7. Graphic map scale Tab 13

8. Names & addresses of owner(s), sub divider, and who prepared the plan Tab 13

9. Names of adjoining property owners Tab 13

10. ✓ Number of acres within the proposed subdivision Tab 1
11. ✓ Location of property lines, existing buildings, watercourses, vegetative cover type, other essential, existing physical features Tab 13
12. ✓ Proposed lot lines with approximate dimensions and lot acres Tab 13
13. ✓ Location, names and widths of existing and proposed streets, easements, building lines, parks and other open spaces on or adjacent to the subdivision Tab 13
14. ✓ Width and location of any streets or public improvements shown on the official map and Comprehensive Plan, if any, within the subdivision Tab 13
15. N/A Parcels of land proposed to be dedicated to public use and conditions None
16. ✓ Location of any open space to be preserved, improvements and management Tab 13
17. ✓ Names and addresses of owners of record of adjacent properties Tab 6
18. N/A Location of any Shoreland Zoning boundaries affecting the subdivisions Tab 13
19. N/A Boundaries of any flood hazard areas and 100-year flood elevation Tab 7
20. ✓ Required for subdivision, near bodies of water: contour lines at interval specified by Board showing elevations in relation to NGVD Tab 13
21. ✓ Indication of type of sewage disposal to be used within subdivision
 - a) N/A Public sewer: a letter shall be submitted from the Town indicating that there is adequate capacity within the Town's system to transport and treat the sewage
 - b) ✓ Subsurface wastewater disposal: test pit analyses, prepared by Licensed Site Evaluator. Tab 13
 - c) ✓ Centralized or shared subsurface sewage disposal system: prepared by a licensed site evaluator or a professional engineer. Tab 13
22. ✓ Indication of the type of water supply to be used:
 - N/A a. Public water supply: a letter from the Southwest Harbor (SWH) Water Company indicating adequate supply and pressure, and approving the plans for extensions where necessary.
 - N/A b. Where the SWH Water Company's supply line is to be extended, a written statement from the Fire Chief (or assistant), stating approval of the location of fire hydrants.
 - ✓ c. Evidence of adequate ground water supply and quality may be requested by the Board and this shall be submitted by a well driller or a hydrogeologist familiar with the area. Tab 13

23. ✓ Copy of the deed from which the survey was based; copy of all covenants or deed restrictions, easements, rights-of-way, etc. Tab 4
24. ✓ Copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision. Tab 4
25. ✓ Copy of the portion of the State soil survey covering the subdivision. Tab 4
26. ✓ Adequate storm water management plan Tab 10 & 9
27. ✓ Location and size of existing & Proposed wells, subsurface sewage systems, culverts, and drainage ways on or adjacent to subdivision. Tab 13
28. N/A Determination that proposed subdivision will not adversely affect the quality or unreasonable affect the shoreline of any body of water. Tab 9
29. N/A Map identifying all freshwater wetlands regardless of size, rivers, streams, brooks within or abutting the subdivision. Tab 13
30. ✓ Estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Tab 11
31. ✓ Statement of financial capacity demonstrating the financial ability of the subdivider to complete the project. Tab 12

The Preliminary Plan to amend Hillcrest Acres Subdivision #3. is deemed complete on January 2, 2020.

Votes in favor 5

Opposed 0

Schedule Public Hearing for January 16, 2020.

David Allen Applicant/Ian Halpern Owner- change of use retail to restaurant at 344 Main Street, tax map 6 lot 34 and located in A zone.

Discussion of application and agreement based on past history that this type of business is a commercial use and previous use was commercial.

Motion by Eric Davis: This is commercial to commercial and not a change of use. 2nd by John Williams, the motion passed 5 to 0.

Next Meeting January 16, 2020, Thursday @ 6PM.

Meeting adjourned 7:45 pm moved by Eric Davis, 2nd by Chris Blain, motion passed 5 to 0.