

Town of Southwest Harbor
Planning Board Minutes March 12, 2020

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

Visitors not on agenda but signed in–Anne Napier, Patrick Lyons, John Clark

Adoption of agenda for tonight’s meeting.

Old Business:

MDI Lobster, Inc.
Map 4 Lot 21
126 Clark Point Road – Located in CFMA Zone
Application for Take Out Restaurant
Determination of Completeness

Note: MDI Lobster, Inc request approval to construct a 28’ x 50’ take out kitchen to service up to 135 seats.

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 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 March 28, 2019 site plan
- 3) Location of any wells on the lot or within 100’ of property lines: (OK)
There are no wells on the property or abutting properties. Public water service is located on property.
- 4) Name and location of any abutting water body, streams, brooks and wetlands: (OK)
Atlantic Ocean.
- 5) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (N/A)
Area does not require clearing of vegetation.

- 6) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. (OKA)
28' x 50' single story structure depicted on site plan
- 7) Outdoor lighting: Proposed locations (O/K)
Lighting to be shielded according to Land Use Ordinance. Proposed to be determined and reviewed by CEO
- 8) Sewer and water facilities: Existing and proposed (OK)
Public water and sewer services are available on the property. A grease trap is required prior to occupancy as a condition of approval.
- 9) Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking). (OK)
Site plan indicates thirty two (32) spaces: 135 seats require 22 spaces in the shore land zone (1 space per six seats); there are eight (8) berths which require two (2) spaces; proposed eight (8) employees require 4 spaces.
- 10) Location of existing and proposed roads/driveways with setback from nearest lot line: (O/K)
Existing driveway noted on plan.
- 11) Name/location of existing or proposed right of way and easements on the site or abutting the property: (O/K)
A right of way 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)
No soil disturbance to require erosion control measures, however, if there is soil disturbance, then proper control measures should be a condition of this application. Silt fence noted on plan.
- 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)
Single story structure less than 25' is proposed and should be indicated on plan.
- 16) Buffering/Landscape plan as described in Section VI. (N/A)
Solid fencing proposed along abutting residential properties.

Motion: Move the application for MDI Lobster Inc. is complete as presented, subject to conditions on Item 7, 8, 9, 13, 15 and 16.

Compliance Review:

PERFORMANCE STANDARDS:

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

F. Fill and Excavation

Fill for approved construction projects do not need a separate permit.

G. Fire Protection

None is required by the standards of the LUO.

H. Flood Hazard Permit

Location of proposed structure is not in the Flood Zone as indicated on the FEMA maps.

I. Handicap Access

To be reviewed by the State Fire Marshall.

J. Heavy Commercial or Industrial Pollutants

No commercial or industrial pollutants

M. Road Standards

Not applicable.

O. Sign Regulations

Sign applications to be submitted to CEO for approval.

P. Soil Standards

Not applicable

R. Stream Standards

No stream on parcel

S. Vibration Standards

No vibration activity on site during construction or post construction.

T. Water Quality Standards

No activities require water quality monitoring or assessment.

U. Water Supply Standards

Letter from Sewer/Water part of application.

Motion: The above performance standards F, G, H, I, J, M, O, P, R, S, & T are not applicable for stated reasons in the application of MDI Lobster, Inc for construction of an eating facility with 135 seats at 126 Clark Point Road.

Applicable Performance Standards:

A. Landscaping/Buffering

Commercial use requires buffering. Planning Board must determine level of buffering per Section VI, sub A. Applicant proposes solid fence along abutting residential properties. (Height to be determine by Planning Board)

1. Planning Board to determine level of buffering
2. Planning Board to approve/deny/modify above applicant buffering requirements.

B Clearing of vegetation

Clearing of vegetation is required for review in shore land zones. This parcel is located in Commercial Fisheries Maritime Activities Zone however, there will be several trees removed in structure area.

1. Planning Board to request clarification regarding the removal of vegetation.

C. Driveway and Driveway opening

Existing driveway is indicated on the plans 20' wide. The minimum width for increased traffic for ingress and egress onto Clark Point Road should be 20-24'.

D. Erosion/Sedimentation Controls

Applicant to demonstrate the need for erosion and sedimentation controls if there is any soil disturbance.

E. Exterior Lighting

Lighting has not been indicated and must be clarified if installed. Only shielded lighting allowed and to be a condition of approval.

K. Noise: No noise which is objectionable due to volume, intermittence, beat frequency or shrillness shall be transmitted outside the lot.

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.

N. Sewerage Disposal Standards

Existing public service is available. A condition of for cooking facilities requires a grease trap be installed as part of the plumbing requirements.

L. Parking and Loading Standards.

Site plan indicates thirty two (32) spaces: 135 seats require 22 spaces in the shore land zone (1 space per six seats); there are eight (8) berths which require two (2) spaces; proposed eight (8) employees require 4 spaces.

Planning Board to determine the above as acceptable.

Q. Storm Water Runoff Standards

Adequate provision shall be made so that surface waters shall not adversely affect neighboring properties, downstream water quality, potential for soil erosion, or the public storm drainage system.

Storm water should not affect abutters due to the downhill slope from Clark Point Road to ocean.

Planning Board Discussion: The Board determined a restaurant is an allowed use in this zone. The Board determined application incomplete based on requirement of Level 3 buffering.

Planning Board Decision:

Planning Board Action on March 12, 2020 by a vote of 4 to 0, the application incomplete for reasons stated.

Next Meeting April 2, 2020, Thursday @ 6PM.

Meeting adjourned 7:00 pm moved by Lee Worcester, 2nd by Mike Levesque, motion passed 4 to 0.

Planning Board Chairman _____