

Town of Southwest Harbor  
Planning Board Minutes May 28, 2020 via Zoom  
6:00 PM

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

Visitors not on agenda but logged in–Anne Napier, Patrick Lyons, John Clark, Andrew Hamilton, John Carroll, Sarah Hinckley, Jennifer Perruzzi, Adam Perruzzi and Justin VanDongen Town Manager

Adoption of agenda for tonight’s meeting.

**Motion:** Mike Levesque made motion to accept agenda as presented, 2<sup>nd</sup> by John Williams.

Motion passed 7-0 Approval of Minutes of March 12, 2020.

**Motion:** Eric Davis made motion to accept minutes of March 7, 2020. 2<sup>nd</sup> by Ken Salvatore. Motion passed 6-0-1 with John Williams abstaining.

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

Public Hearing:

*Note: MDI Lobster, Inc request approval to construct a 28’ x 74’ take out kitchen to service up to 135 seats.*

Open Public Hearing

Public comment and written material submitted by Anne Napier, Patrick Lyons, John Clark, Andrew Hamilton, John Carroll.

Performance Standards: Section VI, A-U

A) Landscaping/Buffering

**Motion** to require Level 3 Buffering by Eric Davis, 2<sup>nd</sup> by Lee Worcester, motion passed 6-0-1, John Williams abstaining.

B) Clearing of Vegetation

- No action**
- C) Driveway and Driveway Opening
- No action**
- D) Erosion/Sedimentation Controls
- Requested to be shown on new plan.**
- E) Exterior Lighting
- No action**
- F) Fill and Excavation Standards
- Requested to be shown on new plans.**
- G) Fire Protection Standards
- No action**
- H) Flood Hazard Standards
- N/A**
- I) Handicapped Access Standards
- No action**
- J) Heavy Commercial or Industrial Pollutant Standards
- N/A**
- K) Noise Standards
- Applicant to show fans/vents on new plans.**
- L) Parking and Loading Standards
- Requested parking be delineated on new plans.**
- M) Road Standards
- Tabled**
- N) Sewage Disposal Standards
- Tabled**
- O) Sign Regulation Standards
- Tabled**
- Single story structure less than 25' is proposed and should be indicated on plan.

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

**Tabled**

Q) Stormwater Runoff Standards

**Request engineered stormwater plan**

R) Stream Standards

**Tabled**

S) Vibration Standards

**Tabled**

T) Water Quality Standards

**Tabled**

**Motion** by Eric Davis to pass on performance standards and requests new application and site plan with completed list of requirements, 2<sup>nd</sup> by Lee Worcester, motion passed 6-0-1 with John Williams abstaining.

Required submittal information for Planning Board

1. New Application
2. Hours of operation on plan
3. Erosion control plan
4. Relocate dumpster on plan
5. How to handle noise, odor
6. Stormwater Management Plan
7. Parking requirements for existing use
8. Plan for designated parking and plan so no one parks in ROW
9. Planting and buffering plan
10. Plan for propose food truck
11. License for food truck

New Business

David Horner/Holly Masterson  
Acadia Vendors-Outdoor Market  
Map 12 Lot 62  
55 Main Street  
Application for Vendors Market  
Determination of Completeness

Public Hearing Opened

No one spoke to application.

Closed Public Hearing

Performance Standards: Section VI, A-U

A) Landscaping/Buffering

**Motion** to require Level 3 Buffering to include existing natural buffering and installation of solid fence in area to shield existing residence by Eric Davis, 2<sup>nd</sup> by Lee Worcester, motion passed 6-0-1, John Williams abstaining.

B) Clearing of Vegetation

**Motion** by Michael Levesque this item complete, 2<sup>nd</sup> by Chris Blain, motion passed 6-0-1.

C) Driveway and Driveway Opening

**Motion** by Eric Davis that this item complete based on MDOT entrance permit, 2<sup>nd</sup> by Michael Levesque, motion passed 6-0-1, with John Williams abstaining.

D) Erosion/Sedimentation Controls

**Motion** by Eric Davis that this item complete based on plan from G. Johnston, 2<sup>nd</sup> by Michael Levesque, motion passed 6-0-1, with John Williams abstaining.

E) Exterior Lighting

**Motion** by Eric Davis that this item complete based on plan from G. Johnston, 2<sup>nd</sup> by Michael Levesque, motion passed 6-0-1, with John Williams abstaining.

F) Fill and Excavation Standards

N/A

G) Fire Protection Standards

N/A

H) Flood Hazard Standards

N/A

I) Handicapped Access Standards

N/A

J) Heavy Commercial or Industrial Pollutant Standards

N/A

K) Noise Standards

**Motion:** Eric Davis made a motion that Noise Standard is met, 2<sup>nd</sup> by Mike Levesque  
The motion passed 6-0-1, with John Williams abstaining.

L) Parking and Loading Standards

**Motion:** Mike Levesque made a motion that the Parking and loading standards has  
been met based on the parking plans on the site plan by G.F.Johnston. 2<sup>nd</sup> by Eric  
Davis, The motion passed 6-0-1, with John Williams abstaining

M) Road Standards

N/A

N) Sewage Disposal Standards

N/A

O) Sign Regulation Standards

**Sign application submitted to CEO.**

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

**Solid fencing proposed along abutting residential properties.**

Q) Stormwater Runoff Standards

Motion: Eric Davis moved Stormwater complete based on Stormwater plan from GF  
Johnston and requests a Letter from the engineer stating plan implemented as designed. 2<sup>nd</sup>  
by Jack Ksionzyk, The motion passed 6-0-1, with John Williams abstaining

R) Stream Standards

N/A

S) Vibration Standards

N/A

T) Water Quality Standards

N/A

**Motion** by Eric Davis to approve the application contingent on a letter from G.  
Johnston stating the Stormwater Management and Erosion Control plan dated August 6, 2019

has been completed as designed, 2<sup>nd</sup> by Jack Ksionzyk, motion passed 6-0-1 with John Williams abstaining.

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

Motion by Eric Davis, 2<sup>nd</sup> by Lee Worcester to table until applicant provides buffer plan for Three Rod Road, motion passed 6-0-1 with John Williams abstaining.

Next Meeting to be determined upon submitted application.

**Motion:** Eric Davis made motion to adjourn meeting, 2<sup>nd</sup> by Mike Levesque, motion passed 6-0-1 with John Williams abstaining.

Meeting adjourned at 10:35 pm.

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