

Town of Southwest Harbor

Planning Board Minutes November 4, 2021

Town Office and via Zoom 6:00 PM

I. Roll Call – Eric Davis, Lee Worcester, Chris Blain, John Williams, Ken Salvatore, Jack Ksionzyk and CEO John Larson, absent was Michael Levesque
Also present: Ninah Gile

II. The Chair called the November 4, 2021 Planning Board meeting to order at 6:22pm.

III. Approval of Minutes of October 7, 2021

Motion by Eric Davis, 2nd by Ken Salvatore to approve minutes of October 7, 2021

Vote: 4-0-2

IV. Old Business:

Island Land Corporation/ Ben C. Worcester

Condition of approval –Copy of Lease submitted

Motion by Eric Davis, 2nd by Ken Salvatore to approve application of Island Land Corporation with copy of Lease submitted

Vote: 5-0

V. New Business: Winter Cape LLC- Nullify Subdivision recorded January 2, 2018
Tax Map 6 Lot 83 B Zone

Greg Johnston, representing Winter Cape LLC, explained why the current owners want to nullify the subdivision, they do not want to wait the five year period to nullify.

Motion by Eric Davis, 2nd by Lee Worcester to nullify 291 Main St. LLC subdivision plan approved on January 2, 2018 and recorded in File 44, Plan Number 84 at the Hancock Registry of Deeds at request of Current land owner.

Vote: 6-0

Smuggler's Den – Site Plan for Commercial Structure Bath House

Map 12 Lot 52 in the B Zone

Determination of Complete Application

At this point Lee Worcester recused himself.

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. North direction shown on stormwater & erosion control plan and list of abutting property owners on attached abutter notice.
Noted on plan.
- 2) Dimension and area of each lot to be built upon or otherwise used:
Noted on plan.
- 3) Location of any wells on the lot or within 100' of property lines:
Noted on plan.
- 4) Name and location of any abutting water body, streams, brooks and wetlands: (N/A)
No water body abuts property, wetland on plan
- 5) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity:
Noted on plan
- 6) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks.
45' X 55' bath house noted on plan
- 7) Outdoor lighting: Proposed locations
Outdoor lighting to conform to Section VII. D.
- 8) Sewer and water facilities: Existing and proposed
Private water, well report made part of application, town sewer at site.
- 9) Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking).
Five parking spaces proposed.
- 10) Location of existing and proposed roads/driveways with setback from nearest lot line:
Noted on plan.
- 11) Name/location of existing or proposed right of way and easements on the site or abutting the property:
Noted on plan.
- 12) Existing grades and any proposed changes in grades. (OK)
No substantial changes in grades.
- 13) Soil Erosion and Sedimentation control plan:
Follow Maine DEP Best Management Practices
- 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:
Building design made part of application
- 16) Buffering/Landscape plan as described in Section VI. (N/A)
No buffering or landscape proposed.

Move the application by Smuggler's Den for construction of a 45' X 55' bath house is complete as presented.

Motion By: Eric Davis, 2nd by John Williams

Vote: 5-1

V. Public Hearing – Smuggler's Den

No one spoke to the application

PERFORMANCE STANDARDS:

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

- A. Landscaping/Buffering
None proposed, none required.
- B. Driveway and Driveway Standards
No driveway proposed
- C. Erosion and Sedimentation Control Standards
MDEP standards to be adhered to
- D. Exterior Lighting
Exterior lighting to meet requirements of Section D. 1-3 of Land Use Ordinance
- E. Fill and Excavation
Fill or excavation 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
To be reviewed by the State Fire Marshall.
- I. Heavy Commercial or Industrial Pollutants
No commercial or industrial pollutants in bath house construction
- J. Noise:
Meets requirements of Section J. of the Land Use Ordinance.
- K. Parking and Loading Standards.
Five spaces provided.
- L. Road Standards
No road proposed.
- M. Sewerage Disposal Standards
To be connected to Town Sewer.
- N. Sign Regulations
Sign applications to be submitted to CEO for approval.

O. Soil Standards

Construction of bath house as adequate soils and will not cause adverse environmental impacts.

P. Storm Water Runoff Standards

Project does not require storm water permits

Q. Stream Standards

No stream on parcel where construction occurs

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

Private well location sited on plan with data provided

Motion: By Eric Davis, 2nd by Ken Salvatore, to approve application of Smuggler's Den as presented.

Vote: 4-1

CEO Issues: None

Motion by Eric Davis, 2nd by Lee Worcester to adjourn at 7:30.
Motion passed 6-0.