

Town of Southwest Harbor  
Planning Board Minutes November 7, 2019

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

Visitors not on agenda – None

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

A motion to approve the minutes from the October 17, 2019 Planning Board Meeting was made by Eric Davis, 2<sup>nd</sup> by John Mike Levesque, vote 5-0.

Old Business – David Wade – Green Island Way Subdivision Final Plan – Findings of Fact:

**1. Pollution.** The proposed subdivision will not result in undue water or air pollution. In making this determination, it shall at least consider:

- A. The elevation of the land above sea level and its relation to the flood plains;
- B. The nature of soils and sub soils and their ability to adequately support waste water;
- C. The slope of the land and its effect on effluents;
- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resources rules and regulations;

Met X    Not Met

Reasons: based on elevation map, public sewer and water proposed, slope of land, and information provided by applicant, subdivision will not result in undue water or air pollution.

Motion by: Eric Davis    seconded by: Mike Levesque

Discussion: None    The motion carried unanimously. 5-0

**2. Sufficient Water.** The proposed subdivision has sufficient water available for the foreseeable needs of the subdivision;

Met  Not Met

Reasons: based on information provided by Southwest Harbor Water and Sewer District that water and waste water plants have adequate buffer to supply water to the proposed subdivision for foreseeable needs.

Motion by: Eric Davis seconded by: Mike Levesque

Discussion: None The motion carried unanimously. 5-0

**3. Municipal water supply.** The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;

Met  Not Met

Reasons: based on information provided by Southwest Harbor Water and Sewer District that water and waste water plants have adequate buffer to supply water to the proposed subdivision for foreseeable needs.

Motion by: Eric Davis seconded by: Ken Salvatore

Discussion: None The motion carried unanimously. 5-0

**4. Erosion.** The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;

The Erosion plan was presented by Greg Johnston of G.F. Johnston and Associates

Met X      Not Met

Reasons: based on the fact there is no new road construction and the existing gravel road will serve 3 of the lots and new driveway will serve 1 will not cause unreasonable soil erosion.

Motion by:    Eric Davis                      seconded by: Mike Levesque

Discussion: None                              The motion carried unanimously. 5-0

5. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing and proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway located outside the urban compact area of a urban compact municipality as defined by Title 23, section 754, the Department of Transportation has provided documentation indicating that the driveway or entrances conform to Title 23, section 704 and any rules adopted under that section;

Met X    Not Met

Reasons: based on the fact that the four lots off existing private road and driveway off Seal Cove Road will not cause unreasonable highway or public road congestion or unsafe conditions.

Motion by: Eric Davis                      seconded by: John Williams

Discussion: Discussion was had about whether or not the back driveway accessing 2 of the lots was a road or a driveway, The majority of the board determined based on the ordinance that is was a driveway. Discussion was had about the safety of the driveway grade and the entrance to Seal Cove Road. Mike Levesque did not vote in favor due to his concerns about safety.

Vote 4-1

**6. Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;

Met X Not Met

Reasons: Based on information provided by Southwest Harbor Water and Sewer District that water and waste water plants have adequate buffer to supply water to the proposed subdivision for foreseeable needs.

Motion by: Eric Davis seconded by: Ken Salvatore

Discussion: None The motion carried unanimously. 5-0

**7. Municipal solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the municipality's ability to dispose of solid waste, if municipal services are to be utilized;

Met X Not Met

Reasons: based on the municipality's ability to dispose of solid waste, the five lots will not cause an unreasonable burden

Motion by: Eric Davis seconded by: Chris Blaine

Discussion: None

The motion carried unanimously. 5-0

- 8. Aesthetic, cultural and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas or any public rights of way for physical or visual access to the shoreline;

Met X

Not Met

Reasons: based on that there are no rare or irreplaceable natural areas identified by the Department of Inland Fisheries and Wildlife or the municipality, and is not located in the shoreland zone therefore will not have and undue adverse impact of scenic or natural beauty of the area.

Motion by: Eric Davis

seconded by: Mike Levesque

Discussion: None

The motion carried unanimously. 5-0

- 9. Conformity with local ordinances and plans.** The proposed subdivision conforms to a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan, if any. In making this determination, the municipal reviewing authority may interpret these ordinance and plans;

Met X

Not Met

Reasons: the proposed subdivision conforms to Town of Southwest Harbor Subdivision Ordinance.

Motion by: Eric Davis

seconded by: John Williams



Met                      Not Met      N/A X

Reasons: No portion of the proposed subdivision is located within the shoreland zone.

Motion by:      Eric Davis                                      seconded by: John Williams

Discussion: None                                      The motion carried unanimously. 5-0

**12. Ground Water.** The proposed subdivision will not, alone or in conjunction with existing activities, adversely, affect the quality or quantity of ground water;

Met X                      Not Met

Reasons: based on the fact there is no new road construction and retention of natural buffers, the subdivision will not adversely affect quality or quantity of ground water.

Motion by:      Eric Davis                                      seconded by: John Williams

Discussion: None                                      The motion carried unanimously. 5-0

**13. Flood Areas.** Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the sub-divider shall determine the 100-year flood elevation and flood hazard boundaries within subdivision. The proposed subdivision plan must include a condition of plan approval requiring that the principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;

Met                      Not Met      N/A X







**18. Lake Phosphorus Concentration.** The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;

Met      Not Met | N/A X

Reasons: Not applicable, no freshwater in or near the proposed subdivision.

Motion by:    Eric Davis                      seconded by: Mike Levesque

Discussion: None                      The motion carried unanimously. 5-0

**19. Impact on Adjoining Municipality.** For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located; and

Met    Not Met    N/A X

Reasons: No part of amended subdivision crosses municipal boundaries.

Motion by:    Eric Davis                      seconded by: Ken Salvatore

Discussion: None                      The motion carried unanimously. 5-0

**20. Lands Subject to Liquidation Harvesting.** Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to Title 12, section 8869, subsection 14. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the municipal reviewing authority must determine prior to granting approval for the subdivision that 5 years

have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. A municipal reviewing authority may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the municipal reviewing authority may accept a determination certified by a forester licensed pursuant to Title 32, chapter 76.

Met                      Not Met    N/A X

Reasons: No harvest has taken place in past five years as defined in Title 12, section 8869, subsection 14.

Motion by: Eric Davis                      seconded by: Mike Levesque

Discussion: None                              The motion carried unanimously. 5-0

Discussion:

Concerns from abutters were brought up about fire truck access, buffering and storm water.

Motion on Green Island Way Subdivision

Motion made by Southwest Harbor Planning Board to approve the application of David Wade for a 5 lot Subdivision as presented on the final plan submitted. Motion made by Eric Davis, Seconded by Ken Salvatore. Mike Levesque did not vote in favor due to his safety concerns regarding the Traffic Standard.

Date of Approval: November 7, 2019

Votes in Favor 4

Votes Opposed 1

John & Martha Williams modification to an approved permit Map 003 Lot 003 at 376 Main Street –

John Williams stepped down off the board at this time and joined the audience.

John explained he would be amending his storm water, lighting, and buffering plan due to changes that occurred during construction. The board determined they would schedule a review of his modified plans at the next planning board meeting after the plans are received by the Code Office.

New Business - None

Public Hearing – Motion made to move the public hearing to next meeting since the application was not presented, By Eric Davis, 2<sup>nd</sup> John Williams, Vote 5-0

Next Meeting November 21<sup>st</sup>, 2019

Meeting adjourned 7:25 pm moved by Eric Davis, 2<sup>nd</sup> by Chris Blaine, motion passed 5 to 0.