

Town of Southwest Harbor

Planning Board Minutes October 20, 2022

Town Office and via Zoom 6:00 PM

- I. Roll Call –, John Williams, Eric Davis, Chris Blain, Lee Worcester, Ken Salvatore, Jack Ksionzyk and CEO John Larson, absent was Michael Levesque, ,
- II. The Vice Chair called the October 20, 2022, Planning Board meeting to order at 6:05 pm.
- III. Approval of Minutes October 6, 2022, Planning Board meeting  
Motion by: Lee Worcester, 2<sup>nd</sup> by John Williams  
Motion passed 4-0-2

IV. Old Business:

Final Subdivision Plan – 7 Lots  
The Preserve at Acadia Pines Map 17 Lot 11  
Greg Westra/ Richard Bowden Surveyor

Open Public Hearing at 6:10 pm  
Steven LaCount spoke about concerns over road easement and number of lots exceeded applicants easements.  
Close Public Hearing at 6:20pm

STATE OF MAINE  
MUNICIPALITY OF SOUTHWEST HARBOR

**FINDINGS OF FACT AND DECISION  
ON APPLICATION FOR SUBDIVISION APPROVAL**

Subdivision Name: The Preserve at Acadia Pines Map 17 Lot 11  
Applicant's Number: 207-667-7121  
Applicant's Name: Greg Westra  
Applicant's Address: 19610 Gunpowder Road, Manchester, MD 21102

Before an application for subdivision approval may be approved, the municipal reviewing authority must determine that the proposed subdivision meets the following criteria;

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;

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- D. The availability of streams for disposal of effluents; and
- E. The applicable state and local health and water resources rules and regulations;

Met  Not Met

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

Motion by: Lee Worcester  
Discussion: None

seconded by: Ken Salvatore  
The motion carried unanimously. 6-0

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

Met  Not Met

Reasons: based on letter provided by John S. Gilbert Well Drilling, that states there is adequate water available for the foreseeable needs of the subdivision.

Motion by: Eric Davis  
Discussion: None

seconded by: Jack Ksionzyk  
The motion carried unanimously. 6-0

**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  NA

Reasons: No Municipal water supply to be used.

Motion by: Lee Worcester  
Discussion: None

seconded by: Eric Davis  
The motion carried unanimously. 6-0

**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;

Met  Not Met

Reasons: based on the fact the new road construction will be keep to minimum width, and there is a portion existing gravel road, it will not cause unreasonable soil erosion or land's capacity to hold water so that a dangerous or unhealthy condition results;

Motion by: Eric Davis  
Discussion: None

seconded by: Jack Ksionzyk  
The motion carried unanimously. 6-0







Motion by: Eric Davis  
Discussion: None

seconded by: Lee Worcester  
The motion carried unanimously. 6-0

- 15. River, Stream or Brook.** Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38, section 480-B, subsection 9;

Met  Not Met  N/A

Reasons: Not Applicable No river, stream or brook identified on plan.

Motion by: Eric Davis  
Discussion: None

Seconded by: Chris Blain  
The motion carried unanimously. 6-0

- 16. Storm Water.** The proposed subdivision will provide for adequate storm water management;

Met  Not Met

Reasons: The proposed road construction impacts 2,100 square feet of wetland and is below the 4,200 square feet requirement for stormwater Permit By Rule from the Department of Environmental Protection.

Motion by: Eric Davis  
Discussion: None

Seconded by: Ken Salvatore  
The motion carried unanimously. 6-0

- 17. Spaghetti-lots Prohibited.** If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;

Met  Not Met  N/A

Reasons: Not applicable, no part of proposed subdivision is in the shoreland zone.

Motion by: Lee Worcester  
Discussion: None

seconded by: Eric Davis  
The motion carried unanimously. 6-0

- 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

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

Motion by: Eric Davis  
Discussion: None

seconded by: Ken Salvatore  
The motion carried unanimously. 6-0

**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  
Discussion: None

seconded by: Lee Worcester  
The motion carried unanimously. 6-0

**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  
Discussion: None

seconded by: Lee Worcester  
The motion carried unanimously. 6-0

Other terms and conditions: None

Date of Public Hearing: October 20, 2022

Motion on The Preserve at Acadia Pines Subdivision

Motion made by Southwest Harbor Planning Board to approve the application of Greg Westra for a 7 lot Subdivision as presented on the final plan submitted.

Date of Approval: October 20, 2022

V. New Business:

Amendment #2 Subdivision Plan  
 Ben C. Worcester III at Southwest Harbor, Maine  
 Findings of Fact

The Board reviewed the application for completeness under the Subdivision Ordinance.

**Amendment #2 Subdivision Plan Ben C. Worcester III  
 at Southwest Harbor, Maine  
 Blueberry Lane  
 Map 012, Lot 010-002**

1. ✓ **LOCATION MAP**
  - ✓ Existing subdivisions in proximity of the proposed subdivisions;
  - ✓ Location and names of existing and proposed streets;
  - ✓ Boundaries and designations of zoning districts;
  - ✓ Outline of subdivision and any remaining owner's property.
  
2. ✓ **OTHER REQUIRED PERMITS:** advisory opinion from appropriate federal, state, and local agencies as to the application of their rules.
  
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".

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

1. ✓ Identifying title
  
2. ✓ Assessor's Map and Lot numbers
  
3. ✓ Evidence of right, title, or interest in the property
  
4. ✓ Field survey of the boundary lines of the tract
  
5. ✓ Date the plan was prepared
  
6. ✓ North arrow

7. ✓ Graphic map scale
8. ✓ Names & addresses of owner(s), sub divider, and who prepared the plan
9. ✓ Names of adjoining property owners
10. ✓ Number of acres within the proposed subdivision
11. ✓ Location of property lines, existing buildings, watercourses, vegetative cover type, other essential, existing physical features
12. ✓ Proposed lot lines with approximate dimensions and lot acres
13. ✓ Location, names and widths of existing and proposed streets, easements, building lines, parks and other open spaces on or adjacent to the subdivision
14. ✓ Width and location of any streets or public improvements shown on the official map and Comprehensive Plan, if any, within the subdivision
15. ✓ Parcels of land proposed to be dedicated to public use and conditions
16. ✓ Location of any open space to be preserved, improvements and management
17. ✓ Names and addresses of owners of record of adjacent properties
18. ✓ Location of any Shoreland Zoning boundaries affecting the subdivisions
19. ✓ Boundaries of any flood hazard areas and 100-year flood elevation
20. ✓ Required for subdivision, near bodies of water: contour lines at interval specified by Board showing elevations in relation to NGVD

Motion by Eric Davis, 2<sup>nd</sup> by John Williams to approve the application for subdivision complete and schedule Public Hearing for October 20, 2022.

Motion passed 4-0

VI. CEO Items: None

VII. Next Meeting date October 20, 2022

VIII. Adjourn Meeting

Chris Blain made a statement that the Board was not following its own rules and that he was resigning as a member.

Motion to adjourn at 7:55pm by Lee Worcester, 2<sup>nd</sup> by Chris Blain

Motion passed 6-0.

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