

PLANNING BOARD MINUTES
TUESDAY, MARCH 17, 2026
6:00 PM
SOUTHWEST HARBOR TOWN OFFICE
MEETING ROOM & ZOOM

I. CALL TO ORDER/ROLL CALL

The Chair called the meeting to order at 6:00 PM.

Members present: Chair Eric Davis, Joel Wolak, Charlotte Gill, John Williams, Priscilla Ksionzyk (on Zoom) and Vice Chair Worcester.

Member Absent(excused): Mike Levesque(excused).

II. ADOPTION OF AGENDA

There were no modifications to the agenda.

III. MINUTES

March 3, 2026

Chair Davis moved to approve the March 3, 2026 minutes as prepared. Member Wolak seconded the motion and the Board voted 4-0-2 to approve the motion with members Williams and Ksionzyk abstaining.

IV. CONFLICT OF INTEREST

There were none disclosed.

V. OLD BUSINESS

Public Hearing – Town of Southwest Harbor Public Works Facility

Chair Davis opened the public and after hearing no one speak, closed the public hearing.

Chair Davis moved to reaffirm the decision from the performance and completion standards represented 4 weeks prior. Member Wolak seconded the motion and the Board voted 6-0 to approve the motion.

VI. NEW BUSINESS

Workshop Land Use Ordinance Amendment regarding Section VI.O.4

CEO Kushla explained that his goal was to finalize language in preparation for a June vote. He acknowledged that this timeline was ambitious and noted that additional time might be required, potentially pushing the vote to November. He stated that the intent was to take the citizen's petition, refine and reframe it, and ensure it is enforceable. He also noted that several unintended consequences had been identified and would be addressed as part of the revision process.

He outlined a structured approach, indicating that the Board would work through key elements—who, what, where, when, and how—with each topic allocated a 10-minute discussion period.

CEO Kushla asked whom the Board was trying to protect. The Board identified property owners, residents, visitors, town employees, and contractors. Vice Chair Worcester stated that he did not believe the Town had ever assumed responsibility for ensuring that no harm would come to anyone. Following his remarks, several members of the public spoke.

Vice Chair Worcester added that the Town should focus on identifying activities that need to be managed in a responsible manner.

Jim Vallete addressed the Board and read aloud the ordinance clause under “Purpose.”

CEO Kushla then asked the Board to clarify what the Town is protecting people from, specifically questioning whether the concern is chemicals or known contaminated sites.

Member Williams stated that a common issue for property owners on the island is radon. He questioned whether the Board should require individuals drilling private wells to mitigate any radon or arsenic discovered.

Member Gill responded that this was not a comparable analogy, arguing that drilling a private well represents an individual risk rather than a community-wide risk, which is the focus of the Board's discussion.

Member Wolak asked whether the existing half-mile radius would be modified under the proposed amendment. Vice Chair Worcester argued that the language should apply to the entire town, stating that if the Board is concerned about contaminants, that concern should extend town-wide.

The Board then moved on to discuss the “where.” CEO Kushla noted the option of limiting the language to uncontrolled sites only, rather than including remediated uncontrolled sites. It was also noted that the half-mile distance is consistent with standards used by the Department of Environmental Protection (DEP).

An unidentified speaker asked who would be responsible for identifying public risk and whether there would be a notification process for interested parties. The Board reached a consensus that the process would follow the same procedures used for CEO permits and Planning Board applications.

The Board then discussed the “when.” CEO Kushla asked whether the threshold trigger should be defined by an activity such as moving or altering 500 yards of soil, or whether mere suspicion of contamination should be sufficient to require testing.

It was suggested that minimal soil disturbance be exempt; however, Member Gill questioned what would qualify as “minimal,” expressing concern that the term is too arbitrary.

Another member raised the question of how far back in time potential contamination should be considered.

CEO Kushla raised the issue of time limits, questioning how long test results should remain valid. He asked whether a property owner who conducts testing for a project would be required to repeat testing for a subsequent project undertaken several years later, or if prior results would still be considered sufficient. He further questioned whether a defined timeframe—such as five years—should apply, or if testing should be treated as a one-time requirement per property.

An unidentified speaker expressed concern about a potential loophole in the threshold requirement, noting that a property owner could complete a 499-square-foot project—just below the 500-square-foot threshold—and then undertake a similar project the following year. The speaker asked how such a scenario could be addressed to prevent circumvention of the rule.

The Board then discussed the “how.” CEO Kushla suggested that the Board would not determine specific remediation methods, noting that such decisions would fall under the authority of the Department of Environmental Protection (DEP). It was suggested that the ordinance include language such as “in accordance with all applicable federal laws and regulations.”

Member Williams emphasized that all language included in the ordinance must be enforceable.

CEO Kushla stated that he would bring the issue back before the Board for further discussion at its March 31 meeting.

VII. CEO ISSUES


Official Language for Ordinance Change Due April 14th, 2026

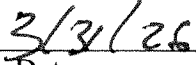
Public Hearing for Ordinance Change March 31st, 2026 at SWH Fire Station

VIII. NEXT MEETING DATE: March 31, 2026 6:00 PM at SWH Fire Station

IX. ADJOURNMENT

Chair Davis adjourned the meeting at 7:06 PM.


Eric Davis
Southwest Harbor Planning Board Chair


Date
