



**Town of Southwest Harbor  
Planning Board Minutes April 3, 2025  
Town Office and via Zoom 6:00 PM**

**I. Call to Order**

John Williams called April 3, 2025, Planning Board meeting to order at 6:00pm.

**II. Roll Call**

John Williams, Priscilla Ksionzyk, Charlotte Gill, Lee Worcester, Michael Levesque, Joel Wolak. Eric Davis via Zoom

Absences: None.

Others Attending: CEO John Larson, Madilynn Michaud, Attorney; Stephen Wagner, Attorney Andrew Hamilton, Mike Guerette, Rosanne Guerette. Lincoln Millstein, George Swetz, Bell Atlantic Representatives Robert Burgdorf, Keith Velente via Zoom.

**III. Adoption of Agenda:**

Lee Worcester motioned to adopt the agenda as presented,  
Second by Priscilla Ksionzyk. Motion passed 7 | 0 | 0

**IV. Approval of Minutes: March 20, 2025**

Michael Levesque motioned to approve March 20, 2025, minutes with minor corrections.  
Seconded by John Williams. Motion passed 5 | 0 | 2 – Lee Worcester, Joel Wolak  
abstained due to absence.

**V. Code of Conduct: Discussion of Southwest Harbor Code of Conduct Policy**

The policy was reviewed and approved by Planning Board members.

**VI. Conflict of Interest:**

Lee Worcester recused himself from all discussion and voting related to the Bell Atlantic cell tower permit due to his role as a trustee of the Southwest Harbor Water and Sewer District.

VII. **Public Hearing:** Bell Atlantic Mobile Systems LLC d/b/a/ Verizon Wireless

Eric Davis motioned that the cell tower is not subject to the structural requirements of the Southwest Harbor Land Use Ordinance.

Seconded by Priscilla Ksionzyk. Motion passed 6 | 0 | 1 – Lee Worcester abstained due to conflict of interest.

John Williams opened the public hearing at 6:15 PM

No comment was made from the public

John Williams closed the public hearing at 6:22 PM

VIII. **Old Business:**

Bell Atlantic Mobil Systems LLC d/b/a/ Verizon Wireless

Construct a 100-foot-tall cell tower on land owned by Water and Sewer District

Waterview Lane – Tax Map 003 Lots 018 & 019

Performance Standards

Compliance Review:

PERFORMANCE STANDARDS

A. Buffering Standards

Impact Level:

- 1) Level 1 – Low: The impact of the proposed activity on adjoining properties will be minimal. Consequently, buffering is called for only around parking areas and driveways.
- 2) Level 2 – Medium: There will be increased impact in terms of noise, lights, and loss of privacy. Therefore, a great depth of buffering is called for to screen all areas where the new activity is to take place.
- 3) Level 3 – High: Activity which have serious impact on the quality of adjoining residential properties. These may include the following: New construction of large (or tall) buildings, parking lots, uses that are likely to increase traffic movement, frequent use of large trucks, or exterior storage of goods. In such cases, greater buffering will be required, (both for building and parking lot and driveways) and will have to be deeper or denser than what is called for under Levels 1 and 2.

Eric Davis motioned the cell tower be an impact level 1 buffering standard

Seconded by Priscilla Ksionzyk. Motion passed 6 | 0 | 1 – Lee Worcester abstained due to conflict of interest.

B. Driveway and Driveway Opening Standards:

**N/A None proposed**

C. Erosion and Sedimentation Control Standards:

**N/A No soil disturbance proposed**

- D. Exterior Light Standards:  
**Made part of application**
- E. Fill and Excavation Standards:  
**N/A No Fill or Excavation proposed**
- F. Fire Protection Standards:  
**N/A No permit required.**
- G. Flood Hazard Area Standards:  
**N/A No portion of proposed structure is in Flood Zone**
- H. Handicapped Access Standards:  
**N/A No requirement to be handicapped accessible.**
- I. Heavy Commercial or Industry Pollutant Standards:  
**N/A No heavy or industrial pollutants to be generated.**
- J. Noise Standards:  
**N/A No noise which can be considered objectionable will be generated.**
- K. Parking and Loading Standards:  
**N/A No new parking has been proposed.**
- L. Road Standards:  
**N/A No new roads proposed.**
- M. Sewage Disposal Standards:  
**N/A None proposed.**
- N. Sign Regulations Standards:  
**N/A No sign proposed.**
- O. Soil Standards:  
**N/A No soil disturbance proposed.**
- P. Stormwater Runoff Standards:  
**N/A None proposed.**
- Q. Stream Standards:  
**N/A No stream identified on this property.**
- R. Vibration Standards:  
**N/A No inherently and recurring noise will be generated.**
- S. Water Quality Standards:  
**N/A No activity will deposit or discharge or impair any water body.**
- T. Water Supply Standards:  
**N/A None proposed.**

Eric Davis motioned to approve the application as presented.

Seconded by Priscilla Ksionzyk. Motion passed 6 | 0 | 1 – Lee Worcester abstained due to conflict of interest.

*A Brief recess took place at 6:57 for approximately 6 minutes.*

IX. **Public Hearing:** Jose O. Feliciano – Acadia Views Subdivision

The decision was made that the Public Hearing was necessary after determining completeness of application. The Site Plan requirements were referenced.

Michael Levesque motioned to consider the cabin use as residential based on the general definition.

Seconded by Eric Davis. Motion passed 5 | 2 | 0 – Pricella Ksionzyk, Charlotte Gill opposed

X. **Jose O Feliciano – Acadia Views Subdivision**

Remanded to Planning Board by Board of Appeals  
Failure to review under Land Use Ordinance  
Completeness and Performance Standards

The board continued the discussion on the remand from the Board of Appeals . The need to review under both the Land Use Ordinance and the Subdivision Ordinance was acknowledged.

Jose Orlando Feliciano  
Acadia Views Subdivision Preliminary Plan  
Date of Application: August 20, 2024

PURPOSE: Placement of six rental cabins and convert garage to rental unit located on Map 007, Lots 29 & 31. Parcels contain 4.63 acres.

1. ✓ Location Map
  - Existing subdivisions in proximity of the proposed subdivision;
  - Location and names of existing and proposed streets;
  - Boundaries and designations of zoning districts;
  - Outline of subdivision and any remaining owner's property.

**Copy of Tax Map made part of application**
2. ✓ Other Required Permits: advisory opinion from appropriate federal, state and local agencies as to the application of their rules.

**Letter from Watershed Resource Consultants**
3. ✓ Plans: 2 copies; scale not more than 1" - 100'; 8 copies of the plan(s) reduced to a size of 8 ½ x 11" or 11 x 17".

INFORMATION TO BE SHOWN ON THE PLAN OF THE APPLICATION:

1. Identifying title  
**Shown on plan**
2. Assessor's Map and Lot numbers  
**Shown on plan**
3. Evidence of right, title, or interest in the property  
**Copy of deed made part of application**
4. Field survey of the boundary lines of the tract (General Standard C.1.SECTION VIII)  
**Shown on plan**

5. Date the plan was prepared  
**Shown on plan**
6. North Arrow  
**Shown on plan**
7. Graphic map scale  
**Shown on plan**
8. Name & addresses of owner(s), sub divider, & who prepared plan  
**Shown on plan**
9. Name of adjoining property owners  
**Shown on plan**
10. Number of acres within subdivision  
**Shown on plan**
11. Location of property lines, existing buildings, watercourses, vegetative cover type, other essential, existing physical features.  
**Shown on plan**
12. Proposed lot lines with approximate dimensions and lot areas  
**Shown on plan**
13. Location, names & widths of existing & proposed streets, easements, building lines, parks & other open spaces on or adjacent to the subdivision.  
**Located on plan**
14. Width & location of any streets or public improvements shown on the official map & Comprehensive Plan, if any, within the subdivision  
**None proposed**
15. Parcels of land proposed to be dedicated to public use and conditions  
**None proposed**
16. Location of any open space to be preserved, improvements & management  
**None proposed**
17. Names & addresses of owners of record of adjacent properties  
**List of abutters made part of the application.**
18. Location of any shore land Zoning boundaries affecting the subdivision  
**No portion of proposed subdivision is in shoreland zone**
19. Boundaries of any flood hazard areas & 100-year flood elevation  
**No portion of proposed subdivision is in flood zone, copy of flood map made part of application**
20. Required for subdivision, near bodies of water: contour lines at interval specified by Board showing elevations in relation to NGVD  
**Elevations shown on plan**
21. Indication of type of sewage disposal to be used within subdivision
  - a) **public sewer: a letter shall be submitted from the Town indicating that there is adequate capacity within the Town's system to transport and treat sewage**
  - b) subsurface wastewater disposal: test pit analyses, prepared by a Licensed Site Evaluator
  - c) centralized or shared subsurface sewage disposal system: prepared by a licensed site evaluator or

22. Indication of the type of water supply to be used.
  - a) **public water supply: a letter from the S.W. Harbor Water Company indicating adequate supply and pressure & approving the plans for extensions where necessary.**
  - b) Where the S. W. Harbor Water Company's supply lines is to be extended, a written statement from the Fire Chief (or assistant), stating approval of the location of fire hydrants.
  - c) evidence of adequate ground water supply and quality may be requested by the Board, and this shall be submitted by a well driller or a hydro-geologist familiar with the area
23. Copy of the deed from which the survey was based; copy of all covenants or deed restrictions, easements, rights-of-way, etc.  
**Copy of deed made part of application**
24. Copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.  
**None**
25. Copy of the portion of the State Soil Survey covering the subdivision.  
**Copy made part of application**
26. Adequate storm water management plan.  
**Needs to be made part of application**
27. Location & size of existing & proposed wells, subsurface sewage systems, culverts, & drainage ways on or adjacent to subdivision.  
**Town water & sewer**
28. Determination that proposed subdivision will not adversely affect the quality or unreasonable affect the shoreline of any body of water.  
**No portion of subdivision located in shoreland zone**
29. Map identifying all freshwater wetlands regardless of size, rivers, streams, brooks within or abutting the subdivision.  
**Delineated on plan**
30. Estimate of the amount & type of vehicular traffic to be generated on a daily basis and at peak hours.  
**Note on plan**
31. Statement of financial capacity demonstrating the financial ability of the sub divider to complete the project.  
**The letter from Machias Savings Bank needs to be made part of application.**

After reviewing the Subdivision Preliminary Plan, the board identified that the following was needed before the plan can be deemed complete:

- Submission of a stormwater management plan prepared by a professional engineer.
- A statement of financial details.

Lee Worcester motioned to consider the application complete subject to the submission of the identified deficiencies

Second by Priscilla Ksionzyk. Motion passed 5 | 2 | 0 - Eric Davis, Michael Levesque opposed

COMPLETENESS: Section VIII (C) (4) (c) of the LUO requires each application to include 14 site plan requirements, *If applicable*:

- 1) Scale, north arrow, and names of abutting property owners:  
**Shown on site plan**
- 2) Dimensions and area of each lot to be built upon or otherwise used:  
**N/A All same lot**
- 3) Location of any wells on the lot or within 100' of property lines:  
**N/A None shown on property**
- 4) Name and location of any abutting water body  
**Shown on plan**
- 5) Location of any streams, brooks, and wetlands:  
**A forest wetland has been identified on plan**
- 6) Areas to be cleared and areas of any cut, fill, grading, or other earthmoving activity:  
**Needs to be provided**
- 7) Size, shape, and location of existing and proposed buildings and/or structures including dumpsters, piers, docks and floats, noting setbacks from lot lines, rights of ways, waterbodies, etc.:  
**Provided on site plan**
- 8) Outdoor lighting and signs: existing and proposed locations:  
**Lighting needs to be shown on the plan and be night sky compliant**
- 9) Sewer & water facilities & connections: existing and proposed:  
**Letter Provided**
- 10) Locations and layout of parking areas, and all existing and proposed parking spaces (including spaces for commercial vehicles) measured to the standards in the Ordinance. Legally non-conforming spaces must be noted:  
**Provided in site plan**
- 11) Locations of existing and proposed roads/driveways and the distance of each from the nearest lot lines:  
**Shown on plan**
- 12) Names and location of existing or proposed rights of ways and easements on site, or abutting the property  
**Setback of driveway from the Guerette's property line needs to be provided**
- 13) Existing grades and any proposed changes in grades:  
**N/A No additional proposed changes**
- 14) A Soil erosion and sedimentation control plan:  
**Needed**

After reviewing the LUO completeness, the board identified that the following was needed before the plan can be deemed complete:

- Submission of an erosion control plan prepared by a professional engineer.
- A statement from the applicant declaring any past or present earthmoving activity done on the entire site and all evidence of CEO permits.
- Outdoor lighting and signs need to be shown on the plan and be night sky compliant.
- The setback of the driveway from the direct property line needs to be specified.

Lee Worcester motioned to consider the application complete subject to the submission of the identified deficiencies

Second by Eric Davis. Motion passed 6 | 1 | 0 – Priscilla Ksionzyk opposed

Public comments and concerns:

- Discussion to continue the public hearing on Thursday May 1, 2025

XI. **CEO Issues: Proposed Ordinance Changes**

CEO John Larson presented and discussed updated Bylaws to the board.

Michael Levesque motioned to accept the Bylaws as presented.

Seconded by Charlotte Gill. Motion passed 7 | 0 | 0

XII. **Next Meeting Date: Regular Planning Board Meeting, April 17, 2025 @ 6:00 PM**

Michael Levesque motioned to schedule the next meeting for Thursday, April 17, 2025

Seconded by Charlotte Gill. Motion passed 7 | 0 | 0

XIII. **Adjourn Meeting:**


Michael Levesque motioned to adjourn the meeting at 9:20 PM

Second by Priscilla Ksionzyk. Motion passed 7 | 0 | 0

Respectfully submitted,

Madilynn Michaud  
Deputy Town Clerk

APPROVED

  
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Planning Board, Chair

Date:   
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