



**Town of Southwest Harbor
Planning Board Minutes September 2, 2025
Town Office and via Zoom 6:00 PM**

I. Call to Order

Eric Davis called September 2, 2025, Planning Board meeting to order at 6:00pm.

II. Roll Call

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

Absences: None

III. Adoption of Agenda:

John Williams motioned to adopt the agenda
Second by Lee Worcester. Motion passed 7 | 0 | 0

IV. Approval of Minutes: August 19, 2025

Minutes not available

V. Conflict of Interest: Michael Levesque recused himself for personal bias.

VI. Old Business:

Coastal Maine General Construction, Inc./Christopher J. Toomey Trust
Tax Map 017 Lot 008 renovate existing boat building/storage building creating 6
apartments and storage space.
Performance Standards - Findings of Fact

Coastal Maine General Construction, Inc for Christopher J. Toomey Trust
Map 017-008 - six apartments and storage @ 200 Seawall Road in B Zone

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:** Activities 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 buildings and for parking lots and driveways) and will have to be deeper or more dense than what is called for under Levels 1 and 2.

BUFFERING LEVEL DETERMINED TO BE: LEVEL 1

Motion: Michael Levesque motioned that it is a Level 1 buffering, 2nd by Eric Davis
Motion passed 7-0

B. Driveway and Driveway Opening Standards:

MDOT entrance permit made part of application

C. Erosion and Sedimentation Control Standards:

Not applicable because there will be no soil disturbance

D. Exterior Light Standards:

All exterior lighting will be shielded and down facing

E. Fill and Excavation Standards:

Not applicable because there will be no additional fill or excavation proposed

F. Fire Protection Standards:

Conditioned on State Fire Marshall Approval – to be designed and submitted to State Fire Marshall upon Planning and Zoning Approval.

G. Flood Hazard Area Standards:

No portion of project located in Flood Zone.

H. Handicapped Access Standards:

Apartment 1 (studio) & 3 (2 bedroom) will be handicap compliant. The Sliding glass door for Apartment 3 will be changed to a 3068 Door. Handicap ramps will be provided at both apartments. Handicap Bathrooms will also be provided at these locations.

I. Heavy Commercial or Industrial Pollutant Standards:

No dangerous materials subject to State of Maine codes proposed.
No dust, dirt, ash, smoke fumes, heat or glare to endanger public health and safety proposed.

J. Noise Standards:

No noise which is objectionable due to volume, intermittence, beat frequency or shrillness proposed except noise necessarily involved in the construction.

K. Parking and Loading Standards:

Adequate parking proposed and shown on site plan.

L. Road Standards:

No new roads proposed.

M. Sewage Disposal Standards:

Project to utilize Town water and sewer. Letter from District stating adequate capacity.

N. Sign Regulation Standards:

No new sign proposed.

O. Soil Standards:

No new site work, structures or soil disturbance proposed.

P. Stormwater Runoff Standards:

No new site work, structures or soil disturbance proposed. Adequate provision has been made so surface waters shall not adversely affect neighboring properties as shown on site plan.

Q. Stream Standards:

No stream identified on site plan.

R. Vibration Standards:

No inherent and recurrent vibration if generated shall not leave property except for construction activities.

S. Water Quality Standards:

No soil disturbance proposed, and no activity shall deposit on ground or discharge to the waters of the State.

T. Water Supply Standards:

The project to utilize Town water and letter from Water District states they have adequate capacity.

Motion: Eric Davis motioned that the applicant has met all Performance Standards, 2nd by Michael Levesque, the motion passed 7-0

Old Business (con't)

E.M.R. Inc, Tax Map 013 Lot 014
Preliminary Plan for 12 lot subdivision for a 12 lot subdivision
Trundy Farm Subdivision

Michael Levesque recused himself.
Lee Worcester recused himself as an Officer of E.M.R. Inc

Continuation of Public Hearing

Refer to recording 9-2-2025 located on Town's Web Site.

Public Hearing closes at 7:05pm

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: Letter from Water District stating proposed subdivision will not cause unreasonable burden on existing water supply.

Motion by: Eric Davis
Discussion: None

seconded by: John Williams
The motion carried unanimously.

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 NA

Reasons: See stormwater management report by G.F. Johnston & Associates and made part of application.

Motion by:
Discussion: None

seconded by:
The motion carried unanimously.

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 ✓ Not Met NA

Reasons: Based on traffic calculations, the proposed subdivision will not cause unreasonable public road congestion or unsafe conditions,

Motion by: Eric Davis
Discussion: None

seconded by: John Williams
The motion carried unanimously.

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 ✓ Not Met NA

Reasons: Based on letter from Sewer District, the proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services.

Motion by: Eric Davis
Discussion: None

seconded by: John Williams
The motion carried unanimously.

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 Not Met NA

Reasons: The Town of Southwest Harbor is under contract with E.M.R. for disposal of solid waste.

Motion by: Eric Davis
Discussion: None

seconded by: John Williams
The motion carried unanimously.

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 Not Met N/A

Reasons: 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 (see letter from Maine Historic Preservation)

Motion by: Eric Davis
Discussion: None

seconded by: John Williams
The motion carried unanimously.

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 ordinances and plans;

Met ✓ Not Met N/A

Reasons: The Planning Board considered the potential for pollution and other hazards. This includes evaluating the risks related to the nature of the soil, the slope of the land, and the potential for contaminants. The proposed subdivision will use Town water and sewer.

Motion by: _____ seconded by: _____
Discussion: None The motion carried unanimously.

- 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 ✓
Reasons: No portion of proposed subdivision located in Flood Zone.

Motion by: Eric Davis seconded by: John Williams
Discussion: None The motion carried unanimously.

- 14. Freshwater Wetlands.** All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of local soil and water conservation district;

Met ✓ _____ Not Met _____ N/A

Reasons: All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

Motion by: Eric Davis seconded by: John Williams
Discussion: None The motion carried unanimously.

- 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: All rivers, streams or brooks within or abutting the proposed subdivision have been identified on any maps submitted as part of the application.

Motion by: Eric Davis
Discussion: None

Seconded by: John Williams
The motion carried unanimously.

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

Met ✓ Not Met N/A

Reasons: The proposed subdivision will provide adequate storm water management based on plan developed by G.F. Johnston & Associates and made part of application.

Motion by: Eric Davis
Discussion: None

Seconded by: John Williams
The motion carried unanimously.

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: No portion of proposed subdivision is in shoreland zone.

Motion by: Eric Davis
Discussion: None

seconded by: John Williams
The motion carried unanimously.

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: No portion of proposed subdivision is in shoreland zone or abuts a great pond.

Motion by: Eric Davis
Discussion: None

seconded by: John Williams
The motion carried unanimously.

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 ✓

Reasons: No portion of proposed subdivision abuts adjoining municipality.

Motion by: Eric Davis

seconded by: John Williams

Discussion: None

The motion carried unanimously.

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 ✓

Reasons: No portion of proposed subdivision has been harvested.

Motion by: Eric Davis

seconded by: John Williams

Discussion: None

The motion carried unanimously.

Other terms and conditions: Items 1, 4, 9, 12 to be revisited

VII. New Business:

None

VIII. CEO Issues: Proposed Ordinance Changes

Meeting to discuss proposed Ordinance Changes to be October 7, 2025

IX. Next meeting date: September 30, 2025

Eric Davis motioned to hold next Planning Board meeting September 30, 2025
Seconded by John Williams. Motion passed 7 | 0 | 0

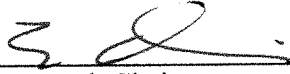
X. Motion to Adjourn Meeting

Eric Davis motioned to adjourn Planning Board meeting September 2, 2025
Seconded by John Williams. Motion passed 7 | 0 | 0

Respectfully submitted,

John Larson
Code Enforcement Officer

APPROVED



Planning Board, Chair

Date: 3/31/2026