



Southwest Harbor Planning Board  
Regular Meeting  
October 16, 2014 @ 6:00 PM  
Municipal Town Office

**MINUTES**

- I.** Call to Order/Roll Call: The meeting was called to order by acting chairman Ryan Donahue at 6:00 p.m. Present: Eric Davis, Chris Rawls, Chad Terry, Mike Mansolilli, Mike Magnani and CEO Donald Lagrange. Lee Worcester was excused.
- II.** A motion was made by Chris Rawls to accept the minutes of June 5, 2014 as amended. Seconded by Ryan Donahue and voted 5/0/1 in favor with Mike Magnani abstaining.
- III.** No visitors were in the audience to be heard
- IV.** First item on the agenda was Karen Roper and Aaron Sprague of 200 Seal Cove Road, Map 13, Lot 28 requesting approval for eight (8) rental cabins and a multi-purpose building. The septic system is designed for only four (4) cabins, a multi-purpose building and a two (2) bedroom house. The house is a CEO application. The applicant is asking the Planning Board to approve the project in its entirety to include the eight (8) units and multi-purpose building with condition they can build four (4) units and multi-purpose building upon approval and the remaining four (4) units upon submission of an upgraded septic system design and installation. The applicable Land Use Ordinance section is Section VII, Standards for Special Activities, subsection (M) which classifies this as a commercial use and Section VIII, subsection (B) (2) (b) requiring Planning Board review for commercial uses greater than 250 square feet.

**Completion of Application:**

After amending a typo in #9 from (8) to (10), Eric Davis moved the following application requirements are complete, seconded by Mike Mansollili and voted in favor 6/0/0.

- 1) Scale, north arrow and names of abutting property owners. (OK)  
North direction and list of abutting properties are represented
- 2) Dimension and area of each lot to be built upon or otherwise used: (OK)  
Noted on site plan
- 3) Location of any wells on the lot or within 100' of property lines: (OK)  
Location of the well has not yet been determined however, based on the location of the septic system, the well is required to be 100' from the system or abutting systems. The wells on abutting developed properties are greater than 100' from the proposed septic system.
- 4) Name and location of any abutting water body, streams, brooks and wetlands: (N/A)  
No water bodies indicated on site plan.
- 5) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: (OK)

- Activities in conjunction with construction are allowed as part of the permit.
- 6) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. Include setbacks from lots lines, rights of way, and water bodies: (OK)  
The lot is located in Zone B and the building envelop is noted on the plan showing the minimum setback requirements from side and rear lot lines and from Seal Cove Road. The location of the buildings are noted on plan.
  - 7) Outdoor lighting, signs: Existing and proposed locations (OK)  
No signs indicated on plan. Outdoor lighting will be screened according to Section VI (E).
  - 8) Sewer and water facilities: Existing and proposed (OK)  
Septic design included with application. Water (tbd) will be supplied by private supply.
  - 9) Layout and location of parking areas with existing and proposed parking spaces (including commercial vehicle parking). Legal non-conforming parking spaces to be noted: (OK)  
Ten ~~(8)~~ (10) spaces required for proposal and two required for residence are noted on plan.
  - 10) Location of existing and proposed roads/driveways with setback from nearest lot line: (OK)  
Existing drive clearings to be utilized.
  - 11) Name/location of existing or proposed right of way and easements on the site or abutting the property: (N/A)  
No right of ways or easements proposed
  - 12) Existing grades and any proposed changes in grades. (NA)  
There are no changes in grades
  - 13) Soil Erosion and Sedimentation control plan: (N/A)  
The applicant represents to place staked hay bales or comparable erosion control methods downhill from construction site.
  - 14) Freshwater wetlands or hydric soils: (NA)  
Not applicable
  - 15) Plans for proposed structures must include access and dimensions, elevation plan showing height of the building and all floor plans: (OK)  
Proposed single story cabins are proposed
  - 16) Buffering/Landscape plan as described in Section VI. (TBD)  
This is a commercial proposal that requires buffering. Considering the natural vegetation on the north and east sides, additional buffering in those areas should not be necessary. The west side abuts two lots that would require some buffering to be determined by the Planning Board.

**GENERAL REGULATIONS/STANDARDS:**

The property is in compliance with any applicable ordinance and meets all the requirements of Section II of the LUO.

**RIGHT, TITLE, INTEREST:**

A purchase and sale agreement between the owner and applicant provides standing for the applicant.

**PROJECT KEY PLAN:**

Attached to the application

**SITE PLAN:**

Part of the Key Plan

**STANDARDS FOR SPECIAL ACTIVITIES:**

Section VII, (M) of the LUO was submitted to Planning Board with application.

**PERFORMANCE STANDARDS:**

**B Clearing of vegetation**

Clearing of vegetation is required for review in shore land zones. This parcel is located inland in Zone B and therefore review is not necessary.

**C. Driveway and Driveway opening**

No changes in the entrance or the size of the opening. This is not applicable.

**F. Fill and Excavation**

As required for construction purposes.

**G. Fire Protection**

None is required by the standards of the LUO.

**H. Flood Hazard Permit**

Location of proposed structure is not in the Flood Zone as indicated on the FEMA maps and a permit is not required.

**J. Heavy Commercial or Industrial Pollutants**

Not applicable due to the use of structure being non-industrial.

**K. Noise**

Except for activities during construction, this commercial use does not require any review criteria for noise control.

**M. Road Standards**

Access to be provided by driveways. No roads.

**O. Sign Regulations**

Sign applications to be submitted to CEO for approval.

**R. Stream Standards**

No stream on parcel

**S. Vibration Standards**

There will be no vibration activity on site during construction or post construction.

**T. Water Quality Standards**

There are no activities which require water quality monitoring or assessment.

**U. Water Supply Standards**

Water Supply Standard is not applicable.

Review of performance standards C, F, G, H, J, K, M, O, R, S, T and U were found not applicable per reasons as stated above, as moved by Ryan Donahue and seconded by Eric Davis. Board voted in favor 6/0/0

The following performance standards were reviewed as applicable to the request:

**A. Landscaping/Buffering**

Board in agreement the existing vegetation is suitable for buffering and required no thinning to impact abutters visually to commercial activity. The applicant represented to install a 6' tall solid fence to buffer the parking area from the abutters.

**D. Erosion/Sedimentation Controls**

Staked hay bales or comparable methods will be required downhill from any construction site for erosion and sedimentation controls. Applicant has stated the contractor will provide erosion control measures as required and will be in place prior to any construction.

**E. Exterior Lighting**

Exterior lighting will be installed according to the Land Use Ordinance. Lighting has not been located on the site plan, however, shielded lights is a condition of this application as represented by the applicant to prevent direct light from being visible outside property lines.

I. Handicap Access

State Fire Marshall commented yurt construction and did not provide ADA language.

K. Noise

As in (A) above, existing vegetation will not be thinned to provide a noise barrier to abutting residential properties.

L. Parking and Loading Standards.

Ten (10) parking spaces are indicated on the site plan required by the LUO. Additional parking may be constructed for the two bedroom single family dwelling.

N. Sewerage Disposal Standards

A septic system design was accepted for (4) cabins, multi-purpose building and (2) bedroom house. Additional four (4) cabins will require an updated septic system and installation prior to permitting the additional four units..

P. Soil Standards

The Planning Board determined construction will not cause an adverse impact on the environment including, but not limited to, erosion, soil movement, improper drainage and water pollution.

Q. Storm Water Runoff Standards

The proposal has been designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions with flow to Seal Cove Road and along the existing swales.

A motion by Davis the above performance standards are conditions to the application. Seconded by Chris Rawls and voted in favor 6/0/0.

A motion was made by Eric Davis to approve the application of Karen Roper and Aaron Sprague for the construction of (8) yurts and a multi-purpose building at 200 Seal Cove Road subject to the following, seconded by Mike Mansollili and voted in favor 6/0/0:

1. The property may be developed and used only in accordance with the plans, documents, and materials submitted with the permit application.
2. This approval is based on information provided by the applicant/owner regarding the ownership of property and boundary location. The applicant has the burden of ensuring that he/she has a legal right to use the property and that he/she is measuring required setbacks from the legal boundary lines of the lot. The approval in no way does not relieve the applicant of this burden, nor does it constitute a resolution in favor of the applicant on any issues regarding the property boundaries, ownership, or similar title issues. The applicant/owner would be well advised to resolve any such title problems before expending money in reliance on the approval of this permit.
3. The applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance.
4. This permit does not relieve the applicant's responsibility of other applicable State and Federal permit requirements.
5. Four (4) yurts (cottages) may be built after CEO permitting.
6. Multi-purposed building may be constructed upon review of structure by CEO and permitting.

7. Additional (4) yurts (cottages) may be constructed upon septic system upgrade and permitting from CEO.
8. Two bedroom single family residence may be constructed with CEO approval and permitting.
9. All above conditions to be completed prior to occupancy.

**V. Ordinance Review**

1) A consensus of the planning board was made to pursue the possibility of amending the road ordinance to provide for road acceptance by the Selectmen if a road is built to town standards. The CEO suggested to have a sample inspection list for the next meeting. The Planning Board agreed an engineer should review the road ordinance for standards.

2) The CEO suggested the Land Use Ordinance setback requirements for small non-conforming lots be amended to provide relief to the minimum 15' side and rear property setback. The PB questioned set back relief with abutter approval however the CEO suggested legal complications would ensue. The PB gave its consensus to proceed with more info at the next meeting.

**VI. Other Business.**

There was no other business heard

- VII.** Mike Magnani moved to adjourn the meeting at 8:00 PM, seconded by Chris Rawls and voted in favor 6/0/0