

Southwest Harbor Planning Board  
October 21, 2010 at 6:00 p.m.  
Southwest Harbor Town Office

MINUTES

I. Roll Call/Call to Order: The meeting was called to order at 6:05 p.m. Present: Gordon Wissinger, Lee Worcester, Michael Magnani, CEO Donald Lagrange, Chris Rawls; Eric Davis arrived at 6:16 p.m. Ryan Donahue arrived at 7:11 p.m.

Visitors: Warren & Dottie Worcester, Greg Johnston, Marc Chalfoun

II. Visitors to be heard not on the Agenda: none

III. Approval of minutes of meetings: August 19, 2010 and September 16, 2010. It was Moved (Magnani) and Seconded (Wissinger) to approve the minutes of September 16, 2010 as presented. Vote: 4 – 0

It was Moved (Magnani) and Seconded (Rawls) to approve the minutes of August 19, 2010 as presented. Vote: 4 - 0

IV. Findings of Fact:

a. Finding of Fact: Dean Henry & Alice L. Downs, Map 4, Lot 66, 14 Winding Lane, Zone C. It was Moved (Rawls) and Seconded (Magnani) to approve and sign the finding of fact for Dean Henry & Alice L. Downs as presented. Vote: 4 – 0.

b. Finding of Fact: Shawn Robinette & Brian White, 204 Main Street, Map 7 Lot 22, Zone A. It was Moved (Wissinger) and Seconded (Rawls) to approve and sign the finding of fact for Shawn Robinette & Brian White, and that # 14 should be labeled #13. Vote: 4 – 0.

V. Preliminary Subdivision Review: Anna's Quieside Cottages, Forest Ave, Map 6, Lot 57. The Planning Board agreed that Part 1 of 3 "the Review Criteria for Subdivision Approval, was completed at the last meeting. Board members signed part 1 of that review criteria.

Greg Johnson, agent for the applicant, said the application hasn't changed but is now more detailed. Wissinger reviewed the ordinance parameters, which indicates that the Planning Board (PB) can only do the completeness portion of the application at this meeting, after which time they have 30 days to notice a second public meeting after which they will review the criteria, part 2 of 3, and then the PB has 30 days to issue the finding of fact. Wissinger is not available

November 4<sup>th</sup>. The Board members present are all available on November 18<sup>th</sup>, as is the applicant.

Completeness:

Item #1: Location Map: PB is ok with all parts of this item.

Item #2: Other required permits: Applicant received opinion from Dept of Inland Fisheries and Wildlife – no issues; submission made to Maine DEP re a utility crossing of a forested wetland on the north boundary. Maine Historic Preservation letter submitted with no response received. Maine DOT submission answered that there is no need for permit from them. Fire Marshall submission has indicated they do not need to review the application. CEO is not aware of any other agencies that need to be contacted. PB OK.

Item # 3: Plans are provided as needed. PB OK.

Information to be shown on the plan or accompanying the application: Sub items 1 through 31 with #12 as n/a; # 22C as n/a; #28 is n/a; All items OK attention to: Sub item # 9 – adjoining property owners: Noted by the PB that Dubois is incorrect as listed on the plan, and should be changed to McCarson LLC. Applicant will do this; Sub item # 17 – change Dubois address to McCarson LLC address; Sub-item # 31 – Statement of Financial capacity: PB noted that their review of this item is directly related to the applicant’s financial ability to complete all infrastructure improvements for this project, which includes storm water management. The PB is satisfied that the Bank letter enclosed in this application does address the applicant’s ability to do so.

It was Moved (Wissinger) and Seconded (Worcester) that the preliminary application is complete with the correction of the adjoining property owner name and address and that the following items are not applicable to the review: Items: # 12, # 22C and # 28. Vote: 6 – 0; Johnson asked if the PB needs any further demonstration of financial capacity. Board Chairman said the utility, roads, infrastructure and storm water management plan components were identified, and the Board is satisfied that the applicant has demonstrated financial capacity to address those issues.

- VI. Review Zoning Adjustment between Herrick Road & Seal Cove Road. Lagrange asked the Board to look at this area abutting Main Street and a couple of lots on Herrick Road. They are restricted in use as Residential Shoreland zone, and CEO has had a request to change one lot from Residential Shoreland to Zone B. He suggested including all the perimeter lots in this proposed change of zone. Chairman said there should be an actual request made formally by property owners to make a change and all parties in the surrounding area should be notified of a request to be re-zoned and the Board should seek input. Wissinger suggested that the lot owner who requested the change, be the one that is addressed, rather than extending it to the entire area. Worcester said this will have to go before the voters if it is recommended as a change. Lagrange will put together more information for the Board. CEO notified the Board that there will be one more

application coming in from the Kingsliegh Inn for decks around the perimeter of the building for the meeting on the 4<sup>th</sup> of November. There will be one more application coming in from the Kingsliegh Inn for decks around the parameter of the building for the meeting on the 4<sup>th</sup> of November.

VII. Ordinance Review - none

VIII. Meeting Schedule/Other Business: The Planning Board will meet to complete review of Anna's Quietside Cottages Phase II on November 18, 2010 at 6:00 p.m. This will be noticed as a public meeting.

IX. Adjournment: It was Moved (Wissinger) and Seconded (Magnani) to adjourn the meeting at 7:55 p.m. Vote: 6 – 0.