

Southwest Harbor Planning Board
November 4, 2010 at 6:00 p.m.
Southwest Harbor Town Office

Minutes of Meeting

- I. Roll Call/Call to Order: Meeting called to order at 6:07 p.m.
Present: Michael Magnani, Eric Davis, Lee Worcester, Chris Rawls.
Excused: Ryan Donahue and Gordon Wissinger.

Visitors: Danielle and Robert Davis; Mr. & Mrs. Brian Stevens.
- II. Visitors to be heard not on the Agenda: Danielle Davis requested the Board review the zoning for the Ferne R. Leonard property at 269 Main Street, corner of Main Street and Herrick Road. The property does not meet the Shoreland zone criteria. Leonard would like the property re-zoned to either B or C as many commercial properties surround the property. Davis provided a survey which indicates the position of the property in relation to the 250' line. Worcester said the Board needed to consider whether they would schedule a hearing to allow other neighbors to express their interest or non-interest in being re-zoned. He said the house having water and sewer is eligible for high density zoning. Worcester polled the Board – are they interested in proceeding with this request? The Board will have this on the agenda November 18th for discussion. Worcester said the Board can suggest the change, hold public hearings and have it put on the Town Meeting warrant in May or the Board may choose not to take a position on the issue. Magnani said he sees no reason not to proceed but suggested it be very transparent.
- III. Approval of minutes of meetings: October 21, 2010: It was Moved (Magnani) and Seconded (Davis) to approve the minutes of October 21, 2010 as presented. Vote: 4 - 0
- IV. Applicant: Leeleigh, LLC, Map 003, Lot 089, 373 Main Street, Zone A; Purpose: to extend decking around perimeter of building. The Chairman read the memo from the CEO. It was Moved Davis and Seconded Rawls that this application is complete. Vote: 4 – 0.

Performance Standards: Reference the memo from the CEO the following standards are not applicable: b, c, d, f, g, h, I, j, k, m, n, o, p, q, r, s, t, u. The applicable standards are: a, e, and l. The CEO recommended performance standards be approved as submitted. It was Moved (Davis) and Seconded (Magnani) that performance standards b,c,d,f,g,h,I,j,k,m.n.o,p,q,r,s,t and u are not applicable and that performance standards a, e, and l are applicable. Vote: 4 – 0 Chairman asked if there was any discussion related to the applicable performance standards. Applicant said he wants to remove all flood lights and add shielded direct down-lighting from the ceiling of the porch or shielded side lights. Worcester asked if item e should be changed to note that it is shielded. Applicant is going to change the lighting to be in compliance with the ordinance. Worcester asked CEO what would need to be done when the new lights are placed. CEO said all the applicant needs to do is state that all changes to lighting will be shielded and it will meet the requirement of the ordinance.

It was Moved (Rawls) and Seconded (Magnani) that the application of LeeLeigh, LLC be approved with the condition that all future lighting will be shielded in accordance with the conditions of the Land Use Ordinance. Vote: 4 – 0

VI. Ordinance Review: At the polls, Article 5 was not approved as presented. The Board discussed the method of presenting these changes for the upcoming May 2011 Town Meeting. CEO asked about approving Section VIII saying: “to avoid duplication”. It is not known whether this will be acceptable wording for a warrant. CEO will work on a variety of wording and attempt to get approval from management.

CEO discussed State of Maine Building codes saying when a house is built, it must be built under those codes. The law says towns under 2,000 will not have to inspect, but insurance and real estate firms will be requiring confirmation which means a 3rd party inspection. Contractors cannot self-inspect. Magnani said he has had experience with inspectors in other Cities. Davis clarified that in the case of this Town it would only happen if an insurance company or bank required an inspection. CEO said existing buildings have a different code.

Worcester referred to the enclosure in the Planning Board packages of suggested ordinance changes. He also asked that the separation of ordinance changes (Article 5) be e-mailed to members. February 1 is the deadline for any Town Meeting ordinance changes that will go before the voters in May of 2011. Magnani expressed concern over changing zones and suggested explicit reasons be listed for the zone change. Worcester said if the PB suggests the change it needs to list explicit reasons. In the case of the current request, it is fairly clear. Rawls said the last time there was a zoning change at the Town Meeting the PB did make a presentation, there were lots of questions and it took a lot of members to explain the proposed change. CEO asked if the agenda would include more than the Leonard property. Worcester said if only Leonard is looking for a zone change she does not need the Planning Board. If the PB is stepping in, they should look at the "region". This item will be "for discussion" at the next meeting without abutters being notified.

VII. Meeting Schedule/Other Business: The next meeting is November 18th – there will be a discussion of zones at that meeting, and a site plan and a subdivision review. No public will be invited concerning the zone discussion.

VIII. Adjournment: It was Moved (Rawls) and Seconded (Davis) to adjourn the meeting at 7:23 p.m.