

Southwest Harbor Planning Board
February 3, 2011
6:00 p.m. – Southwest Harbor Town office

MINUTES OF MEETING

I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m. Present: Lee Worcester, Gordon Wissinger, Ryan Donahue, Eric Davis, Chris Rawls; Code Officer: Donald Lagrange

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

III. Approval of outstanding minutes

IV. Anna's Quietside Cottages, Final Approval. At the Jan 20th meeting the application was complete and in compliance and at this meeting the Board will review subdivision criteria for final approval. CEO passed out the preliminary findings for the Board to work from during this review. Chairman said the Findings of Fact for the preliminary subdivision plan needs to be approved. CEO made some changes today, and said the Board should go through the checklist item by item.

Chairman: The board will begin reviewing the preliminary findings approved at the prior meeting, to result in the preliminary Finding of Fact.

Pollution: no change

Water Supply: no change

Ground Water: no change

Erosion: noted typo: Wissinger – question on wording concerning re-vegetating of roads – Johnston said that should be shoulder of roads.

Storm Water: Wissinger asked if 'discharge rate would be on site' was correct: Johnston corrected wording to 'run off discharge will be retained on site'.

Waste Disposal: no change

Solid Waste Disposal: no change

Traffic: Wissinger proposed "f" change to 'all roads will be designed to be 18' wide with 3' shoulders on each side; Johnston noted – add to item "f" that Driveways will be constructed in accordance with Section VI c. Note on Section VIII b – insert: 'additional trips generated require no further permitting' through the State DOT letter information. Section VIII d – design standards for subdivision road (add roads after the word subdivision). Board agreed to changes.

Aesthetic, Cultural and Natural Values: no change

Surface Waters: no change

Conformity with Local Ordinances and Plans: Johnston suggested section XI d – exterior lighting – should read all lighting should be shielded and downward pointing – not down lighting. Wissinger – section b – more specifically project in compliance as discussed in items 4, 5 and 9 should be inserted – insert under section d – the same but for items 4 & 5, and item j is not applicable as decided at the prior meeting. Board agreed.

Floodwaters – no change – property is not in a flood hazard area

Freshwater Wetlands, Rivers, Streams or Brooks – none within or abutting the subdivision and standard 13 is not applicable.

Financial and Technical Ability: the applicant's capacity is adequate for preliminary approval, but a bond is required for the final plan for infrastructure that connects to the Town facilities (insert after Town Facilities "prior to each phase of construction"). The Board agreed to this insertion.

Monumentation – this has been done. No change.

Other conditions for approval of the Final plan:

Applicant will not remove topsoil from the site

Private solid waste service if Town service is not available

List of items to be bonded for final plan

Provide E911 information for roads and driveways

It was Moved (Donahue) and Seconded (Rawls) that the Planning Board approves and will sign the preliminary subdivision plan for Anna's Quieside Cottages Phase II as amended. Vote : 5 - 0

Final Plan Submission: Chairman said the Board has already voted that the Final Plan is complete. The Board proceeded to review compliance. Wissinger asked the applicant what changed between the preliminary plan and the final plan. Johnston said the name of an abutter was changed. Wissinger said it appeared that since nothing else has changed, the Board should only have to concern itself with financial capacity. Johnston provided financial information that was requested. Wissinger said the same four conditions that were included in the preliminary along with the amendments. It was Moved Wissinger and Seconded Davis that items 1 – 13 and item 15 have been covered in the amended preliminary plan and do not need to be reviewed again. Motion withdrawn; second withdrawn. It was Moved Wissinger and Seconded Davis that the Finding of Fact for the preliminary plan on items 1-13 and 15 be carried forward as amended, including the conditions and that they be applied to the final plan. Vote: 5 – 0.

The Board reviewed Financial and Technical Capacity, item #14. Johnston asked if the Board understood the type of guarantee that the applicant was providing the Town. Board asked the applicant to review again. Johnston said there are some improvements that might affect the town, concerning water and sewer connections. Applicant will get an insurance bond for whatever portion of water or sewer systems that will be done, as each phase is undertaken. As storm water management is done, it will be bonded by phase. Wissinger asked CEO if these bonds were adequate. CEO said the bonding appeared to be adequate. Johnston said an insurance company will not give someone a bond for less than the cost of the project.

It was Moved Donahue and Seconded Rawls that Item 14, Financial and Technical ability be moved to the final plan as submitted and further finds the applicant has provided a bank letter which indicates adequate and sufficient financial proof to cover the Town's liability for the phases of this project. Further, that the applicant has agreed to provide bonding prior to each phase of construction and this satisfies the final plan. Vote: 5 – 0.

The Board has approved the criteria. It was Moved Wissinger and Seconded Rawls that the final plan submission of Anna's Quieside Cottages Phase II is deemed complete and the Board approves the application in accordance with the review criteria as stated previously with four conditions. Vote: 5 – 0.

Lagrange informed the Board that there is a training session for all Boards and Committee's at 6:00 p.m. at the Fire Station with pizza at 5:30 p.m. on March 1st.

The Board began the workshop portion of the meeting. CEO said the definitions of the ordinance carry through all the way – and the map was approved as it was part of the ordinance. CEO feels there is a mistake in the map since Shoreland Zoning has a portion at the Herrick Road going beyond 250' which is in conflict with the ordinance. Therefore the zone was mapped incorrectly but described properly. CEO recommends the map match the written copy. Discussion was held as to how to present this to the voters. He suggested a warrant article for the voters to decide if the map should be changed to match the written copy. Chairman said the Board should take a position and present it to the voters that way. It was Moved Worcester and Seconded Davis to accept the CEO language presented for delineation of the Shoreland Zone which matches the map to the ordinance language which already exists in Section XIII of the LUO. Vote: 4 – 1 (Wissinger).

Wissinger said the Board is waiting for CEO to summarize other proposed changes. He noted that the Board has not voted on the separation of the ordinance into LUO and Shoreland. Worcester said if the Board is going to get to the fundamentals of the Ordinance, the separation is a good thing to present to the Town. Nothing is being changed, except that it is its own document. Wissinger said the Board has two weeks to review these proposals to be sure they are accurate, and does the Board have the time to commit to in order to make sure this happens. Wissinger asked for a package of all items that they will take to the Selectmen to compare against his notes to what he believes the Board voted on.

Changes to Zones B & C are driven by utilities and their availability. The Board reviewed the re-write presented by the CEO. The suggested deletion of Zone C must be part of the Changes to Zone B warrant. CEO said there were changes, some things were eliminated. Donahue asked, under Zone B, referencing lot size, if the use is not residential, how does that work? CEO said if there is water and sewer nearby, you're allowed 15,000 s.f. CEO said the utilities would have to be within 250' either side.

CEO asked the Board if they were interested in pursuing changes that include engineered central wastewater disposal systems and multi-family, or wait. Chairman said the Board decided to wait on those. Rawls asked if any of the roads would need to be reconstructed in order to have water and sewer hooked into lots. CEO said there were too many scenarios to give a definitive answer.

It was Moved (Rawls) and Seconded (Worcester) to adjourn the meeting at 7:35 p.m. Vote: unanimous