

Minutes of Meeting
Southwest Harbor Planning Board
April 15, 2010
6:00 p.m. Southwest Harbor Town Office

- I. Call to order/Roll call: The meeting was called to order at 6:03 p.m. Present: Ryan Donahue, Bob Bosserman, Gordon Wissinger, Mike Magnani, Chris Rawls (6:05 p.m.).
- II. Visitors to be heard not on the Agenda: none
- III. Approval of Minutes of April 1, 2010: Moved Bosserman, Seconded Magnani to accept the minutes as presented. Vote in favor: 4 - 0
- IV. Application: Plymouth Engineering, Agent for Great Harbor Marina, Map 3, Lot 62, Purpose: to amend previous decision to eliminate set back to high water line due to construction on pier.

There are no findings of facts of the original decision as the CEO determined after the approval by the Planning Board that there was not land, but a granite pier under the proposed 3,000 gallon fuel tank. He said the application needed to be amended to indicate that there is no requirement for set-back as the fuel tank is on a granite pier over the flats. Magnani asked if the location was an issue. CEO said it is above the flood plain, and that has been addressed by the applicant. It exceeds the 15' set-back that would be required from property lines. Donahue asked if there was a problem with the placement of the tank even if it is on a pier. CEO said it is not a problem. Bosserman moved that the PB amend the previous finding to remove the requirement of set back from the high water mark required by land placement, since the placement of the tank is on a granite pier second Donahue. Discussion: Wissinger asked if the DEP needed to review this

since it was not on land. Young said all permits are in process. Discussion on whether to include previous conditions in this motion caused Bosserman to withdraw the motion and Donahue withdrew his second.

It was Moved Bosserman and Seconded Donahue that the Planning Board amends their previous findings that requires a 15 foot set back, as the tank being permitted is on a granite pier and not over land, and further stated that all previous conditions of the original approval remain in force. Vote in favor: 5 - 0

Application: Mark Dunbar, Agent for Robert McLaughlin, Map 13, Lot 25-21, Purpose: Division of a lot in a previously approved subdivision, Western Mountain Acres. Mr. Dunbar seeks final approval of property that was addressed by the Planning Board (PB) in 2006 and, at which time, had to wait for DEP approval which is not quite finished yet. Given the DEP is close to resolving any issues, Mr. Dunbar seeks final approval from the Planning Board, of a lot division, with condition that building permits could only be issued once DEP approval is granted. The CEO explained that DEP discussions indicate that Goodwin and DEP are close to an agreement concerning storm water runoff. CEO reviewed the map provided in the application and explained the thorough review of the prior Planning Board when they reviewed this application in 2006.

Bosserman said that final plan conditions were that a letter from a well driller would attest that the property would provide sufficient water and that there is a DEP permit. Wissinger referred the Planning Board members to page 4 of the Subdivision Ordinance which addresses water and to page 10, item 4 which addresses the type of water available; Wissinger said it appears the application met the conditions of the preliminary review. He also said the road is already

there. Motion should state that DEP conditions must be met before building permits are issued. The CEO said the Planning Board could waive the 6 month limit requirement for the final plan coming back to the Planning Board due to extenuating circumstances.

It was Moved Wissinger and Seconded Bosserman, that the Planning Board waive the six (6) month requirement to submit a final plan six months after the preliminary plan approval, due to extenuating circumstances with the Department of Environmental Protection. Vote in favor: 5 – 0.

It was Moved Wissinger and Seconded Bosserman that the Planning Board accepts the final plan for Western Mountain Acres Subdivision as revised in the 3/22/2010 plan, including the letter from the well driller certifying that appropriate water is available. The Planning Board further ruled that any subsequent building permits for this application are contingent upon the property in the application obtaining the DEP approval and that the letter from the well driller meets the requirement. Vote in favor: 5 – 0. The Planning Board signed the final plans.

V. Other Business: Bosserman said the Comprehensive Plan Committee has been putting information together for Public Forums for a November vote. On April 22, there is a meeting, the subject of which is future land use. They expect many questions, and request participation by the Planning Board. Donahue will attend.

VI. Adjournment: 6:55 P.M.