



Southwest Harbor Planning Board
Regular Meeting
June 5, 2014 @ 6:00 PM
Municipal Town Office

MINUTES

- I. Call to Order/Roll Call:** The meeting was called to order by acting chairman Chris Rawls at 6:00 p.m. Present: Lee Worcester, Eric Davis, Chris Rawls, Chad Terry, Mike Mansolilli and CEO Donald Lagrange. Ryan Donahue arrived at 6:45.
- II.** A motion was made by Chad Terry to accept the minutes of April 10, 2014 as written. It was seconded by Mike and voted 5/0/0 in favor. Mike Mansolilli requested to be recused due to potential appearance of conflict because he is a contractor for the applicant.
- III.** No visitors were in the audience to be heard
- IV.** First item on the agenda was Howland Properties of 471 Main Street requesting approval for a 19' x 11' gazebo for commercial purposes on land in the Harbor Zone more fully described at Map 2, Lot 45. Jeff Crafts acted as agent for Howland Properties.
- The intent is to use as a sales office to sell homes. Parking will be provided at 474 Main Street across the street where a sales office had been in place but will now be discontinued.
- Mr. Crafts presented photos of the gazebo. Public comments were concerned with the location as well as the fact this will not have any utilities. Applicant stated no utilities required. The current location is a temporary set up. The permanent location will be approximately 15' toward the water. Other concerns include the pedestrian safety.
- Public comments were closed and the Board began deliberations according to the Site Review agenda beginning with completeness of application. Worcester moved to accept application as complete as noted below, seconded by Davis.
- 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:
It was noted on site plan
 - 3) Location of any wells on the lot or within 100' of property lines: (OK)
Abutting properties and subject parcel serviced by town water.
 - 4) Name and location of any abutting water body, streams, brooks and wetlands: (OK)
Atlantic Ocean indicated on site plan.

- 5) Areas to be cleared and areas of any cut, fill, grading or other earthmoving activity: All structures and non-vegetated areas are to be calculated not to exceed 70% of the lot area.
Considering the size of area allowed, current application does not need calculations of non-vegetated areas.
- 6) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. Include set backs from lots lines, rights of way, water bodies: (OK)
The lot is located in Harbor Zone. Setback from high water mark is 25' for commercial purposes and 75' for residential purposes. Setback from other property lines is 15' and 55' from the State road centerline.
- 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 (N/A)
No Utilities required
- 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)
Representation of (4) parking spaces located off site at 470 Main Street
- 10) Location of existing and proposed roads/driveways with setback from nearest lot line: (OK)
Existing driveway
- 11) Name/location of existing or proposed right of way and easements on the site or abutting the property:
Public sewer line through parcel to be located
- 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)
No soil disturbance to require soil erosion and sedimentation controls.
- 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:
Plans were submitted at the beginning of the meeting.
- 16) Buffering/Landscape plan as described in Section VI. (TBD)
This is a commercial proposal that may require buffering. Applicant represents sufficient natural vegetation to be used as a buffer.

The above conditions for completeness were voted in favor 5/0/0.

Review of performance standards C, D, F, G, H, J, M, N, O, P, Q, R, S, T and U were found not applicable. Lee Worcester moved to accept the opinion of the CEO that the following performance standards are not applicable for the reasons stated herein. It was seconded by Davis and voted in favor 5/0/1.

- C. Driveway and Driveway opening
No changes in the entrance or the size of the opening.
It will remain as existing.
- D. Erosion/Sedimentation Controls
No soil disturbance to require erosion and sedimentation controls.
- F. Fill and Excavation
No fill required except for construction activity.
- G. Fire Protection
None is required by the standards of the LUO.
- H. Flood Hazard Permit
Not located in Flood Zone. No permit required
- J. Heavy Commercial or Industrial Pollutants
Not applicable due to the use of structure being non-industrial.
- M. Road Standards
No roads exist on property and this is not applicable.
- N. Sewerage Disposal Standards
All food preparation facilities require a grease trap to a public or private sewer facility
None required
- O. Sign Regulations
No sign is proposed
- P. Soil Standards
Not required
- Q. Storm Water Runoff Standards
Not applicable
- R. Stream Standards
No stream on parcel
- S. Vibration Standards
No vibration activity.
- T. Water Quality Standards
There are no activities requiring water quality monitoring or assessment.
- U. Water Supply Standards
Water Supply Standard is not applicable.

A motion by Davis to accept the following performance standards as applicable standards and as conditions of the application. Seconded by Worcester and voted in favor 5/0/0.

- A. Landscaping/Buffering
Board in agreement the existing vegetation is suitable for buffering
- B Clearing of vegetation
Clearing of Vegetation will not remove any additional vegetation within the 15' setback as well as required by the shore land zone
- 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 should be a condition of this application for any new lighting installed on the commercial building.
- I. Handicap Access
Handicap access to be determined by the State Fire Marshall

K. Noise

Noise will not be adverse to abutters.

L. Parking and Loading Standards.

Parking will be provided offsite

Worcester moved the application be approved for the 19' x 11' gazebo to be used for commercial purposes as represented. Seconded by Davis and voted in favor 5/0/0.

V

The Sublime Development Co of 386 Main Street and more accurately identified as Map 3, Lot 33 of the Southwest Harbor tax maps is requesting a change of use with the addition of 24 seats to existing lounge to be placed on the front outside patio. Planning Board member Mike Mansollili returned to the table.

Bob Gross who resides at 385 Main Street spoke against the expansion due to noise related issues. He provided a copy of the presentation to the Board. He stated there has been sound emanating out of the business that can be heard by the residents. Other residents also complained about noise violations however north side abutter Kelleher of 384 Main Street did not feel the noise was excessive and abutter Mary Lou Matthews of 387 Main Street said there was no noise issue.

After considering the items 1-15 for completeness, Ryan Donahue moved the application to be complete with item 16 to be determined under performance standards. Seconded by Worcester 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)
Abutting properties and subject parcel serviced by town water.
- 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)
No clearing areas.
- 6) Size, shape and location of existing and proposed buildings and/or structures including dumpsters, piers, docks. Include set backs from lots lines, rights of way, water bodies: (OK)
The lot is located in Zone B. No expansion of existing structure is proposed.
- 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 (N/A)
Existing municipal water and sewer service.
- 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)
Existing seats (54) and proposed seating (24) total 78 seats. Section VI (L) (2) (h) require (1) space for every four seats and (1) for every

two staff. Minimum required parking is 20 spaces for business plus 2 spaces for staff. Plan notes a total of 22 spaces.

- 10) Location of existing and proposed roads/driveways with setback from nearest lot line: (OK)
Existing driveway
- 11) Name/location of existing or proposed right of way and easements on the site or abutting the property: (N/A)
Rear lot parking area (60' x 100') leased from abutter Map 3, Lot 32, Johanna Kelleher.
- 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)
No soil disturbance to require soil erosion and sedimentation controls.
- 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)
No changes to existing structure
- 16) Buffering/Landscape plan as described in Section VI. (TBD)
This is a commercial proposal that may require buffering. The additional exterior patio may require buffering from the abutter Johanna Kelleher.

Lee Worcester moved the following performance standards were not applicable for stated reasons, seconded by Eric Davis and voted in favor 6/0/0:

- B Clearing of vegetation
Parcel not in shore land zone and does not require compliance
- C. Driveway and Driveway opening
No changes in the entrance or the size of the opening. It will remain as existing which predates the LUO. This is not applicable.
- D. Erosion/Sedimentation Controls
No soil disturbance to require erosion and sedimentation controls.
- F. Fill and Excavation
No fill required except for construction activity.
- G. Fire Protection
None is required by the standards of the LUO.
- H. Flood Hazard Permit
Not located in Flood Zone. No permit required
- J. Heavy Commercial or Industrial Pollutants
Not applicable due to the use of structure being non-industrial.
- M. Road Standards
No roads exist on property and this is not applicable.
- O. Sign Regulations
Not required for PB approval
- P. Soil Standards
Not required
- Q. Storm Water Runoff Standards
Not applicable

R. Stream Standards

No stream on parcel

S. Vibration Standards

No vibration activity.

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.

The following performance standards are applicable to this request and each approved separately:

A. Landscaping/Buffering

It was moved by Lee Worcester buffering to be considered level 2 as identified in the LUO and a 6' solid fence be installed in the north side of the proposed patio with vegetation on the abutters side. It was seconded by Chad Terry and voted in favor 6/0/0

E. Exterior Lighting

Agreement by consensus any lighting will be shielded, however applicante stated no lights will be installed.

I. Handicap Access

As may be required under ADA standards and regulated by the State Fire Marshall office. Mansollili moved and second by Davis, voted in favor 6/0/0

K. Noise

Ryan Donahue moved no use of patio would be allowed during any amplified mechanical events. Seconded by Eric Davis and voted in favor 6/0/0

L. Parking and Loading Standards.

A parking space is required for every (4) seats and (1) for every two staff. Total of 78 seats require 20 spaces and (2) spaces required for staff. Eric Davis moved parking requirements have been met and seconded by Lee Worcester, voted in favor, 6/0/0.

N. Sewerage Disposal Standards

Ryan Donahue moved a grease trap is required in this food and beverage facility and made as a condition of approval. Seconded by Lee Worcester and voted in favor 6/0/0.

Lee Worcester moved the criteria 1-4 on CEO memo are to be part of the and condition to the application. Seconded by Mike Mansollili and voted in favor 6/0/0.

Lee Worcester moved the change of use for Sublime Development Co at 386 Main Street be permitted for the addition of 24 additional seats on the front exterior patio subject to the above criteria, representations and documents. Seconded by Eric Davis and voted in favor 6/0/0.

VI. There was limited discussion regarding the sign ordinance at this meeting and will be continued to the next meeting.

- VII. There being no other business, Lee Worcester moved to adjourn at 9:25 PM.
Seconded by Chad Terry and voted in favor 6/0/0.

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