



4/0/11
CWA/D/BRUC
4/0/11

Southwest Harbor Planning Board
Meeting Minutes
June 6, 2013
Municipal Town Office

I. Roll Call/Call to Order: The meeting was called to order at 6:08 p.m. Present: Michael Magnani, Chris Rawls, Eric Davis, Chad Terry, Mike Mansollili, and Code Enforcement Officer Donald Lagrange. Absent: Lee Worcester.

II. Minutes: A Motion by Terry and Seconded by Mike Magnani to accept the minutes for February 14, 2013 meeting as amended by changing Don Lagrange's title to CEO. Vote 4/0/2.

A Motion by Davis and Seconded by Mansollili to accept the minutes for April 4, 2013 meeting as written. Vote 5/0/1.

A Motion by Magnani and Seconded by Rawls to accept the minutes for April 18, 2013 meeting as written. Vote 4/0/2. Terry added that there needed to be an amendment to a motion that was made in these minutes. A Motion by Terry and Seconded by Magnani to reconsider and move to amend the minutes wording to read "Fence on north wall shall have a minimum of seven feet in height in the patio area and to reduce the height to 6 ft. for the fence continuing along the north property line." Vote 4/0/2.

A Motion by Terry and Seconded by Magnani to accept the amended minutes for the week of April 18, 2013 as written. Vote 4/0/2.

III. Visitors not on the Agenda: None.

IV. Tanya Long, dba Off the Grid Foods Café
Add (20) outside seats
248 Main Street
Map 7, Lot 34

Lagrange presented the PB with an application on behalf of Tanya Long about a project that would add (5) 4-seat picnic tables in the rear yard behind the café for her business.. Tanya Long was issued a permit #2473 for a café operation in September, 2012 within an existing office/retail structure (no increase in the foot print). Existing parking was deemed acceptable due to no increase in footprint or use. After discussing with the PB

members about the Completeness of the application and noting changes to item#13)to read: Soil Erosion and Sedimentation control plan NO CONSTRUCTION ACTIVITY TO REQUIRE SOIL AND SEDIMENTAION EROSION CONTROL and item#16) to read: Buffering/Landscape plan as described in Section VI. (A) (applicable to non-residential permit request): (ok) to read: TO BE FURTHER DISCUSSED UNDER PERFORMANCE STANDARDS. A Motion by Davis and Seconded by Terry to find the application complete and move to performance standards according to the code officer and add the additional note changes of wording in items #13 & #16. Vote 6/0.

A Motion by Mansollili and Seconded by Rawls to accept the above performance standards B, C, D, E, F, G, H, I, J, K, M, O, P, Q, R, S, T, U, are not applicable to the proposed use. Vote 6/0.

On the performance standards that are applicable:

A. Landscaping/Buffering: Section VI (A) of the LUO requires buffering for commercial use. There is an existing office structure protecting the east and a commercial use to the south. The north and west sides of the project will require screening. A six foot solid fence as noted on the plan is proposed to buffer the proposed commercial use activity. After a brief discussion amongst the PB members about the buffering, A Motion by Mansollili and Seconded by Davis that on performance standards (A) Landscaping/buffering, that the existing perennial trees and shrubs are sufficient for buffering and no fence is required. Vote 6/0.

A Motion by Rawls and Seconded by Davis to accept the performance standards L and N to be applicable to the request for outside seating and are to be considered conditions for the expanded use. Vote 6/0.

On the Compliance Review: A review of the application by the Code Enforcement Officer determine that the proposal conforms to the Land Use Ordinance in Section(s) II, General Regulations and (V) Standards for Zone B. The use and expanded seating is allowed, subject to the above conditions. A Motion by Davis and Seconded by Magnani to move to accept the decision of the Code Enforcement Officer that the application for additional café seating conforms to and is in compliance to the Land Use Ordinance. Vote 6/0.

On other conditions for approval of permit: A Motion by Terry and Seconded by Davis to recommend based on the evidence presented, including by not limited to a site plan application with a site plan, drawings and statement of use, the application of Tanya Long, dba Tanya's Off the Grid Café be approved for the purposed of adding (5) 4-seat outdoor picnic tables according to the requirements of Section VIII (A) (1) (E), expansion of existing use:

1.) A minimum of 5 additional parking spaces shall be provided for the maximum of 20 outdoor seats.

2.) A grease trap will be installed within 90 days of approval.

Vote 6/0.

V. Shore land Zoning Amendments required by DEP: Lagrange spoke briefly to the PB members about the proposed amendments to the different sections of the LUO that is being required by the DEP. He explained to the PB members that we need to make our LUO have the language to conform with state guidelines to make it consistent. The PB members decided they need further clarification of the wording by insert the proposed amendments in the LUO.

VI. Definition: Inn: After a short discussion concerning the number of rooms to be identified in the definition of an Inn, A Motion by Davis and Seconded by Mansollili to have the definition of an Inn read as follows:

Inn: Include buildings where accommodations are provided for compensation, where 15 or fewer guest rooms are provided at any one time. Accessory uses such as restaurants, cocktail lounges, gift shops, conference rooms, and recreational facilities such as swimming pools and game rooms may be included on the premises.

Vote 6/0.

VII. Other Business: None

VIII. Adjourn: A Motion by Mansollili and Seconded by Rawls to adjourn the meeting.
Vote 6/0.