

Southwest Harbor Planning Board  
September 1, 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: Mike Magnani, Lee Worcester, Mike Mansolilli, Chris Rawls, Eric Davis (6:05 p.m.) Code Officer, Donald Lagrange. Excused: Ryan Donahue, Chad Terry
- II. Approval of Minutes of August 4, 2011: It was Moved (Worcester) and Seconded (Mansolilli) to approve minutes as presented. Vote 4 - 0
- III. Notice of Decision: Village Washtub: Worcester said on page 3, item k noise standards – in the actual motion the applicant agreed to control any and all noise emitting from the lounge or the patio, and under landscape and buffering the fence on the south property line is on the abutter's property, and the applicant agreed he would construct a fence on the south property line if the neighbor removed their fence. He would like those things added to the Notice of Decision/Finding of Fact. It was Moved (Worcester) and Seconded (Magnani) to approve the Notice of Decision of Village Washtub with amendments as stated: applicant agreed to control any and all noise emitting from the lounge or the patio, and to replace the fence on the south property line if the abutter removes the existing fence. Vote: 5 - 0
- IV. New Business
- a. Applicant: Rick Evangelista: Map 13, Lot 25-10, 29 Marshall Brook Road. Purpose: Sketch plan for four (4) lot subdivision. Worcester noticed the Board that he is a minority holder in Island Land Corporation and is an abutter. He asked the Board to determine if they would like him to be excused from this application. The Board unanimously agreed there was no conflict. Greg Johnston said it is time for the applicant to separate the business from his residential property – there is nothing west of the brook that is being developed as that will be his family compound. The purpose of this meeting is to schedule a site walk and have the Board review the preliminary site plan. Mr. Worcester pointed out that there is no north arrow on the site plan. Johnston will fix that. Magnani asked about access asking if it is one road that runs through the property. Johnston said that is correct. Magnani pointed out that the applicant will have to maintain that road. Johnston agreed. CEO said the Board should review the site plan for completeness and if the Board does accept that, they may schedule an on-site inspection which must be within 30 days. The site visit would need to be after September 8<sup>th</sup> to allow for advertising. September 12<sup>th</sup>, Monday at 4:30 p.m., the Board will meet at the site. Walsh will advertise. It was Moved Worcester and Seconded Magnani to accept the site plan as presented. Vote 5 – 0.

- b. Applicant: Mt. Desert Island Hospital: 3316 Main Street, Map 6, Lot 46. Purpose: Convert Dwelling to Dental Clinic: Johnston presented a sketch plan and the Board reviewed the application. There is one abutter to the property and that is Mt. Desert Island Hospital. Memo from CEO recommends the application is complete and all sections have been well informed. It was Moved (Davis) and Seconded (Worcester) that the application of MDI Hospital is complete items 1 – 16 as well as the general conditions stated at the end for the reasons cited in the memo from the CEO dated August 25, 2011. Vote: 5 – 0

The Board reviewed the application for performance standards. It was Moved (Davis) and Seconded (Mansolilli) that performance standards b, f, g, h, j, k, m, n, o, p, r, s, t and u are not applicable as outlined in the CEO memo dated August 25, 2011. Vote: 5 - 0

The applicable performance standards are a, c, d, e, I, l, q, as outlined in C the CEO memo of August 25, 2011 as follows:

- A: Landscaping and buffering
- c. Driveway and Driveway standards
- d, Erosion and sedimentation control
- e. Exterior Lighting
- i. Handicap access
- l. Parking and Loading standards
- q. Storm water

It was Moved (Worcester) and Seconded (Davis) that the application be approved based on the following: Performance standards B, F, G, H, J, K, M, N, O, P, R, S, T and U are not applicable, and the applicable performance standards are A, C, D, E, I, L, Q as described are in compliance with the requirements of the LUO and the application is approved with the following conditions: that the property may be developed and used only in accordance with the plans, documents, and materials submitted with the permit application; that this approval is based on information provided by the applicant/owner regarding the ownership of property and boundary location; that the applicant has the burden of ensuring that he/she has a legal right to use the property and that he/she is measuring required setbacks from the legal boundary lines of the lot, and the approval in no way does not relieve the applicant of this burden nor does it constitute a resolution in favor of the applicant on any issues regarding the property boundaries, ownership, or similar title issues and the applicant owner would be well advised to resolve any such title problems before expending money in reliance on the approval of this permit; that the applicant authorizes inspection of premises by the Code Enforcement Officer during the term of the permit for the purposes of permit compliance; and that this permit does not relieve the applicant's responsibility of other applicable state and federal permit requirements, and the applicant will place appropriate signage for one way and no thoroughfare. Vote: 5 – 0

V. Other Business: none

VI. Ordinance Review (Time permitting)

VII. Adjournment: It was Moved (Worcester) and Seconded (Davis) to adjourn the meeting at 7:00 p.m. Vote 5 - 0