

PUBLIC HEARING
Southwest Harbor Planning Board
March 3, 2011
6:00 p.m. – Southwest Harbor Town Office

- I. Call to Order/Roll Call: The meeting was called to order at 6:00 p.m. Present: Mike Magnani, Lee Worcester, Mike Mansolilli, Lee Worcester. Excused: Chris Rawls, Gordon Wissinger. Absent: Eric Davis. A quorum being present the meeting proceeded.

- II. Visitors to be heard not on the agenda – none

- III. Public Hearing: The Chairman opened the public hearing at 6:02 p.m. to review proposed Land Use Ordinance Changes as follows:
 1. Section III (e) (2) (c): Built Lots. Johnson said the agenda is totally different than that posted on the web site today. Chairman said the Board simply changed the order of the items. CEO said one item is that there was a discussion of taking the shoreland zoning out of the old agenda – the planning board did not act on that. Chairman said in reference to the first item on the agenda – it allows 8’ walls on small buildings with a pitched roof.

 2. Section VII (e) (2) (f): Campsite – this has to do with property of 30,000 s.f. or more not campgrounds – the change is from 30 day use to 180 days. In the shoreland zone, the State is recommending 130 days. The Town is recommending changing the allowable use to 180 days. Goetze asked how the sewage disposal would be monitored with an RV. CEO said they would either use their own private septic system, or have it pumped. He would watch this.

 3. Residential Shoreland – the Board has found that, in the LUO, there is a description of the several zones in the ordinance, and in regard to shoreland residential the description is 250’ from the high water line. Our zoning map, along Main Street near Norwood Cove and the changes to the Claremont zone, and the extension of Zone B, has not been updated to match the ordinance changes that were voted on by the Town. This change is asking that the zoning map be brought into compliance with the ordinance. This is not a new change. CEO said the description in the Land Use Ordinance says one thing and the map says another. Chairman said if the zones are described in the ordinance, those descriptions prevail. Our ordinance does describe the Shoreland Zone as 250’ from the high water. Donahue said it was discussed at length, and there have been inquiries from a lot requesting consideration of the zone in which they are located. Goetze suggested the Board make all changes that are in error when the zoning map is re-done. She encouraged using the GIS format.

4. Section VIII: Chairman said this is a housekeeping change regarding permit/site plan review. The Board is suggesting the term “Site” plan review be changed to “Permit” review and will eliminate redundancy. It also changes the need for a permit for a structure of expansion of 80 s.f. CEO said this was presented to the Town in the full document format and it was not passed. Johnson asked why, if it was voted down, is it being brought up for vote again? Chairman said there are still the same clerical errors that need to be fixed. Donahue said it puts the Board in the redundant fashion when doing site plan review. He said the Board felt that because this change was part of the larger package, it did not get the consideration is needed and was voted down. Chairman said it was not presented in this format.

5. Section II (B)(1)(c)(1) – this is brought forward to remove the need for principal and accessory structures and determine the development that can go on a lot – to meet the structure standards and not the minimum lot standards for each use. This eliminated the need for principal and accessory use. Johnson asked how this particular issue came before the Planning Board, and is there anything driving this? Chairman said he does not believe there is anything driving this change. Magnani referenced the new construction on Main Street as the accessory structure being larger than the principal structure. This change fixes that.

6. Changes to Zone B: This is the combining of Zones B & C – Zone B is the medium density zone and Zone A is the highest density zone and Zone C is the least dense zone. The Board was attempting to combine Zones B & C, which would allow higher density where water and sewer are available and the less density where water and sewer are not located. Private water and private sewer allows for a lot size of 40,000 s.f. Public water and private septic allows for a lot size of 30,000 s.f. Private water and Public sewer allows for a lot size of 20,000 s.f. (this is the standard for Zone B today); and public water and public sewer would allow for a 15,000 s.f. lot. In Zone B today, if you were building a multi-unit, and had Town water and sewer you could get down to about 10,000 s.f. Within that, the other major change is how much lot coverage would be allowed on a given lot – it uses the same theme as what utilities are used. If your lot has a private well and septic system the coverage would be 10%; public water and private sewer would be 12% coverage; private water and public sewer would be 15% and public water and public sewer would be 3,000 s.f. or 20%, whichever is greater. This would allow for the more intense development to occur where water and sewer exist and the less intense development where it doesn’t exist. A good portion of Main Street has Town water and sewer and a significant portion of that is Zone C. This change uses the utilities for the benefit of the Town of Southwest Harbor. Hutchins asked if there was a provision for someone in Zone C who wanted to develop and built their own sewer system. Chairman said that concept is being looked at, but is not in the proposed change at this time. Goetze said it makes sense to go to zoning that is based on utilities. She hoped it would not be sold as a recommendation of the Comprehensive Committee, but rather by the Planning Board. She suggested billing this as regulating zoning based on the utilities available. Johnson asked why make these changes in pieces. Chairman said this sets a foundation which will assist the Board in looking at other changes from the Comprehensive Plan in the future. Time is an issue. Johnson said this doesn’t in any

way stimulate affordable housing. Chairman agreed. Discussion was held on hypothetical situations, and the Chairman said, while a person with a 45,000 s.f. lot that is watered and sewerred, could potentially split that into three lots and build on each, as the ordinance stands today, he could build two structures on that lot. This change is not that drastic. Johnson asked if the Planning Board has looked at the impact of these changes and would like to see an analysis of those impacts. Harper said she didn't see a down side with this proposed change. She felt it would increase year-round business.

The public hearing was closed at 6:44 p.m.

It was Moved Donahue and Seconded Magnani to adjourn the meeting at 6:45 p.m.