



Planning Board
Town of Southwest Harbor
AGENDA
June 19, 2008, 6:00 p.m.

- I. Roll Call/Call to Order at 6:25 p.m.: attending: Anna Demeo, Carolyn Maling, Chris Rawls, and Dennis Dever. Absent: Sharon Howard, Molly Lyman

Visitors: Noel Musson, Lee Worcester, Kristin Hutchins, Lydia Goetze, Jean Marshall; Jamie Chalmers; Corey Pettegrow; Barbra Pettegrow.

The Chair announced that the Review of Minutes would be held at the end of the meeting.

- II. Visitors to be heard not on the agenda: Noel Musson with CES to talk about scheduling a special meeting to hear the Great Harbor Marina application. He believes this is a marine related meeting that relies heavily on the season, and waiting until mid July is a financial difficulty. Chair is open to another date and discussion of advertising resulted in July 3rd meeting. Carolyn asked about the work that is going on now at the Marina – Don Lagrange said he issued a demo and fill permit. The application will only be for the Change of Use. Dever, Rawls, Maling and Demeo agreed they would be available.

- III. Review Minutes of Meeting(s): of June 5, 2008

- IV. Comprehensive Plan Survey Results: Lee Worcester presented information on the Comp Plan work with the public on use of the Harbor. The CP is still in the process of gaining information. Have approached the Harbor Committee; would like to get input from the Planning Board as well. Going at the comp plan update in a piece meal fashion and would like to wrap up this section soon. Chair said the information provided was excellent. Worcester said there was a lot of information offered at the public meeting at the fire house. Chair asked if the Comp plan is going to provide specifics that the Planning Board would have meetings concerning Land Use. Worcester said the Comp Plan would not draft what they felt was appropriate for a change to the LUO. Demeo said public may suggest LUO changes to be made. Hutchins said the packet provided would provide information going forward. Some things she has heard in the public hearings, is that the ordinance might be more pro-development. Boat

maintenance people see boat building ending in this town, and boat maintenance increasing. Both Chair and Hutchins said there are ways to protect the environment and still encourage development. Worcester reiterated that it is challenging for boat builders to continue as they are now. He stressed coming up with an appropriate balance. The input was from small businessmen. Maling asked Worcester if he got any sense from commercial fishermen or boat builders if they would be receptive to hotel, motel, boatel uses. Currently these uses are not permitted in the maritime zones. Worcester did not recall those types of activities being discussed at the public meetings. It was surprising to Maling that one of the comments was that the harbor would support another marina. Generally, according to Hutchins, the people were pleased with what we had, and parking and more launch space was encouraged. Worcester expects the comp plan will come up with something for a recommendation with relation to the Hook property. We need to educate ourselves. The town getting serious about what it wants to do as opposed to just talking about it. The only way may be to think seriously about what to do if the property is not available to the Town. Lagrange expressed the opinion that it would be very necessary to have that property and the term “eminent domain” comes up. Worcester and Hutchins thought that unless there was absolutely no resolution possible, it would not set a good example. Demeo asked if it would help the Comp Plan to have the timeline that the Planning Board has planned for zoning changes in November. Worcester said the committee hasn’t decided whether to update piece meal or a complete re-write. Worcester said if the PB has any issues on Land Use it would be useful for them to be forwarded to the comp plan committee.

V. Buffering Letter (Lyman) – deferred to the next meeting

VI. Applicants:

Jamie Chalmers, Agent for Corey Pettegrow, 135 Seal Cove Road, Southwest Harbor, ME Zone B, Map 14, Lot 24-1; Purpose: parking commercial transport vehicles (trucks) and boat hauling trailers on residential property (for off premises business activity). Jamie Chalmers addressed the Board saying that hopefully the package is complete, and applying for a change of use to be able to park commercial vehicles on residential property. Demeo asked if this was an after the fact application. Lagrange said is a result of a notice of violation. There has been purchase of additional property with the hope of meeting all the criteria of two uses on the property. Lagrange also inspected some boat storage and boat hoist on the property – this was purported to be a no fee storage. There were also large rigs for boat hauling. This is an after the fact application. Completeness phase: page 1 – description: Maling – do we need anything with regard to boat parking – Lagrange – no – the boat parking is no longer there – it was temporary – wants the area now to park the transport rigs. Chalmers said the boat parking listed on the plan is a personal boat. The areas on either side of the shed should be designated “private” only. Maling said the plan should indicate the boats are personal. She asked, under proposed development – if it is an after the fact should there be a

check off on “new structures”. She asked for clarification of the areas to be permitted. Chalmers said there is a deeded right of way to the property. Maling asked if those were the two parking lots that are after the fact. Demeo said the use is after the fact, not the parking lots. Maling asked what the primary use of the lot is now. The two parking areas exceed the residential use in square footage. Lagrange said you can have two primary uses because of the size of the lot. Maling asked if it was part of the lot now, and Lagrange said it is, and the deeds are in the package with the same name. Therefore, the lots are merged. Maling is ok on the structure issue.

Review of page two – Maling had a minor point on structure 3 – on the application it is 24 x 24 and on the site plan it is 28 x 24, and the deck is not calculated. The actual existing structure is W 28 and L 24.

Completeness of application checklist:

Maling reviewed and had one question – was looking for the memo on landscaping and buffering. Chalmers did a leveling survey of the property. Because of the level of the land it is not possible to see the area where the trucks are, and it is heavily wooded, so there is no visual impairment. Lagrange said there should be a memo of what he just explained. Maling asked about the south property line, the 30 x 120 foot parking area would have to be buffered from Alfred Pettegrow – the fuel tank belonging to Dysart is supposed to be removed. Buffering on the tree side must be on the applicant’s property because the trees on other property may not always be there. Chalmers and Pettegrow said there are trees on both sides of the line. They are thick and heavily wooded. When Chalmers was looking for the property line from the parking lot he had to go into the woods to find it. The board members felt this was a level 1 impact, and would like a memo from the applicant indicating the buffering that exists now. Dever asked for clarification on the buffering. Demeo said there is no time line. Maling said that the ordinance states there should be adequate buffering around parking lots, and if the applicant provides

Moved Carolyn that the application dated 4 29 08 applicant Jamie Chalmers to permit after the fact the parking of commercial parking vehicles and boat hauling vehicles etc be found to be complete seconded Rawls 4 – 0 in favor

Compliance:

Landscaping and buffering – level 1 the board is in agreement

Note: that a memo from the applicant will go into the record indicating the buffering that exists on the property line

Driveway and driveway openings – Maling asked about the gravel drive to the residence – one way flow only 10’ wide – the second one has to be 18’ wide – Pettegrow said the right of way goes across the property and is not

used. Maling asked how the trucks get to the lot. Pettegrow said the whole area is open and the trucks come in off the road.

Special activities and their standards a – p are NA

Moved Maling and seconded that the SWH LUO permit application dated 42908 135 seal cove road lot 24—to grant an after the fact parking of comm. Transport vehicle and boat haul be found to be in compliance pending the removal of the fuel tank on the south border line of the lot next to the 30 x 125 truck trailer also Planning Board has deemed this application to be level one buffering is deemed to be adequate at this time pending a receipt of the memo from the application stating this to be o. Dever seconded 4 0- 0 in favor.

VII. Shoreland Zoning Ordinance Changes (Howard) – next meeting

Minutes of the meeting of June 5th will be postponed till the next meeting

Chair noted – Notices of Decision = there are two pending – Demeo will do those – going forward – Demeo asked if the motions were framed properly could the recorder simply cut and past into a Notice of Decision. Lagrange and Walsh said they would discuss the possibility and come back to the board at the next meeting.

Demeo said if the Dark Skies initiative is to be done for November, the board must decide.

Lagrange sent copies of an enforceable noise ordinance to the board. If they wish to enforce noise, the current LUO does not work in terms of enforcement.

Lagrange has informed the board that a business owner has asked about a portable hot dot stand. The problem he could foresee is how to limit where they move. Demeo asked if there is a tax issue. The board agreed that there is no ordinance to address this issue and it is very short term. Lagrange said this is a formality and should pose no problem. He also referenced page 55, 'exceptions to notifications' – decks sheds garages and similar accessory structures, of 600 s.f. or less, the CEO can issues a permit that day and then notify abutters.

Lloyd subdivision road will be Beaver Lodge Lane

The seawall trailer park has been sold and the new owners are making the needed changes.

Windy Woods off Marshall Brook Road and Mt. View Road will go before the Selectmen.

Lagrange brought up wind towers – commercial towers go to the board without height requirements – accessory to a home is permitted by the CEO.

VI. Next meeting date July 3rd, 2008 and agenda items: Great Harbor Marina application; Shoreland Zoning Ordinance Changes (Howard); Buffering Letter (Lyman); Notices of Decision for Gott's after the fact fill and Pier Project, Town of Southwest Harbor.

VI. Adjournment Moved Carolyn Seconded Dennis to adjourn the meeting at 7:50 p.m.