

MINUTES OF MEETING
PUBLIC HEARING
Monday, April 21, 2008 6:30 P.M.
Southwest Harbor Planning Board

Attending: Dennis Dever, Vice Chair, Carolyn Maling, Secretary, Sharon Howard, Chris Rawls, Molly Lyman

Visitors: Trudy Bickford, Selectman , Donald Lagrange, CEO, Kenneth Hutchins, Meredith Hutchins

The Vice Chair called the Public Hearing to Order at 6:30 p.m. to take comments on the proposed Land Use Ordinance changes for the Town of Southwest Harbor

The Vice Chair asked for comments or questions from the public. No questions or comments were forthcoming. The Secretary recommended keeping the public meeting open for 15 minutes, and if no one appeared to ask questions concerning the ordinances, the meeting would be closed.

Kenneth and Meredith Hutchins joined the meeting at 6:10 p.m. , Re Page 3, Review Authority – Mr. Hutchins asked the Board why they would want to take on more work. It would seem that the Planning Board would give the Code Officer more responsibility and the Board less – it might mean that it will take more time for applicants to get through the process.

Molly Lyman responded: one of the things the Board and the Comprehensive Plan recognize is the amount of pressure on the shore land for development – the Board thought it would be prudent to have 7 sets of eyes and experiences to review a development that would affect the Harbor as it is trying to be preserved as a working harbor. Also, the public hearing process would be set in motion by a Planning Board hearing, and that was felt to be critical to the Comprehensive Plan.

Ken Hutchins – objects also to the occupancy permit. Vice Chair explained that in the end it brings closure that doesn't exist right now to a permit. More important is the commercial occupancy permit as it requires compliance with safety issues that are currently hard to follow. CEO Lagrange explained that it puts closure to a permit process, and if a house is built over time, they can have a temporary Certificate of Occupancy that ensures their safety because the plumbing and electrical have been confirmed safe.

Trudy Bickford is very concerned that we are heading for a building code – we should first be able to enforce the LUO that we have and stop the violations. Lagrange – only if there is population over 2000 will there be a building code. It will be a State mandate. Sharon Howard asked if the State would require a building code from every town. Molly agreed with Trudy and said she only supports the Certificate of Occupancy because she is convinced it assists the Code Officer enforce the Land Use Ordinance. Dennis asked

Don what could be enforced at the moment and his reply was: plumbing, buffering. Ken Hutchins said that every layer of permitting that's put in makes a project cost more money.

Dennis pointed out that the real focus is commercial – Don said that right now buffering is the only way to enforce commercial. There is no real impact on residential. Trudy cautioned that this is another step, and in a few years there will be more, and eventually it will cost people money and time.

Meredith asked why Section 11 on page 13 was being changed. The procedure for amending the ordinance – Molly explained that MMA stressed that the 75 day hearing time was excessive and that it wasn't fair to the public. Shortening the time assists in getting public comments. Lagrange said that Maine is one of the few states that allow homeowners to do their own plumbing. Would like to see it stay that way – the only way to ensure that right is to be sure that there are no problems with them doing their own work.

Discussion was held concerning the Certificate of Occupancy and the reasons behind it.

It was Moved Molly and Seconded Sharon to close the public hearing at 7:30 pm. Vote in Favor: 5 – 0

It was Moved Sharon and Seconded Dennis to adjourn the meeting at 7:35 pm. Vote in favor: 5 -0