



Town of Mount Desert

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ZONING BOARD OF APPEALS OFFICIAL RECORD & REPORT MEETING OF October 26, 2011

PRESENT AT HEARING:

FOR THE ZONING BOARD OF APPEALS:

Members: Chairman William Ferm, Vice-Chairman Kevin Walls, Ernest Coombs, Jerome Suminsby, and James Bright.

FOR THE TOWN:

Kim Keene, CEO
Heidi Smallidge, Recording Secretary

PUBLIC:

Planning Board Members Ellen Brawley, Joseph Tracy, Sandy Andrews, James Clunan, and past Planning Board Member Patti Reilly. Other members of the public included Philip Heckscher, Douglass "Scamp" Gray, Edie Dunham, Nancy McCormick, Brad Gray, Brian Reilly, and Katrina Carter.

- I. **CALL TO ORDER:** The meeting was called to order at 6:00 pm by Chairman Bill Ferm. Chairman Ferm confirmed there was a quorum present.

- III. **A Request for Reconsideration by the Appeals Board Chairman of the Amended Motion for the Administrative Appeal Meeting that was held on September 14, 2011:** Mr. Ferm noted that although the Minutes of Record for the September 14th meeting note Mr. Walls had made the motion in question, Mr. Ferm takes full responsibility for wording the motion. Mr. Ferm moved, with Mr. Suminsby seconding, to reconsider the motion made at the September 14th 2011 Zoning Board of Appeals meeting.

Mr. Andrews inquired about the storage of bulk materials. Mr. Ferm reminded those in attendance that the question at hand is only to change the wording of the motion, as opposed to a review of the situation leading to the motion. Mr. Walls noted that a review of the September 14th Minutes would provide a summary of the discussion and the reason the Board of Appeals remanded the application back to the Planning Board. Mr. Andrews asked whether those reasons would be included in the new motion. Mr. Bright felt the motion would then become a directive. Mr. Andrews noted that specificity in the motion is desired in order to provide more direction to the Planning Board.

Ms. Dunham inquired about what had been sent to the Board of Appeals for appeal. Mr. Ferm read the September 14th motion. The motion stated, "*to sustain the appeal and remand to the Planning Board for the issuance of a conditional use permit under Section*

3.” Mr. Ferm stated that as he understood the question regarding the appeal, the Planning Board felt the motion’s wording essentially directs the Planning Board to issue a permit. Mr. Suminsby suggested that they could simply remove the word “issuance”.

Ms. Reilly inquired whether there had been any Planning Board members in attendance at the meeting. There had not. Mr. Ferm noted that while he felt he was confident in CEO Kimberly Keene’s ability to voice the opinions of the Planning Board it would be better to hear directly from the Planning Board members. Mr. Clunan asked whether this meant that the Zoning Board felt Minutes weren’t enough for their review. Mr. Ferm confirmed that Planning Board Minutes were what the Zoning Board used to determine their decisions, but additional input would help on occasion. Mr. Walls cautioned that the Zoning Board didn’t want to put the Planning Board in the position of having to present evidence on appeals.

After the discussion a vote was taken on the Motion. Motion approved 5-0.

Mr. Ferm moved, with Mr. Walls seconding, to revise the wording of the September 14th motion to the following: “Move to sustain the appeal and remand the application back to the Planning Board to consider a conditional use approval permit under Services 3.” Mr. Ferm added that the Findings of Fact and Conclusion of Law would be retained from the original motion.

Motion was approved 5-0.

Mr. Ferm added that he and Planning Board Chair Ellen Brawley had discussed the possibility of a joint workshop between the two boards to discuss process and efficiency.

III. ADJOURNMENT: Mr. Walls moved, with Mr. Bright seconding, to adjourn the meeting. Motion approved 5-0.

Meeting was adjourned at 6:25 pm.

William Ferm, Chairman

Jerome Suminsby

Kevin Walls

Ernest Coombs

James R. Bright

ORIGINAL SIGNATURES ON FILE IN TOWN OFFICE