

**Town of Mount Desert Planning Board
Workshop Meeting Minutes
Meeting Room, Town Hall
6:00 PM, April 24, 2019**

Public Present:

Joseph Tracy, Matt Morehouse, Emily Anne Pepper, John Sargeant Pepper, Allen Kimmerly

Board Members Present:

Chairman Bill Hanley, Joanne Eaton, Tracy Loftus Keller, Meredith Randolph, and David Ashmore were present.

I. Call to Order

Chairman Bill Hanley called the meeting to order. Board Members present were noted.

II. Minutes

March 27, 2019: Board Members at the meeting were noted.

MS. EATON MOVED, WITH MR. ASHMORE SECONDING APPROVAL OF THE MARCH 27, 2019 MINUTES AS PRESENTED. MOTION APPROVED 4-0.

April 4, 2019: Board Members at the meeting were noted.

MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, APPROVAL OF THE APRIL 4, 2019 MINUTES AS PRESENTED. MOTION APPROVED 4-0.

April 18, 2019: Board members at the meeting were noted. Notes taken at the site visit have been added to the informational file.

MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO APPROVE THE MINUTES OF APRIL 18, 2019 AS PRESENTED. MOTION APPROVED 4-0.

III. Subdivision Application(s):

Subdivision Approval Application #003-2018

OWNER(S): Joseph P. Tracy

AGENT: Matthew A. Morehouse

LOCATION: Off Beech Hill Cross Road

TAX MAP: 009 **LOT:** 094-003

ZONING DISTRICT: Rural Woodland 2 (RW2)

PURPOSE: Divide a lot previously approved in a subdivision – “5.3 Acre Subdivision” (File 30 Number 112).

Ms. Eaton confirmed adequate public notice and abutters were notified.

Chairman Hanley noted that the Completeness Review was held at a previous meeting. He requested public comment. There was no public comment.

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2 Mr. Morehouse noted that at the last meeting there were two conditions set that approval was
3 contingent upon; to revise the plan to remove reference to the rights of the lots in question over
4 the right of way, and then to add reference to the negative easement that will now be in place.

5 Mr. Morehouse read the proposed easement wording: "... Tracy Lots 2 and 3 will release any
6 interest in the fifty-foot wide right of way per a declaration of negative easement, releasing any
7 interest in the right of way along the westerly line of Lot 2 to the Haynes Wheaton property per
8 the deed conveyed... for the 17.9 acres shown."
9

10 Additionally, Mr. Morehouse noted the Applicant has been working with Planning Board
11 Attorney James Collier to draft a negative easement meeting Collier's approval. A copy of the
12 easement has been sent to Board Members. The easement will be signed, notarized, and
13 recorded in conjunction with the recording of the plan. All conditions for approval have now
14 been met.
15

16 CEO Keene noted two iterations of the negative easement were submitted to the Planning
17 Board. Mr. Morehouse clarified that it was the Declaration of Negative Easement they would
18 use, and the plan is worded as such.
19

20 Emily Anne Pepper, a neighbor of the property in question, asked how such a change would
21 affect their property.
22

23 CEO Keene stated the change would make it easier to put in access to the back lot because it
24 would only be serving two lots. The access is still available, as long as driveway specifications
25 are met.
26

27 After much discussion, it was deemed that a full review for approval had been accomplished at
28 the Completeness Review made at a previous meeting.
29

30 Allen Kimmerly, a Mount Desert resident living near the property, felt the property had already
31 been divided and couldn't be divided again, and some of the lots created were unusable, as they
32 were wetlands. He asked for clarification.
33

34 Chairman Hanley clarified the Applicant was proposing to split one lot.
35

36 Mr. Kimmerly opposed splitting the lot into smaller lots.
37

38 Mr. Morehouse showed the larger survey. He noted zoning allows for two-acre lots. The lots
39 created by the division would be 2.8 acres and 2.5 acres. Both lots exceed the minimum
40 requirement. The widths of the lots were noted.
41

42 Mr. Kimmerly reported that half the 2.8-acre lot was wetland. CEO Keene stated the wetland
43 was not protected, so the wetland area does not affect the acceptable size of the lot. There is
44 no minimum road frontage requirement.

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2 Mr. Kimmerly preferred the lots in the area to stay larger. He noted that in his residential area
3 one side of his road was one acre, and the other side of this road was two acres. CEO Keene
4 confirmed this was true.

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6 Ms. Randolph suggested Mr. Kimmerly attend the LUZO Committee meetings to change zoning.
7 The Planning Board can only uphold the code in place. This lot change abides by the code.
8 Chairman Hanley agreed; the Planning Board is tasked with reviewing the proposal in
9 accordance with subdivision rules, and at the last meeting, the proposed division of land was
10 found to be in compliance with zoning rules. He noted the conditional approval of the negative
11 easement, which the Applicant has supplied.

12
13 Mr. Kimmerly reported he had heard that a dog kennel was going in on one of the lots and he
14 would be opposed to a dog kennel. Ms. Eaton noted that potential uses of the property would
15 not necessarily have anything to do with Planning Board approval.

16
17 CEO Keene noted that a subdivision can include wording that no further divisions can be made.
18 That would be the only instance where land can be required to remain unchanged in size. She's
19 heard no word about a dog kennel planned for the area. Such a use would have to come before
20 the CEO.

21
22 Chairman Hanley encouraged Mr. Kimmerly to come to the LUZO Advisory Committee meetings.

23
24 The Public Hearing was closed.

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26 MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO APPROVE THE APPLICATION.
27 MOTION APPROVED 4-0.

28
29 **IV. Other**

30 CEO Keene provided some information on the upcoming meeting.

31
32 CEO Keene noted that she could not be at the July 2, 2019 Quarry Meeting. Mr. Ashmore felt
33 the meeting should be rescheduled so CEO Keene can be in attendance. It was agreed that the
34 July 17 alternate meeting date would be pursued for scheduling. CEO Keene agreed to send an
35 email rescheduling the meeting to July 17, 2019.

36
37 It was reiterated that June 4, 2019 is the next Quarry Meeting, discussing buffering. Attorney
38 Collier promised to submit a decision on press access, including whether photos were allowed to
39 be taken.

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41 Emailing Agenda reminders was discussed.

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43 Ms. Keller asked about the Minutes being posted to the Town website. CEO Keene stated the
44 Minutes were now on the website.

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V. Adjournment

MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, ADJOURNING THE MEETING. MOTION
APPROVED 4-0.

The meeting was adjourned at 6:43PM.