

**Town of Mount Desert Planning Board  
Regular Meeting Minutes  
Meeting Room, Town Hall  
6:00 PM, September 11, 2019**

**Public Present:**

Greg Johnston

**Board Members Present:**

Tracy Loftus Keller, Christie Anastasia, Chairman Bill Hanley, Dave Ashmore

**I. Call to order 6:00 p.m.**

Chairman Hanley called the meeting to order at 6:05PM. Board Members present were noted. Ms. Loftus Keller is an Alternate Non-voting Board Member.

MR. ASHMORE MOVED, WITH MS. ANASTASIA SECONDING, TO MAKE MS. LOFTUS KELLER A VOTING MEMBER FOR THIS MEETING. MOTION APPROVED 4-0.

**II. Approval of Minutes**

**August 28, 2019:**

MR. ASHMORE MOVED, WITH MS. LOFTUS KELLER SECONDING, APPROVAL OF THE AUGUST 28, 2019 MINUTES AS PRESENTED. MOTION APPROVED 4-0.

**Nonconformity – Sections - 4.3.6 & 4.3.5 – Reconstruction or Replacement of  
Non-Conforming Structure(s).**

- A. OWNER NAME(S):** Ginsburg Family, LLC  
**AGENT(S):** Greg Johnston, G.F. Johnston and Associates  
**LOCATION:** 12 Sleepy Hollow, Mount Desert  
**TAX MAP:** 009 **LOT(S):** 015 **ZONE(S):** Shoreland Residential Five (SR5)  
**PURPOSE:** Sections 4.3.6 & 4.3.5 Reconstruction or Replacement of a Non-Conforming Structure(s).  
**SITE INSPECTION:** 5:00PM

CEO Keene confirmed adequate Public Notice and Abutters were notified.

No Conflict of Interest was found.

Ms. Loftus Keller reported on the Site Visit. The lot is on the shore. Currently it is a meadow looking on the water. There was a small house there at one time. The house had been on the site for many years. It burned, as well as some trees immediately around the house. Burned trees and the remains of the house have been removed, and grass has since grown in. The intent is to build within the same footprint.

Ms. Anastasia noted the South end of the property is more heavily wooded. The site is

1 on the East side of Long Pond. Access to the site is a Right of Way and not on the  
2 property. Trees on the shore that were burned were removed. The stumps remain. The  
3 septic remains in place. There were some original piers remaining that the house was  
4 set on. These piers are directly on the shore. The area is heavily wooded between the  
5 lot and the property to the North, providing good screening.

6  
7 Mr. Johnston noted the lot was quite small and in the SR5 district. The lot pre-exists the  
8 Land Use Ordinance. Due to the size, Mr. Johnston estimated there were no other areas  
9 the building could be moved to that would not affect abutting property owners. The  
10 structure had the proper permits for expansion filed in approximately 1980. The present  
11 proposal does not request any expansion. The reconstruction planned is for the first floor  
12 of the building. The owner will afterwards explore reconstruction of the rest of the building  
13 as finances permit. Mr. Johnson provided a narrative addressing the several conditions  
14 set for such a reconstruction.

15  
16 Mr. Johnson noted the demolition of the burned building was properly permitted with the  
17 DEP.

18  
19 The fire occurred May 4, 2018. A permit for reconstruction must be obtained within 18  
20 months of the building's destruction. The Applicant must have a permit by November 4,  
21 2019. The Applicant intends to apply for a permit for reconstruction if this Application is  
22 approved. Mr. Johnston reiterated the first floor is planned for reconstruction, with a post  
23 foundation and no basement. Trees removed due to the fire were dead and deemed a  
24 hazard, and the Applicant has committed to replanting.

25  
26 Chairman Hanley confirmed there was no increase in size from the building footprint, and  
27 no increase in height. There's no increase in general nonconformity. The same footprint  
28 will be used. There is no change in the finish-floor elevation. Mr. Johnston concurred.

29  
30 It was determined the building was constructed in 1935.

31  
32 It was determined that because the structure was destroyed by fire completely, the  
33 reconstruction is under the Planning Board's jurisdiction.

34  
35 Chairman Hanley asked for Public Comment. There was none. CEO Keene added she  
36 has not heard from any Abutters.

37  
38 A review of Sections 5.3.5 and 4.3.6 was made and attached to these notes.

39  
40 MS. LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, APPROVAL OF  
41 THE APPLICATION AS PRESENTED. MOTION APPROVED 4-0.

42  
43 **III. Other**

44 There was no other business.

45  
46 **IV. Adjournment**

- 1 MS. ANASTASIA MOVED, WITH MR. ASHMORE SECONDING, TO ADJOURN THE
- 2 MEETING. MOTION APPROVED 4-0.
- 3
- 4 Meeting adjourned at 7:11PM.