

**Town of Mount Desert Planning Board
Regular Meeting Minutes
Meeting Room, Town Hall
6:00 PM, October 09, 2019**

Public Present:

Keith Higgins, Juers Ruf, Steve Pinkham, Bruce Tripp, Harold Paumgarten

Board Members Present:

Christie Anastasia, Tracy Loftus Keller, Joanne Eaton, Meredith Randolph

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

Meredith Randolph called the meeting to order at 6:01 PM.

Board Members were noted. Tracy Loftus Keller is an Alternate Non-Voting Member.

II. Approval of Minutes

There were no Minutes to Approve.

MS. EATON MOVED, WITH MS. ANASTASIA SECONDING, MEREDITH RANDOLPH AS ACTING CHAIR IN CHAIRMAN BILL HANLEY'S ABSENCE. MOTION APPROVED 3-0-1 (LOFTUS KELLER IN ABSTENTION).

MS. EATON MOVED, WITH MS. ANASTASIA SECONDING, MAKING TRACY LOFTUS KELLER A VOTING MEMBER FOR THE MEETING. MOTION APPROVED 4-0.

III. Conditional Use Approval Application(s):

A. Conditional Use Approval Application #009-2019

OWNER NAME(S): Lot 104, LLC

AGENT: Keith Higgins

LOCATION: 37 Rowland Road, Seal Harbor

TAX MAP: 029 **LOT:** 022 **ZONE(S):** Residential Two (R2)

PURPOSE: Section 3.4 – Non-Commercial – Outdoor Recreational Facilities – 40' x 18' Swimming Pool with Patio

SITE INSPECTION: 4:00PM

Ms. Eaton confirmed adequate Public Notice and Abutters were notified.

Ms. Eaton reported on the Site Visit. There were three Board Members and one abutter in attendance. This property has been reviewed before, for a proposed pool that was not installed. The Applicant has changed the proposed site since then. The area is relatively level, with just a slight slope. The pool is proposed to be near the garden house, also called the tea house. A paddleball court is nearby. A road was once on site and used to bring vehicles in to build the stone walls. The road has since been replanted, however the Applicant proposes to use the road again as a temporary construction road for the pool and will replace any vegetation removed during the use of the road. The pool proposed is close to the residence.

1 Ms. Anastasia added the property is bounded by two roads; Cooksey Drive and
2 Rowland Drive. Traffic from Cooksey Drive was visible.

3
4 Members of the public requested a site plan to review and one was found.

5
6 Agent Keith Higgins noted that the property has been raked and cleared of dying
7 vegetation in preparation for winter. The area usually has more ground cover than
8 was observed at the Site Visit. The proposed site will require less ledge removal
9 than the previously proposed site. Mr. Higgins estimated this site would provide
10 more buffering from the road and less erosion problems. The tea house on the site
11 already has a bathroom and small kitchen. There are no plans for a larger outdoor
12 kitchen, or large events for the space. The pool will have an automatic cover that will
13 comply with State regulations. There will be no additional lighting.

14
15 Ms. Randolph requested public comment.

16
17 Steve Pinkham spoke on behalf of nearby landowners. Area landowners were
18 concerned with the possibility of dynamiting for the pool.

19
20 Mr. Higgins stated that Maine Drilling and Blasting has been on site, and the ground
21 has been probed for ledge. It was estimated that a day and a half of blasting could
22 be required. A pre-blast assessment of every house within a 300-foot radius will be
23 made. Maine Drilling and Blasting personnel believe that the ledge in the area is of
24 poor quality and will not require heavy blasting. The tea house is in close proximity
25 to the area and was built in 1908. Every effort will be made by the owners to
26 maintain safe conditions. Ten years ago blasting occurred near the site to install a
27 water storage tank for fire protection, and it caused no problems to any nearby
28 properties. Ledge removal would be happening 13 feet from the Applicant's own
29 house.

30
31 Mr. Higgins noted Maine Drilling and Blasting was hopeful that some of the ledge
32 removal can be achieved by drilling, and then inserting an expanding compound to
33 break the rock up, or widen cracking already there.

34
35 Nearby property owner Juers Ruf echoed concern regarding the potential for
36 blasting. Mr. Ruf is hopeful the chemical compound can be used instead of blasting.

37
38 Mr. Higgins guessed some blasting would occur, but the charges would be small. In
39 some areas the probe reached four feet and found no ledge. Maine Drilling and
40 Blasting must be mindful of the nearby tea house and the well that's quite close to
41 the area.

42
43 There were no other comments from the public.

44
45 MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND THE
46 APPLICATION COMPLETE. MOTION APPROVED 4-0.

47

MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, TO USE THE SHORT FORM. MOTION APPROVED 4-0.

MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, APPROVAL OF THE APPLICATION.

A review of the Checklist was made and is attached to these Minutes.

MOTION APPROVED 4-0.

IV. **Subdivision Approval Application(s):**
Completeness Review:

OWNER(S) NAME: Bruce L. Tripp & Melanie Mace

AGENT(S): Thomas W. Benson, PLS

LOCATION: Corner of Beech Hill Road and Beech Hill Cross Road
93 Beech Hill Cross Road, Mount Desert

TAX MAP: 010 **LOT:** 020 & 020-001 **ZONE(S):** Residential One (R1)

PURPOSE: Divide a lot in a previously approved Subdivision (File 14 Page 176)

SITE VISIT: 4:45PM

Agent Tom Benson was not in attendance.

Abutters were notified. Public Notice was not required.

A Completeness Review ensued.

4.2.1 Information on the Applicant:

1. Name of applicant (owner) – Found Complete

2. Name of agent (if other than owner) with attached authorization for agent by owner. –
Found Complete

3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach copy of Secretary of State's Registration. – Applicant is not a Corporation.

4. Name of Applicant's authorized representative and authorization. – Found Complete

5. Name, address, and number of Registered Professional Engineer, Land Surveyor, or Planner. – Found Complete

6. Address to which all correspondence from the Board should be sent. – Found Complete

7. What interest does the Applicant have in the parcel to be subdivided (option, land purchase contract, record ownership, etc.)? – Found Complete

8. What interest does the applicant have in any property abutting parcel to be subdivided?
Found Complete

9. State whether preliminary plat plan covers entire, contiguous holdings of owner. – Found Complete

4.2.2 Information on Parcel to be Subdivided:

1. Location of property: Map and Lot (from Town Tax Maps.) – Found Complete

1 **2. Survey maps of tract to be subdivided, as well as contiguous property of the owner of the**
2 **tract, certified by a Registered Land Surveyor, tied to established reference points (attach to**
3 **application). – Found Complete**

4 **3. Current zoning district(s) of property. – Found Complete**

5 **4. Acreage of parcel to be subdivided. – Found Complete**

6 **5. An SSWD, by a licensed soil engineer identifying soil types and a map showing the location**
7 **of soil test areas, unless the parcel will utilize public sewer. Based on soil test results, certain**
8 **modifications of the Preliminary Plat Plan may be required (attach copy of soils report to**
9 **application). There shall be at least one satisfactory soil test per lot. – Found Complete**

10 **6. Names of property owners within 1,000 feet from the parcel to be subdivided, and on**
11 **opposite side of any road from parcel to be subdivided (show on Plat). - Found Complete**

12 **7. Any restrictive covenants to be placed on the deeds. – Not Applicable**

13 **8. Proposed soil erosion and sedimentation control – Not Applicable**

14 **9. Water supply. – Found Complete**

15
16 **4.2.3 Information on Subdivision:**

17 **1. Proposed name of subdivision – Found Complete**

18 **2. Number of lots – Found Complete**

19 **3. Date, north point, graphic map scale (show on Plat). – Found Complete**

20 **4. Proposed lot lines with approximate dimensions and suggested location where known of**
21 **buildings, subsurface sewage disposal systems, and wells (show on Plat). – Found Complete**

22 **5. Location of temporary markers so located as to enable the Board readily to locate lots and**
23 **appraise basic lots layout in the field (show on Plat) – Found Complete**

24 **6. Location of all parcels to be dedicated to public use, the conditions of such dedication, as**
25 **well as the location of all natural features of site elements to be preserved (show on Plat). –**
26 **Not Applicable**

27 **7. A location map, consisting of a USGS Topographical Map, showing the relation of the**
28 **proposed subdivision to adjacent properties and to the general surrounding area. The location**
29 **map shall show all the area within 2000 feet of any property line of the proposed subdivision**
30 **and shall be attached to application. – Found Complete**

31 **8. Location and size of existing buildings and other essential existing physical features (show**
32 **on Plat). – Found Complete**

33 **9. Location of all wetlands, regardless of size, all water bodies and areas within the State**
34 **Shoreland Zone (show on Plat). – Found Complete**

35 **10. Location of all drains which shall provide adequate storm water management. – Found**
36 **Complete**

37 **11. Location and size of any existing and proposed sewers and water mains, and culverts and**
38 **drains. – Found Complete**

39 **12. Location, names, and widths of existing and proposed streets, highways, easements,**
40 **building lines, parks, and other open spaces (shown on Plat). – Found Complete**

41 **13. Names of abutters (show on Plat). – Found Complete**

42 **14. The Subdivider will determine, based on the Federal Emergency Management Agency's**
43 **Flood Boundary and Floodway Maps, whether the subdivision is in a flood prone area. If the**

subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. – Found Complete
15. Other information not indicated above, as specified by the Board. – There was no further information specified by the Board.

Section 5:

5.1 Buffer Strip - Buffering elements or screening in the form of architectural and/or landscape design – None required

5.2 Conformance with other Laws, Regulations - The proposed subdivision shall be in conformance with all pertinent local, State, and Federal Ordinances, statutes, laws, and regulations. – Found Complete

5.3 Construction Prohibited - No utility installations, no ditching, grading or construction of roads, no grading of land or lots, and no construction of buildings shall be commenced on any part of the proposed subdivision until a Final Plat Plan of the subdivision has been prepared, submitted, reviewed, approved, and endorsed as provided by this Ordinance, nor until an attested copy of the Final Plat Plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds.– No development or additional development proposed at this time.

5.4 Ditches, Catch Basins - The Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or disposal of surface waters. – No new development proposed at this time.

5.5 Easements - The Board may require easements for sewerage, drainage, utilities, or public access. – See Survey Plat.

5.6 Dedication for Year-round housing Reserved – Not Applicable

5.7.1 The lot size, width, depth, frontage, shape and orientation and the minimum setback lines shall be in accordance with the Land Use Zoning Ordinance. – Found Complete

5.7.2 Where individual, on-site sewage disposal systems are to be utilized, the size of each lot shall be based on soil characteristics, and shall, as a minimum, conform to M.R.S.A. Title 12, Section 4807- A as amended. – Found Complete

5.7.3 The Planning Board shall determine if a division of land will be reviewed as a Cluster, a Workforce or a Conventional subdivision. – This is a Conventional Subdivision

5.8.1 Where any part of a proposed subdivision is located within 1500 feet of a public sanitary sewer line, the subdivider shall connect with such sanitary sewer line by means of a main not less than 8 inches in diameter, provided however, that the appropriate municipal agencies shall first have certified that extending the services will not be an excessive burden on the system. – Not Applicable.

5.8.2 Where private subsurface sewage disposal is to be utilized, the subdivider must conform to all State of Maine Plumbing Code and LUZO requirements. Furthermore: 1. Disposal sites shall be totally contained within the lot being serviced. 2. Systems shall be designed to the highest standards for the specified use. 3. There shall be no contamination of existing or proposed wells, or any other water source. – Found Complete

5.9 Land not Suitable for Development – Found Complete

5.10.1 The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees (10" or more in diameter), the replacement of

1 **trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or**
2 **environmentally desirable areas. The street and lot layout shall be adapted to the topography.**
3 **Extensive grading and filling shall be avoided. – Not Applicable**

4 **5.10.2 The Board may require that the subdivider reserve an area of land as an open space**
5 **and/or recreational area for use by property owners in the subdivision. – Not Applicable**

6 **5.11 Wells – Found Complete**

7 **5.12 Performance Bond – Not Applicable**

8 **5.13 Plan Revisions After Approval – Not Applicable**

9 **5.14 The approval by the Board of a subdivision plan shall not be deemed to constitute or be**
10 **evidence of any acceptance by the Town of Mount Desert of any street, road, or right-of-way.**

11 **– Not Applicable**

12 **5.15 Access to Direct Sunlight– Not Applicable**

13 **5.16 Cluster and Workforce Subdivision – Not Applicable**

14
15 **6A – General Performance Standards**

16 **6A.1 Compatibility – Not Applicable**

17 **6A.2 Erosion and Sedimentation Control – Not Applicable**

18 **6A.3 Highway Safety – Not Applicable**

19 **6A.4 Impact on Town Services – Not Applicable**

20 **6A.5 Land Suitability – Found Complete**

21 **6A.6 Lighting – Outdoor – Not Applicable**

22 **6A.7 Stormwater – Not Applicable**

23 **6A.8 Vegetation – Not Applicable**

24 **6A.9 Dust, Fumes, Vapors, Odors and Gases – Not Applicable**

25
26 **6B – Specific Performance Standards for Activities and Land Uses**

27 **6B.1 Agriculture – Not Applicable**

28 **6B.2 Air Landing Sites – Not Applicable**

29 **6B.3 Beach Construction – Not Applicable**

30 **6B.4 Boat Storage – Not Applicable**

31 **6B.5 Campgrounds – Not Applicable**

32 **6B.6 Driveway Construction – Not Applicable**

33 **6B.7 Excavation and Filling – Not Applicable**

34 **6B.8 Fences and Walls – Not Applicable**

35 **6B.9 Individual Private Campsites – Not Applicable**

36 **6B.10 Home Occupations and Home Offices – Not Applicable**

37 **6B.11 Lots – Not Applicable**

38 **6B.12 Manufactured Homes – Not Applicable**

39 **6B.13 Mineral Exploration and Extraction – Not Applicable**

40 **6B.14 Mobile Homes (temporary) Campers, Trailers and Recreational Vehicles – Not Applicable**

41 **6B.15 Sanitary Standards – See Application**

42 **6B.16 Sign Regulations – Not Applicable**

43 **6B.17 Vehicles, Unregistered – Not Applicable**

44 **6B.18 Wireless Communication Facilities – Not Applicable**

6B.19 Animal Husbandry 2 in the Village Commercial and Shoreland Commercial Districts –

Not Applicable

6B.20 Mobile Food Vendors – Not Applicable

6C – Shoreland Zoning Standards

Property is not in the Shoreland Zone.

MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND THE APPLICATION COMPLETE. MOTION APPROVED 4-0.

V. Other

There was no Other Business.

VI. Adjournment

MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, TO ADJOURN THE MEETING. MOTION APPROVED 4-0.

Meeting Adjourned at 7:07PM.