

**Town of Mount Desert Planning Board
Meeting Minutes
6:00 PM, February 24, 2021**

This meeting was held virtually and was recorded.

Public Present: Jerry Miller, Katrina Carter, Stephanie Reece, Dwight Lanpher, Dick Broom, Noel Musson, Phil Lichtenstein, Jim Gilmore, Sheryl Gilmore, Hope??? Tim Murphy, Amely ???

Board Members Present: Chair Bill Hanley, Christie Anastasia, Dave Ashmore, Meredith Randolph, Joanne Eaton

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

Chair Hanley called the meeting to order at 6:03PM.

Board Members were noted.

II. Approval of Minutes

None Presented.

III. Public Hearing – 6:05PM

Land Use Zoning Ordinance Amendments for the 2021 Annual Town Meeting.

Noel Musson of The Musson Group presented on the four Warrant Articles proposed for the 2021 Annual Town Meeting. He noted the Articles being presented may have slight modifications from previous presentations to the Planning Board. Good discussion on the Articles was held at the previous night's Warrant Committee meeting and a number of Warrant Committee members were in attendance.

CEO Keene confirmed adequate Public Notice.

WARRANT ARTICLE XX Shall an ordinance dated May ==, 2021 and entitled "Amendments to the Land Use Zoning Ordinance to modify the definition of setback to exclude footpaths and sidewalks."

Currently a footpath may not connect to a sidewalk or road within a right of way. Since the Planning Board's initial review of this article, more was added to keep the definition of "footpath" consistent with shoreland zoning standards. The additions made are what the DEP would like to see added.

MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING TO RECOMMEND FOR APPROVAL **WARRANT ARTICLE XX SHALL AN ORDINANCE DATED MAY ==, 2021 AND ENTITLED "AMENDMENTS TO THE LAND USE ZONING ORDINANCE TO MODIFY THE DEFINITION OF SETBACK TO EXCLUDE FOOTPATHS AND SIDEWALKS."** AS PRESENTED.

VOTE:

MEREDITH RANDOLPH: AYE

1 CHRISTIE ANASTASIA: AYE
2 JOANNE EATON: AYE
3 DAVE ASHMORE: AYE
4 CHAIR BILL HANLEY: AYE
5 MOTION APPROVED 5-0.
6

7 **WARRANT ARTICLE XX -Shall an ordinance dated May ==, 2021 and entitled**
8 **“Amendments to Section 6A.6 Lighting-Outdoor”**

9 Mr. Musson gave credit to Dwight Lanpher, who was in attendance, for his expertise
10 and work on the Article.
11

12 The intent of this Article was to reorganize the Ordinance and make it more consistent
13 with similar typical ordinances. The definitions should provide more clarity. The
14 Grandfathering of non-conforming lighting remains the same.
15

16 Mr. Musson noted that recommended best practices are at the bottom. Normally, such
17 a thing is not included, as they are not a standard that can be applied.
18

19 Mr. Lanpher pointed out technical changes in the ordinance. The original ordinance is
20 approximately ten years old. LED lighting, for example, is detrimental to health and add
21 to night sky pollution. Additionally, some minor technical issues were corrected.
22

23 Additionally, there were some light-trespass standards in the original ordinance that
24 were technically impossible to enforce. Those have been clarified.
25

26 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO RECOMMEND FOR
27 APPROVAL, **WARRANT ARTICLE XX -SHALL AN ORDINANCE DATED MAY ==, 2021 AND**
28 **ENTITLED “AMENDMENTS TO SECTION 6A.6 LIGHTING-OUTDOOR”, AS PRESENTED.**
29 VOTE:

30 JOANNE EATON: AYE
31 MEREDITH RANDOLPH: AYE
32 CHRISTIE ANASTASIA: AYE
33 DAVE ASHMORE: AYE
34 CHAIR BILL HANLEY: AYE
35 MOTION APPROVED 5-0.
36

37 Chair Hanley and Mr. Musson both voiced their appreciation for Mr. Lanpher’s
38 assistance with the ordinance.
39

40 **WARRANT ARTICLE XX - Shall an ordinance dated May ==, 2021 and entitled**
41 **“Amendments to the Land Use Zoning Ordinance to clarify where the setback is**
42 **measured from a private road or right-of-way”**

43 This was not a policy change; a section located in the definition of setback was moved
44 to Footnote C in Table 3.5 of the ordinance, with the intent of clarifying how setbacks

are measured from private roads and rights of way. This merely clarifies how the ordinance is read.

MR. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO RECOMMEND FOR APPROVAL **WARRANT ARTICLE XX - SHALL AN ORDINANCE DATED MAY ==, 2021 AND ENTITLED "AMENDMENTS TO THE LAND USE ZONING ORDINANCE TO CLARIFY WHERE THE SETBACK IS MEASURED FROM A PRIVATE ROAD OR RIGHT-OF-WAY"**, AS PRESENTED.

VOTE:

MEREDITH RANDOLPH: AYE

DAVE ASHMORE: AYE

CHRISTIE ANASTASIA: AYE

JOANNE EATON: AYE

CHAIR BILL HANLEY: AYE

MOTION APPROVED 5-0.

WARRANT ARTICLE XX - Shall an ordinance dated May ==, 2021 and entitled "Amendments to the Land Use Zoning Ordinance to remove footnote 4 from some permitted uses in the Stream Protection (SP) District to be in conformance with Shoreland Zoning Standards"

The proposed change modifies the Section 3.4 table to delete footnote 4 under most circumstances. Footnote 4 is a requirement to obtain a variance from the Zoning Board of Appeals. This change makes the ordinance more consistent with State shoreland zoning ordinances. Conditional Use Approval will still be required.

MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO RECOMMEND FOR APPROVAL **WARRANT ARTICLE XX - SHALL AN ORDINANCE DATED MAY ==, 2021 AND ENTITLED "AMENDMENTS TO THE LAND USE ZONING ORDINANCE TO REMOVE FOOTNOTE 4 FROM SOME PERMITTED USES IN THE STREAM PROTECTION (SP) DISTRICT TO BE IN CONFORMANCE WITH SHORELAND ZONING STANDARDS"**, AS PRESENTED.

VOTE:

MEREDITH RANDOLPH: AYE

JOANNE EATON: AYE

CHRISTIE ANASTASIA: AYE

DAVE ASHMORE: AYE

CHAIR BILL HANLEY: AYE

MOTION APPROVED 5-0.

Topics for Mr. Musson's future review were discussed.

Ms. Eaton noted that parking in Northeast Harbor has been a concern raised by a number of people. It would be helpful to begin work on parking regulations. Chair Hanley felt parking and traffic has been a topic of discussion beyond just Northeast

Harbor. There was once a parking and traffic committee in Town. Mr. Musson offered to follow up with the Town Manager on where that committee stood.

Chair Hanley noted that the checklist forms used by the Planning Board for their deliberations could use an update. Mr. Musson noted this work was on his list.

Mr. Musson reported that the Comprehensive Plan for the Town is now out of date and will need to be reviewed. There are some Village Plans that must be reviewed as well, and the Subdivision Ordinance requires an update.

Ms. Randolph asked that a solar rights ordinance be considered for the Town. Mr. Musson requested Ms. Randolph share any such ordinances she might know of.

IV. Conditional Use Approval Application(s):

A. Conditional Use Approval Application #002-2021

OWNER(S) NAME(S): Sheryl C. & H. James Gilmore

AGENT: Tom Lawrence

LOCATION: 9 Lower Dunbar Road, Seal Harbor

TAX MAP: 031 **LOT:** 091-002 **ZONE(S):** Village Residential One (VR1)

PURPOSE: Section 3.4 - Public - School. Install an RV "Temporarily" on site to be used as an incubation area, during the COVID Pandemic.

SITE INSPECTION: 3:30PM

CEO Keene confirmed adequate public notice. Abutters were notified.

No Conflict of Interest was found among the Board.

Chair Hanley reported on the Site Visit. The property spans between Lower Dunbar Road and Upper Dunbar Road. The site where the trailer would be parked was noted. The trailer will be a pull-behind RV trailer. It will be kept on site during the summer program held there. If there is a Covid-positive or presumed-positive issue a student can be isolated in the RV until they are deemed Covid free, or parents can take them home. The trailer will have power and water and a holding tank. The trailer will be removed off site for holding tank removal.

Owner Sheryl Gilmore noted the summer program onsite is an educational summer oceanographic program. It was not able to open last summer due to the Covid pandemic. Enrollment this year is nearly full. Safety protocols are in place, including testing and keeping the attendees relatively isolated from communities like Bar Harbor. An isolation space is required in order to open. The school's setup is not conducive to creating effective isolation space inside the building. A trailer will allow an attendee to remain isolated, with the facility nurse to oversee and monitor, and also allow them bathroom use and access to water onsite.

1
2 The RV will be placed at the end of the staff parking.

3
4 Water and waste dumping can be done offsite at nearby campgrounds.

5
6 The program runs June 19, 2021 through August 21, 2021.

7
8 Chair Hanley noted the area where the RV will be is a level, open field, and out of the
9 way of staff vehicles and delivery trucks.

10
11 Chair Hanley asked for questions or comments from the public. There were none.

12
13 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, TO FIND THE APPLICATION
14 COMPLETE.

15 VOTE:

16 MEREDITH RANDOLPH: AYE

17 CHRISTIE ANASTASIA: AYE

18 JOANNE EATON: AYE

19 DAVE ASHMORE: AYE

20 CHAIR BILL HANLEY: AYE

21 MOTION APPROVED 5-0.

22
23 Ms. Randolph believed this request was similar to the type of accommodation made for
24 restaurants due to Covid. She tried to recall how those requests were handled. Chair
25 Hanley agreed. With a completed Application before the Board, he felt it best to review
26 it as any other Application.

27
28 MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, USING THE SHORT FORM.

29 VOTE:

30 MEREDITH RANDOLPH: AYE

31 JOANNE EATON: AYE

32 CHRISTIE ANASTASIA: AYE

33 DAVE ASHMORE: AYE

34 CHAIR BILL HANLEY: AYE

35 MOTION APPROVED 5-0.

36
37 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, APPROVAL OF THE
38 APPLICATION.

39
40 A review of the Checklist was made and is attached to these Minutes.

41
42 Chair Hanley noted a discrepancy in the trailer size. The physical size of the trailer is
43 reported as 26 feet. Specifications submitted state the trailer is 29 feet. Ms. Gilmore
44 explained the discrepancy was due to the section of towbar at the front of the trailer.

1 The towbar will be balanced on the ground to stabilize the trailer. The trailer is actually
2 27 feet in length and 8 feet in width. Ms. Gilmore agreed to modify her application, and
3 return it to CEO Keene..
4

5 Ms. Anastasia inquired about the CDC guidelines for quarantine space. Is the
6 requirement per operation or relative to the number of attendees at a facility? What
7 might trigger requirement of a second isolation space?
8

9 Ms. Gilmore noted the CDC has not provided information regarding such contingency.
10 The Fire Marshal has also been contacted. The trailer will have smoke detectors.
11

12 VOTE:

13 MEREDITH RANDOLPH: AYE

14 JOANNE EATON: AYE

15 CHRISTIE ANASTASIA: AYE

16 DAVE ASHMORE: AYE

17 CHAIR BILL HANLEY: AYE

18 MOTION TO APPROVE THE APPLICATION APPROVED 5-0.
19

20 CEO Keene noted the next meeting was a busy one. Several Applications were pushed
21 back to the second meeting in March, and some may be moved back to April.
22

23 Mr. Ashmore noted he was in Florida for approximately two months. As long as
24 meetings continue via Zoom, Mr. Ashmore can continue to participate.
25

26 **IV. Adjournment**

27 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONding, TO ADJOURN.

28 VOTE:

29 MEREDITH RANDOLPH: AYE

30 DAVE ASHMORE: AYE

31 CHRISTIE ANASTASIA: AYE

32 JOANNE EATON: AYE

33 CHAIR BILL HANLEY: AYE

34 MOTION APPROVED 5-0.
35

36 Meeting adjourned at 8:12PM.
37