

**TOWN OF MOUNT DESERT
PLANNING BOARD MEETING
Meeting Room, Town Hall
21 Sea Street Northeast Harbor
Date: December 11, 2019**

- I. Call to order 6:00 p.m.
- II. Approval of Minutes
- III. **Section 4.6 Functional Land Divisions.**
 1. Functional land divisions of lots are allowed provided the lots are as conforming as possible, reviewed, and approved by the Planning Board. The Planning Board will determine whether each division is a distinct, separate, and historical residential use. The following criteria shall be met for a functional land division to be approved:
 1. The dwelling unit(s) located on the property all predate the adoption of this Ordinance or any amendment thereto which made the structures non-conforming.
 2. The structures located on the property, together with appropriate curtilage (i.e. yard area used with and around structure/s), were separately occupied and used by tenants at the time of the adoption of this Ordinance or any amendment thereto which made the structures non-conforming.
 3. The proposed use reflects the nature and purpose of the use prevailing when the zoning legislation took effect.
 4. There is not created a use different in quality or character, as well as in degree.
 5. The current use is not different in kind in its effect on the neighborhood.

PROPERTY OWNER(S): Paula B. Knudsen, Heirs of
C/O Jennifer Tully, Pers. Rep.

AGENT: Thomas W. Benson, PLS

PROPERTY LOCATION(S): 41 & 43 Main Street, Seal Harbor

TAX MAP: 030 **Lots:** 027 & 029 **Zone(s):** Village Residential 1 (VR1)

PURPOSE: Functional Land Division – Amendment to Plan #039 No. #061.

- IV. Land Use Zoning Ordinance **Section 6B.10 Lots § (2) Access** - No lot may be built upon or otherwise developed unless it has a private road or driveway for access to a public way by a valid right of way benefiting the lot (or a combination of driveway and/or one of more private roads) or by ownership of land abutting the public way. **If more than 2 lots are accessed by the same private road, then it must meet the Street Design and Construction Standards of Section 5.14 of the Subdivision Ordinance.** If no more than 2 lots are accessed by the same private road or driveway, then it must meet either the said Street Design and Construction Standards or the Driveway Construction standards of Section 6B.6 of this Ordinance. A pre-existing primary access drive that serves up to 2 existing lots need not meet the requirements of Section 6B.6. All lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Fire Chief.

Subdivision Ordinance **Section 6. Waiver and Modifications of this Ordinance**

§ 6.1.1 Where the Board finds that a private road providing access to a lot or lots cannot meet the Street Design and Construction standards of Section 5.14 because (a) the application of land use restrictions would prevent the work required to bring an existing road into compliance or (b) physical conditions of the site render strict compliance impossible, then the Board may waive such standards. However, in all such cases, the Board must find that (a) the proposed plan brings the road into compliance as much as is feasible, (b) the proposed plan will provide safe access to and from the property, and (c) the proposed plan will allow for access to the site for emergency vehicles.

PROPERTY OWNER(S): Rye Field Partners, LP

AGENT: Thomas B. Wheatley, Esq.

PROPERTY LOCATION: Off Gatehouse Road

TAX MAP: 005 **Lot:** 009-004 **Zone(s):** Residential 2 (R2)

PURPOSE: Land Division, off a Non-compliant Private Road.

SITE INSPECTION: 3:00PM

V. **Conditional Use Approval Application(s):**

Conditional Use Approval Application #009-2019

OWNER(S) NAME(S): Hedgefield Garden, LLC

AGENT: Erika Lindquist

LOCATION: Off Kimball Road, Northeast Harbor

TAX MAP: 024 **LOT(S):** 057-002 & 057-003 **ZONE(S):** Village Residential Two (VR2)

PURPOSE: Section 3.4 – Excavation or Filling of >150 cubic yards.

SITE INSPECTION: 3:45PM

VI. Other

VII. Adjournment

The next scheduled meeting/public hearing(s) is in the Meeting Room, Town Hall, Sea Street, Northeast Harbor at 6:00p.m., Wednesday, January 8, 2020