

**Conditional Use Approval Application #004-2016**  
**OWNER(S):** James F. Marcogliese & Richard J. Marcogliese  
**AGENT(S):** Danny Dunbar, Dunbar & Sons Excavating  
**LOCATION:** 67 Quarrys Edge Road, Mount Desert  
**TAX MAP:** 008 **LOT(S):** 135 **ZONE(S):** Shoreland Residential 3 & Rural Woodland 3  
**PURPOSE:** Section 3.4 – Excavation or Filling of >150 cubic yards. Construction of an ATV Trail  
**SITE INSPECTION:** 3:30PM

## SECTION 5 CONDITIONAL USE APPROVAL

### 5.9 Standards

The application for Conditional Use Approval shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of the standards of Section 6A and/or one or more of the applicable standards of Section 6B or 6C. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable standards have been met.

In addition, **in all shoreland areas**, after the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

5.9.1	Will maintain safe and healthful conditions	X N/A	<input type="checkbox"/> See Application	<input type="checkbox"/> Standard Not Met
5.9.2	Will not result in water pollution, erosion, or sedimentation to surface waters	<input type="checkbox"/> N/A	X See Application	<input type="checkbox"/> Standard Not Met
5.9.3	Will adequately provide for the disposal of all wastewater	X N/A	<input type="checkbox"/> See Application	<input type="checkbox"/> Standard Not Met
5.9.4	Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat	<input type="checkbox"/> N/A	X See Application	<input type="checkbox"/> Standard Not Met
5.9.5	Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters	X N/A	<input type="checkbox"/> See Application	<input type="checkbox"/> Standard Not Met
5.9.6	Will protect archaeological and historic resources as designated in the comprehensive plan	<input type="checkbox"/> N/A	X See Application	<input type="checkbox"/> Standard Not Met
5.9.7	Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district	X N/A	<input type="checkbox"/> See Application	<input type="checkbox"/> Standard Not Met
5.9.8	Will avoid problems associated with floodplain development and use; (In compliance with Floodplain Management Ordinance of the Town of Mount Desert – Amended March 7, 2006.)	X N/A	<input type="checkbox"/> See Application	<input type="checkbox"/> Standard Not Met
5.9.9	Is in conformance with the provisions of Sections 6A, 6B and 6C	<input type="checkbox"/> N/A	X Standard Met	<input type="checkbox"/> Standard Not Met

**Findings of Fact(s):** The applicable standards of 5.9 have been met.  
(Eaton/Randolph) 5-0

**Conclusion of Law:** All requirements for Section 5.9 have / ~~have not~~ been met.

**VOTE:** Conclusion of Law - (Eaton/Randolph) 5-0