

- A. **OWNER NAME(S):** Ginsburg Family, LLC  
**APPLICANT(S):** Brian D. Shaw  
**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:** Relocate a Non-Conforming Structure within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board.  
**SITE INSPECTION:** 2:30PM **Masks Required During Site Inspection.**

### **STANDARDS OF SECTION 4.3.5 ~ RELOCATION OF NON-CONFORMING STRUCTURE**

The site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules (rules), or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the set back to the greatest practical extent, the Planning Board shall consider:

**Size of the Lot:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ The Standards for the Size of the Lot have not changed from those stated on the original 4.3.5 checklist dated September 11, 2019.

\_\_\_\_\_ As identified on Sheet C-1 submitted by the Applicant, the existing footprint is shifting slightly away from high-water line. This results in the footprint being less non-conforming.

**Topography/Slope of the Land:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ The Standards for the Topography /Slope of the Land have not changed from those stated on the original 4.3.5 checklist dated September 11, 2019.

\_\_\_\_\_ The minimally modified plan has no additional impact upon the topography or slope of the land.

**Potential for soil erosion:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ The Standards for the Potential for Soil Erosion have not changed from Those stated on the original 4.3.5 checklist dated September 11, 2019.

\_\_\_\_\_ All erosion control efforts are still in place. Three new piers will be added on the East side of the building footprint, outside the 25-foot highwater line setback. Potential septic tank relocation will not increase chances of soil erosion.

**Location of other structures on the property and on adjacent properties:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ The Standards for Location of other Structures on the Property and on Adjacent Properties have not changed from those stated on the 4.3.5 checklist dated September 11, 2019.

\_\_\_\_\_ Current footprint nestled in among both old growth and new growth. Current location is \_\_\_\_\_  
\_\_\_\_\_ best fit due to the buffers already in place. \_\_\_\_\_

**Location of the septic system and other on-site soils suitable for septic systems: *The***

*Board finds:*

*Findings of Fact:* \_\_\_\_\_ The Standards for Location of the Septic System and Other On-site \_\_\_\_\_  
\_\_\_\_\_ Soils Suitable for Septic Systems have not changed from those stated on the 4.3.5 \_\_\_\_\_  
\_\_\_\_\_ checklist dated September 11, 2019. \_\_\_\_\_

\_\_\_\_\_ The only component of the septic system modified from the previous application is the \_\_\_\_\_  
\_\_\_\_\_ relocation of the septic tank. \_\_\_\_\_

**Vegetation to be removed to accomplish the relocation: *The Board finds:***

*Findings of Fact:* \_\_\_\_\_ The Standards for Vegetation to be Removed to Accomplish the \_\_\_\_\_  
\_\_\_\_\_ Relocation have not changed from those stated on the 4.3.5 checklist dated \_\_\_\_\_  
\_\_\_\_\_ September 11, 2019. \_\_\_\_\_

\_\_\_\_\_ Relocation of square footage away from water does not require any additional clearing. \_\_\_\_\_

*Conclusion of Law:*

\_\_\_\_\_ Standard has been met. Current Application is resulting in a reduction of non-conformity \_\_\_\_\_  
\_\_\_\_\_ Relative to the previous Application dated September 22, 2019. \_\_\_\_\_  
\_\_\_\_\_ (Randolph/Eaton) Motion approved 5-0. \_\_\_\_\_

**APPROVAL CONDITIONS:** *In addition to all applicable federal, state, and town permits be in place prior to any construction, the following conditions apply:*

\_\_\_\_\_

**APPLICATION APPROVED** 11/18/2020 **DENIED** \_\_\_\_\_  
(Date) (Date)

**MINUTES OF THIS PUBLIC HEARING CONSTITUTE A PART OF THE RECORD FOR THIS MATTER.**

**SIGNATURES OF ALL VOTING BOARD MEMBERS:**

*William Hanley*  
William Hanley, Chairman

*Christie Anastasia*  
Christie Anastasia

*David Ashmore*  
David Ashmore

*Meredith Randolph*  
Meredith Randolph

*Joanne Eaton*  
Joanne Eaton

Non- Voting Member  
Tracy Loftus Keller, Alternate