

**Town of Mount Desert Planning Board
Regular Meeting Minutes
Meeting Room, Town Hall
6:00 PM, January 22, 2020**

Public Present:

Jerry Miller, Brett A. Barrett, Lori A. Barrett, Noel Musson, Kathleen Miller, Stephanie Kelley-Reece, Katrina Carter

Board Members Present: Chair Bill Hanley, Joanne Eaton, Tracy Loftus Keller, Meredith Randolph

Tracy Loftus Keller is an Alternate, non-voting member.

I. Call to Order 6:00 PM

Chair Bill Hanley called the meeting to order at 6:00 PM.

MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO MAKE MS. LOFTUS KELLER A VOTING MEMBER FOR THE MEETING. MOTION APPROVED 3-0-1 (LOFTUS KELLER IN ABSTENTION).

II. Approval of Minutes

JANUARY 8, 2020: MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, APPROVAL OF THE JANUARY 8, 2020 MINUTES AS PRESENTED. MOTION APPROVED 4-0.

III. Public Hearing:

Land Use Zoning Ordinance, Official Land Use Map, Subdivision Ordinance and Sale of Food and Merchandise Ordinance Amendments for the 2020 Town Meeting.

CEO Keene confirmed adequate Public Notice.

Land Use Planning Consultant Noel Musson presented Warrant Articles intended for the 2020 Town Meeting. Two Public Hearings have been scheduled. LUZO Advisory Committee members Jerry Miller, Katrina Carter, and Stephanie Kelley-Reece were also in attendance.

The following changes to the Ordinance were discussed:

Shall an ordinance...entitled "Amendments to the Town of Mount Desert Land Use Ordinance to allow rooming houses in the Village Commercial Zoning District" be enacted as follows?

Mr. Musson noted this issue has been discussed previously and would allow rooming houses in the Village Commercial District. The big change between previous considerations and this consideration is that the number of people per bathroom will be limited to eight people per bathroom, down from the previous standard iteration of 16 people per bathroom. This meets the State Plumbing Code. Per this draft, a rooming house can have no more than 16 people, and only one rooming house per

1 lot. Per the proposed ordinance change, rooming houses require residents to live there longer than
2 30 days, offer a shared cooking area and do not allow cooking in the sleeping rooms. Mr. Musson
3 noted this was a first attempt at creating a rooming house standard and could potentially change
4 over time. The ordinance change will not affect rooming houses already in Town.

5
6 The number of 16 roomers was arrived at through research of other definitions, and the State Fire
7 Marshall standards. The Town has the choice to be stricter for numbers of roomers, or for numbers
8 of people per bathroom.

9
10 Discussion ensued regarding whether the Town should make the ordinance stricter in their
11 requirements. The higher numbers might keep costs lower for potential lower-income roomers.

12
13 Ms. Randolph felt the number of each fixture – showers, toilets, sinks – would be a better way to
14 count. She felt this would get to the most economical possibilities. Mr. Musson noted that rooms
15 could have sinks in them, but not bathrooms. LUZO Advisory Committee Member Katrina Carter
16 pointed out the Committee started with the plumbing code. Additionally, developers will try to
17 build something sustainable, including the cost of water and sewer. Ms. Randolph reiterated
18 counting each fixture would be a more economical approach.

19
20 The Ordinance will have to go before the State Fire Marshal. The State Plumbing Code dictates how
21 many fixtures are required.

22
23 Mr. Musson reminded the Board that the Plumbing Code already addresses the requirements. He
24 reminded the Board that there are already rules in place that deal with these issues, such as the
25 Plumbing Code. This Ordinance is not necessarily intended to duplicate the Plumbing Code. Trying
26 to do so might be problematic, as the Plumbing Code changes more frequently than a Town
27 Ordinance.

28
29 Kathleen Miller asked whether it was wise to state specifics in the Ordinance, if the State Plumbing
30 Code might change. Mr. Musson agreed. Perhaps wording to the effect of eight people per
31 bathroom, or the minimum required through the State Plumbing Code. Ms. Carter felt that
32 grandfathering would cover such a change.

33
34 Chair Hanley felt this was an Ordinance that would evolve with time and experience.

35
36 MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO RECOMMEND THE ISSUE DESCRIBED AS
37 “SHALL AN ORDINANCE...ENTITLED “AMENDMENTS TO THE TOWN OF MOUNT DESERT LAND USE
38 ORDINANCE TO ALLOW ROOMING HOUSES IN THE VILLAGE COMMERCIAL ZONING DISTRICT” BE
39 ENACTED AS FOLLOWS?” AS PRESENTED. MOTION APPROVED 4-0.

40
41 **Shall an ordinance dated May – 2019 and entitled “Amendments to the Town of Mount Desert**
42 **Land Use Ordinance Regarding hotels and motels” be enacted as follows? – this Ordinance change**
43 **will create a Village Residential 3 Zoning District.**
44

1 Mr. Musson explained that this will create a very narrow District allowing the Asticou Inn to exist in
2 an area where it is currently not an allowed use. The Asticou Inn is to a point where they must
3 engage in significant repairs to their structures. Their District does not allow for the necessary work.
4 The Asticou Inn asked the Town to look into how best to address the problem, and it was deemed
5 the best way was to narrowly focus a zone around the Asticou, allowing them to operate the hotel.
6

7 The Zoning allows for additional staff housing that must be associated with the hotel. Standard
8 commercial uses like recreational facilities, restaurants, retail stores are allowed only as accessory
9 uses to the hotel. The hotel could not close, and then open as another business. The boundary for
10 the District is essentially around the hotel itself and does not include accessory lots with buildings
11 owned by the Asticou.
12

13 Ms. Randolph asked about the possibility of the property being sold at a future point. Why not
14 allow the Asticou to sell off a small lot for a residence? Mr. Musson noted the goal was to
15 accommodate the particular use of the hotel. He felt this has historically been a hotel, and it was his
16 feeling that the Town wanted to encourage it to remain a hotel. The ability to sell off lots tends to
17 incentivize more growth along this line. The Asticou owns other ancillary lots that can be sold off.
18 To the goal of a hotel remaining there, there have been additions made to the Section 6B standards
19 of the LUZO. CEO Keene pointed out this proposed change was an effort to accommodate what the
20 owners of the Asticou Inn desired. Additionally, it can be changed at a later date if deemed
21 necessary.
22

23 Mr. Musson noted a vote was not necessary at this point; there was one additional change to be
24 made prior to vote.
25

26 **Shall an ordinance dated May - - and entitled "Amendments to the Town of Mount Desert Sale of**
27 **Food and Merchandise Ordinance to change the length of time that licenses are valid for Mobile**
28 **Food Vendors in the Shoreland Commercial District" be enacted as follows?**
29

30 This ordinance issue is specific to the Shoreland Commercial District. This will allow a vendor, having
31 made the financial investment in a mobile vending unit, a chance to sell for more than just a single
32 year. Second, it ensures a vendor gets a license every year. Third, it streamlines the license process
33 timeline. Mobile vendors will be required to have a license every year. Once a vendor has a license
34 it's valid for three years, pending annual review of the license. The number of available vending
35 spaces will not change. The deadline for submission of a license application is February 1. This
36 allows vendors more time to enter the application process. The lottery for licenses will now take
37 place publicly at a Board of Selectman's meeting.
38

39 Ms. Eaton noted a date mistake in the ordinance draft.
40

41 No vote from the Planning Board was necessary.
42

43 **Shall an ordinance dated May - - and entitled "Amendments to the Town of Mount Desert Sewer**
44 **Ordinance to add a definition of Gross Leasable Floor Area" be enacted as follows?**

1
2 Mr. Musson explained the current Sewer Ordinance has terms that reference the Gross Leasable
3 Floor Area. There is no definition in the LUZO of Gross Leasable Floor Area. A definition has been
4 added. CEO Keene stated this was for commercial space to determine sewer impact fees. The
5 proposed definition is what Ms. Keene has been using, and it will simply be added to the Ordinance.

6
7 No vote from the Planning Board was necessary.

8
9 **Subdivision Ordinance Revision**

10
11 Mr. Musson noted the current Subdivision Ordinance is outdated and inconsistent with State law.
12 The LUZO Advisory Committee has worked to create a new Ordinance to replace the current.
13 Because this is a large-scale change, it requires Planning Board review and further discussion.
14 Further definitions such as the difference between major and minor subdivisions, workforce housing
15 subdivisions, open space subdivisions, cluster subdivisions, waiver provisions and road standards
16 require consideration as well.

17
18 Mr. Musson noted the LUZO Advisory Committee meetings are held monthly, and are advertised, so
19 the Planning Board is able attend a meeting in numbers for these discussions. Chair Hanley hoped
20 to have Board Member Ashmore back before such discussions ensue. The goal is to prepare this for
21 the 2021 Town Meeting. Chair Hanley thought a Planning Board meeting to discuss the proposed
22 changes outside the context of the LUZO Advisory Committee meeting would be beneficial as well.
23 A workshop might be a good way to have public input. Developmental subdivisions should be
24 considered by the LUZO Advisory Committee and the Board as well.

25
26 Mr. Musson noted that upcoming issues were planning for the villages of Otter Creek, and
27 Somesville.

28
29 **Request for relocation of a stream on the official Map 8 Lot 30.**

30
31 Mr. Musson noted a map correction is required for Map 8, Lot 30. This will relocate a stream on the
32 map to its actual location. The map currently shows a stream going through this lot, however it is
33 lower than the lot. CEO Keene noted abutters to the stream were notified of the meeting.

34
35 Wording for the change is required before the Planning Board can vote on it.

36
37 **Amendments to the Appeals Provisions**

38
39 Some changes will be made to the Appeals Board Ordinance, and the Land Use Ordinance with
40 regard to Appeals Provisions. This will align the Ordinance wording with caselaw.

41
42 **Shoreland Zoning Ordinance Change**

43

1 A recently discovered change in the State's Shoreland Zoning Ordinance requires all ledge to be
2 counted toward lot coverage. There is the ability to exempt counting ledge for lots created before
3 1990.

4
5 The Planning Board lauded Mr. Musson and the Land Use Advisory Committee for their hard work.

6
7 **IV. Nonconformity – Sections - 4.3.6, & 4.3.5 - Reconstruction or Replacement of a Non-**
8 **Conforming Structure(s).**

9 **OWNER(S):** Lori A. Barrett, Trustee

10 **AGENT(S):** Brett A. Barrett

11 **LOCATION:** 44 Northern Neck Road, Mount Desert

12 **TAX MAP:** 016 **LOT(S):** 002 **ZONE(S):** Shoreland Residential Two (SR2)

13 **PURPOSE:** To demolish and reconstruct two existing Non-Conforming Structures. A garage and
14 Residential Dwelling Unit with attached open frame decks.

15 **SITE INSPECTION:** 3:00PM

16
17 Ms. Eaton confirmed adequate public notice. Abutters were notified.

18
19 No conflict of interest was found.

20
21 Ms. Randolph reported on the Site Inspection. The Applicant is planning on moving the proposed
22 building further back. Chair Hanley noted the driveway and septic area were pointed out at the Site
23 Visit. The house is screened from Northern Neck Road. There is a garage and two existing cabins on
24 the property. One cabin will be demolished, and a new structure built. The footprint of one of the
25 cabins will be used for the rebuild. Due to the location of the septic field, the Applicant does not
26 have flexibility on siting the new structure. There is mature tree growth on the property, allowing
27 for screening from the Northern Neck Road, and down near the shoreline.

28
29 Agent Brett Barrett reported the camp was being rebuilt due to two family members having
30 accessibility issues. The buildings will be renovated to be fully accessible. The Applicant's hope is to
31 be compliant and transparent. They hope to keep the project less invasive to the view corridor.

32
33 The roofline has been lowered, and some square footage has been removed. A second Application
34 packet was submitted showing these changes.

35
36 In the first Application packet some renderings and color palettes were submitted. The goal is to
37 blend the structures into the vegetation. No trees at the shoreline will be removed. Minimal trees
38 near the relocation will be removed. The structure is low and simplistic.

39
40 A review of the Application was made with regard to Sections 4.3.5 and 4.3.6. These Sections are
41 included as part of these Minutes.

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43
44

1 **V. Adjournment**

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

4

5 The meeting adjourned at 7:53PM.