

**TOWN OF MOUNT DESERT
PLANNING BOARD MEETING
Minutes for August 24, 2022**

Board Members Present: Tracy Loftus Keller, Chair William Hanley, David Ashmore, Gloria Kunje, Christie Anastasia

Board Member Meredith Randolph was not in Attendance.

Gloria Kunje is an Alternate, non-voting member.

Public Present: Christian Arnold, Michael Sweet

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

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

II. Approval of Minutes

August 10, 2022:

MS. LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, APPROVAL OF THE AUGUST 10, 2022 MINUTES AS PRESENTED.

VOTE:

TRACY LOFTUS KELLER: AYE

CHRISTIE ANASTASIA: AYE

DAVID ASHMORE: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 4-0.

MS. ANASTASIA MOVED, WITH MS. LOFTUS KELLER SECONDING, MAKING ALTERNATE MEMBER GLORIA KUNJE A VOTING MEMBER FOR THE MEETING.

VOTE:

CHRISTIE ANASTASIA: AYE

TRACY LOFTUS KELLER: AYE

DAVID ASHMORE: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 4-0.

III. Other:

Sections 3.4 & 6C.9 Roads and Driveways:

3. New roads and driveways are prohibited in a Resource Protection District or Stream Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District or Stream Protection District, upon a finding that no reasonable alternative route or location is available

outside the district. When a road or driveway is permitted in a Resource Protection District or Stream Protection District the road and/or driveway shall be set back as far as practicable as determined by the Planning Board from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

Conditional Use Approval Application #009-2022

OWNER(S) NAME(S): Christian Arnold

LOCATION: Off SW Valley Road

TAX MAP: 008 **LOT:** 053-001 **ZONE(S):** Stream Protection,
Conservation & Rural Woodlands 2

PURPOSE: Installation of a driveway within the Stream Protection Zoning District to future One-Family Dwelling.

SITE INSPECTION: 4:00PM

CEO Keene confirmed adequate Public Notice. Abutters were notified.

No Conflict of Interest was found among the Board.

Board Members present at the Site Visit were Chair Hanley, Ms. Kunje, and Ms. Anastasia. They were taken down an old, grown-in path toward the stream. There is a crossing over the stream toward the landlocked lot. The subdivision on the Sargent Brook Road could potentially be used for access, however permission was denied by the subdivision president, per a letter submitted by the Applicant. The area has evidence of historic use.

Owner Christian Arnold reported that he has been working with James Bright, abutter to the north. The old road appears to be the best option for accessing the lot with the least amount of disruption.

Chair Hanley asked for public comment.

Abutter Michael Sweet noted his land extends beyond the stream. He hoped if a driveway was approved in that area that he would be able to discuss with Mr. Arnold the possibility of using it.

There was no further public comment.

Public comment was closed.

CEO Keene stated that a review of Sections 6.A, B, and C, Section 5.9, and Section 6C9.3 was necessary.

MR. ASHMORE MOVED, WITH MS. ANASTASIA SECONDING, TO FIND THE APPLICATION COMPLETE.

VOTE:

DAVID ASHMORE: AYE

CHRISTIE ANASTASIA: AYE
TRACY LOFTUS KELLER: AYE
GLORIA KUNJE: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 5-0.

MS. ANASTASIA MOVED, WITH MR. ASHMORE SECONDING, TO USE THE SHORT FORM.

VOTE:

CHRISTIE ANASTASIA: AYE
DAVID ASHMORE: AYE
GLORIA KUNJE: AYE
TRACY LOFTUS KELLER: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 5-0.

MS. ANASTASIA MOVED, WITH MS. LOFTUS KELLER SECONDING, TO APPROVE THE APPLICATION.

A review of The Section 6 and Section 5.9 Checklists was made and is attached to these Minutes.

The Board reviewed Section 6C9.3 to determine whether the proposed driveway is the most practicable access to the lot, and whether it's been adequately shown that there is no alternate route to the lot.

The Applicant requested access over the Sargent Brook Road. His request was denied. The Applicant received a Right of Way over Southwest Valley Road and obtained the right to go over property owned by James Bright and Harriet Whittington. The proposed driveway route will follow an existing road. There is historical access over the stream at the point the Applicant is proposing using. The driveway will be kept near the property line to minimize impact to abutters and the route will avoid wetlands to the extent possible.

There is a DEP Permit by Rule in place for the Application.

Mr. Arnold explained the structure of the bridge will be a concrete base and deck with a gravel road base. The intent is for a minimal, natural look. The plans for the bridge will be required at the time the Applicant applies for his permit. Mr. Arnold noted the DEP did not ask for further details regarding construction. Bridge design must comply with other regulations. Construction will be a raised bridge over the stream, and not a culvert installed at ground level through which the stream would have to pass.

MS. ANASTASIA MOVED, WITH MS. LOFTUS KELLER SECONDING, THAT THE BOARD FINDS THE PROPOSED DRIVEWAY LOCATION, AS DETAILED IN THE APPLICATION, IS THE ONLY FEASIBLE LOCATION BECAUSE NO ALTERNATIVE LOCATION OR ROUTE TO ACCESS THE PROPERTY WAS FOUND OUTSIDE OF

THE STREAM PROTECTION DISTRICT, AND AN ALTERNATE ACCESS REQUEST WAS DENIED BY THE ABUTTING PROPERTY OWNER, SOMES SOUND SUBDIVISION, LLC, PRESIDENT NANCY HO. THEREFORE, THE LOCATION OF THE PROPOSED DRIVEWAY IS IN THE BEST PRACTICABLE AREA AS DETERMINED BY THE BOARD, AND AS APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PERMIT BY RULE. THE BOARD FINDS STANDARDS OF SECTION 6C9.3 HAVE BEEN MET.

VOTE:

CHRISTIE ANASTASIA: AYE
TRACY LOFTUS KELLER: AYE
GLORIA KUNJE: AYE
DAVID ASHMORE: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 5-0.

No Permit Conditions were deemed necessary.

VOTE TO APPROVE THE APPLICATION:

CHRISTIE ANASTASIA: AYE
TRACY LOFTUS KELLER: AYE
GLORIA KUNJE: AYE
DAVID ASHMORE: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 5-0.

There was no Other Business.

IV. Adjournment

MS. ANASTASIA MOVED, WITH MR. ASHMORE SECONDING, TO ADJOURN.

VOTE:

CHRISTIE ANASTASIA: AYE
DAVID ASHMORE: AYE
GLORIA KUNJE: AYE
TRACY LOFTUS KELLER: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 5-0.

The Meeting adjourned at 6:54PM.