

**TOWN OF MOUNT
DESERT PLANNING
BOARD MINUTES
March 22, 2023**

Board Members Present:

Chair William Hanley, Tracy Loftus Keller, Gloria Kunje, Meredith Randolph, David Ashmore.

Gloria Kunje is an alternate, non-voting member.

Members of the Public Present:

Nick Jennej, Jeff Teunisen, Jesse Hartson, Rodney Eason, Theresa Ball, Jen Komorawski, Matthew Baird

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

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

Board Members were identified.

II. Approval of Minutes

None presented.

MS. LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, TO MAKE ALTERNATE BOARD MEMBER GLORIA KUNJE A VOTING MEMBER FOR THE MEETING.

VOTE:

TRACY LOFTUS KELLER: AYE

DAVID ASHMORE: AYE

MEREDITH RANDOLPH: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 4-0.

MR. LOFTUS KELLER MOVED, WITH MS. RANDOLPH SECONDING, TO TAKE ITEM V. OF THE AGENDA OUT OF ORDER.

VOTE:

TRACY LOFTUS KELLER: AYE

MEREDITH RANDOLPH: AYE

GLORIA KUNJE: AYE

DAVID ASHMORE: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 5-0.

III. Conditional Use Approval Application(s):

A. Conditional Use Approval Application #003-2023

OWNER(S): The Community School of Mount Desert

AGENT(S): Nick Jenei & Jasmine W. Smith

LOCATION: 585 Sound Drive, Mount Desert

TAX MAP: 010 **LOT(S):** 161 **ZONE(S):** Shoreland Residential Three (SR3), Rural or Woodland Three (RW3) and Resource Protection (RP)

1 **PURPOSE:** Section- 5.6 – Amendment to previously approved Conditional Use
2 Approval Applications - Independent School. (CUA#10-2016, 012-2020 & 017-
3 2022)

4 **SITE INSPECTION:** 4:30PM

5
6 Ms. Loftus Keller confirmed adequate Public Notice. Abutters were notified.

7
8 Ms. Loftus Keller reported on the Site Visit. She and Ms. Randolph met with Agent Jasmine Smith and
9 discussed the new yurt proposed. It will be placed on an existing platform, and will be similar to other
10 yurts already in place. Ms. Randolph noted the yurt proposed will be 20 feet in diameter. She noted
11 discussion was held on the amount of interior space the school is allowed to have.

12
13 Agent Nick Jennei noted the proposed yurt will bring the total of interior space to 4,169 square feet (sf).
14 The school's limit is 5,000 sf. The yurt will be similar to others on the site, its size will be 20 feet in
15 diameter; other yurts on site are 24 feet in diameter. The engineering is identical to the other yurts and
16 it's up to fire code.

17
18 No Conflict of Interest was found among the Board.

19
20 Chair Hanley opened the discussion for public comment. There was no comment.

21
22 Chair Hanley closed the public comment.

23
24 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO FIND THE APPLICATION COMPLETE.
25 VOTE:

26 MEREDITH RANDOLPH: AYE

27 DAVID ASHMORE: AYE

28 GLORIA KUNJE: AYE

29 TRACY LOFTUS KELLER: AYE

30 CHAIR WILLIAM HANLEY: AYE

31 MOTION APPROVED 5-0.

32

33 A review of the checklists was made and they are attached to these Minutes.

34

35 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, THAT UNDER SECTION 5.6 –
36 AMENDMENT THE PROPOSED CONDITIONAL USE AMENDMENT FALLS UNDER "OTHER CHANGES" AS
37 REVIEWED BY THE PLANNING BOARD.

38 VOTE:

39 MEREDITH RANDOLPH: AYE

40 TRACY LOFTUS KELLER: AYE

41 DAVID ASHMORE: AYE

42 GLORIA KUNJE: AYE

43 CHAIR WILLIAM HANLEY: AYE

44 MOTION APPROVED 5-0.

45

46 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO APPROVE THE APPLICATION:

47 VOTE:

- 1 MEREDITH RANDOLPH: AYE
- 2 DAVID ASHMORE: AYE
- 3 GLORIA KUNJE: AYE
- 4 TRACY LOFTUS KELLER: AYE
- 5 CHAIR WILLIAM HANLEY: AYE
- 6 MOTION APPROVED 5-0.

7

8 **IV. Subdivision Approval Application(s):**

9 **Completeness Review:**

10 **Subdivision #001-2023**

11 **A. OWNER(S) NAME(S):** James F. Marcogliese Rev. Trust

12 **AGENT:** Jeff Teunisen, Haley Ward, Inc.

13 **LOCATION:** Off Quarry's Edge Road, Mount Desert **TAX MAP:** 008

14 **LOT(S):** 134-003-001

15 **ZONING DISTRICT:** Rural Woodland 3 (RW3)

16 **PURPOSE:** Modifications to a previously approved and recorded Subdivision.

17 (Amendment #1 of the 3.02 Acres Subdivision – File 45

18 Number 61 recorded October 25, 2018 & Amendment

19 #2 File 48 Number 54 recorded March 10, 2021)

20 Mr. Tuenisen reported that in response to Ms. Randolph's concerns about the plan, he's cleaned the plan
21 up, taking out ancillary details that were confusing to the Board. He summarized that the applicant has a
22 lot that was part of a previous subdivision. Due to wetlands and gravel in the area, the applicant is
23 proposing to create a new division line in order to convey two lots to his children as part of his estate
24 planning.

25

26 Ms. Randolph recalled the Board was under the impression that no new lots were being created and
27 approved the project based on that understanding. However, an additional lot is being created. It was
28 clarified that the note on the title sheet, "3.02 Acre Subdivision" is the actual name of the subdivision and
29 not a reference to the physical size of the property.

30

31 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO RESCIND THE MOTION MADE AT THE
32 MARCH 8, 2023 MEETING REGARDING PROVISIONS TO THIS SUBDIVISION.

33 VOTE:

34 MEREDITH RANDOLPH: AYE

35 DAVID ASHMORE: AYE

36 TRACY LOFTUS KELLER: AYE

37 CHAIR WILLIAM HANLEY: AYE

38 MOTION APPROVED 4-0.

39

40 A Completeness Review ensued.

41

42 **Section 4.2.1:**

43 MS. LOFTUS KELLER MOVED, WITH MS. RANDOLPH SECONDING, TO FIND SECTION 4.2.1 COMPLETE.

44 VOTE:

45 TRACY LOFTUS KELLER: AYE

46 MEREDITH RANDOLPH: AYE

1 GLORIA KUNJE: AYE
2 DAVID ASHMORE: AYE
3 CHAIR WILLIAM HANLEY: AYE
4 MOTION APPROVED 5-0.
5

6 **Section 4.2.2:**

7 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONGING, TO FIND SECTION 4.2.2 COMPLETE.
8 VOTE:
9 MEREDITH RANDOLPH: AYE
10 TRACY LOFTUS KELLER: AYE
11 GLORIA KUNJE: AYE
12 DAVID ASHMORE: AYE
13 CHAIR WILLIAM HANLEY: AYE
14 MOTION APPROVED 5-0.
15

16 **Section 4.2.3:**

17 MS. LOFTUS KELLER MOVED, WITH RANDOLPH SECONGING, TO FIND SECTION 4.2.3 COMPLETE.
18 VOTE:
19 TRACY LOFTUS KELLER: AYE
20 MEREDITH RANDOLPH: AYE
21 DAVID ASHMORE: AYE
22 GLORIA KUNJE: AYE
23 CHAIR WILLIAM HANLEY: AYE
24 MOTION APPROVED 5-0.
25

26 **Section 5:**

27 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONGING, TO FIND SECTION 5 COMPLETE.
28 VOTE:
29 MEREDITH RANDOLPH: AYE
30 DAVID ASHMORE: AYE
31 GLORIA KUNJE: AYE
32 TRACY LOFTUS KELLER: AYE
33 CHAIR WILLIAM HANLEY: AYE
34 MOTION APPROVED 5-0.
35

36 **Sections 6A, 6B, and 6C:**

37 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONGING, TO FIND SECTIONS 6A, 6B, AND 6C ARE
38 NOT APPLICABLE, WITH THE EXCEPTION OF SECTION 6B.11 AND 6B.15, WHICH ARE FOUND TO BE
39 COMPLETE.
40 VOTE:
41 MEREDITH RANDOLPH: AYE
42 TRACY LOFTUS KELLER: AYE
43 DAVID ASHMORE: AYE
44 GLORIA KUNJE: AYE
45 CHAIR WILLIAM HANLEY: AYE
46 MOTION APPROVED 5-0.
47

1 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND THE APPLICATION COMPLETE.
2 VOTE:
3 MEREDITH RANDOLPH: AYE
4 TRACY LOFTUS KELLER: AYE
5 DAVID ASHMORE: AYE
6 GLORIA KUNJE: AYE
7 CHAIR WILLIAM HANLEY: AYE
8 MOTION APPROVED 5-0.
9

10 CEO Keene informed Mr. Tuenisen the Public Hearing would be held the last meeting in April.
11

12 **V. Other**

13 **Section 2 General Provisions, Similar uses:**

14 Unspecified Uses which are substantially the same as, or having effects the same as, the
15 uses listed in Section 3.4 shall be treated the same as those listed uses. Similarity shall
16 be determined by the Planning Board in strict compliance with the standards set forth in
17 Section 6 and with other pertinent provisions of this Ordinance. Any use or activity not
18 listed in Section 3.4 shall be excluded unless the Planning Board, in accordance with
19 Section 3.4, determines that it is similar to a specified use.
20

21 **OWNER(S):** Mount Desert Garden and Land Preserve

22 **AGENT(S):** Noel Musson, The Musson Group

23 **LOCATION:** 257 Peabody Drive, Seal Harbor

24 **TAX MAP:** 003 **LOT(S):** 015

25 **ZONE(S):** Residential Two (R2)

26 **PURPOSE:** To have an informal discussion regarding "use".

27 Consultant Noel Musson, architect Matthew Baird, and Land and Garden Preserve manager Jesse Hartson
28 were in attendance.
29

30 Mr. Musson requested a discussion regarding the interpretation of the uses for the Land and Garden
31 Preserve Greenrock property. The Land and Garden Preserve is in the planning phases for modernizing
32 their headquarters facilities. The facility use would remain what it has been historically. Land and Garden
33 Preserve is a non-profit entity; they are wondering how the entity would be categorized within the LUZO,
34 in anticipation of coming before the Board for any of the work they are planning.
35

36 The Greenrock headquarters has been on the site for many years. The offices there are the current offices
37 for the Land and Garden Preserve. There is also a garage on site. The Land and Garden Preserve is
38 considering replacing the garage with a similar structure, with the intent to house vehicles, as well as
39 house other uses currently happening elsewhere on site. There's a small L-shaped building on the site that
40 is proposed to come down. It's historically been a paint and carpentry shop as well as storage space. The
41 use will be moved to the garage. They are proposing to add a conforming addition to the existing office
42 space. This will allow for additional space for personnel relocating to this office from another site. The site
43 is in the R2 district and outside the shoreland zone. Offices are an allowed use in the R2 zoning district.
44 Mr. Musson noted the zone allows for commercial office space; the Land and Garden Preserve is a non-
45 profit and not commercial. Additionally, Mr. Musson is wondering how the maintenance building would
46 be categorized. It's been in use on the site since the 1920s, predating the LUZO.

1
2 No bulk storage is occurring outside. Indoor mechanical space and a carpentry and paint shop do occur on
3 site. Mr. Musson suggested the use could fit under Services 1 or 2 in the LUZO. Mr. Baird noted there is
4 an outdoor above-ground fuel tank on site.

5
6 CEO Keene stated it was a mixed use. Office use is allowed in the R2 zone. She noted the term “fully
7 enclosed” means nothing can be stored outside the building. This would include wood for the carpentry
8 shop or equipment of any type. Mr. Musson reported that there might be occasional temporary storage of
9 heavy equipment like backhoes, but not on a regular basis. Mr. Baird noted the mechanical building is for
10 vehicle maintenance and repair of equipment such as a truck or trailer. The use would remain unchanged,
11 the building is proposed to be renovated.

12
13 The Board considered under what type of use the project could be included. Mr. Baird noted there is a
14 filling station on site. The proposal is to move it. They are proposing a small canopy over the gas pumps at
15 the new site. The canopy would also be used to protect things from the weather. This would likely mean
16 storing some things outside from time to time. Wood comes to the site to be milled. It could be stored
17 outside until it can be brought into the shop.

18
19 Plans for the building are within 15 feet in length of the existing building, but the size is still under
20 consideration.

21
22 Chair Hanley believed the nonprofit was most closely aligned with Services 2 or 3. CEO Keene noted that
23 outside multiple uses of a site were allowed outside the shoreland zone. She agreed Services 3 would be a
24 comparable use.

25
26 Ms. Randolph agreed that Services 3 was a comparable use. She wondered about the parking canopy as
27 storage of construction equipment and heavy vehicles as noted at the bottom of the page presented. Mr.
28 Musson reported the storage space was intended for housing a charging station for electric vehicles, and
29 fueling the trucks. CEO Keene pointed out that this was not a gas station available for public use and
30 therefore not a public utility. She would not classify the gas pump or the storage of the organization’s
31 personal fleet as storage of construction equipment of heavy vehicles.

32
33 It was the consensus that the use on the site could come under Services 3, keeping the uses there in
34 compliance.

35
36 MS. LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, TO FIND THAT SERVICES 3 IS THE MOST
37 SIMILAR USE OF THE SITE, NOTED AS “NOT WHOLLY ENCLOSED CONSTRUCTION, MASONRY, PLUMBING,
38 PAINTING, AND CARPENTRY USE, AND OFFICE BUILDING USE.

39 VOTE:

40 TRACY LOFTUS KELLER: AYE

41 DAVID ASHMORE: AYE

42 GLORIA KUNJE: AYE

43 CHAIR WILLIAM HANLEY: AYE

44 MOTION APPROVED 4-0.

45

46 **VI. Adjournment**

47 MS. LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, TO ADJOURN.

- 1 VOTE:
- 2 TRACY LOFTUS KELLER: AYE
- 3 DAVID ASHMORE: AYE
- 4 GLORIA KUNJE: AYE
- 5 MEREDITH RANDOLPH: AYE
- 6 CHAIR WILLIAM HANLEY: AYE
- 7 MOTION APPROVED 5-0.
- 8
- 9 The Meeting adjourned at 7:31PM.
- 10