

**Town of Mount Desert Planning Board
Planning Board Meeting Minutes
Meeting Room, Town Hall
6:00 pm, September 14, 2016**

Public Present

Alan Sprague, George Adams, Diana Mei, Tony Smith, Ann Robb Smith, Kaighn Smith, Stephanie Reece

Board Members Present

Chairman Bill Hanley, Joanne Eaton, Meredith Randolph, David Ashmore, Alternate Beth Renault, Lili Andrews

Also present was Recording Secretary Heidi Smallidge

I. Call to Order

Chairman Hanley called the meeting to order at 6:06 pm. Voting members were noted.

II. Approval of Minutes

June 14, 2016: Voting members were noted. CHAIRMAN HANLEY MOVED, WITH MS. ANDREWS SECONDDING, TO APPROVE THE MINUTES AS REVISED. MOTION APPROVED 4-0.

August 10, 2016: MS. EATON MOVED, WITH MS. RANDOLPH SECONDDING TO APPROVE THE MINUTES AS PRESENTED. MOTION APPROVED 5-0.

III. Conditional Use Approval Application(s):

A. Subdivision (#012-2016)

NAME: The Rockefeller Trust Co.

APPLICANT: Town of Mount Desert

AGENT: Tony Smith, Public Works Director

LOCATION: 251 Peabody Drive, Seal Harbor

TAX MAP: 003 **LOT(S):** 017-001 **ZONE(S):** Shoreland Residential 2 (SR2)

PURPOSE: Section 3.4 – Public Utilities – Replacement of Bracy Cove Pump Station and appurtenances with new.

SITE INSPECTION: 4:00 PM

No conflict of interest was found. Ms. Eaton confirmed adequate public notice and abutters were notified.

Ms. Randolph reported on the site visit. An existing pump station is close to the water, and needs to be moved back. Shrubs are now where the new site is proposed. It is the applicant's hope they can be maintained and replaced once the pump station is moved. The pump station consists of a small green box and control panel. The road to the site will need to be widened. The horse pasture nearby has been approved for use as

1 storage while construction occurs.

2
3 Public Works Director Smith reported the pump station currently on site is from the
4 1970s and beginning to fail. The pump station needs to be moved back to 75 feet
5 behind high water. Additionally a stand-by generator will be installed. It's Mr. Smith's
6 hope the bushes on site can be transplanted around the new pump station. The road to
7 be rebuilt will be similar to the parking area behind St. Jude's. Additionally
8 approximately 75 feet of line will be replaced as well. It was noted the electricity will be
9 buried. Mr. Smith added that the DEP has approved the plans, and the Town is using
10 DEP State Revolving Loan Fund funding for the work. The Town is ready to start the
11 bid process.

12
13 MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO FIND THE
14 APPLICATION COMPLETE. MOTION APPROVED 5-0-1 (RENAULT IN
15 ABSTENTION).

16
17 MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO APPROVE THE
18 APPLICATION.

19
20 MS. ANDREWS MOVED, WITH CHAIRMAN HANLEY SECONDING, TO USE THE
21 SHORT FORM. MOTION APPROVED 5-0-1 (RENAULT IN ABSTENTION).

22
23 There was no public comment.

24
25 A review of the checklists were made and are attached to these Minutes.

26
27 MOTION TO APPROVE THE APPLICATION WAS APPROVED, 5-0-1 (RENAULT IN
28 ABSTENTION).

29
30 **VI. OTHER**

31
32 Diana Mei and Kaighn Smith requested a zoning change to the South Shore Road. It was
33 noted this item is on the September 28th Planning Board Agenda. It was agreed to discuss
34 the issue.

35
36 South Shore Road resident George Adams stated they were requesting to change the
37 zoning on lots 14 and 16 South Shore Road to VR2 instead of SR2. Mr. Adams stated
38 that the lots in question are currently non-compliant. The lots in question are less than two
39 acres in size. Owners are unable to make improvements to the property which makes
40 them difficult to sell. They have no water view or shore frontage, they are well back from
41 the 250 foot shoreland setback, nor do they have deeded water access. Mr. Adams
42 pointed out the area in question on a map.

43
44 Chairman Hanley mentioned that Mr. Adams and Ms. Mei were at the last Land Use
45 Advisory Committee meeting.

46

1 Mr. Adams noted that the Land Use Committee has the bigger picture to look at and take
2 into consideration. Meanwhile the residents are impacted in the short-term, and it would
3 be to their benefit to redistrict them with quickly without a lengthy process. He felt it was
4 not necessary when the situation was simple.

5
6 Ms. Randolph noted the issue would have to be approved at Town Meeting next May.

7
8 CEO Keene stated there are other lots on that road in the same situation. After a review, it
9 was deemed seven lots could be changed. Mr. Adams mentioned one was the church.

10
11 CEO Keene informed the Board that Noel Musson would be at the September 28th or the
12 October 12th Planning Board Meeting and could potentially speak to the situation. Mr.
13 Adams noted the house was built in 1865. Ms. Andrews felt it was part of the larger
14 Kimball property. Ms. Andrews suggested waiting to hear from Mr. Musson to hear if there
15 are considerations the Board is not cognizant of. Ms. Ashmore agreed.

16
17 It was agreed to wait till a meeting Mr. Musson plans to attend to hear from him and the
18 Land Use Advisory Committee. The Board noted that Mr. Adams could phone into the
19 meeting if he can't be at that meeting in person. Chairman Hanley explained that once the
20 Planning Board made a recommendation, the issue would go before the Land Use
21 Advisory Committee for further discussion. The Land Use Advisory Committee then a
22 Public Hearing would be held, the DEP would have to be notified, and then it would go to
23 the Board of Selectmen. The Selectmen would refer it to the Warrant Committee, who
24 would refer it to the Town Meeting for final approval.

25
26 Ms. Ashmore felt it would be important to talk to other residents in the area. Mr. Adams
27 preferred asking for the change for just his own lot. He was hesitant to bring in others. Mr.
28 Ashmore cautioned that the residents wouldn't want to look as though they were asking for
29 spot zoning. Abutters would be notified anyway during the process. Chairman Hanley
30 agreed the perception of just two lots of all the eligible lots in the area might be a sticking
31 point at Town Meeting. Ms. Mei asked what the situation would be if others did not
32 actively agree. It was noted that other residents didn't need to get involved; as long as
33 they didn't specifically disagree with the change, more action on their part is not
34 necessarily required.

35
36 Alan Sprague, President of the Ober Mill Road Association requested to discuss the issue
37 of the Hemlock Lane subdivision. He asked if the vote taken at the August 10th Meeting
38 was the final vote on the subject.

39
40 Chairman Hanley affirmed that it was.

41
42 Mr. Sprague asserted that the notice to the abutters for the July meeting was sent out with
43 only three days' notice. He stated other residents in the area were not given adequate
44 time to research the situation and felt the decision was rushed and the abutters were
45 shorted in the process.

46

1 Chairman Hanley stated there were three meetings discussing the issue, and he did not
2 feel the process was rushed. He reminded Mr. Sprague of the extensive checklist review.
3 Ms. Andrews agreed. CEO Keene noted the letters had been sent well in advance of the
4 meeting.

5
6 Mr. Sprague asked whether the Ober Mill Road residents had any recourse.

7
8 CEO Keene noted the residents can take the situation to court.

9
10 Mr. Sprague requested the letters from Betsy Hill and the Ober Mill Road Association
11 members be entered into the record for future reference. Ms. Keene assured him the
12 letters were part of the public record. He hoped the Board would allow abutters a better
13 chance to defend their positions for any future subdivisions.

14
15 Ms. Randolph inquired what information Mr. Sprague felt was not presented by the
16 abutters. She agreed she did not feel the application was brushed over quickly. Mr.
17 Sprague stated abutters wanted to do their own research but were not give the time.

18
19 **V. Adjournment**

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21 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO ADJOURN THE MEETING.
22 MOTION APPROVED 5-0-1 (RENAULT IN ABSTENTION).

23
24 Meeting was adjourned at 7:21 pm.
25