

Town of Mount Desert Planning Board
Planning Board Meeting Minutes
Meeting Room, Town Hall
6:00 pm, October 12, 2016

Public Present

Noel Musson

Board Members Present

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

Also present was CEO Kimberly Keene.

I. Call to Order

Chairman Hanley called the meeting to order. Voting members were noted.

II. Approval of Minutes

No Minutes were presented.

**III. Zoning change request proposal by Diana Mei & George A. Adams Jr. – 14
South Shore Road, Northeast Harbor, ME 04660 – Tax Map 022 Lot 010.**

Zone

change request from Shoreland Residential 2 (SR2) to Village Residential 2 (VR2).

CEO Keene reminded the Board that Diana Mei and George Adams met with the Planning Board previously to discuss their concerns. At that time it was recommended they contact other property owners in the area about their proposal. CEO Keene reported Mr. Adams contacted those property owners, including Ms. Keene's contact information in the letter he sent. Mr. Adams reported that neither she nor Mr. Adams had heard from any other property owners.

Mr. Adams was unable to attend the meeting so a conference call was made to him.

Mr. Adams updated the Board. He confirmed that he tried to reach other property owners affected by the proposed change. He requested people send their replies to CEO Keene. He reiterated that no one had replied.

Noel Musson reported his meeting with the Land Use Committee with regard to the proposal. He reported it was the consensus of the Committee that they would support the proposed change. Mr. Musson noted the Planning Board needed to weigh in and make a recommendation. After a Public Hearing, the proposal would go to the May Town Meeting. Ms. Andrews asked if there were other zoning changes being proposed at that meeting. Mr. Musson felt there may be more but the Committee hadn't proceeded that far as of yet.

Mr. Musson requested the Planning Board make a supporting statement for the proposal. A

1 Public Hearing would follow to get feedback from residents.
2

3 It was the consensus that the Planning Board agreed with the proposal. It was agreed to
4 have a Public Hearing on the issue.
5

6 Mr. Musson advised Mr. Adams to be proactive about contacting residents in anticipation of
7 the Public Hearing. CEO Keene suggested following up his initial letter after 30 days with a
8 second, certified letter to have proof residents were all contacted and received their letters. It
9 was estimated that the Public Hearing would occur in January or February 2017. Mr. Adams
10 requested CEO Keene inform him if she receives any responses. He would send a new letter
11 after 30 days.
12

13 **Review of Conditional Use Application and Checklist Revisions:**
14

15 Mr. Musson reviewed the Conditional Use Approval Application with the Planning Board. A
16 revised Application was presented to the Board. It was Mr. Musson's opinion that using the
17 Ordinance itself for reference might be wiser than using sections of the ordinance stated on a
18 checklist. Checklists are not always updated when the ordinances are, and nuances and
19 changes to the ordinance can be missed. Mr. Musson noted that wording to specify Findings
20 of Fact or Conclusions of Law might be deemed necessary and included by the Board, and
21 space for approval or disapproval would perhaps have to be included in the end. Ms.
22 Andrews felt that a Conclusion of Law was not necessary; the boxes checked by the Planning
23 Board during their review are, essentially, the conclusion of law. Mr. Musson added that more
24 room for notes can be made. The Board should be going through the standard with the
25 Applicant. Therefore, it was not necessary to break out specific points within the standard.
26

27 Mr. Musson noted he had not added other sections, such as 5.9.
28

29 Ms. Renault inquired whether there was any way to have a reference to the portions of the
30 ordinance, such as page numbers, to make for easier access. Ms. Randolph felt three
31 documents – the application, ordinance, and checklist - makes the process a bit unwieldy.
32 She hoped there was a way to make the checklist fully complete and use the ordinance only
33 for reference. Ms. Eaton felt the application should be aligned with the ordinance. Ms.
34 Andrews wished sections not applicable to a specific application could be left out of a checklist
35 – a fence request, for example, does not need the section on cell towers included.
36

37 Ms. Andrews mentioned the non-conforming section is usually a problem. It would be helpful
38 to get the applicant to do any necessary calculations prior to approaching the Board.
39

40 Mr. Musson noted there would be no short form or long form anymore. The application could
41 be based on a template from a previous application if the Board had any they have been
42 pleased with. A template would be helpful to an applicant.
43

44 Mr. Musson requested the Board look through the new application and provide him with
45 feedback.
46

1 **IV. Conditional Use Approval Application(s):**

2
3 **A. Conditional Use Approval Application # 013-2016**

4 **NAME:** Peabody Land, LLC

5 **AGENT:** Noel Musson, The Musson Group

6 **LOCATION:** 137 Peabody Drive; Northeast Harbor

7 **TAX MAP:** 003 **LOT:** 033 **ZONE(S):** Shoreland Residential 2 (SR2)

8 **PURPOSE:** Section 6B.8 Fences and Walls. Proposed fence exceeds
9 CEO Authority.

10 **SITE INSPECTION:** 3:30PM

11
12 This item was not addressed by the Board.

13
14 **V. OTHER**

15 There was no other business.

16
17 **V. Adjournment**

18
19 MS. EATON MOVED, WITH MS. RANDOLPH SECONDDING, TO ADJOURN THE MEETING.
20 MOTION APPROVED 4-0.
21