

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)

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

SITE INSPECTION: 4:30PM

5.6 Amendment

No proposed or existing building, premise or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this Ordinance, and the conditional use permit and approved site plan are amended accordingly.

Minor changes. The Code Enforcement Officer may authorize minor changes in the placement and size of improvements for an approved conditional use permit if the Code Enforcement Officer determines that the changes are consistent with the findings made by the Planning Board in connection with the approval of the conditional use permit and the standards of Section 6 of the Land Use Ordinance. The Code Enforcement Officer must also make a separate determination whether the minor changes are consistent with the standards of Section 6 of the Land Use Ordinance.

Other Changes. Changes to an approved conditional use permit, other than minor changes in the placement and size of improvements, shall require amendment to the conditional use permit by the Planning Board. The requirements for application and approval of a conditional use permit amendment shall be the same as the requirements for original application and approval.

6A GENERAL PERFORMANCE STANDARDS

6A.1	Compatibility	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.2	Erosion and Sedimentation Control	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.3	Highway Safety	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.4	Impact on Town Services	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.5	Land Suitability	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.6	Lighting - Outdoor	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.7	Stormwater	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.8	Vegetation	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6A.9	Dust, Fumes, Vapors, Odors and Gases	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A

Findings of Fact(s): The findings of fact are as presented by the applicant (see attached application and/or notes below).

VOTE: Findings of Facts (Loftus Keller/Randolph) Motion approved 5-0. _____

Conclusion of Law: The proposed use is in compliance with all standards of Section 6A.

VOTE: Conclusion of Law (Loftus Keller/Randolph) Motion approved 5-0. _____

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.1	Agriculture	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.2	Air Landing Sites	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.7	Excavation (other than gravel pits) or filling	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.8	Fences and Walls	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.16	Sign Regulations	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.18	Wireless Communication Facilities	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.19	Animal Husbandry II	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.20	Mobile Food Vendors	<input type="checkbox"/> See notes below	<input type="checkbox"/> See notes below	X N/A

X N/A (~~Except for Section(s): 6B.~~_____)

Findings of Fact(s): The proposed use will include none of the specific activities or land uses described in section 6B, ~~except for Applicable Sections(s) noted above.~~

VOTE: Findings of Facts (Loftus Keller/Randolph) Motion approved 5-0. _____

Conclusion of Law: Section 6B is not applicable, ~~except for Sections(s):6B.~~_____

VOTE: Conclusion of Law (Loftus Keller/Randolph) Motion approved 5-0. _____

Notes: _____

6C SHORELAND ZONING STANDARDS FOR REVIEW BY PLANNING BOARD

Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

N/A: Findings of Fact: The proposed lot is entirely outside the Shoreland Zone.

VOTE: Findings of Facts - _____

Conclusion of Law: Section 6C is not applicable, except for Section(s): **6C.**_____

VOTE: Conclusion of Law - _____

6C.1	Agriculture	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6C.2	Archeological sites	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6C.5	Essential Services	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6C.6	Parking Areas	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6C.7	Marine and Freshwater Structure Standards	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6C.9	Roads and Driveways	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6C.11	Water Quality	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A

X N/A (Except for Section(s): 6C. 2)

Findings of Fact(s): The proposed use will include none of the specific activities or land uses described in section 6C, except for Applicable Sections(s) noted above.

Conclusion of Law: Section 6C is not applicable, except for Sections(s):**6C. 2, for which the standard has been met.**

VOTE: Findings of Facts and Conclusion of Law – (Loftus Keller/Randolph)
Motion approved 5-0.

Notes: _____

FOR BOARD USE AMENDED CONDITIONAL USE APPROVAL

PERMIT CONDITIONS: *In addition to all applicable federal, state, and town permits be in place prior to any construction, the following conditions apply:*

Applicant must provide cut-sheet for exterior lighting.

(Randolph/Ashmore) Motion approved 5-0.

AMENDED APPLICATION (Community School 003-2023)

APPROVED: 03/22/2023
(Date)

DENIED: _____
(Date)

NOTE: *The holder of a Conditional Use Permit/Approval must construct and operate the approved conditional use as applied for and as represented during the permitting process to the Planning Board.*

NOTE: *The Land Use Zoning Ordinance requires that a Conditional Use Permit/Approval must be undertaken within one year from the date of approval, or a new permit must be obtained.*

MINUTES OF THIS PUBLIC HEARING CONSTITUTE A PART OF THE RECORD FOR THIS MATTER

SIGNATURES OF BOARD MEMBERS:

William Hanley
William Hanley, Chairman

Tracy Loftus Keller
Tracy Loftus Keller, Vice Chair

David Ashmore
David Ashmore

Meredith Randolph
Meredith Randolph

Gloria Kunje, Alt.
Gloria Kunje, Alt.