

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

SECTION 5 CONDITIONAL USE APPROVAL

5.9 Standards

The application for Conditional Use Approval shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of the standards of Section 6A and/or one or more of the applicable standards of Section 6B or 6C. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable standards have been met.

In addition, **in all shoreland areas**, after the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

| | | | | |
|-------|---|---|---|---|
| 5.9.1 | Will maintain safe and healthful conditions | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.2 | Will not result in water pollution, erosion, or sedimentation to surface waters | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.3 | Will adequately provide for the disposal of all wastewater | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.4 | Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.5 | Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.6 | Will protect archaeological and historic resources as designated in the comprehensive plan | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.7 | Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district | <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.8 | Will avoid problems associated with floodplain development and use; (In compliance with Floodplain Management Ordinance of the Town of Mount Desert – Amended March 7, 2006.) | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> See Application | <input type="checkbox"/> Standard Not Met |
| 5.9.9 | Is in conformance with the provisions of Sections 6A, 6B and 6C | <input type="checkbox"/> N/A | <input checked="" type="checkbox"/> Standard Met | <input type="checkbox"/> Standard Not Met |

Findings of Fact(s): See Above.

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

Conclusion of Law: All requirements for Section 5.9 ~~have~~ / ~~have not~~ been met.

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

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

(Randolph/Ashmore) Motion approved 5-0.

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.*

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

SIGNATURES OF ALL VOTING 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.