Conditional Use Approval Application #007-2022

NAME: Town of Mount Desert

**AGENT:** Tony Smith, Public Works Director **LOCATION:** Beech Hill Cross Road

TAX MAP: 010 NEAR LOT(S): 002, 009-103 & 009-104

ZONE(S): Shoreland Residential 2 (SR2)

PURPOSE: Section 3.4 – Excavation or Filling of > 150 cubic yards. Culvert replacements within Beech Hill Cross Road.

Slope stabilization along Beech Hill Cross Road.

**GENERAL PERFORMANCE STANDARDS** 

**SITE INSPECTION: 5:00PM** 

## **CHECKLIST**

### Land Use Zoning Ordinance of the Town of Mount Desert

\*\* <u>Note:</u>

6**A** 

All Conclusions of Law are to be read as if they are prefaced by the words "Based upon said Findings of Fact ..."

# SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS FOR REVIEW BY PLANNING BOARD

#### 6A.1 ☐ See notes below $\square$ N/A Compatibility X See Application 6A.2 Erosion and Sedimentation Control See notes below $\square$ N/A X See Application X See Application 6A.3 Highway Safety ☐ See notes below $\square$ N/A 6A.4 Impact on Town Services ☐ See notes below ☐ See Application X N/A 6A.5 X See Application $\square$ N/A Land Suitability ☐ See notes below Lighting - Outdoor 6A.6 $\square$ See notes below ☐ See Application X N/A6A.7 Stormwater $\square$ See notes below X See Application $\square$ N/A 6A.8 Vegetation $\square$ See notes below ☐ See Application X N/A6A.9 Dust, Fumes, Vapors, Odors and ☐ See notes below ☐ See Application XN/AGases **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/Anastasia) Motion approved 4-0. Conclusion of Law: The proposed use is in compliance with all standards of Section 6A. **VOTE**: Conclusion of Law: (Loftus Keller/Anastasia) Motion approved 4-0. Notes:

<u>6B</u>	SPECIFIC PERFORMANCE STAN	NDARDS FOR ACT	<u>IVITIES AND LAN</u>	<u>ID USES</u>
(D. 1				37 3 T / A
6B.1	Agriculture	☐ See notes below	☐ See Application	X N/A
6B.2	Air Landing Sites	☐ See notes below	☐ See Application	X N/A
6B.7	Excavation (other than gravel pits) or filling	☐ See notes below	X See Application	□ N/A
6B.8	Fences and Walls	☐ See notes below	☐ See Application	X N/A
6B.16	Sign Regulations	☐ See notes below	☐ See Application	X N/A
6B.18	Wireless Communication Facilities	☐ See notes below	☐ See Application	X N/A
6B.19	Animal Husbandry II	☐ See notes below	☐ See Application	X N/A
6B.20	Mobile Food Vendors	☐ See notes below	☐ See notes below	X N/A
6B.21	Rooming House	☐ See notes below	☐ See notes below	X N/A
6B.22	9	☐ See notes below	☐ See notes below	X N/A
	X N/A (Except for Section(s): 6	B. 7		)
	Findings of Fact(s): The proportion or land uses described in section			
	<b>VOTE</b> : Findings of Facts: (Lo	oftus Keller/Anastasia	) Motion approved 4	0
	Conclusion of Law: Section 61 Sections(s): <b>6B</b> . 7, for which st		cept for	
	<b>VOTE</b> : Conclusion of Law: (1	Loftus Keller/Anastas	sia) Motion approved	. 4-0
Notes:				

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#### 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.

	$\square$ $\mathbf{N/A}$ : Findings of Fact: The pro	posed lot is entirely out	side the Shoreland Zo	one.
	<b>VOTE</b> : Findings of Facts	-		
	Conclusion of Law: Section	on 6C is not applicable.		
	<b>VOTE</b> : Conclusion of Law	V -		
6C.1	Agriculture	☐ See notes below	☐ See Application	X N/A
6C.2	Archeological sites	☐ See notes below	X See Application	$\square N/A$
6C.5	Essential Services	☐ See notes below	☐ See Application	XN/A
6C.6	Parking Areas	☐ See notes below	☐ See Application	XN/A
6C.7	Marine and Freshwater Structure Standards	☐ See notes below	☐ See Application	X N/A
6C.9	Roads and Driveways	☐ See notes below	☐ See Application	XN/A
6C.11	Water Quality	☐ See notes below	X See Application	$\square$ N/A
-	X N/A (Except for Section(s):	6C. 2, 11		
	Conclusion of Law: Section Sections(s):6C. 2, 11, for wh	ich standards are met.		oved 4-0
Notes:				

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#### **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, <u>in all shoreland areas</u>, 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	$\square$ N/A	X See Application	☐ Standard Not Met
5.9.2	Will not result in water pollution, erosion, or sedimentation to surface waters	□ N/A	X See Application	☐ Standard Not Met
5.9.3	Will adequately provide for the disposal of all wastewater	X N/A	☐ See Application	☐ Standard Not Met
5.9.4	Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat	□ N/A	X See Application	☐ Standard Not Met
5.9.5	Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters	□ N/A	X See Application	☐ Standard Not Met
5.9.6	Will protect archaeological and historic resources as designated in the comprehensive plan	□ N/A	X See Application	☐ Standard Not Met
5.9.7	Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district	X N/A	☐ See Application	☐ 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.)	□ N/A	X See Application	☐ Standard Not Met
5.9.9	Is in conformance with the provisions of Sections 6A, 6B and 6C	□ N/A	X Standard Met	☐ Standard Not Met
Fir	ndings of Fact(s): See Above.			
	(Loftus Keller/Anastasia) Motion approved	4-0.		
		4-0.		

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# FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

APPLICATION:	#007-2022						
<b>PERMIT CONDITIONS</b> : In addition to having all applicable federal, state, and town permits be in place prior to any construction, the following conditions apply:							
None.							
(Loftus Keller/Anastasia) Mot	ion approved 4-0.						
· -	<u>APPLICATION</u>						
<b>APPROVED</b> : 09/14/2 (Date)	DENIED: (Date)						
5	onal Use Permit/Approval must construct and operate the approved ed during the permitting process to the Planning Board.						
<b>NOTE:</b> The Land Use Zoning (undertaken within one year from the date of a	Ordinance requires that a Conditional Use Permit/Approval must be pproval, or a new permit must be obtained.						
THE MINUTES OF THIS PUBLIC	C HEARING CONSTITUTE A PART OF THE RECORD FOR THIS MATTER						
SIGNATURES OF ALL VOTING BO	ARD MEMBERS:						
William Hauley	Christie Anastasia						
William Hanley, Chairman	Christie Anastasia, Vice Chair						
David Ashmore							
David Ashmore	Meredith Randolph						
Tracy Loftus Keller							
Tracy Loftus Keller, Alternate	Gloria Kunje, Alt.						

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