Conditional Use Approval Application #019-2022 OWNER(S) NAME(S): Five Crabs Realty Trust

GENERAL PERFORMANCE STANDARDS

AGENT(S) NAME(S): Greg Johnston, G.F. Johnston & Associates

LOCATION: 125 Peabody Drive, Seal Harbor

TAX MAP: 003 LOT: 035 ZONE(S): Shoreland Residential 2 (SR2)

PURPOSE: Section 3.4 - Non-Commercial - Outdoor Recreational Facility - 14' X 10' hot tub.

SITE INSPECTION: 2:50PM

CHECKLIST

Land Use Zoning Ordinance of the Town of Mount Desert

** <u>Note:</u>

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	Compatibility	☐ See notes below	X See Application	□ N/.
6A.2	Erosion and Sedimentation Control	☐ See notes below	X See Application	□ N/.
6A.3	Highway Safety	☐ See notes below	X See Application	□ N/.
6A.4	Impact on Town Services	☐ See notes below	X See Application	\square N/.
6A.5	Land Suitability	☐ See notes below	X See Application	\square N/.
6A.6	Lighting - Outdoor	☐ See notes below	X See Application	\square N/.
6A.7	Stormwater	☐ See notes below	X See Application	\square N/.
6A.8	Vegetation	☐ See notes below	X See Application	\square N/.
6A.9	Dust, Fumes, Vapors, Odors and	☐ See notes below	X See Application	\square N/.
	Gases			
Conclus	Findings of Facts (Randolph/Loftusion of Law: The proposed use is in con- Conclusion of Law (Randolph/Loftusion)	npliance with all stand	lards of Section 6A.	
Notes:				

<u>6B</u>	SPECIFIC PERFORMANCE STAN	NDARDS FOR ACT	IVITIES AND LAN	ND USES
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	X See Application	\square N/A
6B.16	Sign Regulations	☐ See notes below	☐ See Application	X N/A
6B.18		☐ See notes below	☐ See Application	X N/A
6B.19	Animal Husbandry II	☐ See notes below	☐ See Application	X N/A
6B.20	•	☐ See notes below	☐ See notes below	X N/A
6B.21	Rooming House	☐ See notes below	☐ See notes below	X N/A
6B.22		☐ See notes below	☐ See notes below	X N/A
	X N/A (Except for Section(s): 6	B. 7,8)
	ngs of Fact(s): The proposed use will in seed in section 6B, except for Applicable S			uses
<u>VOTE</u>	E: Findings of Facts (Randolph/Ashi	more) Motion approv	red 4-0	
Concl	usion of Law: Section 6B is not applical	-		
	Sections(s): 6B . 7,8 for which stands	ards have been met.		
VOTE	E. Caralian ellas (Dandalalı / Aalı	M-4:	1 4 0	
VOIL	E: Conclusion of Law (Randolph/Ashr	more) Mouon approv	<u>eu 4-0</u>	
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.

	N/A: Findings of Fact: The prop	oosed lot is entirely out	side the Shoreland Zo	one.
	VOTE : Findings of Facts	-		
	Conclusion of Law: Section	n 6C is not applicable.		
	VOTE : Conclusion of Law	_		
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	X N/A
6C.6	Parking Areas	☐ See notes below	☐ See Application	X N/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	X N/A
6C.11	Water Quality	☐ See notes below	X See Application	\square N/A
	(s): 6C . 2, 11 for which standards be Findings of Facts/Conclusion of Law		eller) Motion approve	ed 4-0.
Notes:				

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	□ 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	X N/A	☐ 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	X N/A	☐ 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
Fi	ndings of Fact(s): See Above			
	(Randolph/Loftus Keller) Motion a	pproved 4-().	
Co	onclusion of Law: All requirements for Section			
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VC	OTE: Conclusion of Law (Randolph/Loftus)	Keller) – M	otion approved 4-0.	

Updated: 9/17/2021 Sec. 6 Checklist Abbreviated- Revised Page 4 of 5

FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

APPLICAT	ION: #-019-	2022	
PERMIT CONDITION prior to any construction, the fol		all applicable federal, state, an	ad town permits be in place
(Randolph/	Keller) Motion appro	ved 4-0	
	<u>APPLI</u>	<u>CATION</u>	
APPROVED:	01/11/2023 (Date)	DENIED:	(Date)
NOTE: The holder conditional use as applied for an	5	11	ruct and operate the approved nning Board.
NOTE: The Land within one year from		-	Ise Permit/Approval must be l.
THE MINUTES OF TH		IG CONSTITUTE A PA S MATTER	RT OF THE RECORD
SIGNATURES OF ALL V	OTING BOARD MEN	MBERS:	
William Hauley		<u> Tracy Loftus Keller</u>	
William Hanley, Chairman Tracy Loftus Keller, Vice Chair			
David Ashmore		Meredith Randolph	
David Ashmore	-	Meredith Randolph	
Gloria Kunje, Alt.	<u></u>	Christie Anastasia, A	 Alternate