Conditional Use Approval Application #001-2019 OWNER(S): Harbor Watch Yacht Club, LLC

**AGENT(S):** Greg Johnston, G.F. Johnston & Associates **LOCATION:** Harbor Watch Lane, Northeast Harbor

TAX MAP: 024 LOT: 133-002 ZONE(S): Shoreland Residential 2 (SR2)

PURPOSE: Section 3.4 - Recreational (Non-Commercial) - Indoor Recreational Facility. Squash Court & Fitness

Facility.

**SITE INSPECTION: 4:30PM** 

## **CHECKLIST**

# Land Use Zoning Ordinance of the Town of Mount Desert

\*\* Note: 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

#### **GENERAL PERFORMANCE STANDARDS** 6A.1 Compatibility ☐ See notes below X See Application $\square$ N/A 6A.2 Erosion and Sedimentation Control See notes below X See Application $\square$ N/A 6A.3 Highway Safety ☐ See notes below X See Application $\square$ N/A 6A.4 Impact on Town Services ☐ See notes below X See Application $\square$ N/A 6A.5 Land Suitability ☐ See notes below X See Application $\square$ N/A Lighting - Outdoor ☐ See notes below X See Application $\square$ N/A 6A.6 6A.7 Stormwater ☐ See notes below X See Application $\square$ N/A 6A.8 Vegetation ☐ See notes below X See Application $\square$ N/A Dust, Fumes, Vapors, Odors and X See Application 6A.9 ☐ See notes below $\square$ N/A Gases **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 (Eaton/Randolph) 5-0 Conclusion of Law: The proposed use is in compliance with all standards of Section 6A, for which standards have been met. **VOTE**: Conclusion of Law (Eaton/Randolph) 5-0

<u>6B</u>	SPECIFIC PERFORMANCE STA	<u>NDARDS FOR AC'</u>	<u> FIVITIES AND LA</u>	<u>ND USES</u>		
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 or filling	☐ See notes below	☐ See Application	X N/A		
6B.8	Fences and Walls	☐ See notes below	☐ See Application	X N/A		
6B.12	Mineral Exploration and Extraction	☐ See notes below	☐ See Application	X N/A		
6B.15	Sign Regulations	☐ See notes below	☐ See Application	X N/A		
6B.17	Wireless Communication Facilities	☐ See notes below	☐ See Application	X N/A		
	□ N/A (Except for Section(s): 0	6B		)		
	Findings of Fact(s): The proof or land uses described in section					
	<b>VOTE</b> : Findings of Facts (Eaton/Randolph) 5-0					
Conclusion of Law: Section 6B is not applicable, except for Sections(s):6B.						
	(/		con/Randolph) 5-0			
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.

	<b>X N/A:</b> Findings of Fact: The proposed lot is entirely outside the Shoreland Zone.					
	VOTE: Findings of Facts (Eaton/Randolph) 5-0					
	Conclusion of Law: Section 6C is not applicable.					
	<b>VOTE</b> : Conclusion of Law	(Eaton/Randolph)	5-0			
6C.1	Agriculture and Animal Husbandry	☐ See notes below	☐ See Application	$\square$ N/A		
6C.2	Archeological sites	☐ See notes below	☐ See Application	$\square$ N/A		
6C.5	Essential Services	☐ See notes below	☐ See Application	$\square$ N/A		
6C.6	Parking Areas	$\square$ See notes below	☐ See Application	$\square$ N/A		
6C.7	Marine and Freshwater Structure Standards	☐ See notes below	☐ See Application	□ N/A		
6C.9	Roads and Driveways	☐ See notes below	☐ See Application	$\square$ N/A		
6C.11	Timber Harvesting	☐ See notes below	☐ See Application	$\square$ N/A		
6C.12	Water Quality	☐ See notes below	☐ See Application	$\square$ N/A		
	□ N/A (Except for Section(s): 6C)  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  VOTE: Findings of Facts and Conclusion of Law -					
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:

Will maintain safe and healthful conditions					
sedimentation to surface waters  Will adequately provide for the disposal of all wastewater  N/A See Application Standard Not Me grounds, fish, aquatic life, bird or other wildlife habitat  N/A See Application Standard Not Me actual, points of access to inland and coastal waters  N/A See Application Standard Not Me actual, points of access to inland and coastal waters  N/A See Application Standard Not Me resources as designated in the comprehensive plan  N/A See Application Standard Not Me fishing or maritime activities in a Shoreland Commercial district  N/A See Application Standard Not Me See Application Standard	5.9.1	Will maintain safe and healthful conditions	□ N/A	☐ See Application	☐ Standard Not Met
See Application □ Standard Not Me wastewater  5.9.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat  5.9.5 Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters  5.9.6 Will protect archaeological and historic resources as designated in the comprehensive plan  5.9.7 Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district  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.)  5.9.9 Is in conformance with the provisions of □ N/A □ Standard Met □ Standard Not Me Sections 6A, 6B and 6C  Findings of Fact(s):  Conclusion of Law: All requirements for Section 5.9 have / have not been met.	5.9.2	•	□ N/A	☐ See Application	☐ Standard Not Met
grounds, fish, aquatic life, bird or other wildlife habitat  5.9.5 Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters  5.9.6 Will protect archaeological and historic resources as designated in the comprehensive plan  5.9.7 Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district  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.)  5.9.9 Is in conformance with the provisions of N/A Standard Met Standard Not Me Sections 6A, 6B and 6C  Findings of Fact(s):  Conclusion of Law: All requirements for Section 5.9 have / have not been met.	5.9.3	Will adequately provide for the disposal of all	□ N/A	☐ See Application	☐ Standard Not Met
actual, points of access to inland and coastal waters  5.9.6 Will protect archaeological and historic resources as designated in the comprehensive plan  5.9.7 Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district  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.)  5.9.9 Is in conformance with the provisions of N/A Standard Met Sections 6A, 6B and 6C  Findings of Fact(s):  Conclusion of Law: All requirements for Section 5.9 have / have not been met.	5.9.4	grounds, fish, aquatic life, bird or other wildlife	□ N/A	☐ See Application	☐ Standard Not Met
resources as designated in the comprehensive plan  5.9.7 Will not adversely affect existing commercial  N/A See Application Standard Not Medishing or maritime activities in a Shoreland Commercial district  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.)  5.9.9 Is in conformance with the provisions of N/A Standard Met Standard Not Mediscotions 6A, 6B and 6C  Findings of Fact(s):  Conclusion of Law: All requirements for Section 5.9 have / have not been met.	5.9.5	actual, points of access to inland and coastal	□ N/A	☐ See Application	☐ Standard Not Met
fishing or maritime activities in a Shoreland Commercial district  5.9.8 Will avoid problems associated with floodplain	5.9.6	resources as designated in the comprehensive	□ N/A	☐ See Application	☐ Standard Not Met
development and use; (In compliance with Floodplain Management Ordinance of the Town of Mount Desert – Amended March 7, 2006.)  5.9.9 Is in conformance with the provisions of $\square$ N/A $\square$ Standard Met $\square$ Standard Not Me Sections 6A, 6B and 6C  Findings of Fact(s):	5.9.7	fishing or maritime activities in a Shoreland	□ N/A	☐ See Application	☐ Standard Not Met
Sections 6A, 6B and 6C  Findings of Fact(s):  Conclusion of Law: All requirements for Section 5.9 have / have not been met.	5.9.8	development and use; (In compliance with Floodplain Management Ordinance of the Town of Mount Desert – Amended March 7,	□ N/A	☐ See Application	☐ Standard Not Met
Conclusion of Law: All requirements for Section 5.9 have / have not been met.	5.9.9		□ N/A	☐ Standard Met	☐ Standard Not Met
<u> </u>	F	indings of Fact(s):			
VOTE: Conclusion of Law -	C	onclusion of Law: All requirements for Section	n 5.9 <b>have</b> /	have not been met.	
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# FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

APPLICAT	ON: #001-	2019	
PERMIT CONDITION prior to any construction, the fol	_	all applicable federal, state, d	and town permits be in place
(Randolph/Renault	) 5-0		
	<u>APPLI</u>	<u>CATION</u>	
APPROVED:	<u>2/27/2019</u> (Date)	DENIED:	(Date)
<b>NOTE:</b> The holder conditional use as applied for an			truct and operate the approved lanning Board.
<b>NOTE:</b> The Land Undertaken within one year from			Use Permit/Approval must be ed.
THE MINUTES OF		EARING CONSTITU	TE A PART OF THE
SIGNATURES OF ALL	VOTING BOARD	MEMBERS:	
William Hanley William Hanley, Chairman		Chrsitie Anastasia Christie Anastasia	
David Ashmore		<u>Meredith Randolph</u> Meredith Randolph	
Joanne Eaton Joanne Eaton		<u>Beth Renault</u> Beth Renault	

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