

III. **Nonconformity – Sections - 4.3.6 & 4.3.5 Non-conforming Structures – Reconstruction or Replacement.**

- A. **OWNER(S) of the Building/Structure:** Town of Mount Desert
AGENT: Tony Smith, Public Works Director
LOCATION: 26 Dodge Point Road, Seal Harbor
TAX MAP: 001 **LOT(S):** 015 **ZONE(S):** Shoreland Residential Two
PURPOSE: Reconstruction or Replacement of a Non-Conforming Structure. Seal Harbor Bait House Renovation project. Project details are available at the Town Office.
SITE INSPECTION: 3:00PM - **Masks Required During Site Inspection.**

STANDARDS OF SECTION 4.3.5 ~ RELOCATION OF NON-CONFORMING STRUCTURE

The site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules (rules), or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the set back to the greatest practical extent, the Planning Board shall consider:

Size of the Lot: *The Board finds:*

Findings of Fact: _____ The configuration of the lot is a primary constraint that prohibits _____ relocation _____

Conclusion of Law:

_____ See Application _____

Topography/Slope of the Land: *The Board finds:*

Findings of Fact: _____ Steep slope on most of the land limits building potential. _____

Conclusion of Law:

_____ The slope is a constraining factor. _____

Potential for soil erosion: *The Board finds:*

Findings of Fact: _____ Piers installed will mitigate soil erosion. The basement is behind the setback line. Moving the building site would require cutting of trees, increasing the possibility of soil erosion. _____

Conclusion of Law:

Potential for soil erosion is minimized. See Application

Location of other structures on the property and on adjacent properties: *The Board finds:*

Findings of Fact: _____ Location of other structures on the property and adjacent properties are _____ not necessarily a limiting factor, other than the retaining condition for the Dodge Point Road _____ which is not a factor for consideration. _____

Conclusion of Law:

Location of the septic system and other on-site soils suitable for septic systems: *The Board finds:*

Findings of Fact: _____ There is no potable water supply to the building and no septic. _____

Conclusion of Law:

Not Applicable

Vegetation to be removed to accomplish the relocation: *The Board finds:*

Findings of Fact: _____ By keeping the building in its current location, no vegetation should be _____ impacted. _____

Conclusion of Law:

See Application

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

Due to the review criteria, and the building remaining in its current location, all standards of Section 4.3.5 have been met.

(Randolph/Eaton) Motion approved 5-0.

APPLICATION APPROVED 10/28/2020 DENIED _____
(Date) (Date)

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

David Ashmore

Joanne Eaton
Joanne Eaton

Christie Anastasia
Christie Anastasia

Meredith Randolph
Meredith Randolph

Tracy Loftus Keller
Tracy Loftus Keller, Alternate