

**Town of Mound Desert Planning Board**  
**Planning Board Meeting Minutes**  
**Meeting Room, Town Hall**  
**6:00 PM, February 28, 2018**

**Public Present**

Aaron Gray, Russell Gray, Rob Putnam, Janet Myers, Brenda Gerow, Rick Wallace, Katie Bell, Katrina Carter, Jerry Miller, Kathy Miller, David Burr

**Board Members Present**

Chairman Bill Hanley, Joanne Eaton, Meredith Randolph, Lili Andrews

Also present were CEO Kimberly Keene and Recording Secretary Heidi Smallidge.

**I. Call to Order**

Chairman Hanley called the meeting to order at 6:03 PM. Board Members present were noted. All members were confirmed as voting members.

**II. Approval of Minutes**

**January 10, 2018:** MS. EATON MOVED, WITH MS. ANDREWS SECONDING, APPROVAL OF THE JANUARY 10, 2018 MINUTES AS PRESENTED. MOTION APPROVED 4-0.

**February 14, 2018:** Minutes of February 14, 2018 were tabled till the Board had a chance to review them more thoroughly.

**III. Continued from February 14, 2018 Planning Board Meeting:**

**Non-conformity – Sections 4.3.6 & 4.3.5 Non-conforming Structures – Reconstruction or Replacement**

**A. OWNER(S):** Randall Lee Poulton, Trustee

**APPLICANT(S):** Irene Driscoll

**AGENT(S):** William Hanley, WMH Architects

**LCOATION:** 50 W.I. Pojereno Road, Mount Desert

**TAX MAP:** 009      **LOT(S):** 044      **ZONE(S):** Shoreland Residential Five (SR5)

**PURPOSE:** Sections 4.3.6 & 4.3.5 Reconstruction or Replacement of a Non-Conforming Structure

It was noted the Applicant has requested from the Town that this issue be tabled for tonight, and continued to the March 28, 2018 Planning Board Meeting.

1 Additional information has been submitted to the Planning Board, and  
2 Continuing the meeting to a later time will allow the Board the time to review  
3 and digest the additional information.  
4

5 It was noted that any Board members who haven't been in attendance but want  
6 to participate, would simply have to review the recording and read the Minutes  
7 to participate.  
8

9 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, POSTPONING THE  
10 CONTINUATION OF THE DISCUSSION FROM FEBRUARY 14, 2018 TO MARCH 28,  
11 2018. MOTION APPROVED 3-0-1 (HANLEY IN ABSTENTION).  
12

13 **IV. Conditional Use Approval Application(s):**

14 **A. Conditional Use Approval Application #001-2018**

15 **OWNER(S):** A.C. Fernald Sons, Inc.

16 **APPLICANT(S):** R.H. Foster Energy, LLC- Brenda Gerow

17 **LOCATION:** 1052 Main St., Mount Desert

18 **TAX MAP:** 010 **LOT:** 159 **ZONE(S):** Shoreland Commercial (SC) &  
19 Resource Protection (RP)

20 **PURPOSE:** Section 6B.15.7.2 – Sign Regulations – Restrictions and Limitations on  
21 Signs – Size limit; No sign (except banners) shall exceed thirty-two (32) square  
22 feet in area. Nor shall the aggregate of all signs on site pertaining to any  
23 business exceed thirty-two (32) square feet in area unless Conditional Use  
24 Approval of the Planning Board is obtained.

25 **SITE INSPECTION:** 3:30PM  
26

27 Ms. Eaton confirmed adequate public notice. Abutters were notified. No  
28 conflict of interest was found.  
29

30 Ms. Randolph reported on the site visit. Improvements are being done to the  
31 store, which will be closing for the month of April. Improvement will include  
32 changes to the front entrance, new siding, sidewalks and new signage. The shape  
33 of the building will not change. The awning will be removed. Additionally, new  
34 gas pumps will be installed.  
35

36 Ms. Eaton noted three signs and an awning are being requested. Total footage  
37 of the signs that were on the building and recently removed for renovations is 74  
38 square feet.  
39

1 Ms. Gerow reported that all the signs on the building have been removed for  
2 renovation preparation. New signs proposed include:

- 3 - Non-illuminated signage over the front door with the logo.
- 4 - On the West side at the entrance facing the pumps, a 36-square foot awning  
5 over the door with the logo.
- 6 - On each gabled end of the building at the East and West ends, a large non-  
7 illuminated sign.

8  
9 Ms. Gerow noted there would be a spotlight shining down onto the signs and the  
10 sidewalks. The signs themselves would not be illuminated nor have backlighting.  
11 The signs on the gable ends would each be 12 feet by 8.5 feet, equaling 102  
12 square feet each. Ms. Gerow felt that the signs hanging high on the gable ends  
13 would seem smaller than they were. Ms. Gerow did not have information on the  
14 wattage of the lighting.

15  
16 Chairman Hanley asked about submittals for the lighting. Ms. Andrews inquired  
17 whether the lights around the signs would always be lit. Ms. Gerow didn't think  
18 the lights would be on 24 hours, however she thought the lights over the  
19 sidewalks would stay illuminated for security purposes.

20  
21 Ms. Randolph felt that without the information on the exterior lighting around  
22 the signs the application could not be found complete.

23  
24 Discussion ensued regarding the impact of the lighting on the area and the  
25 neighbors. CEO Keene reminded the board that the lights are the jurisdiction of  
26 the CEO. The Planning Board is discussing the square footage of the signage.

27  
28 CEO Keene reminded the Board that per the Ordinance, no one can have more  
29 than 32 square feet of signage for their business without Planning Board  
30 approval. This particular building was grandfathered in 1996/97. At that time  
31 the building had 108 square feet of signage, approved by the Planning Board. A  
32 few years ago, they reduced that square footage to 74 square feet, which is what  
33 they had until at the time the signs were removed for the renovation.  
34 Essentially, they are grandfathered for 74 square feet.

35  
36 Ms. Eaton noted that the signs being proposed, excepting the large gable signs,  
37 equals 99 square feet. The additional large signs proposed for the gable adds an  
38 additional 102 square feet per sign.  
39

1 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO FIND THE  
2 APPLICATION COMPLETE, GIVEN THAT LIGHTING WAS NOT THE ISSUE TO BE  
3 DECIDED. MOTION APPROVED 4-0.

4  
5 MS. EATON MOVED, WITH MS. ANDREWS SECONDING, TO USE THE SHORT  
6 FORM. MOTION APPROVED 4-0.

7  
8 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, APPROVAL OF THE  
9 APPLICATION.

10  
11 Discussion further ensued regarding the size of the signs proposed. It was felt  
12 that physical size must be discussed with regard to compatibility of the signs.  
13 Size and visual impact must be considered. Chairman Hanley felt the two large  
14 signs on the gables was too much and would not be compatible with the area.  
15 Ms. Eaton felt that the signs proposed without the two large signs on either end  
16 were only 20 square feet over the size the building originally had. The large signs  
17 at each gabled end push the square footage to far beyond what could be  
18 considered acceptable. Ms. Randolph felt that allowing such a large amount of  
19 square footage in signs was not holding this business to the same standards  
20 other businesses have been held to. She could agree to the same amount of  
21 square footage they had before. Ms. Eaton felt going to 99 square feet could be  
22 acceptable to her. Ms. Randolph felt this much signage would be hard to justify  
23 to other businesses. Chairman Hanley couldn't think of any other buildings with  
24 this much signage.

25  
26 Ms. Gerow felt the signs at each gable end were required for marketing identity.  
27 She inquired whether the newly designed graphic was part of the problem and  
28 whether the Board would prefer the logo currently used. Chairman Hanley felt  
29 the graphic and size were both issues.

30  
31 In summary, the Board felt:

- 32 - The west-facing Freshies text is too big. There's not an issue with its  
33 presence on that gable end.
  - 34 - The green awning over the front door is acceptable. Ms. Randolph felt that if  
35 the awning does not say anything it doesn't count as a sign.
  - 36 - The physical size and the visual impact of the large signs on each gable end is  
37 an issue. The Board is not saying there can't be signage on the gable ends,  
38 only that the signage planned is too big and the logo has too much visual  
39 impact to be compatible.
- 40

1  
2 Several options for how to proceed were discussed. Ms. Gerow agreed to  
3 withdraw her application. It was noted that a pre-application consultation with  
4 the Board was an option.

5  
6 MS. ANDREWS MOVED, WITH MS. EATON SECONDING, TO ACCEPT THE  
7 APPLICANT’S WITHDRAWAL OF THE APPLICATION. MOTION APPROVED 4-0.

8  
9 **B. Conditional Use Approval Application #002-2018**

10 **OWNER(S):** A & E. Investors, LLC

11 **AGENT(S):** Rick Wallace

12 **LOCATION:** 121 Main St., Northeast Harbor

13 **TAX MAP:** 024 **LOT(S):** 086 **ZONE(S):** Village Commercial (VC)

14 **PURPOSE:** Section 3.4 – Hotel/Motel – Add Additional Rooms

15 **SITE INSPECTION:** 4:30 PM  
16

17 Ms. Eaton confirmed adequate public notice. Abutters were notified. No  
18 conflict of interest was found.  
19

20 Ms. Eaton reported on the site visit. A map was provided for the Board. There is  
21 one large room the Applicant would like to divide into two rooms. Two closets  
22 back to back would create part of the wall. The window will be relocated, and an  
23 additional window added, so each room has a window.  
24

25 Chairman Hanley noted several additional people attended the walk-through.  
26

27 Applicant Aaron Gray reported he’s discussed the issue with the State. The State  
28 is not concerned that the Town considers the space a hotel/motel. Should  
29 boarding/rooming houses be approved at the 2018 Town Meeting, the space can  
30 potentially be reclassified.  
31

32 Mr. Gray reported the State limits the number of people in the space to 16  
33 people in a structure like his. The State had the Grays sign to such an  
34 agreement.  
35

36 Northeast Harbor Resident Katrina Carter inquired how is the area monitored.  
37 CEO Keene stated that monitoring the space and the number of residents is the  
38 responsibility of the landlord. If there are complaints, then the Town contacts  
39 the owners, and an inspection is made. Mr. Gray noted there are currently  
40 seven boarders residing there. He’s never had more than 14 using the space.

1  
2 The fact that there is only one kitchen and one bathroom was discussed. Mr.  
3 Gray pointed out that there is no code against having only one bathroom and  
4 one kitchen. Ms. Andrews shared the rumor that residents of the space use the  
5 Great Harbor Maritime Museum as their bathroom. She felt one bathroom for  
6 up to sixteen people was not ideal Mr. Gray had no evidence to suggest exactly  
7 who is using the museum's public bathrooms or when. He noted he often  
8 directs tourists and visitors to the museum public bathrooms in the summer.  
9

10 Chairman Hanley referred to an email from an abutter alleging that Mr. Gray was  
11 housing more than 16 boarders in the area. Mr. Gray denied the claim. He  
12 asserted he is allowed by State regulations to house up to 16 boarders in the  
13 area.  
14

15 Northeast Harbor resident David Burr inquired about parking.  
16

17 Mr. Gray owns the parking lot behind the building. He estimated he could fit 10  
18 to 14 cars in the lot. Residents also park in the public parking lot behind the  
19 Great Harbor Museum. Additionally, not all his boarders have cars. Ms.  
20 Andrews noted there were other tenants in the building that might need  
21 parking.  
22

23 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO FIND THE  
24 APPLICATION COMPLETE. MOTION APPROVED 4-0.  
25

26 CHAIRMAN HANLEY MOVED, WITH MS. EATON SECONDING, TO USE THE SHORT  
27 FORM. MOTION APPROVED 4-0.  
28

29 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO APPROVE THE  
30 APPLICATION.  
31

32 A review of the Checklist was made and it attached to these Minutes.  
33

34 MOTION TO APPROVE THE APPLICATION WAS APPROVED 3-1 (ANDREWS).  
35

36 It was further noted that adding another bathroom is strongly encouraged.  
37

38 **V. Adjournment**  
39

1 MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO ADJOURN THE  
2 MEETING. MOTION APPROVED 4-0.

3

4 Meeting was adjourned at 7:41 PM.

5