

**Town of Mount Desert Planning Board
Meeting Minutes
6:00 PM, April 14, 2021**

This meeting was held virtually and was recorded.

Public Present: Jennifer Newhall, Adam Fraley, Ted Cake, Peter Vaux, Katrina Carter, Paul Carellaneian, David Pyle, Erika Lindquist, Ronnie Musetti, Mary Michael Kelley, Chris Orthwein

Board Members Present: Chair William Hanley, Tracy Loftus Keller, Meredith Randolph, Christie Anastasia

I. Call to order 6:00 p.m.

Chair Hanley called the meeting to order at 6:12PM.

Board Members were noted.

Board Members David Ashmore and Joanne Eaton were not in attendance.

Tracy Loftus Keller is an Alternate, Non-voting Member.

MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDDING, TO MAKE MS. LOFTUS KELLER A VOTING MEMBER FOR THE MEETING.

VOTE:

CHRISTIE ANASTASIA: AYE

MEREDITH RANDOLPH: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 3-0.

II. Approval of Minutes

March 17, 2021:

MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDDING, APPROVAL OF THE MARCH 17, 2021 MINUTES AS PRESENTED.

VOTE:

CHRISTIE ANASTASIA: AYE

MEREDITH RANDOLPH: AYE

TRACY LOFTUS KELLER: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 4-0.

March 24, 2021:

MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDDING, APPROVAL OF THE MARCH 24, 2021 MINUTES AS PRESENTED.

1 VOTE:
2 CHRISTIE ANASTASIA: AYE
3 MEREDITH RANDOLPH: AYE
4 TRACY LOFTUS KELLER: AYE
5 CHAIR WILLIAM HANLEY: AYE
6 MOTION APPROVED 4-0.
7

8 **III. Adam Fraley – DBA The Nor’Easter Pound & Market - MDOT Signage Request.**
9

10 **6B.15 Sign Regulations**
11

12 **5. Signs Permitted: Permanent Signs: Directional.** Directional signs at
13 intersections of two or more state roads within the Town of Mount Desert
14 are permitted with the approval of the Board of Selectmen and the prior
15 recommendation of the Planning Board, which shall be forwarded to the
16 Selectmen by the applicant with their application for a directional sign.
17

18 Chair Hanley read the Sign Regulations.
19

20 Owner Adam Fraley is requesting approval from the DOT for signs on established posts,
21 one at the intersection of Peabody Drive and Route 198, and one at the intersection of
22 Route 198 and Harbor Drive.
23

24 CEO Keene noted the signs would be added to existing posts. The Planning Board must
25 decide whether to recommend approval to the Selectboard. If the Selectboard approves
26 the request, it can then go to the DOT,
27

28 Chair Hanley asked for public comment. There was none.
29

30 Chair Hanley closed the Public Comment.
31

32 MS. ANASTASIA MOVED, WITH MR. RANDOLPH SECONding, RECOMMENDATION FOR
33 APPROVAL.
34

35 VOTE:
36 CHRISTIE ANASTASIA: AYE
37 MEREDITH RANDOLPH: AYE
38 TRACY LOFTUS KELLER: AYE
39 CHAIR WILLIAM HANLEY: AYE
40 MOTION APPROVED 4-0.
41

42 CEO Keene informed the Chair he would need to send a written recommendation on
43 behalf of the Planning Board to the Town Clerk for the next Selectboard meeting.
44

IV. Conditional Use Approval Application(s):

1
2 **A. Conditional Use Approval Application #007-2021**

3 **OWNER(S) NAME(S):** Daniel W. & Jennifer C. Newhall

4 **AGENT:** Bryan Dow

5 **LOCATION:** 18 Harborside Road, Northeast Harbor

6 **TAX MAP:** 025 **LOT:** 015 **ZONE(S):** Village Residential One (VR1)

7 **PURPOSE:** Section 6B.6 Fences and Walls, exceeding CEO Authority.

8 **SITE INSPECTION:** 4:00PM **Masks Required During Site Inspection.**

9 CEO Keene confirmed adequate Public Notice. Abutters were notified.

10
11 No Conflict of Interest was found among the Board.

12
13 Ms. Randolph reported on the Site Visit. The property is along the main road leading
14 into Northeast Harbor. A section of fence taller than six feet in height is being proposed
15 for along the roadside.

16
17 Owner Jennifer Newhall stated that once the fence is installed, the area will be
18 landscaped.

19
20 A split rail fence also proposed for the property will not require Planning Board
21 Approval.

22
23 Chair Hanley asked for any public comments. There were none.

24
25 Chair Hanley closed the Public Comment.

26
27 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, TO FIND THE APPLICATION
28 COMPLETE.

29 VOTE:

30 MEREDITH RANDOLPH: AYE

31 CHRISTIE ANASTASIA: AYE

32 TRACY LOFTUS KELLER: AYE

33 CHAIR WILLIAM HANLEY: AYE

34 MOTION APPROVED 4-0.

35
36 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, TO USE THE SHORT FORM.

37 VOTE:

38 MEREDITH RANDOLPH: AYE

39 CHRISTIE ANASTASIA: AYE

40 TRACY LOFTUS KELLER: AYE

41 CHAIR WILLIAM HANLEY: AYE

42 MOTION APPROVED 4-0.

43
44 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, TO APPROVE THE

1 APPLICATION.

2

3 A review of the Section 6 Checklist was made and is attached to these Minutes.

4

5 VOTE:

6 MEREDITH RANDOLPH: AYE

7 CHRISTIE ANASTASIA: AYE

8 TRACY LOFTUS KELLER: AYE

9 CHAIR WILLIAM HANLEY: AYE

10 MOTION APPROVED 4-0.

11

12 **B. Conditional Use Approval Application #008-2021**

13 **OWNER(S) NAME(S):** Bear Chance, LLC

14 **APPLICANT:** Michael W. Kelley

15 **LOCATION:** 39 Oak Grove Road, Mount Desert

16 **TAX MAP:** 008 **LOT:** 063-004 **ZONE(S):** Rural Woodlands 2 (RW2)

17 **PURPOSE:** Section 3.4 - Commercial Fishing. Installation of shed for
18 working on buoys and commercial fishing storage and
19 exterior storage of traps. No bait storage.

20 **SITE INSPECTION:** 5:00PM **Masks Required During Site Inspection.**

21 CEO Keene confirmed adequate Public Notice. Abutters were notified.

22

23 Ms. Randolph stated for the record that she assisted Mr. Kelley in completing his
24 Application form. The Planning Board determined this would not constitute a Conflict of
25 Interest.

26

27 No Conflict of Interest was found among the Board.

28

29 Ms. Randolph reported on the Site Visit. The lot is on the side of a hill and is roughly
30 half-circle in shape. Available space for lobster trap storage is limited. Mr. Kelley is
31 proposing to add fill to the lot and add a shed. The space will use part of an existing
32 parking area.

33

34 Mr. Kelley plans to store 800 traps. Traps are steam-cleaned offsite prior to storage. No
35 ropes or bait will be stored at the site.

36

37 Mr. Kelley noted that due to the topography of the property, the shed will be at the
38 head of the driveway. He is willing to add vegetation to screen the site if necessary.
39 Most of the year the traps will be in the water. Rope and buoys will be stored
40 elsewhere. Bait will not be stored on site. The storage area of the traps will be 65x30.
41 They will be stored stacked 4 traps high. He noted keeping them at a height of only four
42 traps would help reduce the visual impact.

43

44 Chair Hanley asked for public comment.

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Abutter Daniel Pyle asked if the Planning Board would consider requiring the planting of vegetation as a condition of approval. He hoped planting would occur between the road and the area where the traps will be stored to screen the traps from the street. Mr. Kelley was amenable to planting vegetation for screening. Chair Hanley noted planting should be a minimum four feet in height.

There was no further Public Comment.

Chair Hanley closed the Public Comment.

MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDING, TO FIND THE APPLICATION COMPLETE.

VOTE:

CHRISTIE ANASTASIA: AYE
MEREDITH RANDOLPH: AYE
TRACY LOFTUS KELLER: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 4-0.

MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDING, TO USE THE SHORT FORM.

VOTE:

CHRISTIE ANASTASIA: AYE
MEREDITH RANDOLPH: AYE
TRACY LOFTUS KELLER: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 4-0.

MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, APPROVAL OF THE APPLICATION.

A review was made of the Section 6 Checklist and is attached to these Minutes.

VOTE:

MEREDITH RANDOLPH: AYE
CHRISTIE ANASTASIA: AYE
TRACY LOFTUS KELLER: AYE
CHAIR WILLIAM HANLEY: AYE
MOTION APPROVED 4-0.

- C. **Conditional Use Approval Application #009-2021**
 - OWNER(S) NAME(S):** Andrea R. Russell & Theodore B. Cake
 - LOCATION:** 5 Grover Avenue, Otter Creek
 - TAX MAP:** 033 **LOT:** 005 **ZONE(S):** Village Residential 2 (VR2)

PURPOSE: Section 3.4 – Animal Husbandry 2 (Non-Commercial). The care and Keeping of Livestock/Poultry – Chickens. Construct a Chicken Coop with Run.

SITE INSPECTION: 4:30PM **Masks Required During Site Inspection.**

CEO Keene confirmed adequate Public Notice. Abutters were notified.

No Conflict of Interest was found among the Board.

Chair Hanley reported on the Site Visit. The chicken coop was proposed for an area between the house and the garage. A run is also proposed. The chickens will not be visible from the road. No roosters were planned. The area is a very private location.

Chair Hanley asked for Public comment.

Abutter Peter Vaux asked for confirmation there would be no roosters. Applicant Ted Cake confirmed.

MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, TO USE THE SHORT FORM VOTE:

MEREDITH RANDOLPH: AYE

CHRISTIE ANASTASIA: AYE

TRACY LOFTUS KELLER: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 4-0.

MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, TO FIND THE APPLICATION COMPLETE.

VOTE:

MEREDITH RANDOLPH: AYE

CHRISTIE ANASTASIA: AYE

TRACY LOFTUS KELLER: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 4-0.

MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, APPROVAL OF THE APPLICATION.

A review of the Section 6 Checklist was made and is attached to these Minutes.

VOTE:

MEREDITH RANDOLPH: AYE

CHRISTIE ANASTASIA: AYE

TRACY LOFTUS KELLER: AYE

CHAIR WILLIAM HANLEY: AYE

1 MOTION APPROVED 4-0.

2
3 **D. Conditional Use Approval Application #010-2021**

4 **OWNER(S) NAME(S):** Hedgefield, LLC

5 **AGENT:** Erika Lindquist

6 **LOCATION:** Off Kimball Road, Northeast Harbor

7 **TAX MAP:** 024 **LOT:** 057-003 **ZONE(S):** Village Residential 2 (VR2)

8 **PURPOSE:** Section 3.4 – Outdoor Recreation Facility, Swimming Pool
9 (Non-Commercial).

10 **SITE INSPECTION:** 3:45PM **Masks Required During Site Inspection.**

11 CEO Keene confirmed adequate Public Notice. Abutters were notified.

12
13 Ms. Randolph reported on the Site Visit. There is a garden and open grass area on the
14 site. The pool is proposed to be in the area transitioning from grass to a Japanese
15 garden area. There is natural rock and ledge in the area. Excavated fill will be piled for
16 later removal. The area for the pool was marked out. The lot is sizable, and there
17 should be no conflict with abutting property.

18
19 Chair Hanley noted the pool would thread organically through the existing topography
20 and landscape.

21
22 Agent Erika Lindquist stated this would build off the water feature that was applied for
23 last year. The pool will be fenced with self-locking gates.

24
25 Other structures around the pool have not been finalized yet. The intent is to add as
26 much vegetation as possible.

27
28 Chair Hanley asked for Public Comment. There was none.

29
30 Chair Hanley closed the Public Comment.

31
32 MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDING, TO FIND THE APPLICATION
33 COMPLETE.

34 VOTE:

35 CHRISTIE ANASTASIA: AYE

36 MEREDITH RANDOLPH: AYE

37 TRACY LOFTUS KELLER: AYE

38 CHAIR WILLIAM HANLEY: AYE

39 MOTION APPROVED 4-0.

40
41 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, TO USE THE SHORT FORM.

42 VOTE:

43 MEREDITH RANDOLPH: AYE

44 CHRISTIE ANASTASIA: AYE

1 TRACY LOFTUS KELLER: AYE
2 CHAIR WILLIAM HANLEY: AYE
3 MOTION APPROVED 4-0.

4
5 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, APPROVAL OF THE
6 APPLICATION.

7
8 A review of the Section 6 Checklist was made and is attached to these Minutes.

9
10 It was noted the pool will have drainage to the stormwater system.

11
12 The paths will be lighted. It was agreed a lighting plan will be submitted at a later date.

13
14 VOTE:
15 MEREDITH RANDOLPH: AYE
16 CHRISTIE ANASTASIA: AYE
17 TRACY LOFTUS KELLER: AYE
18 CHAIR WILLIAM HANLEY: AYE
19 MOTION APPROVED 4-0.

20
21 **V. Other**

22 CEO Keene reminded the Planning Board that they approved temporary outdoor tables for
23 Restaurant owner Jennifer Kelley to accommodate the Covid-related restrictions. Ms.
24 Kelley has requested to repeat outdoor seating this year. It was noted the State remained
25 under a Declaration of Emergency. Her business is in a small enough location that no
26 customers may enter the building under the current restrictions.

27
28 CEO Keene summarized the approval from the May 7, 2020 Meeting.

29
30 Chair Hanley suggested Ms. Kelley return before the Planning Board under Other Business to
31 receive an extension.

32
33 Ms. Anastasia suggested the new CDC guidelines should also be consulted.

34
35 **VI. Adjournment**

36 MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDING, ADJOURNMENT.

37 VOTE:
38 CHRISTIE ANASTASIA: AYE
39 MEREDITH RANDOLPH: AYE
40 TRACY LOFTUS KELLER: AYE
41 CHAIR WILLIAM HANLEY: AYE
42 MOTION APPROVED 4-0.

43
44 The Meeting adjourned at 7:50PM.