

**Town of Mount Desert Planning Board  
Workshop Meeting Minutes  
Meeting Room, Town Hall  
6:00 PM, May 8, 2019**

**Public Present:**

PE Jeffrey H. Crafts, Katrina Carter, Steve Boucher

**Board Members Present:**

Chairman Bill Hanley, Meredith Randolph, Dave Ashmore, Tracy Loftus Keller, Christie Anastasia, and Beth Renault

I. **Call to Order:** Chairman Hanley called the meeting to order. Board Members present were noted.

II. **Minutes**

None Presented.

III. **A request by Katrina Carter, Carter Real Estate, to go before the Board to discuss a potential use not listed in Section 3.4 of the Land Use Zoning Ordinance. Under Section 2 General Provisions – Similar Uses - Unspecified Uses which are substantially the same as, or having effects the same as, the uses listed in Section 3.4 shall be treated the same as those listed uses. Similarity shall be determined by the Planning Board in strict compliance with the standards set forth in Section 6 and with other pertinent provisions of this Ordinance.**

CEO Keene noted that Ms. Carter would like to start or establish a use in Town. If the Planning Board deems the use similar to other established uses, then she will pursue the use by filing a Conditional Use Application.

Ms. Carter informed the Board that the use was regarding Dick's Body Shop on Tracy Road in Northeast Harbor. Tracy Road is zoned Village Commercial. The building is for sale. Ms. Carter has a buyer interested in purchasing the building, but they want to have a retail bicycle shop and drop-off laundry there. This is already an established business in town; this would simply be a move to a better location, also in Village Commercial. Neither bicycle shops, nor laundries are listed in the Village Commercial section of the LUZO as an approved use.

Ms. Carter presented the Board with a color-coded map, showing the location of Dick's Body Shop, surrounded by the Pine Tree Market parking lot, S.R. Tracy, Bar Harbor Banking and Trust, and Kimball Shop parking lot. She felt bicycles would have less traffic impact than the auto repair shop currently there. Other commercial areas nearby include the Water Company and Brightside Boats.

It was noted retail sales was allowed in the district. The business has been established on Main Street since 1994.

1  
2 CEO Keene agreed the Planning Board would have to categorize the closest approved use to the  
3 proposed use in order for the use to receive Conditional Use Approval.

4  
5 It was felt that selling bicycles would fall under retail sales.

6  
7 The Board reviewed Section 3.4.

8  
9 Discussion ensued regarding whether laundry could be considered an essential service. CEO  
10 Keene noted that "Essential Services" are listed as "*Gas, electrical or communication facilities;  
11 steam, fuel, electric power or water transmission or distribution lines, towers and related  
12 equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or  
13 other similar pipelines; municipal sewage lines, collection or supply systems; and associated  
14 storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits,  
15 cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but  
16 shall not include service drops or buildings which are necessary for the furnishing of such  
17 services.*"

18  
19 After some discussion, it was agreed that the laundry facility could fall under Services 1.

20  
21 Ms. Randolph suggested vehicle repair might work for bike rental. Ms. Carter reiterated that  
22 bike rentals could be an accessory to the sales of bicycles.

23  
24 CEO Keene noted that bikes could not be displayed outside under Services 1, but perhaps under  
25 Services 3 which would require Planning Board approval.

26  
27 CEO Keene pulled the file to see what the business was originally categorized as, but there was  
28 no established use in the file.

29  
30 It was noted that retail does not have to be wholly enclosed, so the bicycle sales can have the  
31 door opened. If the laundry facility falls under Services 1, it must be wholly enclosed. Ms.  
32 Carter asked for clarification that the bikes for sale could be outside, provided they're on their  
33 own property, but the bikes to be rented would have to be inside.

34  
35 After much discussion it was agreed that:

36  
37 The laundry could be categorized as Services 1  
38 The bicycle sales could be categorized as Retail  
39 The bicycle rental could be considered an accessory to Retail

40  
41 MR. ASHMORE MOVED, WITH MS. RANDOLPH SECONDING, TO CATEGORIZE BICYCLE SALES AS A  
42 RETAIL USE, BICYCLE RENTAL BE CATEGORIZED AS AN ACCESSORY TO THE BICYCLE SALES, AND  
43 THE LAUNDRY SERVICES BE CATEGORIZED AS SERVICES 1. MOTION APPROVED 4-0.

44

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

2  
3 **A. Conditional Use Approval Application #002-2019**

4 **OWNER NAME(S):** Sheila Van Doran Cochran

5 **AGENT:** Jeff Crafts

6 **LOCATION:** 288 Sargeant Drive, Mount Desert

7 **TAX MAP:** 008 **LOT:** 004 **ZONE(S):** Shoreland Residential 3 (SR3)

8 **PURPOSE:** Section 5.6 – Amendment to a previously approved Marine  
9 Structure permit. (Conditional Land Use Permit #005-1979)

10 **SITE INSPECTION:** 5:00PM

11 Chairman Hanley confirmed adequate public notice and abutters were notified.

12  
13 Ms. Anastasia reported on the Site Visit. Lights would be placed in two locations at the pier.  
14 The switches are in place. The lights' brightness will be adjustable.

15  
16 Jeff Crafts, Agent for the Applicant, reported that there is an existing Conditional Use Permit in  
17 existence for the pier. A violation was found regarding lighting, and the Applicant is applying for  
18 after-the-fact lighting approval. It could not be determined if there were ever lights on the pier  
19 prior to 2018. The pier will not be modified in any way. This is an attempt to rectify a violation.  
20 Currently all lighting there has been removed, other than the switches. The lighting was  
21 removed upon report of the violation

22  
23 Mr. Crafts brought a sample of the lighting – both lenses and lightbulbs. The Board received a  
24 demonstration and technical explanation.

25  
26 Mr. Crafts proposed that if the Board decides to take a vote, they include the specifics of the  
27 light for posterity's sake, due to changing technology.

28  
29 Ms. Randolph noted that while the code needs to be met, the concerns of the neighbors must  
30 also be taken into consideration.

31  
32 Mr. Crafts noted the lights proposed are allowed by the LUZO.

33  
34 Chairman Hanley noted that the lateral distribution of light that was most likely the problem for  
35 the neighbors.

36  
37 Mr. Crafts noted that when the pier is not occupied, all lights will be off. Switches are at either  
38 end of the pier. At whatever level of brightness the lights were turned off at, they will return to  
39 when turned back on. He reiterated that all levels being proposed are within acceptable limits  
40 of the code.

41  
42 Lumens were not to exceed the requirements under Section 6A.6 of the LUZO.

43

1 Ms. Randolph asked if the lighting fixture demonstrated is the one that garnered the complaints.  
2 Neither Mr. Crafts nor CEO Keene knew. Mr. Crafts noted the technology proposed was new  
3 since the complaint.

4  
5 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO FIND THE APPLICATION  
6 COMPLETE. MOTION APPROVED 4-0.

7  
8 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO USE THE SHORT FORM.  
9 MOTION APPROVED 4-0.

10  
11 A review of the Checklist was made and is attached to these Minutes.

12  
13 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, APPROVAL OF THE APPLICATION.  
14 MOTION APPROVED 4-0.

15  
16 **IV. Other**

17 CEO Keene apprised the Board of upcoming Meeting Business.

18  
19 **V. Adjournment**

20 MS. RANDOLPH MOVED, WITH MS. ANASTASIA SECONDING, ADJOURNING THE MEETING.  
21 MOTION APPROVED 4-0.

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23 The meeting was adjourned at 7:16PM.

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