1	Town of Mount Desert Planning Board
2	Regular Meeting Minutes
3	6:00 PM, June 10, 2020
4	
5	This meeting was held virtually.
6	This meeting was neid virtually.
7	Public Present: Will Winkelman, Marjory Grace, Bill Grace, Matthew Baird, Greg Johnston, Gerald
	Berlin, Marie Berlin, Heather Evans
8	Berlin, Marie Berlin, Heather Evans
9	Provided to the Charles Annually Developed Developed Developed Charles Annually Trans
10	Board Members Present: Meredith Randolph, Dave Ashmore, Joanne Eaton, Christie Anastasia, Tracy
11	Loftus Keller.
12	
13	I. Call to order 6:00 p.m.
14	Ms. Randolph called the Meeting to order at 6:04PM.
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16	It was noted the Meeting is being recorded.
17	
18	Tracy Loftus Keller is an Alternate, non-voting Member.
19	
20	MS. EATON MOVED, WITH MR. ASHMORE SECONDING, TO NAME MS. RANDOLPH ACTING CHAIR IN
21	ABSENCE OF CHAIR BILL HANLEY.
22	VOTE:
23	JOANNE EATON: AYE
24	CHRISTIE ANASTASIA: AYE
25	DAVE ASHMORE: AYE
26	MOTION APPROVED 3-0.
27	MAS ENTONINAOVED VAITHINAS ANIASTASIA SECONDINIS TO MANYE ALTERNIATE DOADD MENADED
28 29	MS. EATON MOVED, WITH MS. ANASTASIA SECONDING, TO MAKE ALTERNATE BOARD MEMBER TRACY LOFTUS KELLER A VOTING MEMBER FOR THE MEETING.
30	VOTE:
31	MEREDITH RANDOLPH: AYE
32	CHRISTIE ANASTASIA: AYE
33	JOANNE EATON: AYE
34	DAVE ASHMORE: AYE
35	MOTION APPROVED 4-0.
36	MOTION AND TO
37	II. Approval of Minutes
38	March 12, 2020 –
39	It was noted the word "estimation", on Line 35, Page 3 was misspelled.
40	, , , ,
41	MS. ANASTASIA MOVED, WITH MR. ASHMORE SECONDING, APPROVAL OF THE MARCH 12, 2020
42	MINUTES AS PRESENTED AND AMENDED.
43	VOTE:
44	MEREDITH RANDOLPH: AYE
45	CHRISTIE ANASTASIA: AYE
46	JOANNE EATON: ABSTAINS
47	DAVE ASHMORE: AYE

1	TRACY LOFTUS KELLER: AYE		
2	MOTION APPROVED 4-0-1 (EATON IN ABSTENTION).		
3	MOTORYAL HOVED TO I (EXTOR IN ABSTERMON).		
4	March 11, 2020:		
5	MS. ANASTASIA MOVED, WITH MS. LOFTUS KELLER SECONDING, APPROVAL OF THE MARCH 11,		
6	2020 MINUTES AS PRESENTED.		
7	VOTE:		
8	JOANNE EATON: ABSTAINS		
9	DAVE ASHMORE: ABSTAINS		
10	IT WAS DETERMINED THE MOTION FAILED FOR LACK OF A QUORUM.		
11	IT WAS DETERMINED THE MOTION FAILED FOR LACK OF A QUORDIN.		
12	May 27, 2020.		
13	May 27, 2020: MS. ANASTASIA MOVED WITH MS. FATON SECONDING, ADDROVAL OF THE MAY 27, 2020 MINUTES		
	MS. ANASTASIA MOVED, WITH MS. EATON SECONDING, APPROVAL OF THE MAY 27, 2020 MINUTES		
14	AS PRESENTED.		
15	VOTE:		
16	JOANNE EATON: AYE		
17	DAVE ASHMORE: AYE		
18	CHRISTIE ANASTASIA: AYE		
19	TRACY LOFTUS KELLER: AYE		
20	MEREDITH RANDOLPH: AYE		
21	MOTION APPROVED 5-0.		
22			
23	III. Nonconformity – Sections - 4.3.6 & 4.3.5 Non-conforming Structures –		
24	Reconstruction or Replacement		
25			
26	A. OWNER(S): Irene Driscoll		
27	AGENT(S): William Hanley, WMH Architects		
28	LOCATION: 6 Wildberry Way (formally 50 W.I. Pojereno Road), Mount Desert.		
29	TAX MAP: 009 LOT(S): 044 ZONE(S): Shoreland Residential Five		
30	PURPOSE: Sections 4.3.6 & 4.3.5 Reconstruction or Replacement of a Non-Conforming		
31	Structure. Amendment to a previously approved application on March 28, 2018.		
32	SITE INSPECTION: 3:45PM		
33			
34	This item was Tabled.		
35			
36	B. OWNER(S): NN Cove, LLC		
37	AGENT(S): Greg Johnston, G.F. Johnston & Associates		
38	LOCATION: 7 Evergreen Way, Mount Desert		
39	TAX MAP: 015 LOT(S): 004 ZONE(S): Shoreland Residential Two (SR2)		
40	PURPOSE: Reconstruction or Replacement of a Non-conforming structure. Existing		
41	Camp/Residential Dwelling Unit.		
42	SITE INSPECTION: 3:00PM		
43	SITE MOLECTION 5.001 W		
44	No Conflicts of Interest were found.		
45	No connects of interest were found.		
46	CEO Keene confirmed adequate Public Notice. Abutters were notified.		
47	CLO Recine committed adequate i abile Notice. Abutters were notified.		
48	Ms. Eaton reported on the Site Inspection. The current building was seen. The proposed		
+ 0	Ms. Eaton reported on the Site Inspection. The current building was seen. The proposed		

building will be slightly smaller in area, and within the footprint currently being used. The proposed addition will be away from the pond and beyond the 75-foot setback. The land slopes down. There are several large-growth trees. The current footprint is the only place to put the structure without having to remove trees. Additionally, removing trees would make the building very visible from the water.

Agent for the owners Greg Johnston noted the project is the reconstruction of a modest one-story cottage. The reconstruction will move the structure further from the water which reduces its nonconformity. The topography in front of the structure is relatively steep down to the water. Original construction put the structure in the flat area of the land. There is a leach field that is setback. The only other suitable soils on site for a leach field have been identified in the event a replacement system is necessary. That area was marked for the Board's visit. The land behind the building site is steep as well. There is a buffer of vegetation offering some privacy to abutters on one side. That buffer would be maintained. The 75-foot setback touches the entry of the building. There is an addition planned for the back side of the building. Ledge outcropping has been identified. There is a utility easement that passes through the center of the property. The proposed changes and maintaining the single story will protect the views from the water.

Architect for the owners, Will Winkelman, confirmed that due to the current building being nestled into the landscape, rebuilding in place made the best sense. The proposed structure has been moved back from the water, improving its non-conformance by approximately four feet. Site coverage of the non-conforming footprint has been reduced. The building is all one story and at the same height as the existing building. There is a portion of the building beyond the 75-foot setback. That portion of the building is conforming and rises higher than the existing.

Finishes for the building have not been finalized, but the goal will be to use a natural palette, so the building recedes into the landscape.

Ms. Randolph asked for public comment and questions. There were none.

CEO Keene pointed out the appraisal included in the packet. While the appraisal shows the improvements to be under 50% of the structure's value it was clearly a full gutting and reconstruction. Mr. Johnston concurred that it was a reconstruction. Some posts would be set that will allow the owners to rebuild the mechanical space beneath the structure.

A review was made of Sections 4.3.6 and 4.3.5 and are attached to these Minutes.

 C. OWNER(S): Lapsley Family, LLC

AGENT(S): Matthew Baird, Matthew Baird Architects

Greg Johnston, G.F Johnston & Associates **LOCATION:** 11 Barnacles Way, Mount Desert

TAX MAP: 023 LOT(S): 002-002 ZONE(S): Shoreland Residential One (SR1)

PURPOSE: Reconstruction or Replacement of a Non-conforming structure. Existing Residential

Dwelling Unit. **SITE INSPECTION:** 5:00PM

CEO Keene confirmed adequate Public Notice. Abutters were notified. No Conflict of Interest

was found.

Ms. Loftus Keller reported on the Site Visit. The site is a home, which will be replaced with a new residence. The new structure will be closer in match to two structures on an adjacent lot. The new structure will have less encroachment into the shoreline and will use some of the same features the existing structure is using. Where the building is being moved back, vegetation will be grown.

Ms. Randolph noted the proposed building is being applied for by the current owners, however the neighbors intend on buying the lot, once approval is gained. The proposed building will encroach on the neighboring property line; however, those neighbors intend to become the owners and therefore will waive the setback. The intent is to create a family compound.

Architect for the Applicant Matthew Baird provided an overview. The existing building is approximately 3100sf. It will be demolished. The proposed house will be built within the same footprint. It will be 908sf larger in size than the existing building. All required setbacks and height limitations are in compliance, with the exception of the setback to the abutting neighbor to the North. That neighbor has waived the setback requirement.

Abutter to the site, Dr. William Grace, noted his property was to the East and South of the site. He stated he received no Public Notice, nor has he received his Abutter's Notification. Mr. Baird was happy to share his screen via the Zoom to show Dr. Grace the project as proposed.

Advertisement in the Mount Desert Islander newspaper as required by the Town was confirmed. CEO Keene confirmed the address to which Dr. Grace's notification would have been sent which Dr. Grace confirmed. To her knowledge the letter was not returned to the Town as undeliverable.

Dr. Grace requested seeing a model or diagrams of the building or send diagrams to his email for review. CEO Keene reported she had sent plans to the email she received from Dr. Grace. Dr. Grace reported he had not seen the plans.

Abutter to the site, Marjorie Grace, preferred the work not begin this summer. She requested seeing better plans of the work. She asserted the last construction project done in the area involved blasting several stories into the ground. She stated the property owners destroyed the point with the work. The height of the last building constructed is very tall and built on a tiny space of land. The blasting and construction noise occurred throughout last summer and was very annoying. Ms. Grace wanted better notification of the work proposed, and models of what the new structure would look like, and information on how far down into the earth the work would go. She needed to know whether such work would disturb the buildings around it. She felt the work proposed was outrageous. The noise was terrible. She reiterated they wanted no noise this summer.

Mr. Baird explained the work Ms. Grace referred to is now substantially complete. He assured her there would be no blasting this summer. The house proposed is different from the building she is referring to. Mr. Baird presented a drawing of the area. He showed where on the drawing the Grace house sits in relation to the house to be reconstructed. The current house has a long bedroom wing extending toward Great Harbor. He pointed out a breakfast terrace

and another addition made several years ago. The work proposed will remove and replace the existing structure. The new structure will remain in essentially the same footprint. The living room, dining room and kitchen on the ground floor will remain where they are in the current structure. The bedroom wing to the North will be converted into a library. The existing bedroom wing to the South is being removed completely. The portion of the house that is below the 75-foot setback line will be single story. The roof of this section will be a green, vegetative roof with indigenous plantings. Some of the building will encroach into the existing driveway. It will begin as a single story rising to two stories at the other end of the house. A small area will be enclosed to expand the dining room and kitchen area. This change is within the setback of the Grace property but compliant.

Mr. Baird reiterated the house is growing by 900sf.

A full basement is being planned in place of the current crawlspace. "Single-story" refers to the above-grade portion of the structure and does not count the basement. Mr. Baird assured the Graces they would not be blasting to build the basement during the summer months. Any blasting would occur during the fall and winter of 2020. The Construction schedule for the project has not been determined. Mr. Baird estimated it would begin after Columbus Day, 2020. Another option is to start the work in the spring, with the excavation done before summer months, 2021. Mr. Baird confirmed construction would occur during the summer months.

Ms. Grace opposed building during the summer months. She pointed out the house plans appear to indicate that the reconstruction will bring the house even closer to the Grace property line. Mr. Baird noted the extension is within the side-yard setback. The Northern property owner has waived the setback requirement. The building should be no closer to the Grace property line than the existing structure already is.

Ms. Grace reported that the extension created on the Grace side several years ago was a problem for them. Mr. Baird stated the noncompliance already there would not be increased. Mr. Baird noted the entrance to the structure will remain in essentially the same place as it currently is on the East side.

Ms. Grace stated she and her husband gave permission for that East side door. They are now rescinding their permission. The door has been a source of loud noise as people exit and enter the residence, and a very bright light is at the door and on much of the time. It's proven very disturbing to the Grace family. Ms. Grace asserted they were told they must give permission. They do not want to give permission for the entrance in that location. The Graces noted that when the entrance was on the North end of the building it did not disturb them.

Mr. Baird reiterated the footprint of the proposed structure is in compliance in that it is not encroaching further into the setback area.

CEO Keene did not have the property file on hand due to the meeting being held via Zoom. If the addition was built 15 years ago as estimated, a setback waiver from the neighbors would have been required in order to build as they did. The waiver would have had to be in writing and will be in the Town's record.

The Graces asserted that they were only asked if it would be okay to move the entrance to the

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1 East side of the building. They approved a door but did not realize at the time the structure 2 would be built out to within feet of the property line. 3 4 Mr. Baird could not speak to the earlier architecture. The work proposed will not encroach 5 further into the setback. 6 7 Ms. Grace maintained they were never told the building would encroach into the setback. They 8 were only told an entrance would be installed. Mr. Baird wondered if there were a way to 9 create a buffer with landscaping that would improve the situation. Mr. Baird could only present 10 on what was legally in compliance. He felt the Applicant would be sensitive to the Graces 11 concerns. He reiterated a landscaping buffer might provide a way to separate the houses more. 12 13 Ms. Grace rejected the suggestion. It was a problem that the house encroached into the 14 setback. 15 16 Agent Greg Johnston noted the issue may come down to zoning. The record would show 17 whether or not the structure is a legally existing non-conformity. It might be prudent to request 18 the CEO to research the Town files to ascertain whether the structure is legal or not. He did not feel the research could be done now. 19 20 21 Dr. Grace agreed. 22 23 Mr. Baird agreed. He noted that the project as presented is felt to be in compliance with the 24 Ordinance, and with a granted waiver of the setback. Nothing being proposed will make it more 25 non-conforming. 26 27 Ms. Grace reiterated she would like to see a model of the building proposed, in order to get a 28 sense of the scale. Mr. Baird noted the proposed building height would be somewhere between 29 the two houses to the North of the property. 30 31 Mr. Baird suggested he proceed with the presentation, and later the research could be done on 32 the nonconforming section of the building. 33 34 Mr. Johnston suggested addressing some of the other issues impacting the Graces such as the 35 lighting or the doors. Perhaps if some of these issues can be identified, changes can be 36 incorporated into the plans. 37 38 Mr. Baird showed the elevations on the Grace's side of the property and the survey. Mr. Baird 39 pointed out the back door the Graces are referring to in relation to the Grace property and the 40 property line. 41 42 Two height requirements are involved with regard to the building site. Within Zone 2 the 43

Two height requirements are involved with regard to the building site. Within Zone 2 the Ordinance allows for a maximum height of 20 feet above the mean average. The proposed building is just below the allowable height. The second maximum height allowed is 30 feet above that average on the down-hill side. The proposed building is four inches below that line. The new structure at its highest peak is approximately seven feet taller than the existing building. The highest peak is a single point on the building.

Ms. Randolph requested to see a 90-degree elevation. Mr. Baird shared the portion of the building facing the Grace property. He pointed out the various windows and the single-car garage. The building is single story on the side facing the Graces. It is seven or eight feet on the lowest side. There is a thick evergreen buffer that tapers off as the lawn opens up. The siding will be made of shingles that will weather.

Mr. Baird used the plans to point out the one to one-and-a-half story area of the building, consisting of a single pitched roof. Everything else is single-story and will have a green, vegetative roof. The upper half of the building is two stories. There is a dormer with solar panels on the south-facing side. A portion of the existing building on the southern side will be removed. This removal should improve the Graces view towards Greening Island. Additionally, the whole house is being pulled back from the ledge at Gilpatrick's Cove.

The Graces again requested to see a model of the proposed building. Mr. Baird agreed to present one.

Mr. Baird reiterated the non-conformity would be decreased by removing building area below the 75-foot setback. The existing residence covers 26% of the lot. The footprint of the proposed residence will be slightly less than that. The existing residence has 5415 square feet of lot coverage. The proposed residence is 5362 square feet lot coverage.

Ms. Eaton suggested postponing further discussion in order to research the question of the non-conformity on the Grace's side of the lot, and perhaps provide time for the Applicant to address some of the concerns mentioned by the Graces, and to see a model.

Mr. Baird hoped that in light of the fact that there's only one issue with the setback, the review of the Application could continue. Much of the building was compliant and could be addressed now.

Ms. Grace repeated that the side door is a major problem. Additionally, the size of the building has grown, and seeing a model would be beneficial.

Ms. Randolph pointed out that the entrance the Graces take exception to appears to be moved 18 feet to the North. She wondered about the impact that move creates.

Mr. Johnston asked about the model requested. It is not usually part of the packet of information provided by the Applicant. He wondered if a perspective view of the building or a very simple model would suffice. Mr. Baird had a model he offered to present via Zoom. Ms. Grace stated they would have to see a model in person.

Ms. Eaton wondered if a computer model of the building would suffice. Mr. Baird noted he had a digital 3-D model available.

 Mr. Baird stated that he is tasked with conforming to the Zoning Ordinance and satisfying the Planning Board that the project is code compliant. He feels some of the issues brought up are neighbor relation issues. Research into the door is an effort to remain compliant. The look of the building and the model may be straying from the task of compliance.

 Mr. Johnston noted the Planning Board's purview is to review the Application to determine if the Applicant is meeting the setbacks to the greatest practical extent, based on five criteria, some of those criteria being the size of the lot, the slope of the land, and the availability of septic. He suggested that perhaps some of those issues could be discussed now, followed by a determination of the legality of the building's setback issues once the research can be done and discussion of that one issue at a later date.

Ms. Eaton noted that another criterion for consideration of the Application is the location of other structures both on the Applicant's property and on adjacent property. The abutters have concerns about the setback, but there are also concerns about lighting and noise. It might be good to hear about the type of lighting proposed and buffering efforts as well.

The Graces stated it was more than just the entryway on that side. There's also a car going in and out of the area.

Ms. Randolph felt that proximity and also vegetation would be affected by the issues the Graces have brought up. She agreed with Ms. Eaton that the issue can't be further reviewed until the setback research has been done.

CEO Keene reported that if the Planning Board is in agreement, the issue can be continued to the next meeting, and the Item can be added to that agenda. Public Notice and Abutter notification will not be required for a Meeting continued to a date certain.

Ms. Grace pointed out that it appears a garage door is also being proposed, in addition to the door already there.

CEO Keene reported the new addition is in compliance to the setback of the Grace's property line. There is a waiver from the neighbor allowing them to build within their setback. Nothing in the Ordinance prohibits the garage door being placed where it's being proposed.

In order to build within the setback area of the Grace's property, a waiver submitted in writing would have to have been received from the Graces. Or, the property owners could have applied for a variance through the Zoning Board of Appeals if the abutting property owner refused to provide the waiver. Ms. Keene agreed to search the file to verify a waiver was received. The Graces did not recall every submitting anything in writing.

Ms. Randolph noted that lighting restrictions have changed in recent years as well. Lights must be shielded and directed down, and wattage restrictions are in place as well.

Mr. Baird suggested he could circulate snapshot renderings of the computer model. This should provide an idea of the volume of the project. Dr. Grace agreed the more information that could be provided the better.

MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, THAT THE ITEM BE CONTINUED TO THE JUNE 24, 2020 PLANNING BOARD MEETING, AND ANY ADDITIONAL INFORMATION SUBMITTED BE PROVIDED BY JUNE 18, 2020.

47 VOTE:

MEREDITH RANDOLPH: AYE

JOANNE EATON: AYE
 DAVID ASHMORE: AYE
 TRACY LOFTUS KELLER: AYE
 CHRISTIE ANASTASIA: AYE
 MOTION APPROVED 5-0.

IV. Subdivision(s):

Sketch Plan Review

A. Subdivision Application #001-2020 OWNER(S): Gerald & Marie Berlin

AGENT: Paul Nichols

LOCATION: 181 Oak Hill Road, Mount Desert

TAX MAP: 012 **LOT(S):** 031-001 & 002 **ZONE(S):** Residential 2

PURPOSE: Divide and combined lot from previously approved subdivision – Prays Meadow

Subdivision (File 21 No. 13, along with subsequent Amendments).

SITE INSPECTION: 4:15PM

CEO Keene confirmed adequate Public Notice.

Owner Gerald Berlin informed the Board that Agent Paul Nichols was not able to attend the Meeting. He was at the Site Visit.

Dr. Berlin explained that the lot in question is 11.2 acres in size. It crosses Prays Meadow Road. The Berlins hope to subdivide the lot, and build a home on the new, smaller lot. According to the Ordinance, the issue is before the Planning Board because it is a subdivision that has been altered in the past. A wetland delineation has been done. The new lot will be South of Prays Meadow Road. The Berlins hope to build a home with a 28x48 footprint. It is within all the appropriate setbacks for wetlands delineation. Access to the lot is proposed to be off Oak Hill Road, as is the access of the existing home.

No Conflict of Interest was found.

Ms. Randolph stated she and another Board Member did not attend the Site Visit, due to confusion as to where the Site Visit occurred.

Ms. Anastasia reported on the Site Visit. The area is mostly wooded with pines. There is a small square of open area that was once a tennis court. There are houses off Prays Meadow Road, and there is a road coming off Oak Hill Road to the Berlin residence. Another road is being proposed for the proposed lot. It's a dirt road. The area is flagged. Ms. Eaton added that when they drove to the end of the property line the wetlands were visible. Ms. Eaton noted the original map seems to be two lots that were combined into one lot and are now being proposed to be divided again.

Dr. Berlin understood that prior to his purchasing the property it was two lots. CEO Keene noted the extra lot was once a common area. It was not a conforming lot; she did not know why it would have been treated as a separate lot. The subdivision association deeded it to Dr. Berlin. It was merged with Dr. Berlin's lot because a freestanding non-conforming lot of record is not allowed.

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Ms. Randolph inquired about the various maps presented. Lot 3 on one of the maps notes it as 6.3 acres, and another size on another map. CEO Keene explained that there have been a number of amendments to the subdivision over the years.

Dr. Berlin said that lot 2 was his property before it was subdivided. He listed the various owners of the lots. Lot 3 is owned by the Wright Family. Lot 1 was the tennis court lot and non-conforming. The tennis court was removed, and that non-conforming lot deeded to Dr. Berlin and the property merged with his lot.

Ms. Eaton felt that the intent of the subdivision was not being changed with this division, in fact the original subdivision did have this area as two lots, even if they are differently shaped than the original. She had no issues with what was being proposed.

Ms. Randolph did not understand why so many varying maps were distributed. She reiterated that Lot 3 has changed since the original subdivision as well. It's changed from 5.2 acres to 6.3 acres in size.

Dr. Berlin asked what was required of him.

It was thought the smaller maps showed #1 – the original subdivision, and the subdivision as it now stands. Ms. Randolph disagreed. Lot 3 is different, and the border is different. CEO Keene explained it was created in 1987, then amended in 1988. The tennis court lot was merged with Dr. Berlin's lot by Assessor Avila in recent years.

Ms. Randolph asserted the maps showed variances she did not understand. She required an existing map, and a map of what is proposed. The border between Lot 3 and Lot 2 is different. She does not appear to have an up to date map.

It was determined that the Board had a map of the original subdivision. The 1988 plan was the last time the subdivision was amended. Dr. Berlin is trying to show the Board his lot and his proposed division.

CEO Keene noted this was a preliminary sketch plan review to introduce to the Board what Dr. Berlin was proposing. No vote is required on it at this meeting. The following Meeting a Completeness Review would be held. Public Hearing would follow.

Mr. Randolph recalled other subdivision discussions at which abutters lists were required, as well as a number of other things. CEO Keene explained more information would be reviewed in the Completeness Review.

Submittal times and meeting dates were discussed.

V. Adjournment

MS. LOFTUS KELLER MOVED, WITH MS. EATON SECONDING, ADJOURNMENT.

VOTE:

JOANNE EATON: AYE DAVE ASHMORE: AYE

1	TRACY LOFTUS KELLER: AYE
2	CHRISTIE ANASTASIA: AYE
3	MEREDITH RANDOLPH: AYE
4	MOTION APPROVED 5-0.
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6	Meeting was adjourned at 8:20PM.