

**Town of Mount Desert Planning Board
Regular Meeting Minutes
Meeting Room, Town Hall
6:00 PM, June 26, 2019**

Public Present:

John B. Thomas, Mary Koto, Andrew Hamilton, Betty Tower, Chris Murry, Dick Broom, Gordon Whitman, Greg Johnston, Elly Andrews, Angela Drexel, John Meade, Deborah Rush, Sid Scott, Elaine Scott

Board Members Present:

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

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

Chairman Hanley called the meeting to order at 6:03PM. Board Members present were noted.

II. Approval of Minutes

June 4, 2019: Voting Board Members were noted. Several editing errors were found:

- An extra "E" in the Public Present section
- Page 23, Line 44 read "...Mr. Ashmore agreed. With..." The period was removed, and the capital W was changed to lowercase.
- At the end of the Minutes "600PM" was written, it was changed to "6:00PM".

MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO APPROVE THE JUNE 4, 2019 MINUTES AS AMENDED. MOTION APPROVED 4-0-2 (RENAULT AND LOFTUS KELLER IN ABSTENTION).

June 12, 2019: Voting Board Members were noted.

MS. LOFTUS KELLER MOVED, WITH MS. ANASTASIA SECONDING, APPROVAL OF THE JUNE 12, 2019 MINUTES AS PRESENTED. MOTION APPROVED 5-0-2 (RANDOLPH AND LOFTUS KELLER IN ABSTENTION).

MS. EATON MOVED, WITH MS. RANDOLPH SECONDING, TO TAKE SECTION VI OUT OF ORDER. MOTION APPROVED 5-0-2 (RENAULT AND LOFTUS KELLER IN ABSTENTION).

III. Conditional Use Approval Application(s):

A. Conditional Use Approval Application #007-2019

NAME: Northeast Harbor Library and Reading Room

APPLICANT: Eleanor B. Andrews

LOCATION: 1 Joy Road, Northeast Harbor

TAX MAP: 026 **LOT:** 001 **ZONE(S):** Village Residential 1 (VR1)

PURPOSE: Section 5.6 Amendment to a previously approved Conditional Use Permit/Approval. Construct second story addition over "Mellon Room" section or convert existing storage space in basement to Library use.

1 **SITE INSPECTION: 5:35PM**

2 Ms. Eaton confirmed adequate public notice. Abutters were notified.

3
4 No conflict of interest was found.

5
6 Ms. Eaton reported on the site visit. The library was considering two different sites to install
7 climate-controlled space to house a private collection. Option 1 is in the library basement.
8 Option 2 consists of building space above the Mellon Room. Ms. Eaton felt that building
9 over the Mellon Room carried the drawback of requiring significant change to the Mellon
10 Room - essentially removing what makes that room special. Ms. Anastasia added that the
11 collection was intended to stay within the climate-controlled room, and desks would be in the
12 room for research of the materials there. The collection is sizable – 5000 to 6000 books.
13 Chairman Hanley added that the basement was full height, has appropriate points of egress,
14 and is already used for book storage.

15
16 Ms. Randolph questioned making massive renovations to the Mellon Room when the
17 basement already exists as usable space. Library Director Ellie Andrews stated it would
18 depend on the donor's preferences.

19
20 Chairman Hanley agreed with Ms. Randolph; the basement was the better idea. Ms.
21 Randolph noted construction of a staircase would be required as well.

22
23 Ms. Andrews noted a hallway could be built to connect space above the Mellon Room to
24 existing stairs. The library had no plans drawn up at this point. Ms. Randolph noted a
25 hallway made the design and build over the Mellon Room larger than just a room.

26
27 Chairman Hanley said the Mellon Room was preserved during renovations, and its high
28 ceilings were unique. A room above it would completely erase the room's character.

29
30 Abutter Betty Tower stated that a majority of her view is already the back of the library.
31 Renovations to the Mellon Room would make it taller, less attractive, and impede her view
32 further. She pointed out that the Mellon Room was preserved from the original library.
33 Additionally, the Mellon Room was valued for sound-related events held there. The
34 basement was the better choice.

35
36 Ms. Eaton pointed out the Mellon Room was donated to the library by loyal donors. It would
37 be a shame to see it changed when the basement can provide an effective alternative. Ms.
38 Randolph felt the Mellon Room would have to be completely reconstructed to add a second
39 story.

40
41 Ms. Andrews stated every effort would be made to keep the room as like its original design
42 as possible. The Mellon Room has problems with the heat and insulation and it requires
43 new windows. Work would have to be done on the room eventually.

44
45 Chairman Hanley noted that architecturally, trying to preserve the Mellon Room's character
46 while adding a second story will throw the proportions of the room into disorder. It would
47 also be difficult to maintain the integrity of the room with a second floor.

1
2 Thoughts about the basement included the fact that there is little light in the basement. With
3 a collection requiring climate control that might be an asset.

4
5 Chairman Hanley asked for public comment. There was none.

6
7 CEO Keene informed the Board that the library has filed a Conditional Use Application, and
8 they are expecting a review and decision on one of the two options presented.

9
10 Ms. Randolph opined that the Board's thoughts and preferences regarding the basement or
11 a second story on the Mellon Room were not based on code. The Board cannot forbid an
12 option, simply because of personal preference. If the library proposes a room built over the
13 Mellon Room, the Board will review it.

14
15 Chairman Hanley felt the Board could not review two different designs. Commonly an
16 Applicant applies for a single Change of Use. The Board requires significant technical
17 information on a proposed change in order to quantify a decision. Chairman Hanley noted
18 the Board has offered their opinions on the two sites. The Applicant must now decide on an
19 option and apply for a Conditional Use Application for the chosen option.

20
21 Ms. Randolph wondered if creating a room in the basement would require a Conditional Use
22 Application. CEO Keene stated it was currently a dedicated unfinished basement. A new
23 room would require a permit. Ms. Keene reiterated the Applicants want to bring a firm
24 decision stemming from this meeting back to their donor.

25
26 Chairman Hanley reiterated that, in order for the Board to make a determination, a singular
27 Application is required.

28
29 It was agreed the Board's consensus was that the basement was the preferred site.
30 However, it did not preclude the library from applying for whatever site they felt best suited
31 their needs. It was once again reiterated that a second floor on the Mellon Room would not
32 necessarily be rejected by the Board. The Board's opinion is an informal one.

33
34 Chairman Hanley assured Ms. Tower that during review of a proposal the opinions of the
35 abutters were listened to and taken into consideration.

36
37 No further action was taken.

38
39 A discussion was held on appointing a full-time Vice-Chairman for the Board. Alternate
40 Member and Full Time Member status was also discussed. It was decided to discuss
41 naming a Vice-Chairman at the next meeting.

42
43 MS. EATON MOVED, WITH MS. ANASTASIA SECONDING, TO NAME MS. RANDOLPH
44 ACTING CHAIR FOR THE NEXT AGENDA ITEM. MOTION APPROVED 5-0-2 (RENAULT
45 AND LOFTUS KELLER IN ABSTENTION).

46

1 MS. EATON MOVED, WITH MR. ASHMORE SECONDING, TO ACCEPT CHAIRMAN
2 HANLEY'S RECUSAL FROM THE NEXT AGENDA ITEM. MOTION APPROVED 4-0-2
3 (RENAULT AND LOFTUS KELLER IN ABSTENTION).

4
5 MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO MAKE MS. LOFTUS KELLER
6 A VOTING BOARD MEMBER FOR THE NEXT AGENDA ITEM. MOTION APPROVED 4-0-2
7 (RENAULT AND LOFTUS KELLER IN ABSTENTION).

8
9 **IV. Nonconformity – Sections - 4.3.6, 4.3.5 & 4.3.2 – Reconstruction or**
10 **Replacement and 30% Expansion of a Non-Conforming**
11 **Structure.**

12 **OWNER(S):** John B. Thomas

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

14 **LOCATION:** 382 Sound Drive, Mount Desert

15 **TAX MAP:** 008 **LOT(S):** 077 **ZONE(S):** Shoreland Residential Five (SR5)

16 **PURPOSE:** To demolish, reconstruct and expand, an existing Non-Conforming Structure.

17 **SITE INSPECTION:** 4:30PM

18 Ms. Eaton confirmed adequate Public Notice. Abutters were notified.

19
20 No Conflict of Interest was found.

21
22 Ms. Loftus Keller reported on the Site Visit. The property is wooded, with a shore view. The lot
23 is narrow. The current structure is within view of the water. The Applicant is proposing to set
24 the building back; however, it will remain partially within the setback area. If the building were
25 moved to be within full compliance of the setback requirements, it would have to be set in the
26 wooded area, requiring the removal of a number of trees and in close proximity and view of the
27 neighbors. Ms. Eaton added that one small outbuilding would be removed as well. Ms.
28 Anastasia agreed that if the building was moved as far back as the setback required, more trees
29 would have to be removed. The proposed site was flagged in yellow and would preserve some
30 large-growth trees. The proposed relocation will take the house out of the floodplain.

31
32 Architect Bill Hanley reminded the Board that this project was before them last fall. Since then
33 the Applicant has reviewed the project further, balancing both the qualitative and quantitative
34 benefits against various locations. Mr. Hanley noted that during discussion, Location A would
35 be defined as remaining in the current location, Location B would be the proposed location,
36 which was a compromise, and Location C would be moving the building completely out of the
37 setback.

38
39 The proposed location moves the house back 42 feet, 4 inches. This leaves the house partially
40 within the setback. There will be a reduction in the footprint size.

41
42 Attorney for the Applicant, Andrew Hamilton, clarified that Location C is not being proposed by
43 the Applicant.

44
45 Mr. Hanley stated that the proposed changes exceed the value of the structure. He presented
46 letters from appraiser Jerry Suminsby and Real Estate Agent Storey Litchfield. Ms. Litchfield
47 stated in her letter that moving the building to Location C would lower the property value.

1
2 Owner John Thomas shared his family's history with the property and their stake in the project.

3
4 Ms. Randolph noted the building is currently within the flood zone. The proposed site has
5 moved the building outside the flood zone. She reminded the Board of the flooding occurring
6 during their first Site Visit last fall. Mr. Hanley concurred. Building on the existing site is not
7 feasible.

8
9 The site chosen for the building is a compromise between following the LUZO requirements and
10 maintaining the qualitative experience of the property. Moving the building 42'4" back puts the
11 building outside the flood zone and aligns with the front edge of the back structure. The building
12 remains in the foreground of the neighbors' properties, minimizes the impact to the tree canopy
13 and maintains the owner's experience.

14
15 Attorney Hamilton presented to the Board the Osprey Family Trust vs. the Town of Owls Head
16 legal decision. He read the Owls Head Planning Board's decision: "...the Planning Board
17 determined that relocating the proposed structure fifteen feet farther back from the ocean to a
18 site that did not intrude on the wetland struck a proper balance between Johnson's interests and
19 those of the SZO – that is, the relocation conformed to setback requirements not to the greatest
20 theoretical extent, but rather 'to the greatest practical extent.'"

21
22 Ms. Anastasia asked how much of the building will remain within the setback. Mr. Hanley said
23 that 1576 square feet would remain within the setback. The building will be 1908 square feet in
24 total. The proposed site will reduce the nonconformity by approximately 330 square feet. Mr.
25 Hanley noted that the Applicant looked at potential sites with a variety of considerations to find
26 the best balance. Attorney Hamilton added that Mr. Hanley brought in a forester among other
27 professionals to assess the site. He reiterated the work Mr. Hanley's engaged in to find the best
28 site for the proposed building.

29
30 Ms. Randolph asked for public comment. There was none.

31
32 A review of Sections 4.3.6 and 4.3.5 were made and are attached to these Minutes.

33
34 MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, APPROVAL OF THE
35 APPLICATION AS PRESENTED. MOTION APPROVED 5-0-1 (RENAULT IN ABSTENTION.)

36
37 MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, TO WELCOME MR. HANLEY
38 BACK TO THE BOARD AS CHAIRMAN FOR THE REST OF THE MEETING. MOTION
39 APPROVED 5-0-1 (RENAULT IN ABSTENTION).

40
41 Chairman Hanley returned to the Board. Ms. Loftus Keller returned to Alternate Board Member
42 status.

43
44 V. Land Use Zoning Ordinance **Section 6B.11 Lots § (2) Access** - No lot may be built upon
45 or otherwise developed unless it has a private road or driveway for access to a public way
46 by a valid right of way benefiting the lot (or a combination of driveway and/or one of more
47 private roads) or by ownership of land abutting the public way. **If more than 2 lots are**

1 **accessed by the same private road, then it must meet the Street Design and**
2 **Construction Standards of Section 5.14 of the Subdivision Ordinance.** If no more
3 than 2 lots are accessed by the same private road or driveway, then it must meet either the
4 said Street Design and Construction Standards or the Driveway Construction standards of
5 Section 6B.6 of this Ordinance. A pre-existing primary access drive that serves up to 2
6 existing lots need not meet the requirements of Section 6B.6. All lots must maintain safe
7 access for fire, police, and emergency vehicles, as determined by the Fire Chief.
8

9 Subdivision Ordinance **Section 6. Waiver and Modifications of this Ordinance § 6.1.1**

10 Where the Board finds that a private road providing access to a lot or lots cannot meet
11 the Street Design and Construction standards of Section 5.14 because (a) the
12 application of land use restrictions would prevent the work required to bring an existing
13 road into compliance or (b) physical conditions of the site render strict compliance
14 impossible, then the Board may waive such standards. However, in all such cases, the
15 Board must find that (a) the proposed plan brings the road into compliance as much as
16 is feasible, (b) the proposed plan will provide safe access to and from the property, and
17 (c) the proposed plan will allow for access to the site for emergency vehicles.
18

19 **PROPERTY OWNER(S):** Robert A. & Marjorie I. Taylor

20 **APPLICANT:** Sylvia & Gordon Whitman

21 **AGENT:** Greg Johnston, G.F. Johnston & Associates

22 **PROPERTY LOCATION:** 4 Taylor Way, Northeast Harbor

23 **TAX MAP:** 025 **Lot:** 038-001 **Zone(s):** Village Residential One (VR1)

24 **PURPOSE:** Potential Land Division, off a Non-compliant Private Road.

25 **SITE INSPECTION:** 5:15PM

26 Public Notice and Notice to Abutters was deemed not necessary.
27

28 No Conflict of Interest was found.
29

30 Ms. Anastasia reported on the Site Visit. The driveway goes in different directions. The
31 area used to be one large property which has been divided into lots. From the main
32 driveway three houses are visible. To the right of the driveway is a drainage ditch. The
33 property has an easement and a Right of Way (ROW). The situation is confusing with
34 regard to who has rights to the ROW. Ms. Eaton noted the pin delineating the neighbor
35 towards the Swim Club shows there to be room between the road and the ROW. Ms.
36 Eaton was unclear about the status of the sewer line and the water line. Chairman Hanley
37 reported that abutters present stated the importance of the drainage ditch running along
38 the driveway.
39

40 Agent Greg Johnston of GF Johnston reported the Applicants have a Purchase and Sale
41 agreement, which gives them the right to apply. They are purchasing the property on the
42 understanding that it can be divided. They were informed they required a sewer waiver to
43 piggy-back sewers. Mr. Johnston deemed this was not a limiting factor. To build a second
44 house, access and the ability to provide one's own water are required and are the priority.
45 A sewer line would be installed along with the required water line, making the waiver a
46 moot point. Mr. Johnston felt a stormdrain system would also be necessary.
47

1 Mr. Johnston referred to Section 6B.11.2 of the LUZO. It states “*No lot may be built upon*
2 *or otherwise developed unless it has a private road or driveway for access to a public*
3 *way...*” Mr. Johnston felt this was the first priority. The driveway currently on the site
4 varies in width between ten and twelve feet.

5
6 The ROW serves several people. The Applicants own the land upon which the ROW is
7 located; others have rights to use it. Four other landowners have been identified as
8 having the right to use the ROW.

9
10 Section 6B.11.2 goes on to say “*If more than 2 lots are accessed by the same private*
11 *road, then it must meet the Street Design and Construction Standards of Section 5.14 of*
12 *the Subdivision Ordinance.*” This begs the question of whether it’s considered a
13 Subdivision Road or not. The Applicants are requesting a waiver from building a road to
14 Subdivision Standards. The Applicant’s intent is to buy the property to subdivide it, then
15 build two cottages on each lot.

16
17 In order to meet safe access, it is estimated that a road 12 feet wide is required. Fire
18 Chief Bender concurred with this estimate. In order to create a 12-foot way the road will
19 have to be moved to the right, to avoid the stand of pine trees. In addition to the 12 feet,
20 Mr. Johnston estimated that 2-foot shoulders on either side will be required to ensure the
21 safe passage of emergency vehicles.

22
23 Drainage would have to be relocated due to these changes.

24
25 Chief Bender stated he considered the way a driveway, due to the number of users of the
26 ROW being under seven.

27
28 The land on which the ROW is located is 20 feet in width. The 12-foot way, plus two feet
29 of shoulder on either side will fit within the 20-foot width.

30
31 Additionally, there are existing sewer and water lines in the road.

32
33 The Applicant is before the Board for a Request of Waiver for access width.

34
35 Chairman Hanley noted that any change to the driveway there would be an improvement.
36 He reiterated there was a 20-foot ROW.

37
38 Mr. Johnston noted that Chief Bender referenced in his letter Section 6B.6 notes a 12-foot
39 traveled way. Mr. Johnston is encouraging two 2-foot shoulders in addition to the 12-foot
40 traveled way, and moving the whole road to the right, away from the dripline of the pine
41 trees.

42
43 Mr. Johnston noted the ditch beside the road is a vertical channel. A wider-bottomed ditch
44 with round stones lining the bottom would be an improvement.

45

1 Mr. Johnston reiterated that the Applicant will own the land on which all this change would
2 occur. Others living on the road have rights to use the driveway there. Currently only two
3 neighbors in the area are using that right to travel over the way.
4

5 Chairman Hanley reiterated that the road is being proposed to be widened to a greater
6 degree than the Fire Chief requires for safety, and the drainage would be improved, all the
7 improvements fit within the legal ROW already established on the property.
8

9 Ms. Eaton queried that at a previous meeting, discussion ensued regarding a similar
10 request. In that case, Chief Bender stated that the travel way width should be 16 feet.
11 She wondered why there was such a difference.
12

13 Mr. Johnston noted that a subdivision road standard is 16 feet in width. Mr. Johnston felt
14 the difference was that Chief Bender considered this a driveway serving only a few
15 residences. The last discussion concerned a road serving seven lots. Mr. Johnston noted
16 the LUZO notes the width is "as determined by the Fire Chief".
17

18 Two lots are currently being served by the driveway. The back lot has an accessory
19 dwelling unit. The property being purchased has a dwelling on it. Through deed research
20 at least four lots have rights to use the driveway.
21

22 CEO Keene stated that with four lots using it, the travel way there is deemed a road.
23

24 Ms. Eaton pointed out a 16-foot travel way could be made because the area is 20 feet in
25 width. Mr. Johnston felt that at least four more feet in width would be required to build a
26 16-foot width road.
27

28 Chairman Hanley requested that a letter signed by the Fire Chief be added to the
29 Application packet.
30

31 Chairman Hanley agreed that the Applicant could get a 12-foot road, plus two 2-foot
32 shoulders (totaling a 16-foot travel way) and drainage within the 20-foot area. It was noted
33 that even with the 16-foot travel way, the Applicant would need to appear before the Board
34 because the Right of Way is less than 50 feet.
35

36 MS. EATON MOVED, WITH MR. ASHMORE SECONDING, TO GRANT THE WAIVER,
37 CONTINGENT UPON THE TRAVEL WAY CREATED BEING 16 FEET IN WIDTH AND
38 ADEQUATE DRAINAGE WITHIN THE 20-FOOT ROW.
39

40 Public discussion ensued.
41

42 Abutter Deborah Rush noted that at the Site Visit it was proposed to be a 12-foot driveway
43 with 2-foot shoulders on either side. She was unclear on what was being suggested now.
44 Mr. Johnston stated his plan was to create a 12-foot travel way with two 2-foot shoulders
45 equaling a 16-foot travel way in total.
46

1 Ms. Rush asked for clarification. Has anything changed from what was discussed at the
2 Site Visit? She was under the impression that the width of the proposed driveway has
3 been expanded. Is it the exact same as is shown on the Application?
4

5 Mr. Johnston restated that the Application is for a 16-foot total-width travel way. This is
6 the combination of the 12-foot road plus two 2-foot shoulders. The shoulders will be
7 gravel to stabilize the road. Emergency vehicles will be able to drive the resulting 16-foot
8 travel way. This width will be found on the side opposite the side with the trees due to the
9 roots on that side. Additionally, the ditch needs to be addressed.
10

11 Chairman Hanley reiterated there was no change; the Board is working through a
12 clarification that the entire width of the proposed way will allow for a fire truck to drive the
13 road. Mr. Johnston concurred.
14

15 Mr. Johnston noted that managing the ditch is also included in the Application. This may
16 include the ditch going at least partially subsurface. Flow must be controlled for the
17 Applicant's site and also for others in the neighborhood.
18

19 Ms. Rush stated that the plan presented appears to be taking land from her property. Her
20 land appears to make up part of Taylor Way. Taylor Way is using her land, and Taylor
21 Way is now being expanded.
22

23 Mr. Johnston pointed out a note on the plan "probable easement for prescriptive easement
24 for locus". It means that there is a portion of access for Taylor Way that is on the Rush
25 property. The surveyor acknowledges that the Rush parcel was conveyed out of the larger
26 Taylor property and the access way had existed at that time. Part of Taylor Way is in fact
27 outside the ROW, and that area outside the ROW will not be counted as part of the
28 proposed 16 foot road. Mr. Johnston can't promise the improved road will be removed
29 from Ms. Rush's land. Other people use the road. If those people petitioned to close the
30 section off, there would probably be a filing of prescriptive easement stating that driveway
31 existed prior and has been used 20 or more years consistently.
32

33 Mr. Ashmore echoed that even if the ROW were moved there's still a claim on the property
34 for where the driveway has historically been. Mr. Johnston agreed. Whether the area is
35 prescriptive or not would be the Court's decision. However, the area outside the ROW is
36 not necessary to meet the 16-foot width required.
37

38 Ms. Rush asked for clarification that the shoulder currently on the driveway was not going
39 to be touched, and the driveway would go towards the Bishop's side of the driveway. Her
40 property line goes almost halfway into the existing Taylor Way. She researched the
41 history of the area and asserted that her house preexists the rectory there. Ms. Rush
42 stated the abutters received very short notice of this issue because they live out of state.
43

44 Ms. Rush requested the Board not grant the waiver in order to allow her time to hire an
45 attorney to review the issue.
46

1 Ms. Rush stated there is a discrepancy in her lot. She surveyed her lot three years ago.
2 The Applicant's plot plan does not agree with the plan she had done of her property.

3
4 Mr. Johnston showed the pins set for Ms. Rush's plot plan included on the Applicant's
5 plan. He stated there is no question the Applicants own a 20-foot strip. Further, Mr.
6 Johnston reiterated the proposed Application would provide safe access. Any further
7 arguments should occur outside the Planning Board.

8
9 Ms. Anastasia requested to see the larger survey used at the Site Visit. Mr. Johnston
10 produced the survey. Three pins set by Ms. Rush's surveyor were pointed out.

11
12 Ms. Rush reiterated she would like the chance to have her attorney and surveyor review
13 the project.

14
15 Mr. Johnston stated again that there's no dispute that there is 20 feet to build the
16 Applicant's road. The waiver is for whether the Applicant can provide safe access. any
17 legal issue brought up by Ms. Rush can't be settled in this venue. He reiterated the
18 Applicants own the 20-foot ROW strip. Others have rights over it.

19
20 Ms. Randolph noted the plan does appear to show the road will be on another's property.
21 Mr. Johnston stated it would not. The road will go to the right side of the current driveway.
22 Only land owned by the Applicants will be used. The road will be moved to the right-hand
23 side as one enters the driveway. The Applicant does not need to use land owned by Ms.
24 Rush.

25
26 Ms. Randolph asked for confirmation that this will essentially give back the property used
27 currently for road back to Ms. Rush. Mr. Johnston reiterated that he did not need the area
28 for his planned road. However, an easement siting grandfathered use could be applied
29 for, forcing the Applicant to keep the road in place.

30
31 Discussion ensued.

32
33 Neighbor Sid Scott stated that his sewer line connects to the existing Taylor building,
34 which the Applicant intends to remove. How will his sewer and water line be maintained?
35 Similarly, how will access to the buildings be maintained through driveway construction?
36

37 Mr. Johnston was under the impression that the sewer line went up beyond the building.
38 Sewer lines will have to be maintained through construction. Service can't be interrupted.
39 However, Mr. Scott will require his own sewer line. If the sewer line runs through the
40 Applicant's property, it should be run within the ROW. Mr. Johnston noted it does not
41 show up in any of the easements. Mr. Johnston stated the Applicant will require their own
42 sewer line and have no intent to piggyback on another's sewer. If sewers are being
43 piggybacked now, they will not be by the end of the project.

44
45 Mr. Ashmore inquired if Mr. Scott was stating he has a sewer line running through the
46 property without the legal right to have it there. Mr. Scott stated his sewer line was
47 connected into the Taylor building. Mr. Ashmore asked if there was documentation for

1 having the right to have the connected line. Ms. Rush noted that Mr. Taylor's son bought
2 the property and put in the house and sewer.

3
4 Mr. Johnston explained how maintaining sewer lines through construction occurs.

5
6 Mr. Johnston noted that travel access will be maintained. He explained how travel access
7 is maintained through construction. Ms. Randolph suggested doing the work during the
8 months the residents are not there. Mr. Johnston agreed, but noted that regardless of
9 whether a building is occupied, access must be maintained.

10
11 Mr. Scott stated the road is only one way. He asserted the Applicant intends to subdivide,
12 put buildings on both lots, and possibly also outbuildings on each lot, adding four
13 additional dwellings to the area. Mr. Scott asked whether a single-lane driveway can
14 support the added traffic.

15
16 Mr. Johnston stated that the reason for the 16-foot road is to create two 8-foot lanes for
17 passage. He pointed out that three separate residences are already using the ROW for
18 passage. To Mr. Johnston's knowledge the Applicants do not intend to add outbuildings
19 for additional housing. The Applicants are planning for two lots, with a residential structure
20 on each lot and that's all that's been applied for.

21
22 Neighbor Elaine Scott asked why the Board refers to the land as two lots. Mr. Johnston
23 stated that the lot is dividable. The Applicants intend to purchase the lot and then divide it
24 into two lots.

25
26 Chairman Hanley read Section 6.1.1: "...the Board must find that (a) the proposed plan
27 brings the road into compliance as much as is feasible, (b) the proposed plan will provide
28 safe access to and from the property, and (c) the proposed plan will allow for access to the
29 site for emergency vehicles". He noted a Motion has already been made.

30
31 MOTION APPROVED 5-0-2 (RENAULT AND LOFTUS KELLER IN ABSTENTION).

32
33 Mr. Johnston noted the permits are filed. He would submit performance standards
34 addressing stormwater.

35
36 Chairman Hanley directed that a letter signed by the Fire Chief to the file and also a larger
37 scale plan to the Application be added to the Application materials.

38
39 **VI. Other**

40
41 **Harbor Watch Yacht Club, LLC – (Tax Map 024 Lot(s) 130 & 133-002) Fence**
42 **Screening Discussion.**

43 Chairman Hanley reviewed that in July of 2018, the Harbor Watch Yacht Club fence was
44 approved by the Planning Board with the permit condition that 15 screening trees, or enough
45 trees for 10 percent fence coverage be planted. The fence went in quickly, however the
46 trees did not. Until recently there have been very few trees, resulting in public comment and
47 several attempts at outreach to Harbor Watch.

1
2 Compliance appears to have occurred only within the last week.

3
4 The Board requested the Agent for Harbor Watch Yacht Club state their intent for
5 compliance.

6
7 Agent Chris Murry explained that he was not in the area to ensure the work was done. He
8 arranged to have his tree experts complete the planting. The siting work was done in the
9 fall, but the experts stated the time for planting was wrong and did not complete the work in
10 the fall, nor in the spring. Mr. Murry felt the issue was that he was not in the area to manage
11 the work directly. He did not know how many trees had been planted so far.

12
13 Mr. Murry noted that the landowner would like to install more trees. The Board agreed this
14 would be acceptable, though not required by the Board. It was noted that both staggering
15 trees and planting them in clumps were acceptable. Ms. Randolph noted the trees are
16 planted on Town property. Is there a point the Town would feel there were too many trees?
17 Chairman Hanley felt that as long as they were planted within the defined zone by the fence,
18 it should be acceptable.

19
20 Chairman Hanley directed Mr. Murry to send an email to CEO Keene with the number of
21 additional trees planted to date to ensure the permit condition has been met.

22
23 **VII. Adjournment**

24 MS. EATON MOVED, WITH MS. ANASTASIA SECONDDING, TO ADJOURN THE MEETING.
25 MOTION APPROVED 5-0-2 (RENAULT AND LOFTUS KELLER IN ABSTENTION).

26
27 The meeting adjourned at 9:06PM.

28
29 The next scheduled meeting/public hearing(s) is in the Meeting Room, Town Hall, Sea Street,
30 Northeast Harbor at 6:00 p.m., Wednesday, July 10, 2019.

31
32