

**Town of Mound Desert Planning Board
Planning Board Meeting Minutes
Meeting Room, Town Hall
6:00 PM, September 13, 2017**

Public Present

No members of the public were present.

Board Members Present

Chairman Bill Hanley, Beth Renault, Dave Ashmore, Joanne Eaton, Meredith Randolph, Lili Andrews

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

I. Call to Order

Chairman Hanley called the meeting to order at 6:00 PM. Board Members present were noted.

II. Approval of Minutes

August 9, 2017: Approval of Minutes were tabled. Several items were noted to need clarification before approval.

III. Old Business

A. OWNER(S): Richard Davis Irvin Jr.

APPLICANT: Matthew A. Morehouse

AGENT: Civil Engineering Services (CES), Inc.

LOCATION: Off Woods Road, Mount Desert

TAX MAP: 012 **PORTION OF LOT**: 013-029

ZONING DISTRICT: Rural Woodland 3 (RW3) & Shoreland Residential (SR5)

PURPOSE: 6 Lot Residential Subdivision

Public Notice was deemed unnecessary. CEO Keene noted that this was a public meeting for an informal discussion about the opinion the Board received from their Counsel. Per the Planning Board's attorney, this issue would require public hearing only if new lots were being created, or previously approved lot lines were being changed. Therefore, it was his opinion that a public hearing requiring public notice was not necessary. CEO Keene added that the final decision on whether to hold a public hearing or not lay with the Planning Board.

Ms. Randolph felt that for future, it might be wise to consider adding electrical changes to the criteria that warrants Public Hearing. The question of electrical has

been a controversial subject in other subdivision hearings. Ms. Randolph worried that those who were concerned have not been given the opportunity to discuss the issue.

Discussion ensued regarding the question of whether a public hearing was required, and whether a public hearing would be of benefit.

CEO Keene read the emails from Attorney Andy Hamilton.

"I think it's fine for the Board to treat the transfer to Emera the right to install utility lines as an amendment to the plan that requires a public meeting. I would not characterize this as requiring a Public Hearing under 5.13 but the Board has discretion to say that this marginal change does require a public hearing. I also note that, even if it's just a public meeting, it is usually the Board's inclination to hear from neighbors that want to address the Board.

Just don't want to impose a public hearing requirement where the Ordinance does not (specifically, section 5.13 of the Subdivision Ordinance does not require a public hearing whereas Section 4.5 does for original applications for subdivision approval). That suggests that there should be a more significant change before you move to the level of requiring a public hearing.

I do agree with the Board that it's fair to treat the utility change as a subdivision revision, even if there was no specific condition that addressed this. It is a change unless the original plan or application materials said that Emera would be providing power or they contemplated overhead lines."

More discussion ensued. CEO Keene noted that setting a Public Hearing not because it is required by the ordinance, but because residents are unhappy with a decision the owners are within their right to make, sets a precedent for future subdivisions.

MS. EATON MOVED, WITH MR. ASHMORE SECONDING, TO TAKE THE ADVICE OF THE BOARD'S ATTORNEY AND ALLOW THE PROCESS TO CONTINUE WITHOUT A PUBLIC HEARING FOR THE ELECTRICAL. MOTION APPROVED 6-0.

IV. Adjournment

MS. EATON MOVED, WITH MS. RENAULT SECONDING, TO ADJOURN. MOTION APPROVED 6-0.

The meeting was adjourned at 6:23PM.