FINAL - Town of Mount Desert Planning Board Minutes February 23, 2022 Page 1

| 1  |  | TOWN OF MOUNT DESERT   |
|----|--|--|
| 2  |  | PLANNING BOARD MEETING MINUTES   |
| 3  |  | February 23, 2022  |
| 4  |  | Town Hall Meeting Room,  |
| 5  |  | 21 Sea Street, Northeast Harbor and via Zoom   |
| 6  |  |  |
| 7  | Board M  | embers Present: Vice Chair Christie Anastasia, Tracy Loftus Keller, Meredith Randolph, |
| 8  | David As   | hmore  |
| 9  |  |  |
| 10 | Chair William Hanley was not in attendance.  |  |
| 11 |  |  |
| 12 | <u>Public Pr</u>   | esent: Michael Cuttita, Aldo Adriazola, David Sweet, Michael Sweet, Tom Lawrence,      |
| 13 | Justin Bennett, Margaret Jeffrey, Beth Ingrebritsen, Tim Brochu, Anne Tilney, Roger Huber, |  |
| 14 | Joshua B   | urhoe, Felicity Taubman  |
| 15 |  |  |
| 16 | This mee   | ting was a hybrid of in-person attendance and on-line attendance via Zoom and was      |
| 17 | recorded   | l.   |
| 18 |  |  |
| 19 | l.   | Call to order 6:00 p.m.  |
| 20 | Vice   | Chair Anastasia called the meeting to order at 6:00PM.                                 |
| 21 |  |  |
| 22 | Board  | d Members present were noted.  |
| 23 |  |  |
| 24 |  | LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, MAKING MS. ANASTASIA                  |
| 25 | ACTII  | NG CHAIR FOR THIS MEETING IN CHAIR WILLIAM HANLEY'S ABSENCE.                           |
| 26 | VOTE   |  |
| 27 |  | Y LOFTUS KELLER: AYE   |
| 28 |  | EDITH RANDOLPH: AYE  |
| 29 |  | D ASHMORE: AYE   |
| 30 |  | CHAIR CHRISTIE ANASTASIA: AYE  |
| 31 | MOT  | ION APPROVED 4-0.  |
| 32 |  |  |
| 33 | II.  | Approval of Minutes  |
| 34 |  | January 12, 2022:  |
| 35 |  | MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, APPROVAL OF THE                        |
| 36 |  | JANUARY 12, 2022 MINUTES, AS PRESENTED.  |
| 37 |  | VOTE:  |
| 38 |  | MEREDITH RANDOLPH: AYE   |
| 39 |  | DAVID ASHMORE: AYE   |
| 40 |  | TRACY LOFTUS KELLER: AYE   |
| 41 |  | VICE CHAIR CHRISTIE ANASTASIA: AYE   |
| 42 |  | MOTION APPROVED 4-0.   |
| 43 | 111  | Continued from January 26, 2022  |
| 44 | III.   | Continued from January 26, 2022.   |

Land Use Zoning Ordinance Section 6B.11 Lots § (2) Access - No lot may be built upon or otherwise developed unless it has a private road or driveway for access to a public way by a valid right of way benefiting the lot (or a combination of driveway and/or one of more private roads) or by ownership of land abutting the public way. If more than 2 lots are accessed by the same private road, then it must meet the Street Design and Construction Standards of Section 5.14 of the Subdivision **Ordinance.** If no more than 2 lots are accessed by the same private road or driveway, then it must meet either the said Street Design and Construction Standards or the Driveway Construction standards of Section 6B.6 of this Ordinance. A preexisting primary access drive that serves up to 2 existing lots need not meet the requirements of Section 6B.6. All lots must maintain safe access for fire, police, and emergency vehicles, as determined by the Fire Chief.

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Subdivision Ordinance Section 6. Waiver and Modifications of this Ordinance § 6.1.1 Where the Board finds that a private road providing access to a lot or lots cannot meet the Street Design and Construction standards of Section 5.14 because (a) the application of land use restrictions would prevent the work required to bring an existing road into compliance or (b) physical conditions of the site render strict compliance impossible, then the Board may waive such standards.

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However, in all such cases, the Board must find that (a) the proposed plan brings the road into compliance as much as is feasible, (b) the proposed plan will provide safe access to and from the property, and (c) the proposed plan will allow for access to the site for emergency vehicles.

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31 32 A. PROPERTY OWNER(S): Robert Lamar Hardy, Jr.

27 APPLICANT(S): Aldo Adriazola 28

AGENT(S): Margaret T. Jeffery, Esq.

PROPERTY LOCATION: Off Harborside Road, Northeast Harbor

TAX MAP: 026 Lot: 025-002 Zone(s): Residential One (R1)

**PURPOSE:** Request a waiver of the Street Design and Construction Standards

of Section 5.14 of the Subdivision Ordinance for an existing private

road.

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Planning Board requirements from the January 26, 2022 included:

- A stamped survey plan
- Boundaries of the 20-foot ROW, or at least the centerline of the ROW.
- The hammerhead shown pulled solely onto the property or, alternatively, proof that the hammerhead has a legal right to overhang onto the Whitman property.

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The survey was shared. Surveyor Tim Brochu reported that the 20-foot ROW leading up to the lot is included. Additionally, an additional survey was shared showing proposed road improvements requested by the Fire Chief. Both surveys are stamped.

The existing road and proposed expansion areas along the road and on the property were shown on the survey. The entrance to the road was shown, as well as how the Applicant intends to widen and better define the entrance without disturbing the existing rock wall or changing drainage patterns in the area.

CEO Keene asked about current drainage problems at the end of the road. Mr. Brochu believed that regrading and raising the area would help facilitate drainage.

The width at the entrance of the road is 30 feet between the utility pole and the stone wall and is within the DOT ROW.

Mr. Ashmore asked whether the Applicant had title to the triangular portion of the ROW on the Whitman property. Mr. Brochu reported that portion was sectioned off of the Whitman lot in the 1970s. The written description conveys a 20-foot ROW to Harborside Road. It was Mr. Brochu's opinion that it was a blanket easement covering the easement across that triangle.

Attorney for Mr. Whitman Justin Bennett referred to the 1976 survey plan showing the ROW further away from the Whitman property. This is a discrepancy from the overlap seen on the survey. Mr. Brochu could not offer an opinion without seeing the plan. His survey represents extensive research into the boundaries of the property and it shows where the easement is now. The shaded portions on his survey are visible as existing gravel roadway or pathway evident on the ground. The existing ways were survey-located in the field.

CEO Keene noted the lot in question once housed a garage for the Whitman lot. This could be the reason the gravel roadway is in the location it is in.

Attorney Jeffrey referred to a 1952 survey plan showing the roadway in the same location shown on the new survey. The garage is on the survey; the foundation still exists. A western boundary line is only slightly different than the line as it exists today. Mr. Whitman's lot once included the Applicant's lot. The boundary line changed slightly when the lot was conveyed. It appears the roadway did go into the Whitman property.

Attorney Bennett objected; the survey referenced by Attorney Jeffrey was never shared with other interested parties. Attorney Jeffrey clarified that the survey being shown was only recently found.

Neighbor Anne Tilney agreed it would be fair if all parties were given the opportunity to see surveys such as the one presented. She asked about the expansion of the curves on the driveways and who was responsible for making those changes. Attorney Jeffrey stated it would be the responsibility of the owner of the

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Hardy Lot.

With regard to submissions, it was clarified that no submission deadline schedule was established for materials. It's unfair to abutters when materials are presented the day of the meeting, but last-minute submissions have been accepted before. CEO Keene confirmed the survey referenced was not in the record.

Attorney Jeffrey contended that the survey is being presented in response to a question regarding the location of the ROW. This survey shows that in 1953 the roadway in the location it currently is. When the conveyance in 1973 occurred, the wording used was "together with the ROW in common with others, over a 20-foot ROW from the above-described premises to Harborside Road." The road has not moved. Additionally, discussion from the last meeting seemed to infer the roadway has not moved.

Vice Chair Anastasia reminded those attending that the Applicant is seeking a waiver for the subdivision construction standards. To obtain that, the plan must bring the road into compliance as much as feasible, provide safe access to and from the property, and allow access to the site for emergency vehicles.

Mr. Brochu explained that when creating a survey, past surveys and deeds are collected. Plans are created using located monumentation descriptions and old plans. Mr. Brochu had the benefit of older surveys when drafting his survey. Mr. Ashmore pointed out that Mr. Brochu is a licensed surveyor confirming this ROW location. There has been no evidence presented contradicting the location.

Attorney Bennett inquired whether the 1950s plan, noted as recently found, was a part of Mr. Brochu's research. Mr. Brochu could not confirm whether that exact plan was used in the survey research. He believed the majority of the plans for the area were available to him at the time the survey was drafted. Every survey is not necessarily needed if the information found concurs with located evidence.

Attorney Bennett asserted the 1976 survey places the Road elsewhere on the land, which indicates there is conflicting survey evidence. Mr. Brochu did not have the 1976 plan for immediate review. He did not believe there was any information of substance conflicting with his survey.

Roger Huber, representing the Mr. Nitze, asked about the ROW as it extends toward the property to the north. Its presence seems to appear and disappear based on the survey. Mr. Brochu confirmed finding a Deed recorded in Book 747, Page 361 relinquishing the rights of the easement across the property to the neighbors to the north. His survey makes note of the relinquished ROW. Mr. Brochu tries to represent on a survey all improvements on the property. There is a gravel pathway on the property. That pathway was researched to determine whether or not it

constituted a ROW. Research shows that at one time it was a ROW that has since been relinquished. Mr. Huber asked whether the condition of the gravel pathway heading north of the hammerhead was the same condition as below the hammerhead. Mr. Brochu asserted the pathways' condition was rougher above the hammerhead.

Neighbor David Sweet did not believe it was a road going up to the Nitze property; it is a pathway to the trails.

 Attorney Jeffrey asserted survey plans show an existing drive going north on the Hardy parcel. South of that parcel it's noted as a 20-foot ROW. The area is never referred to as a 20-foot ROW, as it is referred to further south. Mr. Ashmore pointed out that what evidence exists on the property is required to be shown, but it does not imply legal right to what is shown.

Mr. Sweet noted the area where the first turn on the road is located is moss-covered ledge. Ledge is showing and the area is open and can be used as turning area. The next turn up needs to be increased on the right side slightly, but there is a stonewall at the top of the turn that runs the rest of the length up. Expansion cannot occur where the stone wall is. That area is 12 feet. All other areas are 14 to 15 feet in width. Safety vehicle access requirements are 14.5-foot width both vertical and horizontal.

The widths on the 1976 survey vary between 9'4" and 16'. What is being proposed is a 12-foot-wide road, with a buffer on either side. At the entrance to Harborside Road the width is 30 feet. There is ditching on the left side as one enters the road. CEO Keene believed the Fire Chief wanted the entrance to the road a 30-foot width.

Mr. Sweet warned that putting gravel on the end of the road as fill will result in erosion of the stone into the road. CEO Keene stated the Applicant would have to make sure any fill does not end up in the road. The work would perhaps require an engineer.

Vice Chair Anastasia summarized that no one appeared to be in favor of widening the road to the Subdivision Ordinance standards. There are, however, areas that need to be widened for safety, and due to the Fire Chief's requirements. Conversation has centered around road location and the hammerhead. The Applicant has provided the materials the Board requested. The next step is a review of Section 6.1.1, sections (a), (b), and (c), create Findings of Fact, and vote on them.

Vice Chair Anastasia read Section 6.1.1:

 Subdivision Ordinance Section 6. Waiver and Modifications of this Ordinance § 6.1.1 Where the Board finds that a private road providing access to a lot or lots cannot meet the Street Design and Construction

| 1        | standards of Section 5.14 because (a) the application of land use   |
|----------|---|
| 2        | restrictions would prevent the work required to bring an existing road into   |
| 3        | compliance or (b) physical conditions of the site render strict compliance  |
| 4        | impossible, then the Board may waive such standards.  |
| 5        |   |
| 6        | However, in all such cases, the Board must find that (a) the proposed plan  |
| 7        | brings the road into compliance as much as is feasible, (b) the proposed  |
| 8        | plan will provide safe access to and from the property, and (c) the   |
| 9        | proposed plan will allow for access to the site for emergency vehicles.   |
| 10       |   |
| 11       | MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, THE PHYSICAL  |
| 12       | CONDITIONS OF THE SITE RENDER STRICT COMPLIANCE IMPOSSIBLE, AND   |
| 13       | THEREFORE THE BOARD HAS JURISDICTION TO REVIEW POSSIBLE WAIVER AND  |
| 14       | MODIFICATION OF THE ROAD.   |
| 15       | VOTE:   |
| 16       | DAVID ASHMORE: AYE  |
| 17       | MEREDITH RANDOLPH: AYE  |
| 18       | TRACY LOFTUS KELLER: AYE  |
| 19       | VICE CHAIR CHRISTIE ANASTASIA: AYE  |
| 20       | MOTION APPROVED 4-0.  |
| 21       |   |
| 22       | MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, THE PROPOSED PLAN   |
| 23       | BRINGS THE ROAD INTO COMPLIANCE AS MUCH AS IS FEASIBLE WITHIN THE   |
| 24       | EXISTING 20-FOOT ROW, WIDENING THE TURN AREAS, AND IMPROVING THE  |
| 25       | ENTRANCE FROM HARBORSIDE ROAD.  |
| 26       | VOTE:   |
| 27       | DAVID ASHMORE: AYE  |
| 28       | MEREDITH RANDOLPH: AYE  |
| 29       | TRACY LOFTUS KELLER: AYE  |
| 30       | VICE CHAIR CHRISTIE ANASTASIA: AYE  |
| 31       | MOTION APPROVED 4-0.  |
| 32       | MAC DANIDOLDU MOVED WITH MC LOFTHS VEH ED SECONDING THAT THE  |
| 33<br>34 | MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, THAT THE PROPOSED PLAN WILL PROVIDE SAFE ACCESS TO AND FROM THE PROPERTY ON THE |
| 35       | BASIS THAT THE EXISTING CONDITIONS HAVE EXISTED FOR YEARS AND BEEN  |
| 36       | SATISFACTORILY SAFE TO THE RESIDENTS.   |
| 37       | VOTE:   |
| 38       | DAVID ASHMORE: AYE  |
| 39       | MEREDITH RANDOLPH: AYE  |
| 40       | TRACY LOFTUS KELLER: AYE  |
| 41       | VICE CHAIR CHRISTIE ANASTASIA: AYE  |
| 42       | MOTION APPROVED 4-0.  |
| 43       |   |
| 44       | MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, THE PROPOSED PLAN   |
|          | - · · · · · · · · · · · · · · · · · · ·   |

| 1   |     | WILL ALLOW FOR ACCESS TO THE SITE FOR EMERGENCY VEHICLES, AS THE PLAN                        |
|-----|-----|--|
| 2   |     | PROPOSES TO WIDEN THE ENTRY AND CURVES TO SATISFY CONCERNS EXPRESSED                         |
| 3   |     | BY THE FIRE CHIEF IN HIS EMAIL SUBMITTED NOVEMBER 16, 2021.                                  |
| 4   |     | VOTE:  |
| 5   |     | DAVID ASHMORE: AYE   |
| 6   |     | MEREDITH RANDOLPH: AYE   |
| 7   |     | TRACY LOFTUS KELLER: AYE   |
| 8   |     | VICE CHAIR CHRISTIE ANASTASIA: AYE   |
| 9   |     | MOTION APPROVED 4-0.   |
| 10  |     | MOHOWALL 4 C.  |
| 11  |     | MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO GRANT THE WAIVER                          |
| 12  |     | VOTE:  |
| 13  |     | DAVID ASHMORE: AYE   |
| 14  |     | MEREDITH RANDOLPH: AYE   |
| 15  |     | TRACY LOFTUS KELLER: AYE   |
| 16  |     | VICE CHAIR CHRISTIE ANASTASIA: AYE   |
| 17  |     | MOTION APPROVED 4-0.   |
| 18  |     | MOTION ATTROVED 4 0.   |
| 19  | IV. | Conditional Use Approval Application(s):   |
| 20  |     | Conditional Ose Approval Application(s).   |
| 21  |     | A. Conditional Use Approval Application #002-2022  |
| 22  |     | OWNER(S) NAME(S): Sheryl C. & H. James Gilmore   |
| 23  |     | AGENT: Tom Lawrence  |
| 24  |     | LOCATION: 9 Lower Dunbar Road, Seal Harbor   |
| 25  |     | TAX MAP: 031 LOT: 091-002 ZONE(S): Village Residential One                                   |
| 26  |     | <b>PURPOSE:</b> Section 3.4 - Public - School. Erect/Install (4) 20' X 10' canopies to allow |
| 27  |     | students to be outdoors.   |
| 28  |     | SITE INSPECTION: 4:00PM  |
| 29  |     | Ms. Loftus Keller confirmed adequate public notice. Abutters were notified.                  |
| 30  |     | 17.5. Editus Keller collimitied daequate public flottiee. 7.5atters were flottied.           |
| 31  |     | No Conflict of Interest was found among the Board.   |
| 32  |     | The commet of interest was found among the Board.  |
| 33  |     | Ms. Loftus Keller reported on the Site Visit. There is a large grassy area behind the        |
| 34  |     | school. The area where the tents will be located was marked. The tents will be up            |
| 35  |     | during the summer months; the request is to have the tents in place every summer.            |
| 36  |     | daring the sammer months, the request is to have the tents in place every sammer.            |
| 37  |     | Applicant Tom Lawrence had no comments to add.   |
| 38  |     | Applicant form Lawrence flag the comments to dad.  |
| 39  |     | Vice Chair Anastasia asked for Public Comment. There was none.                               |
| 40  |     | The chair rinastasia asked for radiio comment. There was none.                               |
| 41  |     | Vice Chair Anastasia closed the Public Comment.  |
| 42  |     |  |
| 43  |     | MS. LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, TO USE THE SHORT                        |
| 4 4 |     | FORM.  |

| 1  | VOTE:   |
|----|---|
| 2  | DAVID ASHMORE: AYE  |
| 3  | MEREDITH RANDOLPH: AYE  |
| 4  | TRACY LOFTUS KELLER: AYE  |
| 5  | VICE CHAIR CHRISTIE ANASTASIA: AYE  |
| 6  | MOTION APPROVED 4-0.  |
| 7  |   |
| 8  | MS. LOFTUS KELLER MOVED, WITH MS. RANDOLPH SECONDING, TO FIND THE                         |
| 9  | APPLICATION COMPLETE.   |
| 10 | VOTE:   |
| 11 | DAVID ASHMORE: AYE  |
| 12 | MEREDITH RANDOLPH: AYE  |
| 13 | TRACY LOFTUS KELLER: AYE  |
| 14 | VICE CHAIR CHRISTIE ANASTASIA: AYE  |
| 15 | MOTION APPROVED 4-0.  |
| 16 |   |
| 17 | MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO APPROVE THE                            |
| 18 | APPLICATION.  |
| 19 |   |
| 20 | A review of the Application Checklist was made and is attached to these Minutes.          |
| 21 |   |
| 22 | VOTE:   |
| 23 | DAVID ASHMORE: AYE  |
| 24 | MEREDITH RANDOLPH: AYE  |
| 25 | TRACY LOFTUS KELLER: AYE  |
| 26 | VICE CHAIR CHRISTIE ANASTASIA: AYE  |
| 27 | MOTION APPROVED 4-0.  |
| 28 |   |
| 29 | B. Conditional Use Approval Application #003-2022   |
| 30 | OWNER(S) NAME(S): Sheryl C. & H. James Gilmore  |
| 31 | AGENT: Tom Lawrence   |
| 32 | LOCATION: 9 Lower Dunbar Road, Seal Harbor  |
| 33 | TAX MAP: 031 LOT: 091-002 ZONE(S): Village Residential One (VR1)                          |
| 34 | PURPOSE: Section 3.4 - Public - School. Install an RV "Temporarily" on site to be used    |
| 35 | as an incubation area, during the COVID Pandemic. 2022 Year.                              |
| 36 | SITE INSPECTION: 4:05PM   |
| 37 | Ms. Loftus Keller confirmed adequate Public Notice. Abutters were notified.               |
| 38 | ·   |
| 39 | No conflict of interest was found among the Board.  |
| 40 | •   |
| 41 | Ms. Loftus Keller reported on the Site Visit. The area was near the location of the       |
| 42 | previous Site Visit. The trailer will be slightly smaller than the trailer used last year |
| 43 | and will be in the same location as last year's trailer. The trailer will be on site just |
| 44 | for the Summer of 2022.   |

| 1  |  |
|----|--|
| 2  | Applicant Tom Lawrence had nothing to add.   |
| 3  | , , , , , , , , , , , , , , , , , , ,  |
| 4  | Vice Chair Anastasia opened the Public Comment. There was none.                    |
| 5  |  |
| 6  | Vice Chair Anastasia closed the Public Comment.                                    |
| 7  |  |
| 8  | MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO USE THE SHORT             |
| 9  | FORM.  |
| 10 | VOTE:  |
| 11 | DAVID ASHMORE: AYE   |
| 12 | MEREDITH RANDOLPH: AYE   |
| 13 | TRACY LOFTUS KELLER: AYE   |
| 14 | VICE CHAIR CHRISTIE ANASTASIA: AYE   |
| 15 | MOTION APPROVED 4-0.   |
| 16 |  |
| 17 | MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND THE                  |
| 18 | APPLICATION COMPLETE.  |
| 19 | VOTE:  |
| 20 | DAVID ASHMORE: AYE   |
| 21 | TRACY LOFTUS KELLER: AYE   |
| 22 | MEREDITH RANDOLPH: AYE   |
| 23 | VICE CHAIR CHRISTIE ANASTASIA: AYE   |
| 24 | MOTION APPROVED 4-0.   |
| 25 | Moneton Noves 16.  |
| 26 | MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO APPROVE THE               |
| 27 | APPLICATION.   |
| 28 |  |
| 29 | A review of the Application Checklist was made and is attached to these Minutes.   |
| 30 | The view of the Application of country was made and is accounted to these minutes. |
| 31 | VOTE:  |
| 32 | DAVID ASHMORE: AYE   |
| 33 | MEREDITH RANDOLPH: AYE   |
| 34 | TRACY LOFTUS KELLER: AYE   |
| 35 | VICE CHAIR CHRISTIE ANASTASIA: AYE   |
| 36 | MOTION APPROVED 4-0.   |
| 37 | We Hell I was 25 Feb   |
| 38 | C. Conditional Use Approval Application #004-2022                                  |
| 39 | NAME: 10 Schoolhouse Ledge, LLC  |
| 40 | AGENT: Joshua Burhoe   |
| 41 | LOCATION: 10 Schoolhouse Ledge, Northeast Harbor                                   |
| 42 | TAX MAP: 005 LOT: 031 ZONE(S): Village Residential Two (VR2)                       |
| 43 | PURPOSE: Section- 6B.8 Fences and Walls. Exceeding Code Enforcement Officer        |
| 44 | Authority  |

1 **SITE INSPECTION:** 4:35PM 2 Ms. Loftus Keller confirmed adequate Public Notice. Abutters were notified. 3 4 No conflict of interest was found among the Board. 5 6 Ms. Loftus Keller reported on the Site Visit. One neighbor was in attendance. The 7 fencing is along the road. Some fencing and metal posts for the fencing remain in 8 place; the posts are sunk into ledge. Chain-link fencing was removed due to 9 deterioration. The posts have been determined to be too close to the centerline of the road. Over the years trees have grown up around the fence. Moving the fence 10 11 back would require the removal of the trees and extensive work to remove the posts 12 from the ledge. 13 14 Agent Joshua Burhoe explained that moving the fencing back the 6 to 12 inches necessary would damage healthy trees and weaken the bank. The chain-link fence 15 will be replaced with something more attractive. 16 17 Vice Chair Anastasia opened the Public Comment. It was confirmed for neighbor 18 19 Felicity Taubman that the fence runs along the Mill Brook Road. It will be replaced with a 4.5- to 5-foot cedar fence. 20 21 22 Mr. Burhoe clarified the hardwood and softwood trees in the area are approximately 23 5 feet in height and 6 to 8 inches in diameter. Removing them would damage the 24 bank. The posts currently in place will be reused. 25 MS. LOFTUS KELLER MOVED, WITH MR. ASHMORE SECONDING, TO FIND THE 26 27 APPLICATION COMPLETE. 28 VOTE: 29 DAVID ASHMORE: AYE 30 MEREDITH RANDOLPH: AYE 31 TRACY LOFTUS KELLER: AYE 32 VICE CHAIR CHRISTIE ANASTASIA: AYE 33 MOTION APPROVED 4-0. 34 35 MS. LOFTUS KELLER MOVED, WITH MS. RANDOLPH SECONDING, TO USE THE SHORT 36 FORM. VOTE: 37 DAVID ASHMORE: AYE 38 39 MEREDITH RANDOLPH: AYE TRACY LOFTUS KELLER: AYE 40 VICE CHAIR CHRISTIE ANASTASIA: AYE 41 42 MOTION APPROVED 4-0. 43 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO APPROVE THE 44

Noel Musson.

1 APPLICATION. 2 3 A review of the Application Checklist was made and is attached to these Minutes. 4 5 VOTE: 6 DAVID ASHMORE: AYE 7 MEREDITH RANDOLPH: AYE 8 TRACY LOFTUS KELLER: AYE 9 CHRISTIE ANASTASIA: AYE MOTION APPROVED 4-0. 10 11 12 V. Meet & Greet Potential Planning Board Alternate Member. 13 Potential Planning Board member Gloria Kunje was not in attendance. 14 15 VI. Other 16 Update on Land Use Zoning Ordinance and Land Use Map Amendments for the 17 2022 Annual Town Meeting. 18 19 CEO Keene provided a summary of the Warrant Articles to be proposed for the May 3, 2022 Town Meeting. On March 9<sup>th</sup> the Planning will vote on them, and on March 20 21 10<sup>th</sup>, the Warrant Committee will discuss them. 22 23 The Articles include: 24 Exception to allow an accessory dwelling unit on a property, provided the lot meets the minimum lot area requirements. The words "per lot" will be added to 25 the wording in place. This will clarify that only a single accessory dwelling unit is 26 27 intended. A zoning change for a property on Long Pond. On the zoning map there is a 28 29 small piece of land that is zoned Shoreland Residential 5 and Resource 30 Protection, based on five criteria. This property does not meet the criteria and 31 will be removed from Resource Protection. The DEP has okayed the zoning 32 change. There are likely more properties in this situation. 33 Within the Shoreland Zone pre-and post-construction photos will now be 34 required. 35 Regarding non-conforming lots, the amendment will address an ambiguity in that if a non-conforming lot increases in acreage, but not enough to make it 36 37 conforming, it will retain its grandfathered status, but this will only apply to lots that are not fully or partially within the shoreland zone. 38 39 40 Discussion ensued regard consideration of a Noise Ordinance. Ms. Randolph believed it might be a good idea to have one, should an issue arise where noise was 41 42 a problem. It would be an issue to go before the Selectboard, or perhaps the LUZO 43 Advisory Committee. Mr. Ashmore suggested the CEO bring the subject up with

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| Τ  |      |  |
|----|------|--|
| 2  | VII. | Adjournment  |
| 3  |      | MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, THE MEETING BE |
| 4  |      | ADJOURNED.   |
| 5  |      | VOTE:  |
| 6  |      | DAVID ASHMORE: AYE   |
| 7  |      | MEREDITH RANDOLPH: AYE   |
| 8  |      | TRACY LOFTUS KELLER: AYE   |
| 9  |      | VICE CHAIR CHRISTIE ANASTASIA: AYE                                   |
| LO |      | MOTION APPROVED 4-0.   |
| L1 |      |  |
| L2 |      | The Meeting adjourned at 8:15PM.                                     |