

**Town of Mount Desert Planning Board  
Planning Board Meeting Minutes  
Meeting Room, Town Hall  
6:00 pm, February 24, 2016**

**Public Present**

Jay M. Fernald, Thomas J. Fernald, Noel Musson, Ann Grinnell, Jasmine Smith, Sarah Keeley, Joe Renault, Beth Renault, Nick Jene, Heather Jones, Brian Reilly, Marie LaRosee, Bethany Anderson, Rachel Sissan, Sylvie Piquet, Kelly Brown, Linda Gregory, Emily Ellis

**Board Members Present**

David Ashmore, Chairman Bill Hanley, Joanne Eaton, Meredith Randolph, Lili Andrews, Dennis Kiley

Also present were CEO Kimberly Keene and Recording Secretary Heidi Smallidge

**I. Call to Order**

Chairman Hanley called the meeting to order at 6:00 pm. Voting members were noted. Joanne Eaton was welcomed to the Board.

**II. Approval of Minutes**

October 28, 2015: CHAIRMAN HANLEY MOVED, WITH MS. RANDOLPH SECONDING, TO APPROVE THE MINUTES AS PRESENTED. MOTION APPROVED 3-0.

December 9, 2015: MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO APPROVE THE MINUTES AS AMENDED. MOTION APPROVED 3-0.

February 10, 2016: MS. RANDOLPH MOVED, WITH MS. ANDREWS SECONDING, TO APPROVE THE MINUTES AS PRESENTED. MOTION APPROVED 3-0.

**III. Public Hearing:**

**a. Floodplain Management Ordinance and Flood Insurance Rate Map Amendments for the 2016 Town Meeting.**

No conflict of interest was found. Mr. Ashmore confirmed adequate public notice and abutters were notified.

Noel Musson handed out a summary of proposed warrant articles.

With regard to the floodplain article, Mr. Musson explained that the Town of Mount Desert participates in a national flood insurance program. The federal government has updated the floodplain maps and updated the federal model ordinance for insurance purposes. The Town must adopt the maps and ordinance in order to continue to participate in the insurance program. CEO Keene compared the differences in the maps. No vote was necessary from the Planning Board.

1  
2 **b. Land Use Zoning Ordinance and Official Land Use Map Amendments for the**  
3 **2016 Town Meeting.**  
4

5 The Discussion was opened to the Public.  
6

7 1. Floodplain Ordinance: Previously discussed.  
8

9 2. Zoning Map Change: This proposal would change one and a half parcels located  
10 across from the Somesville One Stop from Village Residential 1 zone to a Village  
11 Commercial zone. The half parcel is to be changed to match the other half of the  
12 parcel. Village Commercial allows retail. Brian Reilly asked about a small inlet of  
13 property left out of the zone change. Mr. Musson noted the owners of that land  
14 preferred to stay Village Residential.  
15

16 Tom Fernald felt the zoning should go back to its original location. His son's lot was  
17 originally a business, and there are other businesses in the area. He felt moving  
18 the line back would make more sense. Mr. Fernald stated that no one from the  
19 Town discussed the possibility of changing the zone with his son Jay who lives in  
20 the area. He clarified he was not opposed to the zoning change being proposed.  
21

22 Ms. Andrews pointed out the comprehensive plan would be up for revision in the  
23 near future. Larger zone changes would be better discussed there. Discussion  
24 ensued regarding the zone changes.  
25

26 3. Access Amendment: Mr. Musson explained that the previously amended Section  
27 6B.10 needed to be clarified to explain when driveways were required to become  
28 roads. When there are two lots, it's a driveway. When there are three lots it's a  
29 road and requires a 50 foot road width. It was felt that adding the word "new" would  
30 clarify the intent of the Section. Lengthy discussion ensued regarding whether the  
31 proposed language change would clarify the Section. It was agreed that more  
32 consideration needed to be taken with regard to wording.  
33

34 4. Definition of "Living Area": It was noted that a clearer definition of the term was  
35 necessary. This change notes patios and decks are not calculated as "living area".  
36

37 5. Text Change to Allow Independent Schools: This change would allow independent  
38 schools in all land use districts of the town, subject to Conditional Use Approval.  
39 Mr. Musson explained that the Community School has an opportunity to buy land  
40 for a school in a shoreland zone, where they are currently not allowed. Discussion  
41 ensued regarding whether the use was appropriate and the effect of a nonprofit  
42 buying a building in the shoreland zone and the resulting tax exemption. It was  
43 noted the issue of taxes will most likely come up at the Town Meeting.  
44

45 6. Text Change to Board of Appeals Ordinance: Mr. Musson noted this was an  
46 administrative change to the Zoning Board. It clarifies that certain types of appeals

1 can be heard by the Zoning Board of Appeals.  
2

3 7. Planning Board Compensation: Mr. Musson mentioned the proposal of providing  
4 Board Members with compensation would need to be added to the Planning Board  
5 Ordinance.  
6

7 It was agreed that the Planning Board would need to deliberate on the #2 Zoning  
8 Map Change, #3 Access Amendment, #4 Definition of "Living Area", #5 Text  
9 Change to Allow Independent Schools.  
10

11 Chairman Hanley closed the public hearing.  
12

13 2. Zoning Map Change – Ms. Andrews noted the Comprehensive Plan should  
14 be considered as well. Mr. Musson said there was usually a Comprehensive Plan  
15 Committee to make changes. This update may be a simple update. The Town  
16 could do it themselves or hire someone. It was noted the Comprehensive Plan also  
17 has some goals that have been achieved and should be removed, and new goals  
18 that should be added. MS. EATON MOVED, WITH MR. KILEY SECONDING, TO  
19 RECOMMEND FOR APPROVAL THE ZONING MAP CHANGES PROPOSED.  
20 MOTION APPROVED 6-0.  
21

22 3. Access Amendment – The Board discussed the clarity of the proposed  
23 change. It was agreed that clearer wording was necessary. CEO Keene  
24 suggested she and Mr. Musson work with the attorneys with the goal of finding  
25 clearer wording by the March 3 meeting already scheduled. MS. EATON MOVED,  
26 WITH CHAIRMAN HANLEY SECONDING, TO CONTINUE THE MEETING TO  
27 MARCH 3, TO ALLOW FOR FURTHER DISCUSSION OF THE ISSUE. MOTION  
28 APPROVED 6-0.  
29

30 4. Definition of "Living Area" – MS. ANDREWS MOVED, WITH MS.  
31 RANDOLPH SECONDING, TO RECOMMEND FOR APPROVAL THE  
32 PROPOSED DEFINITION OF "LIVING AREA". MOTION APPROVED 6-0.  
33

34 5. Text Change to Allow Independent Schools – MR. KILEY MOVED, WITH  
35 MS. EATON SECONDING, TO RECOMMEND FOR APPROVAL THE  
36 PROPOSED TEXT CHANGE TO ALLOW INDEPENDENT SCHOOLS. MOTION  
37 APPROVED 6-0.  
38

#### 39 **IV. Adjournment**

40  
41 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO ADJOURN THE  
42 MEETING. MOTION APPROVED 5-0.  
43

44 Meeting was adjourned at 7:13 pm.