

**TOWN OF MOUNT DESERT
PLANNING BOARD MINUTES
April 26, 2023**

Board Members Present: Chair William Hanley, Tracy Loftus Keller, David Ashmore, Meredith Randolph, Gloria Kunje

Gloria Kunje is an Alternate, non-voting Member.

Members of the Public Present: Attorney for the Planning Board, P. Andrew Hamilton, Jeff Teunisen, Greg Johnston, Kathy Miller, Noel Musson, Stephanie Barry, JIM, Dan Pileggi, Chris Reece, Jan Karst, Diane Morabito, Mara Lehrman, David Renault, Barbara Ryerson, Howard Lapsley, James Gowan, Ellie Grassi, Tracey Aberman, C. Brauer, Lynne Wheat, J. Kleuter, Charlene Marshall, Eliza Gowan, Nick Newlin, Jerry Miller, Kitty Jones, Sharmini Coorey, Amy, Thomas Lehrman, Joseph Ryerson, Inness, Bill, Lenore Passavanti, iPhone-(62) 828, Adam Fraley, Chuck Bucklin, Betsy Kelly, Rob Van Alen, Eliza Worrick, Mollie Seyfer, Amy's iPhone, Sabina

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

Chair Hanley called the Meeting to order at 6:00PM. Board members in attendance were identified.

II. Approval of Minutes

March 22, 2023:

MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, APPROVAL OF THE MARCH 22, 2023 MINUTES AS PRESENTED.

VOTE:

MEREDITH RANDOLPH: AYE

TRACY LOFTUS KELLER: AYE

DAVID ASHMORE: AYE

GLORIA KUNJE: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 5-0.

April 12, 2023:

MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, APPROVAL OF THE APRIL 12, 2023, MINUTES AS PRESENTED.

VOTE:

MEREDITH RANDOLPH: AYE

TRACY LOFTUS KELLER: AYE

DAVID ASHMORE: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 4-0.

III. Subdivision Approval Application(s):

Public Hearing – 6:05PM:

Subdivision #001-2023

A. OWNER(S) NAME(S): James F. Marcogliese Rev. Trust

AGENT: Jeff Teunisen, Haley Ward, Inc.

LOCATION: Off Quarry’s Edge Road, Mount Desert

TAX MAP: 008 **LOT(S):** 134-003-001

ZONING DISTRICT: Rural Woodland 3 (RW3)

PURPOSE: Modifications to a previously approved and recorded Subdivision.

(Amendment #1 of the 3.02 Acres Subdivision – File 45 Number 61

recorded October 25, 2018 & Amendment

#2 File 48 Number 54 recorded March 10, 2021).

Ms. Loftus Keller confirmed adequate Public Notice. Abutters were notified.

Agent Jeff Teunisen reported that two lots are being proposed. One lot will be 5.9 acres in size with 4.9 acres of buildable area. The other will be 3.15 acres in size with 3 acres of buildable area. Gravel and wetland on the property affects the buildable area on the properties. The application was deemed complete at a prior Completeness Review meeting.

Chair Hanley opened the discussion for Public Comment. Neighbor Sharmini Coorey requested more information.

Mr. Teunisen summarized that the owner has a parcel of land he would like to divide for family members as part of his estate planning. There are no plans to develop the property at this time. One new lot is being created. The boundaries of the pre-existing subdivision are not changing. The property being divided is wooded and not near the water. The property is on the left side, traveling down Quarry’s Edge Road. No construction on the lots is planned at this time. The lots will have the potential for a house lot on each lot.

A building permit will be required from the Town for any future construction. The public is not informed about such permitting.

Abutters Toby Bernstein and Jeff Klueter asked for confirmation that any future building will not require special permitting or approvals. Mr. Teunisen reiterated that for a residential building a building permit is required.

Ms. Coorey asked whether this change would affect the road in any way. Mr. Teunisen confirmed the road will remain in its current state.

There were no other comments.

Chair Hanley closed the Public Hearing.

MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO APPROVE THE APPLICATION.

VOTE:

MEREDITH RANDOLPH: AYE

TRACY LOFTUS KELLER: AYE

DAVID ASHMORE: AYE

1 CHAIR WILLIAM HANLEY: AYE
2 MOTION APPROVED 4-0.

3
4
5

6 **Completeness Review:**

7 **Subdivision #002-2023**

8 **A. OWNER(S) NAME(S):** Mount Desert 365

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

10 **LOCATION:** 5 Manchester Road, Northeast Harbor

11 **TAX MAP:** 023 **LOT(S):** 025

12 **ZONING DISTRICT:** Village Residential One (VR1)

13 **PURPOSE:** Subdivision as defined is the construction or placement of 3 or more
14 dwelling units on a single tract or parcel of land within a 5-year period. The proposal
15 is the construction or placement of 6 dwelling units on a single tract or parcel of
16 land within a 5-year period. Workforce Housing.

17 CEO Keene confirmed that abutters were notified.

18

19 Agent Greg Johnson explained the proposal as described during the Sketch Plan Review has not
20 materially changed. A six-unit subdivision is proposed. Detail related to buffering and landscaping
21 has been added. He noted this was a Completeness Review, to determine whether the Planning
22 Board has the necessary information to consider the Application. MD365 Director Kathy Miller
23 and Consultant Noel Musson were also in attendance, as was Traffic Engineer Diane Morabito.

24

25 Chair Hanley explained the process. The project is in its Completeness Review. The Board will be
26 working through submittal requirements for the application—Subdivision Ordinance sections
27 4.2.1, 4.2.2, 4.2.3, 5, and Land Use Zoning Ordinance (LUZO) sections 6A, 6B, 6C. The Board will
28 allow public comment on the Completeness Review. Comments must be relative to the submittal
29 requirement being discussed. Broader questions will not be discussed at this time. Following the
30 Completeness Review, a meeting on compliance and a public hearing will be scheduled where
31 further discussion can be held.

32

33 The Planning Board began their review.

34

35 **Section 4.2.1 – Information on the Applicant:**

36 Chair Hanley read the nine criteria included in Section 4.2.1:

37 1 – Name of Applicant

38 2 – Name of Agent

39 3 – Corporation status and licensing

40 4 – Applicant’s authorized representative

41 5 – Contact information for registered professional engineer, land surveyor, or planner

42 6 – Correspondence address

43 7 – Applicant’s interest in the parcel

44 8 – Applicant’s interest in abutting parcels

45 9 – Plat plan showing entire contiguous holdings

1
2 Chair Hanley asked if there were any comments regarding the criteria listed in Section 4.2.1. There
3 were no comments.

4
5 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND SECTION 4.2.1
6 COMPLETE AS PRESENTED.

7 VOTE:

8 MEREDITH RANDOLPH: AYE

9 TRACY LOFTUS KELLER: AYE

10 DAVID ASHMORE: AYE

11 CHAIR WILLIAM HANLEY: AYE

12 MOTION APPROVED 4-0.

13

14 **Section 4.2.2 – Information on Parcel to be Subdivided:**

15 Chair Hanley read the nine criteria included in Section 4.2.2:

16 1 – Location of Property

17 2 – Survey map of the subdivision

18 3 – Current zoning district of the property

19 4 – Acreage of the parcel to be subdivided

20 5 – SSWD information

21 6 – Property owners within 1,000 feet of the parcel

22 7 – Restrictive Covenants

23 8 – Proposed soil erosion and sedimentation control

24 9 – Water supply

25

26 Chair Hanley asked if there were any comments regarding the criteria listed in Section 4.2.2.

27

28 Howard Lapsley asked about the covenants.

29

30 Attorney for the Planning Board Andrew Hamilton stated questions with regard to the sufficiency
31 of the covenants would be discussed during the public hearing.

32

33 Mr. Lapsley stated that in the letter received by the abutters, it references “dwelling units on a
34 single tract or parcel of land within a 5-year period”. He asked for clarification of the statement.

35

36 Agent Johnston stated the provision is based on the state subdivision statute. If, for example, a
37 lot were divided three years ago, and then another division occurred, it would all be included in
38 the subdivision. On the other hand, a parcel could be divided multiple times and not count as a
39 subdivision should five or more years pass between divisions. This project is occurring within five
40 years.

41

42 Attorney Hamilton added that state subdivision statutes oversee both land divisions and
43 developmental subdivisions. CEO Keene confirmed the Town adheres to the state subdivision
44 laws.

45

1 Mr. Lapsley asked for confirmation that the five-year reference does not mean construction, but
2 division of land. Mr. Johnston confirmed the construction is not intended to last five years.

3
4 Mr. Lapsley asked whether this project is within the current zoning standards of the Town, or
5 whether variances will be required. Mr. Johnston stated that no variances have been requested
6 in connection with this project. Attorney Hamilton noted that Section 3.5 in the Land Use Zoning
7 Ordinance (LUZO) table explains how this project fits within the standards of permitted conditional
8 uses.

9
10 There were no other questions.

11
12 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND SECTION 4.2.2
13 COMPLETE AS PRESENTED.

14 VOTE:
15 MEREDITH RANDOLPH: AYE
16 TRACY LOFTUS KELLER: AYE
17 DAVID ASHMORE: AYE
18 CHAIR WILLIAM HANLEY: AYE
19 MOTION APPROVED 4-0.

20
21 **Section 4.2.3 – Information on Subdivision:**

- 22 Chair Hanley read the 15 criteria included in Section 4.2.3:
- 23 1 – Proposed Name of Subdivision
 - 24 2 – Number of lots
 - 25 3 – Date, North point, graphic map scale on Plat
 - 26 4 – Proposed lot lines
 - 27 5 – Location of temporary markers
 - 28 6 – Location of all parcels dedicated for public use
 - 29 7 – Location map (USGS Topo) showing the relation of the subdivision to adjacent properties
 - 30 8 – Location and size of existing buildings and other physical features
 - 31 9 – Location of wetlands, water bodies and areas within State shoreland zone
 - 32 10 – Location of all stormwater drains
 - 33 11 – Location of existing and proposed sewers and water mains
 - 34 12 – Location, names, widths of existing and proposed streets
 - 35 13 – Names of abutters shown on plat
 - 36 14 – Flood prone area status
 - 37 15 – Other information specified by the Board

38
39 Chair Hanley asked if there were any comments regarding the criteria listed in Section 4.2.3.

40
41 Mara Lehrman asked whether a traffic or safety study is required for the project.

42
43 Mr. Johnston reported that a traffic study has been made and is submitted as part of the packet
44 under Section 6A.3.

45

1 Ms. Lehrman requested to see the study.

2

3 Chair Hanley stated the full application is part of the public record and accessible for review at the
4 Town Office. Traffic Engineer for the Applicant, Diane Morabito, is present and can provide a
5 summary once the Board reviews Section 6A.3.

6

7 There were no other questions.

8

9 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO FIND SECTION 4.2.3 COMPLETE AS
10 PRESENTED.

11 VOTE:

12 MEREDITH RANDOLPH: AYE

13 DAVID ASHMORE: AYE

14 TRACY LOFTUS KELLER: AYE

15 CHAIR WILLIAM HANLEY: AYE

16 MOTION APPROVED 4-0.

17

18 Mr. Johnston asked for clarification on the rest of the procedure, now that Sections 4.2.1, 4.2.2,
19 and 4.2.3 have been reviewed. Chair Hanley stated past practice has been that the Board reviews
20 Section 5 and Sections 6A, 6B, and 6C after Sections 4.2.1, 4.2.2, and 4.2.3. After Attorney
21 Hamilton's review and discussion, it was determined that the review would proceed to Section 5,
22 within the context of Completeness.

23

24 **Section 5 – General Requirements:**

25 Chair Hanley read the 16 criteria included in Section 5:

26 5.1 Buffering Strip

27 5.2 Conformance with Other Laws and Regulations

28 5.3 Construction Prohibited

29 5.4 Ditches and Catch Basins

30 5.5 Easements

31 5.6 Dedication for Year-Round Housing

32 5.7 Subdivision Lots and Density

33 5.8 Sewage Disposal

34 5.9 Land Not Suitable for Development

35 5.10 Open Space Provisions

36 5.11 Wells

37 5.12 Performance Bond

38 5.13 Plan Revisions After Approval

39 5.14 Street Design and Construction

40 5.15 Access to Direct Sunlight

41 5.16 Cluster and Workforce Subdivision

42

43 Attorney Hamilton inquired about buffering, with regard to reducing wind impact. Mr. Johnston
44 reported the fence planned will be solid and should adequately reduce and inhibit winds and
45 windborne debris.

1
2 Attorney Hamilton inquired whether NRPA or any other issue under State law was required to be
3 addressed with regard to Section 5.2. Mr. Johnston reported that per the submitted exhibit
4 supplied by Moise Environmental Services there are no resources onsite that would require
5 attention under NRPA regulations. A lot under an acre in size negates a Chapter 500 stormwater
6 requirement. No DEP permitting is required. Attorney Hamilton suggested adding these details to
7 the Application.

8
9 Attorney Hamilton asked whether there was a particular standard that applies to workforce
10 housing. Mr. Musson reported that standards for workforce housing are addressed later in the
11 subdivision standards.

12
13 Attorney Hamilton asked about how the statement regarding state minimum lot size is applied.
14 Mr. Musson reported that the way it was applied was a more conservative approach. Other
15 sections of the Land Use Ordinance tables were applied.

16
17 Charlene Marshall inquired about the location where the subdivision sewer would connect to the
18 Town sewer. Mr. Johnston reported the sewer would connect to the Town sewer line on
19 Manchester Road. It will not use the private sewer that crosses Ms. Marshall's land.

20
21 Chair Hanley pointed out that the Application states that no construction necessitating a
22 performance bond will occur. Mr. Johnston reported that a performance bond is generally
23 required when major infrastructure construction on property owned by the Town is necessary. If
24 the project is unable to be completed by the Applicant for any reason, the Town can use the bond
25 as funding to have the work completed. In this case any work necessary within the Town way will
26 be minimal cuts to connect to the Town sewer. The sewer connection from the house currently
27 on the property will remain unchanged. CEO Keene reported letters have been received from the
28 Water District and Public Works reporting no concerns. No paving is required for the project.

29
30 Attorney Hamilton asked for comment from Mr. Musson with regard to the Cluster and Workforce
31 Housing submittal. Mr. Musson provided a more detailed review of Section 5.16.2:

- 32 **5.16.2.1- Permitted Zones and Uses** – Workforce and Cluster provisions are allowed in all
33 zones. Zoning requirement language is included in the submittal.
- 34 **5.16.2.2- Density** – A narrative regarding density calculation for workforce housing is
35 included in the submittal.
- 36 **5.16.2.3- Open Space Requirements** – An explanation of how open space requirements will
37 be addressed is included in the submittal.
- 38 **5.16.2.4- Development** – An explanation of how building-to-building setback requirements
39 will be maintained, as well as parking and walkway placement for more efficient
40 use of the site is included in the submittal.
- 41 **5.16.2.5- Road Frontage** – Road frontage will not change.
- 42 **5.16.2.6- Setbacks** – An explanation of how all setback requirements will be met is included
43 in the submittal.
- 44 **5.16.2.7- Public Land and Facilities** – No public land or facilities are proposed as part of the
45 project.

1 **5.16.2.8- Protection of Natural and Scenic Features** – Efforts to maintain and preserve the
2 area’s character and enhance the visual aspects of the natural areas are included
3 in the submittal.

4 **5.16.2.9- Streets** – Street access is addressed in the submittal.

5 **5.16.2.10- Drainage** – A stormwater management report is included in the submittal.

6 **5.16.2.11- Sewage Disposal** – Public sewer will be accessed. A narrative and also letters from
7 the Municipal Wastewater Division have been included in the submittal.

8 **5.16.2.12- Utilities** – Utility connections are planned to be underground. Details of the utility
9 connections and their locations are included in the submittal. Attorney Hamilton
10 inquired whether it were possible to put the electrical transformer underground.
11 Mr. Musson stated that there will always be a part of the transformer that must
12 remain above ground. Screening the transformer from public view has been
13 included in the landscaping plan.

14 **5.16.2.13- Buffering** – Buffering descriptions within the context of this section and other parts
15 of the ordinance have been included in the submittal.

16
17 Chair Hanley asked for public comment.

18
19 Mr. Lapsley inquired about who would be responsible for landscaping maintenance. Ms. Miller
20 stated the Homeowner’s Association for the subdivision would be responsible for landscaping
21 maintenance. The Homeowner’s Association will consist of residents from the subdivision.

22
23 Mr. Lapsley asked whether an engineering study has been conducted with regard to the
24 subdivision connecting to the Town’s sewer system. Mr. Johnston reported a study has been
25 conducted. This consisted of determining the current amount of flow, and whether the pipe is of
26 an appropriate size to manage the anticipated amount of flow generated from the residences.
27 The information was sent to the Wastewater Division of Public Works, and they have sent a letter
28 stating that based on the numbers received, there was sufficient capacity.

29
30 Mr. Lapsley asked whether there would be an obligation on the part of the Homeowner’s
31 Association compelling them to maintain the landscaping to a certain standard. Mr. Johnston
32 affirmed there was an obligation to maintain the landscaping to a certain standard. The plantings,
33 once installed, will be guaranteed by the installation contractor for a year. Further, the
34 landscaping must be maintained according to subdivision bylaws.

35
36 Ms. Miller stated that the information has been submitted in the Application for the purposes of
37 Completeness Review. A homeowner’s association will be responsible for maintaining the
38 property. Mr. Lapsley asked whether requirements to maintain the property to an acceptable
39 standard are sufficiently laid out in the documentation. Mr. Johnston affirmed they would be.

40
41 Attorney Hamilton inquired whether the Homeowner’s Association bylaws were submitted as part
42 of the application. Mr. Johnston noted there was a summary of the bylaws in the application in
43 Exhibit 7. Attorney Hamilton suggested including the Homeowner’s Association bylaws in the
44 submittal to answer any questions. Chair Hanley stated the bylaws were not required for the
45 Completeness Review but having them to allay the neighbors’ concerns would be beneficial.

1
2 Mr. Johnston noted the covenants are in the application. Further expansion of those covenants
3 could be made.

4
5 Ms. Randolph added that MD365 will also be a member of the Homeowner's Association and will
6 remain engaged. Mr. Lapsley wanted assurance that the subdivision landscaping would be
7 maintained.

8
9 Ms. Lehrman inquired about light and noise pollution and restriction. Chair Hanley stated that
10 lighting is part of the building construction permitting and is regulated by the Town's Land Use
11 Ordinance. With regard to noise, there is no noise ordinance in the Town of Mount Desert.

12
13 Mr. Johnston reported the Town's light ordinance is strict and there is a submission requirement
14 on fully shielded lights. While the Town does not have a noise ordinance, with regard to noise
15 during construction, the Applicant will endeavor to coordinate noisy activity at times when it is
16 least disturbing. This sometimes means starting work later and finishing earlier.

17
18 Resident Chuck Bucklin inquired about the driveway and whether it would meet the standards for
19 emergency vehicle access. Mr. Johnston reiterated the driveway is a private way. Fire hydrants
20 are on the street. Generally speaking, it was not likely a fire engine would be driven into the
21 subdivision; they would access the area from the street. The driveway width is designed so an
22 emergency vehicle can get in and out. There's adequate access space for emergency vehicles on
23 all sides of the property and hydrants at the intersections. Mr. Johnston has discussed the issue
24 with the Fire Chief. The driveway near the Ryerson property is not proposed to be used. The
25 subdivision will have a fully constructed driveway meeting current driveway standards. The
26 property has a 25-foot right-of-way (ROW).

27
28 Resident Barbara Ryerson stated that in addition to maintaining the landscape, she would like
29 assurance the infrastructure itself would be maintained as well.

30
31 There were no other questions or comments.

32
33 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND SECTION 5 COMPLETE
34 AS PRESENTED.

35 VOTE:

36 MEREDITH RANDOLPH: AYE

37 TRACY LOFTUS KELLER: AYE

38 DAVID ASHMORE: AYE

39 CHAIR WILLIAM HANLEY: AYE

40 MOTION APPROVED 4-0.

41

42 **Section 6A – General Performance Standards**

43 Chair Hanley read the 9 criteria included in Section 6A:

44 1- Compatibility

45 2- Erosion and Sedimentation Control

- 1 3- Highway Safety
- 2 4- Impact on Town Services
- 3 5- Land Suitability
- 4 6- Outdoor Lighting
- 5 7- Stormwater
- 6 8- Vegetation
- 7 9- Dust, Fumes, Vapors, Odors, Gases
- 8

9 Diane Moribito, Vice President of Traffic Engineering of Sewell Engineering, conducted the traffic
10 impact assessment for the subdivision. A traffic impact assessment begins with looking at the
11 number of trips a project will generate. A six-resident subdivision will generate five one-way trips
12 during the AM peak hour and six one-way trips in the PM peak hour. This is deemed an extremely
13 limited amount of traffic and will not have an impact offsite. Typically, a project does not have
14 off-site impact unless it generates in excess of 25 – 50 one-way trips per lane, per hour. This
15 project will have a maximum number of lane/hour trips of four, meaning one car every fifteen
16 minutes. Existing DOT traffic volume data was reviewed. The higher volume road is Manchester
17 Road, so it is a viable choice to have access off of Neighborhood Road. Traffic volumes on
18 Neighborhood Road and Manchester Road are under a thousand vehicles per day. Typical capacity
19 of a lane is over a thousand vehicles per hour. There are no capacity concerns on either
20 Manchester Road or Neighborhood Road. Ms. Moribito also researched DOT's records. Their
21 traffic counts were done in July, in peak summer conditions. They recorded 476 vehicles on one-
22 way trips on Neighborhood Road over a 24-hour period. 664 vehicles on one-way trips on
23 Manchester Road occurred during that time. Ms. Moribito reiterated that these were daily
24 volumes. Capacity concerns occur when a road exceeds 1000 vehicles in a lane in an hour,
25 meaning there are no congestion concerns in connection to this project. Ms. Moribito looked at
26 safety, pulling up accident data from DOT. There are no high crash locations in the Neighborhood
27 Road and Manchester Road area. The most important safety feature for a residence is sight
28 distance from the driveway. Mr. Johnston measured sight distances, and they meet the standards;
29 there are no sight distance concerns.

30
31 In summary, Ms. Moribito determined the project would create a small number of trips with
32 approximately 5 or 6 in peak hours of the day and fewer in other hours of the day and no capacity
33 or congestion concerns were found.

34
35 Ms. Ryerson inquired about guests to the subdivision or service vehicles parking on Manchester
36 Road. She asked if extra on-street parking on Manchester Road would cause safety issues. Ms.
37 Moribito did not review parking on Manchester Road. She felt the parking offered within the
38 subdivision meets the standards required and would allow for some visitors. Mr. Johnston
39 reported that provisions for extra overflow parking would be explored. There are already
40 dedicated areas in the proposed subdivision where extra parking can occur. Chair Hanley
41 suggested it would be beneficial to have Ms. Moribito present for the Public Hearing.

42
43 Jan Karst inquired about Ms. Moribito's estimations of 5 one-way trips during the AM peak hour,
44 and 6 one-way trips during the PM peak hour. Ms. Moribito confirmed those numbers. Her
45 numbers are based on the Institute of Transportation Engineer Numbers which is the reference

1 material used by Transportation Engineers. She used the numbers rated for single-family
2 residences; numbers for duplexes are less.

3
4 Mr. Karst noted the subdivision provides for 12 parking spaces. Ms. Moribito explained that her
5 figures refer to peak hours of travel. Travel will occur at other times in the day. Mr. Karst asserted
6 that there would be twelve vehicles coming out of the subdivision during the course of the
7 morning. Additionally, he stated that only motor vehicles were addressed. Ms. Moribito's study
8 does not address the number of children on bicycles exiting and entering the subdivision. He
9 argued that Ms. Moribito's analysis was technical and did not reflect the reality of Manchester
10 Road and Neighborhood Road.

11
12 Ms. Moribito explained that a traffic impact study looks at vehicular volume. Non-vehicular traffic
13 is an issue that the Board must consider.

14
15 Mr. Karst stated that any residents with children will be concerned about the addition of twelve
16 cars on the road. He asked who would bear the liability for such risk.

17
18 Attorney Hamilton noted that Item 6A.3 is a Highway Safety standard. The standard reads that
19 the project shall not cause any unreasonable congestion on highways or public roads or unsafe
20 conditions with respect to the use of highways or public roads existing or proposed. At this
21 meeting, the Board is determining whether they have received an adequate submittal.

22
23 Mr. Lapsley stated that the study does not take into context the neighborhood itself. He asked
24 whether there was a Town rule that cars are not allowed to park on Manchester Road or
25 Neighborhood Road. He believed that without a Town rule against it, overflow parking from the
26 subdivision would occur.

27
28 Mr. Johnston reported there is a lot of on-street parking occurring on the sides of the roads in
29 Town. It is not prohibited since these cars are not receiving tickets. Some stretches of road have
30 been widened to allow for on-street parking. With regard to overflow parking, Mr. Johnston
31 reiterated that internal provisions are being made to allow some internal overflow parking. The
32 ordinance requires off-street parking, and the Board can determine whether the requirement has
33 been met.

34
35 Chair Hanley noted that once the process reaches the Public Hearing, traffic, bicycles, and
36 pedestrians will be topics of discussion. The Applicant should be well prepared to discuss the topic
37 further. It will likely be a key deliberation point for the Board.

38
39 Chair Hanley asked if there were further comments from the public on Section 6A.3. There was
40 none.

41
42 Chair Hanley asked if there were any comments from the public with regard to Section 6A. There
43 was no further comment.

44
45 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND SECTION 6A COMPLETE

1 AS PRESENTED.
2 VOTE:
3 MEREDITH RANDOLPH: AYE
4 TRACY LOFTUS KELLER: AYE
5 DAVID ASHMORE: AYE
6 CHAIR WILLIAM HANLEY: AYE
7 MOTION APPROVED 4-0.

8

9 **Section 6B, Specific Performance Standards for Activities and Land Uses:**

10 Chair Hanley read the 22 criteria included in Section 6B.

- 11 1- Agriculture
- 12 2- Air Landing Sites
- 13 3- Beach Construction
- 14 4- Boat Storage
- 15 5- Campgrounds
- 16 6- Driveway Construction
- 17 7- Excavation or Filling
- 18 8- Fences and Walls
- 19 9- Individual Campsites
- 20 10- Home Occupations and Home Offices
- 21 11- Lots
- 22 12- Manufactured Homes
- 23 13- Mineral Exploration and Extractions
- 24 14- Mobile Homes, Campers, Trailers, Etc.
- 25 15- Sanitary Standards
- 26 16- Sign Regulations
- 27 17- Unregistered Vehicles
- 28 18- Wireless Communication Facilities
- 29 19- Animal Husbandry 2 in the Village Commercial and Shoreland Commercial Districts
- 30 20- Mobile Food Vendors
- 31 21- Rooming House
- 32 22- Hotels and Motels

33

34 With regard to the proposed fence, Mr. Johnston believed the fence would likely be over six feet
35 in height. Chair Hanley stated a fence over six feet in height requires an additional Conditional
36 Use Application review.

37

38 Attorney Hamilton inquired about home offices. He wondered if it was truly intended to exclude
39 home office work. Mr. Johnston agreed to review the Home Office section of the LUZO. Attorney
40 Hamilton cautioned that the Applicant will be held to what they report at these hearings. In this
41 day and age, to state that a home office was Not Applicable to the subdivision may be problematic.
42 Ms. Randolph suggested anyone wanting a home office should return to the Board. No one is
43 currently living at the site. There is no way to determine what sort of business a resident might
44 engage in. Attorney Hamilton agreed perhaps the first step was to establish occupancy. Ms.
45 Randolph did not believe it was the intent to give all those living in the subdivision the universal

1 right to run businesses from their homes. Attorney Hamilton noted the ordinance reads that a
2 business, other than one of a casual nature, will require a permit from the CEO with standards and
3 is therefore not a Planning Board review.

4
5 With regard to Lots, Attorney Hamilton requested information on when the lot was originally
6 created. Mr. Johnston reported the lot was a combination of five original lots. Ms. Miller reported
7 the first lot was purchased in 1957 and the last one was purchased in 1970. The purchase history
8 was in the description portion of the deed in Exhibit 3. Mr. Musson reported the lots were
9 combined before 2000; he pointed out the location of the supporting facts within the Application.

10
11 With regard to the Manufactured Home section, Ms. Miller explained the homes are modular, and
12 different from manufactured homes. Mr. Johnston reported that manufactured homes have
13 permanent chassis. Ms. Randolph noted there is a definition for a manufactured home in the
14 Ordinance. Mr. Musson did not believe the homes were considered to be manufactured homes.
15 But if the Board were to deem them as such, what would be required for submission that has not
16 already been required? Attorney Hamilton read the section for manufactured homes in Section
17 6b and noted they are permitted. Mr. Musson suggested language to state the homes would be
18 of modular construction.

19
20 With regard to Sign Regulations, it was confirmed the sign referred to in the application would be
21 a street sign. Having a street sign on what is a subdivision driveway would allow for better
22 identification for E911 purposes. Attorney Hamilton noted it might be wise to have the Applicant
23 delineate which of the multiple sign requirements the subdivision would fall under. Mr. Musson
24 believed the E911 requirements are a whole separate ordinance. If so, it perhaps makes the sign
25 standards Not Applicable for the Applicant.

26
27 Chair Hanley asked for public comment specific to Section 6B.

28
29 There was no public comment.

30
31 MS. RANDOLPH MOVED, WITH DAVID ASHMORE SECONDING, TO FIND SECTION 6B OF THE
32 APPLICATION COMPLETE AS PRESENTED.

33 VOTE:

34 MEREDITH RANDOLPH: AYE

35 DAVID ASHMORE: AYE

36 TRACY LOFTUS KELLER: AYE

37 CHAIR WILLIAM HANLEY: AYE

38 MOTION APPROVED 4-0.

39
40 With regard to Section 6C, the section relates to the Shoreland Zone. The proposed subdivision is
41 not in the Shoreland Zone and Section 6C is therefore Not Applicable.

42
43 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO FIND SECTION 6C NOT
44 APPLICABLE.

45 VOTE:

1 MEREDITH RANDOLPH: AYE
2 TRACY LOFTUS KELLER: AYE
3 DAVID ASHMORE: AYE
4 CHAIR WILLIAM HANLEY: AYE
5 MOTION APPROVED 4-0.

6
7 MS. RANDOLPH MOVED, WITH MR. ASHMORE SECONDING, TO FIND THAT ALL SECTIONS OF THE
8 APPLICATION ARE FOUND TO BE COMPLETE.

9 VOTE:

10 MEREDITH RANDOLPH: AYE
11 DAVID ASHMORE: AYE
12 TRACY LOFTUS KELLER: AYE
13 CHAIR WILLIAM HANLEY: AYE
14 MOTION APPROVED 4-0.

15

16 **IV. Other**

17 There was no Other Business.

18

19 **V. Adjournment**

20 MS. RANDOLPH MOVED, WITH MS. LOFTUS KELLER SECONDING, TO ADJOURN.

21 VOTE:

22 MEREDITH RANDOLPH: AYE
23 TRACY LOFTUS KELLER: AYE
24 DAVID ASHMORE: AYE
25 CHAIR WILLIAM HANLEY: AYE
26 MOTION APPROVED 4-0.

27

28 The Meeting adjourned at 8:48PM.

29

30