

**OWNER(S):** Donald Stern  
**AGENT(S):** William Hanley, WMH Architects  
**LOCATION:** 50 Ripples Road, Mount Desert  
**TAX MAP:** 009 **LOT(S):** 009-001 **ZONE(S):** Shoreland Residential Five (SR5)  
**PURPOSE:** Sections 4.3.6 & 4.3.5 Reconstruction or Replacement.  
**SITE INSPECTION:** 3:30PM

### **STANDARDS OF SECTION 4.3.5 ~ RELOCATION OF NON-CONFORMING STRUCTURE**

A nonconforming structure may be relocated within the boundaries of the lot on which the structure is located provided that the Planning Board finds that the proposed new location and design are more appropriate with regard to:

**Location:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ The lot is five acres. The lot slopes down toward the water. \_\_\_\_\_  
\_\_\_\_\_ The building area is restricted by setbacks, both from the stream, the wetland  
\_\_\_\_\_ habitat area, and the Shoreland. \_\_\_\_\_  
\_\_\_\_\_ A sizable grade change means the cottage would have to be on a hill, requiring tree  
\_\_\_\_\_ removal and more visibility from the pond. \_\_\_\_\_  
\_\_\_\_\_ Septic will be pumped to a field adjacent to the driveway and 200 feet away. \_\_\_\_\_  
\_\_\_\_\_ The field is outside the shoreland zone. \_\_\_\_\_  
\_\_\_\_\_ Applicant will be removing two non-conforming structures; the camp and the pump house. \_\_\_\_\_

**Character and Natural Features:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ Moving the building would require building a retaining wall and a more  
\_\_\_\_\_ substantial foundation system underneath the building. The risk for soil erosion would  
\_\_\_\_\_ increase as well. \_\_\_\_\_  
\_\_\_\_\_ The lot is heavily wooded. \_\_\_\_\_  
\_\_\_\_\_ Moving the structure will result in the cutting of large trees. \_\_\_\_\_  
\_\_\_\_\_ Moving the structure would bring it closer to the wading bird habitat. \_\_\_\_\_  
\_\_\_\_\_ Replanting will occur where buildings are removed and within the driveway area being  
\_\_\_\_\_ removed. \_\_\_\_\_

**Fencing and Screening:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ Due to the slope of the land moving the structure would result in it being  
\_\_\_\_\_ more visible. \_\_\_\_\_  
\_\_\_\_\_ More trees would have to be removed to accommodate moving the structure. \_\_\_\_\_  
\_\_\_\_\_ Applicant intends to keep all the trees below the structure within the setback. \_\_\_\_\_  
\_\_\_\_\_ Applicant has made a concerted effort to reduce the visual impact of the property. \_\_\_\_\_

**Landscaping and Topography:** *The Board finds:*

*Findings of Fact:* \_\_\_\_\_ Moving the building would require building on a slope, and requiring a  
\_\_\_\_\_ retaining wall and more substantial foundation system underneath the building. \_\_\_\_\_

The risk for soil erosion would increase as well.

Moving the structure would require the removal of trees.

**Traffic and Access:** *The Board finds:*

*Findings of Fact:* Applicant proposes to reduce the size of the driveway, removing the portion of driveway within the setbacks to the pond and the stream.

**Signs and Lighting:** *The Board finds:*

*Findings of Fact:* Not Applicable, other than the minimum light required by the LUZO.

**Potential Nuisances:** *The Board finds:*

*Findings of Fact:* Not Applicable.

*Conclusion of Law:*

Structure reconstruction meets the setback to the greatest practical extent after consideration of criteria as determined by the Planning Board in compliance with Section 4.3.5.

(Randolph/Renault) 4-0

**APPROVAL CONDITIONS:** *In addition to all applicable federal, state, and town permits be in place prior to any construction, the following conditions apply:*

See Application.

**APPLICATION APPROVED** 2/8/2017 **DENIED** \_\_\_\_\_  
(Date) (Date)

**MINUTES OF THIS PUBLIC HEARING CONSTITUTE A PART OF THE RECORD FOR THIS MATTER.**

**SIGNATURES OF ALL VOTING BOARD MEMBERS:**

William Hanley  
William Hanley, Chair

Lili Andrews  
Lili Andrews, Vice Chair/Secretary

Meredith Randolph  
Meredith Randolph

\_\_\_\_\_  
David Ashmore

\_\_\_\_\_  
Dennis Kiley

Joanne Eaton  
Joanne Eaton

Beth Renault  
Beth Renault