

**OWNER(S):** John B. Thomas  
**AGENT(S):** William Hanley, WMH Architects  
**LOCATION:** 382 Sound Drive, Mount Desert  
**TAX MAP:** 008 **LOT(S):** 077 **ZONE(S):** Shoreland Residential Five (SR5)  
**PURPOSE:** To demolish, reconstruct and expand, an existing Non-Conforming Structure.  
**SITE INSPECTION:** 4:30PM

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

The site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules (rules), or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the set back to the greatest practical extent, the Planning Board shall consider:

**Size of the Lot:** *The Board finds:*

*Findings of Fact:* Site narrows as it moves back. Footprint of the lot could feasibly fit  
behind the setback.

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**Topography/Slope of the Land:** *The Board finds:*

*Findings of Fact:* Land rises from the shore and becomes steeper further back.

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**Potential for soil erosion:** *The Board finds:*

*Findings of Fact:* House to be on piers to minimize soil erosion. Erosion potential higher  
if trees removed, due to house relocated behind the setback.

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**Location of other structures on the property and on adjacent properties:** *The Board finds:*

*Findings of Fact:* Moving further back in the lot brings the building closer to the neighbors.  
Guest cottage will not be removed. Garage will be removed.  
Two letters have been received from abutters, stating they prefer the proposed site.

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**Location of the septic system and other on-site soils suitable for septic systems:** *The Board finds:*

*Findings of Fact:* Mature tree growth between the house and septic system.  
Maximum separation from the well will be maintained. Well is behind the house.

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**Vegetation to be removed to accomplish the relocation:** *The Board finds:*

*Findings of Fact:* Per Section L2, Tab 6, buffering will be enhanced to the South, significant new planting planned for the footprint. Revegetation of former footprint, new plantings for proposed location. More trees will be installed than removed.

*Findings of Fact:* Find the facts to consider argument for the proposed plan: proximity to neighbor, impact on canopy and vegetation, and soil erosion.

*Conclusion of Law:*

Proposed site meets requirement to greatest practical extent, given the totality of the factors considered.

(Eaton/Loftus Keller) 5-0-1 (Renault in Abstention)

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

MOTION: MS. EATON MOVED, WITH MS. LOFTUS KELLER SECONDING, APPROVAL OF THE APPLICATION AS PRESENTED. MOTION APPROVED 5-0-1 (RENAULT IN ABSTENTION.)

**APPLICATION APPROVED** 06/26/2019 **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, Chairman

*Meredith Randolph*  
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Meredith Randolph, Vice Chair

*David Ashmore*  
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David Ashmore

*Christie Anastasia*  
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Christie Anastasia

*Joanne Eaton*  
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Joanne Eaton

*Tracy Loftus Keller*  
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Tracy Loftus Keller

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Beth Renault