Conditional Use Approval Application #004-2016

OWNER(S): James F. Marcogliese & Richard J. Marcogliese, Trustees

AGENT(S): Danny Dunbar, Dunbar & Sons Excavating LOCATION 67 Quarrys Edge Road, Mount Desert

**GENERAL PERFORMANCE STANDARDS** 

**TAX MAP:** 008 **LOT(S):** 135 **ZONE(S):** Shoreland Residential 3 & Rural Woodland 3 **PURPOSE:** Section 3.4 – Excavation or Filling of >150 cubic yards. Construction of an ATV Trail.

**SITE INSPECTION:** 3:30PM

### **CHECKLIST**

## Land Use Zoning Ordinance of the Town of Mount Desert

\*\* <u>Note:</u>

6**A** 

All Conclusions of Law are to be read as if they are prefaced by the words "Based upon said Findings of Fact ..."

# SECTION 6 STANDARDS FOR USES, PERMITS AND APPROVALS FOR REVIEW BY PLANNING BOARD

| Notes:       | Silt fencing and mulch on downl                                     | nill side of wetland.   |   |                |
|--------------|---|---|---|----------------|
|              | VOTE: Finding  Conclusion of Law: The pro Section 6A.  VOTE: Conclu | oposed use is in con  | ey/Eaton) 5-0  npliance with all stan  ey/Eaton) 5-0          | ndards of      |
|              | Findings of Fact(s): The finding attached application and/or note   |   | ented by the applicant  | (see           |
| 6A.9         | Dust, Fumes, Vapors, Odors and Gases                                | ☐ See notes below   | ☐ See Application   | X N/A          |
| 6A.8         | Vegetation  | $\square$ See notes below                                     | X See Application   | $\square$ N/A  |
| 6A.6<br>6A.7 | Lighting - Outdoor<br>Stormwater                                    | <ul><li>☐ See notes below</li><li>☐ See notes below</li></ul> | ☐ See Application X See Application                           | X N/A<br>□ N/A |
| 6A.5         | Land Suitability  | ☐ See notes below   | X See Application   | $\square N/A$  |
| 6A.4         | Highway Safety<br>Impact on Town Services                           | ☐ See notes below   | <ul><li>☐ See Application</li><li>☐ See Application</li></ul> | X N/A          |
| 6A.2<br>6A.3 | Erosion and Sedimentation Control                                   | X See notes below  ☐ See notes below                          | X See Application   | □ N/A<br>X N/A |
| 6A.1         | Compatibility   | ☐ See notes below   | X See Application   | $\square$ N/A  |

| <u>6B</u> | SPECIFIC PERFORMANCE STA           | NDARDS FOR ACT          | <u>ΓΙVITIES AND LA</u>  | ND USES       |
|-----------|------------------------------------|-------------------------|-------------------------|---------------|
|           |                                    |                         |                         |               |
| 6B.1      | Agriculture                        | ☐ See notes below       | ☐ See Application       | X N/A         |
| 6B.2      | Air Landing Sites                  | ☐ See notes below       | ☐ See Application       | X N/A         |
| 6B.7      | Excavation or filling              | ☐ See notes below       | X See Application       | $\square$ N/A |
| 6B.8      | Fences and Walls                   | ☐ See notes below       | ☐ See Application       | X N/A         |
| 6B.12     | Mineral Exploration and Extraction | ☐ See notes below       | ☐ See Application       | X N/A         |
| 6B.15     | Sign Regulations                   | ☐ See notes below       | ☐ See Application       | X N/A         |
| 6B.17     | Wireless Communication Facilities  | ☐ See notes below       | ☐ See Application       | X N/A         |
| 6B.18     | Animal Husbandry II                | ☐ See notes below       | ☐ See Application       | X N/A         |
|           | X N/A (Except for Section(s):      | 6B. 7                   |                         | )             |
|           |                                    |                         |                         | <del>,</del>  |
|           | Findings of Fact(s): The pro       | -                       | -                       |               |
|           | or land uses described in sectio   | on 6B, except for App   | licable Sections(s) not | ed above.     |
|           | VOTE: Findin                       | ngs of Facts (Ran       | ndolph/Ashmore) 5-      | 0             |
|           | Conclusion of Law: Section (       | SB is not applicable, e | xcept for               |               |
|           |                                    | 7, for which stand      |                         |               |
|           | ( ) -                              | ,                       |                         |               |
|           | VOTE: Conc                         | lusion of Law (Rar      | ndolph/Ashmore) 5-      | 0             |
|           |                                    |                         |                         |               |
| Notes:    |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
| -         |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
| -         |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |
|           |                                    |                         |                         |               |

Updated: 5/13/2014 Page 2 of 4

#### 6C SHORELAND ZONING STANDARDS FOR REVIEW BY PLANNING BOARD

Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

|        | $\square$ <b>N/A:</b> Findings of Fact: The prop          | oosed lot is entirely ou    | itside the Shoreland Z  | Zone.  |
|--------|---|-----------------------------|-------------------------|--|
|        | <b>VOTE</b> : Findings of Facts                           | -                           |                         |  |
|        | Conclusion of Law: Section                                | n 6C is not applicable.     |                         |  |
|        | <b>VOTE</b> : Conclusion of Law                           | -                           |                         |  |
|        |   |                             |                         |  |
| 6C.1   | Agriculture and Animal Husbandry                          | ☐ See notes below           | ☐ See Application       | X N/A  |
| 6C.2   | Archeological sites                                       | ☐ See notes below           | X See Application       | $\square$ N/A                                |
| 6C.5   | Essential Services  | ☐ See notes below           | ☐ See Application       | X N/A  |
| 6C.6   | Parking Areas   | ☐ See notes below           | ☐ See Application       | X N/A  |
| 6C.7   | Marine and Freshwater Structure Standards                 | ☐ See notes below           | ☐ See Application       | X N/A  |
| 6C.9   | Roads and Driveways                                       | ☐ See notes below           | ☐ See Application       | X N/A  |
| 6C.11  | Timber Harvesting   | ☐ See notes below           | ☐ See Application       | XN/A   |
| 6C.12  | Water Quality   | ☐ See notes below           | ☐ See Application       | X N/A  |
|        | Conclusion of Law: Section (  VOTE: Findings of Facts and | Sections(s): <b>6C</b> . 2, | , for which standard is |  |
|        | VOID. Thickings of Facts and                              | Conclusion of Law           | (Randolphi/ Daton       | <u>,                                    </u> |
| Notes: |   |                             |                         |  |
|        |   |                             |                         |  |
|        |   |                             |                         |  |
|        |   |                             |                         |  |
|        |   |                             |                         |  |
|        |   |                             |                         |  |
|        |   |                             |                         |  |
|        |   |                             |                         |  |
|        |   |                             |                         |  |

Updated: 5/13/2014 Page 3 of 4

# FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

| APPL  | ICATION:             | #004-2016                          |                                   |  |  |
|---|----------------------|------------------------------------|-----------------------------------|--|--|
| <b>PERMIT CONDITIONS</b> : In addition to having all applicable federal, state, and town permits be in place prior to any construction, the following conditions apply: |                      |                                    |                                   |  |  |
|   |                      |                                    |                                   |  |  |
| (Randolph/Eaton)  | 5-0                  |                                    |                                   |  |  |
|   | <u>APPL</u>          | <u>ICATION</u>                     |                                   |  |  |
| APPROVED:   | 4/13/2016<br>(Date)  | DENIED:                            | (Date)                            |  |  |
| <b>NOTE:</b> The holder of conditional use as applied for an  | of a Conditional Use | 11                                 | ruct and operate the approved     |  |  |
| <b>NOTE:</b> The Land U undertaken within one year from   | 0                    | -                                  | Use Permit/Approval must be<br>d. |  |  |
| THE MINUTES OF TH   |                      | ING CONSTITUTE A PA                | ART OF THE RECORD                 |  |  |
| SIGNATURES OF ALL VO  | OTING BOARD MI       | EMBERS:                            |                                   |  |  |
| William Hanley  |                      | <u>Líll Andrews</u>                |                                   |  |  |
| William Hanley , Chairman   |                      | Lili Andrews, Vice Chair/Secretary |                                   |  |  |
| David Ashmore   |                      | Meredith Randolph                  |                                   |  |  |
| David Ashmore   |                      | Meredith Randolph                  |                                   |  |  |
|   |                      | loanne Eaton                       |                                   |  |  |
| Dennis Kiley  |                      | Joanne Eaton                       |                                   |  |  |
| Beth Renault  |                      |                                    |                                   |  |  |

Updated: 5/13/2014 Page 4 of 4