Conditional Use Approval Application #002-2022 OWNER(S) NAME(S): Sheryl C. & H. James Gilmore

**AGENT:** Tom Lawrence

6A

LOCATION: 9 Lower Dunbar Road, Seal Harbor

TAX MAP: 031 LOT: 091-002 ZONE(S): Village Residential One

PURPOSE: Section 3.4 - Public - School. Erect/Install (4) 20' X 10' canopies to allow students to be outdoors.

**GENERAL PERFORMANCE STANDARDS** 

SITE INSPECTION: 4:00PM Masks Required During Site Inspection.

## **CHECKLIST**

# Land Use Zoning Ordinance of the Town of Mount Desert

\*\* Note: 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

#### 6A.1 Compatibility ☐ See notes below X See Application $\square$ N/A 6A.2 Erosion and Sedimentation Control See notes below XN/A☐ See Application 6A.3 Highway Safety ☐ See Application X N/A☐ See notes below Impact on Town Services 6A.4 ☐ See notes below ☐ See Application X N/A6A.5 Land Suitability ☐ See notes below X See Application $\square$ N/A 6A.6 Lighting - Outdoor ☐ See notes below ☐ See Application XN/A6A.7 Stormwater ☐ See notes below ☐ See Application X N/A6A.8 ☐ See notes below ☐ See Application XN/AVegetation 6A.9 ☐ See Application Dust, Fumes, Vapors, Odors and ☐ See notes below X N/AGases Findings of Fact(s): The findings of fact are as presented by the applicant (see attached application and/or notes below). **VOTE**: Findings of Facts (Randolph/Loftus Keller) Motion approved 4-0. Conclusion of Law: The proposed use is in compliance with all standards of Section **VOTE**: Conclusion of Law (Randolph/Loftus Keller) Motion approved 4-0. Notes:

6B	SPECIFIC PERFORMANCE STAN	NDARDS FOR ACT	IVITIES AND LAN	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 (other than gravel pits) or	☐ See notes below	☐ See Application	X N/A
	filling			
6B.8	Fences and Walls	☐ See notes below	☐ See Application	X N/A
6B.16	Sign Regulations	☐ See notes below	☐ See Application	X N/A
6B.18		☐ See notes below	☐ See Application	X N/A
6B.19	Animal Husbandry II	☐ See notes below	☐ See Application	X N/A
6B.20	Mobile Food Vendors	☐ See notes below	☐ See notes below	X N/A
6B.21	Rooming House	☐ See notes below	☐ See notes below	X N/A
6B.22		☐ See notes below	☐ See notes below	X N/A
	X N/A (Except for Section(s): 6	В		)
	Findings of Fact(s): The prop	osed use will include	none of the specific a	ctivities
	or land uses described in section			
	<b>VOTE</b> : Findings of Facts (	Randolph/Loftus Kel	ler) Motion approved	d 4-0.
	Conclusion of Law: Section 6	_	, 11	
		b is not applicable, ex	•	
	<b>VOTE</b> : Conclusion of Law	(Randolph/Loftus Ke	ller) Motion approve	d 4-0.
Notes:				

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### 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.

	A IN/A: Findings of Fact: The pro-	posed lot is entirely ou	tside the Shoreland Z	one.	
	VOTE: Findings of Facts (Randolph/Loftus Keller) Motion approved 4-0.				
	Conclusion of Law: Section	n 6C is not applicable.			
	<b>VOTE</b> : Conclusion of Law	(Randolph/Loftus K	Keller) Motion approve	ed 4-0.	
6C.1	Agriculture	☐ See notes below	☐ See Application	□ N/A	
6C.2	Archeological sites	☐ See notes below	☐ See Application	$\square$ N/A	
6C.5	Essential Services	☐ See notes below	☐ See Application	$\square$ N/A	
6C.6	Parking Areas	☐ See notes below	☐ See Application	□ N/A	
6C.7	Marine and Freshwater Structure Standards	☐ See notes below	☐ See Application	□ N/A	
6C.9	Roads and Driveways	☐ See notes below	☐ See Application	□ N/A	
6C.11	•	☐ See notes below	☐ See Application	□ N/A	
	□ N/A (Except for Section(s): 0	6C.		)	
	Conclusion of Law: Section of Sections(s):6C  VOTE: Findings of Facts and				
Notes:					

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#### **SECTION 5 CONDITIONAL USE APPROVAL**

#### 5.9 Standards

The application for Conditional Use Approval shall be approved unless the Planning Board determines that the applicant has failed to meet one or more of the standards of Section 6A and/or one or more of the applicable standards of Section 6B or 6C. In all instances, the burden of proof shall be on the applicant who must produce evidence sufficient to warrant a finding that all applicable standards have been met.

In addition, <u>in all shoreland areas</u>, after the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

5.9.1	Will maintain safe and healthful conditions	□ N/A	☐ See Application	☐ Standard Not Met
5.9.2	Will not result in water pollution, erosion, or sedimentation to surface waters	□ N/A	☐ See Application	☐ Standard Not Met
5.9.3	Will adequately provide for the disposal of all wastewater	□ N/A	☐ See Application	☐ Standard Not Met
5.9.4	Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat	□ N/A	☐ See Application	☐ Standard Not Met
5.9.5	Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters	□ N/A	☐ See Application	☐ Standard Not Met
5.9.6	Will protect archaeological and historic resources as designated in the comprehensive plan	□ N/A	☐ See Application	☐ Standard Not Met
5.9.7	Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district	□ N/A	☐ See Application	☐ Standard Not Met
5.9.8	Will avoid problems associated with floodplain development and use; (In compliance with Floodplain Management Ordinance of the Town of Mount Desert – Amended March 7, 2006.)	□ N/A	☐ See Application	☐ Standard Not Met
5.9.9	Is in conformance with the provisions of Sections 6A, 6B and 6C	□ N/A	☐ Standard Met	☐ Standard Not Met
Fin	ndings of Fact(s): The area is outside th	e Shoreland	Zone.	
	(Randolph/Loftus Keller) M	lotion appro	ved 4-0.	
Co	nclusion of Law: All requirements for Section	5.9 <b>have / 1</b>	nave not been met.	
	Section 5.9 is Not Applicable.			
VC	OTE: Conclusion of Law (Randolph/Loftus K	eller) Motic	on approved 4-0	

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# FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

APPLICATION	V: #02-2022	
PERMIT CONDITIONS: In prior to any construction, the following		federal, state, and town permits be in place
(Randolph/Ashmore) N	Motion approved 4-0.	
	<u>APPLICATION</u>	<u>V</u>
_	Date)	NIED: (Date)
<b>NOTE:</b> The holder of a conditional use as applied for and as		val must construct and operate the approved rocess to the Planning Board.
<b>NOTE:</b> The Land Use 2 undertaken within one year from the d		Conditional Use Permit/Approval must be nust be obtained.
THE MINUTES OF THIS P	PUBLIC HEARING CONST FOR THIS MATTER	ITUTE A PART OF THE RECORD
SIGNATURES OF ALL VOTIN	NG BOARD MEMBERS:	
	Christe	ie Anastasia
William Hanley, Chairman	Christie	e Anastasia, Vice Chair
David Ashmore	Mered	ith Randolph
David Ashmore		th Randolph
Tracy Loftus Keller		
Tracy Loftus Keller, Alternate		

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