

Conditional Use Approval Application #010-2017
OWNER(S): Gray Holding, LLC
AGENT: C.E. Bucklin & Sons Inc.
LOCATION: 107 Manchester Road, Northeast Harbor
TAX MAP: 027 **LOT:** 012 **ZONE(S):** Residential Two (R2) & Shoreland Residential Two (SR2)
PURPOSE: Section 6B.8- Fences and Walls, Proposed fence exceeds CEO Authority.
SITE INSPECTION: 3:30PM

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 GENERAL PERFORMANCE STANDARDS

6A.1	Compatibility	X See notes below	<input type="checkbox"/> See Application	<input type="checkbox"/> N/A
6A.2	Erosion and Sedimentation Control	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6A.3	Highway Safety	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6A.4	Impact on Town Services	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6A.5	Land Suitability	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6A.6	Lighting - Outdoor	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6A.7	Stormwater	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6A.8	Vegetation	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6A.9	Dust, Fumes, Vapors, Odors and Gases	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A

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 (Hanley/Andrews) 4-0

Conclusion of Law: The proposed use is in compliance with all standards of Section 6A.

VOTE: Conclusion of Law (Hanley/Andrews) 4-0

Notes: Fence will match existing.

Structure will be on Owner’s Side.

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.1	Agriculture	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.2	Air Landing Sites	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.7	Excavation or filling	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.8	Fences and Walls	<input type="checkbox"/> See notes below	X See Application	<input type="checkbox"/> N/A
6B.12	Mineral Exploration and Extraction	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.15	Sign Regulations	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A
6B.17	Wireless Communication Facilities	<input type="checkbox"/> See notes below	<input type="checkbox"/> See Application	X N/A

X N/A (Except for Section(s): 6B. 8)

Findings of Fact(s): The proposed use will include none of the specific activities or land uses described in section 6B, except for Applicable Sections(s) noted above.

VOTE: Findings of Facts (Hanley/Randolph) 4-0

Conclusion of Law: Section 6B is not applicable, except for Sections(s):**6B.** 8, for which standard is met.

VOTE: Conclusion of Law (Hanley/Randolph) 4-0

Notes:

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.

N/A: Findings of Fact: The proposed lot is entirely outside the Shoreland Zone.

VOTE: Findings of Facts - _____

Conclusion of Law: Section 6C is not applicable.

VOTE: Conclusion of Law - _____

- 6C.1 Agriculture and Animal Husbandry See notes below See Application N/A
- 6C.2 Archeological sites See notes below See Application N/A
- 6C.5 Essential Services See notes below See Application 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 Timber Harvesting See notes below See Application N/A
- 6C.12 Water Quality See notes below See Application N/A

N/A (Except for Section(s): 6C. _____)

Findings of Fact(s): Area where fence is proposed is outside shoreland zone. Therefore no Subsections of Section 6C apply.

Conclusion of Law: Section 6C is not applicable, ~~except for~~

~~Sections(s): 6C.~~ _____

VOTE: Findings of Facts and Conclusion of Law (Randolph/Hanley) 4-0 _____

Notes: _____

5.6 Amendment

An amendment to a Conditional Use Approval may be issued by the Planning Board only:

- 1.) *finding that there have been significant changes of conditions or circumstances; and*

Findings of Fact(s): _____

Conclusion of Law:

- 2.) *in conformity with the procedural and substantive requirements set forth in Section 6A and the applicable standards of Section 6B and 6C.*

Findings of Fact(s): _____

Conclusion of Law:

- 3.) *when justified by a statement of findings of fact and reasons.*

Findings of Fact(s): _____

Conclusion of Law:

**FOR BOARD USE
AMENDED CONDITIONAL USE APPROVAL**

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

(Randolph/Renault) 4-0

AMENDED APPLICATION

APPROVED: 12/13/2017
(Date)

DENIED: _____
(Date)

***NOTE:** The holder of a Conditional Use Permit/ Approval must construct and operate the approved conditional use as applied for and as represented during the permitting process to the Planning Board.*

***NOTE:** The Land Use Zoning Ordinance requires that a Conditional Use Permit/ Approval must be undertaken within one year from the date of approval, or a new permit must be obtained.*

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

SIGNATURES OF BOARD MEMBERS:

William Hanley
William Hanley, Chairman

Lili Andrews
Lili Andrews, Vice Chair/Secretary

David Ashmore

Meredith Randolph
Meredith Randolph

Dennis Kiley

Joanne Eaton

Beth Renault
Beth Renault