Conditional Use Approval Application #007-2020 OWNER NAME(S): Gail S. Gladstone & Brian L. Henkel

LOCATION: 4 Sydneys Way, Mount Desert

6A

TAX MAP: 010 LOT: 048-001-18 ZONE(S): Residential One

PURPOSE: Section 3.4 - Animal Husbandry 2 (Non-Commercial). The care and Keeping of Livestock/Poultry - Chickens and

Ducks. Construct a Chicken Coop.

SITE INSPECTION: 5:00PM - Masks Required During Site Inspection.

GENERAL PERFORMANCE STANDARDS

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 X See Application \square N/A 6A.3 Highway Safety ☐ See notes below X See Application \square N/A 6A.4 Impact on Town Services ☐ See notes below X See Application \square N/A 6A.5 Land Suitability ☐ See notes below X See Application \square N/A 6A.6 Lighting - Outdoor ☐ See notes below ☐ See Application X N/AStormwater ☐ See Application XN/A6A.7 ☐ See notes below 6A.8 Vegetation ☐ See notes below ☐ See Application X N/A6A.9 Dust, Fumes, Vapors, Odors and ☐ See notes below X See Application \square N/A Gases **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 (Eaton/Randolph) Motion approved 5-0 Conclusion of Law: The proposed use is in compliance with all standards of Section 6A. **VOTE**: Conclusion of Law (Eaton/Randolph) Motion approved 5-0 Notes:

<u>6B</u>	SPECIFIC PERFORMANCE STAN	NDARDS FOR ACT	<u>IVITIES AND LAN</u>	<u>ND USES</u>
6B.1	Agriculture	☐ See notes below	☐ See Application	XN/A
6B.2	Air Landing Sites	☐ See notes below	☐ See Application	XN/A
6B.7	Excavation or filling	☐ See notes below	☐ See Application	X N/A
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.17	Wireless Communication Facilities	☐ See notes below	☐ See Application	X N/A
6B.18	Animal Husbandry II	☐ See notes below	X See Application	□ N/A
	X N/A (Except for Section(s): 6	B. <u>18</u>)
	Findings of Fact(s): The proportion or land uses described in section			
	VOTE : Findings of Facts (Randolph/Anastasia)	Motion approved 5-0	0
	Conclusion of Law : Section 6. Sections(s): 6B . 18, for	* *	*	
	VOTE : Conclusion of Law	(Randolph/Anastasia) Motion approved 5	-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.

2	X N/A: Findings of Fact: The prop	osed lot is entirely ou	tside the Shoreland Z	Zone.
	VOTE : Findings of Facts	(Randolph/Anastasia) Motion approved 5	5-0
	Conclusion of Law: Section	6C is not applicable.		
	VOTE : Conclusion of Law	(Randolph/Anastasi	a) Motion approved	5-0
6C.1	Agriculture	\square See notes below	☐ See Application	\square N/A
6C.2	Archeological sites	☐ See notes below	☐ See Application	\square N/A
6C.5	Essential Services	\square See notes below	☐ See Application	\square N/A
6C.6	Parking Areas	☐ See notes below	☐ See Application	\square 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	\square N/A
6C.11	Water Quality	☐ See notes below	☐ See Application	\square N/A
6C.18	Wireless Communication Facilities	☐ See notes below	☐ See Application	\square N/A
6C.19	Animal Husbandry 2	☐ See notes below	☐ See Application	\square N/A
	Findings of Fact(s): The proportion or land uses described in section Conclusion of Law: Section 6 Sections(s):6C VOTE: Findings of Facts and	posed use will include n 6C, except for Appli C is not applicable, ex	cable Sections(s) note	
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
Fii	ndings of Fact(s): Section 5.9 is Not Ap	plicable: T	he property is not wit	hin the
	Shoreland Zone.			
	(Randolph/Anastasia) Motion appro	wed 5-0		
<u> </u>	, , , , , , , , , , , , , , , , , , , ,		harra nat haan mat	
	nclusion of Law: All requirements for Section			
VC	OTE: Conclusion of Law (Randolph/Anastasi	a) Motion	approved 5-0	

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FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

APPLICATION:	007-2020						
PERMIT CONDITIONS : In addition to having all applicable federal, state, and town permits be in place prior to any construction, the following conditions apply:							
(Randolph/Eaton) Motion ap	proved 5-0.						
	<u>APPLICATION</u>						
APPROVED: 7/8/20 (Date)	DENIED : (Date)						
ž	onal Use Permit/Approval must construct and operate the approved ted during the permitting process to the Planning Board.						
NOTE: The Land Use Zoning Of undertaken within one year from the date of a	Ordinance requires that a Conditional Use Permit/Approval must bapproval, or a new permit must be obtained.						
	BLIC HEARING CONSTITUTE A PART OF THE ORD FOR THIS MATTER						
SIGNATURES OF ALL VOTING	BOARD MEMBERS:						
William Hauley	Christie Anastasia						
William Hanley, Chairman	Christie Anastasia						
David Ashmore	Meredith Randolph						
David Ashmore	Meredith Randolph						
Joanne Eaton	Non- Voting Member						
Joanne Eaton	Tracy Loftus Keller, Alternate						

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