Conditional Use Approval Application # 015-2016

NAME: 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) and Shoreland Residential Two (SR2)

PURPOSE: Section 6B.8- Fences and Walls.

SITE INSPECTION: 3:00PM

CHECKLIST

Land Use Zoning Ordinance of the Town of Mount Desert

** <u>Note:</u>

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

GENERAL PERFORMANCE STANDARDS 6**A** 6A.1 Compatibility X See notes below X See Application \square N/A 6A.2 Erosion and Sedimentation Control See notes below X See Application \square N/A ☐ See Application 6A.3 Highway Safety ☐ See notes below X N/A☐ See notes below Impact on Town Services ☐ See Application X N/A 6A.4 6A.5 Land Suitability ☐ See notes below ☐ See Application X N/A \square See notes below Lighting - Outdoor ☐ See Application XN/A 6A.6 Stormwater ☐ See Application 6A.7 ☐ See notes below X N/AVegetation 6A.8 ☐ See notes below ☐ See Application XN/A 6A.9 Dust, Fumes, Vapors, Odors and ☐ See notes below ☐ See Application X 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 (Andrews/Eaton) 5-0 Conclusion of Law: The proposed use is in compliance with all standards of Section 6A. **VOTE**: Conclusion of Law (Andrews/Eaton) 5-0 Notes: Physical Size – Height is measured from grade to highest point of any point of fence. Height shall not exceed 8 foot, 6 inches. Visual Impact – Structural steel posts shall not face the neighbor's property.

6B.1 Agriculture	<u>6B</u>	SPECIFIC PERFORMANCE STA	NDARDS FOR ACT	FIVITIES AND LA	ND USES
GB.2 Air Landing Sites					
GB.2 Air Landing Sites	6B.1	Agriculture	☐ See notes below	☐ See Application	X N/A
6B.7 Excavation or filling		C			
6B.8 Fences and Walls X See notes below X See Application □ 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. 8, for which standards are met.) 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 (Andrews/Eaton) 5-0 Conclusion of Law: Section 6B is not applicable, except for Sections(s):6B. 8 - See Application and Notes Below. VOTE: Conclusion of Law (Andrews/Eaton) 5-0					
Mineral Exploration and Extraction □ See notes below □ See Application X N/A Sign Regulations □ See notes below □ See Application X N/A Wireless Communication Facilities □ See notes below □ See Application X N/A Animal Husbandry II □ See notes below □ See Application X N/A X N/A (Except for Section(s): 6B. 8, for which standards are met.) 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 (Andrews/Eaton) 5-0 Conclusion of Law: Section 6B is not applicable, except for Sections(s):6B. 8 - See Application and Notes Below. VOTE: Conclusion of Law (Andrews/Eaton) 5-0					
Sign Regulations					
Wireless Communication Facilities ☐ See notes below ☐ See Application ☐ X N/A Animal Husbandry II ☐ See notes below ☐ See Application ☐ X N/A X N/A (Except for Section(s): 6B. 8, for which standards are met.) 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 (Andrews/Eaton) 5-0 Conclusion of Law: Section 6B is not applicable, except for Sections(s):6B. 8 – See Application and Notes Below. VOTE: Conclusion of Law (Andrews/Eaton) 5-0					
Animal Husbandry II					
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VOTE: Findings of Facts (Andrews/Eaton) 5-0 Conclusion of Law: Section 6B is not applicable, except for Sections(s):6B. 8 – See Application and Notes Below. VOTE: Conclusion of Law (Andrews/Eaton) 5-0		. , .	-	-	
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Sections(s):6B. 8 – See Application and Notes Below. VOTE: Conclusion of Law (Andrews/Eaton) 5-0		VOTE: Findin	ngs of Facts (And	drews/Eaton) 5-0	
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VOTE: Conclusion of Law (Andrews/Eaton) 5-0			11 '	1	
		VOTE: Conc	lusion of Law (And	drews/Eaton) 5-0	
Notes: Structural steel posts shall not face the neighbors' property.		<u> </u>	(2.11.	<u> </u>	
	Notes:	Structural steel posts shall not f	face the neighbors' pro	operty.	

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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.

	\square N/A: Findings of Fact: The prop	posed lot is entirely ou	itside the Shoreland Z	Lone.		
	VOTE : Findings of Facts	-				
	Conclusion of Law: Section	n 6C is not applicable.				
	VOTE: 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	\square See notes below	☐ See Application	X N/A		
6C.12	Water Quality	☐ See notes below	☐ See Application	X N/A		
	Findings of Fact(s): The proposed use will include none of the specific activities or land uses described in section 6C, except for Applicable Sections(s) noted above. Conclusion of Law: Section 6C is not applicable, except for Sections(s):6C. 2, for which the standard has been met. VOTE: Findings of Facts and Conclusion of Law (Hanley/Eaton) 5-0					
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	X See Application	☐ Standard Not Met	
5.9.2	Will not result in water pollution, erosion, or sedimentation to surface waters	□ N/A	X See Application	☐ Standard Not Met	
5.9.3	Will adequately provide for the disposal of all wastewater	X 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	X 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	X N/A	☐ See Application	☐ Standard Not Met	
5.9.6	Will protect archaeological and historic resources as designated in the comprehensive plan	□ N/A	X See Application	☐ Standard Not Met	
5.9.7	Will not adversely affect existing commercial fishing or maritime activities in a Shoreland Commercial district	X 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.)	X N/A	☐ See Application	☐ Standard Not Met	
5.9.9	Is in conformance with the provisions of Sections 6A, 6B and 6C	□ N/A	X Standard Met	☐ Standard Not Met	
F	indings of Fact(s) and Conclusion of Law:				
	Ms. Eaton moved, with Ms. Renault second	ling, the Sta	ndards have been me	t with the	
	exception of Sections 5.9.3, 4, 5, 7, 8, which	Ü			
	Motion approved 5.0				

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FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

APPL	ICATION:	#015-2016
PERMIT CONDITIONS prior to any construction, the foli	0	all applicable federal, state, and town permits be in place
(Randolph/Eaton)	5-0	
	<u>APPLI</u>	<u>ICATION</u>
APPROVED:	12/14/2016 (Date)	DENIED : (Date)
•	J	Permit/Approval must construct and operate the approved the permitting process to the Planning Board.
NOTE: The Land U undertaken within one year from	0	requires that a Conditional Use Permit/Approval must be a new permit must be obtained.
THE MINUTES OF TH		NG CONSTITUTE A PART OF THE RECORD IS MATTER
SIGNATURES OF ALL VO	OTING BOARD ME	MBERS:
William Hanley William Hanley , Chairman		<u>Lili Andrews</u> Lili Andrews, Vice Chair/Secretary
David Ashmore		Meredith Randolph Meredith Randolph
Dennis Kiley		<u>Joanne Eaton</u> Joanne Eaton
Beth Renault Beth Renault		

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