

**Town of Mount Desert Planning Board
Planning Board Meeting Minutes
Meeting Room, Town Hall
6:00 pm, February 22, 2017**

Public Present

Matt Morehouse, Dorothea Eiben, Sean Thies, Vicki VanDenburgh, Jim Russell, Greg Johnston

Board Members Present

Chairman Bill Hanley, Lili Andrews, Meredith Randolph, Joanne Eaton

Also present were CEO Kimberly Keene and Recording Secretary Heidi Smallidge

I. Call to Order

Chairman Hanley called the meeting to order at 6:06 pm. Voting members were noted.

II. Approval of Minutes

January 11, 2017: These Minutes were tabled.

February 8, 2017: These Minutes were tabled.

III. Subdivision Application(s):

Completeness Review:

OWNER(S): Richard Davis Irvin, Jr.

APPLICANT: Matthew A. Morehouse

AGENT: Civil Engineering Services (CES), Inc.

LOCATION: Off Woods Road, Mount Desert

TAX MAP: 012 **LOT:** 013-029

ZONING DISTRICT: Rural Woodland 3 (RW3) & Shoreland Residential 5 (SR5)

PURPOSE: 7-Lot Residential Subdivision

It was confirmed that Public Notice was not required. Abutters were notified.

No conflict of interest was found.

Mr. Morehouse reported that the plan was the same as previously presented, with the exception that it has been revised to six lots, instead of the original seven. There is a 12-acre area intended to be held long-term, therefore there is no need to subdivide it at this time.

The Board proceeded to the Completeness Review:

4.2.1

1: Name of Applicant (Owner)

1 Deemed Complete.

2

3 **2: Name of Agent with attached authorization for agent by Owner**

4 Deemed Complete.

5

6 **3: If Applicant is a corporation, state whether the corporation is licensed to do business in**
7 **Maine, and attached copy of Secretary of State's Registration**

8 Deemed Complete.

9

10 **4: Name of applicant's authorized representative and authorization**

11 Deemed Complete.

12

13 **5: Name, address, and number of Registered Professional Engineer, Land Surveyor or**
14 **Planner**

15 Deemed Complete.

16

17 **6: Address to which all correspondence from the Board should be sent**

18 Deemed Complete.

19

20 **7: What interest does the Applicant have in the parcel to be subdivided (option, land**
21 **purchase contract, record ownership, etc)**

22 Deemed Complete.

23

24 **8: What interest does the applicant have in any property abutting parcel to be subdivided**

25 Deemed Complete.

26

27 **9: State whether preliminary plat plan covers entire, contiguous holdings of owner**

28 Deemed Complete.

29

30

31 **4.2.2**

32 **1: Location of Property: Map and Lot (from Town Tax Maps)**

33 Deemed Complete.

34

35 **2: Survey maps of tract to be subdivided, as well as contiguous property of the owner of**
36 **the tract, certified by a Registered Land Surveyor, tied to established reference points**
37 **(attached to application)**

38 Deemed Complete.

39

40 **3: Current zoning district(s) of property**

41 Deemed Complete.

42

43 **4: Acreage of parcel to be subdivided**

44 Deemed Complete.

45

46

1 **5: An SSWD, by a licensed soil engineer identifying soil types and a map showing the**
2 **location of soil test areas, unless the parcel will utilize public sewer. Based on soil test**
3 **results, certain modification of the Preliminary Plat Plan may be required (attach copy of**
4 **soils report to application). There shall be at least one satisfactory soil test per lot.**

5 Deemed Complete.
6

7 **6: Names of property owners within 1,000 feet from the parcel to be subdivided, and on**
8 **opposite side of any road from parcel to be subdivided (show on Plat)**

9 Deemed Complete.
10

11 **7: Any restrictive covenants to be place on the deeds.**

12 Mr. Morehouse noted there are restrictive covenants that were submitted after the application
13 was submitted to the Planning Board. A question arose with regard to setback requirements for a
14 boathouse. Mr. Morehouse reported the intent was a simple canoe or kayak rack or maybe a
15 storage locker for flotation devices or paddles. CEO Keene noted the neighbor would have to
16 release the setback for anything to be built within that setback. Mr. Morehouse noted they would
17 either pursue the release, or enlarge the easement zone. If enlargement occurs, they would
18 make the change on the plan. The rack will be on the lot the Applicant plans to retain.
19

20 It was pointed out that there are restricted covenants on another plan as well. CEO Keene asked
21 if the covenants planned were those of the Woods Road. Ms. VanDenburgh stated they were
22 not. She reported the Woods Road covenants spanned back to the late 1980s. There are two
23 categories of lots with varying covenants. She felt Mr. Morehouse was proposing covenants in
24 line with the covenants in place.
25

26 It was agreed to set as a condition the submittal of updated covenants that would be recorded
27 with the deeds.
28

29 **8: Proposed soil erosion and sedimentation control**

30 Deemed Complete.
31

32 **9: Water supply**

33 Deemed Complete.
34

35 **4.2.3**

36 **1: Proposed name of subdivision**

37 Deemed Complete.
38

39 **2: Number of lots:**

40 Deemed Complete.
41

42 **3: Date, north point, graphic map scale (show on Plat)**

43 Deemed Complete.
44

45 **4: Proposed lot lines with approximate dimensions and suggested location where known**
46 **of buildings, subsurface disposal systems, and wells (show on Plat)**

1 Test Pits are included and nothing more. Chairman Hanley noted subdivision plans don't usually
2 include buildings and other accoutrements. The submission was found to be acceptable.

3
4 Deemed Complete.

5
6 **5: Location of temporary markers so located as to enable the Board to readily locate lots
7 and appraise basic lots layout in the field (show on Plat)**

8 Deemed Complete.

9
10 **6: Location of all parcels to be dedicated to public use, the conditions of such dedication,
11 as well as the location of all natural features of site elements to be preserved (show on
12 Plat).**

13 It was confirmed there are no such parcels.

14
15 It was agreed to set as a condition to include a statement of the fact that no lots are dedicated to
16 public use.

17
18 **7: A location map, consisting of a USGS Topographical Map, showing the relation of the
19 proposed subdivision to adjacent properties and to the general surrounding area. The
20 location map shall show all the area within 2,000 feet of any property line of the proposed
21 subdivision and shall be attached to the application**

22 Deemed Complete.

23
24 **8: Location and size of existing buildings and other essential existing physical features
25 (show on Plat)**

26 Deemed Complete.

27
28 **9: Location of all wetlands, regardless of size, all water bodies and areas within the State
29 Shoreland Zone (show on Plat)**

30 Deemed Complete.

31
32 **10: Location of all drains which shall provide adequate storm water management**

33 Deemed Complete.

34
35 **11: Location and size of any existing and proposed sewers and water mains, and culvert
36 and drains.**

37 Deemed Complete.

38
39 **12: Location, names, and widths of existing and proposed streets, highways, easements,
40 building lines, parks, and other open spaces (show on Plat)**

41 A road name application was being made. The name agreed on was "Aspen Way" for the road
42 extending from the intersection of the Woods Road to the end of the cul de sac. The small spur is
43 the driveway to the Boucher residence. CEO Keene suggested the Applicant refer the issue of
44 the driveway to Assessor Kyle Avila to determine whether a road name was required. The
45 driveway serves two lots; therefore, it may require a name.

46

1 It was agreed to set as a condition the inclusion of the all road names, planned or deemed
2 required.

3
4 Ms. Vandenburg asked about whether the road upgrade at the Boucher driveway end would be
5 addressed. Mr. Morehouse noted the Plan states the entire length of the infrastructure will be
6 brought to meet the design standards of the Town. The Woods Road Association asked that the
7 road be upgraded further by using recycled asphalt. The Applicant has agreed to this request.
8 The entire length was not shown on the plan. Chairman Hanley felt the road detail sheet should
9 be extended to show the existing road.

10
11 Mr. Thies reported that a note would be added to the cross section to state the cross section will
12 be applied to the existing road. Ms. Randolph asked if this would change drainage needs or
13 stormwater management. Mr. Thies did not feel this would affect stormwater.

14
15 It was agreed to set as a condition that the full driveway plan would need to be submitted on the
16 driveway sheet for review. Existing culverts should be shown and will include information
17 regarding any changes the system required.

18
19 **13: Names of abutters (show on Plat)**

20 Deemed Complete.

21
22 **14: The Subdivider will determine, based on the Federal Emergency Management**
23 **Agency's Flood Boundary and Floodway Maps, whether the subdivision is in a flood prone**
24 **area. If the subdivision, or any part of it, is in such an area the subdivider will determine**
25 **the 100-year flood elevation and flood hazard boundaries within the subdivision**
26 It was agreed to set as a condition the submission of a FEMA map showing whether the
27 subdivision is in a flood-prone area.

28
29 **15: Other information not indicated above, as specified by the Board**

30 A review of the conditions set so far was made.

31
32 **5.1: Buffer Strip**

33 It was deemed buffers were not required.

34
35 Deemed Complete.

36
37 **5.2: Conformance with other Laws, Regulations**

38 There was no additional conformance required.

39
40 Deemed Complete.

41
42 **5.3: Construction Prohibited**

43 The road detail will be amended per the Board's earlier condition.

44
45 **5.4: Ditches, Catch Basins**

46 It was previously set as a condition to include ditches and catch basins on the road detail.

1
2 **5.5: Easements**

3 Deemed Complete.
4

5 **5.6: Dedication for Year-round housing**

6 This item was deemed Not Applicable.
7

8 **5.7: Lots of Density**

9 **5.7.1 – Lot Size** – In accordance with the LUZO

10 **5.7.2 – Test Pits** – Test pits have been made for a three-bedroom residence at each
11 site.

12 **5.7.3 – Conventional Subdivision** – CEO Keene reported the test pits are actually
13 tested for 2-4 bedroom residences. Mr. Thies reported the sites have been tested for
14 an average residence. Anything larger than three bedrooms would require more
15 testing.
16

17 It was agreed to set as a condition a reference to the Bill LaBelle letter received from the
18 Applicant, and noting 2-4 bedroom residences.
19

20 The subdivision was considered a conventional subdivision.
21

22 **5.8: Sewage Disposal**

23 **5.8.1- Not located within 1500 feet of a Public Sanitary Sewer line** – It was
24 confirmed lines would not be within 1500 feet of a public sanitary sewer.

25 **5.8.2 – Conformance of Private Sewage Disposal** – Test pits confirm there will be no
26 shared systems.
27

28 Deemed Complete.
29

30 **5.9: Land not Suitable for Development**

31 The FEMA floodplain map set as a condition was referred to.
32

33 **5.10: Open Space Provisions**

34 **5.10.1 – Landscape Plan** – Landscape plans are not typically submitted for
35 subdivision plans.

36 **5.10.2 – No Open Spaces in Proposed Subdivision** – No open spaces were
37 proposed.
38

39 Deemed Complete.
40

41 **5.11: Wells**

42 **5.11.1 – Dug Wells** – Dug wells are not permitted in a subdivision.

43 **5.11.2 – Individual Ground Water Wells** – It was confirmed individual ground water
44 wells were intended as there was no public water system in the immediate area.
45

46 Deemed Complete.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

5.12: Performance Bond

The need for a Performance Bond was discussed. It was felt the requirement for a Performance Bond could be waived.

The road would need to be completed before permits could be issued.

Deemed Complete.

5.13: Plan Revisions After Approval

It was deemed this Item was Not Applicable.

5.14: Street Design and Construction

5.14.1 – Right of Way for the Proposed Subdivision -

5.14.2 – Cul de Sac Design and Construction –

5.14.3 – Subdivision Roadway –

These issues were deemed adequately included and addressed.

Deemed Complete.

5.15: Access to Direct Sunlight

Deemed Complete.

5.16: Cluster and Workforce Housing

This item was Not Applicable.

6A – General Performance Standards

6A.1: Compatibility

Deemed Complete.

6A.2: Erosion and Sedimentation Control

Plans addressing Erosion and Sedimentation Control were included.

Deemed Complete.

6A.3: Highway Safety

Deemed Complete.

6A.4: Impact on Town Services

Deemed Complete.

6A.5: Land Suitability

It was agreed to set as a condition the requirement that the soil classification should be referenced, per the SCS Soil Boundaries book.

Wetlands have been included.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46

6A.6: Lighting – Outdoor

Above ground utility poles would be used. Mr. Morehouse estimated two to three poles would be used.

No outdoor lighting was planned, and therefore it was not applicable.

6A.7: Stormwater

Erosion control plan has been submitted. Road design has been set as a Condition of Approval. Conditions have been set on culvert and drainage requirements.

6A.8: Vegetation

Deemed Complete.

6A.9: Dust, Fumes, Vapors, Odors and Gases

Deemed Complete.

6B – Specific Performance Standards

6B.1: Agriculture

Not Applicable.

6B.2: Air Landing Sites

Not Applicable.

6B.3: Beach Construction

Not Applicable.

6B.4: Boat Storage

Not Applicable.

6B.5: Camp Grounds

Not Applicable.

6B.6: Driveway Construction

Not Applicable.

6B.7: Excavation or Filling

Not Applicable.

6B.8: Fences and Walls

Not Applicable.

6B.9: Home Occupations and Home Offices

Not Applicable.

6B.10: Lots

- 1 Deemed Complete.
2
3 **6B.11: Manufactured Homes**
4 Not Applicable.
5
6 **6B.12: Mineral Exploration and Extraction**
7 Not Applicable.
8
9 **6B.13: Mobile Homes, Campers, Trailers, and Recreational Vehicles**
10 Not Applicable.
11
12 **6B.14: Sanitary Standards**
13 Septic Systems have been adequately addressed elsewhere in the review.
14
15 **6B.15: Sign Regulations**
16 Not Applicable.
17
18 **6B.16: Vehicles Unregistered**
19 Not Applicable.
20
21 **6B.17: Wireless Communication Facilities**
22 Not Applicable.
23
24 **6B.18: Animal Husbandry II in the Village Commercial and the Shoreland Commercial**
25 **Districts**
26 Not Applicable.
27
28 **6C – Shoreland Zoning**
29 There are two lots within the Shoreland Zoning District.
30
31 **6C.1: Agriculture and Animal Husbandry**
32 Not Applicable,
33
34 **6C.2: Archaeological Sites**
35 It was agreed to set as a condition the submittal of the Archaeological map.
36
37 **6C.3: Clearing and Removal of Vegetation for Activities**
38 Deemed Complete.
39
40 **6C.4: Commercial and Industrial Uses**
41 Not Applicable.
42
43 **6C.5: Essential Services**
44 Deemed Complete.
45
46 **6C.6: Parking Areas**

1 Not Applicable.

2
3 **6C.7: Marine and Freshwater Structure Standards**

4 Not Applicable.

5
6 **6C.8: Principal and Accessory Structures**

7 Not Applicable.

8
9 **6C.9: Roads and Driveways**

10 Addressed in previous discussions. The setback requirements are adequately met.

11
12 **6C.10: Septic Waste Disposal**

13 Adequately addressed in previous discussions.

14
15 **6C.11: Timber Harvesting**

16 Not Applicable.

17
18 **6C.12: Water Quality**

19 Deemed Complete.

20
21 The question of finding the application complete contingent upon submissions, or finding the
22 application incomplete was discussed.

23
24 Ms. Randolph cautioned that finding the application complete allows the subdivision to be
25 complete regardless of the quality of the submissions. A review of the submittals, especially the
26 road plan, was necessary. It was agreed the completeness review would be continued to the
27 March 8th meeting.

28
29 MS. ANDREWS MOVED, WITH MS. EATON SECONDING, TO CONTINUE THE
30 COMPLETENESS REVIEW TO THE MARCH 8, 2017 PLANNING BOARD MEETING. MOTION
31 APPROVED 4-0.

32
33 **IV. Conditional Use Approval Application(s):**

34 **A. Conditional Use Approval Application #001-2017**

35 **OWNER(S):** Deep Cove Holdings, LLC

36 **AGENT:** G.F. Johnston & Associates

37 **LOCATION:** 673 Indian Point Road, Mount Desert

38 **TAX MAP:** 012 **LOT:** 006

39 **ZONING DISTRICT:** Shoreland Residential 3 (SR3) & Resource Protection (RP)

40 **PURPOSE:** Section 3.4 – Excavation or Filling of >150 cubic yards.

41 Enlarging an existing man-made pond. To provide a swimming area, increase storage
42 for irrigation and improve fish habitat.

43 **SITE INSPECTION:** 4:00 PM

44
45 Ms. Eaton confirmed adequate public notice, and abutters were notified. No conflict
46 of interest was found.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Ms. Eaton reported on the site visit. There is a five-acre existing pond on the site. A small area of the pond will be dredged. Mr. Johnston noted the pond is quite shallow. The pond was created by damming a brook and bulldozing the area. Grasses fill much of the pond. The Applicants will use the deeper section proposed to put kayaks in. The US Inland Fisheries and Wildlife have been on site. It has been confirmed there are only very small fish. Bird habitat is not being enhanced. The IF&W have recommended the proposed work, which is now being reviewed by the DEP. No wharves or floats are planned for the area at this time. The work would occur in the spring. The area to be dredged does not stay wet year-round.

MS. ANDREWS MOVED, WITH MS. EATON SECONDING, TO FIND THE APPLICATION COMPLETE. MOTION APPROVED 4-0.

MS. RANDOLPH MOVED, WITH MS. EATON SECONDING, TO APPROVE THE APPLICATION.

MS. ANDREWS MOVED, WITH CHAIRMAN HANLEY SECONDING, TO USE THE SHORT FORM. MOTION APPROVED 4-0.

CEO Keene reported there were no communications from abutters.

A review of the short form was made and is attached to these Minutes.

MOTION TO APPROVE THE APPLICATION APPROVED 4-0.

V. Adjournment

MS. ANDREWS MOVED, WITH CHAIRMAN HANLEY SECONDING, TO ADJOURN THE MEETING. MOTION APPROVED 4-0.

Meeting was adjourned at 7:51 pm.