

Nonconformity – Sections - 4.3.6 & 4.3.5 Non-conforming Structures – Reconstruction or Replacement. Section 4.3.2 – Expansions in the Shoreland Zone.

OWNER(S): Summerscape Realty Trust – Elizabeth Carlisle Thomas

LOCATION: 18 Northern Neck Road, Mount Desert.

TAX MAP: 017 **LOT(S):** 012 **ZONE(S):** Shoreland Residential Two (SR2)

PURPOSE: Sections 4.3.6 & 4.3.5 Reconstruction or Replacement and Section 4.3.2 Expansions of a Non-Conforming Structure.

SITE INSPECTION: 4:30PM

STANDARDS OF SECTION 4.3.5 ~ RELOCATION OF NON-CONFORMING STRUCTURE

The site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine Subsurface Wastewater Disposal Rules (rules), or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. In determining whether the building relocation meets the set back to the greatest practical extent, the Planning Board shall consider:

Size of the Lot:

Topography/Slope of the Land:

Potential for soil erosion:

Location of other structures on the property and on adjacent properties:

Location of the septic system and other on-site soils suitable for septic systems:

Vegetation to be removed to accomplish the relocation:

Findings of Fact and Conclusion of Law:

MS. ANASTASIA MOVED, WITH MS. RANDOLPH SECONDING, IN DETERMINING IF OR WHETHER THE BUILDING RELOCATION MEETS THE SETBACK TO THE GREATEST PRACTICAL EXTENT THE PLANNING BOARD HAS CONSIDERED THE FOLLOWING;

SIZE OF THE LOT – THE PLANNING BOARD HAS FOUND THAT THE SIZE OF THE LOT IS 1.7 ACRES IN SIZE AND THEREFORE NOT A PARTICULARLY LIMITING FACTOR IN THE CONSIDERATION OF THE RELOCATION OF THE NONCONFORMING STRUCTURE BEHIND THE 75-FOOT SETBACK,

TOPOGRAPHY/SLOPE OF THE LAND – THE SLOPE OF THE LAND IS SOMEWHAT GENTLE, AS SEEN ON THE SITE VISIT, AND NOT AT A SEVERE GRADE, AND THEREFORE NOT A LIMITING FACTOR IN THE CONSIDERATION OF THE RELOCATION OF THE NONCONFORMING STRUCTURE BEHIND THE 75-FOOT SETBACK,

POTENTIAL FOR SOIL EROSION – POTENTIAL FOR SOIL EROSION WOULD INCREASE IF THE STRUCTURE IS RELOCATED BEHIND THE 75-SETBACK BECAUSE SUCH RELOCATION WOULD ENTAIL NEW CONSTRUCTION, AS WELL AS THE REMOVAL OF THE CURRENT STRUCTURALLY SOUND FOUNDATION,

LOCATION OF OTHER STRUCTURES ON THE PROPERTY AND ADJACENT PROPERTIES – THE CURRENT LOCATION OF THE GARAGE ON THE PROPERTY IS LIMITING BUT NOT NECESSARILY A BARRIER TO RELOCATING THE NONCONFORMING STRUCTURE BEHIND THE 75-FOOT SETBACK,

LOCATION OF THE SEPTIC SYSTEM AND OTHER ON-SITE SOILS SUITABLE FOR SEPTIC SYSTEMS – THE PROPOSED REPLACEMENT SEPTIC SYSTEM AS PRESENTED ON THE SITE PLAN IS NOT A LIMITING FACTOR FOR THE RELOCATION OF THE NONCONFORMING STRUCTURE BEHIND THE 75-FOOT SETBACK,

VEGETATION TO BE REMOVED TO ACCOMPLISH RELOCATION – CURRENT SIGNIFICANT, ESTABLISHED, MATURE TREE GROWTH ON THE PROPERTY (E.G. VEGETATION) IS A PRIMARY LIMITATION IN THE RELOCATION OF THE NONCONFORMING STRUCTURE BEHIND THE 75-FOOT SETBACK.

AND THEREFORE, THE PROPOSED RECONSTRUCTION OF THE NONCONFORMING STRUCTURE IN ITS PRESENT LOCATION MEETS THE CRITERIA OF SECTION 4.3.5 TO THE GREATEST PRACTICAL EXTENT, AS DETERMINED BY THE PLANNING BOARD.

VOTE:

CHRISTIE ANASTASIA: AYE

MEREDITH RANDOLPH: AYE

TRACY LOFTUS KELLER: AYE

DAVID ASHMORE: AYE

CHAIR WILLIAM HANLEY: AYE

MOTION APPROVED 5-0.

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

APPLICATION APPROVED 03/09/2022 DENIED _____
(Date) (Date)

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

SIGNATURES OF ALL VOTING BOARD MEMBERS:

William Hanley
William Hanley, Chairman

Christie Anastasia
Christie Anastasia

David Ashmore
David Ashmore

Meredith Randolph
Meredith Randolph

Tracy Loftus Keller
Tracy Loftus Keller