Conditional Use Approval Application #012-2022 OWNER(S) NAME(S): Mount Desert Water District AGENT: Paul Slack, General Manager LOCATION: Starting at fountain in Route 3 running down Steamboat Wharf Road to Seal Harbor Library, Seal Harbor ZONE(S): Conservation (C), Resource Protection (RP), Shoreland One SR1) & Shoreland Two (SR2) zoning districts. PURPOSE: Public Utilities. Replacement of an existing 6" year-round water main line with a 10" year-round water main line. SITE INSPECTION: 3:15PM

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

6A GENERAL PERFORMANCE STANDARDS

6A.1	Compatibility	\Box See notes below	X See Application	🗆 N/A
6A.2	Erosion and Sedimentation Control	\Box See notes below	X See Application	🗆 N/A
6A.3	Highway Safety	\Box See notes below	X See Application	🗆 N/A
6A.4	Impact on Town Services	\Box See notes below	X See Application	🗆 N/A
6A.5	Land Suitability	\Box See notes below	X See Application	🗆 N/A
6A.6	Lighting - Outdoor	\Box See notes below	\Box See Application	X N/A
6A.7	Stormwater	\Box See notes below	X See Application	🗆 N/A
6A.8	Vegetation	□ See notes below	\Box See Application	X N/A
6A.9	Dust, Fumes, Vapors, Odors and	\Box See notes below	X See Application	\Box N/A
	Gases		11	

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 (Loftus Keller/Randolph) Motion approved 4-0.

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

VOTE: Conclusion of Law (Loftus Keller/Randolph) Motion approved 4-0.

Notes:

6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES

6B.1 6B.2 6B.7	Agriculture Air Landing Sites Excavation (other than gravel pits) or filling	□ See notes below□ See notes below□ See notes below	See ApplicationSee ApplicationX See Application	X N/A X N/A □ N/A
6B.8 6B.16 6B.18 6B.19 6B.20	Fences and Walls Sign Regulations Wireless Communication Facilities Animal Husbandry II Mobile Food Vendors	 See notes below 	 See Application See Application See Application See Application See notes below 	X N/A X N/A X N/A X N/A X N/A

X N/A (Except for Section(s): 6B. 7_____)

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 (Loftus Keller/Randolph) Motion approved 4-0.

Conclusion of Law: Section 6B is not applicable, except for Sections(s):6B.____7, for which standard is met_____

VOTE: Conclusion of Law (Loftus Keller/Randolph) Motion approved 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.

 \Box 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 6C.2 6C.5 6C.6 6C.7	Agriculture Archeological sites Essential Services Parking Areas Marine and Freshwater Structure	 See notes below 	 See Application X See Application X See Application See Application See Application 	X N/A □ N/A □ N/A X N/A X N/A
6C.9 6C.11	Standards Roads and Driveways Water Quality	 See notes below X See notes below 	 See Application See Application 	X N/A $\Box N/A$

X N/A (Except for Section(s): 6C. 2, 5, 11

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, 5, 11, for which the standard has been met for Items 6C2 and 6C5. A permit condition will address Item 6C11 as it relates to the blowoff

VOTE: Findings of Facts and Conclusion of Law (Randolph/Loftus Keller) Motion approved 4-0.

Notes:

Item 6C.11 - Applicable, Standard Not Met. See Permit Condition.

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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, **in all shoreland areas**, 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:

 5.9.2 Will not result in water pollution, erosion, or sedimentation to surface waters 5.9.3 Will adequately provide for the disposal of all wastewater 5.9.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat 5.9.5 Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters 5.9.6 Will protect archaeological and historic □ N/A X See Application □ Standard Not Met
 5.9.3 Will adequately provide for the disposal of all X N/A □ See Application □ Standard Not Met wastewater 5.9.4 Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat 5.9.5 Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters 5.9.6 Will protect archaeological and historic □ N/A X See Application □ Standard Not Met
 grounds, fish, aquatic life, bird or other wildlife habitat 5.9.5 Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters 5.9.6 Will protect archaeological and historic □ N/A X See Application □ Standard Not Met
actual, points of access to inland and coastal waters 5.9.6 Will protect archaeological and historic □ N/A X See Application □ Standard Not Met
resources as designated in the comprehensive plan
5.9.7 Will not adversely affect existing commercial X N/A □ See Application □ Standard Not Met fishing or maritime activities in a Shoreland Commercial district
5.9.8 Will avoid problems associated with floodplain X N/A □ See Application □ Standard Not Met development and use; (In compliance with Floodplain Management Ordinance of the Town of Mount Desert – Amended March 7, 2006.)
5.9.9 Is in conformance with the provisions of □ N/A X Standard Met □ Standard Not Met Sections 6A, 6B and 6C
Findings of Fact(s): See Above
(Randolph/Loftus Keller) Motion approved 4-0.

Conclusion of Law: All requirements for Section 5.9 have / have not been met.

VOTE: Conclusion of Law (Randolph/Loftus Keller) Motion approved 4-0.

Updated: 5/27/2020

FOR BOARD USE CONDITIONAL USE PERMIT/APPROVAL

APPLICATION: <u>#012-2022</u>

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

Regarding Item 6C.11:

A letter must be received from the Maine DEP addressing acceptable water discharge from

the blowoff into the ocean.

A third-party review of the total system operation for the potential removal of blowoffs at

the 13 Steamboat Wharf Road and 19 Steamboat Wharf Road properties.

APPLICATION WAS WITHDRAWN PRIOR TO PLANNING BOARD VOTE. APPLICATION

APPROVED:

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.

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

SIGNATURES OF ALL VOTING BOARD MEMBERS:

(Date)

<u>William Hanley</u> William Hanley, Chairman

David Ashmore David Ashmore

<u>Gloria Kunje, Alt.</u>

Gloria Kunje, Alt.

Tracy Loftus Keller

Tracy Loftus Keller

Meredith Randolph

Meredith Randolph