

1 Public Present:

2 Sheila Swanson

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4 Board Members Present:

5 William Hanley, Chair, Lili Andrews, Vice Chairman; Dennis Kiley; Meredith Randolph, Joanne  
6 Eaton.

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8 Kim Keene, CEO

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10 I. The meeting was called to order at 6:04 p.m.

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12 II. Public Hearing(s):

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14 A.) Land Use Zoning Ordinance and Official Land Use Map Amendments for the  
15 2016 Town Meeting.

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17 It was confirmed that notices were published in the Mount Desert Islander on February 18, 2016  
18 and February 25, 2016. However, CEO Keene explained the February 18, 2016, printed notice  
19 as the newspaper erred with the public hearing notice as the heading for said notice stated "Bar  
20 Harbor" instead of Town of Mount Desert. After conferring with the Town Attorney it was  
21 explained by CEO Keene that the court is mindful of the fact that **section headings** are not  
22 controlling, upon interpretation of the substantive meaning of the language of the section. So,  
23 by analogy, the caption in the Islander notice is not a legal provision and not controlling, and  
24 particularly given that the second February 25, 2016, Mount Desert Islander corrected the  
25 caption to "Town of Mount Desert".

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27 CEO Keene explained to the Planning Board members that at the last Planning Board meeting  
28 of February 24, 2016, that there were concerns from the public and Board members regarding  
29 the warrant article language with respect to the access provisions of section 6B.10 (2). Noel  
30 and I discussed the proposed amendment with attorney John Cunningham, at Eaton Peabody  
31 and decided to pull the proposed warrant article and amend the road standards so that they  
32 create a special case for upgrades and additions to already existing roads. As an initial  
33 concept, the road standards would have one set of requirements for roads being newly built,  
34 and a separate set of requirements for existing roads which must be made to meet the  
35 standards pursuant to the Access section or any other part of the Ordinance. The "upgrade"  
36 requirements, for instance, would not require that an existing road right of way be widened  
37 where that was not feasible. It will take some time to revise the road standards in this way, but  
38 it needs to be done for other reasons as well. We would plan on submitting the revised road  
39 standards for approval next year.

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41 III. Meeting adjourned at 6:25p.m. The next scheduled meeting/public hearing(s) is at 6:00  
42 p.m., Wednesday March 9, 2016 in the Meeting Room, Town Hall, Northeast Harbor.

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44 Respectfully submitted,