Nonconformity - Sections - 4.3.6, & 4.3.5 - Reconstruction or Replacement of a Non-Conforming Structure(s).

OWNER(S): Lori A. Barrett, Trustee

AGENT(S): Brett A. Barrett

LOCATION: 44 Northern Neck Road, Mount Desert

TAX MAP: 016 LOT(S): 002 ZONE(S): Shoreland Residential Two (SR2)

PURPOSE: To demolish, and reconstruct two existing Non- Conforming Structures. A garage and Residential Dwelling Unit

with attached open frame decks. SITE INSPECTION: 3:00PM

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: The Board finds:
Findings of Fact:
Lot is 1.16 acres in size. Driveway crosses lot diagonally, limiting flexibility of lot. Lot widens
towards water. As observed on submitted existing conditions survey plan dated 1/28/2018.
Topography/Slope of the Land: The Board finds:
Findings of Fact: No significant topography or slope of land per existing conditions survey
dated 1/28/2018.
Potential for soil erosion: The Board finds:
Findings of Fact: No significant grade change. Rebuilding site relatively flat. Rebuilding in
footprint of pre-existing structure, further from the water. Erosion control plan submitted.
Location of other structures on the property and on adjacent properties: The Board
finds:
Findings of Fact: Another structure is on the property. Proposed garage outside of the 75'
setback. 30% expansion on building to be rebuilt was met 8/23/1995. Relocating further from other
building.
Location of the septic system and other on-site soils suitable for septic systems: The
Board finds:
Findings of Fact:Existing leachfield prohibits relocating building into full conformity to greatest
practical extent. Existing septic tank being replaced and relocated because it is within footprint of
proposed reconstruction.

Vegetation to be removed to accomplish the relocation: *The Board finds:*

Findings of Fact:	Proposed reconstruction footprint minimizes impact on existing mature
vegetation on prope	rty
Conclusion of Law:	
Revised Pla	n dated 1/22/2020 presented meets requirements of Section 4.3.5 to greatest
practical extent.	•
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	DITIONS: In addition to all applicable federal, state, and town permits be in
place prior to any c	onstruction, the following conditions apply:
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APPLIC	ATION APPROVED <u>01/22/2020</u> DENIED (Date)
	(Bate)
MINUTES OF THIS I	PUBLIC HEARING CONSTITUTE A PART OF THE RECORD FOR THIS MATTER.
SIGNATURES OF	FALL VOTING BOARD MEMBERS:
20:00: 2/	
William Hanley, Chair	man Christie Anastasia
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	Meredith Randolph
David Ashmore	Meredith Randolph
Joanne Eaton	Tracy Loftus-Keller
Joanne Eaton	Tracy Loftus Keller, Alternate