

**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:*

