**Conditional Use Approval Application** # 002-2017

**Owner(s**): Harbor Watch Yacht Club, LLC

**AGENT:** Christopher Murray

**LOCATION:** 14 Harbor Watch Lane, Northeast Harbor

**TAX MAP:**024 **LOT:**130 **ZONE(S):** Shoreland Residential 2 (SR2)

**PURPOSE:** Section–3.4 - Non-Commercial – Indoor Recreational Facility- 40’ x 15’ one story, Fitness/Gym Building

**SITE INSPECTION:** 4:30PM

**Checklist**

**Land Use Zoning Ordinance of the Town of Mount Desert**

**\*\* Note:** 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 |  See notes below | X See Application |  N/A |
| 6A.2 | Erosion and Sedimentation Control |  See notes below | X See Application |  N/A |
| 6A.3 | Highway Safety |  See notes below |  See Application | X N/A |
| 6A.4 | Impact on Town Services |  See notes below |  See Application | X N/A |
| 6A.5 | Land Suitability |  See notes below | X See Application |  N/A |
| 6A.6 | Lighting - Outdoor |  See notes below | X See Application |  N/A |
| 6A.7 | Stormwater |  See notes below | X See Application |  N/A |
| 6A.8 | Vegetation |  See notes below | X See Application |  N/A |
| 6A.9 | Dust, Fumes, Vapors, Odors and Gases |  See notes below |  See Application | X N/A |
|  |  |  |  |  |

**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 (Eaton/Randolph) 5-0-1 (Renault in Abstention)

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

**VOTE**: Conclusion of Law (Eaton/Randolph) 5-0-1 (Renault in Abstention)

Notes:

**6B SPECIFIC PERFORMANCE STANDARDS FOR ACTIVITIES AND LAND USES**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 6B.1 | Agriculture |  See notes below |  See Application |  N/A |
| 6B.2 | Air Landing Sites |  See notes below |  See Application |  N/A |
| 6B.7 | Excavation or filling |  See notes below |  See Application |  N/A |
| 6B.8 | Fences and Walls |  See notes below |  See Application |  N/A |
| 6B.12 | Mineral Exploration and Extraction |  See notes below |  See Application |  N/A |
| 6B.15 | Sign Regulations |  See notes below |  See Application |  N/A |
| 6B.17 | Wireless Communication Facilities |  See notes below |  See Application |  N/A |

**X N/A (~~Except for Section(s~~): 6B.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)**

**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 (Eaton/Randolph) 5-0-1 (Renault in Abstention)

**Conclusion of Law**: Section 6B is not applicable, ~~except for~~ Sections(s):**6B**.\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_

**VOTE**: Conclusion of Law (Eaton/Randolph) 5-0-1 (Renault in Abstention)

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.*

**□ 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 Agriculture and Animal Husbandry  See notes below  See Application X N/A

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| 6C.2 | Archeological sites |  See notes below | X See Application |  N/A |
| 6C.5 | Essential Services |  See notes below |  See Application | X N/A |
| 6C.6 | Parking Areas |  See notes below |  See Application | X N/A |
| 6C.7 | Marine and Freshwater Structure Standards |  See notes below |  See Application | X N/A |
| 6C.9 | Roads and Driveways |  See notes below |  See Application | X N/A |
| 6C.11 | Timber Harvesting |  See notes below |  See Application | X N/A |
| 6C.12 | Water Quality |  See notes below |  See Application | X N/A |

**X N/A (Except for Section(s): 6C.\_\_\_2, for which standard is met.\_\_\_\_\_\_)**

**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, for which standard is met.\_\_\_\_\_\_\_\_

**VOTE**: Findings of Facts and Conclusion of Law (Eaton/Ashmore) 5-0-1 (Renault in Abstention)

Notes:

**5.6 Amendment**

An amendment to a Conditional Use Approval  may be issued by the Planning Board only:

1. *finding that there have been significant changes of conditions or*

*circumstances; and*

**Findings of Fact(s)**:

\_\_\_\_\_\_\_

**Conclusion of Law**:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. *in conformity with the procedural and substantive requirements set forth in*

*Section 6A and the applicable standards of Section 6B and 6C.*

**Findings of Fact(s)**:

**Conclusion of Law**:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**3*.)*** *when justified by a statement of findings of fact and reasons*.

**Findings of Fact(s)**:

**Conclusion of Law**:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**FOR BOARD USE**

**AMENDED CONDITIONAL USE approval**

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

(Hanley/Randolph) 5-0-1 (Renault in Abstention.

***AMENDED APPLICATION***

**APPROVED**: 04/18/2017 **DENIED**:

(Date) (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.*

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

**SIGNATURES OF BOARD MEMBERS**:

William Hanley , Chairman Lili Andrews, Vice Chair/Secretary

David Ashmore Meredith Randolph

Dennis Kiley Joanne Eaton

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Beth Renault