

OWNER(S) NAME: G. Todd Mydland
AGENT(S): P. Andrew Hamilton, Eaton Peabody, Esq.
Carla Haskell, Design Group Collaborative Architecture
LOCATION: 19 Steamboat Wharf, Seal Harbor
TAX MAP: 029 **LOT(S):** 005 **ZONE(S):** Shoreland Residential One (SR1)
SITE INSPECTION: 3:00PM

The Planning Board held a public hearing on Monday, March 11, 2013 at 6 pm at the Town Office in Mount Desert. Board members Andrews, Brawley, Hanley and Kiley attended and participated in the review. In attendance for the Applicant were Rob Shea, Carla Haskell, Eero Hedefine, Dick Day, Jerome Suminsby and Andrew Hamilton. Members of the public who attended were Jane Zirkilton, Steve Zirkilton, Sanford Whitehouse, and Anne Funderburk.

The Board initially reviewed the Application for Replacement Dwelling and the Ordinance and determined that Section 4.3.4 of the Ordinance should be reviewed. The Board first heard a presentation from the Applicant, took comments and questions from the public, closed the public hearing and then proceeded in deliberations to a review of the following Section 4.3.4 of the Mount Desert Land Use Ordinance.

Section 4.3.4

Section 4.3.4. Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure, as determined by an appraiser, before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or Code Enforcement Officer in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 4.3.2 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 4.3.3 above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value as determined by an appraiser, or damaged or destroyed by 50% or less of the market value as determined by an appraiser the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

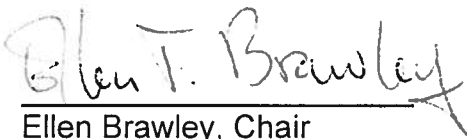
In determining whether the structure reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or Code Enforcement Officer shall consider, in addition to the criteria in Section 4.3.2 above, the physical condition and type of foundation present, if any.

Findings of Fact(s): Section 4.3.2.1 volume and floor area calculations presented by applicant satisfies the 30% limitation rule. Section 4.3.2.2 Existing non-conforming structure has not been expanded since January 1, 1989. Section 4.3.2.3 The existing granite/block foundation will be used, and reinforced with concrete to accommodate newly proposed structure. Section 4.3.3 Proposed structure meets setback to the greatest practical extent; current lot coverage limits development into the Second Parcel as shown on the Plisga & Day plan; a deed covenant restricts development of the Second Parcel, slope of land challenging on this site; plans cover soil erosion; no trees will be removed and any vegetation removed will be replanted. Section 4.3.4 Stone clad foundation exists and will be reinforced with concrete. Removal exceeds 50% of market value per construction cost estimate of new replacement dwelling and appraisal of existing dwelling.


Conclusion of Law: Proposed replacement dwelling structure meets the requirements of Section 4.3.2, 4.3.3 & 4.3.4 of the Land Use Zoning Ordinance for the Town of Mount Desert.

A vote was called to approve the Reconstruction or Replacement of a Single Family Dwelling; Member Hanley moved with Member Kiley seconding and the Board voted (4-0) unanimously to approve the application. The meeting adjourned at 7:30 pm.

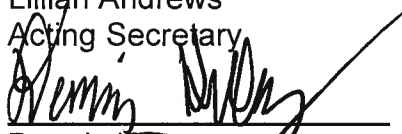
Voting in Favor:



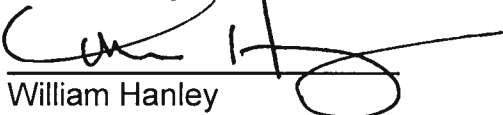
Ellen Brawley, Chair



Lillian Andrews
Acting Secretary



Dennis Kiley



William Hanley

Voting Against:

Ellen Brawley, Chair

Lillian Andrews
Acting Secretary

Dennis Kiley

William Hanley