

PLANNING BOARD
PACKET OF MATERIALS
MEETING MARCH 16, 2016

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

**Agenda
Bar Harbor Planning Board
Wednesday, March 16, 2016
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.**

- I. CALL TO ORDER**
- II. ADOPTION OF THE AGENDA**
- III. EXCUSED ABSENCES**
- IV. APPROVAL OF MINUTES** (February 24, 2016 and March 2, 2016)
- V. REGULAR BUSINESS**

- a. **Completeness Review – SP-2016-02– Arthur Davis – JAD Holdings, LLC**
Project Location: 111 Eden Street, Bar Harbor Tax Map 101, Lot 004-000
Applicant: Arthur Davis – JAD Holdings, LLC
Application: The applicant is proposing to construct a 105 foot long residential pier in a Shoreland Residential Development III district.
- b. **Land Use Ordinance Amendments for Downtown Village I, Downtown Village II and Downtown Village Transitional Districts Use Amendments - Recommendation.–Article III Land Use Activities and Standards proposed amendments in the form of Town Council signed Orders: Planning Board March 16, 2016 Recommendation.**

Warrant Article 2. LAND USE ORDINANCE AMENDMENT - Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add farmers market use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District be enacted? (*Uses requires permit from the Code Enforcement Officer*).

Warrant Article 3. LAND USE ORDINANCE AMENDMENT - Downtown Village II District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add single-family dwelling and two-family dwelling uses to the Downtown Village II District” be enacted? (*Uses require permit from the Code Enforcement Officer*).

Warrant Article 4. LAND USE ORDINANCE AMENDMENT - Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add automobile sales lot and automobile repair garage uses to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted? (*Uses require Planning Board Site Plan Review*).

Warrant Article 5. LAND USE ORDINANCE AMENDMENT - Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add home occupation use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted? (*Uses require permit from the Code Enforcement Officer*).

Agenda
Bar Harbor Planning Board
Wednesday, March 16, 2016
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.

Warrant Article 6. LAND USE ORDINANCE AMENDMENT - Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add retirement community use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted? (*Uses require Planning Board Site Plan review*).

- c. **Land Use Ordinance Amendments for General Review Standards, Light and glare & Signs and advertising, Definitions and Design Review – Recommendation.** –Article V Site Plan Review, Article XII Construction and Definitions and Article XIII Design Review proposed amendments in the form of Town Council signed Orders: Planning Board March 16, 2016 Recommendation.

Warrant Article 7. LAND USE ORDINANCE AMENDMENT – Definitions, General Review Standards, Light and glare and Signs and Advertising – Shall an Ordinance dated December 2, 2015 and entitled “Amendments to add terms and definitions for categories of internally illuminated signs, amendments to clarify lighting requirements for signs and amendments to prohibit certain types of internally illuminated signs” be enacted?

Warrant Article 8. LAND USE ORDINANCE AMENDMENT General Review Standards, Signs and Advertising - Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify Design Review Board sign review authority” be enacted?

Warrant Article 9. LAND USE ORDINANCE AMENDMENT Design Review Board - Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the boundaries of the Design Review overlay district” be enacted?

Warrant Article 10. LAND USE ORDINANCE AMENDMENT Design Review / Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section” be enacted?

Warrant Article 11. LAND USE ORDINANCE AMENDMENT Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the allowable sign area of regulated signs” be enacted?

- d. **Land Use Ordinance Discussion of Parking.**
- e. **Land Use Ordinance Discussion of Housing.**

VI. OTHER BUSINESS

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

**Minutes
Bar Harbor Planning Board
Wednesday, March 2, 2016
Council Chambers – Municipal Building
93 Cottage Street
6:00 P.M.**

I. CALL TO ORDER

The Chair called the meeting to order at 6:00 PM. Planning Board members present: Ivan Rasmussen, Chair; Basil Eleftheriou, Jr., Secretary; John Fitzpatrick, Member and Joseph Cough, Member.

Also present: Robert Osborne, Planning Director.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as presented. Mr. Eleftheriou, Jr. seconded the motion and the Board voted four in favor and none against the motion.

III. EXCUSED ABSENCES

Thomas St. Germain

IV. APPROVAL OF THE MINUTES

a. February 24, 2016

Mr. Cough indicated that the minutes should reflect the discussion of what sort of plan is needed for the MDI Biological Laboratory to show lot coverage and other dimensional considerations. Chair Rasmussen indicated that the minutes would be revised and revisited at the next meeting.

V. REGULAR BUSINESS

- a. Land Use Ordinance Amendments for Downtown Village I, Downtown Village II and Downtown Village Transitional Districts Use Amendments – Update.**—Article III Land Use Activities and Standards draft amendments in the form of draft warrants: Planning Board set for March 16, 2016 Recommendation.

Mr. Osborne indicated that the Council voted to accept the warrant articles at their March 1, 2016 public hearing and the next step is for the Planning Board to make a final recommendation on the signed warrant articles.

- b. Land Use Ordinance Amendments for General Review Standards, Light and glare & Signs and advertising, Definitions and Design Review – Update.** –Article V Site Plan Review, Article XII Construction and Definitions and Article XIII Design Review draft amendments in the form of draft warrants. Planning Board set for March 16, 2016 Recommendation.

Mr. Osborne indicated that the Council voted to accept the warrant articles at their March 1, 2016 public hearing and the next step is for the Planning Board to make a final recommendation on the signed warrant articles.

c. Land Use Ordinance Discussion of Parking.

Mr. Osborne discussed the parking draft language that was contained in the Planning Board packet and noted that the effort was not final but that it is much easier to visualize what the impacts of potential language changes are when they are shown in the actual document rather than just in concept. No action was taken on the amendments. He noted that there are proposed changes to both where parking is allowed as well as under accessory use provisions and principal use provisions. He also noted that parking as a use is treated inconsistently in districts and suggested some changes.

d. Land Use Ordinance Discussion of Housing.

Mr. Osborne discussed the housing question and noted that there is language nationally that contemplates micro-apartments of 300 sq. ft. or less in size.

I. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

It was suggested that there be a workshop prior to the 6:00 pm meeting of the March 16 meeting for public discussion of parking and housing.

II. ADJOURNMENT

Mr. Cough moved to adjourn the meeting at 6:52 pm. Mr. Fitzpatrick seconded the motion. The Board voted unanimously in favor of the motion to adjourn.

Signed as approved:

**Basil Eleftheriou, Jr., Secretary
Planning Board, Town of Bar Harbor**

Date

Item II, a

SITE PLAN APPLICATION
FOR
JAD HOLDING LLC

SP- 2016-02
Residential Pier
TAX MAP 101 LOT 004-000

TOWN OF BAR HARBOR, MAINE

Owner:

JAD HOLDING LLC
19 Main Street
Bar Harbor, ME 04609



Prepared by:

G.F. Johnston & Associates
Consulting Civil Engineers
P.O. Box 197
Southwest Harbor, Maine
www.gfjcivilconsult.com

RECEIVED

MAR 02 2016

TOWN OF BAR HARBOR
PLANNING/CODE ENFORCEMENT

March 3, 2016

1	Section 1 – Site Plan Applications
2	Section 2 – Fees Paid
3	Section 3 – Title and Interest
4	Section 4 - Legal Documents
5	Section 5 - Permits
6	Section 6 - Statements of Capacity and Design
7	Section 7 – Design Plans and Design Approval
8	Section 8 – Location Map
9	Section 9 – Site Plan
10	Section 10 – Soil Survey
11	Section 11 – Landscaping, Buffering and Screening Plan
12	Section 12 – Street, Sidewalk and Access Plan
13	Section 13 – E-911
14	Section 14 – Photographs
15	Section 15 – Subsurface Wastewater Disposal
16	Section 16 - Groundwater
17	Section 17 - Erosion and Sedimentation Plan
18	Section 18 – Fire Protection
19	Section 19 – Solid and Hazardous Waste
20	Section 20 – Building Plans and Elevations
21	Section 21 – Lighting Plan
22	Section 22 - Signs
23	Section 23 – Traffic Impact
24	Section 24 – Technical and Financial Capacity
25	Section 25 – Business Operations
26	Section 26 - Mining
27	
28	
29	
30	
31	



**BAR HARBOR PLANNING BOARD
APPLICATION FOR SITEPLAN**

(as described by Article V of the Bar Harbor Land Use Ordinance)

APPLICATION # SP-2016-02 **DATE** 3/2/2016

FEE \$ 1141.00 **MAP** 101 **LOT** 004-000 **USE** _____

APPLICANT :

Name JAD Holding LLC Owner: Arthur Davis

Address 19 Main Street, Bar Harbor, ME 04609

Telephone 207-244-1200

Email greg@gfjcivilconsult.com

OWNER :

Name JAD Holding LLC, - Owner Arthur Davis 19

Address Main Street, Bar Harbor, ME 04609

Telephone 207-244-1200

Email greg@gfjcivilconsult.com

PROJECT REPRESENTATIVES:

Name G. F. Johnston & Associates

Address PO Box 197, Southwest Harbor, ME 04679

Telephone 207-244-1200

Email greg@gfjcivilconsult.com



BAR HARBOR PLANNING BOARD
APPLICATION FOR SITEPLAN
 (as described by Article V of the Bar Harbor Land Use Ordinance)

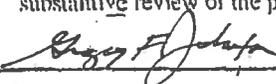
Please provide a complete written summary that accurately describes the project for which you seek approval (attach additional pages if necessary) :

See attached Project Description.

CERTIFICATION:

This application and all information submitted are true and correct to the best of our knowledge. If approval is granted, all work executed shall be performed in strict conformance with the approved application, conditions imposed by the Bar Harbor Planning Board and the Bar Harbor Land Use Ordinance. **Permission is hereby granted to the Bar Harbor Code Enforcement Officer, or his/her designee, to enter and have access to the subject property at all times during and immediately upon completion of construction to ensure compliance with the approved application and the Bar Harbor Land Use Ordinance.** Failure to grant such access shall result in the immediate issuance of a stop work order.

It is understood that no application shall be deemed pending until and unless it has been certified as complete by the Bar Harbor Planning Board, that the Planning Board shall not conduct substantive review, a review of the application to determine whether it complies with the standards set forth in the Bar Harbor Land Use Ordinance, until the application has been deemed complete. It is further understood that neither the submission or review of, nor public comments about a pre-application sketch plan, nor the conduct of a site inspection shall be construed to be a substantive review of the proposed development.

 for G.F Johnston & Associates 3/2/2016
 Applicant Date

 Owner Date



1. SITE PLAN APPLICATION § 125-66 A.

- | | |
|---|------------------|
| A. Checklist | - Attached |
| B. Property Owner's Name/Address | - Attached |
| C. Applicant's Name/Address | - Attached |
| D. Project Representative's Name/Address | - Attached |
| E. Abutters' Name/Address within 300' of Property Lines | - Attached |
| F. Indication of registered farmland | - Staff Provided |
| G. Description of Proposed Use | - Attached |
| H. Written Authorization for Town Official Access | - Attached |



G.F. Johnston & Associates
Consulting Civil Engineers

Exhibit 1.A

Checklist

Application Number: SP-2014-02 Applicant Name JAD Holdings, Arthur
 Map 101 Lot 4 Date: 2/26/14 Time: 9am Davis
 Department Official A. Chamberlain Permitted Use pier

**BAR HARBOR PLANNING DEPARTMENT
 SITE PLAN/SUBDIVISION APPLICATION CHECKLIST**

NOTICE TO APPLICANT: A Planning Department Official will check each item reasonably expected to be required for a complete application. Additional information not suggested by the Department, may be required. If you do not wish to submit any of the items requested, you should submit a written request for a waiver and indicate it in the waiver column. A list of waivers should then be included with the application. The original checklist and all submissions, plus nine (9) additional copies, must be submitted to the Planning Department.

By its nature, this form is merely a summary of applicable sections of the Bar Harbor Land Use Ordinance. It is not intended to replace the ordinance and does not relieve the applicant of the obligation to read the ordinance and to be in compliance with the terms.

The applicant is advised that the ordinance contains additional details and performance standards and should be consulted by the applicant in preparing a complete application

PREAPPLICATION MEETING held on 2/26/14

	Exhibit	Waiver
1. SITE PLAN APPLICATION (10 copies)		
A <input type="checkbox"/> Checklist	✓	
B <input type="checkbox"/> Property Owner's Name/Address		
C <input type="checkbox"/> Applicant's Name/Address		
D <input type="checkbox"/> Project Representatives Name/Address		
E <input type="checkbox"/> Abutters Name & Address within 300 ft. of Property Lines		
F <input type="checkbox"/> Indication of Registered Farmland within 150 ft. - <u>STAFF PROVIDED</u>		
G <input type="checkbox"/> Description of Proposed Use		
H <input type="checkbox"/> Written Authorization for Town Official Access	↓	
2. FEES PAID - Copy of Receipt		
A <input type="checkbox"/> Administrative Fee <u>1141.00</u>	✓	
B <input type="checkbox"/> Evidence of Ordinance & Regulation Compliance - <u>STAFF PROVIDED</u>	✓	
3. TITLE and INTEREST		
A <input type="checkbox"/> Current Deed or	✓	
B <input type="checkbox"/> Purchase and Sale Agreement		✓
C <input type="checkbox"/> Easements, Deed Restriction, R.O.W's, etc		✓
4. LEGAL DOCUMENTS		
A <input type="checkbox"/> Proposed Easements, Covenants, Agreements, etc.		✓
B <input type="checkbox"/> Proposed Deed for Roads or Other Property to be Dedicated		
C <input type="checkbox"/> Proposed Performance and Plant Maintenance Guarantees		
D <input type="checkbox"/> For condominiums proposed declaration, By Laws, etc.		
E <input type="checkbox"/> Site Restoration Guarantee (if required)		↓

5. PERMITS

- A Army Corps of Engineers
- B Maine D.E.P.
- C Other

Exhibit	Waiver
✓	
✓	

6. STATEMENTS OF CAPACITY & DESIGN

- A Police - **STAFF PROVIDED**
- B Public Works - Solid Waste; Storm Water; Street, and Recreation - **STAFF PROVIDED**
- C Sewer - **STAFF PROVIDED**
- D Schools & Busing
- E Water - **STAFF PROVIDED**

	✓
	↓

7. DESIGN PLANS

- A Public Water Supply
- B Central Private Water Supply
- Individual Wells
- D Fire Hydrants, Dry Hydrants, and Fire Ponds
- E Public Sewer
- E Central Subsurface Wastewater System
- F Shared Subsurface Wastewater System
- G Stormwater Disposal System
- H All Other Utilities, incl. Gas, Electricity, and Cable Television

	✓
	↓

7.1 DESIGN APPROVAL by State & Local Agencies

- A Central Water Supply (D.H.S.)
- B Individual Wells (D.H.S.)
- C Central Subsurface Sewage Disposal (D.H.S.)
- D Waste Water Discharge (D.E.P.)
- E Curb Cut (M.D.O.T. and/or Bar Harbor Public Work Dept)

	✓
	↓

MAPS & PLANS

8. Location Map (Location indicated on a USGS 7.5 minute map)

- Magnetic North
- Plan Preparation Date
- Graphic Scale
- Owner & Applicant Name/Address
- Designer, Surveyor, Engineer
- Name of each Municipality in which the development is located
- Tax Map & Lot Number(s)
- Land Use District(s)

✓	
↓	

9. SITE PLAN Scale not to Exceed 1"=40'

		Exhibit	Waiver
	<input type="checkbox"/> Magnetic North	✓	
	<input type="checkbox"/> Plan Preparation Date		
	<input type="checkbox"/> Graphic Scale		
	<input type="checkbox"/> Owner & Applicant Name/Address		
	<input type="checkbox"/> Designer, Surveyor, Engineer		
	<input type="checkbox"/> Name of each Municipality in which the development is located		
A	<input type="checkbox"/> Abutting Property owners with Book and Page References		
B	<input type="checkbox"/> Tax Map & Lot Number(s)		
C	<input type="checkbox"/> Land Use District(s)		
D	<input type="checkbox"/> Lot Line Dimensions (metes & bounds)		
E	<input type="checkbox"/> Lot Size in Square Feet		
F	<input type="checkbox"/> Locations of Lot Monumentations		
G	<input type="checkbox"/> Total Proposed Development Acreage		
H	<input type="checkbox"/> Remaining Undeveloped Land Retained		↓
I	<input type="checkbox"/> Lot Numbers		↓
J	<input type="checkbox"/> Lots Developed/Sold within Past 5 Years		↓
K	<input type="checkbox"/> Subdivisions within 200 ft. With Owners Names		↓
L	<input type="checkbox"/> Existing/Proposed Contours @ 5 or 10 ft. Intervals	✓	↓
M	<input type="checkbox"/> Items within 200 feet of the subject property:		↓
	<input type="checkbox"/> Buildings & Structures		↓
	<input type="checkbox"/> Streets (W/names)		↓
	<input type="checkbox"/> Sidewalks		↓
	<input type="checkbox"/> Easements		↓
	<input type="checkbox"/> Driveways, Entrances, Exits		↓
N	<input type="checkbox"/> Location of Existing & Proposed Buildings/Structures On Site		↓
O	<input type="checkbox"/> Distance between Proposed Buildings/Structures On Site		↓
P	<input type="checkbox"/> Utilities Locations - Existing/Proposed		↓
Q	<input type="checkbox"/> Sign Locations - Existing/Proposed		↓
R	<input type="checkbox"/> Open Drainage Courses, Wetlands, and Gravel Aquifers		↓
S	<input type="checkbox"/> Stone Walls, Graveyards, and Fences		↓
T	<input type="checkbox"/> Significant Wildlife Habitat or Spawning Grounds Locations (I.F.&W.)	✓	
U	<input type="checkbox"/> Rare & Irreplaceable Natural Areas Locations (Critical Areas Program)	✓	
V	<input type="checkbox"/> Historic & Archaeological Site Locations	✓	
W	<input type="checkbox"/> Wetlands & Waterbody Locations within 200' (regardless of size)	✓	
X	<input type="checkbox"/> Shoreline	✓	
Y	<input type="checkbox"/> 100 Year Flood Elevation	✓	
Z	<input type="checkbox"/> Portions of the Site Subject to Routine Flood/Standing Water	✓	
AA	<input type="checkbox"/> Lot Lines and Water bodies Setbacks	✓	
BB	<input type="checkbox"/> Fire Hydrants & Fire Ponds Existing/Proposed		✓
CC	<input type="checkbox"/> Fire/Emergency Equipment Site Access		✓
DD	<input type="checkbox"/> Easements/Access to Water Bodies Existing/Proposed		✓
EE	<input type="checkbox"/> Access Locations to Adjacent Undeveloped Land		✓
FF	<input type="checkbox"/> Recreation/Open Space Land Existing/Proposed		✓
GG	<input type="checkbox"/> Solid, Industrial, Chemical, Explosive or Hazardous Waste Locations		✓
HH	<input type="checkbox"/> Lot Coverage Calculations - Existing/Proposed	✓	
II	<input type="checkbox"/> Parking Locations with Dimension, Angles, Radii, etc		✓
JJ	<input type="checkbox"/> Subdivision Name		↓
KK	<input type="checkbox"/> Soil Test Pit Locations		↓

10. Medium Density Soil Survey -STAFF PROVIDED

Exhibit Waiver

11. LANDSCAPING, BUFFERING & SCREENING PLAN - EXISTING & PROPOSED

- Magnetic North
- Plan Preparation Date
- Graphic Scale
- Owner & Applicant Name/Address
- Designer, Surveyor, Engineer
- Tax Map & Lot Number(s)
- Land Use District(s)
- Name of each Municipality in which the development is located
- A Botanical & Common Names
- B Plant Locations & Size
- C Installation Schedule
- D Maintenance Plan
- E Vegetation Clearing Limits
- F Tree (8+'' d.b.h.) Locations

12. STREET, SIDEWALK & ACCESS PLAN

Construction Drawings Showing a Plan View, Profile, and Typical Cross Section of the following within 300' at 50' Intervals

- A Drainage Scheme at all Intersections Existing/Proposed
- B Intersections of Proposed Streets with Existing Streets
- C Access - Roadway/R.O.W. with Edge of Payment, Shoulders, Sidewalks and Curbs
- D Drainage Feature - Type, Size, Profile, Cross Section, and Inverts
- E Horizontal & Vertical Curve Data
- F Intersections - Turning Radii
- G Centerline Grade
- H Bearing, Distance, Tangent, Radii for All Street Lines
- I Location, Dimension, Grade, Radii of Accel and Decel Lanes
- J Design Details for Street Improvements
- K Travel Direction
- L Crosswalk Locations
- M Street Names

13. E-911

- Street Name Certification by Addressing Officer

14. PHOTOGRAPHS (All pictures must be labeled with a description)

- A Town's Aerial Photograph
- B Pictorial of Site from Public Ways, Site Location (N,S,E,W)
 - Existing Improvements within 200'
 - Existing Vegetation within 200'
 - Other Physical and Natural Features within 200'

15. SUBSURFACE WASTEWATER DISPOSAL

- A HHE 200 Forms
- B Cumulative Impact Assessment

24. TECHNICAL & FINANCIAL CAPACITY

- A Cost Estimate
- B Financing Arrangements
- C Curriculum Vita of Each Professional Assoc With Project
- D Descriptions of Similar Project by Developer

Exhibit	Waiver
✓	
	↓
	↓
	↓

25. BUSINESS OPERATIONS

- A Operating Statement & Mitigation Plan
- B Employment & Operation Hours Projections
- C Operator Information (if not owner)

	✓
	↓
	↓

26. MINING

- A D.E.P. Permit where Applicable
- B Extraction Plan
- C Restoration Plan
- D Performance Guarantee for Restoration Plan
- E Washing Operation Plans
- F Evidence of Insurance

	✓
	↓
	↓
	↓
	↓
	↓



G.F. Johnston & Associates
Consulting Civil Engineers

Exhibit 1.B

Property Owner's Name/Address



G.F. Johnston & Associates
Consulting Civil Engineers

Exhibit 1.C

Applicant's Name/Address



G.F. Johnston & Associates
Consulting Civil Engineers

Exhibit 1.D

Project Representative's Name/Address

JAD Holdings, LLC
19 MAIN STREET
BAR HARBOR, MAINE 04609

This letter serves as authorization for G.F. Johnston & Associates to act on behalf of JAD Holding, LLC regarding all State, Municipal, and Federal permitting procedures. This authorization includes, but is not limited to, filing applications, exhibits and representation at meetings with regard to permitting associated with property located in Bar Harbor, Maine.



Signature

PRE

Title

12/30/15

Date



G.F. Johnston & Associates
Consulting Civil Engineers

Exhibit 1.E

Abutters Name & Address within 300 ft. of Property Lines

[print this list](#)

Abutters List

Date: February 25, 2016

Subject Property Address: 111 EDEN STREET Barharbor, ME
Subject Property ID: 101-004-000

Search Distance: 300 Feet

Prop ID: 101-003-000
Prop Location: 111 EDEN STREET Barharbor, ME
Owner:
Co-Owner:

Prop ID: 101-005-000
Prop Location: 105 EDEN STREET Barharbor, ME
Owner: COLLEGE OF THE ATLANTIC

Prop ID: 101-003-001
Prop Location: 111 EDEN STREET #1 Barharbor, ME
Owner: BAYVIEW HOTEL INC

Prop ID: 101-013-000
Prop Location: 96 EDEN STREET Barharbor, ME
Owner: MEGQUIER, GLENN ALLYN
Co-Owner: MEGQUIER, ESTELLE MARIE

Prop ID: 101-011-000
Prop Location: 100 EDEN STREET Barharbor, ME
Owner: WITHAM FAMILY LIMITED PARTNERSHIP

Prop ID: 101-012-000
Prop Location: 98 EDEN STREET Barharbor, ME

Owner: A D C ENTERPRISES LLC

Prop ID: 101-001-000
Prop Location: 119 EDEN STREET Barharbor, ME
Owner: WITHAM FAMILY LTD PARTNERSHIP
Co-Owner: ATLANTIC OCEANSIDE

Prop ID: 101-002-000
Prop Location: 119 EDEN STREET Barharbor, ME
Owner: WITHAM FAMILY LTD PARTNERSHIP
Co-Owner: ATLANTIC OCEANSIDE



G.F. Johnston & Associates
Consulting Civil Engineers

Exhibit 1.G



Attachment 1- Activity Description

The project is the construction of a residential pier. The fixed portion of the pier is 105' long, with a 50 foot seasonal ramp and a 55' fixed section. Following the fixed portion there is a 50 foot ramp and 16 foot x 24 foot float. The property has 260 feet of shore front though the shore and water is inaccessible. The waterfront is lined with sheer cliffs, greater than 20 feet high. The beach and water are presently un-accessible without the construction of some means structural improvements. The pier will permit the owners and their guests to access the water directly from their property. The owners have a sail boat which the currently do not have a permanent place to tie up to.

The pier is designed at length to provide the minimum depth of 4 feet at low water. The project site is in and amongst an area of existing waterfront development. North of the property there is a hotel, and a commercial pier. Two parcels north the former blue nose ferry terminal exists. The proposed pier is significantly smaller in all dimensions than the marine structures adjacent to the site.

Figure 1

Pier Component	Dimension	Description
Fixed Length		
First Ramp / Sloped Walk	50 ft x 5 Wide	Welded Aluminum –Narrow Gauge Rail
Fixed Pier	55 ft x 5 ft Wide	Welded Aluminum –Narrow Gauge Rail
Structural Support	1 – 10 ft x 10 ft and 1-12'x12 ft Granite Base Stones	Open Stacked Granite Crib
Seasonal		
Ramp	50 ft L x 4' W	Welded Aluminum –Narrow Gauge Rail anodized Aluminum to dull gray surface
Float 1	24 ft L x 16 ft W	Used to reach depth of 4 ft of water in lieu of larger fixed portion

The beach area is comprised of jagged rocks and cobbles. During low tide we investigated the areas to determine the best location for the crib supports. The crib areas were chosen onsite where simply no rock weed or other habitat was present in the intertidal area. The land access to the pier is through an old foot path that requires no trees to be removed for access, though the footpath itself will be improved.



Attachment 2- Minimization and Avoidance

The following descriptions have been divided into subcategories of planning and design considerations that were used in order to minimize and avoid impacts.

Siting of the Pier

The location was chosen where access from land was least intrusive. There exists on shore an old wooden platform that a foot path navigates to. The pier is planned in this area of existing development avoiding tree clearing necessary for access. The cribs were planned to minimize impacts. A scuba diver was hired and we explored the options for setting of stones. The most landward crib avoids any rock weeds or other habitat growth. The outer crib is nestled north of a slightly submerged outcrop, and sited on a level, stone cobble area. The diver were able to verify that no eel grass or other intertidal resources were in the area planned for the pier. By thorough onsite investigation of the site impacts have been minimized.

Size of the Pier.

The length of the pier was designed to be no longer than necessary to provide water access. Four feet of water at low tide is planned, which is several horizontal feet less than the generally desirable 6 foot water mark. It was determined that for kayaking and access for the owners current 26 foot sailboat that 4 feet would suffice. It is important to note that the water front for the property is presently not accessible due to the high stone cliffs. Simply reaching the water will transform the experience of being onsite. The access provided even with a relatively small pier is a vital addition to the property as a whole. The pier design combines varying lengths of ramp and floats in lieu of a longer fixed portion to reach the useable depth of water. The geometry of proposed pier has been designed to minimize impacts to the subtidal zones. The length of the pier has been planned in a manner to minimize impacts while meeting the projects intent.

Height of the Pier

Best Management Practices for pier construction is to elevate the pier to minimize effects of shadowing. *Burdick and Short* developed studies at the University of New Hampshire recommending that 9" of height should be added to a piers height above the water surface for each 10 degree increment a pier is off a northerly orientation. The proposed pier orientation is North 40 degrees East. The BMP for this orientation includes the addition at least 36" of space between the deck surface and water. The proposed deck surface is over 60" above the Highest Annual Tide (HAT). Shadowing effects have been minimized by the height of the pier decking.

Material Selection

The pier decking and float will be constructed of non CCA treated lumber. The lumber will be air cured on land a minimum of 30 days prior to installation onsite. This process will eliminate hazards associated with leachate from preservative treated lumber.

Visual and Aesthetics

From both the landward and seaward perspectives the visual impacts of the pier have been minimized. No new openings or shoreline access points will need to be developed with the proposed project location. The proposed pier pales in comparison to the scale and visual effects of the marine structure to the North. The



area to the North is a ferry terminal. The scale and size of this pier project does not overshadow or crowd in scale the nature or aesthetics of adjacent properties. See attached photo of site surrounding area.

The length of the pier is less than the piers adjacent to the project site. This pier will project less into the harbor than the adjacent structures. From the aerial overlay it is clear to see that this pier is not unusual in size or uncommon in character for the area.

In order to reach the useable depth of water lower profile extensions of seasonal structures were chosen over additional fixed structures. The combination of floats that are closer to the water surface allows the entire structure to maintain a lower profile while providing deeper water access.

The pier support of granite blocks is compatible with the stone cliffs in the backdrop and other piers in the area. The color of the cliffs are a mid to dark shade of gray. Gray granite stone has been specified on the plans to allow the pier supports to blend with the background form. Upon closer inspection of the natural stone backdrop linear fracture lines are present. The lines of the stacked granite exhibit some of the same visual linear form as the natural stone cliff facing. The granite blocks will weather with time and further become part of the backdrop.

The floats for the pier will not be dragged onto the shore for storage. The floats will be towed by barge and stored offsite. The removal of the floats from the shoreline removes any potential impacts from them being pulled up the shore. Their absence for 7 months out of the year removes the floats from the field of view for majority of the season.

Alternative Analysis

Use of Town Pier

The use of the Town Landing was investigated. A letter response from the Town Harbor Master Charles Phippen indicates that there is currently no space available for moorings or dock space. Municipal Code Chapter 153 Section 17 Prohibits tie up to the floats at the Town dock greater than 15 minutes. We have attached a letter from the Harbor Master that details a lack of space for new boats, a lack of parking and an undefined wait limit on new moorings.

Temporary Float System – A temporary float system was considered as a possible alternative. The area for the pier is designated as zone VE 19. A temporary float system would incur greater impacts due to shading and constant re-suspension of sediments from the bottom. A float system would be subject to heavy wind and waves and subsequent pounding on the beach rocks. Due to the repeated damage to the seafloor and potential to become moveable navigational hazard a temporary float system was not chosen as an alternative.

Pulley System – A dinghy pulley system to a mooring is not feasible. The pulley system during non use times floats rope within inches of the water surface. The pulley system ropes extending from land to sea are impossible to see in even good weather. The ropes are prone to tangling in propellers and keels.



Preferred Alternative- The option of building a dock was chosen. The homeowners will be able to access this pier by foot through existing paths. The pier is located in an area of previous disturbance. The granite support is compatible with the surround environment, takes into consideration the presence of shallow ledge conditions and is least impact of the alternatives. The preferred alternative provides access to the water for this water front property. This option is accessible by people of all ages and abilities. The planning for, material specifications and design for the pier has minimized impacts to the surrounding area to the greatest practical extent in order to serve the project needs.



1. There will be a pre-construction meeting where contractor is given a copy of the permit application materials and conditions of local state and federal permits.
2. A staging area for tools and materials will be made in the owner's driveway. Erosion control will be installed.
3. The pier sections will be constructed offsite and barged to the site.
4. The granite blocks will be cut to size, assembled and numbered at the quarry. The stones will be delivered to the site by barge and set with a crane or excavator.
5. The area directly adjacent to each crib support will be covered by rubber mats if used for staging. The mats will protect the beach from impacts during stacking of the blocks, staged to be set.
6. Each block will be set on top of the next and pinned with 1-1/4" diameter stainless steel pins. Successive blocks will alternate direction to form open cribbing.
7. Pier sections will be barged to site and set on top of completed cribs.
8. Seasonal ramps and floats will be barged to site.
9. Cleaning of equipment will be made offsite and will not occur on the barge, on the shoreline or within the project site. All equipment maintenance will occur at the shop and will not occur onsite.



The specifications for Erosion Control for the Pier project are part of the contract documents. All specifications for protection of erosion are made part of the owner's contract with the pier contractor. The installation of the pier will comply with the standards below and Maine DEP Best Management Practices. The onsite activities will be monitored by a Registered Engineer to ensure these standards are met. The property owner has engaged the services of a qualified professional to oversee the construction of the pier. All standards and specifications contained in this application shall be made part of the conditions of any permit issued under this permit application.

1. The site will be accessed by barge. There is a 30 foot high vertical stone cliff landward of the proposed pier.
2. Foot traffic from land only in established paths. No vegetation clearing that would result in erosion shall occur with the construction of the pier.
3. Silt Fence and a woodchip barrier will be placed along shore line down gradient of any activity that may disturb soil. This includes protection of any material stock pile areas that are used on land. Any soils disturbed in upland areas must be seeded and mulched.
4. The cleaning of equipment shall be made offsite and shall not occur on the barge or shoreline.



G.F. Johnston & Associates
Consulting Civil Engineers

Exhibit 1.H

Written Authorization for Town Official Access



2. Copy of Receipt § 125-66 B.

- A. Administrative Fee – The applicants have paid all applicable fees set forth in § 125-65. A receipt for this transaction has been included with the application package.

- B. Evidence of Ordinance and Regulation Compliance – Town Staff has made the determination that the project parcel is in compliance with all applicable local codes. Staff provided.

JAD Holding
LLC

MISCELLANEOUS PAYMENT RECPT#: 309123
TOWN OF BAR HARBOR
93 COTTAGE STREET
BAR HARBOR ME 04609

DATE: 03/02/16 TIME: 16:27
CLERK: lfrost DEPT:
CUSTOMER#: 0

PARCEL: 101-4

CHG: SITEPL SITE PLAN REVIE 1141.00

AMOUNT PAID: 1141.00

PAID BY: G F JOHNSTON & ASSOC
PAYMENT METH: CHECK
2028
REFERENCE: SP-2016-2

AMT TENDERED: 1141.00
AMT APPLIED: 1141.00
CHANGE: .00

2A



TOWN OF BAR HARBOR
Code Enforcement Division

93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tele. 207-288-3329 Fax 207-288-3032
E-Mail: ceo@barharbormaine.gov

Angela M Chamberlain

Code Enforcement Officer
Plumbing Inspector
Electrical Inspector
Building Inspector

MEMORANDUM:

To: SP-2016-02 File

From: Angela M Chamberlain, Code Enforcement Officer *AV*

Date: March 3, 2016

Subject: Ordinance & Regulation Compliance

~~~~~

This letter will confirm that after reviewing our violation files and the plans submitted, it does not appear that there are any outstanding violations of the Bar Harbor Land Use Ordinance at the property located at Bar Harbor Tax Map 101, Lot 004-000 to the best of my knowledge.



### 3. Title and Interest § 125-66 C.

- |                                              |                    |
|----------------------------------------------|--------------------|
| A. Current Deed                              | - Attached         |
| B. Purchase and Sale Agreement               | - Waiver Requested |
| C. Easements, Deed Restriction, R.O.Ws, etc. | - Waiver Requested |
-



G.F. Johnston & Associates  
*Consulting Civil Engineers*

**Exhibit 3.A**  
**Current Deed**



OR BK 6380 PGS 73 - 76  
INSTR # 2015004763  
HANCOCK COUNTY, ME

04/24/2015 09:41 03 AM  
JULIE A. CURTIS  
REGISTER OF DEEDS

### QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS, that **A.B. Davis Limited Liability Company**, a Maine Limited Liability Company, with a mailing address of 19 Main Street, Bar Harbor, ME 04609, for consideration paid, **GRANTS** to **JAD Holdings, LLC**, a Maine Limited Liability Company, with a mailing address of 19 Main Street, Bar Harbor, ME 04609, with QUITCLAIM COVENANT, a certain lot or parcel of land, together with any improvements thereon, situated in the Town of Bar Harbor, County of Hancock, State of Maine, described in Exhibit A incorporated hereto and made a part hereof.

Together with all rights, easements, privileges and appurtenances belonging to the granted estate.

The said A.B. Davis Limited Liability Company has caused this instrument to be signed in its corporate name by Arthur B. Davis, its Manager hereunto duly authorized this 15 day of APRIL, 2015.

A.B. Davis Limited Liability Company

By:   
Arthur B. Davis  
Its Manager, Duly Authorized

STATE OF MAINE  
COUNTY OF HANCOCK

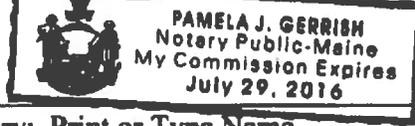
April 15, 2015

Personally appeared before me, the above-named Arthur B. Davis, the Manager of A.B. Davis Limited Liability Company, duly authorized, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the A.B. Davis Limited Liability Company.

Before me,



Notary Public



**SEAL**

Notary: Print or Type Name

My Commission Expires:

### EXHIBIT A

A certain lot or parcel of land situated in the Town of Bar Harbor, Hancock County, Maine, being all and the same premises described as conveyed in the Quitclaim Deed with Covenant from Teresa Fabbri McMurtry to John A. Davis, Jr. and Agnes B. Davis, dated December 7, 1968 and recorded in the Hancock County Registry of Deeds in Book 1072, Page 595, as follows:

“two certain lots or parcels of land together with the buildings thereon situated in the Town of Bar Harbor, Hancock County, Maine, bounded and described as follows, to wit:

FIRST LOT: All and the same land described as conveyed in a deed from Clarence S. Wadsworth to George G. McMurtry dated June 24, 1930, and recorded in the Hancock County, Maine, Registry of Deeds in Book 629, Page 466, said lot of land being described in said deed as follows:

‘Beginning on the east line of Eden Street at the northwest corner of land formerly of A. C. Gurnee; thence north thirty five degrees, thirty minutes west (N. 35° 30' W) but always following said Eden Street, one hundred and sixty three and five tenths feet (163.5) more or less to the southwest corner of land now or formerly of Phillips; thence north sixty degrees East, but always following said land formerly of Phillips, three hundred and thirty and forty two one hundredths feet (330.42) more or less to land formerly of Clara L. Walley; thence on the same course, but always following said land formerly of Walley, four hundred and forty seven and seventy eight one hundredths feet (447.78) more or less, to high water mark of Frenchman's Bay; thence in a southeasterly direction, but always following the high water mark of said Bay to said land formerly of Gurnee; thence southwesterly by said land formerly of Gurnee; south sixty two degrees, fifteen minutes west (S 62° 15' W) but always following said land formerly of Gurnee, eight hundred and thirty nine and eighty three one hundredths feet (839.83) more or less, to the point of beginning or first bounds, containing one and twenty-six one-hundredths hectares (1.26 hec.) more or less, three and twelve one hundredths acres (3.12) more or less.’

‘SECOND LOT: All and the same land described as conveyed in a deed from Clarence S. Wadsworth to George G. McMurtry dated June 24, 1930, and recorded in said Registry in Book 629, Page 465, said lot of land being described in said deed as follows:

‘The shore or flats adjacent to my upland property by me this day conveyed to the said Major McMurtry, along the shore of Frenchman's Bay (so-called); which lot or parcel of shore and flats is bounded and described as follows, to wit:

On the north one hundred and ten feet (110.), more or less, by the southerly line of the shore and flats adjacent to and in front of the upland formerly of Helene W. Harrison (formerly Helene Walley); on the east by the line of low water mark of said Bay; on the south one hundred and seventy one feet (171.) more or less, by the north line of the shore and flats adjacent to and in front of the upland now or formerly of Augustus C. Gurnee; on the west by the line of high water mark of said Bay, and following and bounding upon the aforesaid upland by me this day conveyed. The said lot, or parcel, of shore and flats being two hundred feet (200.) more or less in length, and containing twenty-eight hundredths (.28) of a hectare, more or less, being seven (7) square chains (0.7 ± acres), more or less.

'This tract however, is conveyed subject to the rights of the Public in and to the shore and flats. For my record title see County of Hancock Book, 400, Page 58, and Vol. 479, page 223.'

The said George G. McMurtry died testate and a resident of Bar Harbor, Maine on November 22, 1958. His will was admitted to Probate by the Probate Court for Hancock County, Maine on January 6, 1959. An abstract of his will is recorded in the Registry of Deeds in Book 832, Page 145. In Article Second of his will the Testator devised all of his real estate located in Bar Harbor, Maine, to his wife, Teresa Fabbri McMurtry, the grantor herein.'

Reference to a Quitclaim Deed with Covenant from Doreen Davis Owen, f/k/a Doreen B. Davis to A.B. Davis Limited Liability Company dated October 5, 2001 and recorded in the Hancock County Registry of Deeds in Book 3522, Page 184.

(4)

Ret: M. Ross L.O.



#### 4. Legal Documents § 125-66 D.

- |                                                              |                           |
|--------------------------------------------------------------|---------------------------|
| A. Proposed Easements, Covenants, Agreements, etc.           | - <i>Waiver Requested</i> |
| B. Proposed Deed for Roads or Other Property to be dedicated | - <i>Waiver Requested</i> |
| C. Proposed Performance and Plant Maintenance Guarantees     | - <i>Waiver Requested</i> |
| D. For condominiums proposed declaration, By Laws, etc.      | - <i>Waiver Requested</i> |
| E. Site Restoration Guarantee                                | - <i>Waiver Requested</i> |



**5. Permits § 125-66 E.**

- A. Army Corp of Engineers      - *Pending*
- B. Maine D.E.P                      - *Pending*
- C. Other                                 - *Waived*

State and Federal Permits are pending at the above mentioned regulatory agencies. We request that any decision the Board may grant may be conditional upon receipt of other required permits



**6. Statements of Capacity & Design § 125-66 F.**

- A. Police                      - *Staff Provided*
- B. Public Works           - *Staff Provided, Attached Harbor Committee Minutes and Correspondence*
- C. Sewer                     - *Staff Provided*
- D. Schools and Busing   - *Attached*
- E. Water                     - *Staff Provided*

Harbor Committee meeting – February 16, 2016

Meeting was called to order by the chairman, Jon Carter, at 4:00 P.M.

Members present: Ron Landis, Jon Carter, Lynne Williams, Sherry Rasmussen and Gary Fagan. Staff: Charlie Phippen. Visitor: GF Johnson, engineer for pier and dock.

- The minutes for previous meeting were approved as written
- The agenda was adopted with additions: fishermen's hoist charges -- local and others.

Old Business:

- Update of fishermen's hoist:
  - Hoist will be completed by spring.
  - Fishermen will pay for the hoist and donate it to the town.
  - Expected cost per local fisherman will be \$50.00, but this will be set later, after all the bills are presented.
- Continued discussion on town pier regarding pedestrian safety, etc.:
  - Charlie will erect signs covering safety issues, to increase awareness among members of the public.

New Business:

- Harbor committee review of plans for a proposed pier and float at 111 Eden Street, Bar Harbor:
  - The pier will not hinder boat traffic, egress or regress, nor interfere with access to hotel pier.
- Open discussion:
  - Fees with regard to cost of pier and hoist.

Items for next meeting:

- None presented.

It was moved by Landis and seconded by Williams to adjourn at 4:55 P.M

Respectfully submitted,

  
Ron Landis

2 pages of reference for the pier, attached

Charles A. Phippen  
Harbor Master  
1 Town Pier  
Bar Harbor, Maine 04609



(207) 288-5571  
FAX 288-1034  
VHF 16 & 09  
bhhmaster@barharbormaine.gov

Greg Johnston P.E.  
P.O. Box 197 58 Hillcrest Suite #2  
Southwest Harbor, ME 04679

January 25, 2016

Dear Greg,

I am writing this letter to acknowledge that I have visited the site of the proposed pier at 111 Eden Street in Bar Harbor and I have reviewed the construction drawing that you provided me. In general, as an initial comment on the proposed pier and location, I don't foresee any negative impacts on other marine related operations that occur in the vicinity. Specifically, in response to the three questions which you posed to me in your email, I offer the following:

1. There are no Town owned permanent slips available for vessels.
2. There is a mooring waitlist for new applicants in the downtown inner harbor, the wait time depends on the length of the vessel and use, whether commercial or recreational. The wait time can be expected to be years and is based on many factors including vehicular parking and the availability of space for dinghies associated with accessing moorings.
3. The area where the proposed pier is to be built would be available for establishing a private, single point mooring.

The subject of the proposed pier at 111 Eden Street will be placed on the agenda for the next scheduled Harbor Committee meeting. Minutes from that meeting will be available shortly thereafter for inclusion in your permitting applications.

I hope you find this information helpful and please don't hesitate to contact me if I can be of further assistance.

Sincerely,

*C.A. Phippen*  
Charles A. Phippen  
Harbormaster, Town of Bar Harbor



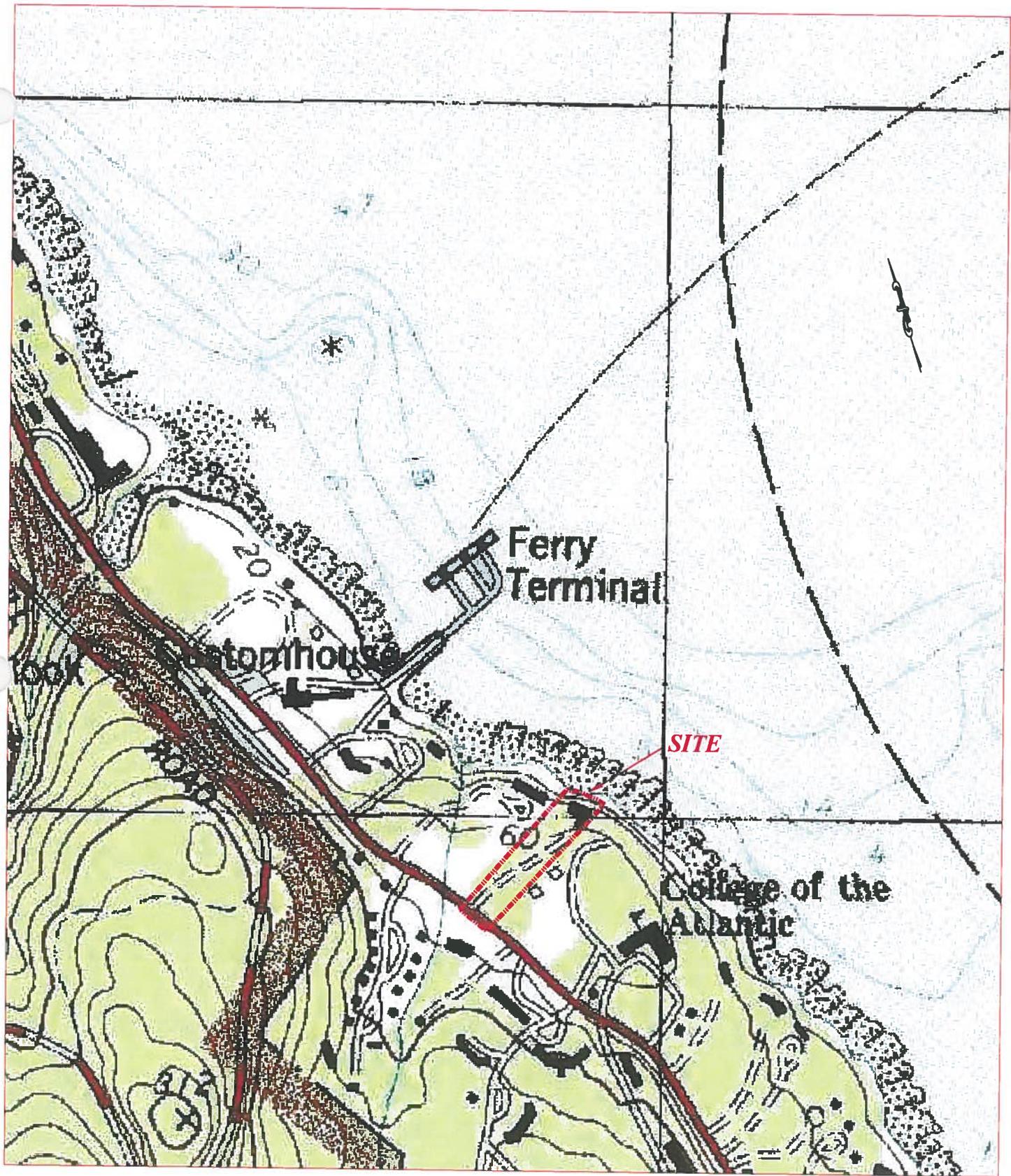
## 7. Detailed Design Plans § 125-66 G.

- A. Public Water Supply - *Waiver Requested*
- B. Central Public Water Supply - *Waiver Requested*
- C. Individual Well - *Waiver Requested*
- D. Fire Hydrants, Dry Hydrants, and Fire Ponds - *Waiver Requested*
- E. Central Subsurface Wastewater System - *Waiver Requested*
- F. Shared Subsurface Wastewater System - *Waiver Requested*
- G. Stormwater Disposal System - *Waiver Requested*
- H. All Other Utilities, Incl. Gas, Electricity, and Cable Television - *Waiver Requested*

### 7.1 Design Approval by D.H.S. or D.E.P. § 125-66 H.

- A. Central Private Water Supply (D.H.S) - *Waiver Requested*
- B. Individual Wells (D.H.S) - *Waiver Requested*
- C. Central Subsurface Sewage Disposal (D.H.S.) - *Waiver Requested*
- D. Wastewater Discharge License (D.E.P.) - *Waiver Requested*
- E. Curb Cut (M.D.O.T and/or Bar Harbor Public Work Dept.) - *Waiver Requested*





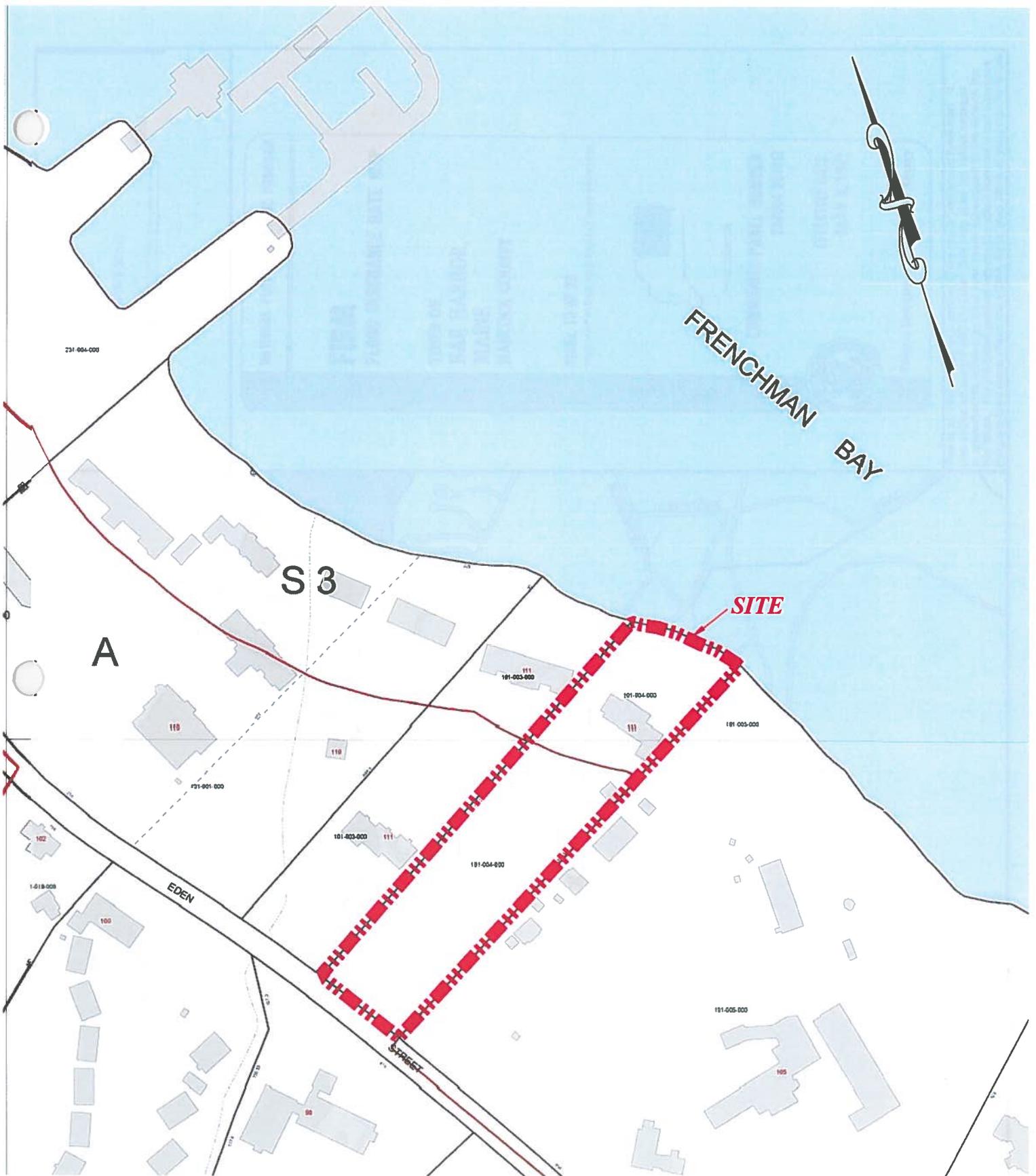
SCALE: 1" = 600'

**G.F. Johnston & Associates**



Consulting Civil Engineers  
P.O. Box 197  
Southwest Harbor, Maine 04679  
207-244-1200

**PROJECT: 111 EDEN STREET  
PORTION OF BAR HARBOR QUADRANGLE EXHIBIT  
BAR HARBOR, MAINE**



PORTIONS OF TAX MAPS 100, 101 AND 231

SCALE: 1" = 200'

**G.F. Johnston & Associates**



Consulting Civil Engineers  
 P.O. Box 197  
 Southwest Harbor, Maine 04679  
 207-244-1200

**PROJECT: 111 EDEN STREET  
 PORTION OF BAR HARBOR TAX MAP 101  
 BAR HARBOR, MAINE**



SCALE: 1" = 700'

**G.F. Johnston & Associates**



Consulting Civil Engineers  
P.O. Box 197  
Southwest Harbor, Maine 04679  
207-244-1200

**PROJECT: 111 EDEN STREET  
USES WITHIN A HALF MILE  
BAR HARBOR, MAINE**



## 9. Maps & Plans § 125-66 J.

A ledger sized copy of the Site Plan has been included in this exhibit. The ledger sized plan is not to scale. A plan sized, scaled version of the site plan has been included at the end of this binder.

|                                                                     |                                |
|---------------------------------------------------------------------|--------------------------------|
| A. Abutting Property owners with book & page References             | - On Site Plan                 |
| B. Tax Map & Lot Numbers                                            | - On Site Plan                 |
| C. Land Use District                                                | - On Site Plan                 |
| D. Lot Line Dimesions (metes & bounds)                              | - On Site Plan                 |
| E. Lot Size in Square Feet                                          | - On Site Plan (112,820 sq ft) |
| F. Locations of Lot Monumentations                                  | - On Site Plan                 |
| G. Total Proposed Development Acreage                               | - On Site Plan                 |
| H. Remaining Undeveloped Land Retained                              | - Waiver Requested             |
| I. Lot Numbers                                                      | - Waiver Requested             |
| J. Lots Developed/Sold within the Past 5 Years                      | - Waiver Requested             |
| K. Subdivisions within 200 ft. With Owners Names                    | - Waiver Requested             |
| L. Existing/Proposed Contours at 5 or 10 ft. Intervals              | - On Site Plan                 |
| M. Items within 200' of the subject property                        | - Waiver Requested             |
| N. Location of Existing and Proposed Buildings/Structures On Site   | - Waiver Requested             |
| O. Distance between Proposed Buildings/Structures On Site           | - Waiver Requested             |
| P. Utilities Locations - Existing/Proposed                          | - Waiver Requested             |
| Q. Sign Locations – Existing/Proposed                               | - Waiver Requested             |
| R. Open Drainage Courses, Wetlands, and Gravel Aquifers             | - Waiver Requested             |
| S. Stone Walls, Graveyards, and Fences                              | - Waiver Requested             |
| T. Significant Wildlife Habitat                                     | - Attached                     |
| U. Rare and Irreplaceable Natural Areas                             | - Attached                     |
| V. Historic and Archaeological Site Locations                       | - Attached                     |
| W. Wetlands & Water body Locations within 200' (regardless of size) | - Attached                     |
| X. Shoreline                                                        | - Attached                     |
| Y. 100 Year Flood Elevation                                         | - Attached                     |
| Z. Portions of the Site Subject to Routine Flood/Standing Water     | - Attached                     |
| AA. Lot Lines and Water bodies Setbacks                             | - Attached                     |
| BB. Fire Hydrants and Fire Ponds Existing/Proposed                  | - Waiver Requested             |
| CC. Fire/Emergency Equipment Site Access                            | - Waiver Requested             |
| DD. Easements/Access to Water Bodies Existing/Proposed              | - Waiver Requested             |
| EE. Access Locations to Adjacent Undeveloped Land                   | - Waiver Requested             |
| FF. Recreation/Open Space Land Existing/Proposed                    | - Waiver Requested             |
| GG. Solid, Industrial, Chemical, Explosive or Hazardous Waste Loc.  | -Waiver Requested              |
| HH. Lot Coverage Calculations – Existing/Proposed                   | - On Site Plan                 |
| II. Parking Locations with Dimension, Angles, Radii, etc.           | - Waiver Requested             |
| JJ. Subdivision Name                                                | - Waiver Requested             |
| KK. Soil Test Pit Locations                                         | - Waiver Requested             |









PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF  
INLAND FISHERIES & WILDLIFE  
284 STATE STREET  
41 STATE HOUSE STATION  
AUGUSTA ME 04333-0041

CHANDLER E. WOODCOCK  
COMMISSIONER

January 13, 2016

Frank Vickerson  
G.F. Johnston & Associates  
470 Main Street, P.O. Box 197  
Southwest Harbor, ME 04679

**RE: Information Request - Eden Street proposed pier, Bar Harbor**

Dear Frank:

Per your request received January 08, 2016, we have reviewed current Maine Department of Inland Fisheries and Wildlife (MDIFW) information for known locations of Endangered, Threatened, and Special Concern species; designated Essential and Significant Wildlife Habitats; and fisheries habitat concerns within the vicinity of the *Eden Street proposed pier Project* in Bar Harbor.

Our information indicates no locations of Endangered, Threatened, or Special Concern species within the project area. Additionally, our Department has not mapped any Essential Habitats or fisheries habitats that would be directly affected by your project.

Findings for each category of protected resource are specified below.

***Significant Wildlife Habitat***

**Tidal Waterfowl and Wading Bird Habitats**

The project area is located within a Tidal Waterfowl and Wading Bird Habitat (TWWH). This area is important for wading birds, waterfowl and shorebirds. We recommend that tree and vegetation cover be maintained, that no tree or shrub clearing should be permitted outside of the actual work area, and machinery access be minimized. In addition, to eliminate impacts to migrating shorebirds during project construction, we recommend that construction on this project should not occur between May 1 and June 20 or between August 1 and October 1, which are critical time periods for migrating shorebirds. Please contact MDIFW Region C wildlife biologist Tom Schaeffer (207-434-5927) for further guidance to minimize the impacts to this important habitat throughout the design phase of this project.

This consultation review has been conducted specifically for known MDIFW jurisdictional features and should not be interpreted as a comprehensive review for the presence of other regulated features that may occur in this area. Prior to the start of any future site disturbance we recommend additional consultation with the municipality, and other state resource agencies including the Maine Natural Areas Program and Maine Department of Environmental Protection in order to avoid unintended protected resource disturbance.

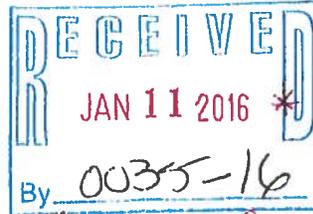
Letter to Frank Vickerson  
Comments RE: Bar Harbor, Eden Street proposed pier  
January 13, 2016

Please feel free to contact my office if you have any questions regarding this information, or if I can be of any further assistance.

Best regards,

A handwritten signature in black ink, appearing to read "John Maclaine". The signature is fluid and cursive, with the first name "John" being more prominent than the last name "Maclaine".

John Maclaine  
Environmental Review Biologist



January 6, 2016

Robin K. Reed  
 Maine Historic Preservation Commission  
 55 Capital Street  
 65 State House Station  
 Augusta, Maine 04333

RE: JAD Holdings LLC  
 111 Eden Street  
 Bar Harbor, ME 04609

Dear Mr. Shettleworth:

In accordance with MDEP and Army Corp requirements we are requesting your office review the proposed location of a residential pier in Bar Harbor for compliance with the National Historic Act. The owners of the property wish to construct a pier.

*Preservation*

The proposed pier will not affect the architecture of the existing home.

A letterhead response by email (greg@gfjcivilconsult.com) or fax (207-244-1200) is appropriate. We thank you in advance for your consideration of this request.

We have attached a tax map and USGS map to assist in your review. If you have any questions do not hesitate to call.

| MAP / LOT   | STRUCTURE                 | YEAR BUILT                  |
|-------------|---------------------------|-----------------------------|
| 101-012-000 | Commercial Hotel          | 1995                        |
| 101-005-000 | Commercial - College      | 1880 - renovated 2006 -2015 |
| 101-003-000 | Commercial Hotel & Condo- | 1984 & 1986                 |

Sincerely,

*Frank M. Vickerson*  
 Frank Vickerson  
 G.F. Johnston & Associates

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

*Kirk F. Mohnney*

Kirk F. Mohnney,  
 Deputy State Historic Preservation Officer  
 Maine Historic Preservation Commission

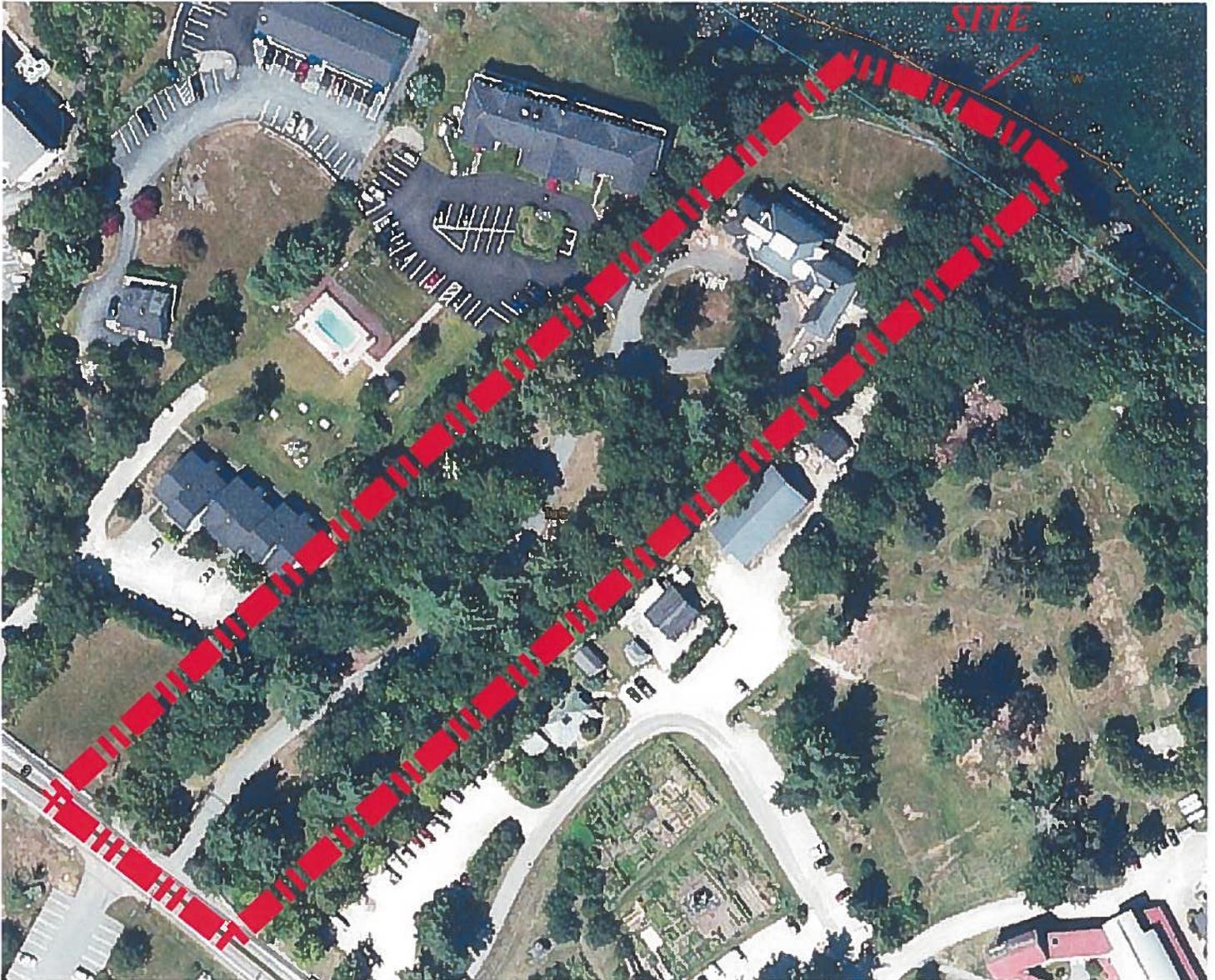
*2/18/16*  
 Date



### **10. Medium Density Soil Survey § 125-66 J. (15)**

A Medium Density Soil Survey is included in this section of the application. – *Attached*

The landing of the pier is on exposed ledge. Similar structures on adjacent sties slopped that the soils are suitable for the intended use. .



SCALE: 1" = 200'

**G.F. Johnston & Associates**



Consulting Civil Engineers  
P.O. Box 197  
Southwest Harbor, Maine 04679  
207-244-1200

**PROJECT: 111 EDEN STREET  
PORTION OF USDA SOIL MAP  
BAR HARBOR, MAINE**

### **TuC—Tunbridge-Lyman complex, 8 to 15 percent slopes**

This strongly sloping unit is on the side slopes of upland glacial till ridges. Slopes are mainly smooth and convex, but a few areas are complex. Areas are irregularly shaped and range from 3 to 50 acres.

This unit consists of about 50 percent moderately deep, well drained Tunbridge soils; 30 percent shallow, somewhat excessively drained Lyman soils; and 20 percent other soils.

Typically, the surface layer of the Tunbridge soil is dark brown, fine sandy loam about 6 inches thick. The subsoil is 9 inches thick. It is yellowish red fine sandy loam in the upper part and yellowish brown to light olive brown fine sandy loam in the lower part. The substratum is olive brown fine sandy loam. Hard bedrock is at a depth of 29 inches.

Typically, the surface layer of the Lyman soil is dark brown, fine sandy loam about 5 inches thick. The subsoil is 12 inches thick. It is dark brown fine sandy loam in the upper part and dark yellowish brown gravelly fine sandy loam in the lower part. Hard bedrock is at a depth of 17 inches.

Included with this unit in mapping are areas of well drained Marlow soils; moderately well drained Dixfield soils; moderately deep, moderately well drained, loamy till soils; and deep, friable, well drained, loamy till soils between the ridges of Tunbridge and Lyman soils. These areas make up about 15 percent of the mapped

acreage. Also included are somewhat poorly drained Colonel soils and poorly drained Brayton soils in depressions and drainageways, and a few inclusions of very shallow, excessively drained Schoodic soils and rock outcrop on the crests of the ridges. These areas make up about 5 percent of the mapped acreage.

Depth to bedrock is 10 to 20 inches in the Lyman soils and 20 to 40 inches in the Tunbridge soils. Permeability is moderately rapid for Lyman soils and moderate or moderately rapid for Tunbridge soils. The available water capacity is moderate for the Tunbridge soils and low to very low for the Lyman soils. Surface runoff is moderate to rapid on both soils, depending on slope. Rooting depth is restricted by the depth to bedrock, especially in the Lyman soils.

This unit is used mainly for hay and pasture. A few areas are used as sites for residential development, wild blueberry production, woodland, and cropland.

This unit is fairly well suited for cropland. The main limitations are slope and erosion hazard and the droughtiness of Lyman soils. Erosion control measures such as conservation tillage, contour farming, and strip cropping are needed to prevent erosion. The inclusions of very shallow Schoodic soils and rock outcrop will interfere with farming operations. Rooting depth of deep-rooted crops will be restricted by the shallow depth of the Lyman soils and the inclusions of very shallow soils.

The unit is well suited for hay and pasture. Droughtiness of the Lyman soils may limit production in dry years.

This unit will produce fair to good yields of blueberries. During dry years, yields will be reduced because of the droughtiness of the Lyman soils. This unit has few surface stones. Flail mowers and mechanical harvesters can be used.

This unit is fairly well suited for woodland. The moderately deep Tunbridge soils are best suited for hardwood production. The shallow Lyman soils are best suited for softwood production. The main tree species are hardwoods on Tunbridge soils and shade-tolerant softwoods on Lyman soils. If this unit is managed for softwood production, the deeper Tunbridge soils will require considerable management to reduce competition from hardwoods. Both soils have abundant natural reproduction, especially of spruce and fir. The main limitations of this unit are droughtiness and depth to bedrock. Seedling mortality is moderate on the Lyman soils because of droughtiness. Windthrow hazard is severe on the Lyman soils because the shallow depth to bedrock cause trees to be shallow rooted. Strip cutting or clearcutting will reduce the windthrow damage.

The major limitations of this unit as a site for

dwelling are depth to bedrock and slope. Cuts needed to provide essentially level building sites can expose bedrock. Dwellings with basements should be located on inclinations of deep soils in this unit, the bedrock should be removed, or the foundation should be set on the bedrock and backfilled to the established grade. The building should be designed to conform to the natural slope. Depth to bedrock is also the major limitation of the unit for septic tank absorption fields. The system can be located in deeper inclinations in the unit if available, or fill material can be used to raise the level of the absorption field. The system should be designed to conform to the natural slope.



**11. Landscaping, Buffering and Screening Plan § 125-66 J. (22-23)**

- |                               |                           |
|-------------------------------|---------------------------|
| A. Botanical & Common Names   | - <i>Waiver Requested</i> |
| B. Plant Locations and Size   | - <i>Waiver Requested</i> |
| C. Installation Schedule      | - <i>Waiver Requested</i> |
| D. Maintenance Plan           | - <i>Waiver Requested</i> |
| E. Vegetation Clearing Limits | - <i>Waiver Requested</i> |
| F. Trees (8" +)               | - <i>Waiver Requested</i> |

No tree removal is required for the pier or pier access.



## 12. Street, Sidewalk and Access Plan § 125-66 J. (44)

- |                                                                                |                           |
|--------------------------------------------------------------------------------|---------------------------|
| A. Drainage Scheme at all Intersections Existing/Proposed                      | – <i>Waiver Requested</i> |
| B. Intersections of Proposed Streets with Existing Streets                     | – <i>Waiver Requested</i> |
| C. Access – Roadway ROW w/ Edge of Pavement, Shoulders,<br>Sidewalks and Curbs | – <i>Waiver Requested</i> |
| D. Drainage Feature – Type, Size, Profile, Cross-Section, and Inverts          | – <i>Waiver Requested</i> |
| E. Horizontal and Vertical Curve Data                                          | – <i>Waiver Requested</i> |
| F. Intersections – Turning Radii                                               | – <i>Waiver Requested</i> |
| G. Centerline Grade                                                            | – <i>Waiver Requested</i> |
| H. Bearing, Distance, Tangent, Radii for All Street Lines                      | – <i>Waiver Requested</i> |
| I. Location, Dimension, Grade, Radii of Accel and Decel Lanes                  | – <i>Waiver Requested</i> |
| J. Design Details for Street Improvements                                      | – <i>Waiver Requested</i> |
| K. Travel Direction                                                            | – <i>Waiver Requested</i> |
| L. Crosswalk Locations                                                         | – <i>Waiver Requested</i> |
| M. Street Names                                                                | – <i>Waiver Requested</i> |



G.F. Johnston & Associates  
Consulting Civil Engineers

**13. E-911 § 125-66 K.**

A. Street Name Certification by the Tax Assessor – *Waiver Requested*



**14. Photographs § 125-66 L.**

- A. Towns Aerial Photograph - Included in Application Package - *Attached*
- B. Pictorial of Site from Public Ways, Site Location - Included in Application Package - *Attached*



**VIEW EAST**



**VIEW NORTH**



**VIEW SOUTH**



**CRIB AREA**



**EXISTING WOOD PLATFORM**



SCALE: 1" = 200'

*G.F. Johnston & Associates*



*Consulting Civil Engineers*  
P.O. Box 197  
Southwest Harbor, Maine 04679  
207-244-1200

**PROJECT: 111 EDEN STREET  
AERIAL PHOTO EXHIBIT  
BAR HARBOR, MAINE**



**15. Subsurface Wastewater Disposal § 125-66 M.**

- A. HHE 200 Forms *– Waiver Requested*
- B. Cumulative Impact Assessment *– Waiver Requested*





### **17. Erosion and Sedimentation Control Plan § 125-66 0.**

All construction onsite will adhere to the erosion control specifications contained in this section. The specifications for erosion control are attached as part of this application; any permits on this site are subject to the requirements of this section.



## **Erosion Control Plan**

The specifications for Erosion Control for the Pier project are part of the contract documents. All specifications for protection of erosion are made part of the owner's contract with the pier contractor. The installation of the pier will comply with the standards below and Maine DEP Best Management Practices. The onsite activities will be monitored by a Registered Engineer to ensure these standards are met. The property owner has engaged the services of a qualified professional to oversee the construction of the pier. All standards and specifications contained in this application shall be made part of the conditions of any permit issued under this permit application.

1. The site will be accessed by barge. There is a 30 foot high vertical stone cliff landward of the proposed pier.
2. Foot traffic from land only in established paths. No vegetation clearing that would result in erosion shall occur with the construction of the pier.
3. Silt Fence and a woodchip barrier will be placed along shore line down gradient of any activity that may disturb soil. This includes protection of any material stock pile areas that are used on land. Any soils disturbed in upland areas must be seeded and mulched.
4. The cleaning of equipment shall be made offsite and shall not occur on the barge or shoreline.

**Erosion Control Plan and Specifications  
for  
The JAD Holdings, LLC Residential Pier**

The specifications for erosion control for the pier project are will be made part of the contract documents. All specifications for protection of erosion will be made part of the owner's contract with the pier contractor. The installation of the pier will comply with the standards below and Maine DEP Best Management Practices. The onsite activities will be monitored by a Registered Engineer to ensure these standards are met. The property owner has engaged the services of a qualified professional to oversee the construction of the pier. All standards and specifications contained in this application will be made part of the conditions of any permit issued under this permit application, including;

1. Foot traffic from land only in established paths. No vegetation clearing that would result in erosion shall occur with the construction of the pier.
2. Silt Fence and a woodchip barrier will be placed along shore line down gradient of any activity that may disturb soil. This includes protection of any material stock pile areas that are used on land. Any soils disturbed in upland areas must be seeded and mulched.
3. The cleaning of equipment will be made offsite and will not occur on the barge or shoreline.

This plan is intended to be used in conjunction with the details and construction plans for **The JAD Holdings LLC** pier in Bar Harbor. The standards apply to any activity that may occur on the landward portion of the site. These specifications are to be followed in addition to the construction plan and any conditions of the permits

These specifications as part of this application make them enforceable provisions of any permits granted for the project.

No equipment cleaning may occur with 75 feet of the shoreline.

Erosion control must be installed and maintained.

If barging is required – no grounding out during material unloading will occur.

**A. General**

1. All work and measures will be as per the "Maine Erosion and Sediment Control BMP's March 2003 DEPLW0588."
2. The attached specifications shall be employed.

**B. Prior to Construction**

1. Prior to any soil disturbance, silt fence will be installed down-slope of the area to be disturbed.

#### C. During Construction

1. Exposed soil surfaces shall be treated immediately if they are to remain ungraded more than 30 days or if they are at final grades.
2. Drainage ways, either designed or incidental, shall have filter barriers installed.
3. All work and materials necessary to minimize sediment loss from the site shall be provided.
4. All erosion control measures shall be inspected and repaired after every rainfall and at least daily during prolonged rainfall.

#### D. Post Construction

1. Erosion control measures shall be maintained until permanent soil stabilization has been achieved.

### SOIL PROTECTION AND EROSION CONTROL

#### Part 1 - GENERAL

##### 1.01 Description of Work:

- A. Provide and maintain devices to control erosion, siltation, sedimentation and dust that occurs during construction operations. Undertake every reasonable precaution and do whatever is necessary to avoid erosion of soil and to prevent silting of wetland areas and drainage ditches.
- B. Provide measures to control dust caused whether on or off the Project site.
- C. Deficiencies in erosion control measures indicated by failures or erosion shall be immediately corrected by providing additional measures or different techniques to correct the situation and prevent subsequent erosion.
- D. Exposure of soils on embankments, excavations, and graded areas shall be kept as short as possible. Initiate seeding and other erosion control practices as soon as reasonably possible.
- E. Install erosion control measures in any ditch, swale or channel before water is allowed to flow in the waterway.
- F. Mechanized equipment will not be permitted in water courses.

1.02 Quality Assurance:

A. Conform to all requirements of applicable Federal, State and local permits and to the recommendations of the Maine Erosion and Sediment Control BMPs (see Part B below) whether the measures are specifically noted herein, or not.

B. Standards: "Maine Erosion and Sediment Control BMP's March 2003 DEPLW0588" hereinafter called Erosion Control Handbook.

PART 2- PRODUCTS

2.01 MATERIALS: Use the following materials to implement and construct erosion control measures.

A. Siltation Fence: Mirafi Environfence, Amoco 1380 Silt Stop, or approved equal.

B. Mulch: Type and use as specified by the Erosion Control Handbook

1. Long fibered hay or straw in dry condition and which are relatively free of weeds and foreign matter detrimental to plant life.
2. Mulch netting: Plastic or nylon mesh netting with approximate openings of 1/4" to 1".

C. Temporary Erosion Control Matting: Type and use as specified by the Erosion Control Handbook.

1. Rolled matting blanket consisting of excelsior wood fiber, jute, straw, or paper bound with a weave of twisted craft paper, cotton cord or plastic mesh.
2. Provide staples for fastening matting to the ground. Staples shall be fabricated in a "U" shape from 11 gauge or heavier stiff galvanized steel wire, 6 to 12 inches in length and 1 to 2 inches across.

D. Permanent Seeding: Cut and fill slopes and disturbed areas will be stabilized as follows:

1. Four inches of loam will be spread over disturbed areas and smoothed to a uniform surface.
2. In lieu of tests, agricultural limestone will be spread at the rate of three tons per acre. 10-20-20 fertilizer will follow at the rate of 800 lbs. per acre. These two soil additives will be incorporated into the soil prior to seeding.
3. Following seed bed preparation, back slopes will be seeded to a mixture of 83% creeping red fescue, and 17% rye grass. Seeding rate is 3 lbs. per 1,000 square feet. Lawn quality sod may be substituted for seed.

4. Hay mulch at the rate of 90 lbs. per 1,000 square feet of a hydro-application of asphalt, wood, or paper fiber will be applied following seeding. A suitable binder such as curason or terrtack will be used on hay mulch for wind control.

5. If final seeding of the disturbed areas is not completed by September 15th of the year of the construction, then on that date these areas will be graded and a cover crop of rye at the rate of 112 lbs/acre or 3 lbs/1,000 sq. ft. The rye seeding will be preceded by an application of 3 tons of lime and 800 lbs. of 10-20-20 fertilizer or its equivalent. If the rye seeding cannot be completed by October 15th, then on that date, hay mulch will be applied at the rate of 150 lbs pr 1,000 square feet.

E. Hay Bales: Rectangular shaped bales of hay or straw weighting at least 40 pounds per bale; free from noxious weed seeds and rough or woody materials.

F. Filter Fabric: Provide Mirafi 140N woven textile or equal.

### PART 3 - EXECUTION

#### 3.01 Construction:

##### A. Silt Fence:

1. Install silt fence prior to any earthwork including grubbing.
2. Install parallel to contours where possible, prior to site clearing and grading activities.
3. Bury lower edge of fabric below ground surface to prevent underflow, as noted in the Erosion Control Handbook.
4. Curve ends of fence uphill to prevent flow around ends.
5. Inspect frequently; repair or replace any damaged sections.
6. Remove fence only when adequate grass catch has been established.

##### B. Mulch:

- 1 Undertake after each area has been properly prepared.
2. When seed for erosion control is sown prior to placing the mulch, place mulch on the seeded areas within 48 hours after seeding.
3. Blowing chopped mulch will be permitted.
4. Hay mulch should cover the ground enough to shade it, but the mulch should not be so thick that a person standing cannot see the ground through the mulch.
5. Remove matted mulch or bunches.

C. Temporary Erosion Control Matting (where necessary):

1. Surface Preparation:

- a. Conform to grades for slopes and ditches shown on the drawings.
- b. Finish to a smooth and even condition with all debris, roots, stones, and lumps raked out and removed.
- c. Loosen soil surface to permit bedding of the matting.
- d. Unless otherwise directed, apply seed prior to placement.

2. Installation:

- a. Place strips lengthwise in the direction of the flow of water.
- b. Where strips are laid parallel or meet as in a tee, overlap at least 4 inches.
- c. Overlap ends at least 6 inches in a shingle fashion.
- d. The up-slope end of each strip of the matting shall be turned down and buried to a depth of not less than 6 inches with the soil firmly tamped against it.
- e. Build check slots at right angles to the direction of the flow of water. Space so that one check slot or one end occurs within each 50 feet of slope length. Construct by placing a tight fold of the matting at least 6 inches vertically into the ground, and tamp the same as up-slope ends.
- f. Bury edges of matting around the edges of the catch basins and other structures.
- g. When ordered, additional seed shall be spread over matting, particularly at those locations disturbed by building the slots. Matting shall then be pressed onto the ground with a light lawn roller or by other satisfactory means.
- h. Drive staples vertically into the ground flush with the surface.
- i. On slopes flatter than 4:1, space staples not more than 3 feet and one row, alternately spaced, down the center.
- j. On grades 4:1 or steeper, place in the same three rows, but spaced 2 feet apart.
- k. On all overlapping or butting edges, double the number of staples, with the spacing halved; all ends of the matting and all required check slots shall likewise have staples spaced every foot.

D. Permanent Seeding:

- 1. Seed with appropriate seeds and application rates as noted in Section 2.01D.

2. Mulch areas where seeding has been applied. Do not mulch seeded areas where matting will be immediately installed.

E. Topsoil Storage:

1. Topsoil which is stockpiled, on the site for use in loam applications shall be placed out of natural drainages, in piles not more than 8 feet in height, which have side slopes of 2:1 to 1.5:1.
2. A trench (depth as required) shall be constructed around the base of the pile to prevent eroding soil from washing into drainages.

F. Hay Bales:

1. Install as directed by Erosion Control Handbook, and stake with required stakes.

G. Dust Control: Utilize the application of sprinkled water to reduce the emission of airborne soil particulates from the Project site.

H. Temporary Berms: Construct temporary barriers along the toe of embankments using side drains as necessary.

J. Other Temporary Measures:

1. Type and use shall be as specified in the Erosion Control Handbook.

K. Winter Stabilization Notes

1. At this time it is not expected that significant soil disturbance will occur during Winter months or periods of heavy icing. If construction is performed during these times the following construction practices will be followed.

- a. All disturbed areas not stabilized with stone or other measures will have an approved erosion control matting installed and be dormant seeded.
- b. Installation of rip rap slopes will be completed each day. No graded slopes which have not been stabilized will be left overnight.
- c. No frozen soil material or material containing significant snow or ice will be used for fill material.
- d. All material stockpiles will have silt fence and/or hay bales installed down gradient of piles.
- e. Follow general erosion control notes described previously wherever possible and as conditions permit.

3.02 Maintenance

A. Inspect erosion control practices immediately after each rainfall and at least daily during prolonged rainfall or snowmelt for damage. Provide maintenance and make appropriate repairs or replacement.

B. Remove silt from silt fence when it has reached one foot above grade or prior to expected heavy runoff or siltation.

C. Repair matting if any staples become loosened or raised, or if any matting becomes loose, torn, or undermined, make satisfactory repairs immediately.

### 3.03 Removal of Temporary Erosion Control:

A. Remove temporary materials and devices when permanent soil stabilization has been achieved.

B. Level and grade to the extent required to present a slightly appearance and to prevent any obstruction of the flow of water or any other interference with the operation of or access to the permanent works.

C. Remove unsuitable materials from site and dispose of in a lawful manner.





**19. Solid and Hazardous Waste § 125-66 Q.**

A. Description of Amount and Nature of Solid and Hazardous Waste – *Waiver Requested*



## 20. Building Plans & Elevations § 125-66 R

- A. Floor Plans for Levels of All Structures - *Attached*
- B. All Elevations Indicating Height with Proposed Exterior Materials - *Attached*
- C. Proposed Use of All Floors including Basements and Attics - *Attached*
- D. Proposed Maximum Seating Capacity- Restaurant - *Waiver requested*

See Pier Plans in Section 9



## 21. Lighting Plan § 125-66 S.

- |                                                                |                           |
|----------------------------------------------------------------|---------------------------|
| A. Exterior Lighting Details Existing and Proposed             | - <i>Waiver Requested</i> |
| B. Types of Fixtures with Manufacturer's Specifications Sheets | - <i>Waiver Requested</i> |
| C. Radius of Intensity of Illumination                         | - <i>Waiver Requested</i> |



**22. Signs § 125-66 T.**

A. Design Details Existing & Proposed - *Waiver Requested*



## 23. Traffic Impact § 125-66 U

A. 10 + Lots or Units or 100+ Trips per Day - *Waiver Requested*



## 24. Technical and Financial Capacity § 125-66 V.

- A. Cost Estimate - *Attached*
- B. Financing Arrangements - *Waiver Requested*
- C. Curriculum Vitae of Each Professional Associated with the Project - *Waiver Requested*
- D. Descriptions of Similar Project by Developer - *Wavier Requested*



G.F. Johnston & Associates  
*Consulting Civil Engineers*

**Exhibit 24.A**  
**Cost Estimate**

Cost Estimate is \$170,000.00



## 25. Business Operations § 125-66 W.

- A. Operating Statement *- Waiver Requested*
- B. Operation Hours Projections, Number of Employees, Proposed Shifts *- Waiver Requested*
- C. Operator Information *- Waiver Requested*



**26. Mining § 125-66 X**

- |                                               |                           |
|-----------------------------------------------|---------------------------|
| A. DEP Permit where Applicable                | – <i>Waiver Requested</i> |
| B. Extraction Plan                            | – <i>Waiver Requested</i> |
| C. Restoration Plan                           | – <i>Waiver Requested</i> |
| D. Performance Guarantee for Restoration Plan | – <i>Waiver Requested</i> |
| E. Washing Operation Plans                    | – <i>Waiver Requested</i> |
| F. Evidence of Insurance                      | – <i>Waiver Requested</i> |

*Pursuant to Section 125-63 of the Land Use Ordinance we respectfully submit this document as a written request for waiver of the foregoing Exhibits required for completeness of application.*



## **Written Request of Waiver**

The following is a list of waiver requests in reference to the submittal package for Site Plan review for the proposed construction of a residential pier on 111 Eden Street in Bar Harbor, Maine. The list of waiver requests is based on the knowledge that certain requirements set forth in Section § 125-66: Site Plan Application requirements of the Land Use Ordinance are not applicable to this project or may not be required for the Board to develop a complete understanding of the project scope. The list of waivers below includes a brief explanation of the request. Furthermore, it is understood that the Planning Board reserves the right to request additional information regarding any exhibit, at any time during the review process, regardless of granting a waiver for submittal of an exhibit during the site plan review of a project.

### **3. Title and Interest § 125-66 B.**

B. Purchase and Sales

C. Easements, Deed Restriction, R.O.W's etc.

*Applicant owns parcel, hence there is no purchase and sale agreement as part of this project.*

### **4. Legal Documents § 125-66 D.**

A. Proposed Easements, Covenants, Agreements, etc.

B. Proposed deed for roads or other property to be dedicated

C. Proposed performance and plant maintenance guarantee.

D. For Condominiums proposed declaration, by laws etc.

E. Site restoration guarantee.

*The project does not include; roads to be dedicated to the public, landscaping that will require a plant maintenance guarantee, Condominiums, or improvements to public infrastructure requiring a site restoration guarantee.*

### **6. Statements of Capacity & Design § 125-66 F.**

A. Police

B. Public Works, Solid Waste; Storm Water; Street, and Recreation

C. Sewer

D. Schools and Busing

E. Water

*The proposed pier does not require additional Town Services*

### **7. Detailed Design Plans § 125-66 G.**

A. Public Water Supply

B. Central Private Water Supply

C. Individual Well

D. Fire Hydrants, Dry Hydrants, and Fire Ponds

E. Central Subsurface Wastewater System



- F. Shared Subsurface Wastewater System
- G. Stormwater Disposal
- H. All other utilities. Incl. Gas, Electricity, and Cable Television

*The project does not include the construction or modification of these types of facilities.*

#### **7.1 Design Approval by D.H.S. or D.E.P. § 125-66 H.**

- A. Central Private Water Supply (DHS)
- B. Individual Wells (DHS)
- C. Central or Shared Subsurface Wastewater System (D.H.S.)
- D. Wastewater Discharge License (D.E.P.)
- E. Curb Cut (M.D.O.T. and/or Bar Harbor Public Work Dept.

*The project does not include the construction of these types of facilities.*

#### **9. Site Plan § 125-66 J.**

- H. Remaining Undeveloped Land Retained  
*Proposed modifications will not affect the total development acreage.*
- I. Lot Numbers  
*No lots being created, not applicable to this project.*
- J. Lots Developed/Sold within the Past 5 Years  
*Not applicable to project.*
- K. Subdivisions within 200' with Owners' names  
*Not applicable. No subdivisions located within 200' of project.*
- M. Items within 200' of subject property  
*Town aerial photo attached for reference of existing improvements offsite.*
- O. Distance between Proposed Building/Structures on Site  
*The proposed pier does not require a setback to other structures onsite. The pier is over 115' from any structures.*
- P. Utilities Locations – Existing/Proposed  
*No new utilities are required for the pier construction*
- Q. Sign Locations – Existing/ Proposed
- R. Open Drainage Courses, Wetlands and Gravel Aquifers  
*There are no open drainage courses, wetlands, or gravel aquifers located at or near the proposed project site.*
- S. Stone walls, Graveyards,  
*Not applicable. None located on-site.*
- BB. Fire Hydrants and Fire Ponds Existing/Proposed  
*No fire hydrants or fire ponds are proposed.*
- CC. Fire/Emergency Equipment Site Access  
*Proposed project will not impact existing access ways.*
- DD. Easement and Access to water bodies



*The deed reflects no other water access across the site.*

EE. Access Locations to Adjacent Undeveloped Land

*None proposed, as all adjacent lands are developed.*

FF. Recreation Open Space Existing Proposed

*None proposed, as all lands are developed.*

GG. Solid, Industrial, Chemical, Explosive or Hazardous Waste Locations

*This project does not propose any solid, industrial, chemical, explosive or hazardous waste storage on-site.*

II. Parking Locations with Dimension, Angles, Radii, etc

*No new parking is required for the residential pier proposed.*

JJ. Subdivision Name

*Project is not a subdivision.*

KK. Soil Test Pit Locations

*No test pits required. Site is on Town Sewer.*

**11. Landscaping, Buffering & Screening Plan § 125:42**

A. Botanical & Common Names

B. Plant Locations & Size

C. Installation Schedule

D. Maintenance Plan

E. Vegetation Clearing Limits

F. Tree (8 +” d.b.h.) Locations

*None proposed as part of this project.*

**12. Street, Sidewalk and Access Plan § 125:44**

A. Drainage Scheme at all Intersections Existing/Proposed

B. Intersections of Proposed Streets with Existing Streets

C. Access – Roadway ROW w/ Edge of Pavement, Shoulders, Sidewalks and Curbs

D. Drainage Feature – Type, Size, Profile, Cross-Section, and Inverts

E. Horizontal and Vertical Curve Data

F. Intersections – Turning Radii

G. Centerline Grade

H. Bearing, Distance, Tangent, Radii for All Street Lines

I. Location, Dimension, Grade, Radii of Accel and Decel Lanes

J. Design Details for Street Improvements

K. Travel Direction

L. Crosswalk Locations

M. Street Names

*No new streets, public sidewalks, or accesses are proposed in this project scope.*



**13. E-911 § 125-66 K**

- A. Street Name Certification by the Tax Assessor

*Not applicable to the proposed project. No new roadways are proposed.*

**15. Subsurface Wastewater Disposal § 125-66 M.**

- A. HHE 200 Forms

- B. Cumulative Impact Assessment

*Not applicable to project. Site is served by municipal sanitary sewer.*

**16. Groundwater § 125-66 N.**

- A. Use Assessment Daily, Monthly, and Annually

- B. Hydrological Impact Study

*Parcel is on Town Water.*

**18. Fire Protection - § 125-66 P**

- A. Statement from Bar Harbor Fire Chief

- B. State Fire Marshall Office Preliminary Approval

*Not applicable on this project.*

**19. Solid and Hazardous Waste § 125-66 Q.**

- A. Description of Amount and Nature of Solid and Hazardous Waste

*No hazardous waste or biological waste will be produced by the project.*

**20. Building Plans & Elevations § 125-66 R.**

- D. Proposed Maximum Seating Capacity- Restaurant

*Not applicable.*

**21. Lighting Plan § 125-66 S**

- A. Exterior Lighting Details Existing & Proposed

- B. Types of Fixture with Manufacturer Specifications Sheets

- C. Radius of Intensity of Illumination

*Not Applicable. No lighting is proposed at this time. Any future lighting will be dark sky compliance.*

**22. Signs § 125-66 T.**

- A. Design Details Existing & Proposed

*Not applicable. This project does not include the construction of any signs, nor does it affect any existing signage.*

**23. Traffic Impact § 125-66 U.**

- A. 10 + Lots or Units or 100+ Trips per Day.

*Not applicable - The proposed project will not increase traffic on local road ways.*



**24. Technical and Financial Capacity § 125-66 V.**

- B. Descriptions of Similar Project by Developer
- C. Curriculum Vita of Each Professional Assoc with Project
- D. Descriptions of Similar Project by Developer

**25. Business Operations § 125-66 W.**

- A. Operating Statement & Mitigation Plan
- B. Employment & Operation Hours Projections
- C. Operator Information *(if not owner)*  
*Not Applicable. The pier is not commercial.*

**26. Mining § 125-66 X.**

- A. DEP Permit where Applicable
- B. Extraction Plan
- C. Restoration Plan
- D. Performance Guarantee for Restoration Plan
- E. Washing Operation Plans
- F. Evidence of Insurance  
*This project does not include mining activities.*



## **Written Request of Waiver**

The following is a list of waiver requests in reference to the submittal package for Site Plan review for the proposed construction of a residential pier on 111 Eden Street in Bar Harbor, Maine. The list of waiver requests is based on the knowledge that certain requirements set forth in Section § 125-66: Site Plan Application requirements of the Land Use Ordinance are not applicable to this project or may not be required for the Board to develop a complete understanding of the project scope. The list of waivers below includes a brief explanation of the request. Furthermore, it is understood that the Planning Board reserves the right to request additional information regarding any exhibit, at any time during the review process, regardless of granting a waiver for submittal of an exhibit during the site plan review of a project.

### **3. Title and Interest § 125-66 B.**

- B. Purchase and Sales
- C. Easements, Deed Restriction, R.O.W's etc.

*Applicant owns parcel, hence there is no purchase and sale agreement as part of this project.*

### **4. Legal Documents § 125-66 D.**

- A. Proposed Easements, Covenants, Agreements, etc.
- B. Proposed deed for roads or other property to be dedicated
- C. Proposed performance and plant maintenance guarantee.
- D. For Condominiums proposed declaration, by laws etc.
- E. Site restoration guarantee.

*The project does not include; roads to be dedicated to the public, landscaping that will require a plant maintenance guarantee, Condominiums, or improvements to public infrastructure requiring a site restoration guarantee.*

### **6. Statements of Capacity & Design § 125-66 F.**

- A. Police
- B. Public Works, Solid Waste; Storm Water; Street, and Recreation
- C. Sewer
- D. Schools and Busing
- E. Water

*The proposed pier does not require additional Town Services*

### **7. Detailed Design Plans § 125-66 G.**

- A. Public Water Supply
- B. Central Private Water Supply
- C. Individual Well
- D. Fire Hydrants, Dry Hydrants, and Fire Ponds
- E. Central Subsurface Wastewater System



- F. Shared Subsurface Wastewater System
- G. Stormwater Disposal
- H. All other utilities. Incl. Gas, Electricity, and Cable Television

*The project does not include the construction or modification of these types of facilities.*

**7.1 Design Approval by D.H.S. or D.E.P. § 125-66 H.**

- A. Central Private Water Supply (DHS)
- B. Individual Wells (DHS)
- C. Central or Shared Subsurface Wastewater System (D.H.S.)
- D. Wastewater Discharge License (D.E.P.)
- E. Curb Cut (M.D.O.T. and/or Bar Harbor Public Work Dept.

*The project does not include the construction of these types of facilities.*

**9. Site Plan § 125-66 J.**

- H. Remaining Undeveloped Land Retained  
*Proposed modifications will not affect the total development acreage.*
- I. Lot Numbers  
*No lots being created, not applicable to this project.*
- J. Lots Developed/Sold within the Past 5 Years  
*Not applicable to project.*
- K. Subdivisions within 200' with Owners' names  
*Not applicable. No subdivisions located within 200' of project.*
- M. Items within 200' of subject property  
*Town aerial photo attached for reference of existing improvements offsite.*
- O. Distance between Proposed Building/Structures on Site  
*The proposed pier does not require a setback to other structures onsite. The pier is over 115' from any structures.*
- P. Utilities Locations – Existing/Proposed  
*No new utilities are required for the pier construction*
- Q. Sign Locations – Existing/ Proposed
- R. Open Drainage Courses, Wetlands and Gravel Aquifers  
*There are no open drainage courses, wetlands, or gravel aquifers located at or near the proposed project site.*
- S. Stone walls, Graveyards,  
*Not applicable. None located on-site.*
- BB. Fire Hydrants and Fire Ponds Existing/Proposed  
*No fire hydrants or fire ponds are proposed.*
- CC. Fire/Emergency Equipment Site Access  
*Proposed project will not impact existing access ways.*
- DD. Easement and Access to water bodies



*The deed reflects no other water access across the site.*

EE. Access Locations to Adjacent Undeveloped Land

*None proposed, as all adjacent lands are developed.*

FF. Recreation Open Space Existing Proposed

*None proposed, as all lands are developed.*

GG. Solid, Industrial, Chemical, Explosive or Hazardous Waste Locations

*This project does not propose any solid, industrial, chemical, explosive or hazardous waste storage on-site.*

II. Parking Locations with Dimension, Angles, Radii, etc

*No new parking is required for the residential pier proposed.*

JJ. Subdivision Name

*Project is not a subdivision.*

KK. Soil Test Pit Locations

*No test pits required. Site is on Town Sewer.*

**11. Landscaping, Buffering & Screening Plan § 125:42**

A. Botanical & Common Names

B. Plant Locations & Size

C. Installation Schedule

D. Maintenance Plan

E. Vegetation Clearing Limits

F. Tree (8 +” d.b.h.) Locations

*None proposed as part of this project.*

**12. Street, Sidewalk and Access Plan § 125:44**

A. Drainage Scheme at all Intersections Existing/Proposed

B. Intersections of Proposed Streets with Existing Streets

C. Access – Roadway ROW w/ Edge of Pavement, Shoulders, Sidewalks and Curbs

D. Drainage Feature – Type, Size, Profile, Cross-Section, and Inverts

E. Horizontal and Vertical Curve Data

F. Intersections – Turning Radii

G. Centerline Grade

H. Bearing, Distance, Tangent, Radii for All Street Lines

I. Location, Dimension, Grade, Radii of Accel and Decel Lanes

J. Design Details for Street Improvements

K. Travel Direction

L. Crosswalk Locations

M. Street Names

*No new streets, public sidewalks, or accesses are proposed in this project scope.*



**13. E-911 § 125-66 K**

- A. Street Name Certification by the Tax Assessor

*Not applicable to the proposed project. No new roadways are proposed.*

**15. Subsurface Wastewater Disposal § 125-66 M.**

- A. HHE 200 Forms  
B. Cumulative Impact Assessment

*Not applicable to project. Site is served by municipal sanitary sewer.*

**16. Groundwater § 125-66 N.**

- A. Use Assessment Daily, Monthly, and Annually  
B. Hydrological Impact Study

*Parcel is on Town Water.*

**18. Fire Protection - § 125-66 P**

- A. Statement from Bar Harbor Fire Chief  
B. State Fire Marshall Office Preliminary Approval

*Not applicable on this project.*

**19. Solid and Hazardous Waste § 125-66 Q.**

- A. Description of Amount and Nature of Solid and Hazardous Waste

*No hazardous waste or biological waste will be produced by the project.*

**20. Building Plans & Elevations § 125-66 R.**

- D. Proposed Maximum Seating Capacity- Restaurant

*Not applicable.*

**21. Lighting Plan § 125-66 S**

- A. Exterior Lighting Details Existing & Proposed  
B. Types of Fixture with Manufacturer Specifications Sheets  
C. Radius of Intensity of Illumination

*Not Applicable. No lighting is proposed at this time. Any future lighting will be dark sky compliance.*

**22. Signs § 125-66 T.**

- A. Design Details Existing & Proposed

*Not applicable. This project does not include the construction of any signs, nor does it affect any existing signage.*

**23. Traffic Impact § 125-66 U.**

- A. 10 + Lots or Units or 100+ Trips per Day.

*Not applicable - The proposed project will not increase traffic on local road ways.*



**24. Technical and Financial Capacity § 125-66 V.**

- B. Descriptions of Similar Project by Developer
- C. Curriculum Vita of Each Professional Assoc with Project
- D. Descriptions of Similar Project by Developer

**25. Business Operations § 125-66 W.**

- A. Operating Statement & Mitigation Plan
- B. Employment & Operation Hours Projections
- C. Operator Information *(if not owner)*  
*Not Applicable. The pier is not commercial.*

**26. Mining § 125-66 X.**

- A. DEP Permit where Applicable
- B. Extraction Plan
- C. Restoration Plan
- D. Performance Guarantee for Restoration Plan
- E. Washing Operation Plans
- F. Evidence of Insurance  
*This project does not include mining activities.*

Item II.b.

**Order**  
Of the Bar Harbor Town Council  
For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

**Article 2 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add farmers market use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

---

**Downtown Village I District, Downtown Village II District and  
Downtown Village Transitional District**

**An amendment to add farmers market as a use to the Downtown Village I District,  
Downtown Village II District and Downtown Village Transitional District.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

**Chapter 125 , LAND USE ORDINANCE**

---

**ARTICLE III Land Use Activities and Standards**

---

§ 125-21 Downtown Village I.

C. Allowed uses:

- (1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment;

theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; farmers market.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; farmers market.

---

---

**EXPLANATION:** The farmers market use was allowed by permit from the Code Enforcement Officer in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I and Downtown Village II Districts and Downtown Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the farmers market use to those three districts as a use allowed by permit from the Code Enforcement Officer.

---

---

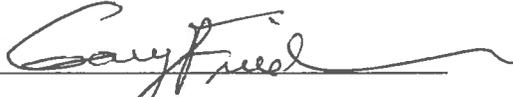
Given under our hands and seal at Bar Harbor on this first day of March, 2016

**Municipal Officers of the Town of Bar Harbor**



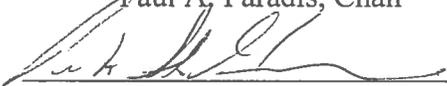
---

Paul A. Paradis, Chair



---

Gary Friedmann, Vice Chair



---

Peter St. Germain



---

Anne R. Greenlee



---

Burt O. Barker



---

David Bowden



---

J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

**Article 3 - LAND USE ORDINANCE AMENDMENT: Downtown Village II District** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add single-family dwelling use and two-family dwelling use to the Downtown Village II District” be enacted?

---

### Downtown Village II District

**An amendment to add single-family dwelling and two-family dwelling as uses to the Downtown Village II District.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

---

### ARTICLE III Land Use Activities and Standards

---

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; single-family dwelling; two-family dwelling.

---

**EXPLANATION:** The single-family dwelling and two-family dwelling uses were allowed uses by building permit from the Code Enforcement Officer in the Downtown Business Districts and were deleted when the subsequent Downtown Village II District was enacted in 2010 in the same location. The purpose of this amendment is to add single-family dwelling and two-family dwelling to that district as uses allowed by permit from the Code Enforcement Officer.

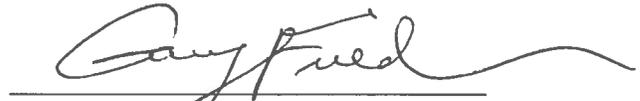
---

Given under our hands and seal at Bar Harbor on this first day of March, 2016

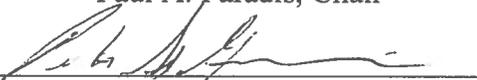
**Municipal Officers of the Town of Bar Harbor**



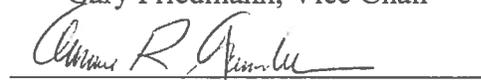
Paul A. Paradis, Chair



Gary Friedmann, Vice Chair



Peter St. Germain



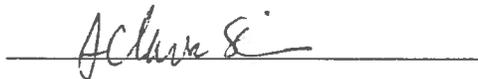
Anne R. Greenlee



Burt O. Barker



David Bowden



J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

**Article 4 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add automobile sales lot and automobile repair garage to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

---

### Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add automobile sales lot and automobile repair garage as uses to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is stricken. New language is underlined.]

## **Chapter 125 , LAND USE ORDINANCE**

---

### **ARTICLE III Land Use Activities and Standards**

---

§ 125-21 Downtown Village I.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction; automobile sales lot; automobile repair garage.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage.

---

**EXPLANATION:** Automobile sales lot and automobile repair garage were allowed uses by site plan approval in the Downtown Business Districts and were deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the automobile sales lot and automobile repair garage uses to those districts as a use allowed by Planning Board site plan review.

---

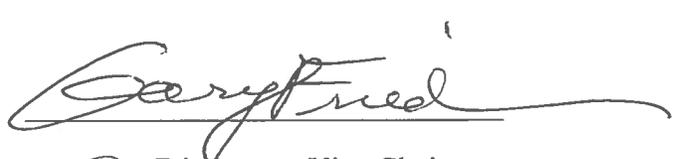
Given under our hands and seal at Bar Harbor on this first day of March, 2016

**Municipal Officers of the Town of Bar Harbor**



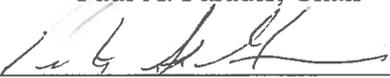
---

Paul A. Paradis, Chair



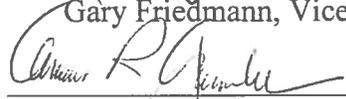
---

Gary Friedmann, Vice Chair



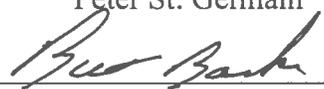
---

Peter St. Germain



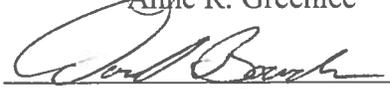
---

Anne R. Greenlee



---

Burt O. Barker



---

David Bowden



---

J. Clark Stivers

**Order**  
Of the Bar Harbor Town Council  
For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

---

**Article 5 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add home occupation use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

---

---

**Downtown Village I District, Downtown Village II District and  
Downtown Village Transitional District**

**An amendment to add home occupation as a use to the Downtown Village I District,  
Downtown Village II District and Downtown Village Transitional District.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

---

**Chapter 125 , LAND USE ORDINANCE**

---

**ARTICLE III Land Use Activities and Standards**

---

§ 125-21 Downtown Village I.

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio; eleemosynary institution; place of worship; home occupation.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; home occupation.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; artist studio; home occupation.

---

**EXPLANATION:** The home occupation use was an allowed use by building permit in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the home occupation use to those districts as a use allowed by permit from the Code Enforcement Officer.

---

Given under our hands and seal at Bar Harbor on this first day of March, 2016

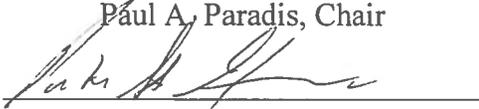
**Municipal Officers of the Town of Bar Harbor**



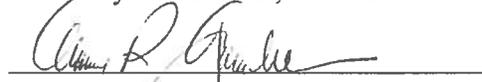
Paul A. Paradis, Chair



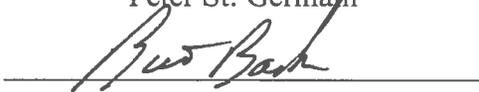
Gary Friedmann, Vice Chair



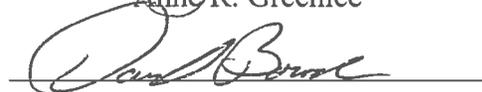
Peter St. Germain



Anne R. Greenlee



Burt O. Barker



David Bowden



J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

**Article 6 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add retirement community use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

---

### Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

**An amendment to add retirement community as a use to the Downtown Village I District,  
Downtown Village II District and Downtown Village Transitional District.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is stricken. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

---

### ARTICLE III Land Use Activities and Standards

---

§ 125-21 Downtown Village I.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; road construction; retirement community.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; retirement community.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

(2) Uses allowed by site plan review: multifamily dwelling I and II; all other types of child-care facilities; medical clinics; retirement community.

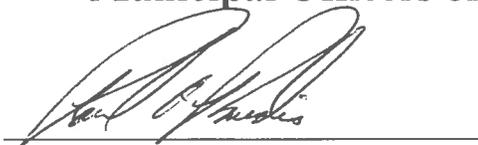
---

**EXPLANATION:** The retirement community use was an allowed use by site plan approval in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the retirement community use to those districts as a use allowed by Planning Board site plan review.

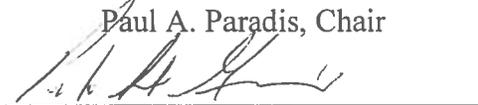
---

Given under our hands and seal at Bar Harbor on this first day of March, 2016

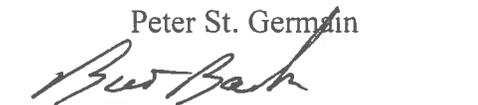
**Municipal Officers of the Town of Bar Harbor**



Paul A. Paradis, Chair



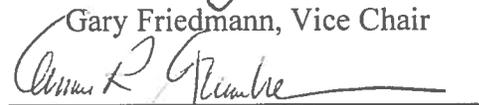
Peter St. Germain



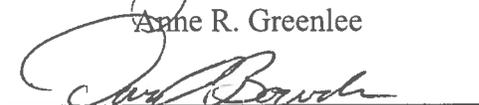
Burt O. Barker



Gary Friedmann, Vice Chair



Anne R. Greenlee



David Bowden



J. Clark Stivers

Item V c.

# Order Of the Bar Harbor Town Council For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

**Article 7 - LAND USE ORDINANCE AMENDMENT: Definitions - General Review Standards, Light and glare and Signs and advertising** – Shall an Ordinance dated December 2, 2015 and entitled “Amendments to add terms and definitions for categories of internally illuminated signs, amendments to clarify lighting requirements for signs and amendments to prohibit certain types of internally illuminated signs” be enacted?

---

## 125-109 Definitions

**An amendment to add terms and definitions for categories of internally illuminated signs to the Definitions.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

### Chapter 125 , LAND USE ORDINANCE

---

#### ARTICLE XII Construction and Definitions

---

§ 125-109 Definitions.

The following terms shall have the following meanings:...

SIGN, INTERNALLY ILLUMINATED - A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are four types as follows:

TYPE 1; CABINET WITH TRANSLUCENT FACE: An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.

TYPE 2; CABINET WITH LIGHT LIMITING FACE: An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories.

- A. 20% (or less) translucent face/ 80% (or greater) opaque background field.
- B. 30% (or less) translucent face/ 70% (or greater) opaque background field.

TYPE 3; CHANNEL LETTER: An internally illuminated sign comprised of three dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letter are mounted.

TYPE 4; HALO: An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.

---

## 125-67Z Light and glare

An amendment to clarify lighting requirements for signs.

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is stricken. New language is underlined.]

### Chapter 125 , LAND USE ORDINANCE

---

#### ARTICLE V Site Plan Review

---

§ 125-67 General Review Standards.

- Z. Light and glare. All site plans shall demonstrate that the proposed development shall comply with the following requirements with respect to exterior lighting. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(4) Additional requirements for commercial and multifamily applications:

(a) Signs and advertising.

- [1] All externally illuminated signs shall be lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from upward transmission of light.
- [2] Signs may be illuminated internally only by nonflashing lights ~~that contain an opaque background, and this provision applies solely for properties with frontage on Route 3 and Route 102. No internally lit signs are allowed in the Downtown Village District.~~ Any lights that flash, pulse, rotate, move, or simulate motion are not permitted.
- [3] All ~~lights~~ lighting for externally illuminated signs shall be shielded to ensure that light sources are not directed toward or directly visible to drivers or from neighboring properties.
- [4] Lighting of signs is further regulated in 125-67BB Signs and advertising and categories of internally illuminated signs are defined in 125-109 Definitions.

---

## Signs and advertising. Prohibitions

**An amendment to prohibit certain types of internally illuminated signs.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

### Chapter 125 , LAND USE ORDINANCE

---

#### ARTICLE V Site Plan Review

---

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

**(3) Prohibitions...**

- (h) Internally illuminated signs of Type 1; Cabinet with Translucent Face and Type 3; Channel Letter are prohibited in all districts. ~~in the downtown-village districts and historic districts are prohibited.~~
- (i) Internally illuminated signs of Type 2B; Cabinet with Light Limiting Face: 30% (or less) translucent face/ 70% (or greater) opaque background field are prohibited in all districts except for lots with frontage on Route 102 or Route 3.
- 

**EXPLANATION:** The Design Review Board crafted language to define certain types of internally illuminated signs. The purpose of this amendment is to add those categories of internally illuminated signs to 125-109 Definitions. Internally illuminated signs have their light source incorporated into the body of the sign, and some types of internally illuminated signs currently fail to meet the Land Use Ordinance’s requirements to direct light away from adjacent properties, streets and the night sky.

The Design Review Board crafted language to make clarifications in the light and glare regulations for signs found in 125-67Z. The added language clarifies the type of signage lighting that is being regulated and directs the reader’s attention to the fact that most of the lighting related sign regulation is found in 125-67BB Signs and advertising and numerous definitions related to signs are found in 125-109 Definitions. The language marked with strikethrough is thought to be redundant because similar language is found in 125-67BB Signs and advertising.

The Design Review Board crafted language to make changes to Signs and advertising - Prohibitions regulations found in 125-67BB. The language utilizes the proposed definitions for types of internally illuminated signs. The language is intended to direct sign makers and installers toward the types of internally illuminated signs that make no glare but are easily read both day and night. The proposed amendment would allow the preferred internally illuminated signs in the Downtown Districts where they are currently prohibited. The proposed amendment would prohibit internally illuminated signs with translucent faces that do not mitigate glare town wide. The proposed amendment would prohibit internally illuminated “channel letter signs that do not mitigate glare townwide. (The amendment would not prohibit certain internally illuminated cabinet lights that have either light limiting faces (Type 2A) or halo light signs (Type 4) which outline opaque letters on the sign with a “halo of light”).

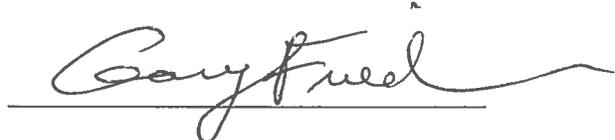
---

Given under our hands and seal at Bar Harbor on this first day of March, 2016

**Municipal Officers of the Town of Bar Harbor**



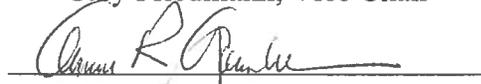
Paul A. Paradis, Chair



Gary Friedmann, Vice Chair



Peter St. Germain



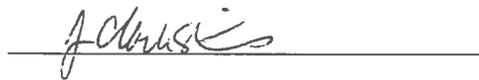
Anne R. Greenlee



Burt O. Barker



David Bowden



J. Clark Stivers

# Order Of the Bar Harbor Town Council For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

**Article 8 - LAND USE ORDINANCE AMENDMENT: General Review Standards, Signs and advertising.** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify Design Review Board sign review authority” be enacted?

---

## 125-67BB Signs and advertising

**An amendment to clarify Design Review Board sign review authority.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

### Chapter 125 , LAND USE ORDINANCE

---

#### ARTICLE V Site Plan Review

---

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

**(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness. All signs listed below are required to receive a Certificate of Appropriateness from the Design Review Board prior to receiving a building permit if they are located within the identified**

districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

(a) Building permits required. All signs except those otherwise exempted are required to obtain a building permit as well as the certificate of appropriateness.

[1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts or are associated with a conditionally permitted use.

[a] Village Historic.

[b] Bar Harbor Gateway ~~District~~.

[c] ~~Bar Harbor Historical Corridor~~ Deleted.

[d] Downtown Village I and II Districts.

[e] Educational Institutional.

[f] Lots with road frontage on Routes 102 and 3.

[g] Marine Research.

[h] Scientific Research.

[i] Shoreland ~~Commercial~~ General Development I and II.

[j] Town Hill Business.

[k] Town Hill Residential Corridor.

---

---

**EXPLANATION:** The Design Review Board crafted language to correct and clarify which districts the Design Review Board's authority for sign review includes. The districts noted in this section requiring review of signs is updated in the draft amendment language. Over time the Land Use Ordinance's district names have changed and this section should be corrected with an update. The other proposed change is to clarify that the review authority extends to the entire section (6) *Signs subject to review by the Design Review Board for a certificate of appropriateness* and not just to the subsection [1] that lists the districts.

---

---

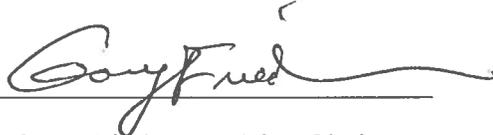
Given under our hands and seal at Bar Harbor on this first day of March, 2016

### Municipal Officers of the Town of Bar Harbor



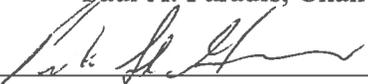
---

Paul A. Paradis, Chair



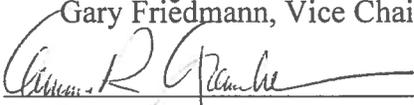
---

Gary Friedmann, Vice Chair



---

Peter St. Germain



---

Anne R. Greenlee



---

Burt O. Barker



---

David Bowden



---

J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

---

**Article 9 - LAND USE ORDINANCE AMENDMENT: Design Review Board** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the boundaries of the Design Review overlay district” be enacted?

---

### Design Review

**An amendment to clarify the boundaries of the Design Review overlay district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is stricken. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

---

### ARTICLE XIII Design Review

---

#### § 125-112 Applicability of design review.

##### A. Design Review Overlay Districts.

- (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
- (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Bar Harbor Village Historic District; and the Bar Harbor Historic Corridor District (excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D) and the Town Hill Business District. The

district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

(3) The District also includes the districts and area included in the Sign Ordinance, § 125-67BB.

---

**EXPLANATION:** The Design Review Board has crafted language to correct and clarify what districts the Design Review Board overlay district is located in. Over time the Land Use Ordinance's district names have changed and this section should be updated. Tax map 11D as cited in the district language is obsolete and the draft language deletes the reference. Appendix A refers to Historic Properties in the Design Review Overlay District. Appendix B refers to Locally Significant Properties in the Design Review Overlay District. This section has other references to Appendix A and B requiring the Design Review Board to review buildings listed in Appendix A and/or B. This language is intended to clarify that Appendix A and B are in fact part of the Overlay District.

---

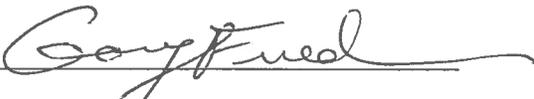
Given under our hands and seal at Bar Harbor on this first day of March, 2016

### Municipal Officers of the Town of Bar Harbor



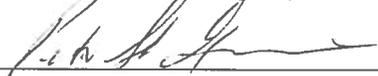
---

Paul A. Paradis, Chair



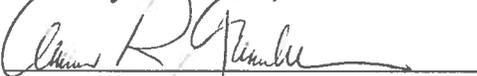
---

Gary Friedmann, Vice Chair



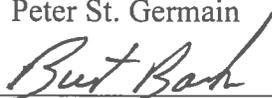
---

Peter St. Germain



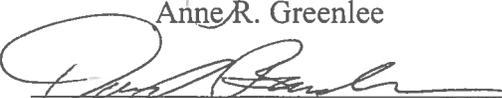
---

Anne R. Greenlee



---

Burt O. Barker



---

David Bowden



---

J. Clark Stivers

# Order

## Of the Bar Harbor Town Council

### For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.



**Article 10 - LAND USE ORDINANCE AMENDMENT: Design Review / Signs and advertising** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section” be enacted?



### Design Review & Signs and advertising

**An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## **Chapter 125 , LAND USE ORDINANCE**

### **ARTICLE XIII Design Review and Article V Site Plan Review**

#### **§ 125-112 Applicability of design review.**

C. Activities not subject to design review. The following activities are not subject to design review:

(6) Renovation or new construction which is limited to the following types of improvements:

- (a) Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.

- (b) ~~Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged. Deleted. NOTE: Moved to 125-67-BB~~
- (c) ~~A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building. Deleted. NOTE: Moved to 125-67-BB~~
- (d) ~~Installation of one twenty-four inch by thirty-six inch sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night. Deleted. NOTE: Moved to 125-67-BB~~
- (e) Installation of roof-mounted solar collection photovoltaic panels and appurtenant equipment.
- (f) Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.
- (g) Installation of lighting for signage, provided such lighting complies with § 125-67Z.

**§ 125-67BB Signs and advertising.**

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

**(6) Signs subject to the review by the Design Review Board for a certificate of appropriateness...**

(o) Exemptions. The following activities are not subject to Design Review.

- [1] Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.
- [2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.
- [3] Installation of one twenty-four inch-by thirty-six inch (24" x 36") sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night.

[4] Installation of lighting for signage, provided such lighting complies with § 125-67Z.

---

**EXPLANATION:** The Design Review Board has crafted language to move certain signage activities not subject to Design Review from the Design Review section to the Signs and advertising section. The draft amendment also includes a modification to the exemption for solar panels that the exemption includes all roof-mounted panels.

---

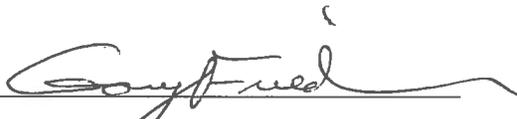
Given under our hands and seal at Bar Harbor on this first day of March, 2016

**Municipal Officers of the Town of Bar Harbor**



---

Paul A. Paradis, Chair



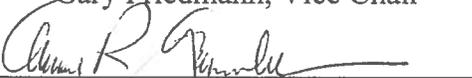
---

Gary Friedmann, Vice Chair



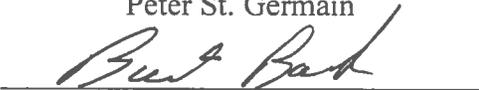
---

Peter St. Germain



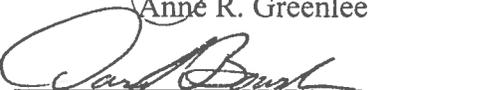
---

Anne R. Greenlee



---

Burt O. Barker



---

David Bowden



---

J. Clark Stivers

# Order Of the Bar Harbor Town Council For the June 14, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.



**Article 11 - LAND USE ORDINANCE AMENDMENT: Signs and advertising** – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the allowable sign area of regulated signs” be enacted?



**Signs and advertising.**

**An amendment to clarify the allowable sign area of regulated signs.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## **Chapter 125 , LAND USE ORDINANCE**

### **ARTICLE V Site Plan Review**

#### **§ 125-67BB Signs and advertising.**

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

**(2) Exemptions.** The following signs are exempt from this chapter, shall not be counted towards sign area, and may be installed in any district without a permit, provided they comply as follows:

- (d) Fuel pump signs as required by state law are allowed and shall not affect the computation of allowable number of signs or aggregate sign area size on a property.
- (4) Conditional signs.** Signs noted below are allowed without a Certificate of Appropriateness or a building permit and shall not be counted toward allowable square footage for signs sign area, subject to noted conditions, provided they comply as follows:
- (f) One on-premises real estate sign, and one off-premises directional sign not exceeding six square feet in total sign area, may be erected advertising the sale, lease or rental of the premises upon which the on-premises real estate sign is located and shall be removed by the owner or agent when the property is sold or leased.
  - (h) One development or construction sign, not exceeding 20 square feet in sign area, may be erected 30 days prior to construction at the site of a construction project solely to identify the project and contractors and shall be removed within 30 days after completion of the project.
  - (i) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two square feet in sign area, and not extending higher than three feet above ground level are permitted.
  - (j) A sign indicating a business is open or closed, and/or a sign indicating hours of operation, not to exceed one each per entry and not to exceed more than one square foot in sign area each. In the case of a combination sign, it shall not exceed two square feet in total sign area.
  - (m) Home occupations. One sign identifying the name, address and profession or occupation of a home occupation is allowed provided that such sign is nonilluminated and does not exceed the maximum sign area requirements allowed for the street on which the home occupation has frontage:

| <u>Posted Speed Limit</u><br>(miles per hour<br>at location of sign) | <u>Maximum Sign Area</u><br>(square feet) |
|----------------------------------------------------------------------|-------------------------------------------|
| Less than 30                                                         | 4                                         |
| 30 to 49                                                             | 8                                         |
| <u>50 or more</u> Greater than 49                                    | 12                                        |

**(5) General requirements for all signs.**

- (h) Window and door signs. Permanent window sign area and door signs area shall not exceed 30% of the window or door area.
- (i) Freestanding signs shall not extend more than 20 feet above ground level at their base, as defined by the natural contour of the ground. A freestanding sign shall adhere to the following maximum sign area size requirements:

| <b>Posted Speed Limit<br/>(miles per hour<br/>at location of sign)</b> | <b>Maximum Sign Area Size<br/>(square feet)</b> |
|------------------------------------------------------------------------|-------------------------------------------------|
| <u>Less than 30</u> <del>25 or under</del>                             | 24                                              |
| <u>30 to 49</u> <del>Over 25 and under 50</del>                        | 32                                              |
| 50 or more                                                             | 50                                              |

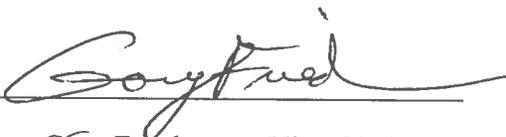
**EXPLANATION:** The Planning Board has crafted language to utilize the defined term “sign area” consistently throughout the Land Use Ordinance. The draft amendment also modifies three charts to use consistent terminology throughout.

Given under our hands and seal at Bar Harbor on this first day of March, 2016

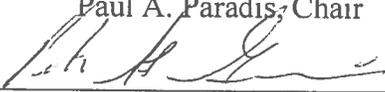
**Municipal Officers of the Town of Bar Harbor**

  
\_\_\_\_\_

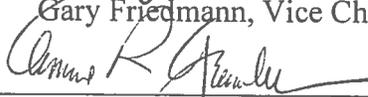
Paul A. Paradis, Chair

  
\_\_\_\_\_

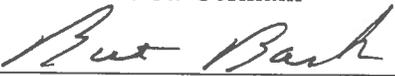
Gary Friedmann, Vice Chair

  
\_\_\_\_\_

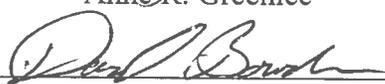
Peter St. Germain

  
\_\_\_\_\_

Anne R. Greenlee

  
\_\_\_\_\_

Burt O. Barker

  
\_\_\_\_\_

David Bowden

  
\_\_\_\_\_

J. Clark Stivers