

Agenda
Bar Harbor Town Council
April 5, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – Town Council Chambers
 - A. **Excused Absence(s)** Mr. Barker requested to be excused.
- II. **COMMITTEE APPOINTMENTS** –
 - A. Application of Emily Dwyer for appointment to the Design Review Committee for a term expiring June 2016 or 2018.
 - B. Application of Greg Veilleux for appointment to the Parks and Recreation Committee for a term expiring June 2018.
 - C. Application of Jacquie Colburn for appointment to the Conservation Commission for a term expiring June 2017 or 2018.
- III. **PUBLIC COMMENT PERIOD** – The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.
- IV. **APPROVAL OF MINUTES**
 - A. **March 10, 2016 Special Meeting**
 - B. **March 15, 2016 Regular Meeting**
- V. **ADOPTION OF AGENDA**
- VI. **PUBLIC HEARINGS:**
 - A. **Special Amusement Permits:**
 - 1. **The Thirsty Whale**, 40 Cottage Street, request for Class 3a, three or more musicians with mechanical amplification as submitted by Basil Eleftheriou, Jr. (NEW, change of classification)
 - 2. **Stewman’s Lobster Pound Downtown**, 35 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Young’s Pier, LLC, Patrick Walsh. (Renewal)
 - 3. **West Street Hotel**, 50 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by West Street Hotel, LLC, Michael Walsh. (Renewal)
 - 4. **Atlantic Oceanside Hotel**, 119 Eden Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Witham Family Limited Partnership, Donna Mitchell. (Renewal)

- 5. **Bar Harbor Lobster Company**, 297 Main Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Garrett FitzGerald. (NEW)
- 6. **ImprovAcadia**, 15 Cottage Street, request for Class 4, any other type of entertainment, as provided by 28A MRSA 1054.1.C as submitted by Acadia,LLC, Larrance Fingerhut. (Renewal)

VII. REGULAR BUSINESS:

- A. **Prospect Avenue Road Closure** – Request of MacQuinn Construction Co. for approval to close the lower portion of Prospect Avenue adjacent to the sub-station project from April to September.
- B. **Seniors Committee** - Request of Bonnie & Arnold Lundquist to consider establishing a committee addressing the needs of resident seniors.
- C. **Jackson Laboratory** – Presentation of the Laboratory’s ten year master plan.
- D. **Parking** – Parking recommendations next steps.
- E. **Proclamation: National Library Week** – Request of Jesup Memorial Library staff to recognize and celebrate National Library Week.
- F. **Annual Town Meeting: June 2016** –
 - 1. **Notice of Public Hearing** –Possible motion to prepare final notice for Council’s signature and schedule the public hearing for May 17.
 - 2. **Annual Town Meeting Warrant** –
 - a.) Council’s recommendations on remaining Warrant articles.
 - b.) Possible action to rescind PAYT straw poll for June 2016 town meeting.
 - c.) Possible motion to prepare final Warrant for Council’s signature.
- G. **Neighborhood Meeting** – Possible motion to approve postcard invitation to be mailed to neighbors for the first neighborhood meeting scheduled May 3 in Town Hill
- H. **Treasurer’s Warrant** – Request of Treasurer to authorize paid bills.

VIII. TOWN MANAGER’S COMMENTS

IX. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

X. EXECUTIVE SESSION: (None Anticipated)

XI. ADJOURNMENT

**In order to assure your full participation in this meeting,
we would appreciate your informing us of any special
requirements you might have due to a disability.
Please call 288-4098**

Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday April 1, 2016

Re: **Town Council Meeting of April 5th**

CALL TO ORDER – 7:00 P.M.

- I. **A. Excused Absences** – Councilor Barker will be absent. Possible motion: to excuse Councilor Paradis as provided by Town Charter section C-12.B(1)(d).
- II. **Committee Appointments**- Since the Appointments Committee does not get appointed until after town meeting, consideration of these applications should be done in same manner as in the past.
- VI. **Public Hearings-**
 - A. **Special Amusement Permits**
 - 1. **The Thirsty Whale** 40 Cottage Street- No issues from the PD. Possible motion: motion to approve the Special Amusement Application for The Thirsty Whale for a Class 3a permit as advertised.
 - 2. **Stewman's Lobster Pound Downtown**, 35 West St.
 - 3. **West Street Hotel**, 50 West Street
 - 4. **Atlantic Oceanside Hotel**- 119 Eden Street
 - 5. **Bar Harbor Lobster Company**- 297 Main Street

The Police Chief reports no issues/complaints with the listed applicants.
Possible Motions for each of the above applicants - motion to approve the Special Amusement application for (name)_____ for a Class 3ad permit as advertised.

- 6. **Improv Acadia**, 15 Cottage Street, Class 4. No issues from the PD. Possible motion: motion to approve the Special Amusement Application for Improv Acadia for a Class 4 permit as advertised.

VII. REGULAR BUSINESS:

- A. **Prospect Avenue Road Closure**- see the enclosed letter from Tim Whitney of Harold MacQuinn Construction requesting a temporary road closure on Prospect Street during the Emera substation site work phase. The Public Works Director, Fire Chief and the Police Chief are okay with the request. A possible motion: to temporarily close to traffic to lower Prospect Avenue from April 6th to September 30th 2016.

- B. Jackson Lab-** Presentation of their 10 year master plan. John Fitzpatrick and LuAnn Ballesteros will attend the meeting. John will review the master plan proposal and LuAnn will speak on the economic impact the JAX has on the town and the region.
- C. Request for a Standing Committee to address senior/elderly issues.** See the enclosed request from Bonnie and Arnold Lundquist for a standing committee to address Senior issues. The Lundquists will attend the meeting. There is also information enclosed on the AARP's Network of Age-Friendly Communities. The Council could consider a Task Force which would not require an ordinance approval like a standing committee would. If a standing committee is to be considered, a possible motion: to instruct the Town Manager to prepare an ordinance that establishes a Senior Committee and advertise for membership applications.
- D. Parking Recommendations-** The Council asked that this be placed on the agenda. The question is how to proceed with the recommendations (enclosed) prepared by the consultant. I have sent a note asking the Backyard Parking Committee to weigh in on their interest in assisting the Council with implementation. If the committee is interested in continuing, a possible motion: to refer the parking recommendations presented to the Town Council on March 10 2016 to the Backyard Parking Committee.
- E. Proclamation: National Library Week** – Request of Jesup Memorial Library staff to recognize and celebrate National Library Week with a signed proclamation.
- F. Annual Town Meeting: June 2016.** See the enclosed memo from Pat Gray, Town Clerk.
1. **Notice of Public Hearing-** Possible motion: to schedule the Town Meeting Warrant Public Hearing for May 17th at 7 pm.
 2. **Annual Town Meeting Warrant** –
 - a.) Education Warrant Articles: possible motion: to recommend approval for the miscellaneous education Articles N through Q.
Municipal Miscellaneous Articles- Possible Motion: to recommend approval for the miscellaneous articles S through X.
 - b.) Since a trial PAYT program is being considered at the April 19th meeting, the previous action to have a straw poll in June should be rescinded. Possible motion: to rescind the December 15, 2015 action to schedule a non-binding vote at the June Town Meeting on the PAYT program.
 - c.) Warrant Preparation- possible motion; ask the Town Clerk to prepare the Town Meeting Warrant for Town Council signatures.
- G. Neighborhood Council Meeting in Town Hill on May 3rd-** Pat suggested that instead of the comments starting at 6 and the meeting starting at 7 pm, that you start the meeting at 6 with up to an hour in the comments section. Enclosed is a sample post card notice to be mailed out. Possible motion: to approve the mailing notice as proposed and have the May3rd Council meeting start at 6 pm with up to an hour of public comment discussion.
- H. Treasurer's Warrant** – I recommend passage of a motion: to sign the Treasurer's Warrants for paid bills.

RECEIVED

MAR 11 2016

Town of Bar Harbor
Manager/Clerk's Office

APPLICATION TO SERVE ON BOARDS
AND COMMITTEES
TOWN OF BAR HARBOR

IIA



Last: DWYER First: EMILY Initial: E

Town Council respectfully requests that all information is thoroughly completed to provide adequate information for full consideration, including when re-applying. Incomplete applications may impede consideration.

Physical Resident Address: 154 Main St. #1 Bar Harbor, ME 04609

Mailing Address: 154 Main St. #1 Bar Harbor, ME 04609

Business Address: 5 Black Bear Rd. Brooksville, ME 04617

Business Phone: 207-326-9339 Home Phone: 703-587-0272

E-mail Address: emo228@gmail.com FAX Number: _____

How long have you lived in Bar Harbor: 9 Months 7 Years

Occupation: Architectural Draftsman

Is this your first application or are you re-applying?

Indicate the Board(s) and/or Committee(s) you are interested in serving on.

- | | |
|----------------------------------------------------------|-------------------------------------------------------|
| Board of Appeals: <input type="checkbox"/> | Planning Board: <input type="checkbox"/> |
| Design Review Board: <input checked="" type="checkbox"/> | Conservation Commission: <input type="checkbox"/> |
| Housing Authority: <input type="checkbox"/> | Parking & Traffic Committee: <input type="checkbox"/> |
| Harbor Committee: <input type="checkbox"/> | Marine Resource Committee: <input type="checkbox"/> |
| Parks & Rec. Committee: <input type="checkbox"/> | Other: _____ |

Education:

BS Design with focus in Architecture from East Carolina University
Minor in Business Administration

Previous Bar Harbor Boards or Committees on which you have served:

_____ Years Served: _____

_____ Years Served: _____

_____ Years Served: _____

When was the last time you attended a meeting of the board for which you applied?

April, 2013

Have you read the enabling ordinance?

Yes

No

Will you commit to attend at least 75% of the meetings?

Yes

No

Will you commit to take the required Ethics Training?

Yes

No

Will you be available to attend the Council meeting in which your appointment will be discussed?

Yes

No

Other relevant work or volunteer experience: (Please list the Organization, its Address, your Position and the Dates Served.)

Draftsman for Roc Caivano Architects in Bar Harbor. (38 Rodick St.) July 2010-July 2012

Please provide a brief statement indicating why you are interested in serving/or renewing your service on this committee.

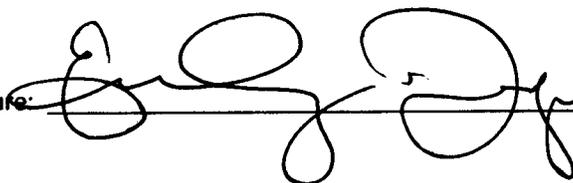
I care about the design and aesthetic appeal of the Bar Harbor downtown area. I also want to do my part for the community. This would be my first position on any board in Bar Harbor and I feel it is the best fit for me to start contributing to my town. I feel I have a good eye and will be able to give constructive feedback and make logical well thought out decisions about the appearance and integrity of down town buildings.

STATEMENT OF QUALIFICATIONS:

Please provide a brief statement indicating why you feel you are qualified or what you would like to offer to be considered for the appointment. Attach another sheet if you like.

I feel I am qualified for a position on the Design Review Board because of my experience with architecture, both educationally and professionally. I am constantly asked to help people design/give feedback on projects they are undergoing, whether it be a friend or client. People often tell me I have a "good eye" for these things.

Signature: _____



Date: _____

2/29/16

RECEIVED

MAR 14 2016

Town of Bar Harbor
Manager/Clerk's Office

APPLICATION TO SERVE ON BOARDS
AND COMMITTEES
TOWN OF BAR HARBOR

II B



Last: Veilleux First: Greg Initial: J

Town Council respectfully requests that all information is thoroughly completed to provide adequate information for full consideration, including when re-applying. Incomplete applications may impede consideration.

Physical Resident Address: 166 Main st

Mailing Address: same

Business Address: same

Business Phone: 207-288-9550 Home Phone: 207-266-0978

E-mail Address: vfamilymdi@gmail .com FAX Number: 207-288-4475

How long have you lived in Bar Harbor: _____ Months 21 Years

Occupation: retail store owner

Is this your first application or are you re-applying?

Indicate the Board(s) and/or Committee(s) you are interested in serving on.

- | | |
|-------------------------------------------------------------|-------------------------------------------------------|
| Board of Appeals: <input type="checkbox"/> | Planning Board: <input type="checkbox"/> |
| Design Review Board: <input type="checkbox"/> | Conservation Commission: <input type="checkbox"/> |
| Housing Authority: <input type="checkbox"/> | Parking & Traffic Committee: <input type="checkbox"/> |
| Harbor Committee: <input type="checkbox"/> | Marine Resource Committee: <input type="checkbox"/> |
| Parks & Rec. Committee: <input checked="" type="checkbox"/> | Other: _____ |

Education:

Bs in business management from Husson University

Previous Bar Harbor Boards or Committees on which you have served:

<u>Warrant committee</u>	Years Served: <u>3</u>
<u>Conservation committee</u>	Years Served: <u>3</u>
<u>Town council</u>	Years Served: <u>3</u>

When was the last time you attended a meeting of the board for which you applied?

Have you read the enabling ordinance?

Yes No

Will you commit to attend at least 75% of the meetings?

Yes No

Will you commit to take the required Ethics Training?

Yes No

Will you be available to attend the Council meeting in which your appointment will be discussed?

Yes No

Other relevant work or volunteer experience: (Please list the Organization, its Address, your Position and the Dates Served.)

Hancock County Coopertive Extention, Ellsworth Maine, and served for 18 years and currantly serving as President.

Cruise ship Task Force past member

Please provide a brief statement indicating why you are interested in serving/or renewing your service on this committee.

I have an interest in being part of the preservation of our intown parks and monitoring special activities that can enhance our community's well being.

STATEMENT OF QUALIFICATIONS:

Please provide a brief statement indicating why you feel you are qualified or what you would like to offer to be considered for the appointment. Attach another sheet if you like.

I have had the oppertunity to own and operate a business in downtown Bar Harbor for 21 + years.

I understand the impotance of participation in our towns boards and committees.

I would continue the good work of prior committee members.

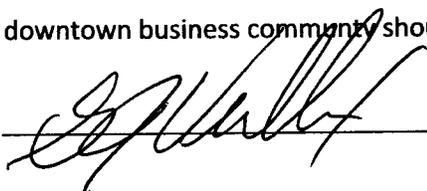
I have been a beneficiary of the village green and the positive improvements that have made it a hub for downtown.

I would like for the committee to consider me as a member to serve on the Parks and Rec. committee.

I have taken the ethics training as a town councilor,

I feel that the downtown business community should be represented and they are

Signature: _____



Date: _____

3.14.16

RECEIVED

MAR 14 2016

Town of Bar Harbor
Manager/Clerk's Office

APPLICATION TO SERVE ON BOARDS
AND COMMITTEES
TOWN OF BAR HARBOR

II C



Last: Colburn First: Jacque Initial: _____

Town Council respectfully requests that all information is thoroughly completed to provide adequate information for full consideration, including when re-applying. Incomplete applications may impede consideration.

Physical Resident Address: 12 Shannon Road

Mailing Address: Same

Business Address: NA

Business Phone: NA Home Phone: 603-581-9711 (cell)

E-mail Address: jacquie.colburn@gmail.com FAX Number: NA

How long have you lived in Bar Harbor: 3 Months 0 Years

Occupation: Service Assoc., Hannaford's; Compliance Officer, BHS&LA

Is this your first application or are you re-applying?

Indicate the Board(s) and/or Committee(s) you are interested in serving on.

- | | |
|--------------------------------------------------|--------------------------------------------------------------|
| Board of Appeals: <input type="checkbox"/> | Planning Board: <input type="checkbox"/> |
| Design Review Board: <input type="checkbox"/> | Conservation Commission: <input checked="" type="checkbox"/> |
| Housing Authority: <input type="checkbox"/> | Parking & Traffic Committee: <input type="checkbox"/> |
| Harbor Committee: <input type="checkbox"/> | Marine Resource Committee: <input type="checkbox"/> |
| Parks & Rec. Committee: <input type="checkbox"/> | Other: _____ |

Education:

M.A. Geography - 1989: Concentration: GIS for Environmental Assessment and Land Use Planning;
University of Connecticut, Storrs, CT
B.S. Renewable Natural Resources - 1982; University of Connecticut, Storrs, CT

Previous Bar Harbor Boards or Committees on which you have served:

NA Years Served: _____

Years Served: _____

Years Served: _____

When was the last time you attended a meeting of the board for which you applied?

November 2015

Have you read the enabling ordinance?

Yes

No

Will you commit to attend at least 75% of the meetings?

Yes

No

Will you commit to take the required Ethics Training?

Yes

No

Will you be available to attend the Council meeting in which your appointment will be discussed?

Yes

No

Other relevant work or volunteer experience: (Please list the Organization, its Address, your Position and the Dates Served.)

Work Experience:

Program Coordinator, NH Rivers and Lakes Management and Protection Programs

NH Department of Environmental Services (DES), Concord, NH 1992 - 2015

Lakes Coordinator: 1992 - 2011; Administered the Lakes Management and Protection Program

Rivers Coordinator: 2011 - 2015; Commencing July 2011, administered both the Rivers Management and Protection Program and the Lakes Management and Protection Program

Volunteer Experience:

Town of Meredith NH Conservation Commission, 1999 - 2013

Town of Andover NH Planning Board, 1996 - 1999; Town of Holderness NH Planning Board, 1990 - 1996

Please provide a brief statement indicating why you are interested in serving/or renewing your service on this committee.

From 1990 through 2013, I served on 3 municipal commissions or boards in NH. I enjoyed working with other members of those committees to develop and implement programs that benefited the community as a whole. With my move to Bar Harbor, I look forward to the opportunity to contribute to the town. I believe that I have the relevant work and volunteer experience to assist the Conservation Commission with their efforts.

STATEMENT OF QUALIFICATIONS:

Please provide a brief statement indicating why you feel you are qualified or what you would like to offer to be considered for the appointment. Attach another sheet if you like.

I worked for 30 years as an environmental professional and in that capacity provided assistance to numerous individuals, volunteer associations, municipalities, non-profit organizations, businesses, and state and federal agencies on a variety of environmental topics. I administered, coordinated, and provided staff to two statewide governor-appointed river and lake advisory committees. I advised environmental commissioners, technical and professional personnel regarding lake, river and watershed issues. I coordinated with non-profit organizations, agencies, academia, business and commercial enterprises, private citizens and municipalities to develop and administer environmental outreach and education programs. I created and produced various guidance documents regarding the management and protection of surface water resources. In addition to serving on three municipal boards and commissions while living in NH, I also volunteered to serve on the board of several environmental non-profit organizations.

Signature: _____

Jacquie Colburn

Date: _____

3/14/16

Minutes
Special Bar Harbor Town Council
March 10, 2016

- I. **CALL TO ORDER** – 6:03 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight.
- II. **ADOPTION OF AGENDA** – Mr. St. Germain, with second by Ms. Greenlee, moved to adopt the agenda as presented. Motion passed 7-0.
- III. **REGULAR BUSINESS:**

- A. **Backyard Parking Lot** – *Update and presentation from consultant Bermello Ajamil & Partners, Inc.* - Tere Garcia with Bermello Ajamil & Partners reviewed the work to date, the results of the survey and citizen's participation from the November 9, 2015 open forum. The survey and comment cards were also available online, the deadline for submission was December 1st. All reports and presentations to-date were posted on the Town's website. In addition, they prepared a Frequently Asked Questions which was also posted to the website.

Before opening the floor to the public, Tere Garcia gave a presentation on the final recommendations. The recommendations included a parking program, implementation of the plan that includes establishing a parking fund, financing plan, capital plan, and future phases. Emphasis was made that the parking plan included a number of parking programs that were necessary for a successful plan.

There were approximately eighteen residents and members of the business community that provided comments and questions. Ms. Garcia responded to each. The October 2015 report and presentation that is posted online provided the data used to base the consultant's recommendations and was the source of many of the responses.

The public comments for the parking garage ended at 7:35 p.m.

- B. **Ferry Terminal** – *Update and presentation from consultant Bermello Ajamil & Partners, Inc.* - Luis Ajamil, consultant with Bermello Ajamil & Partners spoke of the Ferry Terminal study and provided a review of the assignment and changes in the Cruise Ship industry since last reporting to the Council and the public in 2012, and suggested options for financing and execution.

He briefly reviewed Phase I, initially to develop a business plan, a quick strategy to see potential for further study. Following the initial report, they were contracted for Phase II, Detailed Facility and Business Plan. During this Phase, public forum was held and the comments and summary of the event are also posted online.

Mr. Ajamil next touched upon the changes and trends since 2012, and the conclusions: The larger ships are here to stay and will become the mainstay of the industry., Nearby homeports are all gearing up for the larger capacity., Larger ships are not appropriate to tender., Too many people for tendering it reduces on island stay by tourist, less people get off the ship.

As a result of Phase II, Mr. Ajamil further mentioned potential non-maritime uses of the facility for revenues. He then provided financial cost of the model during his presentation of Phase III, and reviewed the options for execution and management: Maine Port Authority, Town of Bar Harbor, Hybrid of both, Cruise Line, or/and Third Party. He identified the key balance between public interest and a business plan: economic impact, relief to Town traffic, traffic impacts, creating opportunities, public port, public uses, revenues to pay investment, risk mitigation, usage agreements, and disposition of profits.

Following Mr. Ajamil's presentation, public comment was received.

Tonight's Powerpoint Presentation is now posted to the Town's website under Ferry Terminal along with the past presentations and data results.

- IV. **ADJOURNMENT** – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn at 9:10 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk

Minutes
Bar Harbor Town Council
March 15, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – Councilors Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight. Councilor Friedmann served as acting Chair.
- A. **Excused Absence(s)** – *Councilor Paradis requested to be excused.* – Mr. St. Germain, with second by Ms. Greenlee, moved to excuse Councilor Paradis as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- II. **PUBLIC COMMENT PERIOD** – *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – There were no comments this evening.
- III. **APPROVAL OF MINUTES** – *March 1, 2016 Regular Meeting* – Mr. St. Germain, with second by Ms. Greenlee, moved to approve the minutes of March 1, 2016 regular meeting as published. Motion passed 6-0.
- IV. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.* – Following the Finance Director Stan Harmon’s brief review, Ms. Greenlee, with second by Mr. Stivers, moved to accept the financial statements dated 2/29/16 as presented. Motion passed 6-0.
- V. **ADOPTION OF AGENDA** – Mr. St. Germain, with second by Ms. Greenlee, moved to adopt the agenda as presented. Motion passed 6-0.
- VI. **CONSENT AGENDA** – *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*
- A. **Resolution: Boy Scout** – *Mr. St. Germain requested to move this item to regular business for the resolution to be read.*
- B. **Marine Resources Committee** – *Possible motion to accept Michael McKernan’s letter of resignation from the Marine Resources Committee and send a letter of appreciation for his years of service.*
- Mr. St. Germain, with second by Mr. Stivers, moved to approve the remaining consent agenda item as published. Motion passed 6-0.
- VII. **PUBLIC HEARINGS:**
- A. **Special Amusement Permit Renewal: Little A’s, 131 Cottage Street, request for Class 3a, three or more musicians with mechanical amplification as submitted by Laurie Wellman.** – The public hearing opened at 7:05 p.m. and closed at 7:12 p.m. Neighboring residents Tom Marinke and Bob

McCann expressed their concerns of a renewed permit. While they agreed Mr. Sal Clouse and Ms. Laura Wellman, owners of Little A's, are good to work with, the noise at all hours is disrupted to their living and sleeping. The sound proofing, switching main door entrances, closing windows, adding additional outdoor space to segregate smokers and diners just isn't enough. When the door opens the loud music flows out, and the patrons' loud voices on the deck makes it very disruptive. There were a number of complaints from May 2015 to January 2016 from various people. Only one complaint was substantiated.

Mr. Clouse was not aware of the number of complaints. He did identify that it appears to be not so much the music but the patrons smoking on the deck. If they did not have the deck, they would be in the streets and sidewalk, a public way. Mr. Clouse has worked with the police to have them run the decibel meter to help establish a reasonable level of sound.

Following the close of the public hearing and many comments from the Council, Ms. Greenlee, with second by Mr. Bowden, moved to not approve Little A's application for a Class 3ad special amusement permit as advertised. Motion failed 2-4(Nay: Mr. Bowden, Mr. Friedman, Mr. St. Germain, Mr. Barker).

Following further discussion as to what the ordinance allows and to balance fairness to both parties; Mr. St. Germain, with second by Mr. Bowden, moved to approve Little A's application for a Class 3a special amusement permit as advertised. Motion passed 5-1(Nay: Ms. Greenlee). Mr. Barker, with second by Ms. Greenlee, moved that the Police Chief work with the neighbors and Mr. Clouse and the Town Manager to report back to Council monthly. Motion passed 6-0.

VIII. REGULAR BUSINESS:

- A1. **Resolution: Boy Scout** – *Possible motion to sign the Resolution recognizing Mason Gurtler for his achievement of Eagle Scout.* - Following the reading of the resolution; Mr. St. Germain, with second by Ms. Greenlee, moved to sign the resolution recognizing Mason Gurtler for his achievement of Eagle Scout. Motion passed 6-0.

Resolution Of the Bar Harbor Town Council

Whereas, Mason Alan Gurtler of the American Legion George Edwin Kirk Post 25's Boy Scout Troop 89 has, for the last 10 years, been working long and hard to achieve the rank of Eagle Scout an achievement accomplished by only 4 out of every 100 boys who enter Scouting, and

Whereas, Mason Alan Gurtler began his Scouting career at age six as a Tiger Cub Scout in Cub Scout Pack 89, achieved the ranks of Bobcat, Wolf,

Bear and Webelos before earning Cub Scout's highest honor; the Arrow of Light, and

Whereas, Mason Alan Gurtler entered Boy Scout Troop 89 in 2010, achieved all the ranks of Scout, Tenderfoot, Second Class, First Class, Star, Life, Eagle and twenty-three merit badges, and

Whereas, Mason Alan Gurtler has exhibited remarkable leadership skills by holding the offices of Assistant Patrol Leader, Patrol Leader, Assistant Senior Patrol Leader, and Senior Patrol Leader, and

Whereas, Mason Alan Gurtler represented the State of Maine as a member of the 2013 Boy Scout National Jamboree Contingent, and

Whereas, Mason Alan Gurtler has given outstanding service to his community through over 300 hours of volunteer service, built picnic tables for the Jessup Library, the Connors Emerson School, and the Acadian Little League, by organizing his fellow Scouts to raise funds, design and construct a storage facility for the Mount Desert Island High School Theater Department, and

Whereas, Mason Alan Gurtler's Scouting accomplishments have not dissuaded him from becoming a highly regarded member of the Theater Tech Crew at the Mount Desert Island High School, and an active member of the Bar Harbor Congregational Church's Youth Group,

Now therefore, Be It Resolved, that the Bar Harbor Town Council not only applauds his achievement of Boy Scouts of America's highest rank, but also recognizes the exceptional contribution and example that Mason Alan Gurtler has made to his community.

-
- A. **Kids' Corner - Annual report and progress of Kids' Corner by Lori Krupke, Executive Director.** – Lori Krupke, Executive Director provided copies of their brochure highlighting the family statistics and their community involvement. Their new activities include a garden and holding an open carnival interacting with all ages. They continue to be successful and look forward to renewing their lease with the Town in 2017.

Mr. Barker inquired if the amount of liability insurance Kids' Corner carries adequately covers them and the Town. He requested confirmation of the insurance.

Mr. St. Germain thanked Ms. Krupke for all they do, and expressed he would like to see them here for another twenty-five years.

Mr. Bowden advised them that Route 3 construction is coming up and if there are any safety concerns at any time, please let Council know.

- B. **Council Goals – Status update.** – Each item was noted to any action since the adoption of the goals. Mr. Knight pointed out on the last page the goal to hold Council meetings in other locations, and asked if Council would like to schedule one in May. It was of general consensus to hold a May

meeting in Town Hill, starting with open forum at 6:00 p.m. and begin the regular meeting at 7:00 p.m.

Mr. Bowden, with second by Mr. Stivers, moved to remove item E.7., Harborview Park. Motion passed 6-0.

- C. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Ms. Greenlee, with second by Mr. St. Germain, moved to sign the Treasurer's warrant for paid bills. Motion passed 6-0.

- IX. **TOWN MANAGER'S COMMENTS** – Town Manager Cornell Knight announced the high school budget is out in print and the meeting will be held April 6th at 7:30 p.m. in the high school auditorium. He also reminded everyone of the joint meeting with the Warrant Committee to resolve any differences on March 22nd.

- X. **COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**

Mr. Barker requested a list of properties that the non-profits have been taken off the tax rolls since 2005.

Mr. St. Germain wished the State of Maine happy 196th birthday.

Mr. Bowden requested for April 5th agenda a discussion on the next step to the parking garage, and invite the Backyard Parking Committee.

Mr. Friedmann stated that he was proud of the Town Council tonight for figuring out a solution to both parties when considering the renewal permit for Little A's.

- XI. **EXECUTIVE SESSION:** (None)

- XII. **ADJOURNMENT** – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn the meeting at 8:23 p.m. Motion passed 6-0.

Patricia A. Gray, Town Clerk

VII



Town of Bar Harbor Application for Special Amusement Permit

Permit Fee
\$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 3.07.2016 Application Type: New Renewal Permit Number: _____

Applicant: The Thirsty Whale, Inc. Applicant's Address: P.O. Box 274
Name Mailing Address

Business Name: The Thirsty Whale Business Address: 40 Cottage Street
Physical Address in Bar Harbor

Type of Business: Restaurant Location to be used: Inside dining area
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place?
Use back of page if necessary.

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes No
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes No
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 – Single musician
- Class 2 – Two musicians
- Class 3 – Three or more musicians

With Mechanical Amplification

- Class 1a – Single musician
- Class 2a – Two musicians
- Class 3a – Three or more musicians

With Mechanical Amplification and Dancing

- Class 1ad – Single musician
- Class 2ad – Two musicians
- Class 3ad – Three or more musicians

Other Entertainment or Amusement

- Class 4 – any other type of entertainment,
as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____ Date

Patricia A. Gray, Town Clerk



Town of Bar Harbor Application for Special Amusement Permit

Permit Fee
\$129

VI 2

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 3/7/16 Application Type: New Renewal Permit Number: _____

Applicant: Young's Pier, LLC Applicant's Address: 1000 Market Street, Suite 300, Portsmouth, NH 03801
Name Mailing Address

Business Name: Stewman' Lobster Pound Downtow Business Address: 35 West Street
Physical Address in Bar Harbor

Type of Business: Restaurant/Lounge Location to be used: any and all space located at 35 West Street
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place?
Use back of page if necessary.

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes No
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes No
If yes, describe the circumstances in the space below:

**The Town Council requests all applicants or their representatives attend the public hearing to answer any questions.
Please be advised that the absence of your representative may delay the Council's decision.**

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 – Single musician
- Class 2 – Two musicians
- Class 3 – Three or more musicians

With Mechanical Amplification

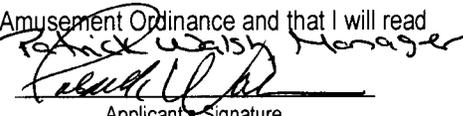
- Class 1a – Single musician
- Class 2a – Two musicians
- Class 3a – Three or more musicians

With Mechanical Amplification and Dancing

- Class 1ad – Single musician
- Class 2ad – Two musicians
- Class 3ad – Three or more musicians

Other Entertainment or Amusement

- Class 4 – any other type of entertainment,
as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____
Date

Patricia A. Gray, Town Clerk

Revised 04/09/2015

VI 3



Town of Bar Harbor Application for Special Amusement Permit

Permit Fee
\$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 3/7/16 Application Type: New Renewal Permit Number: _____

Applicant: West Street Hotel, LLC Applicant's Address: 1000 Market Street, Suite 300, Portsmouth, NH 03801
Name Mailing Address

Business Name: West Street Hotel Business Address: 50 West Street
Physical Address in Bar Harbor

Type of Business: Hotel/Restaurant Location to be used: any and all space located at 35 West Street
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place? Use back of page if necessary.

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes No
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes No
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 – Single musician
- Class 2 – Two musicians
- Class 3 – Three or more musicians

With Mechanical Amplification

- Class 1a – Single musician
- Class 2a – Two musicians
- Class 3a – Three or more musicians

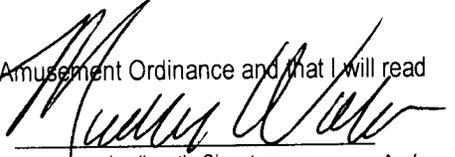
With Mechanical Amplification and Dancing

- Class 1ad – Single musician
- Class 2ad – Two musicians
- Class 3ad – Three or more musicians

Other Entertainment or Amusement

- Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.


Applicant's Signature
Michael Walsh Manager

The Municipal Officers of Bar Harbor hereby approve deny this application on _____ Date

Patricia A. Gray, Town Clerk

VI 4



Town of Bar Harbor Application for Special Amusement Permit

Permit Fee
\$129

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 03/01/2016 Application Type: New Renewal Permit Number: _____

Applicant: Donna Mitchell Applicant's Address: Town Hill, ME 04609
Name Mailing Address

Business Name: Atlantic Oceanside Hotel Business Address: 119 Eden Street
Physical Address in Bar Harbor

Type of Business: Hotel & Event Center Location to be used: Hotel/Lounge/Event Center
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place?
Use back of page if necessary.

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes No
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes No
If yes, describe the circumstances in the space below:

**The Town Council requests all applicants or their representatives attend the public hearing to answer any questions.
Please be advised that the absence of your representative may delay the Council's decision.**

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 – Single musician
- Class 2 – Two musicians
- Class 3 – Three or more musicians

With Mechanical Amplification

- Class 1a – Single musician
- Class 2a – Two musicians
- Class 3a – Three or more musicians

With Mechanical Amplification and Dancing

- Class 1ad – Single musician
- Class 2ad – Two musicians
- Class 3ad – Three or more musicians

Other Entertainment or Amusement

- Class 4 – any other type of entertainment,
as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Donna Mitchell
Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____
Date

Patricia A. Gray, Town Clerk



Town of Bar Harbor Application for Special Amusement Permit

Permit Fee
\$129

VI 5

Special Amusement Permits are valid only for the license year of the applicant's existing liquor license.

Date: 2-26-16 Application Type: New Renewal Permit Number: _____

Applicant: Garrett Fitzgerald Applicant's Address: P.O. Box 85, Bar Harbor, ME 04609
Name Mailing Address

Business Name: BAR HARBOR LOBSTER COMPANY Business Address: 297 MAIN ST. B.H., ME 04609
Physical Address in Bar Harbor

Type of Business: RESTAURANT Location to be used: see attached.
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place? Use back of page if necessary.

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes No
If yes, describe the circumstances in the space below.

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes No
If yes, describe the circumstances in the space below.

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

- Without Mechanical Amplification**
- Class 1 - Single musician
 - Class 2 - Two musicians
 - Class 3 - Three or more musicians

- With Mechanical Amplification**
- Class 1a - Single musician
 - Class 2a - Two musicians
 - Class 3a - Three or more musicians

- With Mechanical Amplification and Dancing**
- Class 1ad - Single musician
 - Class 2ad - Two musicians
 - Class 3ad - Three or more musicians

- Other Entertainment or Amusement**
- Class 4 - any other type of entertainment, as provided by 28A MRSA 1054.1.C

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

[Signature]
Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____ Date

Patricia A. Gray, Town Clerk

VII A.



HAROLD MacQUINN, INC
P.O. BOX 789 • ELLSWORTH, ME 04605

HANCOCK PLANT
TEL (207) 667-4653
FAX (207) 667-3737

HULLS COVE PLANT
TEL (207) 288-5021
FAX (207) 288-3808

March 17, 2016

Cornell Knight, Town Manager
Town of Bar Harbor
93 Cottage St.
Bar Harbor, ME 04609-1400

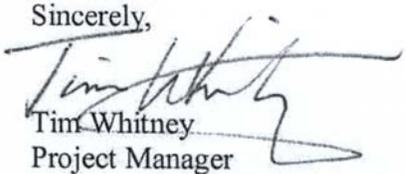
RE: Emera Acadia Sub Station – Prospect Ave. Road Closure

Dear Mr. Knight,

We would like to thank you for attending the Pre Construction Meeting today at the Public Works Building. As discussed at the meeting, we are seeking The Towns approval to close down the lower portion of Prospect Ave that is adjacent to the Proposed Sub Station Project. This portion of Prospect Ave is between Eden St (Route 3) and West St. Extension. Because excavation limits for the project will extend into Prospect Ave. and trucks entering and leaving the project would be a hazard for vehicles, bikes and pedestrians using this portion of the Street we would like to close Lower Prospect Ave from April to September. Emergency vehicles would still be able to access Prospect Ave. from the West St. Extension end of the street for potential emergencies to adjacent properties.

Thank you for The Towns consideration and should you have any questions or need additional information please feel free to contact me at any time.

Sincerely,


Tim Whitney
Project Manager

NO JOB TOO LARGE OR TOO SMALL
CRUSHED STONE • SITEWORK • UNDERGROUND UTILITIES
PAVING • CONCRETE FOUNDATIONS • MASONRY • SEPTIC SYSTEMS

To: Cornell Knight, Town Manager; Paul Paradis, Chair of Town Council; Members of Town Council

From: Bonnie and Arnold Lundquist

Topic: Request for establishment of standing committee focused on the needs of senior residents in Bar Harbor (Aging in Place Bar Harbor)

Date: March 9, 2016

Rationale

Maine has one of the largest percentages of older citizens and the needs of this population are going to drive many aspects of community life in Maine and in Bar Harbor over the next decades. People over 50 represent nearly ½ of the population of Bar Harbor and this group is expected to grow. Keeping our seniors in Bar Harbor is vital to our community and our economy: seniors are involved in the workforce, volunteer system and bring skills and ideas learned over a lifetime to enhance the community they love. *Seniors give a lot (time, money, energy) and only take a little (example, they do not use schools).* Bar Harbor is unique in that a significant percentage of seniors are financially secure. A survey of 50+ Mainers conducted by AARP Maine in 2014 found that the majority want to stay in their home and community as they age and we need to help make this happen.

Goals of the Committee

Initial goals would be to identify, discuss and recommend actions focused on what is needed and desired to help senior citizens live easily and comfortably in Bar Harbor as they age. It is anticipated this would begin by doing a community survey and focus groups based on the AARP "8 domains of livability" (attached). The Committee would build an action plan after initial outreach is completed and feedback compiled.

Funding/Economics

It is anticipated there will be little or no cost associated with this committee. Grants will be sought to fund the survey; skills of existing community groups and volunteers will be enlisted to provide senior services (many such groups are now functioning but in fragmented manner). Mentoring and in-kind support is available through AARP, Tri State Collaborative on Aging and other organizations.

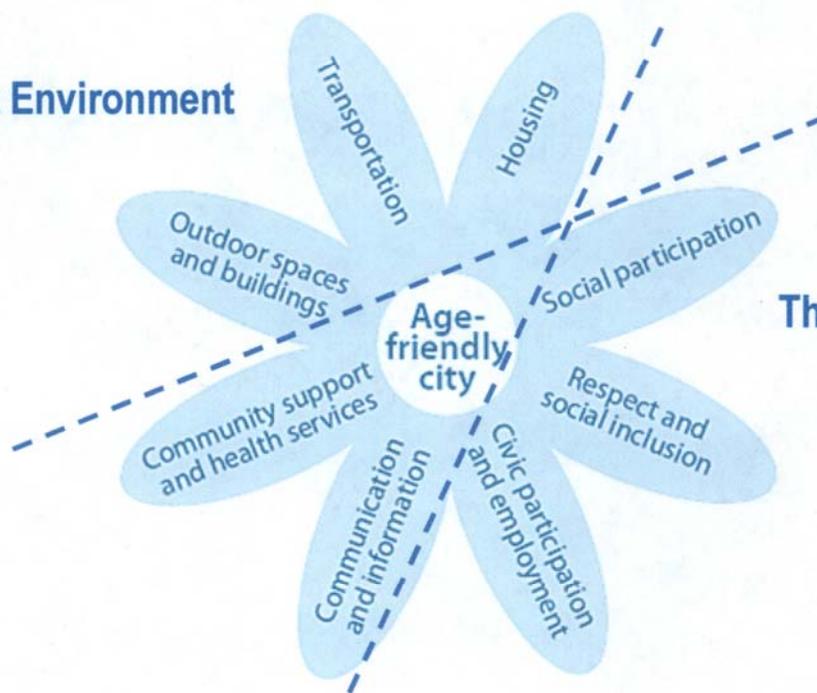
Committee Membership

Membership will consist of 5-7 people with Bonnie Lundquist willing to serve as co chair. While we have people who are engaged in this effort and have expressed interest in serving on the committee, membership will also be opened to persons over 50 and other interested community members. Ideally one member of the Town Council will agree to serve.

The **AARP**® Network of Age-Friendly Communities

Real Possibilities

The Built Environment



The Social Environment

Our Vision and the “8 Domains of Livability”

AARP Network of Age-Friendly Communities

An Introduction



NETWORK PROFILE

The AARP Network of Age-Friendly Communities consists of towns and cities throughout the United States. The Network is expanding regularly as additional communities make the commitment to become age-friendly. AARP advances efforts to help people live easily and comfortably in their homes and communities, and it encourages older residents to take an active role and have their voices heard.

EIGHT DOMAINS OF LIVABILITY

AARP's Network of Age-Friendly Communities targets improvements that influence the health and quality of life of older adults:

- 1. Outdoor spaces and buildings**
Availability of safe and accessible recreational facilities
- 2. Transportation**
Safe and affordable modes of private and public transit
- 3. Housing**
Range of housing options for older residents, the ability to age in place and home-modification programs
- 4. Social participation**
Access for older adults to leisure and

cultural activities, and opportunities for social and civic engagement with both peers and younger people

- 5. Respect and social inclusion**
Programs to promote ethnic and cultural diversity, as well as multigenerational interaction and dialogue
- 6. Civic participation and employment**
Paid work and volunteer activities for older adults, and opportunities to engage in the creation of policies relevant to their lives
- 7. Communication and information**
Access to technology that helps older people connect with their community, friends and family
- 8. Community support and health services**
Access to homecare services, health clinics and programs that promote wellness and active aging

LEARN MORE at aarp.org/agefriendly
aarp.org/livable-communities/network-age-friendly-communities/

WEB: www.aarp.org/me

Facebook and Twitter: [aarpmaine](https://www.facebook.com/aarpmaine)

EMAIL: me@aarp.org

MAINE ENROLLED
Enrolled communities
Portland, Kennebec

AARP NETWORK

- Recognition by AARP
- Organizational guidance from national experts
- Resources for identification, assessment and implementation
- Access to a network of age-friendly communities and organizations
- Access to a volunteer network
- Access to evaluation and research
- Trainings and networking opportunities
- Streamlined administrative processes within the network
- Resources at AARP.org

If your community is preparing for Maine's demographics through the AARP Community Network, contact AARP Maine:
PHONE: 1-866-554-5545
Lori Parham LParham@aarp.org
Peter Morelli PMorelli@aarp.org
207-712-7105

AARP Network of Age-Friendly Communities

An Introduction



AARP Maine Resources Available for Making your Community More Age-Friendly

Members of the AARP Network of Age-Friendly Communities become part of a network of communities of older adults with the opportunity to live rewarding, productive and safe lives. AARP Maine will work with any Maine community that wants to address the important issues of aging in place and aging in community. Among the services and resources available are:

AARP has compiled resources from the United States and English speaking countries. Find our *Age Friendly Communities* at <http://www.aarp.org/livable-communities/network-age-friendly-communities/>. The AARP Age Friendly assessment tool can be used as is or modified by any community who wishes to do so. The site provides access to a network of communities now in use in 50 communities across the country-- providing experience and resources back to the Network.

Especially useful for smaller Maine communities is a Canadian guide entitled *Age Friendly Rural and Remote Communities*. *Guide* http://www.phac-aspc.gc.ca/seniors-aines/alt-formats/pdf/publications/public/healthy-sante/age_friendly_rural_remote_communities.pdf

A Maine oriented guide to age friendly work is *Building a Collaborative Community Response to Aging in Place: Creating an Age Friendly Maine, One Community at a Time*. It is available at : http://maine4a.org/image_upload/age_friendly_main_ebook.pdf

AARP staff can attend early meetings of age friendly community groups, helping to get the process off on a good foot.

AARP can provide a model age friendly community survey and advise on how to administer it.

AARP Maine has a small grant program to support age friendly community planning designed to include low and moderate income older adults.

There are many roads... We love the Village model. If your community wants to pursue the Village Model (or other model) AARP will be there to help with support and guidance for your strategic plan for aging in your community.

AARP publishes a monthly on-line livable communities newsletter with articles highlighting relevant resources. <https://secure.aarp.org/livable-communities/livable-community-news-alerts/>

AARP's Livability Index provides a snapshot of neighborhood needs: <http://livabilityindex.aarp.org/livability-index/>

AARP conducts an annual conference for member communities and conducts webinars/calls in collaboration with other aging organizations. Similar Maine oriented meetings are planned.

If your community has interest in preparing for Maine's changing demographics through the Age Friendly Communities program, contact AARP Maine, 866-554-5380, Peter Morelli, age friendly coordinator, PMorelli@AARP.org, 207-712-7100

BAR HARBOR BACKYARD PARKING STUDY

FINAL RECOMMENDATIONS

VII D



PARKING PROGRAM

- On-Street Metered Parking Program
- Town Parking Lot Program (Fee-for-Use)
- Construction of a Garage
- Residential Parking Program
- On-Street Parking Permit Program

IMPLEMENTATION PLAN

On-Street Metered Parking Program and Town Parking Lot Program

- Amend the Town's Codes and Ordinances as needed to establish the Town's right to charge for parking on-street and to establish the Town's right to charge parking in Town's owned off-street facilities.
- Initiate the legislative process necessary to institute the recommended rates for parking fees and fines.
- Incorporate recommendations for increased enforcement into the budget process for the next fiscal year.

Parking Fund

- Establish a "parking fund" into which parking-related revenues are deposited and against which parking-related expenses are charged.

Garage

- Amend Zoning Code and Land Use Ordinances to allow for the development of the parking garage on the Backyard site.
- Confirm preliminary structure and terms negotiated and execute an agreement between the Town and Ocean Properties defining roles and responsibilities through the garage design and development process.
- Commission an official survey of the project site to establish lot lines and parcel ownership.
- Identify and commence negotiations with property owners of parcels necessary to facilitate the efficient design of the structure.
- Prepare and execute agreements with property owners regarding property or easements needed, as appropriate and corresponding terms. (Point to be discussed).
- Initiate design process for development of construction documents for the proposed garage.

Residential Parking Permit Program

- Amend the Town's Codes and Ordinances as needed to establish a Residential Parking Permit Program.
 - Provide regulatory framework to establish this program
 - Draft rules, regulations and procedures for establishment of the program;
 - Stakeholder outreach
 - Ratification of the program by Town Council if required.

BAR HARBOR BACKYARD PARKING STUDY



FINAL RECOMMENDATIONS

- Assignment of responsibilities for program implementation and administration; ordering of supplies and signage
- Implement Program

On-Street Parking Permit Program

- Amend the Town's Codes and Ordinances as needed to establish an On-Street Parking Permit Program.
 - Provide regulatory framework to establish this program.
 - Draft rules, regulations and procedures for establishment of the program
 - Stakeholder outreach
 - Ratification of the program by Town Council if required
 - Assignment of responsibilities for program implementation and administration; ordering of supplies and signage.
 - Implement Program

Parking Enforcement Program

- Expand and amend Parking Enforcement Program as needed
- Implement Program

FINANCING PLAN

- Initiate process to acquire funding for project's capital initiatives
- Acquire funding for project's capital initiatives.
 - Town Meeting can authorize the borrowing of an initial loan to fund the on and off street meters/kiosks.
 - Establish Financing Structure for all capital program elements and prepare to issue bonds.

CAPITAL PLAN

On-Street Metered Parking Program & Town Parking Lot Program

- Prepare a bid specification for purchase and installation of on-street meters.
- Prepare a bid specification for purchase and installation of off-street meters.
- Solicit bids, evaluate and select vendor(s).
- Purchase and install on-street meters and off-street meters.

Garage

- Prepare a bid specification for construction of the garage.
- Solicit bids, evaluate and select vendor(s).
- Initiate and completed building program
 - Construction of the proposed garage.
 - Complete construction
 - Open garage and start operations

BAR HARBOR BACKYARD PARKING STUDY

FINAL RECOMMENDATIONS



FUTURE PHASES

- Revaluation at a subsequent phase how to address future needs and investments once the above Parking Program has been implemented and the parking fund is established and in operation with revenues from all the above programs.
- As a result of the revaluation, proceed to plan and invest any additional revenues from the parking fund that may be generated, in alternative parking infrastructure improvements such as: an effective and feasible remote/satellite facility, additional streetscape and street improvements or additional improvements to the parking garage that would result in additional spaces.



VII E

Bar Harbor Town Council
PROCLAMATION TO HONOR
NATIONAL LIBRARY WEEK
April 10 - 16, 2016

WHEREAS, libraries everywhere play a vital role in supporting the quality of life in their communities; and,

WHEREAS, libraries can help you discover a world of knowledge, both in person and online, as well as personal service and assistance in finding what you need, when you need it; and,

WHEREAS, libraries are a key player in the national discourse on intellectual freedom, equity of access, and narrowing the "digital divide;" and,

WHEREAS, libraries serve as crucial technology hubs for people in need of free Web access, and provide assistance in using the service; and,

WHEREAS, libraries are part of the American Dream - places for opportunity, education, self-help and lifelong learning; and,

WHEREAS, Jesup Memorial Library, a private nonprofit organization, has been serving as Bar Harbor's public library for one hundred and four years, and is actively planning for its future; and,

WHEREAS, more than 4,300 residents of Bar Harbor are registered users of the library;

NOW, THEREFORE, be it resolved that the Town Council of Bar Harbor joins in recognizing April 10 - 16, 2016 as National Library Week, and encourages all residents to visit the Library this week to take advantage of the wonderful resources available at Jesup Memorial Library.

Given under our hands and seal this fifth day of April, 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

Memo

To: Town Council
 From: Patricia Gray, Town Clerk
 CC: Cornell Knight, Town Manager
 Date: March 23, 2016
 Re: Draft Notice of Public Hearing and Annual Town Meeting Warrant

Attached is a copy of the draft Notice of Public Hearing and the June Town Meeting Warrant.

1. Council shall call for the final public hearing at their second meeting of May 17th. Pursuant to 30-A MRSA 2528(5), this hearing must be held at least 10 days prior to the Election on secret ballot articles. The purpose is to provide information and take comments since there is no discussion at the polls.
2. Pursuant to the Town Charter section C-5C(2)(e), the Town Council shall make recommendation of adoption or rejection on all articles, except election of officers and Land Use Ordinance amendments.

The following articles require Council's recommendation of adoption or rejection, and they may be taken as one single motion including them all or in sections or individually.

Education miscellaneous articles N through Q

- Article N - Education Budget: Essential Programs and Services
- Article O - Education Budget: Tax Cap Override
- Article P - Education Budget: Total Expenditures
- Article Q - Education Budget: State, Federal and Other Funds

Municipal miscellaneous articles: S - X

- Article S - Municipal Budget: Other Revenues
- Article T - Municipal Budget: Tax Cap Override
- Article U - Municipal Budget: Grants and Donations
- Article V - Prepayment of Taxes
- Article W - Tax Due Date and Interest Rate
- Article X - Overpayment of Taxes

Thank you.

Pat

NOTICE of PUBLIC HEARING

TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the Town of Bar Harbor that the Bar Harbor Town Council will hold a public hearing in the Council Chambers, third floor, Municipal Building on Tuesday, the seventeenth of May, in the year of our Lord Two Thousand and Sixteen at seven o'clock in the afternoon then and there to hear public comment on the following articles placed on the written ballot of the Annual Town Meeting to be held on Tuesday, the fourteenth of June 2016:

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 striken. 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.*

RECOMMENDATIONS:

*The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

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 striken. 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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 strikethrough. 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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 striken. 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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 striken. 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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 strikethrough. 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").

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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.

RECOMMENDATIONS:

*The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

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> (miles per hour <u>at location of sign)</u>	Maximum <u>Sign Area</u> (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:

<u>Posted Speed Limit</u> (miles per hour <u>at location of sign)</u>	Maximum Sign <u>Area Size</u> (square feet)
<u>Less than 30</u> 25 or under	24
<u>30 to 49</u> Over 25 and under 50	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.*

RECOMMENDATIONS:

*The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Given under our hands this nineteenth day of April 2016.

Municipal Officers of the Town of Bar Harbor

_____	_____
Paul A. Paradis, Chair	Gary Friedmann, Vice Chair
_____	_____
Anne R. Greenlee	Peter St. Germain
_____	_____
Burt O. Barker	David Bowden

J. Clark Stivers

Attest:
A true copy _____
Patricia A. Gray, Town Clerk of Bar Harbor, ME

CONSTABLE’S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the ____ day of _____ in the year of our Lord Two Thousand and Sixteen.

Attest: _____
Constable of the Town of Bar Harbor

Attest: A true copy _____
Patricia A. Gray, Town Clerk of Bar Harbor, ME



MUNICIPAL OFFICERS' RETURN

Pursuant to 30-A MRSA 2528(5) we have notified the inhabitants of the Town Bar Harbor of a public hearing, to be held at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Building, being conspicuous public place within said Town on the _____ day of _____ in the year of our Lord Two Thousand and Sixteen, being at least seven days before the hearing.

Given under our hands this nineteenth day of April 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Anne R. Greenlee

Peter St. Germain

Burt O. Barker

David Bowden

J. Clark Stivers

Attest: A true copy _____
Patricia A. Gray, Town Clerk of Bar Harbor, ME

THE WARRANT
ANNUAL TOWN MEETING – JUNE 7 & 14, 2016
TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the **Emerson School Gymnasium** in said Town on Tuesday the seventh day of June, A. D., 2016 at **seven** o'clock in the afternoon, then and there to act on *Articles A through X*;

And to notify and warn said voters to meet in the **Municipal Building, Third Floor Auditorium** in said Town on Tuesday, the fourteenth day of June, A. D., 2016 at eight o'clock in the forenoon until eight o'clock in the afternoon, then and there to act on *Articles One through Eleven* of said article being set out below to wit:

Reminder

~ Voter Check-in Required ~

“Open Town Meeting”, June 7th, all Voters must check-in at the table in the lobby outside the gym to obtain a voter card prior to entering the Town Meeting. Voters are encouraged to arrive at least 30 minutes before the start of the meeting.

LD#1, Property Tax Relief, requires voter hand count and written ballot on several Articles.

Action on the following articles will be on the Town Meeting floor
Tuesday, June 7, 2016 starting at 7:00 p.m.
Emerson School Gymnasium

Article A ELECTION OF MODERATOR - To choose a Moderator to preside at said meeting.

Article AA RESOLUTION – Recognition of Councilor [REDACTED] for many years of service to the Town of Bar Harbor.

Article B ELECTION OF WARRANT COMMITTEE MEMBERS - To elect Warrant Committee members as required by Section C-34 of the Town Charter.

Note: Articles C through M authorize expenditures in cost center categories.

Article C EDUCATION BUDGET EXPENDITURES: Regular Instruction - To see what sum the School Committee is authorized to expend for **Regular Instruction** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$2,498,805	\$2,498,805	\$2,498,805

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

Article D EDUCATION BUDGET EXPENDITURES: Special Education - To see what sum the School Committee is authorized to expend for **Special Education** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$1,377,937	\$1,377,937	\$1, 1,377,937

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

██████████ EDUCATION BUDGET EXPENDITURES: Career and Technical Education – To see what sum the School Committee is authorized to expend for **Career and Technical Education** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

<i>School</i>	<i>Town</i>	<i>Warrant</i>
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Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 0	\$ 0	\$ 0

*The School Committee recommends adoption.
 The seven member Town Council recommends adoption by a vote of 7 to 0.
 The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

Article F EDUCATION BUDGET EXPENDITURES: Other Instruction - To see what sum the School Committee is authorized to expend for **Other Instruction** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

Recommendations:	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
	\$ 79,687	\$ 79,687	\$ 79,687

*The School Committee recommends adoption.
 The seven member Town Council recommends adoption by a vote of 7 to 0.
 The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

Article G EDUCATION BUDGET EXPENDITURES: Student & Staff Support - To see what sum the School Committee is authorized to expend for **Student & Staff Support** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

Recommendations:	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
	\$ 596,949	\$ 596,949	\$ 596,949

*The School Committee recommends adoption.
 The seven member Town Council recommends adoption by a vote of 7 to 0.
 The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

Article H EDUCATION BUDGET EXPENDITURES: System Administration - To see what sum the School Committee is authorized to expend for **System Administration** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

Recommendations:	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
	\$ 121,585	\$ 121, 585	\$ 121, 585

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

Article I EDUCATION BUDGET EXPENDITURES: School Administration - To see what sum the School Committee is authorized to expend for **School Administration** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 363,165	\$ 363,165	\$ 363,165

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

Article J EDUCATION BUDGET EXPENDITURES: Transportation & Buses - To see what sum the School Committee is authorized to expend for **Transportation & Buses** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 251,030	\$ 251,030	\$ 251,030

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*

Article K EDUCATION BUDGET EXPENDITURES: Facilities Maintenance - To see what sum the School Committee is authorized to expend for **Facilities Maintenance** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 564,571	\$ 564,571	\$ 564,571

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.*

The 22 member Warrant Committee recommends approval by a vote of 16 to 0.



EDUCATION BUDGET EXPENDITURES: Debt Service and Other

Commitments - To see what sum the School Committee is authorized to expend for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:	\$ 0	\$ 0	\$ 0

The School Committee recommends adoption.

The seven member Town Council recommends adoption by a vote of 7 to 0.

The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Article M

EDUCATION BUDGET EXPENDITURES: All Other Expenditures - To see what sum the School Committee is authorized to expend for **All Other Expenditures** for the fiscal year beginning July 1, 2016 and ending June 30, 2017.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:	\$ 115,000	\$ 115,000	\$ 115,000

The School Committee recommends adoption.

The seven member Town Council recommends adoption by a vote of 7 to 0.

The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Note: Articles C – M authorize a total budget of:

<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
\$5,968,729	\$5,968,729	\$5,968,729

Note: Articles N & O raise funds for the Proposed School Budget



EDUCATION BUDGET: Essential Programs and Services – To see what sum the voters of the Town of Bar Harbor will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends \$3,911,453) and to see what sum the voters of the Town of Bar Harbor will raise as the Town’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2016 to June 30, 2017.

Explanation: The Town of Bar Harbor’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:			
<i>State Subsidy</i>	\$ 290,474	\$ 290,474	\$ 290,474
<i>Town’s Minimum Share</i>	\$3,620,979	\$3,620,979	\$3,620,979
<i>State’s Essential Programs & Services Model</i>	\$3,911,453	\$3, 911,453	\$3, 911,453

The School Committee recommends adoption.



The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Note: Article O raises additional local funds recommended to support the proposed school budget



EDUCATION BUDGET: Tax Cap Override - To see what sum the voters of the Town of Bar Harbor will raise and appropriate in additional local funds for school purposes for the period July 1, 2016 to June 30, 2017, which exceeds the State’s Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee.

Written Ballot Vote Required

Explanation:

The additional local funds are those locally raised funds over and above the Town of Bar Harbor’s local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs

and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Bar Harbor’s budget for educational programs. The School Committee recommends the additional local funds shown below and gives the following reasons for exceeding the State’s Essential Programs and Services funding model. The State funding model underestimates the actual costs to fully fund the proposed budget.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:			
<i>Additional Local Funds</i>	\$1,804,136	\$1,804,136	\$1,804,136
<i>Exceeding EPS by</i>	\$1,725,783	\$1,725,783	\$1,725,783

The School Committee recommends adoption.



The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Note: Articles N & O raise a total town appropriation of:

<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
\$5,425,115	\$5,425,115	\$5,425,115

Note: Article P summarizes the proposed school budget and does not authorize any additional expenditures



EDUCATION BUDGET: Total Expenditures- To see what sum the voters of the Town of Bar Harbor will authorize the School Committee to expend for the fiscal year beginning July 1, 2016 and ending June 30, 2017 from the Town’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:			
	\$5,968,729	\$5,968,729	\$5,968,729

The School Committee recommends adoption.



The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

EDUCATION BUDGET: State, Federal, and Other Funds - In addition to the amount in Articles C – P, shall the School Committee be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2016-2017 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

Current Year Totals: \$202,649

Recommendations:

The School Committee recommends adoption.

The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Article R MUNICIPAL BUDGET: Expenditures - To see what sum the Town will raise and appropriate for the Municipal Budget for FY17 (7/1/16 TO 6/30/17).

Explanation:

This is the total amount that the Town Council is allowed to spend from all sources except grants and donations, as provided in Article U, and from reserve accounts.

Recommendations:	<i>Town Council</i>	<i>Warrant Committee</i>
<i>Total Expenditures</i>	<i>\$10,937,924</i>	<i>\$10,887,924</i>

The seven member Town Council recommends approval, by a vote of 7 to 0.

The 22 member Warrant Committee recommends approval.

MUNICIPAL BUDGET: Other Revenues - To see what sum the Town will vote to reduce the amount to be raised by taxation by using estimated revenues and fund balance for the Municipal Budget for FY17 (7/1/16 TO 6/30/17).

Explanation:

In addition to property taxes, the Town receives other revenues from fees, licenses, excise taxes, etc., and we sometimes use monies left over from prior years (fund balance). The funds shown in this article reduce the amount of property taxes that have to be raised.

Recommendations:	Town Council	Warrant Committee
Other Revenues	\$3,885,107	\$3,885,107
Fund Balance	\$ 105,000	\$ 105,000

[REDACTED]
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

[REDACTED] MUNICIPAL BUDGET: Tax Cap Override – To see if the Town will vote to increase the property tax levy limit of \$7,040,190 established for the Town of Bar Harbor by State law in the event that the Municipal Budget approved by the Town results in a tax commitment that is greater than the property tax levy limit.

Written Ballot Vote Required.

Explanation:

In 2005 the State Legislature passed a “tax reform” law known as LD#1. This bill created a maximum municipal tax levy based upon this year’s tax, plus an allowance for personal income growth and the town’s tax base growth due to new construction. However, LD#1 allows Bar Harbor voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot. Using the State’s formula, the maximum tax levy for Bar Harbor’s Municipal Budget is \$7,040,190. As detailed in your copy of the annual Town Report, it appears that the proposed budget is \$92,373 below the tax cap. However, due to the complexities of that law, a vote is still recommended to avoid any potential problems which may arise.

Recommendations:

[REDACTED]
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

[REDACTED] MUNICIPAL BUDGET: Grants and Donations – In addition to the amount in Article R, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY17 (7/1/16 TO 6/30/17) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated?

Explanation:

From time to time, the Town Council receives funds from state and federal grants, and donations, as well as sources other than local tax dollars. This article gives the Town Council the authority to spend such funds, as long as no local property tax

dollars are required to match them, other than those already in the budget.

Recommendations:

*The seven member Town Council recommends approval, by a vote of 6 to 0.
The 22 member Warrant Committee recommends approval by a vote of 16 to 0.*



PREPAYMENT OF TAXES - To see if the Town will vote to accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached.

Explanation:

On rare occasions, taxpayers need to pay their taxes before they have been billed. The Town Treasurer cannot accept such early payments unless an article is passed.

Recommendations:



The 22 member Warrant Committee recommends approval by a vote of 16 to 0.



TAX DUE DATE AND INTEREST RATE - To see if the Town will vote that the first half taxes shall be due and payable on or before September 30, 2016 and that second half taxes shall be due and payable on or before March 31, 2017 and that interest shall be charged at the annual rate of 7.0% on any unpaid taxes due on September 30, 2016 beginning October 1, 2016 and on any unpaid taxes due March 31, 2017 beginning April 1, 2017.

Explanation:

The due dates proposed are essentially the same as last year. The proposed interest rate is the highest allowed by State Law to encourage taxes to be paid on time.

Recommendations:



The 22 member Warrant Committee recommends approval by a vote of 16 to 0.



OVERPAYMENT OF TAXES - To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2016 at 3.0% per year

on the amount of overpayment.

Explanation:

If a taxpayer wins a tax appeal against the Town, we must pay them interest on the amount of the difference. We are required by law to set that amount each year. We are suggesting the lowest interest rate allowed by law, which is 4% less than what we charge for late payments.

Recommendations:

[REDACTED]

The 22 member Warrant Committee recommends approval by a vote of 16 to 0.

Election of Town Officers
Action on the following articles will be at the Town Election with
Polls Open Tuesday, June 14, 2016, from 8:00 a.m. to 8:00 p.m.
Municipal Building Auditorium

Article 1 - ELECTION OF OFFICERS - To elect Town Officers as are required to be elected by secret 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 striken. 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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 striken. 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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 striken. 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.*

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 striken. 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").

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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.

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

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 striken. 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.*

RECOMMENDATIONS:

*The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

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 striken. 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.*

RECOMMENDATIONS:

*The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

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> (miles per hour at location of sign)	<u>Maximum Sign Area</u> (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:

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

RECOMMENDATIONS:

The 5 member Planning Board recommends adoption by a vote of 5 to 0.

The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.

The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, June 14, 2016 for election of Town officers and referendum. Absentee ballots will be processed the day before Election Day, June 13th starting at 10:00 a.m. and on Election Day every hour on the hour starting at 9:00 a.m. until 8:00 p.m. ***The last day to request an absentee ballot or to cast a ballot in person at the Municipal Building, prior to Election Day, is Thursday, June 9th.***

The Registrar of Voters of the Town of Bar Harbor hereby gives notice that she or her designee will be at the Municipal Offices on Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, at town meeting, and poll hours on Election Day for the registration of persons desiring to register for this election. Must provide proof of identity and official document showing physical address, not a post office box. A Maine Driver’s license with current physical address would satisfy both requirements.

Given under our hands this nineteenth day of April 2016.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Anne R. Greenlee

Peter St. Germain

Burt O. Barker

David Bowden

J. Clark Stivers

Attest:

A true copy _____
Town Clerk of Bar Harbor, ME

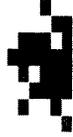
CONSTABLE'S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the ____ day of _____ in the year of our Lord Two Thousand and Sixteen.

Attest: _____
Constable of the Town of Bar Harbor

Attest: A true copy _____
Patricia A. Gray, Town Clerk of Bar Harbor, ME





**Town Council Meeting in
Town Hill**

The Bar Harbor Town Council is reaching out to the residents outside of downtown Bar Harbor by holding a regularly scheduled meeting in a designated neighborhood.

The agenda will be tailored to the interests or concerns of the Town Hill area residents. Please submit suggestions or items of interest to be discussed in writing with any background information by April 12th to: Municipal Offices, 93 Cottage Street, Suite I, Bar Harbor, ME 04609 or email: manager@barharbormaine.gov

Hope to see you there! Your participation is important!



TOWN HILL

Date: Tuesday, May 3, 2016

**Time: 6:00 PM for citizen comments
Meeting: Immediately following comments**

V.I.S. Hall
Town Hill Fire Station
State Highway 102



Bar Harbor Town Council



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Hope to see you there! Your participation is important!



TOWN HILL

Date: Tuesday, May 3, 2016

**Time: 6:00 PM for citizen comments
Meeting: Immediately following comments**

V.I.S. Hall
Town Hill Fire Station
State Highway 102



Bar Harbor Town Council

TOWN HILL NEIGHBORHOOD MEETING

Town of Bar Harbor
93 Cottage Street Suite I
Bar Harbor, ME 04609

PLEASE
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HERE

TOWN HILL NEIGHBORHOOD MEETING

Town of Bar Harbor
93 Cottage Street Suite I
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