

Agenda
Bar Harbor Town Council
May 17, 2016

- I. **CALL TO ORDER** – 7:00 p.m. – Town Council Chambers
 - A. **Excused Absence(s)**
- II. **COMMITTEE APPOINTMENTS** – Application of Ms. Cindy Flye for appointment to the Bar Harbor Housing Authority Board of Commissioners, as Tenant Representative, for a term expiring July 31, 2017.
- 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. **April 19, 2016 Regular Meeting- amendments-re-approve**
 - B. **May 3, 2016 Regular Meeting**
- V. **FINANCIAL STATEMENTS** – Review and possible adoption of a motion to accept the financial statements as presented.
- VI. **ADOPTION OF AGENDA**
- VII. **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. **Vehicle-for-Hire** – Possible motion to approve:
 - 1. **Acadian National Park Tours** for four bus renewal licenses as submitted by Andrew Cough. (Approved by Police Dept. and proof of insurance provided.)
 - 2. **Amazin' Moe'z Taxi** for one taxi cab renewal license as submitted by Maureen Leeman. (Approved by Police Dept. and proof of insurance provided.)
 - B. **Special Amusement Permit: Little A's** – Possible motion to file update status memo from Police Chief.
 - C. **Resolution: Councilor Bowden** – Possible motion to approve a resolution in recognition of David Bowden's years of service as a member of Bar Harbor Town Council
- VIII. **PUBLIC HEARINGS:**
 - A. **Special Amusement Permit Renewals:**

1. **Mad Hatter Pub & Grill**, 116 Cottage Street, for a Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Anna Hosta.
 2. **Havana**, 318 Main Street, for a Class 3a, three or more musicians with mechanical amplification as submitted by Michael Boland.
 3. **Black Friar Inn**, 10 Summer Street, for a Class 2a, two musicians with mechanical amplification as submitted by Thomas Hulbert.
- B. **Town Meeting Warrant: June 14, 2016** – Public comment on ten Land Use Ordinance amendments, pursuant to MRSA 30-A section 2528(5).

Downtown Village District(s)

- Article 2 LUO: to add farmers market
- Article 3 LUO: to add one and two family dwellings
- Article 4 LUO: to add auto sales lot and auto repair garage
- Article 5 LUO: to add home occupation
- Article 6 LUO: to add retirement community

Signs, Lighting and Design Review Board

- Article 7 LUO: illuminated sign standards
- Article 8 LUO: Design Review Board sign review authority
- Article 9 LUO: Design Review Board overlay district
- Article 10 LUO: move certain sign regulations
- Article 11 LUO: allowable sign area

IX. REGULAR BUSINESS:

- A. **Dog Waste Bag Dispensers** - Recommendation from the Parks & Recreation Committee to place dog waste bag dispensers in downtown area.
- B. **November 2016 Warrant: Land Use Ordinance Amendments** - Discussion with Planning Board on the following possible LUO amendments for special town meeting, November 8, 2016.
 1. **Cruise Ship Land Use Ordinance Amendment update**
 2. **Parking Land Use Ordinance Amendments update**
 3. **Housing Land Use Ordinance Amendments update**
- C. **Solid Waste** – Consider a citizen’s request to form a task force to study PAYT and Recycling Programs
- D. **Conservation Commission** – Open Space Plan June 2014, revisions update.
- E. **Task Force on Aging** – Establish a Task Force and Review/Adopt Bylaws.
- F. **Committee Appointment Letter** – Possible approval or amendments to applications and draft letter to committee members.

G. **Treasurer's Warrant** – Request of Treasurer to authorize paid bills.

X. **TOWN MANAGER'S COMMENTS**

XI. **COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**

XII. **EXECUTIVE SESSION:** (None Anticipated)

XIII. **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: Thursday, May 12, 2016

Re: Town Council Meeting of May 17th

CALL TO ORDER – 7:00 P.M.

- I. A. Excused Absences** – None that I am aware of but if one arises a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).
- IV. Approval of Minutes April 19** see the enclosed amended minutes, changes to be approved are highlighted in **shaded grey**. A possible motion: to amend the minutes of April 19, 2016 as presented.
- V. FINANCIAL STATEMENTS** - Finance Director Stan Harmon has enclosed his monthly report for 10 months into the fiscal year. If acceptable, a motion: to accept the Financial Report as presented.
- VII. 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. Vehicles for Hire-**
- 1. Acadian National Park Tours**, Andrew Cough. -4 licenses requested. Approved by the Police Dept. and Proof of Insurance provided. Possible motion: to approve the application for 4 carriage licenses to Acadian National Park Tours.
 - 2. Amazin' Moe'z Taxi** for one taxi cab renewal license as submitted by Maureen Leeman. (Approved by Police Dept. and proof of insurance provided.) possible motion: to approve the application for 1 taxi license to Amazin' Moe'z Taxi.
- B. Special Amusement Permit-** Little A's- enclosed is a memo from the Police Chief. No problems reported. Possible motion: to accept the memo from the Police Chief dated May 11, 2016 and place on file.

- C. **Resolution: Councilor Bowden** – Possible motion to approve a resolution in recognition of David Bowden's years of service as a member of Bar Harbor Town Council. This will be read at Town Meeting.

VIII. Public Hearings:

A. Special Amusement Permit Renewals

1. **Mad Hatter Pub & Grill**- 116 Cottage Street, Class 3ad, renewal. No complaints related to SAP, see email from the Chief. Motion: to approve Mad Hatter Pub & Grill for a Class 3ad Special Amusement Permit as advertised.
2. **Havana**-318 Main Street, Class 3a. Renewal. One complaint, not substantiated. Motion: to approve Havana Restaurant for a Class 3a Special Amusement Permit as advertised.
3. **Black Friar Inn**, - 10 Summer Street, Class 2a. Renewal. No complaints. Motion: to approve Black Friar Inn for a Class 2a Special Amusement Permit as advertised.

- B. **Town Meeting Warrant June 14, 2016**- Public comments on 10 Land Use Ordinance amendments pursuant to MRSA 30-A 2528 (5). Enclosed is the Public Hearing notice and the articles to be voted on. A public hearing will be held on each article. Bob Osborne, Planning Director will provide a brief overview of each article. No Council action is needed.

IX. Regular Business

- A. **Dog Waste Bag Dispensers**-The Parks & Rec Committee is recommending the installation of 7 dog bag dispensers around the downtown area and Hadley point. Enclosed is the Hub's proposal to the Committee. Also enclosed is a memo from Chip Reeves, PW Director opposing the proposal, dog owners should be responsible for picking up the waste. The dispensers will be paid for by The Hub but installed and maintained by the Highway Department. A possible motion: to accept the 7 dog waste dispensers from The Hub and have them installed in locations outlined on the map and one at Hadley Point.
- B. **November 2016 Warrant: Land Use Amendments** – Draft articles enclosed. The Planning Board will update the Council on their work on the following 3 areas of the Land Use Ordinance.
1. **Cruise Ship Land Use Ordinance Amendment update**- Enclosed is the letter that the Maine Port Authority sent to the Planning Board requesting the amendment. See Robert Osborne's memo regarding the amendment language and the issues the Planning Board would like to discuss with the Council.
 2. **Parking Land Use Amendments update**- Paragraph 2 of the enclosed memo from Robert Osborne reviews the proposed changes that include parking garages, parking decks and off street parking. Questions and answers will follow. No Council action is needed.

3. **Housing Land Use Amendments**-See paragraph 3 of the memo for highlights of the proposed changes that include minimum floor area ratio, deleting maximum floor area ratio but not address seasonal workforce housing in this amendment. No Council action is needed.
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- C. **Solid Waste Committee/Task Force** – Diane Vreeland suggested this proposal during the comment period at the last Council meeting held in Town Hill. The idea is to form a citizen's committee/Task Force and use a matrix system, similar to the Emera substation and transmission line locations process, to develop recommendations for a PAYT program and to improve recycling rates. The Emera matrix system used consultants to develop the matrix system and attend advisory committee meetings. I think it is too soon following last month's Council vote not to proceed with a trial PAYT last month, to bring it back up for further study. The topic was thoroughly researched, discussed and debated over several months. At this time, the town is not ready to change from a property tax based waste disposal method to a pay for what you use method. If after discussion and comment, the Council wants to proceed with a Task Force, a possible motion: to direct the Town Manager to prepare by-laws for a Solid Waste Task Force and to advertise for applications.
 - D. **Conservation Commission**- the Conservation Commission presented the Open Space Plan (enclosed) to the Town Council last May. (minutes enclosed) Since then the Conservation Commission has been discussing ways to improve the Open Space Plan in order for the Council to accept the plan. Enclosed is a memo from the Commission listing general ideas for improvement. A possible motion: to schedule a workshop with the Conservation Commission to review the recommended changes to the June 2014 Open Space Plan.
 - E. **Task Force on Aging**- Enclosed is a draft set of by-laws for the Task Force. The 8 areas listed in Duties and Responsibilities are those areas identified by AARP for an Age Friendly Community. Bonnie Lundquist has reviewed approved the by-laws, but is unable to attend the meeting. If acceptable a possible motion: to establish the Bar Harbor Task Force on Aging and approve the By-Laws dated May 12, 2016 and advertise for applications for appointment.
 - F. **Committee Appointment Letter** – Enclosed is a memo from Pat Gray Town Clerk regarding the new appointment process. She has drafted a letter to be sent to committee/board members, explaining the new process along with applications. If acceptable a possible motion: to approve the process outlined in the Town Clerk's memo dated May 12, 2016.
 - G. **Treasurer's Warrant** – A possible motion: to sign the Treasurer's Warrants for paid bills.

MDI & Ellsworth Housing Authorities

PO Box 28 Bar Harbor, ME 04609-0028
80 Mt. Desert St., Bar Harbor
Executive Director, Terrance J. Kelley

April 29, 2016

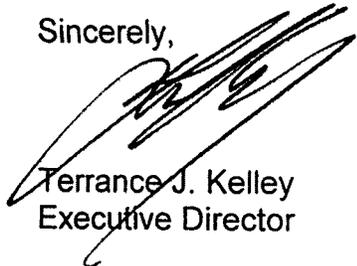
The Honorable Town Council Members
The Honorable Cornell F. Knight Town Manager
Town of Bar Harbor
93 Cottage Street
Bar Harbor, ME 04609

Dear Honorable Town Council Members and Honorable Mr. Knight:

The Town of Bar Harbor Housing Authority requests your consideration of the appointment of Ms. Cindy Flye to the Bar Harbor Housing Authority Board of Commissioners, as Tenant Representative, to fill out the term left by the passing of Mrs. Eva Davis. Mrs.' Davis' term would have expired in September of 2017.

We believe Ms. Flye will do her best to support goals that are in the best interest of the town and your consideration of her appointment would be greatly appreciated by myself, the other Board members and the residents of the Bar Harbor Housing Authority.

Sincerely,



Terrance J. Kelley
Executive Director

TJK/th

Minutes
Bar Harbor Town Council
April 19, 2016

- I. **CALL TO ORDER** – 7:00 p.m. –In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, David Bowden, Clark Stivers, Burt Barker; and Town Manager Cornell Knight.
- 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.* - Roger Innes stated , that he is only voicing his opinion about how, the town budget should stay flat, taxes are too high and he also had concerns about broadband cost. It is his opinion that council has made mistakes here and there that ends up getting a lot of headlines. He thanked councilors for acting in good faith and intensions and or with advice from your counsel. It is his opinion that all the information on social media about Bar Harbor is not funny.
- Diane Vreeland spoke about the economic impact study on cruise ships in Bar Harbor. She was wondering if they could do a study on negative impact of cruise ships coming into our village.
- III. **APPROVAL OF MINUTES**
- A. March 29, 2016 – Special Meeting**
- B. April 5, 2016 – Regular Meeting**
- Mr. Friedmann asked for an amendment to the April 5, 2016 Town Council minutes under page 3 section VII. Regular Business, B. Senior Committee. He stated that his motion was to direct the Town Manager to work with Mrs. Lundquist to develop Bylaws for council consideration over the next 60 days for a Seniors Task Force. He wanted to clarify that he was not asking for a committee, just a Task Force. He stated that was his intent of the motion.
- Ms. Greenlee, with second by Mr. Stivers moved to approve the minutes for March 29, 2016 special meeting and as amended for April 5, 2016 regular meeting. Motion passed 7-0.
- IV. **FINANCIAL STATEMENTS** – *Review and possible adoption of a motion to accept the financial statements as presented.*-Finance Director Stan Harmon gave a brief overview of the monthly results. He stated Highway spent \$183,000 less at this point this year. Vehicle Excise is up 8% over last year. Recycling and Ambulance seem to stay well below budget. He commented that taxes were due at the end of March and collections are \$400,000 ahead of last year. Mr. St. Germain, with second by Mr.

Barker moved to accept and file the Financial Directors report dated April 11, 2016.
Motion passed 7-0.

V. **ADOPTION OF AGENDA**

Mr. St. Germain, with second by Ms. Greenlee moved to adopt the agenda as published. Motion passed 7-0.

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. **Annual Town Meeting: June 2016** –

1. *Possible motion to sign the Notice of Public Hearing.*
2. *Possible motion to sign the Warrant calling for June 2016 annual town meeting.*

B. **State of Maine Primary** – *Possible motion to confirm appointment of Patricia Gray as warden for the State of Maine Primary, June 14, 2016, pursuant to Title 21-A.*

C. **Appointment of Election Clerks** – *Possible motion to approve the slate of election clerks.*

D. **Vehicles for Hire** – *Possible motion to approve:*

1. **Oli's Trolley** request for six trolley licenses as submitted by Denise Morgan, Oli's Trolley Inc. (Police Lt. Pinkham approved, Proof of Insurance provided)
2. **Bar Harbor Coastal Cab** request for one taxi license as submitted by Craig Wood. (Police Lt. Pinkham approved, Proof of Insurance provided)

E. **Property Tax Write Offs** –

1. **Small Balances** - *Possible passage of a motion to grant the Tax Collector and Treasurer the discretionary authority to write off any residual tax balances up to \$10.00.*
2. **Personal Property Taxes** – *Possible passage of a motion to abate Personal Property Taxes deemed uncollectible that are listed in the Tax Collector's April 15, 2016 memorandum attachment.*

F. **Special Amusement Permit: Little A's** – *Possible motion to file update status memo from Police Chief.*

G. **Quit Claim Deed: Andre L. Lozano** – *Possible motion to authorize the Town Manager to sign a Quit Claim Deed, releasing the Town's interest in the property of Andre L. Lozano, 11 High Street, Tax Map 104 Lot 311.*

Ms. Greenlee, with second by Mr. St. Germain moved to approve the items of business as presented. Motion passed 7-0.

VII. **PUBLIC HEARINGS:**

A. Special Amusement Permits:

1. **Mainly Meat BBQ**, 15 Knox Road, a request for Class 3a, three or more musicians with mechanical amplification as submitted by Barbara Maffucci, Atlantic Brewing Co. (Renewal)- Ms. Greenlee asked how they would contain the music for neighborhood tranquility, and have they had any complaints in the past. Mainly Meat representative voiced that the music is contained in a tent. They have had no complaints in the past. Mr. St. Germain, with second by Mr. Barker, moved to approve Mainly Meat BBQ for a Class 3a Special Amusement Permit as advertised. Motion passed 7-0.
2. **Kebo Valley Golf Club**, 136 Eagle Lake Road, a request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by David Closson. (Renewal) Mr. St. Germain, with second by Mr. Barker moved to approve Kebo Valley Golf Club for a Class 3 ad Special Amusement permit as advertised. Motion passed 7-0.
3. **Cherrystones**, 185 Main Street, a request for Class 3a, three or more musicians with mechanical amplification as submitted by Jeremy Bond, Fishmaine, Inc. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve Cherrystones for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
4. **Bar Harbor Beer Works**, 119 Main Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Jeremy Bond, Fishmaine, Inc. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve Bar Harbor Beer Works for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
5. **Bar Harbor Club & Spa**, 111 West Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard C. Ade, BHTC 111, LLC. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve Bar Harbor Club & Spa for a Class 3ad Special Amusement Permit as advertised. Motion passed 7-0.
6. **The 1932 Criterion Theatre**, 35 Cottage Street, request for Class 4, any other entertainment or amusement as submitted by Heather Martin. (Renewal) Mr. St. Germain, with second by Ms. Greenlee moved to approve The Criterion Theater for a Class 4 Special Amusement Permit as advertised. Motion passed 7-0.
7. **Galyn's Galley**, 17 Main Street, request for Class 3a, three or more musicians with mechanical amplification as submitted by Richard & Gail

Leiser. (NEW) Galyn's Galley Representative stated that this would be a one day event only. Mr. St. Germain, with second by Ms. Greenlee moved to approve Galyn's Galley for a Class 3a Special Amusement Permit as advertised. Motion passed 7.0.

VIII. REGULAR BUSINESS:

A. **Cruise Ship Passengers** – *Request of Cruise Ship Committee to fund a University of Maine study of the economic impact of cruise passengers in Bar Harbor. Mr. Friedmann, with second by Mr. St. Germain moved that the University of Maine conduct an economic impact study of cruise ship passenger's in Bar Harbor, not to exceed \$10,000. Motion passed 7-0.*

B. Pay As You Throw:

1. *Staff's report of PAYT cost and logistics for a trial period starting 11/1/16.*-Mr. Reeves, Public Works Director gave a screen presentation of cost and logistics for PAYT trial period. He spoke about where they would put the temporary weight scale, new fencing and making changes for better traffic flow. He stated they have had complaints from neighbors about the traffic flow and commercial waste dumping that creates traffic congestion. Mr. Graves from the transfer station spoke about the amount of vehicles that would back up the traffic pattern. Ms. Bernier represented WasteZero to review the contract to supply PAYT bags. She discussed cost of the bags \$2.00 Large and Small \$1.00. WasteZero manufactures the bags. She spoke about other towns in Maine that do some form of PAYT program. She talked about solid waste reduction, recycling increases, disposal and transportation cost decreasing and environment improvements, engagement and education for the town residents and other communities in Maine that cut their amount of solid waste in half. Council members had concerns of illegal dumping of trash, recycling issues with commercial trash haulers.

Council member Mr. Bowden asked Mr. Reeves if they anticipated any additional waste from town trash cans as far as cost. Council member Mr. St. Germain spoke about the increase of cost for dumpster pickup for commercial accounts.

2. *Accepting comments from the public.* Chairman Mr. Paradis opened the public hearing for comments on PAYT. A crowd of Bar Harbor residents filled the council chambers and the recumbent room. There were 32 residents that gave comments and expressed concerns about the PAYT program. They were concerned about illegal dumping, rising cost for low income, taxes already covering trash disposal and then paying for special bags and also trash dumping into the lakes and ocean. Many residents expressed concerns about better recycling programs for plastics. They also suggested bag tags for non-residents to avoid tipping fees. Several

residents spoke in favor of the program for environmental reasons and its fairness.

Mr. Friedmann, second by Mr. Stivers moved to implement PAYT Trial Period study November 1, 2016. Motion failed 3-4.

Nay: Mr.Paradis, Mr. Bowden, Mr. St. Germain and Mr. Barker

3. *Review the contract with WasteZero to supply PAYT bags for a five year term.* - Chairman Mr. Paradis asked council members if there was any need to discuss the contract for WasteZero. They all agreed there was no need to review.

C. **Cell Tower Lease: Fire Station** – *Request of Lease Advisors to purchase the lease and easement for the cell tower on top of the Fire Station.* Mr. Bowden, with second by Ms. Greenlee moved not to accept cell tower buy-out offer from Lease Advisors. Motion passed 7-0.

D. **Budget Transfer: Municipal Building Renovations** – *Request of Treasurer to authorize a transfer of funds for the additional work and change orders for the Municipal Building renovations.*- Mr. Friedmann, with second by Mr. St. Germain moved that the town treasurer transfer \$42,000 to the CIP Municipal Building account #2124-6130; \$22,000 from Contingency account #1036-5906 and \$20,000 from Assessing account #1032-5105. Motion passed 7-0.

E. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.*- Mr.Friedmann, with second by Mr. St. Germain moved to sign Treasurer's warrant for paid bills. Motion passed 7-0.

IX. **TOWN MANAGER'S COMMENTS** – Mr. Knight announced the next Town Council meeting on May 3, 2016 at 6:00 pm, will be held at Town Hill fire station. Notices have been sent out to Town Hill residents. Mr. Knight stated that he had one response from a resident of Town Hill about information they would like to discuss.

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

Mr. Barker thanked Mr. Friedmann for all his hard work on the PAYT program. Mr. Barker commented that he appreciated what Mr. Innes said, what I felt with him was accurate during public comment period. He made comments about how residents were concerned about the cost of PAYT. He also stated that he wished he had that support during the school budget meeting.

Mr. St. Germain would like to find a way to get the new lift operating on the town pier. Town Manager, Mr. Knight said, the Harbor Master Mr. Phippen is hiring an engineer to certify it.

Ms. Greenlee thanked Mr. Friedmann for all his passion on many subjects tonight. She also thanked the public for speaking and emails on the PAYT program.

Mr. Friedmann commented that the solar farm has been fully subscribed now. They are hoping to break ground by the summer. He stated they are making plans to have a dedication ceremony on the property.

Mr. Paradis also thanked Mr. Innes for his comments and stated he believes it is true. He thinks all the council members work very hard. He also stated, they have different points of view sometimes. Most of the time they all have the same goals. He is very proud of the dedication from council members.

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

XII. **ADJOURNMENT** – Mr. Friedmann, with second by Mr. St. Germain, moved to adjourn at 10:20 p.m. Motion passed 7-0.

Elizabeth B. Murray, Deputy Clerk

Minutes
Bar Harbor Town Council
May 3, 2016

Neighborhood Meeting – Town Hill
V.I.S.

- I. **CALL TO ORDER** – 6:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden; and Town Manager Cornell Knight.
- A. **Excused Absence(s)** – Mr. St. Germain, with second by Ms. Greenlee, moved to excuse Councilor Stivers as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- II. **Town Hill neighborhood’s requested Topics of Discussion.**
- A. **Parking Plan** – Town Manager Cornell Knight gave a brief overview following the last public meeting with the consultants that provided their recommendations for a parking garage and parking program. Ron Beard the facilitator of the Backyard Parking Committee has been contact to see if the committee would like to continue and address the recommendations. Mr. Knight noted that all of the consultant’s reports are online.
- B. **Transfer Station** – Mr. Knight reported that the Council considered a trial period of PAYT, and following their April 19th public hearing on the subject; the Council voted 4 to 3 not to proceed.
- Resident Diane Vreeland offered to do a study on the transfer station with regards to composting, PAYT and other recycling programs. She stated several members from the EMERA project were interest and willing to serve on the committee. Following much discussion, it was of general consensus to place this item on the next Council agenda, May 17th.
- C. **Wi-Fi Plan** – There were comments, but no new comments from previous hearings on the subject. Residents were reminded on June 7th, they will vote whether or not to include in the FY17 CIP \$50,000 as seed money towards the \$100,000 estimated for an engineering study that is necessary in order to consider which option is best and the estimated cost of each option.
- Following the requested topics for discussion tonight, resident John Hodgdon inquire if the town has any plans to take over the extend portion

of the Arrowhead Road. When the subdivision was approved, the developer had no plans for the Town to take over the road and no intentions of connecting to Route 102. The road was not built to Town standards.

Diane Vreeland inquired as to whether or not the name of who filed a complaint is provided. When it was affirmed, she expressed her disapproval of the practice, following a complaint she filed and being visited by the angry neighbor.

The Regularly Scheduled meeting began at 7:10 p.m.

- 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.* – Matt Hochman thanked everyone for coming out to Town Hill tonight and hoped for more meetings outside of downtown.

Diane Vreeland stated she respects the Town Council. She was pleased to share that their community works very hard and that there are just a few of them.

Dessa Dancy gave thanks for holding a meeting in Town Hill. She liked the informality, and felt downtown meetings were intimidating.

- IV. **APPROVAL OF MINUTES - April 19, 2016 Regular Meeting** – Ms. Greenlee requested under Regular Business Item B.2. be amended to read; the second was made by Mr. Stivers, not Ms. Greenlee.

Mr. St. Germain, with second by Mr. Barker, moved to approve the minutes of April 19, 2016 as amended. Motion passed 6-0.

- V. **ADOPTION OF AGENDA** – Ms. Greenlee, with second by Mr. St. Germain, 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. **Vehicles for Hire: Wild Iris Farm** – *Possible motion* to approve four carriage licenses as submitted by Marc R. Jaffrey, Wild Iris Farm, LLC. (Police Lt. Pinkham approved, Proof of Insurance provided.)

B. **Boundary Line Agreement: St. Saviour's Church** – *Possible motion* to approve a boundary line agreement between Rectors, Wardens and Vestrymen of the Parish of St. Saviour's Church and the Town of Bar Harbor at the village burying grounds.

C. **Sidewalk Sale** – *Possible motion* to approve the request of the Bar Harbor Merchants Association for use of the public sidewalks for a one-day Street Stroll sidewalk sale in conjunction with the Taste of Bar Harbor Festival on May 21, 2016.

Mr. St. Germain, with second by Mr. Friedmann, moved to approve the consent agenda as published. Motion passed 6-0.

VII. PUBLIC HEARINGS:

- A. **Special Amusement Permit: The Lompoc, 36 Rodick Street, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by James Pike. (Renewal)** – There were no comments from the audience. Mr. St. Germain, with second by Mr. Barker, moved to approve the Special Amusement application for The Lompoc for a Class 3ad permit as advertised. Motion passed 6-0.

Ms. Greenlee noted that there was a non-substantiated complaint. She also noted that if residents are disturbed by the noise, the policy is for people to continue to call the police for documentation.

- B. **Special Amusement Permit: The Dog and Pony Tavern, 4 Rodick Place, request for Class 4, any other type of entertainment as provided by 28A MRSA 1054.1.C. (Renewal)** – Barbara Fenderson inquired if there is a complaint, is there a sound meter used. Lt. Kerns explained the procedure in using the decibel meter. There being no further comments, Mr. St. Germain, with second by Mr. Barker, moved to approve the Special Amusement application for the Dog & Pony Tavern for a Class 4 permit as advertised. Motion passed 6-0.

VIII. REGULAR BUSINESS:

- A. **FEMA Flood Ordinance Amendment - Introduction of FEMA Flood Insurance Rate Maps and ordinance amendments. Robert Osborne, Planning Director.** – Planning Director Bob Osborne explained in order for municipalities to have flood insurance, the Town must adopt an ordinance. Changes in the floodplain mapping was done in 2015 to 2016. The proposed ordinance amendment is to adopt the language that connects to the new maps and citing new federal statutes.

Mr. St. Germain, with second by Ms. Greenlee, moved to schedule a public hearing on June 21, 2016 to hear comments on the amendments to the Floodplain Management Ordinance, Chapter 90, of the Bar Harbor Code. Motion passed 6-0.

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

IX. **TOWN MANAGER'S COMMENTS** – Mr. Knight had nothing to report. He announced it was his first time in the VIS building.

X. COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA

Mr. Bowden thanked everyone for coming out. He stated he would like to see the next neighborhood meeting in Hulls Cove.

Mr. Barker brought attention to the Police Department's Memo on speed data in Town Hill. Police Lt. Kerns explained that over the years, the Town Hill residents have expressed concerns of speeding through the village. Anticipating this subject, the Police Department collected data by placing their speed trailer in several locations throughout Town Hill on two separate days in April. Lt. Kerns reported that the average vehicle speeds in all areas were below the posted speed limits. However, people generally slow down when they see the trailer. There were recordings of excess speed, and that data is used to determine the area and time of day the police are directed to patrol.

Mr. St. Germain thanked everyone for coming.

Ms. Greenlee requested discussion of a solid waste committee be on the next agenda.

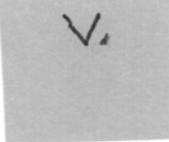
Mr. Friedmann also thanked everyone for coming out.

Mr. Paradis thanked the VIS for hosting tonight's meeting.

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

XII. **ADJOURNMENT** – Ms. Greenlee, with second Mr. St. Germain, moved to adjourn the meeting at 7:37 p.m. Motion passed 6-0.

Patricia A. Gray, Town Clerk



Memo



To: Town Councilors; Cornell Knight
 From: Stan Harmon, Finance Director 
 CC: Department Heads - PAT
 Date: 5/10/2016
 Re: Fiscal Year 2016 – April 30, 2016 – 10 Months Results

General Fund

Attached are the financial results for ten months of operations for FY 2016.

Expenditures (83% goal)

The April summary statements show 82.5% spent versus 82.5% of the budget spent last year. 83.1% of the \$3.6 million in budgeted municipal *wages* are spent year-to-date compared to 78.3% in April 2015. However, last year had some budgetary transfer help due to the high storm expenses. Highway has spent \$190,000 *less* at this point this year versus last year to date and this will ensure that by the end of June, Town departmental spending will certainly remain well under its total appropriations. Solid Waste is also trending lower at this point.

Non-Property Tax Revenues (83% goal)

80% of the budget for non-property tax revenues is now collected versus 76% at this point last year. Vehicle Excise is up 8% over last year (\$62,000) and should easily exceed the budget. Harbor docking fees has made its budget. Recycling income is down \$16,000 from last year and Ambulance revenues are off by \$28,000 from last year and neither are likely to reach their FY16 targeted budgets. However, the additional Vehicle Excise collected is likely to offset shortfalls in most other revenue lines.

Ambulance Revenues -lower volume this year with less Bangor runs

FY 2016	10 Months YTD Runs Billed	700	Ave. <u>Gross</u> Billing (per run)	\$603
FY 2015	10 Months YTD Runs Billed	728	Avg. <u>Gross</u> Billing (per run)	\$640
FY 2014	10 Months YTD Runs Billed	774	Avg. <u>Gross</u> Billing (per run)	\$624

FY 2016	10 Months YTD Runs billed	700	<u>Net Collections (per run)</u>	\$365
FY 2015	10 Months YTD Runs billed	728	<u>Net Collections (per run)</u>	\$391
FY 2014	10 Months YTD Runs billed	774	<u>Net Collections (per run)</u>	\$367

		<u>4/30/2016</u>	<u>4/30/2015</u>
Ambulance Accounts Receivable		\$171,386	\$133,490

Excise-Motor Vehicle Revenues- total revenue data shows we are up 8% over last year, reflecting a national trend of motor vehicle replacements in numbers and pricing.

FY 2016	10 Months YTD	4001 units	\$786,864	=\$196 / per vehicle
FY 2015	10 Months YTD	3908 units	\$724,817	=\$185 / per vehicle
FY 2014	10 Months YTD	3920 units	\$717,194	=\$182 / per vehicle
FY 2013	10 Months YTD	4145 units	\$688,172	=\$166 / per vehicle

Building Permitting Revenue- permit count is up 15% over last year; revenue is up 12%

FY 2016	10 Months YTD	250 permits	\$70,033	=\$280 / permit
FY 2015	10 Months YTD	217 permits	\$62,874	=\$289 / permit
FY 2014	10 Months YTD	218 permits	\$161,941	=\$742 / permit
FY 2013	10 Months YTD	228 permits	\$69,052	=\$303 / permit

FY '16 Previously Authorized Council Budget Adjustments or Transfers:

Contingency Fund Activity for FY '16:

Beginning Balance	(Town Meeting Approval)	\$53,366
Minutes-Town Council Mins 10/20/15-Backyard Study		-\$10,000
Minutes-Town Council Mins 4/19/16-MuniBldg Renovations		-\$22,000
Ending Balance	@ 4/30/16 (available #1036-5906)	<u>\$21,366</u>

General Fund Transfers:

From:	Expense #1032-5105 -Assessing Hourly wages (TC Mins 4/19/16)	(\$20,000)
To:	Expense #1088-5980 -GF CIP Fund Transfer-MuniBldg Renov.	\$20,000

Capital Improvement Transfers/Adjustments:

From:	Assng #2132-6115 GIS Info System (Town Council 7/7/15)	(\$4,000)
	HWay #2177-6426 Sidewalks	(\$26,000)
	Undes #2182-6190 Undesignated CIP	(\$20,000)
To:	MuniB #2124-6130 Municipal Building Renovations	<u>\$50,000</u>
From:	HWay #2177-6408 Grader Reserve (Town Council 8/18/15)	(\$84,794)
To:	HWay #2177-6414 FrntEndLoader-Snow Blower	<u>\$84,794</u>
To:	UnDesig #2182-6190 Unallocated CIP (Town Council 10/20/15)	\$13,500
To:	Comft Sta #2170-6352 Pier Comfort Station	\$ 3,100
To:	CIP Revs #2188-4364 CS Fees Transferred In	<u>\$16,600</u>
To:	MuniB #2124-6130 Muni Building Renovations	\$42,000
To:	GFTransfer-CIP Revenues (see above) (#2188-4806)	<u>(\$42,000)</u>

Cruise Ship Fund Transfers:

To:	CIP Fund -Pier Comfort Station Project (Town Council 10/20/15)	\$16,600
From:	CShip Fund Balance-Port Fees	\$16,600

To: Ferry Terminal Study #6510-5356 (T/C 2/17/15 –MOU signed 10/15/2015)	\$48,000
From: CShip Fund Balance-Pass Serv Fees	\$48,000
Reallocate CShip monies for UMaine Economic impact study (TC 4/19/16)	\$ 6,000

Property Tax Collection & Receivable Update:

Outstanding current year's taxes at the end of March, as a percent of total uncollected, decreased from 6.6% outstanding in 2015 to 5.3% in 2016, still good news this year. Tax Collector Sarah Gilbert will be mailing 30 day lien notices towards the end of May with remaining unpaid properties scheduled to be liened at the end of June.

<u>Year</u>	<u>Property Taxes Outstanding Balance</u>	<u>@ 4/30/16</u>	<u>@ 4/30/15</u>	
		<u>%</u>	<u>Balance</u>	<u>%</u>
2006-07	\$ 1,274	0.1%	\$ 3,908	0.1%
2008	\$ 1,643	0.1%	\$ 6,788	0.1%
2009	\$ 4,728	0.1%	\$ 8,823	0.1%
2010	\$ 5,248	0.1%	\$ 9,269	0.1%
2011	\$ 6,603	0.1%	\$ 19,869	0.1%
2012	\$ 6,374	0.1%	\$ 20,542	0.1%
2013	\$ 5,278	0.1%	\$ 204,594	1.4%
2014	\$ 163,150	1.1%	\$ 981,321	6.6%
2015	\$ 821,404	5.3%		

Cash Investment and Status Report / Banking

On April 30th, the Town had \$14,250,000 on hand in all funds—approximately the same monies available as last year's total balances at this same time period. Checking interest rates remain at .33% vs. the same .33% last year.

Wastewater Division Fund

Financials (83% - 10 month Benchmark)

	<u>Annual Budget</u>	<u>Mar YTD Actual</u>	<u>% Spent</u>
Spending shows the following:			
<i>Oper & Maint-FY2016-this year</i>	\$1,330,551	\$1,029,152	77%
<i>Oper & Maint-FY2015-last year</i>	\$1,335,225	\$969,563	73%
	<u>4/30/2016</u>	<u>4/30/2015</u>	
Accounts Receivable-Wastewater	\$308,814	\$258,439	

Water Division Fund

Financials (83% -10 month Benchmark)

	<u>Annual Budget</u>	<u>Mar YTD Actual</u>	<u>% Spent</u>
Spending shows the following:			
<i>Oper & Maint-FY2016-this year</i>	\$1,053,291	\$775,655	74%
<i>Oper & Maint-FY2015-last year</i>	\$1,051,000	\$808,687	77%
	<u>4/30/2016</u>	<u>4/30/2015</u>	
Accounts Receivable-Water	\$230,288	\$141,791	

Technology

In April's report from Steve, there is much continued work on the transition related to the *Crimestar* system eventually migrating to *Spillman* for Fire and Police, as well as the essential tie-in components and support. Additionally, he fixed a Harbor camera and pier camera connection, including assisting Time Warner on a fiber conduit repair, performed some web site training for staff, repaired some department's pc's, scanners and wireless issues, started a VMWare replication project, rebuild a Sony storage server due to a failure and trouble shoot some new printer issues at the Finance counter.

Assessing

The personal property returns (401's) were due April 1st and Deanne has been organizing those. The related detail training for reviewing that data and inputting it into the Vision system is scheduled for May when the Ellsworth personal property assistant assessor comes to help train Deanne. Justin performed preliminary field work and is anticipating his site visits later in May--all in preparation for the annual tax commitment. Justin is also working with Angie to apply/update the Town's tax maps to include the new flood plain data when those maps go into effect.

Cruise Ship Fund

Expenses-Direct Discretionary Exps:	<u>Budget</u>	<u>Actual</u>	<u>%</u>
FY2016	\$164,874	\$137,689	83%
Revenue activity so far – 10 months:	<u>Budget</u>	<u>Actual</u>	<u>%</u>
FY2016	\$605,735	\$533,481	88%
FY2015	\$632,224	\$563,453	89%
FY2014	\$656,933	\$600,859	91%

Town of Bar Harbor
Expenses - Period Ending
4/30/16

09-May-16

83% of Year Completed

General Fund	Dept	A FY '16 Annual Adj'd Budget	B FY '16 10 Months Actual	C FY '15 12 Months Actual	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '14 12 Months Actual	Comments on variances
Town Council	10	\$ 37,952	\$ 22,702	\$ 37,388	8,798	59.8%	\$ 32,920	timing
Town Manager	12	\$ 127,031	\$ 98,516	\$ 131,270	6,920	77.6%	\$ 131,036	timing
Town Clerk	14	\$ 140,381	\$ 96,252	\$ 123,202	20,264	68.6%	\$ 119,475	timing
Finance Dept.	16	\$ 328,189	\$ 279,504	\$ 322,362	(7,107)	85.2%	\$ 316,215	
Town Attorney	18	\$ 19,150	\$ 14,953	\$ 36,982	942	78.1%	\$ 67,420	
Elections	20	\$ 12,717	\$ 2,122	\$ 12,156	8,433	16.7%	\$ 10,361	timing
Technology	22	\$ 174,287	\$ 137,149	\$ 147,667	7,509	78.7%	\$ 121,486	timing
Municipal Building	24	\$ 74,825	\$ 73,382	\$ 96,879	(11,277)	98.1%	\$ 80,273	higher repairs
Town Offices	26	\$ 33,452	\$ 32,870	\$ 35,269	(5,105)	98.3%	\$ 37,566	timing
Employee Benefits	28	\$ 1,376,319	\$ 1,157,466	\$ 1,252,271	(15,121)	84.1%	\$ 1,345,347	on target
Code Enforcement	30	\$ 74,851	\$ 59,743	\$ 91,282	2,383	79.8%	\$ 69,142	
Assessing Dept.	32	\$ 119,128	\$ 98,004	\$ 116,759	872	82.3%	\$ 115,497	lower trend
Planning Dept.	34	\$ 156,893	\$ 99,019	\$ 91,360	31,202	63.1%	\$ 118,722	less legal exp
Miscellaneous	36	\$ 189,104	\$ 190,099	\$ 211,723	(33,143)	100.5%	\$ 180,505	timing
Ambulance	40	\$ 450,258	\$ 361,253	\$ 404,660	12,461	80.2%	\$ 391,936	
Fire Department	42	\$ 357,964	\$ 287,793	\$ 327,018	9,317	80.4%	\$ 316,107	
Hydrant Rentals	42	\$ 523,710	\$ 533,036	\$ 480,468	(98,357)	101.8%	\$ 480,468	
Police Dept.	45	\$ 1,030,871	\$ 869,865	\$ 983,866	(14,242)	84.4%	\$ 919,922	
Dispatch Division	47	\$ 211,054	\$ 181,977	\$ 204,277	(6,802)	86.2%	\$ 201,945	
Public Safety Bldg.	49	\$ 38,916	\$ 32,024	\$ 42,602	276	82.3%	\$ 45,807	
Street Lights	51	\$ 71,575	\$ 54,630	\$ 69,069	4,777	76.3%	\$ 63,278	timing
Harbor Dept.	53	\$ 113,786	\$ 89,849	\$ 116,162	4,593	79.0%	\$ 121,891	
Parks & Rec & Glen M	59	\$ 235,251	\$ 180,661	\$ 229,730	14,597	76.8%	\$ 228,873	
Emrg Mgt & Gen Assis	63/66	\$ 1,444	\$ 1,179	\$ 1,170	20	81.6%	\$ 1,445	
Cooperating Agencies	68	\$ 42,843	\$ 42,843	\$ 45,231	(7,283)	100.0%	\$ 39,843	all cks issued
Comfort Station	70	\$ 93,361	\$ 79,743	\$ 83,607	(2,253)	85.4%	\$ 90,729	
Public Works	75	\$ 146,122	\$ 119,942	\$ 144,809	1,339	82.1%	\$ 143,623	
Highway Dept	77	\$ 1,007,992	\$ 811,802	\$ 1,160,595	24,831	80.5%	\$ 1,059,443	195k less than FY2015
Solid Waste	79	\$ 655,939	\$ 484,836	\$ 611,136	59,593	73.9%	\$ 601,229	seasonal timing
General Fund Totals		\$ 7,845,365	\$ 6,493,214	\$ 7,610,970	\$ 18,439	82.8%	\$ 7,452,504	

payroll periods

26

22

26

84.6%

26

Includes \$25,374 in carryover encumbrances from FY2015

General Fund - Revenues

Town of Bar Harbor
YTD April 30, 2016
83% - 10 Months

<u>Department</u>	<u>Budget FY'16 12 Months</u>	<u>Actual FY'16 10 Months</u>	<u>Actual FY'15 12 Months</u>	<u>Bud. Var. Favorable (Unfavorable)</u>	<u>% Rev's Received 83% Goal</u>	<u>Variances From Budget Goal Comments</u>
Town Clerk Fees	\$ 28,304	\$ 19,724	\$ 27,254	(3,768)	70%	timing
Finance Department	\$ 181,510	\$ 136,714	\$ 200,066	(13,939)	75%	timing
Municipal Building	\$ 30,000	\$ 28,944	\$ 33,416	4,044	96%	higher trend
Code Enforcement Permits	\$ 160,358	\$ 112,581	\$ 187,533	(20,516)	70%	lower trend
Planning Fees	\$ 20,694	\$ 8,120	\$ 10,209	(9,056)	39%	lower trend
Ambulance/Fire Fees	\$ 396,100	\$ 257,766	\$ 351,052	(70,997)	65%	lower trend
Police Department	\$ 69,841	\$ 67,677	\$ 77,679	9,709	97%	seasonal
Harbor Department	\$ 49,203	\$ 58,048	\$ 54,351	17,210	118%	higher - made budget
Parks & Recreation	\$ 600	\$ 800	\$ 950	302	133%	
Highway Division	\$ 9,953	\$ 12,033	\$ 10,451	3,772	121%	higher - made budget
Solid Waste-Recycling	\$ 86,338	\$ 42,199	\$ 64,434	(29,462)	49%	lower trend - pricing
Departmental	\$ 1,032,901	\$ 744,606	\$ 1,017,395	(112,702)	72%	
P.I.L.O.T.'s	\$ 126,306	\$ 132,862	\$ 129,401	28,028	105%	all PILOT's paid
Interest Income	\$ 20,350	\$ 26,252	\$ 25,330	9,362	129%	
Misc, Cable Franch., other	\$ 122,992	\$ 120,715	\$ 126,205	18,632	98%	timing
Excise & Other Taxes	\$ 986,441	\$ 829,732	\$ 1,013,463	10,986	84%	on target
Intergovernmental	\$ 218,504	\$ 178,225	\$ 209,123	(3,133)	82%	timing/on target
Revenues-Subtotal	\$ 2,507,494	\$ 2,032,392	\$ 2,520,917	(48,828)	81%	
Property Taxes	\$ 15,588,096	\$ 15,602,181	\$ 14,957,966	14,085	100%	
Transfers In-CS & Other Funds	\$ 264,817	\$ -	\$ 268,907	-	0%	
Fund Balance Used	\$ 110,000	\$ -	\$ 412,639	-	0%	
Grand Total-General Fund	\$ 18,470,407	\$ 17,634,573	\$ 18,160,429		95.5%	
Wastewater Revenues	\$ 2,212,776	\$ 1,734,657	\$ 2,099,773		78%	3 Qtrs Billed
Water Revenues	\$ 1,930,105	\$ 1,855,259	\$ 1,981,903		96%	4 Qtrs Billed
CIP Fund Rev's/Transfers	\$ 2,611,177	\$ 2,384,730	\$ 4,589,867		91%	on target
Cruise Ship Fund Rev's	\$ 605,735	\$ 533,481	\$ 631,589		88%	on target

**TOWN OF BAR HARBOR
CASH / INVESTMENT STATUS @ April 30, 2016**

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate	Amount
**CHECKING ACCOUNTS						
GENERAL	BHBT	77548521	GL #10-1140		0.33%	\$ 238,000
SEWER	MACHIAS SB	8100333860 / 930	GL #10-1135		0.10%	\$ 61,000
SEWER	BHBT	77548513	GL #35-1140		0.33%	\$ 237,000
WATER	BHBT	77548556	GL #40-1140		0.33%	\$ 476,000
	Total Checking Accounts					\$ 1,012,000
GENERAL	BHBT	ICS - CDARS	FDIC custodial bank deposits	GL #10-1130	0.55%	\$ 5,081,000
GENERAL	The 1st		collateralized securities	GL #10-1145	0.75%	\$ 1,152,000
GENERAL	The 1st		collateralized securities	GL #10-1146	0.45%	\$ 1,007,000
SEWER	BHBT-	ICS - CDARS	FDIC custodial bank deposits	GL #35-1130	0.55%	\$ 1,052,000
SEWER	MACH S BK	ICS - CDARS	FDIC custodial bank deposits	GL #35-1120		\$ 674,000
WATER	BHBT-bond \$	ICS - CDARS	FDIC custodial bank deposits	GL #40-1130	0.55%	\$ 1,808,000
**CERTIFICATES OF DEPOSIT: money market						
Gen Fnd	The First	14 months	27-Jan-16	27-Jan-17	0.25%	\$ 86,285
Gen Fnd	BHS&L	18 Months	27-Dec-14	27-Jun-16	0.70%	\$ 110,835
Gen Fnd	BHS&L	12 months	04-Dec-15	03-Dec-16	0.65%	\$ 112,416
Gen Fnd	MSB	12 Months	25-Oct-15	25-Oct-16	0.27%	\$ 112,435
Gen Fnd	MSB	1 Year-CDARS	12-Jan-16	12-Jan-17	0.27%	\$ 240,471
Gen Fnd	UTC-Camden	12 Month CD	11-Aug-15	11-Aug-16	0.15%	\$ 107,233
Gen Fnd	UTC-Camden	12 Month CD	10-Feb-16	10-Feb-17	0.15%	\$ 106,910
Gen Fnd	UTC-Camden	1 Year-CDARS	31-Mar-16	29-Sep-16	0.10%	\$ 236,479
#10-1160	Total Certificates of Deposit					\$ 1,113,064
CIP Reserves: Bar Harbor Banking & Trust - Trust Department						
GENERAL: COMB-combined funds			Money Mkt Funds Sweep		0.40%	\$ 313,352
Microsoft Corp			Bond - AAA	03-Nov-18	1.30%	\$ 100,821
Statoil ASA			Bond - AA	15-May-18	1.15%	\$ 99,494
Federal Farm Cr Bank			Bond - AA+	11/27/2017	0.88%	\$ 99,901
Fed Natl Mtg Assoc			Bond - AAA	2/19/2019	0.88%	\$ 250,220
Fed Home Loan Mtg Corp			Bond - AAA	1/4/2018	0.00%	\$ 270,058
Toronto Dominion Bank			Bond - AA-	5/2/2017	1.13%	\$ 100,110
Nippon Teleg & Tel Corp.			Bond - AA-	7/18/2017	1.41%	\$ 100,080
US Treasury Note			Note	9/30/2017	0.63%	\$ 249,775
US Treasury Note			Note	10/15/2018	0.88%	\$ 200,110
Vanguard Scottdale FDS			Mutual Funds		2.00%	\$ 240,570
#10-1170	Total In Trust Fund					\$ 2,024,491
TOTALS: All CASH & INVESTMENTS						\$ 14,249,555

Notes: Checking Accounts and money markets above \$250,000 are protected by Bar Harbor Bank's collateral (US Gov't or agency securities) that are held in joint custody at the Federal Reserve Bank of Boston.

COMB = Combined General, CIP, School and Cruise Ship Cash Accounts
SWR = Sewer Fund
WTR = Water Fund

BHBT = Bar Harbor Bank & Trust Co.
The First = First National Bank Of Damariscotta
UTC = Union Trust Company & now Camden National Bank
BHS&L = Bar Harbor Savings & Loan Co.
MSB = Machias Savings

Town Bond Rating:	Affirmed	August '15	Aa2 Moody's
	Affirmed	August '15	AAA S & P's
State of Maine Bond Rating:		May '12	AA S & P's
State of Maine Bond Rating:		June '14	Aa2 Moody's
State of Maine Bond Rating:		Jan '13	AA Fitch
Hancock County Rating		Jan '11	Aa2 Moody's
Hancock County Rating		Jan '11	AA S & P's
U.S. Government Rating		August '11	AA S & P's



Town of Bar Harbor

Application for Bus/Carriage-for-Hire/Limousine/Taxicab/Pedicab License

VII
A.1

FEE SCHEDULE	
Taxi, Carriage-for-Hire and Pedicab (1 – 14 passengers)	\$65
Limousine and Bus (15 or more passengers)	\$119

Owner's Name: Andrew S Cough d/b/a: Acadia National Park Tours
 Address: PO Box 603, Bar Harbor, ME 04609 / 53 Main Street, Bar Harbor, ME 04609
 Phone (land): 207 288-0300 Phone (cell): 207 266-4662

List all drivers and their Maine Driver's License Number below (use back of application if more space is necessary)

Name: See attached ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____

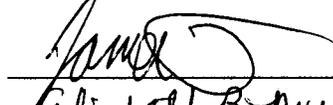
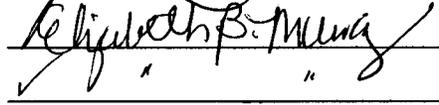
List all the vehicles you wish to include in this application (use additional sheet if more space is necessary)

Type of Vehicle	Year/Make/Model/Serial or VIN	# Seats	Own or Lease
Bus/Carriage/Limo/Taxi/Pedicab			
BUS	2011 Freightliner / VIN#4UZABRDJ4BCAW1230	44	Lease
BUS	2014 Freightliner / VIN#4UZABRDT4ECFL8289	44	Lease
BUS	2015 Freightliner / VIN#4UZABRDT6FCFY1775	42	Lease
BUS	2017 Freightliner / VIN#4UZABRDT1HCHT5358	36	Lease

I hereby agree to abide by Chapter 40 of the Bar Harbor Town Code as well as all applicable laws, statutes, ordinances and regulations related to the operation of Buses, Carriages-for-Hire, Limousines, Taxicabs and Pedicabs.

Owner's Signature  Date 4/28/16

For official use:

Approvals: Police Department  Date 4-28-16
 Town Clerk, Fee Paid  Date 4-28-16
 Proof of Insurance (DEC page with VIN) _____ Date 4-28-16

Copy of Chapter 40 of the Bar Harbor Town Code provided



Town of Bar Harbor

Application for Bus/Carriage-for-Hire/Limousine/Taxicab/Pedicab License

11
A.2

FEE SCHEDULE	
Taxi, Carriage-for-Hire and Pedicab (1 - 14 passengers)	\$65
Limousine and Bus (15 or more passengers)	\$119

Owner's Name: Maureen Leeman d/b/a: AMAZIN' MOE 2 TAXI
 Address: PO Box 452 HULLS COVE, ME. 04644
 Phone (land): 667. 3777 Phone (cell): 266. 1478

List all drivers and their Maine Driver's License Number below (use back of application if more space is necessary)

Name: Maureen Leeman ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____
 Name: _____ ME Driver's Lic #: _____

List all the vehicles you wish to include in this application (use additional sheet if more space is necessary)

Type of Vehicle Bus/Carriage/Limo/Taxi/Pedicab	Year/Make/Model/Serial or VIN	# Seats	Own or Lease
<u>TAXI</u>	<u>2004 Chev. Suburban</u> Vin # <u>1GNEC16Z24J181960</u>	<u>8</u>	<u>own</u>

I hereby agree to abide by Chapter 40 of the Bar Harbor Town Code as well as all applicable laws, statutes, ordinances and regulations related to the operation of Buses, Carriages-for-Hire, Limousines, Taxicabs and Pedicabs.

Owner's Signature Maureen Leeman Date 5.12.16

For official use:

Approvals: Police Department [Signature] Date 5/12/16
 Town Clerk, Fee Paid [Signature] Date 5/12/16
 Proof of Insurance (DEC page with VIN) [Signature] Date 5/12/16

Copy of Chapter 40 of the Bar Harbor Town Code provided



**MOUNT DESERT POLICE DEPARTMENT
BAR HARBOR POLICE DEPARTMENT**

James K. Willis, Chief of Police
jwillis@mdpolic.org



VII
6

BHPD

Lt. David Kerns

37 Firefly Lane

Bar Harbor, Maine 04609

Tel: 207-288-3391

dkerns@barharbormaine.gov

MDPD

Lt. Kevin Edgecomb

21 Sea Street, PO Box 248

NE Harbor, ME 04662

Tel: 207-276-5111

kedgecomb@mdpolic.org

Date: May 11, 2016

To: Town Manager Cornell Knight

From: Chief James Willis

Subject: Update on Little A's Special Amusement Permit

Since my April update, no new complaints have been received about the Little A's Special Amusement permit.

Officer Soren Sundberg has continued as liaison for Little A's and other concerned parties. He recently spoke with the concerned neighbor who spoke to the Town Council and he told Officer Sundberg that he thought things were better.

Officers continue to conduct proactive patrols in the area and often stop by to talk with Little A's staff during their shifts in the evening and late night hours. Officers documented 18 of those visits and there were no issues noted. Little A's staff has reported to us that they will be installing window insulation soon and that they have moved outside area where there patrons gather, all in an effort to mitigate noise.

If and when necessary, we will use the process outlined in outlined in the town's ordinance relating to Special Amusement Permits, which calls for us to use our noise meter and follow through with warnings for violations. When substantiated violations are documented, Town Council is notified as part of our regular process.



VII
C.

Resolution
of
The Bar Harbor Town Council

WHEREAS, in recognition of David Bowden who has served as a Bar Harbor Town Councilor for nine-years, first elected in 2001; and

WHEREAS, in his municipal service, David has undertaken various tasks associated therewith, including an elected officer on the Council, time served as a Planning Board member, and years with the Chamber of Commerce; and

WHEREAS, David is well-known for his Bar Harbor – Salisbury Cove historical perspectives, his up close knowledge of water mains, sewer and municipal budgets, and historical land use amendments; and

WHEREAS, his willingness to discuss rather than dismiss controversial topics, and his conviction to do right by the citizens of Bar Harbor, has earned him respect; now therefore

BE IT RESOLVED, that the Honorable members of the Bar Harbor Town Council do hereby recognize and honor David Bowden with great gratitude and appreciation for his many years of commitment to his neighbors, friends, visitors, and residents of Bar Harbor, and to wish him much success in his future endeavors.

Given under our hands and seal at Bar Harbor this seventeenth day of May 2016.

The Municipal Officers of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice-Chair

Anne R. Greenlee

Peter St. Germain

J. Clark Stivers

Burt O. Barker

Cornell Knight

From: James Willis <jwillis@mdpolic.org>
Sent: Thursday, May 12, 2016 9:41 AM
To: Cornell Knight
Subject: Special Amusement Permits

Cornell, here is the history from the PD for the pending Special Amusement Permits;

Black Friar - Nothing in our system

Havana - 1 complaint on 10/27/15 at 1100 PM about loud music, Officer response was delayed due to being busy on other calls, when we arrived, it was quiet.

Mad Hatter - No substantiated complaints relating to S.A.P.. On 2/7/15 - complaint of loud music, unsubstantiated as the levels were just below the violation level. We did receive a few complaints about patron noise outside of the Mad Hatter during late evening hours, often its patrons standing outside to smoke and talk. Some complaints that came in about the Mad Hatter were patrons outside Little A's across the street.

James Willis
Chief of Police
Mount Desert and Bar Harbor Police Departments
MDPD - 207-276-5111 / BHPD - 207-288-3391



Town of Bar Harbor Application for Special Amusement Permit

VIII
A.I.

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

Date: 4/20/16 Application Type: New Renewal Permit Number: _____

Applicant: Cinna Hosta Applicant's Address: 116 Cottage St. BH, ME
Name Mailing Address 04609

Business Name: Mad Hatter Pub & Grill Business Address: 116 Cottage St. BH, ME
Physical Address in Bar Harbor 04609

Type of Business: restaurant Location to be used: pool table side of restaurant
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 MRS 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.

Cinna Hosta
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

VIII
A-2

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

Date: 5.6.2016 Application Type: New Renewal Permit Number: _____

Applicant: Michael Boland Applicant's Address: 8 Barberry Lane
Name Mailing Address

Business Name: HAVANA Business Address: 318 Main Street
Physical Address in Bar Harbor

Type of Business: Restaurant Location to be used: 318 Main 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.

[Signature]
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

VII
A.3

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

Date: 5/9/16 Application Type: New Renewal Permit Number: _____

Applicant: THOMAS HULBERT Applicant's Address: 10 SUMMER ST BAR HARBOR
Name Mailing Address

Business Name: BACK FRIAR INN Business Address: 10 SUMMER ST BAR HARBOR
Physical Address in Bar Harbor

Type of Business: RESTAURANT Location to be used: IN DINING ROOM
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.

T. Hulbert
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

VIII
B.

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 stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses:

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

§ 125-21.1 Downtown Village II.

C. Allowed uses.

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

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

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

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

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 stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

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

§ 125-21.1 Downtown Village II.

C. Allowed uses.

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

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

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

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

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 stricken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

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

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

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

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

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

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

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

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

125-67Z Light and glare

An amendment to clarify lighting requirements for signs.

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

[Please Note: Old language is striken. 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 striken. 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 striken. 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~~ 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 <u>at location of sign)</u>	<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 <u>at location of sign)</u>	<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:

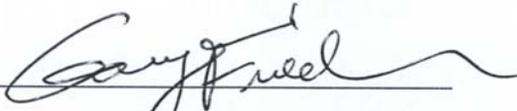
*The 5 member Planning Board recommends adoption by a vote of 5 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Given under our hands this nineteenth day of April 2016.

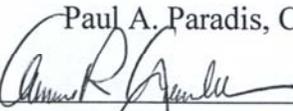
Municipal Officers of the Town of Bar Harbor



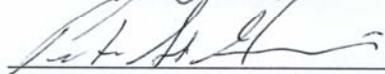
Paul A. Paradis, Chair



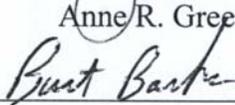
Gary Friedmann, Vice Chair



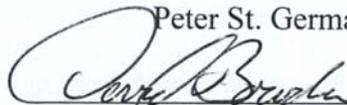
Anne R. Greenlee



Peter St. Germain



Burt O. Barker



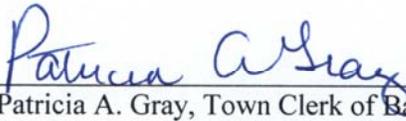
David Bowden



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



Memo

Bar Harbor Public Works Department
50 Public Works Way
Bar Harbor, ME 04609
(207) 288-1026 / FAX (207) 288-0961

~~IX~~
A.

To: Cornell Knight, Town Manager

From: Chip Reeves, Public Works Director

Subject: HUB of Bar Harbor Dog Waste Bag Station Proposal

Date: May 11, 2016

The Parks and Recreation Committee has been approached by the HUB of Bar Harbor (“HUB”) with a proposal (attached) to supply seven privately funded dog waste bag stations and signage to be located next to six existing in-town trash cans and one at Hadley Point Landing (where there is a carry out policy and no trash receptacle). The signage would indicate the donor and the relevant Town Ordinance regarding the disposal of dog feces. The HUB requests that the Public Works Department install the stations and purchase bags and refill the stations as needed.

At the April 11, 2016, meeting, the three Committee members present unanimously agreed to recommend to the Town Council adoption of the proposal.

I’ve opposed this type of service for the following reasons:

The Town has had a “Poop Scoop” ordinance in affect since 1997. To date, violations of the ordinance have not been prosecuted due to the fact that no citations have ever been issued.

Hadley Point Beach is used for dog walking regularly. The contractor that services the porta-potty threatened to remove it last year due to the amount of bagged dog waste being deposited in it, which clogs his waste removal equipment. He states his crew is not trained to handle this hazardous waste. When the unit is removed during the off season we regularly need to pick up bagged pet waste left on the beach.

Although this may seem like a small commitment, the public service plate is already overflowing at the Highway Division. During the season, we already provide pet feces clean-up in our parks and playgrounds. Still, public service requests continue to be added. The most recent was the addition of maintenance responsibilities at Glen Mary. As you are aware we now are responsible for the entire lot, not just the area we use within the fence. In order to provide these extra services, other work needs to be set aside.

In addition I have a fundamental problem providing this particular request. Mainly I’m concerned that it won’t end with providing bags. Also, we have rules in place that aren’t enforced and the answer is to add more service needs to Public Works. Furthermore, it makes absolutely no sense to me that the Town provides a service because pet owners shirk their responsibility.



Dog Waste Bag Station Proposal for Bar Harbor

March 2016

Following the completion of the Wayfair Signage Project, Hub of Bar Harbor held a Public Open House to assess community desires. This event was attended by approx. 75 Bar Harbor Residents and run as a brainstorming session to identify community needs, these were then presented to the group and interest gauged by a vote on audience perceived importance.

The preponderance of dog waste in our parks and streets was one of the highly rated problems.

Whilst the Town of Bar Harbor does have an ordinance that specifies a fine of \$25 for failure to pick up dog waste, this is difficult to enforce as offenders have to be “caught in the act”.

With this in mind Hub of Bar Harbor would like to propose the addition of 7 Dog Waste Removal Bag Stations (6 in town locations on well-travelled dog walking routes and Parks and one at Hadley Point) to facilitate and encourage owners to remove this waste.

Attached is a map showing suggested locations, funding information (including an allocation for installation) and an artist rendering of the Park locations. The Wayman Lane/Barberry Lane location (end of Shore Path) exact location will depend on right of way/private land issues. Hancock point was not mapped due to its remote location given the main focus area on the downtown Parks

Location: Our design team considered dog walk traffic patterns, visibility and aesthetics when picking these locations. We also considered proximity to trash cans so that they can be easily replenished when the regular trash collection rounds are made and existing lamp poles etc. that might be used to hold the stations making installation easier and less expensive. For example the first photograph in Agamont park has the possibility of using an existing light pole (disclaimer: we did not expressly identify ownership of this pole).

Funding: Hub of Bar Harbor is seeking to fund this project via donation, so that no budgets are impacted/town funding required to implement this proposal. Thus each station will bear a name plate identifying the sponsoring organization/business/citizen and a posting of the Ordinance requirements/penalty. We have verbal commitments from businesses interested in donating these funds and will obtain formal pledge documentation when the Parks and Recreation Committee endorses this proposal for presentation to Council. We also have interest from organizations wanting to place a station on their private land, so there is potential to have increased geographical coverage. However, stations on Private property are to be funded and operated independently by their owners. For the purposes of this proposal we simply wanted the Committee to be aware that there is public interest and commitment.

Operation: The downtown stations would be checked and replenished easily as part of the current trash collection run. Monitoring of the Hadley Point Station would be included in the current monitoring schedule for that area.

Proposal prepared by: Mike Rogers, Jane Holland and Heather Sorokin of Hub of Bar Harbor.



Donation Required per Station:

Sign Kit + 400 Bags \$160
 2,000 Bags \$70
 Installation \$150

Total = \$380

All signs include an engraved name plate recognizing business or individual who helped cleanup our parks.

Additional Location at Hadley Point.

*Some stations may be attached to existing infrastructure.





Agamont Park



Village Green



Grant Park



Grant Park



Athletic Field



Athletic Field

MEMORANDUM

To: Cornell Knight, Town Manager

From: Bob Osborne, Planning Director

Subject: Draft Cruise Ship, Parking and Housing Amendments to Land Development Code

Date: May 11, 2016

Cruise Ship - The Planning Board has had several meetings where the draft language for "commercial waterborne passenger facility" has been discussed. The discussion has ranged over a number of questions about the various uses contemplated in the definition. One of the more vexing questions had been regarding the "public uses such as open air events, and other outdoor activities". The Board has concern that this use not be given privileges that are not available generally in the Bar Harbor Gateway and Shoreland General Development III districts. They also have raised concerns generally about the operation of the facility such as outdoor public address systems. One possible way to address both of these issues could be to craft a Town ordinance that governs such a facility's operations to control noise, traffic and other concerns that may arise. (The Land Use Ordinance would not be responsive to changing issues). There was also discussion to consider creation of a new district for just the ferry terminal so that the entire Gateway and Shoreland General Development III districts are not impacted. There was some concern expressed that an application for this "waterborne" use to do something that is not a cruise operation might occur.

Parking - The Planning Board has had a number of meetings where parking issues and the Land Use Ordinance was discussed. What is proposed is to add parking uses to certain districts and to remove them from other districts. The Downtown Village districts and Jackson Lab would be the primary focus for a parking garage. The proposal also adds a new type of parking facility called parking deck to the ordinance. The Board has discussed a number of concerns it has regarding parking. There is the question of how to allow private entities to have off-site, off-street parking. There is some concern that essentially any proposed mechanism to allow off-site parking may have unintended consequences but Staff feels that there is compelling need to allow off-site parking. There are also concerns that have been raised that municipal parking lots should not be intrusive in residential neighborhoods.

Housing - The Planning Board has had a number of meetings where housing issues and the Land Use Ordinance was discussed. What is proposed is to make adjustments to "minimum area per family" to delete "maximum floor area ratio". The Planning Board expressed concern that these adjustments do not address the major concern regarding dormitory style worker housing and the diminishing supply of entry level year round rentals. The Board seem to indicate that they would prefer to wait to have hearings on the seasonal workforce housing until there is adequate time to move through the issue and hear from all sides.

IX.
B.1

Draft Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

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

Draft Warrant Article b

LAND USE ORDINANCE AMENDMENT – Commercial Waterborne Passenger Facility – Shall an Ordinance dated x, 2016 and entitled “An amendment to add commercial waterborne passenger facility use in the Land Use Ordinance” be enacted?

Commercial Waterborne Passenger Facility

An amendment to add the term commercial waterborne passenger facility with definition and to add commercial waterborne passenger facility use to the Bar Harbor Gateway and Shoreland General Development III districts.

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: COMMERCIAL WATERBORNE PASSENGER FACILITY - A facility providing a ferry or cruise ship terminal for waterborne transportation; ferry and/or cruise terminal related operations, including, but not limited to land transportation; government related operations, including, but not limited to the United States Department of Homeland Security, including Customs and Border Protection; marina and marine uses; public access to pedestrian trails; public uses such as open air events, and other outdoor activities; parking of cars and buses; and, tourist related uses, including and not limited to, a welcoming center, restaurant(s), and related office spaces.

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; commercial waterborne passenger facility; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

§ 125-49.1 Shoreland General Development III.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; commercial waterborne passenger facility; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

EXPLANATION: The term ferry terminal is found in the ordinance but the full list of functions for a cruise ship terminal may not be fully covered under that use. For this reason this warrant defines commercial waterborne passenger facility in a manner that contemplates a fully functioning port of call including customs and multimodal passenger transportation connections. This defined use is proposed to be allowed by site plan review in the Bar Harbor Gateway District and the Shoreland General Development III districts.

IX.
B.2

Draft Order

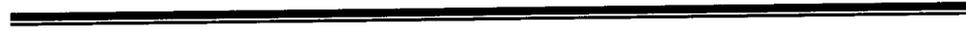
Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

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



Draft Warrant Article d

LAND USE ORDINANCE AMENDMENT – Maximum Floor Area Ratio – Shall an Ordinance dated x, 2016 and entitled “An amendment to delete maximum floor area ratio within the Downtown Residential district in the Land Use Ordinance” be enacted?



Maximum Floor Area Ratio

An amendment to delete the required maximum floor area ratio within the Downtown Residential 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

§ 125-22 Downtown Residential.

- A. Minimum lot size: 5,000 square feet.
- B. Minimum road frontage and lot width: 50 [feet].
- C. Minimum front setback: 15 [feet].

- D. Minimum side setback: five [feet].
- E. Minimum side setback for accessory, nonresidential structures: five [feet].
- F. Minimum rear setback for principal structures: 15 [feet].
- G. Minimum rear setback for accessory, nonresidential structures: five [feet].
- H. Maximum lot coverage: 75%.
- I. Maximum height: 40 [feet].
- J. Minimum area per family: 2,500 square feet.

[1]Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.

~~K. Maximum floor area ratio: the greater of either the median or the mean value of the FARs for all of the lots within the district within 300 feet of the subject property.~~

[2]Editor's Note: This ordinance also provided that it shall apply retroactively to all proceedings, applications and/or petitions pending on or commenced after 9-6-2005, notwithstanding the provisions of 1 M.R.S.A. § 302.

EXPLANATION: The term minimum maximum floor area ratio is a metric utilized to demonstrate the relationship between the gross floor area of a building and the size of the lot. This standard is only found in the Downtown Residential district. The application of the standard is that the subject lot's maximum gross floor area is subject to the floor area ratio of neighboring properties. The standard is not appropriate for this district and it is recommended that it be deleted.

IX
6.3

Draft Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

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

Draft Warrant Article c

LAND USE ORDINANCE AMENDMENT – Minimum Area Per Family – Shall an Ordinance dated x, 2016 and entitled “An amendment to adjust minimum area per family in various districts in the Land Use Ordinance” be enacted?

Minimum Area Per Family

An amendment to adjust the required minimum area per family within the Mount Desert Street Corridor, Village Residential, Downtown Village Transitional, Downtown Residential and Educational Institution districts.

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

§ 125-19 Mount Desert Street Corridor District.

B. Dimensional standards.

- (1) Minimum lot size: 20,000 square feet.
- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum front setback: 25 feet.
- (4) Minimum side setback: 25 feet.
- (5) Minimum rear setback: 25 feet.
- (6) Minimum side and rear setback for accessory structures: 10 feet.
- (7) Maximum lot coverage: 35%.
- (8) Maximum height: 40 feet.
- (9) Minimum area per family: ~~10,000 square feet~~ 5,000 square feet with sewers; 10,000 square feet without sewers.

§ 125-20 Village Residential.

B. Dimensional standards.

- (1) Minimum lot size: 10,000 square feet with sewers; 40,000 square feet without sewers.
- (2) Minimum road frontage and lot width: 100 feet.
- (3) Minimum front setback for structures: 20 feet.
- (4) Minimum side setback for principal structures: 10 feet.
- (5) Minimum side setback for accessory, nonresidential structures: five feet.
- (6) Minimum rear setback for principal structures: 10 feet.
- (7) Minimum rear setback for accessory, nonresidential structures: five feet.
- (8) Maximum lot coverage: 50% with sewers; 25% without sewers.
- (9) Maximum height: 40 feet.
- (10) Minimum area per family: ~~10,000 square feet with sewers; or 20,000 square feet without sewers~~ 5,000 square feet with sewers; 10,000 square feet without sewers.

§ 125-21.2 Downtown Village Transitional.

B. Dimensional standards:

- (1) Minimum lot size: 2,500 square feet.
- (2) Minimum road frontage and lot width: 30 feet.
- (3) Minimum front side and rear setback: five feet.
- (4) Maximum allowable lot coverage: 80% exclusive of setbacks.
- (5) Maximum height: 35 feet and three habitable floors of space.
- (6) Minimum area per family: 1000 square feet with sewers; 10,000 square feet without sewers.

§ 125-22 Downtown Residential.

- A. Minimum lot size: 5,000 square feet.
- B. Minimum road frontage and lot width: 50 [feet].
- C. Minimum front setback: 15 [feet].

- D. Minimum side setback: five [feet].
- E. Minimum side setback for accessory, nonresidential structures: five [feet].
- F. Minimum rear setback for principal structures: 15 [feet].
- G. Minimum rear setback for accessory, nonresidential structures: five [feet].
- H. Maximum lot coverage: 75%.
- I. Maximum height: 40 [feet].
- J. Minimum area per family: 2,500 square feet; 10,000 square feet without sewers.

§ 125-51.1 Educational Institution.

- A. Minimum lot size: 40,000 square feet.
- B. Minimum road frontage and lot width: 100 feet.
- C. Minimum shore frontage: 150 feet per dwelling unit adjacent to tidal areas; 200 feet for all other uses and structures, excluding functionally water-dependent structures.

[Added 11-3-2009[1]; amended 6-8-2010]

[1]Editor's Note: This ordinance also provided for the redesignation of former Subsections C through I as Subsections D through J, respectively.

- D. Minimum front setback: 25 feet.
- E. Minimum side setback: 25 feet.
- F. Setback from district boundary line: 25 feet; 110 feet along the eastern boundary of the district; 200 feet along the eastern boundary of the district for student housing, as defined.
- G. Minimum setback from Shoreline: zero for functionally water-dependent uses; 75 feet for all other uses.
- H. Maximum lot coverage: 30%.
- I. Maximum height: 40 feet.
- J. Minimum area per family: ~~20,000 square feet.~~ 5,000 square feet with sewers; 10,000 square feet without sewers.

EXPLANATION: The term minimum area per family is a metric utilized to require a certain number of square feet of land area for each dwelling unit or "family" on a lot within the Town. The proposed change would reduce the amount of land area required per family in the Mount Desert Street Corridor, Village Residential, Downtown Village Transitional, Downtown Residential and Educational Institution districts to a standard that would generally allow at least a two-family dwelling on the minimum lot size in the district.

Draft Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

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

Draft Warrant Article a

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled “An amendment to parking regulations in the Land Use Ordinance” be enacted?

Parking

An amendment to add the terms parking garage and parking deck with definitions, to add language to the definition of accessory use, to add certain parking uses and accessory uses to certain districts, delete certain accessory parking uses from certain districts and adds provisions for greater utilization of off-site, off-street parking.

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings:

PARKING DECK - A structure used for parking or storage of automobiles parked at grade and a second level of automobiles parked on a deck supported above grade. Parking decks may utilize site grade differential to access both levels of parking without need for internal ramps. Parking decks may be public or private. A parking deck used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a parking deck but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

GARAGE, COMMERCIAL PARKING GARAGE - A multi-story structure used for parking or storage of automobiles, generally available to the public, and involving payment of a charge for such parking or storage. A garage used solely in conjunction with a multifamily dwelling or hotel shall not be construed to be a commercial parking garage but rather a permitted accessory structure and use, even though not on the same premises as the multifamily dwelling or hotel.

USE, ACCESSORY

A. A use which is:

- (1) Subordinate to and serves a principal use;
- (2) Subordinate in area, extent and purpose to the principal use served;
- (3) Located on the same lot as the principal use served, except as otherwise expressly

authorized by this chapter; and

- (4) Customarily incidental to the principal use.

B. An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer.

C. Off-street parking shall always be considered a permitted accessory use when required or provided to serve a legally constituted use in any district.

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking deck; parking garage; parking lot; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities...

F. Other requirements.

(1) Parking lots shall require buffering and vegetative screening if visible from Route 3. (Also see parking requirements found in 125-67B(4) Off-street parking.)

§ 125-18 Village Historic.

F. Other requirements.

[Amended 11-2-2010]

(1) All new construction and/or changes to facades and signs shall require Design Review Board approval if visible from a public way. Single-family homes are exempt from this provision unless otherwise included in Appendix A or B of this chapter.

(2) The Planning Board shall ensure that parking for bed-and-breakfast I shall be shielded from the view of neighboring properties located to the side and rear of the property where the bed-and-breakfast is located. Shielding shall consist of vegetative screening. (Also see parking requirements found in 125-67B(4))...

§ 125-19 Mount Desert Street Corridor District.

C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, single- or two-family dwelling; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; parking lot; theaters...

F. Other requirements.

(1) Design Review Board approval shall be required for all changes to existing or new facades if the subject property is listed in Appendix A or B of this chapter. (Also see parking requirements found in 125-67B(4))...

§ 125-20 Village Residential.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: multifamily I; nursing/convalescent home in a building constructed before June 8, 2010, parking lot, road construction...

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property.

(2) The Planning Board shall ensure that parking lots are shielded from the view of neighboring properties by requiring parking lots to provide buffering and vegetative screening. (Also see parking requirements found in 125-67B(4))...

§ 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.

[Amended 11-5-2013]

(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; parking deck; parking garage; parking lot; road construction.

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements. (Also see parking requirements found in 125-67B(4)).

§ 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

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

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed.

Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements. (Also see parking requirements found in 125-67B(4))...

§ 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.

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

(3) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed.

Accessory uses are allowed by review of the same permitting authority that approved the principal structure...

E. Other requirements.

(1) All changes to facades and signs require Design Review Board approval.

(2) Parking requirements: (Also see parking requirements found in 125-67B(4)).

§ 125-49.1 Shoreland General Development III.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot and parking deck, private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

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

Chapter 125 , LAND USE ORDINANCE

APPENDIX C, Table of Permitted Uses

	Downtown Residential	Educational Institution	Emery	Hulls Cove Business	Hulls Cove Residential Corridor	Hulls Cove Rural	Indian Point Residential	Indian Point Rural	Industrial	Ireson Hill Corridor	Ireson Hill Residential	McFarland Hill Residential	McFarland Hill Rural	Marine Research	Otter Creek
Parking garage and parking lot	b														
Parking garage		b													
Parking deck	b	b													
Parking lot	b	b		b						b					
Parking lot with 10 or fewer spaces- accessory to permitted uses	e	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Parking lot with 10 or more spaces- accessory to permitted uses		b		e, b2					e, b2					e, b2	
Uses or structures accessory to permitted <u>legally constituted</u> uses or structures	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1	b	c, b1	c, b1	c, b1	c, b1	c, b1	c, b1
Uses or small structures accessory to permitted <u>legally constituted</u> uses or structures	c	c, b2	c	c	c	c	c	c	c	c	c	c	c	c	c
	Resource Protection	Salisbury Cove Corridor	Salisbury Cove Residential	Salisbury Cove Rural	Salisbury Cove Village	Schooner Head	Scientific Research	Shoreland General Development I	Shoreland General Development II	Shoreland Limited Residential	Stream Protection	Town Hill Business	Town Hill Residential Corridor	Town Hill Residential	Town Hill Rural
Parking garage and parking lot															
Parking garage							b								
Parking deck							b								
Parking lot		b					b			b		b			
Parking lot with 10 or fewer spaces- accessory to permitted uses	b-12	e	e	e	e	e	e	e	e	e	e	e	e	e	e
Parking lot with 10 or more spaces- accessory to permitted uses		e, b2	b									e, b2			
Uses or structures accessory to permitted <u>legally constituted</u> uses or structures		c, b1	c, b1	c, b1	c, b1	c	c, b1,2	c, b1	c, b1	c, b1	b5	c, b1	c, b1	c, b1	c, b1
Uses or small structures accessory to permitted <u>legally constituted</u> uses or structures	c	c	c	c	c	c	c	c	c	c	c	c	c	c	c

Chapter 125 , LAND USE ORDINANCE

ARTICLE V, Site Plan Review

§ 125-67 General review standards.

D. Parking requirements. Any ~~site plan for an~~ activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route. [Amended 11-5-1991; 5-2-1994; 11-4-1997; 3-24-1998; 5-5-2003; 11-4-2003; 5-3-2004; 5-2-2005; 6-13-2006; 6-8-2010; 11-2-2010]

(1) Off-street parking shall always be considered a permitted accessory use when required or provided to serve a legally constituted use ~~conforming use~~ in any district.

(2) Required off-street parking shall be located on the same lot as the principal building or use that it serves, except that ~~in the Downtown Village and Shoreland General Development Districts~~, with site plan approval and subject to such conditions as the Planning Board may impose, off-street parking spaces may be located on land or premises of the same ownership as the lot containing the principal building or use if said land or premises is dedicated for ~~free public parking and is located anywhere within the aforesaid districts~~.

(a) If parking spaces are on an off-site parking lot, such parking lot may not be farther than 500 feet from each entity requesting utilize those spaces. This distance shall be measured following a reasonable, safe walking route between the primary use and the parking lot being utilized.

EXPLANATION: The term commercial garage is defined but not found in any district, this warrant replaces that term with parking garage. The term parking deck is coined and defined to provide a structural alternative somewhere between parking lot and parking garage. This proposal adds language to the definition of accessory use stating that parking shall always be considered a permitted accessory use. This warrant adds parking uses approved by Site Plan review in the following districts: Bar Harbor Gateway, Village Historic, Mount Desert Street Corridor, Village Residential, Downtown Village I, II and Transitional, Shoreland General Development III, Downtown Residential, Education Institution, Hulls Cove Business, Ireson Hill Corridor, Scientific Research, Shoreland Limited Residential, Town Hill Business. This warrant removes redundant accessory parking language from Appendix C. This warrant makes provisions for off-site, off-street parking through Site Plan approval.



16 State House Station
Augusta, Maine 04333-0016

Tel: 207.624.3564
Fax: 207.624.3251

email: john.h.henshaw@maine.gov
www.maineports.com

IX.
C.

March 15, 2016

Mr. Robert Osborne
Planning Director
Town of Bar Harbor
93 Cottage St., Suite 1
Bar Harbor, ME 04609-1400

MAR 18 2016
TOWN OF BAR HARBOR
PLANNING DEPARTMENT

Re: Bar Harbor Terminal

Dear Robert:

Consistent with our prior discussions, the Maine Department of Transportation and the Maine Port Authority are moving forward with plans to acquire the Bar Harbor Terminal. MDOT and Marine Atlantic, the current owner of the Terminal, are putting the finishing touches on a three year lease which contains an option for MDOT to purchase the Terminal at any time during the lease. MDOT expects that the parties will sign the lease in the near future.

As you know, MDOT and the Maine Port Authority have long viewed the Terminal as the logical location for not only the resumption of ferry service to and from Bar Harbor, but also as an appropriate facility to berth cruise ships visiting Bar Harbor. There is no question that Bar Harbor has a long history of hosting the cruise ship industry and its passengers. Fostering such business with appropriate facilities, but always keeping in mind the needs of the Town, would clearly be in the public interest of not only the Town of Bar Harbor, but also the State of Maine.

In reviewing the Town's zoning ordinance, both MDOT and the Maine Port Authority felt that those sections of the Ordinance addressing permitted uses for the zones in which the Terminal is currently located are not as clear as they could be with regard to a ferry and cruise ship facility, and its ancillary uses. We would, therefore, suggest that the permitted uses in the Bar Harbor (Gateway) District and the Shoreland General III District be clarified by adding "Commercial Waterborne Passenger Facility" as a permitted use in both Districts. A "Commercial Waterborne Passenger Facility" would be defined as including:

"a facility providing a ferry or cruise ship terminal for waterborne transportation; ferry and/or cruise terminal related operations, including, but not limited to land transportation; government related operations, including, but not limited to the United States Department of Homeland Security, including Customs and Border Protection; marina and marine uses; public access to

the reasons given were: it's too lengthy, legislation history not provided, poor table of contents, power stations allowed in residential districts, subdivision appeals would go to superior court rather than the Board of Appeals, citizen's rights eliminated, completeness review is removed from Planning Board to Code Enforcement officer, and it's an illegal document riddled with flaws and deception. It was also suggested to amend sections at a time rather than the entire ordinance for easier review and comparison.

Bob Garland, former Councilor, spoke in favor and encouraged people to vote "Yes". He stated that this is just the first phase with full knowledge that there is another one in the offering. He reminded everyone that this was a long term goal and a couple of years in drafting. He further stated that he found it hard to believe there was fore thought of deception in drafting the changes. He felt the process was working well. With a new planner coming onboard, he thought it was necessary to have a document to work from and with some continuity within the town government.

Following Councilor's responses, they provided comments for support of adopting the proposed LUO rewrite. Council announced the website will provide a "Frequently Asked Questions" brochure on the LUO rewrite and make the proposed rewrite available online for public review.

VII. **REGULAR BUSINESS:**

A. **Open Space Plan** – *Follow-up on presentation from previous meeting and consideration of any appropriate action.* – Mr. Bowden, with second by Ms. Greenlee, moved to thank the members of the Conservation Commission, the Steering Committee and the many volunteers for their work on the Open Space Plan. Discussion ensued with major focus on property owner's rights; specifically, large parcel landowners who potentially could be restricted in the use or development of their property, and possibly be subject to an impact fee. Several Councilors, property owners Paul MacQuinn, and Chris Maller, shared their concerns. Several also expressed they thought the plan was a good resource, but gave concern to the fact that living on an island does limit land available for development thus limiting the tax base, and the fact that there is already land in conservation for public use, such as Acadia National Park and Maine Heritage Coast Trust. Comments included portions of the plan would restrict property owners' privacy and some questioned their exposure to liability. Many favored advocating conservation through public education and the use of volunteers in maintaining or restoring fishing, agriculture, and forestry.

Mr. Friedman, with second by Ms. Greenlee, moved to amend the motion that Council accept the plan. Motion failed 2-5 (Nay: Mr. Stivers, Mr. Bowden, Mr. Paradis, Mr. St. Germain, Mr. Barker).

The main motion passed 7-0.

Bar Harbor Conservation Commission

IX.
D.

To: Bar Harbor Town Council
From: Bar Harbor Conservation Commission
CC: Bar Harbor Town Manager
Date: April 21, 2016
Re: Open Space Plan Revision

Memo

The purpose of this memo is to discuss the ongoing Open Space Plan revision efforts that the Conservation Commission has been making, and to bring you up to date on what the commission is considering recommending. There is currently \$5,000 in discretionary funds available in town budget for the Conservation Commission to use in the construction/revision of an Open Space Plan. We intend to utilize those funds by June 2016 to finalize the Open Space Plan and in outreach materials to make the plan accessible and available to the general public.

As the Council is aware, the 2014 version of the Open Space Plan raised a number of unanswered questions and concerns for both councilors and the public, which the commission agrees bring into doubt the utility of the Open Space Plan as an appendix to the Comprehensive Plan. The document is overall well researched, does an excellent job of providing a useful inventory of the town's natural, cultural and working land resources that provide a sound basis upon which to create an Open Space Plan, and is a good example of the citizen collaborative efforts of 2014. While the plan did a good job of inventorying town resources and their importance, it fell short in helping the average citizen of Bar Harbor understand how the plan will manifest. The plan should communicate that it is a resource and tool for landowners of Bar Harbor to use, if they wish, to maximize their involvement in the town's shared vision of open space. Each commission member has reviewed the Open Space Plan individually, and the commission has convened a number of times to identify edits/suggestions, and find commonalities.

The plan has the potential to educate and inform community members about the diversity and abundance of the resources that are present in the town, and the value of these resources to us and to the other entities that use them (e.g. plants, animals, etc.), and the commission would like to see the plan reach this potential. We hope the plan will help landowners identify which resources are present on their property, and present the range of choices available to them to protect them if they wish to do so. Ideally, the plan would also communicate the value of maximizing the cohesive interaction of these resources when there are several on a property/landscape.

Below are chapter-by-chapter summaries of the types of things we would like to change in the document:

Chapter 1- Introduction: We recommend edits to better articulate why the Open Space Plan was developed, giving reasons and providing some history about the uniqueness of our town. We want this chapter to explain that the prescribed actions described in the plan are voluntary, as well as the utility of having a plan.

Chapter 2 – Natural Habitats: We want to articulate the human benefits of protecting natural habitats (ecosystem services, etc.). The main changes we'd like to see in this chapter are in the goals and

strategies section: for example, we'd like to provide more detail in Goals 1 & 2, where various programs and plans are discussed (fish passage, wildlife corridors, possibilities for tax programs, forest management plans, etc.).

Chapter 3 – Water Resources: We would like to elaborate on the goals and strategies in this chapter as well. At the moment, there are impacts to water resources that are not articulated (leaching from roads and homes, nutrient enrichment/soil amendment use, septic tanks, etc.). There are important considerations about the materials and methods of land and property management that we would like to see presented in the plan.

Chapter 4 – Scenic & Cultural Resources: We would like to better articulate the value of protecting scenic and cultural resources in Bar Harbor. One way to do this would be to talk about what would be lost if these resources disappear. There are historical sites in Bar Harbor already referenced in the Comprehensive Plan in important scenic vistas, and they should be referenced in the OSP. We would also like to clarify goals and strategies that commission members found ambiguous, for example, by articulating how landowners can protect “scenic assets.”

Chapter 5 – Recreational Resources: Areas in Bar Harbor that are important recreational resources (particularly to pedestrians and bicyclists) should be identified for opportunities for enhancement. There are certain cited examples in the goals and strategies (e.g. Development District) that need more vetting, and should either be revised or taken out completely. We would like this section to be vetted by the Parks and Recreation Committee to ensure the goals and strategies in this chapter are in line with their mission.

Chapter 6 – Working Lands: We would like to better justify and clarify some of the goals and strategies that some of the commission members found vague.

Chapter 7 – Implementing the Plan: This important chapter needs some rewording to really emphasize the voluntary nature of landowner's participation in the Town of Bar Harbor's open space goals. This section should reference other documents/resources, as well as exhibit material from other community's open space plans to give more examples of how open space plans manifest in other Maine towns. It may be useful to have an inset in this section that illustrates a hypothetical landowner's participation in the Open Space Acquisition Program or the Conservation Lease Program, etc. This may also be a good section to identify an area of priority moving forward for Bar Harbor, such as the Northeast Creek watershed or the Crooked Road corridor.

Overall: We want to insert relevant examples of how the actions described in the Open Space Plan are already happening in our community (e.g. the Thorndike family conservation easement in Chapter 4). We recommend that our strategies align and/or consider the global views of our partners (Acadia National Park, College of the Atlantic, Maine Coast Heritage Trust, etc.) and their visions of open space.

The commission is interested in hearing feedback from the Town Council about these recommendations, and where they would like to see the Open Space Plan go. Please consider how the Council wishes for the commission to proceed so that this document can be made most useful to the town and its residents in a timely manner. We appreciate the Town Council's consideration of our recommendations and suggestions, and involvement in this process.

Sincerely,
Conservation Commission

Task Force on Aging

The mission of the Task Force on Aging is to provide services and advocacy that enable older residents of Bar Harbor to live in their homes for as long as possible as well as provide programs geared to keeping older adults active and engaged in the community.

Appointment

The Town Council shall appoint Bar Harbor residents to the Task Force.

The Task Force shall consist of 7 members with one member being a Town Councilor.

The term of each member shall be for three years, except the initial appointments which shall be two appointments for 1 year; two appointments for two years and three appointments for three years. All newly designated task force members are to be sworn in by the Town Clerk.

The Task Force shall elect a Chair, Vice-Chair and Secretary at the first regular meeting of each year for a one year term. The Chair shall call a meeting at least once a month unless there are no agenda items. The secretary shall take minutes at each meeting and send approved minutes to the Town Clerk. A quorum is 4 members of the Task Force. Meeting agendas shall be posted on the bulletin board in the Municipal Building lobby and on the town's website.

Compensation

There shall be no compensation provided for the members of the Task Force.

Duties and Responsibilities

The Task Force will:

- Identify needs of seniors in the community
- Provide opportunity for public input into strategic planning and delivery of services for senior citizens.
- Recommend to Town Council services to fill those needs.
- Explore ways to make Bar Harbor Age Friendly in the following 8 areas:
 1. transportation
 2. housing
 3. outdoor spaces and buildings
 4. social participation
 5. respect and social inclusion
 6. civic participation and employment
 7. communication and information
 8. community support and health services.

Amendment

These bylaws may be amended only by action of the Town Council.

memo

IX.
F.

Town of Bar Harbor

To: Town Council
From: Pat Gray
CC: Cornell Knight, Town Manager
Date: 5/12/2016
Re: Appointments Committee

This will be the first year of the new Appointment Policy and seek guidance on how to proceed. Generally, in May the Town Clerk's office send out notices to each member whose term expires this year. Past Town Council established an abbreviated 'Update Application' for those seeking re-appointment. Basically, the application is contact information. For all others, the long form application is required.

Attached is a draft letter for Council's consideration for approval or amendment and the two current applications. Please advise of any changes or new procedures that Council would like to see.

Thank you,



Appointments Policy

Town of Bar Harbor

Appointments Policy

The Appointments Committee shall consist of 3 Councilors appointed by the Council Chair annually at the organizational meeting held every June. Terms shall be for one year. Appointments Committee members may serve a maximum of two consecutive terms, and may serve again after a lapse in service of three years.

The Town Clerk shall annually advertise all expiring terms on standing boards and committees. The advertising shall be in the local newspaper, on the Town's website and on the cable tv access channel. Service as an alternate member shall not count toward the terms allowed as a regular voting member.

Interested citizens, including incumbents up for reappointment shall fill out an application supplied by the Town Clerk.

A citizen may serve up to 3 full consecutive terms as a regular member of a standing board or committee.

The Appointments Committee shall seek to meet with all prospective appointees in order to discuss special qualifications, expertise and interest of applicants. A telephone interview is acceptable.

The Appointments Committee recommendations will be in the form of nominations to the Town Council at a regular meeting. The nominations are not limited to the number of vacancies on a given board or committee. The Appointments Committee may also choose not to make nominations and request that the Town Council repost the vacancies. This does not preclude another Councilor from making a nomination from the list of interviewed applicants. A nomination to a board or committee does not require a second.

In the event an incumbent member of a board or committee has not reapplied for a position and the member's term has expired, the position will be considered vacant upon the expiration of the term.

Unless otherwise specified in the Code of the Town of Bar Harbor, the Town Council may remove any board or committee member and appoint a successor for the unexpired term of any member who fails to attend four consecutive regular meetings or fails to attend seventy-five percent of all meetings during the preceding 12 month period. The Town Council may waive attendance provisions for due cause. Attendance records will be part of the Appointments Committee review process.

All newly appointed members of a board or committee shall take the Ethics Ordinance Quiz. The quiz shall be repeated by all members at least every three years.

All members of boards and committees must be sworn in by the Town Clerk prior to the first meeting in order to participate and have voting rights.

LEGISLATIVE HISTORY

06-Oct-15 Introduced to Town Council

01-Dec-15 Adopted by Town Council

TOWN OF BAR HARBOR

Town Clerk's Office

93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-4098 Fax 207-288-4461

Patricia A. Gray, Town Clerk

email: clerk@barharbormaine.gov

Date

Name

Address

Address

RE: Name of Board

Dear XXXXX

Thank you for your service on the above board, it is greatly appreciated. This year your term expires, however, the Bar Harbor Town Council has established a new policy and all members' terms will now expire July 31st, beginning this current year. So all members currently serving are extended one month. The revised Appointment Policy is for a more formal process to appoint or reappoint members. Enclosed please find a copy.

If you are interested in continuing to serve, please complete the 'Update Application' found online as a fillable document. The Appointments Committee will contact you prior to one of the Town Council's July meetings. The deadline to submit applications to the Town Clerk is June 22nd.

Thank you again for your willingness to serve, please contact this office with any questions.

Sincerely,

Patricia A. Gray
Town Clerk

pag

Encl. – Appointment Policy

DRAFT



Form Center

By signing in or creating an account, some fields will auto-populate with your information and your submitted forms will be saved and accessible to you.

Information Update Form for Boards & Committees (required for reappointment)

Information Update Form for Boards & Committees (required for reappointment)

FName*

First Name

LName*

Last Name

Email Address

Email Address

If you do not use email you will have to make special arrangements with the Chair of your Board or Committee to receive Agendas and supporting material.

Telephone (Land Line)

Not required but strongly recommended.

Cell Phone

Not required but strongly recommended.

Use this section to indicate your Physical Address

Address_P*

your physical address

Town_P*

town in which you reside

State_P*

Zip_P*

SAMPLE
VIEW of Update
form online

Use this section only if you use a Mailing Address

Address_M

Town_M

State_M

ZIP_M

Please indicate the Boards & Committees on which you currently serve and wish to be considered for re-appointment.

Appeals Board

Appeals Board

Assessment Review Board

Assessment Review Board

Communication Technology Task Force

Communication Technology Task Force

Conservation Commission

Conservation Commission

Cruise Ship Committee

Cruise Ship Committee

Deer Herd Control Task Force

Deer Herd Control Task Force

Design Review Board

Design Review Board

Hancock County Planning Commission

Hancock County Planning Commission

Harbor Committee

Harbor Committee

Housing Authority

Housing Authority

Marine Resource Committee

Marine Resource Committee

Parking & Traffic Committee

Parking & Traffic Committee

Parks & Recreation Committee

Parks & Recreation Committee

Planning Board

Planning Board

Warrant Committee

Warrant Committee

Other Comments

Please indicate your current occupation and any other comments or concerns.

Receive email copy

Email address

This field is not part of the form submission.

BOARDS & COMMITTEES UPDATE FORM



This information was update on:
5/31/2014 9:06:40 AM

[REDACTED]

Boards & Committees on which I currently serve:

Cruise Ship Committee
Parks & Recreation Committee

Physical Address:

[REDACTED]
Bar Harbor, Maine 4609

Mailing Address:

Email Address:

[REDACTED]

Telephone (Land Line):

207-288-[REDACTED]

Cell Phone:

207-266-[REDACTED]

Other Comments:

SAMPLE
Finished online
form received in
Clerk's office.

APPLICATION TO SERVE ON BOARDS AND COMMITTEES TOWN OF BAR HARBOR



Last: _____ First: _____ 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: _____

Mailing Address: _____

Business Address: _____

Business Phone: _____ Home Phone: _____

E-mail Address: _____ FAX Number: _____

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

Occupation: _____

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 type="checkbox"/> | Other: _____ |

Education:

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

_____ Years Served: _____

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_____ Years Served: _____

*Full application
Paper or online* Page 1 of 2

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.)

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

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.

Signature: _____ Date: _____