

PLANNING BOARD
PACKET OF MATERIALS
MEETING MAY 18, 2016

Cover page with date

Agenda

Minutes for approval

Applications (The Jackson Laboratory Site Plan is found in the April 20, 2016 Planning Board Packet).

Supporting Documents

**Agenda
Bar Harbor Planning Board
Wednesday, May 18, 2016
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.**

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. EXCUSED ABSENCES

IV. APPROVAL OF MINUTES (May 4, 2016)

V. REGULAR BUSINESS

- a. **Public Hearing- Site Plan Application – SP-2016-03**– The Jackson Laboratory
Project Location: 600 Main Street, Bar Harbor Tax Map 253, Lot 003-000
Applicant: The Jackson Laboratory
Application: The applicant is proposing to construct a three-story, 31, 000 sq. ft. addition to the JAX Core Research Complex for the Center for Biometric Analysis in a Scientific Research for Eleemosynary Purposes district.
- b. **Land Use Ordinance – Draft Commercial Waterborne Passenger Facility Amendments - Article III Land Use Activities and Standards and Article XII Construction and Definitions draft amendments in the form of draft warrants.**
- c. **Land Use Ordinance – Draft Parking Amendments - Article III Land Use Activities and Standards, Article V Site Plan Review, Article XII Construction and Definitions and Appendix C Table of Permitted Uses draft amendments in the form of draft warrants.**
- d. **Land Use Ordinance – Draft Minimum Area Per Family Amendments - Article III Land Use Activities and Standards draft amendments in the form of draft warrants.**
- e. **Land Use Ordinance – Draft Maximum Floor Area Ratio Amendments - Article III Land Use Activities and Standards draft amendments in the form of draft warrants.**

VI. OTHER BUSINESS

- a. **Pending Applications (none)**

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

**Minutes
Bar Harbor Planning Board
Wednesday, May 4, 2016
Council Chambers – Municipal Building
93 Cottage Street
6:00 P.M.**

I. CALL TO ORDER

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

Also present: Robert Osborne, Planning Director.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to move the pending agenda items to the Other Business portion of the agenda. Mr. Eleftheriou, Jr. seconded the motion and the Board voted four in favor and none against the motion.

III. EXCUSED ABSENCES

None

IV. APPROVAL OF THE MINUTES

a. April 20, 2016 Workshop and April 20, 2016 Regular Meeting

Mr. Cough moved to approve both sets of minutes with the change in the location of the pending application item to Other Business. Mr. Eleftheriou, Jr. seconded the motion and the Board voted five in favor and none against the motion.

V. REGULAR BUSINESS

a. Land Use Ordinance Discussion of Definition for Commercial Waterborne Passenger Facility (Cruise Ship Operations) and inclusion of the use in the Bar Harbor Gateway and Shoreland General Development III districts.

The Board discussed a number of concerns regarding the proposed use of commercial waterborne passenger facility. They questioned how the current lotting and dimensional standards of the Bar Harbor Gateway and Shoreland General Development III districts impact the reuse/reconstruction of the facility. They questioned if the site should be in a zone to itself with language that better facilitates the reuse. They questioned if the noise and outdoor activity can be controlled properly. Included and not limited to language was questioned. Tourist related uses was questioned.

There was some discussion regarding the definition in that it uses a number of terms and some are defined and some are not. The term waterborne was discussed as not defined in the ordinance. Upon further discussion it was suggested that the passengers are waterborne in some portion of their trip.

Concern was expressed with phrases like “including but not limited to” and it is suggested that this be applied only to the phrase government related operations. It was discussed that a definition should be sufficient to preserve this needed mix of uses even if the district changes over time (and the definition should be transportable enough to be utilized in other districts).

The Board discussed the proposed Commercial Waterborne Passenger Facility use and suggested some changes as follows:

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~~ bus, van, car and pedestrian 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; temporary public uses such as open air events, and other outdoor activities as permitted by the Town Council; parking of cars, vans and buses; and, indoor tourist related uses, including ~~and not limited to~~, a welcoming center, restaurant(s), and related office spaces.

The Board requested that Staff provide a sketch plan that shows generally lot, buildings and paved areas and calculates the lot coverage as it now stands. The purpose of the effort to make a general analysis of the issues related to redevelopment of the ferry terminal site.

b. Land Use Ordinance Discussion of Parking.

The Board discussed the definitions for parking deck and parking garage. The question had to do with the language that they are public and require payment. The suggestion was that this is not the model for institutional structured parking where it may not be open to the general public or specifically for a fee. The Board discussed parking in the context of the draft amendments contained in the packet. There were concerns expressed regarding the mechanism to calculate parking requirements for complex institutional uses that have a range of activities and transportation modes. Parking decks were discussed as a tool to meet parking demands that would not be often utilized.

Dessa Dancy expressed some concern that the Downtown districts should be required to provide parking for all uses.

c. Land Use Ordinance Discussion of Housing.

The Board discussed housing in the context of the minimum lot area per dwelling unit requirements that are currently found in the ordinance. Some concern was expressed that the proposed changes do little to address the housing issues in the town such as the conversion of year round rentals to seasonal workforce housing. It was suggested that the dormitory style housing proposed by Mr. Witham is an important element in moving forward with meaningful changes in housing.

VI. OTHER BUSINESS

Mr. Cough discussed certain waivers for the Jackson Laboratory item.

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn the meeting at 8:20 pm. Mr. Cough seconded the motion. The Board voted five in favor and none against the motion to adjourn.

Signed as approved:

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

Date

TOWN OF BAR HARBOR

PLANNING BOARD

93 Cottage Street, Suite I
Bar Harbor, Maine 04609-1400
Tel. 207-288-3329 Fax 207-288-3032

DECISION

Date: May 18, 2016

Application: SP-2016-03– The Jackson Laboratory

Project Location: 600 Main Street, Bar Harbor Tax Map 253, Lot 003-000

Applicant: The Jackson Laboratory

Application: The proposed project: construction of the Center for Biometric Analysis, a three-story, 31,000 sq. ft. addition to the JAX Core Research Complex, which houses the JAX science research functions.

Zoning District: in a Scientific Research for Eleemosynary Purposes district.

Permitted Use: Research Facility

To the Code Enforcement Officer:

Under the authority and requirements of the Land Use Ordinance Article V, Section 125-61. F, at the properly noticed public hearing on May 18, 2016, by a motion duly made and seconded, it was voted to approve the noted application.

This approval is based upon the following submitted plans:

1. "Site Plan for Review Application Center for Biometric Analysis, Figure 9-1", dated April 2016 and prepared by Woodard and Curran.
2. "Pre-development Detail Site Plan for Review Application Center for Biometric Analysis, Figure 9-2", dated April 2016 and prepared by Woodard and Curran..
3. "Post-development Detail Site Plan for Review Application Center for Biometric Analysis, Figure 9-3", dated April 2016 and prepared by Woodard and Curran..
4. "Photo Location Plan, for Review Application Center for Biometric Analysis, Figure 14-2", dated April 2016 and prepared by Woodard and Curran..
5. "Erosion and Sedimentation Control Plan, Site Plan for Review Application Center for Biometric Analysis, Figure 17-1", dated April 2016 and prepared by Woodard and Curran..

6. "Erosion Control Notes, Site Plan for Review Application Center for Biometric Analysis, Figure 17-2", dated April 2016 and prepared by Woodard and Curran..
7. "Catch Basin Inlet Projection Detail, Site Plan for Review Application Center for Biometric Analysis, Figure 17-3", dated April 2016 and prepared by Woodard and Curran.
8. "Exterior Elevations South, Site Plan for Review Application Center for Biometric Analysis, Figure 20-1", dated April 2016 and prepared by Woodard and Curran.
9. "Exterior Elevations North, Site Plan for Review Application Center for Biometric Analysis, Figure 20-2", dated April 2016 and prepared by Woodard and Curran.
10. "Exterior Elevations East, Site Plan for Review Application Center for Biometric Analysis, Figure 20-3", dated April 2016 and prepared by Woodard and Curran.
11. "Ground Floor Plan, Site Plan for Review Application Center for Biometric Analysis, Figure 20-4", dated April 2016 and prepared by Woodard and Curran.
12. "First Floor Plan, Site Plan for Review Application Center for Biometric Analysis, Figure 20-5", dated April 2016 and prepared by Woodard and Curran.
13. "Third Floor Plan, Site Plan for Review Application Center for Biometric Analysis, Figure 20-6", dated April 2016 and prepared by Woodard and Curran.
14. "Lighting Plan, Site Plan for Review Application Center for Biometric Analysis, Figure 21-1", dated April 2016 and prepared by Woodard and Curran.
15. "JAX Core Complex Grade Data, SK-1", dated April 19, 2016 and prepared by The Jackson Laboratory.
16. "JAX Core Complex Roof Data, SK-2", dated April 19, 2016 and prepared by The Jackson Laboratory.

This approval is based upon the following FINDINGS AND CONCLUSIONS OF LAW:

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based on the documents received, and accepting the work of the professionals who have prepared the documents, this application the requirements of Section 125-55 Nonconforming Structures are not applicable.
3. Based on the documents received, and accepting the work of the professionals who have prepared the documents, this application the requirements of Section 125-68 Shoreland Standards are not applicable.
4. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-67 as found below:
 - a. The Board finds the use of the property for research facility is a permitted use in the Scientific Research for Eleemosynary Purposes district.

- b. The Board finds that the development will meet the minimum lot standards for the Scientific Research for Eleemosynary Purposes district.
- c. The Board finds that the proposed structure shall meet the maximum height requirements for the Scientific Research for Eleemosynary Purposes district.
- d. The Board finds that the development will meet the requisite parking standards.
- e. The Board finds that the development will meet the minimum parking areas and driveways standards.
- f. The Board finds that the development will meet the minimum loading requirements.
- g. The Board finds that streets, sidewalks and access standards are not applicable and are waived.
- h. The Board finds that the development will meet the buffering and screening standards.
- i. The Board finds that the development will meet the water standard.
- j. The Board finds that the development will meet the municipal water standard.
- k. The Board finds that the development will meet the groundwater standards.
- l. The Board finds that the development will meet the stormwater management standards.
- m. The Board finds that the development will meet the municipal sewer facilities standard.
- n. The Board finds that the sewage waste disposal standards are not applicable.
- o. The Board finds that the development is located in an area where the soils are not rated severe or very severe for the proposed activity.
- p. The Board finds that the development will meet the landscaping requirements.
- q. The Board finds that the development will not cause unreasonable soil erosion.
- r. The Board finds that the development is not located within a flood prone area.
- s. The Board finds that the development will not result in undue air pollution.
- t. The Board finds that the refuse disposal standards are not applicable to this application.
- u. The Board finds that the dangerous and hazardous materials and wastes standards are not applicable to this application.
- v. The Board finds that no vibration will be transmitted outside the proposed development.
- w. The Board finds that there are no significant spawning grounds or wildlife habitat located on this property.
- x. The Board finds that there are no rare and irreplaceable natural areas located on this property.

- y. The Board finds that the development will not cause radiant heat to be perceptible beyond the proposed development.
- z. The Board finds that the development will meet the lighting standards.
- aa. The Board finds that the proposed development will comply with the Bar Harbor Noise Ordinance.
- bb. The Board finds that the sign standards are not applicable.
- cc. The Board finds that the development does not include the outdoor storage of materials.
- dd. The Board finds that the development will meet the utilities standard.
- ee. The Board finds that the development will not cause an unreasonable burden on the Municipal Fire Department. **SEE CONDITION # 1.**
- ff. The Board finds that the development conforms to the Comprehensive Plan.
- gg. The Board finds that the applicant meets the financial and technical capacity standard.
- hh. The Board finds that there is no registered farmland in Bar Harbor.
- ii. The Board finds that the Town is able to provide municipal services to the proposed development.
- jj. The Board finds that there are no known violations of the Bar Harbor Land Use Ordinance.
- kk. The Board finds that the legal documents standard is not applicable to the proposed development.
- ll. The Board finds that the site does not contain any historic and archaeological resources.
- mm. The Board finds that the utilization of the site standard is not applicable to the proposed development.
- nn. The Board finds that there are no natural features of interest located on the property.

Conditions of Approval:

1. Prior to the issuance of a building permit, the applicant must obtain Fire Marshal approval for the project.

The applicant is advised of the following:

1. No modifications shall be made to this approval including changes to the plans, accompanying documents, and conditions without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards conditions that will be applied to the construction of this project. No performance bonds are required.

4. Building permits are required for this project.
5. There is an appeal period for any interested party of 30 days to appeal this decision of the Planning Board. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.

*Signed as **approved**:*

Ivan Rasmussen, Chair
Planning Board, Town of Bar Harbor

Date

Appeals of this decision may be made to the Board of Appeals pursuant to section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this date of this decision.

MEMORANDUM



TO: Bob Osborne, Town of Bar Harbor
CC: Pat Taber, The Jackson Laboratory
FROM: Sarah Nicholson, P.E.
DATE: April 20, 2016
RE: Center for Biometric Analysis - Building Height Evaluation

This memo is to provide more details about the height analysis for the new CBA addition to the Core Research Complex at JAX. It also discusses the mechanical space height exemption.

As you are aware, JAX has recently completed a Master Plan for their Bar Harbor campus. One of the steps taken during the evaluation process for how to best utilize the flagship campus in Bar Harbor was to carefully review the Town ordinance. It is now clear that the JAX research facilities, which are located in the center of campus, are housed in what has grown over the years to become an interconnected building complex.

In fact, as we looked at the ordinance, we realized it is this complex as a whole that meets the ordinance definition of a "building" (see below), not the various "additions" to the complex that have been added over the years. Individually, these do not meet the definition of a building: they are not independent, are not divided by walls (e.g. you can move from one to the next) and, though there are a number of entrances into the complex, in no case are authorized persons physically restricted from moving internally throughout the complex regardless of which entrance they use.

JAX has traditionally used language and naming conventions for the expansion projects on campus that have obscured the reality that this research complex is, in fact, a single building and that the additions are not. Each addition to the complex was named and also provided a "building" number: B50 = Genetics Research Building, etc. Originally, the additions to the core complex (or Main Building) were referred to as "Units", names that are still used today (e.g. Unit 1, Unit 5, etc.), but at some point they began being referred to as "buildings".

Recognition that by the ordinance definition this Core Research Complex is actually a single building is helpful to JAX as they work to enhance the essential interconnectedness by, for example, setting consistent floor heights for adjacent additions. The CBA is an example of this where the corridor levels are determined by those in adjacent "buildings" (in this case B50 and B20), and where, for biosecurity reasons, the facility doesn't even have an exterior entrance (it does have an emergency exit, of course).

Following the ordinance review, we have done the height evaluation for the CBA project using the ordinance definitions of "building" and of "grade". Because height for buildings must be evaluated on "mean original grade" we went back into the JAX archives to find old topo data from before the main building complex had expanded to its current size. We created a mean original grade (MOG) topo plan from a composite of two early plans, one from 1971 for the LCC (Library Conference Center B18) and one from 1992 for the NRB (North Research Building B33). They tied together well and matched in to surrounding areas such as Route 3. The attached figure shows this composite topo and the outline of the Core Research Complex with the elevation points around the perimeter used to calculate the mean original grade. As the complex expands, the MOG also changes, reflecting the average grade of the surface "under" the perimeter. The following table below shows this, and verifies that not only does the



CBA not exceed the 40' maximum height above MOG, but that each of the additions to the Complex since at least 1992 also met the requirement.

Project Number	B33	B50	B55	B53	B57	B74
Name	NRB	GRB	Functional Genomics Bldg.	ERB	Dining Commons	Center for Biometric Analysis
Permit Year	1992	1996	2001	2002	2005	2016
Mean Original Grade*	167.9	166.3	166.4	162.7	162.5	161.6
TOS** elevation	206.7	199.1	204.8	189.8	194.6	200.8
Height above MOG	38.8	32.8	38.4	27.1	32.1	39.2
Meets height ordinance***?	Yes	Yes	Yes	Yes	Yes	Yes

* Including the proposed project

** TOS = Top of roof steel

*** less than 40' above MOG

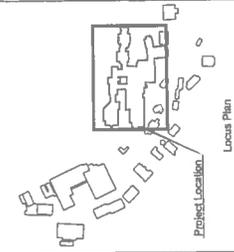
Similarly, we evaluated the roof coverage issue for mechanical spaces. The research labs at JAX have high mechanical demands, especially for air handling, and these spaces must be accessible without entering the bio-secure spaces. Therefore, mechanical penthouses are critical. As the attached figure shows, the existing roof coverage of the Core Research Complex is $26,389/123,067 = 21.4\%$. The exact extent of the mechanical penthouse required for the CBA is still uncertain, but even including the entire roof area (10,318 sf) in the total coverage doesn't exceed the 30% limit, which would be 29.8%. The penthouse is actually likely to be approximately 3,000-4,000 sf.

Ordinance Definitions:

"BUILDING: Any roofed structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any thereof. Where *independent* units with *separate* entrances are *divided* by walls, each unit is a building";

"GRADE: In relation to *buildings*, the average of the finished ground level at the *center of each wall* of a building";

"HEIGHT: The vertical distance between the *mean original grade* and the highest point of any structure except a building and, for buildings, the *top of the highest roof beams of a flat roof*, or the mean level of the highest gable or slope of a hip roof, excluding chimneys, church steeples, water tanks or towers, ornamental cupolas, towers or turrets, antennas, transmission towers, mechanical rooms, and windmills...In no event shall a mechanical space exempted from height requirements have a footprint area *greater than 30% of the floor below*". (emphasis added).



Project Location
Locus Plan



Facilities Engineering
600 Main Street | Bar Harbor, ME

JAX

Core Complex
Roof Data

Date:	04/08/2015	Revised:	4/19/2016
Scale:	1/1" = 10'		
Drawn:	JAX/BMD		
Design:	JAX		
Proj.:	End		

SK-2



Total Exterior Footprint
125,970 SF
Deduct Courtyard (2203) = 123,067 SF
Total Penthouse Area = 26,389 SF



GRAPHIC SCALE



TOWN OF BAR HARBOR
Code Enforcement Division

93 Cottage Street, Suite I

Bar Harbor, Maine 04609-1400

Tele. 207-288-3329

Fax 207-288-3032

E-Mail: ceo@barharbormaine.gov

Angela M Chamberlain

Code Enforcement Officer
Plumbing Inspector
Electrical Inspector
Building Inspector

MEMORANDUM:

To: SD-2016-03 File

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

Date: April 20, 2016

Subject: Ordinance & Regulation Compliance

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This letter will confirm that after reviewing our violation files and the plans submitted, it does not appear that there are any outstanding violations of the Bar Harbor Land Use Ordinance at the property located at Bar Harbor Tax Map 253, Lot 003-000 to the best of my knowledge.

**Town of Bar Harbor**  
**Wastewater Division Capacity Statement:**

Planning Board Site Plan or Subdivision Review

**Project Description:**

**Site Plan/Subdivision # SP-2016-03**

**Applicant: The Jackson Laboratory**

**Proposed project: Construct 31,000 sq, ft, Center for Biometric Analysis**

**Location: 600 Main Street**

|                                                                                                                                                                                                                                      |     |               |     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|---------------|-----|
| <b>Chapter 165, Article II of the Town Code</b><br><b>§164-4 Connection to Public Sewer Required</b> – Public sewer is available within 100 feet of this development project. Therefore, connection to the public sewer is required. | Yes | <del>No</del> | N/A |
|                                                                                                                                                                                                                                      | ✓   |               |     |

| Land Use Ordinance Section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Yes | No | N/A |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| <b>§125-67 General Review Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |     |    |     |
| <p><b>M. Municipal sewer facilities</b> — The site plan(s) demonstrate(s) the proposed development will provide for adequate sewage waste disposal and that it shall not cause an unreasonable burden on the municipal waste disposal facilities.</p> <p>The Public Works Department has approved the design specifications for new sewer facilities to be connected to the municipal facilities.</p> <p>[SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY].</p>                                                                                                                                    | ✓   |    |     |
| <p><b>N. Sewage disposal</b> — The site plan(s) demonstrate(s) that the proposed development will provide for adequate sewage waste disposal, subject to the following:</p> <p>1) This development shall be connected to municipal sewage waste disposal facilities as required by the Bar Harbor Sewer Ordinance set forth in Chapter 165.</p> <p>2) Industrial or commercial wastewaters may be discharged to municipal sewers only in such quantities or of such quality as to be compatible with municipal treatment operations.</p> <p>[SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY].</p> | ✓   |    |     |
| <b>§125-69 Standards for particular uses, structures or activities</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |     |    |     |

**M. Cluster developments** — Cluster development shall be allowed only in conformity with the following requirements:

- ...
- 7) Wastewater system. All structures with required plumbing in the development shall be connected to a public sanitary sewer system, if available.

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**Other Comments:**

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**Conditions of approval (if any):**

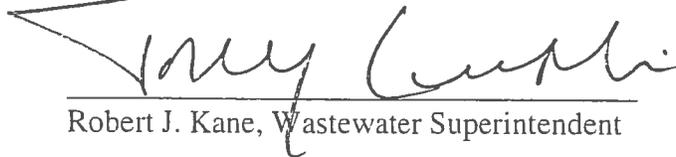
APPROVAL of final Plans

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The above-noted application and plan(s) dated \_\_\_\_\_ have been reviewed by this Department and appear to be in compliance with the Town of Bar Harbor Land Use Ordinance and other applicable standards, unless otherwise noted above.

  
Robert J. Kane, Wastewater Superintendent

4-20-16  
Date

**Note:**

A checkmark in one of the right three columns indicates whether the plans reviewed by the department:  
**Yes** = appear(s) to comply with the Land Use Ordinance section noted.  
**No** = appear (s) not to comply with the Land Use Ordinance section noted.  
**N/A** = In the opinion of the Department, the noted section of the Land Use Ordinance is not applicable to the application reviewed, and the Department has no objection to a Planning Board decision to waive this requirement as permitted by Article V, §125-63. Waiver of Submissions.

**Town of Bar Harbor**  
**Police Department Capacity Statement**  
**Planning Board Site Plan or Subdivision Review**

**Project Description:**

**Site Plan/Subdivision # SP-2016-03**

**Applicant:** The Jackson Laboratory

**Proposed project:** Construct 31,000 sq, ft, Center for Biometric Analysis

**Location:** 600 Main Street

| Land Use Ordinance Section                                                                                                                                                                     | Yes | No | N/A |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| <b>Article V, Site Plan Review</b><br><b>§125-67 General Review Standards</b>                                                                                                                  |     |    |     |
| <b>II. Other Municipal Services</b><br>The site plan(s) demonstrate(s) that the proposed development will not cause an unreasonable burden on the Town's ability to deliver police protection. | ✓   |    |     |

**Other Comments:**

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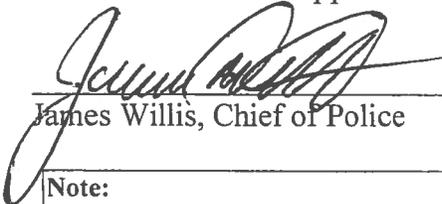


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The above noted application and plans dated \_\_\_\_\_ have been reviewed by this department and appear to be in compliance with the Town of Bar Harbor Land Use Ordinance and other applicable standards, unless otherwise noted above.

  
 \_\_\_\_\_  
 James Willis, Chief of Police

Date 4/14/16

**Note:**  
 A checkmark in one of the right three columns indicates whether the plans reviewed by the department:  
**Yes** = appear(s) to comply with the Land Use Ordinance section noted.  
**No** = appear(s) not to comply with the Land Use Ordinance section noted.  
**N/A** = In the opinion of the Department, the noted section of the Land Use Ordinance is not applicable to the application reviewed, and the Department has no objection to a Planning Board decision to waive this requirement as permitted by Article V, §125-63, Waiver of Submissions.

Town of Bar Harbor  
**Public Works Department Capacity Statement: Municipal  
 Water**

**Project Description:**

**Site Plan/Subdivision # SP-2016-03**

**Applicant: The Jackson Laboratory**

**Proposed project: Construct 31,000 sq. ft, Center for Biometric Analysis**

**Location: 600 Main Street**

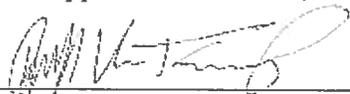
| Land Use Ordinance Section                                                                                                                                                                                                                                                                                                | Yes | No | N/A |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| <b>§125-67 Site Plan Review</b>                                                                                                                                                                                                                                                                                           |     |    |     |
| <b>General Review Standards</b>                                                                                                                                                                                                                                                                                           |     |    |     |
| <b>J. Municipal water supply</b> – The proposed development shall not cause an unreasonable burden on the municipal water supply. [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY].<br><br>Detailed design plans showing all connections with existing public facilities are on file and have been approved. | X   |    |     |

**Comments:** \_\_\_\_\_  
 \_\_\_\_\_

**Conditions of approval (if any):**

1) Any new service lines, services valves and water meters must be installed according to Water Division Standards.

The above noted application and plan(s) dated April 6, 2016 have been reviewed by this department and appear to be in compliance with the Town of Bar Harbor Land Use Ordinance and other applicable standards, unless otherwise noted above.

  
 \_\_\_\_\_  
 Chip Reeves, Public Works Director

19 April 2016  
 \_\_\_\_\_  
 Date

**Note:**  
 A checkmark in one of the right three columns indicates whether the plans reviewed by the department:  
**Yes** = appear to comply with the Land Use Ordinance section noted.  
**No** = appear not to comply with the Land Use Ordinance section noted.  
**N/A** = In the opinion of the department, the noted section of the Land Use Ordinance is not applicable to the application reviewed, and the department has no objection to a Planning Board decision to waive this requirement as permitted by Article V, §125-63, Waiver of Submissions.

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**MEMORANDUM**

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**DATE:** APRIL 19, 2016  
**TO:** BAR HARBOR PLANNING BOARD  
**FROM:** JUSTIN VANDONGEN  
**RE:** FARMLAND

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*Pursuant to Article V Section 125-66 Item A Paragraph (4) farmland:*

*As of this date there is no registered farmland within 150 feet of the Jackson Laboratory proposed three-story, 31,000, sq. ft. biometric center located at 600 Main Street located on Tax Map 253, Lot 003-000 of the Town of Bar Harbor.*

*Respectfully Submitted:*



*Justin VanDongen  
Assessor  
Bar Harbor, Maine*

Town of Bar Harbor  
**Public Works Department Capacity Statement:**  
 Streets, Stormwater, Solid Waste, and Recreation  
 Planning Board Site Plan Subdivision Review

**Project Description:**

**Site Plan/Subdivision # SP-2016-03**

**Applicant:** The Jackson Laboratory

**Proposed project:** Construct 31,000 sq, ft, Center for Biometric Analysis

**Location:** 600 Main Street

| Land Use Ordinance Section                                                                                                                                                                                                                                                                                                                                                      | Yes | No | N/A |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| <b>§125-67 Site Plan Review</b><br>General Review Standards                                                                                                                                                                                                                                                                                                                     | X   |    |     |
| <b>G. Streets, Sidewalks and Access</b> — The development plans conform to the standards set forth in the Bar Harbor Land Use Ordinance. [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY].                                                                                                                                                                         | X   |    |     |
| <b>L. Stormwater management</b> — The site plan(s) demonstrate(s) the proposed development provides adequate stormwater management in compliance with the standards of the Bar Harbor Land Use Ordinance. [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY].                                                                                                        |     |    | X   |
| <b>T. Refuse disposal</b> — The site plan(s) demonstrate(s) the proposed development will not cause an unreasonable burden on the Town's ability to dispose of solid and liquid wastes.<br><br>Detailed design plans showing all connections with existing public facilities are on file and have been approved. [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY]. | X   |    |     |
| <b>II. Other municipal services</b> — The site plan(s) demonstrate(s) the proposed development will not cause an unreasonable burden on the Town's ability to deliver other necessary services, including but not limited to, road maintenance and snow removal.                                                                                                                | X   |    |     |
| <b>§125-66 Submission Requirements</b>                                                                                                                                                                                                                                                                                                                                          |     |    |     |
| <b>F. Recreation</b> — The proposed development will not cause an unreasonable burden to existing recreation facilities. [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY].<br><br>Design plans for construction of or connection to public recreation facilities to be utilized or impacted by or constructed for the proposed                                     | X   |    |     |

|                                                                                                                |  |  |  |
|----------------------------------------------------------------------------------------------------------------|--|--|--|
| development are on file and have been approved. [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY]. |  |  |  |
|----------------------------------------------------------------------------------------------------------------|--|--|--|

**Comments:**

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**Conditions of approval (if any):**

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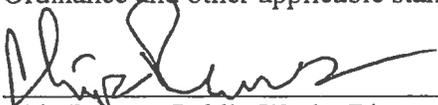


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The above-noted application and plan(s) dated \_\_\_\_\_ have been reviewed by this Department and appear to be in compliance with the Town of Bar Harbor Land Use Ordinance and other applicable standards, unless otherwise noted above.

  
 \_\_\_\_\_  
 Chip Reeves, Public Works Director

5/6/16  
 Date

**Note:**  
 A checkmark in one of the right three columns indicates whether the plans reviewed by the department:  
 Yes = appear(s) to comply with the Land Use Ordinance section noted.  
 No = appear (s) not to comply with the Land Use Ordinance section noted.  
 N/A = In the opinion of the Department, the noted section of the Land Use Ordinance is not applicable to the application reviewed, and the Department has no objection to a Planning Board decision to waive this requirement as permitted by Article V, §125-63, Waiver of Submissions.

**Town of Bar Harbor**  
**Fire Department Capacity Statement**  
 Planning Board Site Plan or Subdivision Review

**Project Description:**

**Site Plan/Subdivision # SP-2016-03**

**Applicant:** The Jackson Laboratory

**Proposed project:** Construct 31,000 sq, ft, Center for Biometric Analysis

**Location:** 600 Main Street

| Land Use Ordinance Article V                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Yes                                 | No | N/A |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|----|-----|
| <b>Article V, Site Plan Review</b><br><b>§125-66 Submission Requirements</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                     |    |     |
| <p><b>P. Fire Protection —</b></p> <p>(a) The proposed development will not cause an unreasonable burden on the Fire Department's ability to deliver fire-protection services; [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY];</p> <p>(b) The Fire Chief or his/her designee has reviewed the applicant's proposed locations for fire hydrants, dry hydrants and fire pond, and other sources of water to combat fire within the development and approves of same; [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY];</p> <p>(c) The Fire Chief or his/her designee has reviewed the location, dimension and construction of proposed access to the site for fire-fighting equipment and other emergency vehicles and approves of same; [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY];</p> <p>(d) The Fire Chief or his/her designee, unless the Fire Chief has deferred to the State Fire Marshal's Office or unless the approval of the State Fire Marshal's Office is required by law, has reviewed preliminary construction plans for the proposed development and certifies that such plans comply in all respects with applicable Life Safety Codes (NFPA 101). [SEE BELOW FOR ADDITIONAL COMMENTS AND/OR CONDITIONS, IF ANY].</p> <p>This project will require approval by the State Fire Marshal's Office.</p> | <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> |    |     |

| Land Use Ordinance Article V                                                                                                       | Yes | No | N/A |
|------------------------------------------------------------------------------------------------------------------------------------|-----|----|-----|
| <b>General Review Standards: §125-67 EE, Fire Protection</b>                                                                       |     |    |     |
| This plan meets the general review standards of the Bar Harbor Land Use Ordinance, Article V, §125-67 EE. Fire Protection (1)-(4). | ✓   |    |     |

**Comments:**

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**Conditions of approval (if any):**

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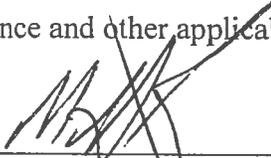


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The above noted application and plans dated \_\_\_\_\_ have been reviewed by this department and appear to be in compliance with the Town of Bar Harbor Land Use Ordinance and other applicable standards, unless otherwise noted above.



\_\_\_\_\_  
Matt Bartlett, Fire Chief

4-20-16

\_\_\_\_\_  
Date

**Note:**  
 A checkmark in one of the right three columns indicates whether the plans reviewed by the department:  
**Yes** = appear to comply with the Land Use Ordinance section noted.  
**No** = appear not to comply with the Land Use Ordinance section noted.  
**N/A** = In the opinion of the department, the noted section of the Land Use Ordinance is not applicable to the application reviewed, and the Department has no objection to a Planning Board decision to waive this requirement as permitted by Article V, §125-63, Waiver of Submissions.

# 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**

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#### **ARTICLE XII Construction and Definitions**

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#### **§ 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 either public or private, either self-service or valet,~~ 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     |
|-----------------------------------------------------------------------------------------------|----------------------|-------------------------|----------------------------|----------------------|---------------------------------|------------------|--------------------------|---------------------------------|----------------------------------|-------------------------------|-------------------------|----------------------------|--------------------------------|-----------------------|-----------------|
| <del>Parking garage and parking lot</del>                                                     | <del>b</del>         |                         |                            |                      |                                 |                  |                          |                                 |                                  |                               |                         |                            |                                |                       |                 |
| <del>Parking garage</del>                                                                     | <del>b</del>         | <del>b</del>            |                            |                      |                                 |                  |                          |                                 |                                  |                               |                         |                            |                                |                       |                 |
| <del>Parking deck</del>                                                                       | <del>b</del>         | <del>b</del>            |                            |                      |                                 |                  |                          |                                 |                                  |                               |                         |                            |                                |                       |                 |
| <del>Parking lot</del>                                                                        | <del>b</del>         | <del>b</del>            |                            | <del>b</del>         |                                 |                  |                          |                                 |                                  | <del>b</del>                  |                         |                            |                                |                       |                 |
| 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                       |                            | <del>c, b2</del>     |                                 |                  |                          |                                 | <del>c, b2</del>                 |                               |                         |                            |                                | <del>c, b2</del>      |                 |
| 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 |
| <del>Parking garage and parking lot</del>                                                     |                      |                         |                            |                      |                                 |                  |                          |                                 |                                  |                               |                         | <del>b</del>               |                                |                       |                 |
| <del>Parking garage</del>                                                                     |                      |                         |                            |                      |                                 |                  | <del>b</del>             |                                 |                                  |                               |                         |                            |                                |                       |                 |
| <del>Parking deck</del>                                                                       |                      |                         |                            |                      |                                 |                  | <del>b</del>             |                                 |                                  |                               |                         |                            |                                |                       |                 |
| <del>Parking lot</del>                                                                        |                      | <del>b</del>            |                            |                      |                                 |                  | <del>b</del>             |                                 |                                  | <del>b</del>                  |                         | <del>b</del>               |                                |                       |                 |
| Parking lot with 10 or fewer spaces accessory to permitted uses                               | <del>b, b2</del>     | 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                                |                      | <del>c, b2</del>        | b                          |                      |                                 |                  |                          |                                 |                                  |                               |                         | <del>c, b2</del>           |                                |                       |                 |
| 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               |

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

## Chapter 125 , LAND USE ORDINANCE

### ARTICLE V, Site Plan Review

#### § 125-67 General review standards.

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.

# 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 ~~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:

COMMERCIAL WATERBORNE PASSENGER FACILITY - A facility providing a ferry or cruise ship terminal for waterborne transportation; ferry and/or cruise terminal related operations, including bus, van, car and pedestrian 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; temporary public uses such as open air events, and other outdoor activities as permitted by the Town Council; parking of cars, vans and buses; and, indoor tourist related uses, including 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.

# 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?

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## 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 ~~stricken~~. 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.

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# 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.

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## 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?

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### 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**

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

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#### **§ 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.

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