

PLANNING BOARD

PACKET OF MATERIALS

MEETING SEPTEMBER 21, 2016

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

Agenda
Bar Harbor Planning Board
Wednesday, September 21, 2016
Council Chambers- Municipal Building
93 Cottage Street
4:00 P.M.

- I. CALL TO ORDER**
- II. ADOPTION OF THE AGENDA**
- III. EXCUSED ABSENCES**
- IV. APPROVAL OF MINUTES (August 24, 2016)**
- V. REGULAR BUSINESS**
 - a. Land Use Ordinance Discussion of Draft Shoreland District at Ferry Terminal**
 - b. Timeline for development of LUO amendments for June 2017 ballot**
 - c. Potential list of items for LUO amendments for June 2017 ballot**
- VI. OTHER BUSINESS**
 - a. Cottage Street Streetscape RFP Update**
 - b. Pending Applications**
 - (CU) Mount Desert Street, LLC (68 Mount Desert Street) and
 - (SD) Acadia Park Company (134 Main Street))
- VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- VIII. ADJOURNMENT**

Minutes
Bar Harbor Planning Board
Wednesday, September 7, 2016
Council Chambers – Municipal Building
93 Cottage Street
4:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 4:00 PM. Planning Board members present: Ivan Rasmussen, Chair; Tom St. Germain, Vice Chair; John Fitzpatrick, Secretary; Joe Cough, Member and Basil Eleftheriou, Jr., Member.

Also present: Robert Osborne, Planning Director and Angela Chamberlain, Code Enforcement Officer.

II. ADOPTION OF THE AGENDA

Mr. Eleftheriou, Jr. moved to adopt the agenda as published. Mr. Fitzpatrick seconded the motion which was approved unanimously.

III. EXCUSED ABSENCES

None

IV. APPROVAL OF THE MINUTES

a. August 24, 2016 Meeting

Mr. Cough moved to approve the minutes as presented and Mr. Fitzpatrick seconded the motion which was approved unanimously.

V. REGULAR BUSINESS

- a. Public Hearing- Conditional Use Application – CU-2016-01– Mount Desert Street, LLC**
Project Location: 68 Mount Desert Street, Bar Harbor Tax Map 104, Lot 414-000
Applicant: Mount Desert Street, LLC (Cathy Coston and Stephen Coston)
Application: The applicant is proposing demolition of an existing 12-room motel and construction of the Mount Desert Street Inn Bed and Breakfast, a 3 and 4-story, 19,500 sq. ft., 36-room bed and breakfast (a bed and breakfast III use).

The Planning Board received a letter from Greg Johnston, the applicants agent requesting that the Board not proceed with the application until the Design Review Board completes their review of the Certificate of Appropriateness.

Mr. Eleftheriou, Jr. moved to grant an extension to the next appropriate meeting. Mr. Cough seconded the motion. The Board voted five in favor and none against the motion.

b. Public Hearing- Site Plan Application – SP-2016-05– Acadia Hotel

Project Location: 16 Mount Desert Street, Bar Harbor Tax Map 104, Lot 452-000

Applicant: H&P Enterprises, LLC (Peter Hastings)

Application: The applicant is proposing demolition of an existing commercial building and construction of a 3 -story, 10,000 sq. ft. building used for an eight-room expansion of the Acadia Hotel with retail space and year-round, two bedroom apartment and employee housing, with associated parking.

Peter Hastings was present to discuss the project with the Board. He briefly discussed that the application is for an 8 room addition to the Acadia Hotel with the new lobby and elevator in the building and an elevated walkway to the existing building. The first floor would contain retail space. There would be a studio apartment in the basement.

Chair Rasmussen opened the public hearing and asked for comments.

Sargent Collier asked about the historical nature of the building to be removed?

Peter Hastings indicated that the building to be removed is not on a local historic list. It was built in the 1030's and has had multiple additions over the years. There are foundation issues and previously termite issues with the building. The building housed Jellison's, it was a 5 and 10 cent store, and it was a tea patio at one point.

Mr. Cough asked about the existing Acadia Hotel and how many rooms it has?

Mr. Hastings stated that there are 15 guest rooms in the current hotel. Mr. Cough asked if the new building was considered separately or if it is an addition to the existing building. The question went to the required parking and if there was adequate parking.

Angela Chamberlain stated that she considers the entire development as one building because they are connected.

Mr. Hastings stated that the Fire Marshal also considers the new and old be treated as one building.

Mr. Cough asked about the number of rooms in the new building. He is looking at the plans and they appear to have 12 rooms rather than 8 rooms.

Mr. Hastings stated that these are suites with two bedrooms and that he cannot rent 12 separate rooms but only as 8 rooms according to the fire marshal.

There was considerable discussion about the need of a loading berth for hotels over 10,000 sq. ft.

There was a question if an outdoor dumpster is proposed and the answer was no.

There was a question about the employee housing in the basement and it was answered that the maximum number of tenants would be two adults.

There was a question about financial capacity. Mr. Hastings stated that the bank could now provide a letter approving funding of the project.

Mr. Eleftheriou, Jr. asked how the plan had changed from the one the design review first saw to what they approved.

Mr. Hastings stated that the common space in the building was reduced.

There was considerable discussion about the number of bedrooms and the configuration of the rooms.

Ms. Chamberlain stated that joining rooms had been allowed in the past as a "room".

Chair Rasmussen asked if the Board was ready to resolve the question about loading berth. It was determined after some discussion that the building has about 8,000 sq. ft. of hotel use and that there is about 1,000 sq. ft. of retail and 1,000 sq. ft. of apartment.

Mr. St. Germain moved that the Board finds H&P's SP 2016-05 hotel space is less than 10,000 sq. ft. and retail is less than 5,000 sq. ft. He later withdrew the motion.

Mr. St. Germain moved that given the definition of gross floor area this building is less than 10,000 sq. ft. and this does not need a loading berth. Mr. Fitzpatrick seconded the motion which was approved unanimously.

There was considerable discussion about how the Board should proceed with the application as to further information about the building spaces, a letter from the fire marshal and the bank for financial capacity.

Mr. Cough noted that the July 7 letter from the bank made their financing contingent on full credit analysis. It was suggested that perhaps the applicant could have the documents in hand at the next meeting.

Mr. Hastings made it clear that he would prefer to proceed with a conditioned approval. The conditions might be area calculations, a letter from the fire marshal that says eight rooms and a financial capacity letter from the bank.

Chair Rasmussen closed the public hearing and asked for a motion.

Mr. Eleftheriou, Jr. moved to approve SP 2016-05, Acadia Hotel conditioned on receipt of the financial capacity letter from the bank, the letter from the fire marshal stating that they have eight rooms and the gross floor area calculations. Mr. St. Germain seconded the motion. The Board voted three in favor and two against the motion. Mr. Fitzpatrick and Mr. Cough voted against the motion.

VI. Land Use Ordinance Discussion of Draft Shoreland District at Ferry Terminal

The Board discussed the pending site visit and set 10:00 am, Friday September 16, 2016 as the established time to visit.

VII. OTHER BUSINESS

Sargent Collier noted that there would be a meeting at the College of the Atlantic for shore owners to discuss the reuse of the ferry terminal in October.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Member Cough suggested that the Board consider looking at the definitions of bed and breakfast and make clarifications that do not require legal opinions to understand.

Chair Rasmussen spoke about the land use ordinance and the Warrant Committee's apparent disregard for the Comprehensive Plan's call for solving parking issues and the lack of cooperation with the efforts of the Planning Board.

IX. ADJOURNMENT

Mr. St. Germain moved to adjourn the meeting at 5:44 pm. Mr. Eleftheriou seconded the motion. The Board voted five in favor and none against the motion to adjourn.

Signed as approved:

**John Fitzpatrick, Secretary
Planning Board, Town of Bar Harbor**

Date

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

§ 125-49.3 Shoreland Maritime Activities District.

A. Purpose. The Shoreland Maritime Activities District seeks to support maritime activities related to the reuse of Bar Harbor Tax Map 231, Lot 004, the ferry terminal for both cruise ship and ferry activities. This district includes all land currently occupied by or suitable for active water dependent uses, taking into consideration: (1) Shelter from prevailing winds and waves; (2) Slope of the land within 250 feet, horizontal distance, of the shoreline; (3) Depth of the water within 150 feet, horizontal distance, of the shoreline; (4) Available support facilities including utilities and transportation facilities; and (5) Compatibility with adjacent upland uses.

B. Dimensional standards.

(1) Minimum lot size: None.

(2) Minimum road frontage and lot width: None.

(3) Minimum setback from shoreline: None.

(4) Minimum shore frontage: None.

(5) Minimum front setback: 50 feet (measured from centerline of Route 3).

(6) Minimum side 25 feet and rear setback: None.

(7) Maximum lot coverage: 70%.

(8) Maximum height: 35 feet.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(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. The following uses shall be permitted by site plan review Transportation Terminal, Permanent piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland that are water-dependent uses Essential services Parking facilities Marinas

E. Allowed activities.

(1) Non-intensive recreational uses not requiring structures such as fishing and hiking

(2) Emergency operations

F. Other requirements. (To be determined).

125-109 Definitions:

Draft Definition of Passenger Terminal:

"Passenger terminal" means a transportation facility where passengers embark on or disembark from carriers such as ferries, buses or planes that provide transportation to passengers for hire by land, sea or air. Passenger terminals typically include some or all of the following: ticket counters, waiting areas, management offices, baggage handling facilities, restroom facilities, shops and restaurants. A passenger terminal use on the waterfront may include moorage for cruise ships and/or vessels engaged in transporting passengers for hire. Activities commonly found aboard such vessels, whether moored or under way, that are incidental to the transport of passengers shall be considered -part of the passenger terminal use and shall not be treated as separate uses. Bus stops are not included in this definition. Also excluded is the use of sites where passengers occasionally embark on or disembark from transportation in a manner that is incidental to a different established principal use of the site.