

PLANNING BOARD

PACKET OF MATERIALS

MEETING JANUARY 2, 2019

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

**Agenda
Bar Harbor Planning Board
Wednesday, January 2, 2019
Council Chambers- Municipal Building
93 Cottage Street
4:00 P.M.**

- I. CALL TO ORDER**
- II. ADOPTION OF THE AGENDA**
- III. EXCUSED ABSENCES**
- IV. PUBLIC COMMENT PERIOD** *(The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda and not a pending application before the Board, with a maximum of three minutes per person.)*
- V. APPROVAL OF MINUTES**
 - a. December 19, 2018 Meeting
- VI. REGULAR BUSINESS**
 - a. Solar System amendment
 - b. **Continuation of Public Hearing: PUD-2017-02 – Planned Unit Development - Village**
Project Location: 25 West Street Extension, Bar Harbor tax Map 103, Lot 48 and 49
Applicant: BHAPTS, LLC
Application: The applicant is proposing to construct four new buildings with two dwelling units in each and to reconfigure the existing dwelling unit layout in the existing four buildings on the site.
- VII. OTHER BUSINESS**
 - a. **Pending Applications**
 - i. Jones Marsh PUD-O
 - ii. Hamilton Hill Subdivision
 - iii. White Spruce Road Subdivision
- VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- IX. ADJOURNMENT**

**Minutes
Bar Harbor Planning Board
Wednesday, December 19, 2018
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. Members present: Tom St. Germain, Chair; Basil Eleftheriou, Jr., Secretary; John Fitzpatrick, Member; Joseph Cough, Vice Chair; and Alf Anderson, Member.

Also present: Angela Chamberlain, Code Enforcement Officer and Interim Planning Director; and Catherine Leatherman, Administrative Assistant.

II. ADOPTION OF THE AGENDA

Mr. Fitzpatrick moved to adopt the agenda as prepared. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.

III. EXCUSED ABSENCES

There were none.

IV. PUBLIC COMMENT PERIOD

There was none.

V. APPROVAL OF MINUTES

- a. December 5, 2018 Workshop
- b. December 5, 2018 Regular Meeting

Mr. Anderson moved to approve the minutes of the December 5, 2018 regular meeting with the amendment to add "St." in front of Germain in one place on page 5 of the minutes. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.

Mr. Fitzpatrick moved to approve the minutes of the December 5, 2018 Workshop, as prepared. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.

VI. REGULAR BUSINESS

- a. **Continuation of Public Hearing: PUD-2017-02 – Planned Unit Development - Village**
Project Location: 25 West Street Extension, Bar Harbor tax Map 103, Lot 48 and 49
Applicant: BHAPTS, LLC
Application: The applicant is proposing to construct four new buildings with two dwelling units in each and to reconfigure the existing dwelling unit layout in the existing four buildings on the site.

Mr. Eleftheriou, Jr. moved to continue application, PUD-2017-02 to January 2, 2019. Mr. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.

b. Completeness Review : SP-2018-10 – Educational Institution

Project Location: 105 Eden Street, Bar Harbor tax Map 101, Lots 005-000, 006-000, 007-000, 008-000, 009-000, 032-000, 033-000, 034-000, and 035-000.

Applicant: College of the Atlantic

Application: The applicant is proposing to replace and update some of the existing structures currently used for education purposes. The project includes the construction of two new buildings, upgrades to the existing storm water treatment system, and improvements to driveways, parking, and paths.

Mr. Eero Hedefine of Hedefine Engineering and Design, Inc., representing the applicant introduced himself and Mr. Millard Dority, Director of Campus Planning and Building Public Safety for the College of the Atlantic (COA) as well as John Gordon, Project Manager and Maine Licensed Architect. Mr. Hedefine described the project as the construction of a new lab building called the Center for Human Ecology in a currently undeveloped area, demolition of parts of the Arts and Sciences building and construction of a new smaller structure there. There is no anticipated increase in faculty or students, just building upgrades. He added that the site location and development application which requires six month review is going on concurrently with the Town's site plan approval process.

Mr. St. Germain asked the Board for their concerns with the applicant's waiver requests.

Mr. Fitzpatrick asked the Board if they thought a bond was necessary until such time that all the funding was in place, in order to address item 4E.

Mr. Dority offered that the applicant could provide a letter confirming funding is in place for the project.

Mr. Fitzpatrick requested that the applicant add the owner's name, and map and lot numbers to the site plan showing abutting property owners within 300'.

Discussion followed regarding whether any wetlands would be disrupted and the Board requested that the applicant show the wetlands on the demo plan and submit it to the Board.

Discussion followed regarding hazardous waste and disposal and the Board requested that the applicant submit their current license which indicates the applicant is a small waste generator.

Discussion followed regarding time frames for completion of the project and the applicant's request for approval of phased construction as allowed in section 125-90 C. The applicant will submit documentation to the Board to provide a more detailed vision for the anticipated phases and timelines.

Discussion followed regarding whether the applicant anticipates any net change in student population as a result of this project and the applicant asserted the intention that the project was to maintain a quality environment for the current population rather than to add programs or functions or to increase enrollment.

Mr. St. Germain summarized that some waivers requested will be exhibits and many of the waivers are remaining as such and any motion should exclude the question of phased construction, which will be discussed at a future meeting.

Mr. Hedefine clarified with the Board that 12C. is the waiver requested and not 12D.

Mr. Fitzpatrick moved to accept the applicant's waiver requests as submitted with the following exceptions:

- *Item 4A.*
- *Item 9P.*
- *Item 9R.*
- *Item 9II.*

- *Item 9JJ.*
- *Item 12 requested waiver 12D. will be replaced with 12C. to correct typographical error.*
- *Item 19A.*

Mr. Cough seconded the motion and the Board voted 5-0 to approve the motion.

Mr. St. Germain opened the discussion up for completeness review.

Mr. St. Germain noted the staff report indicated that the missing items included the staff capacity statements which would be forthcoming as well as state Fire Marshal approval. Additionally, staff noted that the applicant was missing items 11C, 11D, 11E, and 11F, as well as trip estimates on Item 23A.

Mr. Hedefine affirmed with the Board that for item 11E. vegetation and clearing limits, this would be noted on the demo plan with wetlands also depicted. Mr. Hedefine noted that the existing trees were shown on the grading plan and agreed to add a legend to define trees 8" or greater to meet item 11F.

Mr. Hedefine clarified with the Board that the campus is made up of 9 lots and that the metes & bounds only covered the parcel being developed, not the remainder.

The Board noted that a DOT easement may be a part of the application in order to ensure that they don't build on it in future.

The Board requested that the applicant indicate the distances between buildings, and identify light fixtures on the building.

Mr. Eleftheriou Jr. moved to accept item 23A. as a waiver, in light of no new faculty, no new students, and the development basically remaining unchanged as far as trip counts. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.

Mr. St. Germain asked if anyone from the public wished to speak on completeness. No one spoke.

Mr. Fitzpatrick moved to find application SP-2018-10 incomplete, at this time, and schedule a public hearing for February 6, 2019 pending the following:

- *Item 5B. (copy of DEP application page itself)*
- *Statements of capacity for: police, public works, sewer and water companies*
- *Adding abutters with book and page references to the site plan; lot line dimension metes & bounds for the parcel where the development is located*
- *Inclusion of a table on the site plan table noting the lot size and square feet for the existing and proposed lot coverages*
- *Inclusion of buildings and structures within 200' shown on the site plan, including distances between proposed buildings and structures on the site where said distance is under 100'*
- *Inclusion of wetlands and water body locations within 200' including the shoreline and shoreline setback shown on the site plan*
- *Inclusion of the entire sites parking locations, numbered, and with a table noting the number of the parking spaces available and number of parking spaces required by ordinance 125-67D. 3.R.*
- *Show location of all exterior dumpsters on site plan*
- *Item 10. the soil survey provided by staff*
- *An updated planting diagram of trees greater than 8" in caliber identified*
- *Capacity statement from the Bar Harbor Fire Chief*
- *Maine DEP small amount generator hazardous waste license*

- *Building elevations showing the height measured from average mean grade, and building elevations in absolute height*
Updated letter from the applicant stating the financial capacity moving forward with this project
- *A demolition plan showing buildings to be demolished and designated wetlands to be and not to be impacted by this project.*

Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.

Mr. Eleftheriou, Jr. confirmed with staff that the requested items would be due by January 23, 2018.

VII. OTHER BUSINESS

a. Dormitory Discussion

Mr. St. Germain offered to share with the Board a spreadsheet that he created dealing with housing which shows minimum lot sizes with raw data to help determine how many units can be built per property. Mr. St. Germain added that the Board may address housing issues by way of area per family per lot and concluded that progress may be achieved if the Board addresses only area per family. Mr. St. Germain will distribute this list to the Board.

Mr. Dority was recognized by the chair and he asked if the dormitory work included amending the definition of family to allow for more than 5 unrelated adults.

Mr. St. Germain noted that 6-16 or more than 16 would be called a boarding house or rooming house.

Mr. Fitzpatrick noted that the two dormitories were defined as workforce housing or employee housing. The distinction being that employee housing is constructed on the site where the employees work and workforce housing can be a conglomerate with multiple employers sending their staff there.

Mr. St. Germain clarified that the Board addressed it in that way, but nothing changed in the definition of a family for a dwelling unit, which remains five or fewer unrelated people living in a single family home.

Mr. St. Germain summarized that the Board should add the dormitory discussion to the agenda with the most current definitions and if the Board likes where they are the Board will forward to the Council.

b. Call for a public hearing on Appendix A

Mr. Eleftheriou, Jr. moved to schedule a public hearing on January 16, 2019 for the Appendix A ordinance amendment. Mr. Cough seconded the motion and the Board voted 4-1 to approve the motion with Mr. St. Germain against.

c. Call for a public hearing on Design Review Board Overlay District Ordinance Amendment

Mr. Eleftheriou, Jr. moved to schedule a public hearing on January 16, 2019 for the Design Review Board Overlay District ordinance amendment. Mr. Cough seconded the motion and the Board voted 4-1 to approve the motion with Mr. St. Germain against.

d. Pending Applications

Staff reported there was nothing new on the pending applications.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Fitzpatrick noted that he is currently working on the solar ordinance and will have something to share with the Board. The Board briefly discussed the process for the solar ordinance amendment. This item will be on the January 02, 2019 agenda.

IX. ADJOURNMENT

Mr. Eleftheriou Jr. moved to adjourn at 8:18 PM. Mr. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.

Signed as approved:

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

Date

SOLAR SYSTEM AMENDMENT

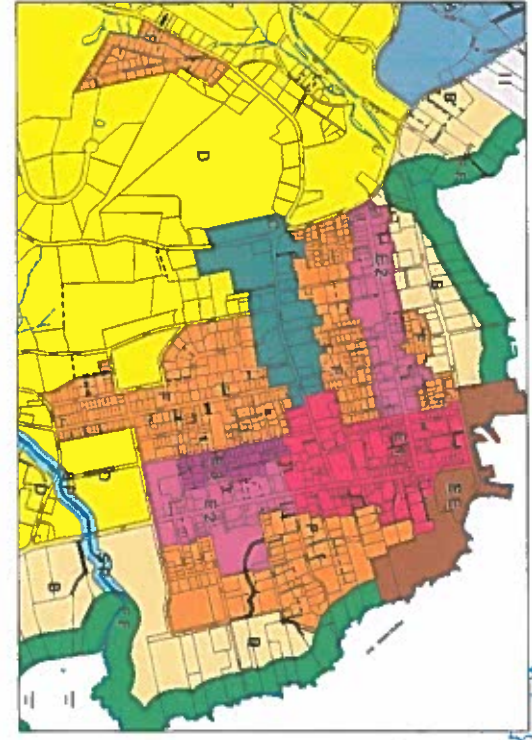
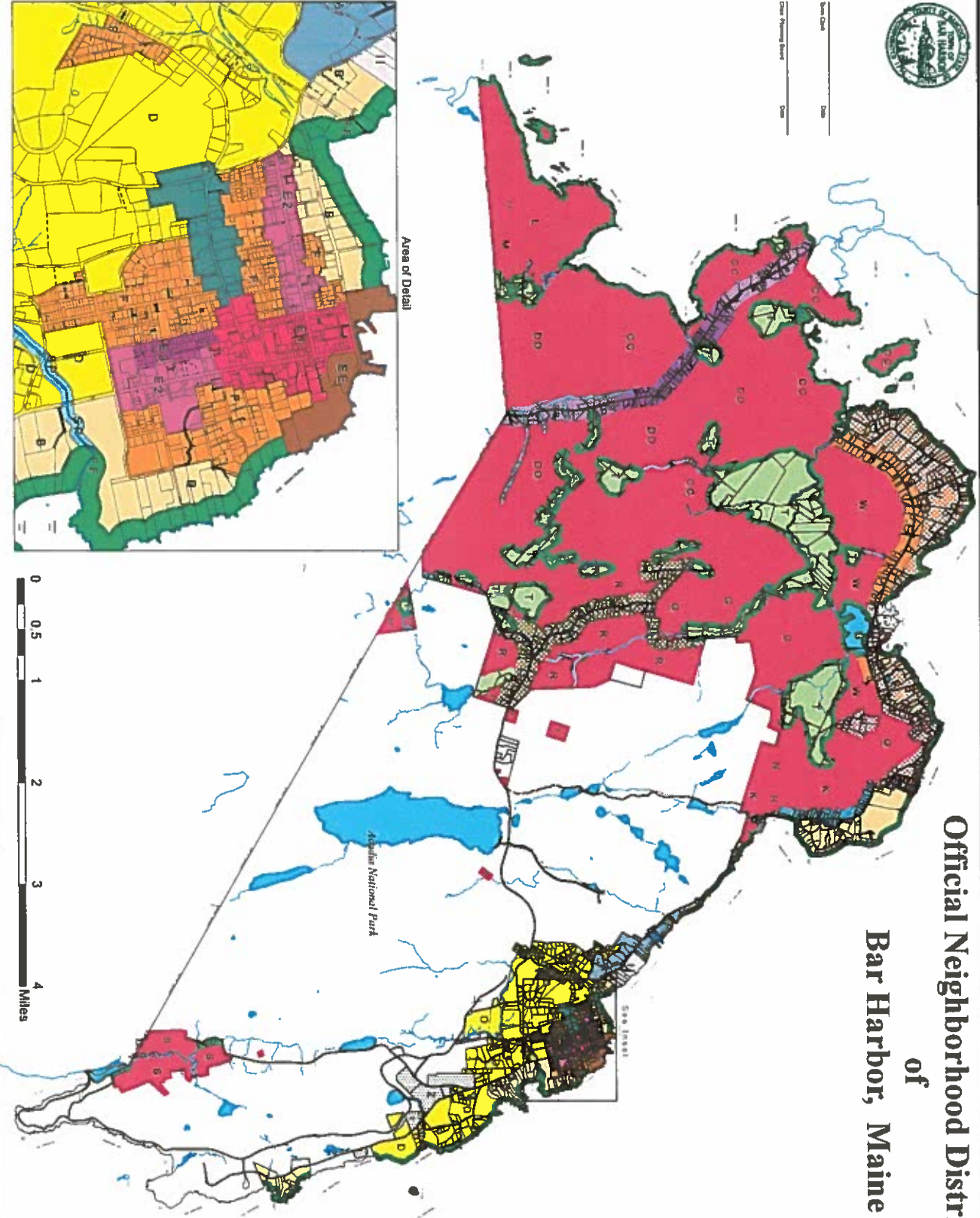


Official Neighborhood District Map of Bar Harbor, Maine



Scale: 1 inch = 1 mile

Date: 11/15/2018



- Legend**
- PROPOSED SOLAR SYSTEM AREA
 - A - Bar Harbor Gateway
 - B - Village Historic
 - C - Mount Desert Street Corridor
 - D - Village Residential
 - E1 - Downtown Village I
 - E2 - Downtown Village II
 - E3 - Village Transitional
 - F - Downtown Residential
 - G - Emery District
 - H - Hills Core Business
 - J - Hills Core Residential Corridor
 - K - Hills Core Rural
 - L - Indian Point Residential
 - M - Indian Point Rural
 - N - Industrial
 - O - Iveson Hill Corridor
 - P - Iveson Hill Residential
 - Q - McFarland Hill Residential
 - R - McFarland Hill Rural
 - S - Otter Creek
 - SP - Stream Protection
 - T - Resource Protection
 - U - Salsbury Cove Corridor
 - V - Salsbury Cove Residential
 - W - Salsbury Cove Rural
 - X - Salsbury Cove Village
 - Y - Schooner Head
 - Z - Scientific Research
 - AA - Town Hill Business
 - BB - Town Hill Residential Corridor
 - CC - Town Hill Residential
 - DD - Town Hill Rural
 - EE - Shoreland General I
 - FF - Shoreland Limited Residential
 - GG - Shoreland General II
 - SS - Shoreland General III
 - SS - Shoreland General IV
 - SS - Shoreland Maritime Activities
 - HH - Marine Research
 - II - Educational Institution



BAR HARBOR PLANNING BOARD
APPLICATION FOR LAND USE AMENDMENT
(as allowed by Section 125-9 of the Bar Harbor Land Use Ordinance)

APPLICATION # _____

DATE 7/14/18

FEE \$ 1523.00 MAP _____ LOT _____

APPLICANT :

Name Joshua Ehrlich, representing A Climate to Thrive

Address 20 Greeley Ave
Bar Harbor, 04609

* Telephone 646-543-7033

* Email joseph.globalleadershipcouncil.com

OWNER :

Name _____

Address _____

Telephone _____

Email _____

PROJECT REPRESENTATIVES:

Name Joshua Ehrlich

Address _____

Telephone _____

Email _____



BAR HARBOR PLANNING BOARD
APPLICATION FOR LAND USE AMENDMENT
(as allowed by Section 125-9 of the Bar Harbor Land Use Ordinance)

DESCRIPTION OF AMENDMENT :

See Attached

Please attach the following:

- Map showing existing neighborhood districts for the subject properties within 600 feet;
- Map showing existing land uses at the time of application for the above mentioned property and surrounding area;
- Narrative and evidence of how the requested change meets the policies and strategies in the most recently adopted Comprehensive Plan. This should include analysis of how the requested change fits with the future land use plan portion of the Comprehensive Plan;
- Any additional information necessary to illustrate the need for a change in the district or other standards in this chapter.

CERTIFICATION:

This application and all information submitted herewith are true and correct to the best of my knowledge.

Applicant

7/14/18

Date

Bar Harbor Principal Use Solar System Installations

Description of Amendment:

A Climate to Thrive is seeking to make Mount Desert Island energy independent using environmentally sustainable sources. Specifically permitting installations where solar energy production is a principle use on the site would further this goal. A solar energy system is considered a principal use when most or all of the energy it produces is consumed offsite.

These types of solar system installations can work best economically and aesthetically where there is larger lot size and rural character. Therefore, with Planning Board site plan approval, the most appropriate districts in Bar Harbor for principal use solar system installations are the following:

- Emery District
- Hulls Cove Business
- Hulls Cove Rural
- Indian Point Residential
- Indian Point Rural
- Industrial
- Ireson Hill Corridor
- McFarland Hill Rural
- Otter Creek
- Salisbury Cove Rural
- Town Hill Residential
- Town Hill Rural

Bar Harbor Principal Use Solar System Installations

DRAFT ORDINANCE LANGUAGE:

Section 125-69 W. Principal Use Solar System Installations.

- (1) Purpose. The purpose of this section is to regulate the placement and construction of principal use solar system installations while preserving the Town's visual character, minimizing environmental impacts and protecting the public health, safety and welfare of the residents of Bar Harbor.
- (2) Lot Coverage. There is no maximum lot coverage for principal use solar energy systems.
- (3) Submission Requirements. For all principal use solar system installations and in addition to all the relevant site plan review submission requirements listed in Section 125-66, the following submissions shall be required unless waived by the Planning Board:
 - (a) Plan drawings of the principal use solar energy system signed by a Professional Engineer licensed to practice in the State of Maine showing the following: proposed scaled layout of the system, the distance between proposed solar collector and all property lines and existing on-site buildings and structures, the tallest finish height of the solar collector, and disturbed area and impermeable area estimates.
 - (b) Description of the major system components to be used, including the panels, mounting system, and inverter(s).
 - (c) If connection to the publicly regulated utility grid is proposed, a copy of the contract between the applicant and utility verifying that the proposed connection is acceptable and/or other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.
 - (d) A line drawing of the electrical components of the system in sufficient detail to establish that the installation conforms to all applicable electric codes.
 - (e) Emergency and normal shutdown procedures.
 - (f) The Planning Board may require a scenic assessment for a principal use solar system installation consisting of one or more of the following:
 - [1] A visual analysis composed of elevation drawings of the proposed installation and any other proposed structures, showing height above ground level. The analysis shall also indicate any visual screening incorporated into the site that is intended to lessen the system's visual prominence.
 - [2] A narrative discussing the extent to which the principal use solar system installation would be visible from a designated scenic resource, the tree line

elevation of vegetation within 100 feet and the distance to the proposed installation from the designated scenic resources noted viewpoints.

(4) **Design Standards.**

(a) The system shall be designed and installed to minimize reflection and glare, particularly onto nearby properties or roadways.

(b) Visual impacts shall be mitigated wherever possible with vegetative buffers.

(c) Signage shall be placed on the system to identify the owner and provide a 24-hour emergency contact phone number.

(d) All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company transmission poles, towers and lines. This standard may be modified by the Planning Board if the project terrain is determined to be unsuitable for underground installation.

(5) **Abandonment.** A principal use solar system installation which is not generating electricity for 12 consecutive months shall be deemed abandoned and shall be dismantled and removed from the property by the owner within 120 days of receipt of notice from the town. An owner may request in writing to the Code Enforcement Officer an extension of up to one year if the owner is actively pursuing the repair of the installation for future use.

Section 125-109. Definitions.

Mounting. The manner in which a solar PV system is affixed to the roof or ground (i.e., roof mount, or ground mount).

Principal Use Solar System Installation. A solar energy system that produces energy that is primarily consumed onsite.

Solar Collector. A solar PV cell, panel, array, module, or solar thermal collector device, that relies upon solar radiation as an energy source for the generation of electricity or heat.

Solar Energy System. A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means. It may be roof-mounted or ground-mounted, and of any size as follows:

- 1 . Small Solar Energy System is one whose surface area is less than 1,500 square feet;
- 2 . Medium Solar Energy System is one whose surface area is equal to or greater than 1,500 square feet but less than 16,999 square feet; and
- 3 . Large Solar Energy System is one whose surface area is equal to or greater than

17,000 square feet.

Solar Energy System, Ground-Mounted. A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small-, medium- or large-scale).

Solar Energy System, Roof-Mounted. A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small-, medium- or large-scale).

Solar Glare: The potential for solar panels to reflect sunlight, with an intensity sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Tilt. The angle of the solar panels and/or solar collector relative to horizontal. Solar energy systems can be manually or automatically adjusted throughout the year. Alternatively, fixed-tilt systems remain at a static tilt year-round.

Bar Harbor Principal Use Solar System Installations

Narrative & evidence of how the requested change meets the policies and strategies in the most recently adopted Comprehensive Plan. This should include analysis of how the requested change fits with the future land use plan portion of the Comprehensive Plan:

The benefits from such solar energy installations are consistent with Bar Harbor's goals as stated in the 2007 Comprehensive Plan.

GOAL #1 – To protect the character of Bar Harbor while preserving the private property rights of its citizens.

Policy 1G – To protect the quality of coastal air.

Policy 1E – To protect Bar Harbor's natural resources including, without limitations, wetlands, vernal pools, wildlife and fisheries habitat, and unique natural areas.

Power from coal, gas and oil is not forever, and its extraction has damaging effects on our environment. Further, burning fossil fuels creates pollution which diminishes the quality of our air. Having sustainable and renewable sources of power helps protect our environment and the lifestyle we lead.

GOAL #7 – In both Town Government and the private sector, promote sustainable systems including but not limited to energy conservation and waste management in building construction, winter heating, solid waste, transportation, and for other town equipment, operations, and services.

Policy 7G – To move the community toward more sustainable systems by assuring that energy conservation, waste management, and other appropriate strategies are reflected in investments in new, renovated, and replaced facilities, equipment, operations, and services.

Policy 7H – To encourage use of renewable energy resources while protecting the character of the community.

Given recent interest in the development of alternative energy sources, including wind farms, it is likely that over the next decade there will be interest in siting wind generating and other renewable energy resources in the community. Prior to facing a specific development proposal, the Town should consider its options and concerns and prepare appropriate regulations to support the development of sustainable systems while preserving the scenic character of the community and the health of its wildlife.

This proposed ordinance would directly support the development of alternative energy sources as outlined in the Plan. Solar energy is sustainable, renewable, and less

impactful on the environment than other sources, and thus helps preserve the scenic character of the area and its wildlife.

The Plan seeks to provide municipal services that preserve and protect the character of the town and the ability of its residents to enjoy our beautiful surroundings and National Park. Power from coal, gas and oil has damaging effects on our environment. Having sustainable and renewable sources of power helps protect our environment and the lifestyle we lead.

Strategy 7H1 – Ordinance amendments.

The Plan outlines the need to amend ordinances to support future goals. This ordinance is in line with this objective.

Policy 7I – To be prepared for emergency events.

The Future Land Use Plan seeks to guide the growth of Bar Harbor over a ten-year span. Growth is dependent on the town having consistent sources of energy such as solar energy provides. Depending on utility companies to supply energy from outside the island is a risky proposition. We have seen what that kind of dependency has done to the communities of remote islands like the Cranberries. Solar power gives us redundancy and independence because it is located in multiple distributed locations. Redundant and independent systems help ensure reliable sources of energy which underpins our economic development.

GOAL #8 – To continue to encourage the wellbeing and welfare of Bar Harbor’s citizens; improve public health and safety, and participation in Bar Harbor’s governmental process, and pride in the community.

The Plan seeks to promote the health, safety, and general welfare of the present and future inhabitants of the Town of Bar Harbor. Solar energy is a clean, reliable and cost-effective energy source, and thus ideally suited to support this goal. The safety of its citizens is another central goal of the Comprehensive Plan. Solar is one of the safest sources of energy in contrast to fossil fuels.

Regional Coordination Plan – Some areas where the town will focus regional coordination efforts include:

IX. Energy – As energy costs continue to rise, the Town will work with other towns in the region to investigate provisions of energy services as well as support private sector industries in alternative energy.

Solar installation costs continue to drop, and the efficiency of solar systems continues to rise. This makes solar energy cost-effective today and even more so going forward as the price of fossil-fuel derived electricity rises.

Future Land Use Plan -

The districts proposed to site principal use solar system installations are located within rural areas, transitional areas, and growth areas, as defined in the Town's Future Land Use Plan. The Future Land Use Plan states that, in regard to rural areas, "If developed in a manner sensitive to the objectives of these areas, mineral extraction, essential services, and some low intensity outdoor recreation, public, institutional, or commercial activities may be acceptable."