

PLANNING BOARD

PACKET OF MATERIALS

MEETING FEBRUARY 7, 2018

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

**Agenda
Bar Harbor Planning Board
Wednesday, February 7, 2018
Council Chambers- Municipal Building
93 Cottage Street
6:00 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. **January 3, 2018**

VI. REGULAR BUSINESS

- a. **Public Hearing:** LU-2017-01 - Zoning District Boundary Line Relocation & amendment to the Land Use Activities and Standards for the Downtown Village II district
Project Location: 21 Federal Street Bar Harbor Tax Map 104, Lot 081-000
Applicant: Marc and Marion Fine
Application: The applicant is proposing to relocate the district boundary of the Downtown Village II district to include 21 Federal Street which is currently in the Downtown Residential district and to add "Veterinary Clinic" as a permitted use with Site Plan approval in Downtown Village II district.
- a. **Public Hearing:** SP-2017-06 – Bar Harbor Inn
Project Location: 8 Newport Drive, Bar Harbor Tax Map 104, Lot 523-000
Applicant: Witham Family Hotels
Application: The applicant is proposing site improvements to the outside walkways, stairs, the outdoor kitchen area, and to construct new customer areas, a fire pit, and other outside improvements.
- b. **Dormitory Use Land Use Ordinance Amendment** (Draft dated December 20, 2017)

VII. OTHER BUSINESS

- a. **Informal discussion with Design Review Board Chair regarding amendments to the Design Review Board standards**

b. Pending Applications (LU-2018-01 Downeast Horizons)

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT

**Minutes
Bar Harbor Planning Board
Wednesday, January 3, 2018
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.**

I. CALL TO ORDER

The Chair called the meeting to order at 6:02 PM. Members present: Tom St. Germain, Chair; John Fitzpatrick, Member; Basil Eleftheriou, Jr., Secretary; and Joseph Cough, Vice Chair.

Also present: Angela Chamberlain, Code Enforcement Officer & Interim Planning Director.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as prepared. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 4-0 to approve the motion.

III. EXCUSED ABSENCES

Mr. Anderson was an excused absence.

IV. PUBLIC COMMENT PERIOD

There was none.

V. APPROVAL OF MINUTES

December 20, 2017

Mr. Eleftheriou, Jr. moved to approve the minutes of the December 20, 2017 meeting as prepared. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.

VI. REGULAR BUSINESS

- a. Public Hearing: SP-2017-02 – Bar Harbor Masonic Building Association**
Project Location: 1378 State Highway 102, Bar Harbor Tax Map 227, Lot 011-000
Applicant: Bar Harbor Masonic Building Association
Application: The applicant is proposing to use the existing building for eleemosynary use.

The applicant gave an overview of the project.

The Chair opened the public hearing. No one spoke. The Chair closed the public hearing.

Mr. Fitzpatrick noted that he was satisfied with the additional documents that were supplied per his request at the previous meeting.

Mr. Fitzpatrick moved to approve the application as proposed and as outlined in the draft decision. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 4-0 to approve the motion.

b. Dormitory Use Land Use Ordinance Amendment (Draft dated December 20, 2017)

The Chair read Mr. Anderson's email comments into the record in his absence.

Mr. Fitzpatrick expressed thoughts that he had given this amendment since the last meeting. He felt that the Board had gotten away from their original goal and they needed to refocus the intent of trying to incentivize hospitality uses to provide employee housing on their property and free up the housing stock in town. He suggested that there were three types of housing that the Board needed to consider separately; employee/dormitory type housing, work force housing, and boarding houses. Mr. St. Germain agreed and asked if the Board wanted to consider redefining the definition and focusing on the on site employee/dormitory housing first. The Board agreed.

Mr. Cough asked if this could prohibit multiple hotels or businesses from buying or building one property and sharing it as a large scale dormitory. He also suggested that the Board take the needs of the College of the Atlantic out of the discussion because they were already allowed to build dormitory housing accessory to the college.

Mr. Fitzpatrick encouraged the Board to think about what incentives the Board could offer to make the idea of building onsite dormitories attractive to a large business owner.

The Board agreed that each member would prepare and share some of their own proposed language to move forward in this new direction before the next meeting.

VII. OTHER BUSINESS

a. Pending Applications
(Bar Harbor Inn SP-2017-06)

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

IX. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn at 7:12 PM. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.

Signed as approved:

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

Date

MEMORANDUM:

To: Bar Harbor Planning Board
From: Angela Chamberlain, CEO/Interim Planning Director *AC*
Subject: Land Use Ordinance & Map Amendment (LU-2017-01)
Date: January 10, 2018

Pursuant to section 125-9 of the Bar Harbor Land Use Ordinance, at the public hearing for the above noted application, the Board shall:

1. Hear the request;
2. Accept public comment on the request;
3. Deliberate to determine which of the following courses of action to perform.
 - a) Move to recommend to the Town Council that the written request as submitted be placed on the June 12, 2018 warrant;
 - b) Move to recommend to the Town Council that the written request with amendments or conditions that would bring the proposal into conformance with the most recently adopted Comprehensive Plan be placed on the June 12, 2018 warrant;
 - c) Move to take no action.



Town of Bar Harbor Planning Department Staff Report

Application:

SP-2017-06

Meeting Date:

December 20, 2017 – Completeness Review

January 17, 2018 – Public Hearing

Applicant:

Witham Family Hotels

119 Eden Street

Bar Harbor, ME 04609

Applicant's Representative:

Michael Rogers, Lark Studio

19 Pleasant Street

Bar Harbor, ME 04609

Project Location:

8 Newport Drive

Map 104, Lot 523-000

Land Use District:

Shoreland General Development I District

Permitted Use:

TA-8

Project Description:

The applicant proposes site improvements to the outside walkways, stairs, the outdoor kitchen area, and to construct new customer areas, a fire pit, and other outside improvements.

Applicable Laws:

Bar Harbor Land Use Ordinance section 125-66 lists all submission requirements the applicant is required to provide as part of the site plan/subdivision application.

Bar Harbor Land Use Ordinance section 125-67 contains the General Review Standards the Planning Board shall use to verify site plan compliance.

Bar Harbor Land Use Ordinance section 125-68 contains the shoreland standards that the proposed plan must comply with.

Staff Recommendation

Section 125-61 E. – Completeness Review:

Staff has reviewed the application for completeness and determined that the following items are missing:

1. There are none.

Section 125-67 – Suggestions for Compliance:

Staff has completed a preliminary compliance review of the proposed project. Staff recommends the Board request additional information from the applicant in the following areas:

1. The Board asked the applicant to supply information on how stormwater runoff would be managed during construction.
2. The Board asked the applicant to submit revised plans which show the 25' setback incorrectly located.

Staff Recommendation

Waivers – The Board acted on the waiver requests on December 20, 2017.

Completeness - The Board found the application complete on December 20, 2017.

Public Comment – Staff recommends that the Board accept any brief public comment concerning the completeness of the application.

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: January 17, 2018

Application: SP-2017-06 Bar Harbor Inn

Project Location: 8 Newport Drive (Map 104, Lot 523-000)

Applicant: Witham Family Hotels

Application: The applicant proposes to improve the existing outside walkways, stairs, the outdoor kitchen area, and construct new customer areas, a fire pit, and other outside improvements.

Zoning District: Shoreland General Development I district

Permitted Use: Existing TA-8

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 January 17, 2018, 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 Revised", dated December 21, 2017 and prepared by Lark Studio.
2. "Project Site Plan Revised", dated December 21, 2017 and prepared by Lark Studio.
3. "Landscape Plan Revised", dated December 21, 2017 and prepared by Lark Studio.
4. "Erosion and Sediment Control Plan Revised", dated December 21, 2017 and prepared by Lark Studio.
5. "Erosion Control Details Revised", dated December 21, 2017 and prepared by Lark Studio.

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 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 TA-8 is a permitted use in the Shoreland General Development I district.
 - b. The Board finds that the development will meet the minimum lot standards for the Shoreland General Development I district.
 - c. The Board finds that the development will meet the minimum height requirements for the Shoreland General Development I district.
 - d. The Board finds that the requisite parking standards are not applicable to this project.
 - e. The Board finds that the minimum parking areas and driveways standards are not applicable to this project.
 - f. The Board finds that the minimum loading requirements are not applicable to this application.
 - g. The Board finds that the streets, sidewalks and access standards are not applicable to this project.
 - h. The Board finds that the buffering and screening standards are not applicable to this project.
 - i. The Board finds that the municipal water standard is not applicable to this project.
 - j. The Board finds that the groundwater standards are not applicable to this project.
 - k. The Board finds that the project will meet the stormwater management standards.
 - l. The Board finds that the municipal sewer facilities standard is not applicable to this application.
 - m. The Board finds that the sewage waste disposal standards are not applicable to this project.
 - n. 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.
 - o. The Board finds that the development will meet the landscaping requirements.
 - p. The Board finds that the development will not cause unreasonable soil erosion.
 - q. The Board finds that the development is located within a flood prone area and permits will be obtained prior to construction.

- r. The Board finds that the development will not result in undue air pollution.
- s. The Board finds that the refuse disposal standards are not applicable to this application.
- t. The Board finds that the dangerous and hazardous materials and wastes standards are not applicable to this application.
- u. The Board finds that no vibration will be transmitted outside the proposed development.
- v. The Board finds that there are no significant spawning grounds or wildlife habitat located on this property.
- w. The Board finds that there are no rare and irreplaceable natural areas located on this property.
- x. The Board finds that the development will not cause radiant heat to be perceptible beyond the proposed development.
- y. The Board finds that the lighting standards are not applicable to this project.
- z. The Board finds that the proposed development will comply with the Bar Harbor Noise Ordinance.
- aa. The Board finds that the sign standards are not applicable to this application.
- bb. The Board finds that the development does not include the outdoor storage of materials.
- cc. The Board finds that the utilities standards are not applicable to this project.
- dd. The Board finds that the development will not cause an unreasonable burden on the Municipal Fire Department.
- ee. The Board finds that the development conforms to the Comprehensive Plan.
- ff. The Board finds that the applicant meets the financial and technical capacity standard.
- gg. The Board finds that there is no registered farmland in Bar Harbor.
- hh. The Board finds that the Town is able to provide municipal services to the proposed development.
- ii. The Board finds that there are no known violations of the Bar Harbor Land Use Ordinance.
- jj. The Board finds that the legal documents standard is not applicable to the proposed development.
- kk. The Board finds that the site does not contain any historic and archaeological resources.
- ll. The Board finds that the utilization of the site standard is not applicable to the proposed development.
- mm. The Board finds that there are no natural features of interest located on the property.

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.

Condition of Approval:

1. Prior to the issuance of a building permit, the applicant must obtain a Flood Hazard Development Permit.

Signed as approved:

Tom St. Germain, 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.