

AGENDA
Bar Harbor Town Council
By Video Conference
June 2, 2020

The public can monitor by watching Spectrum channel 1303 or by live streaming on the town's website, www.barharbormaine.gov

- I. **CALL TO ORDER – 4:00 P.M.**
 - A. **Excused Absence(s)**
- II. **PUBLIC COMMENT PERIOD** - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments should be submitted to the Council Chair by email at jdobbs@barharbormaine.gov and will be read during the meeting.
- III. **APPROVAL OF MINUTES – May 19, 2020 Regular Meeting**
- IV. **ADOPTION OF AGENDA**
- V. **CONSENT AGENDA** - A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:
 - A. **Annual Town Meeting 2020** – Possible motion to sign and post the Notice of Public Hearing for June 16, 2020.
 - B. **Special Town Meeting November 2020** – Possible motion to sign the Order placing the Charter Modification articles on the November 3, 2020 town meeting warrant.
 - C. **State of Maine Election July 14, 2020** – Possible motion to appoint the Town Clerk as Warden for the July 14, 2020 State of Maine Primary and Special Referendum Election.
- VI. **PUBLIC HEARINGS:** The public can call in at 288-1710 and enter code 0144715 to speak during the following public hearings.
 - A. **Fire Prevention Ordinance Amendment #2020-06** – Public comment and possible adoption of the amendment to Chapter 85 of the Municipal Code.
 - B. **Vehicles and Traffic Ordinance Amendment #2020-07** – Public comment and possible adoption of the amendment to Chapter 194 of the Municipal Code.
 - C. **Special Amusement Permit Renewals**
 - 1. **Side Street Cafe**, 49/51 Rodick St, request for Class 3a, three or more musicians with mechanical amplification as submitted by Jena Young.
 - 2. **Havana**, 318 Main St, request for Class 3, three or more musicians without mechanical amplification as submitted by Michael Boland.
- VII. **REGULAR BUSINESS:**
 - A. **Kids' Corner** – Request from Lori Krupke for rent relief.

- B. Shellfish Ordinance Amendment** - Possible motion to schedule a public hearing for July 21, 2020 to hear comments on an amendment to Chapter 170 of the Municipal Code.
- C. Shellfish License Fees** – Possible motion to approve changes as recommended by the Marine Resources Committee.
- D. COVID-19 Items:**
 - 1. **Parklets & Use of Public Spaces.**
 - 2. **4th of July Fireworks** - As requested by Councilor Goldthwait.
 - 3. **Lodging and Quarantine.**
 - 4. **Business signage regulations.**
 - 5. **Emergency Ordinance** – Possible motion to enact.
- E. Resolution: MDI Drama** – Possible motion to sign resolution honoring the MDI Drama Department.
- F. Treasurer’s Warrants** – Request of Treasurer to authorize paid bills.

VIII. TOWN MANAGER’S COMMENTS

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

X. EXECUTIVE SESSION: (None Scheduled)

XI. ADJOURNMENT

To ensure your full participation in this meeting, please inform us of any special requirements you might have due to a disability. Please call 288-4098

Manager's Memo

To: Bar Harbor Town Council
cc: Department Heads
From: Cornell Knight, Town Manager
Date: Friday, May 29, 2020
Re: **Town Council Meeting of June 2nd**

- I. A. Excused Absence(s)** – None that I am aware of but if there is one a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).
- V. CONSENT AGENDA** - A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:
- A. Annual Town Meeting 2020** – see the enclosed notice. A possible motion: to sign and post the Notice of Public Hearing for June 16, 2020.
 - B. Special Town Meeting November 2020** – see the enclosed notice. A possible motion: to sign the Order placing the Charter Modification articles on the November 3, 2020 town meeting warrant.
 - C. State of Maine Election July 14, 2020** – see the enclosed memo from Sharon Linscott, Town Clerk regarding the appointment as Warden. A possible motion: to appoint the Town Clerk as Warden for the July 14, 2020 State of Maine Primary and Special Referendum Election
- A possible motion: to approve the Consent agenda as published.
- VI. PUBLIC HEARINGS-** The public can call in at 288-1710 and enter code 0144715 to speak during the following public hearings.
- A. Fire Prevention Ordinance Amendment #2020-06** – see the enclosed memo from Angela Chamberlain, Code Enforcement Officer regarding the reasons to amend Chapter 85. Following public comment, a possible motion: to approve amendments to Chapter 85 Fire Prevention of the Municipal Code as presented.
 - B. Vehicles and Traffic Ordinance Amendment #2020-07** see the enclosed proposed changes to the Traffic Ordinance that reflect the changes to the Permit and Paid Parking Policy. Following public comment, a possible motion: to approve the amendments to Chapter 194 Vehicles and Traffic Ordinance of the Municipal Code as presented.
 - C. Special Amusement Permit Renewals**
 - 1. **Side Street Cafe**, 49/51 Rodick St. Following public comment, a possible motion: to approve the class 3a special amusement permit to Side Street Café.

2. **Havana**, 318 Main St. Following public comment, a possible motion: to approve the class 3 special amusement permit to Havana Restaurant.

VII. REGULAR BUSINESS:

- A. **Kids' Corner**- see the enclosed email from Lori Krupke, Director of Kid's Corner requesting that their pre-paid rent be applied to the 3rd quarter after they open. A possible motion: to apply Kid's Corner's rent for March, April, May to the third quarter.
- B. **Shellfish Ordinance Amendment** – see the enclosed email from Chris Petersen, Chair of the Marine Resources Committee, the minutes of their recent meeting and the ordinance with proposed changes. A possible motion: to schedule a public hearing for July 21, 2020 to hear comments on an amendment to Chapter 170 Shellfish Conservation of the Municipal Code.
- C. **Shellfish License Fees** – see the enclosed fee changes as recommended by the Marine Resources Committee. A possible motion to approve the Shellfish License fee changes as presented.
- D. **COVID-19 Items:**
 1. **Parklets & Use of Public Spaces** – Chief Willis has worked with staff and the Chamber to develop a permit application for use of parking spaces. A possible motion: to approve the Curbside Temporary Outdoor Restaurant and Retail Operation Permit application process as presented.
 2. **4th of July Fireworks** - As requested by Councilor Goldthwait- see the enclosed email from Alf Anderson regarding the July 4th update.
 3. **Lodging/Vacation Rental and Quarantine**- as requested by Councilor Hochman. See the enclosed emails from Earl Brechlin and Councilor Goldthwait.
 4. **Business Signage Regulation**- see the enclosed emails from the Chamber and staff recommendations. Waiving the sign regulations is included in the Emergency Ordinance below.
 5. **Emergency Ordinance** – Enclosed is an emergency ordinance to waive some requirements for the town meetings, and waiving the requirement for voting by written ballot on amendments to the budget and waiving the sign regulations. A possible motion: to enact the emergency ordinance as presented.
- E. **Resolution: MDI Drama** – see the enclosed resolution. A possible motion: to sign the resolution honoring the MDI Drama Department.
- F. **Treasurer's Warrant** – A possible motion: to sign the Treasurer's Warrants for paid bills.

Minutes
Bar Harbor Town Council
By Video Conference
May 19, 2020

I. CALL TO ORDER – 4:00 P.M.- In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Jill Goldthwait; and Town Manager Cornell Knight. Joe Minutolo joined at 4:13pm.

A. Excused Absence(s) – all present.

II. PUBLIC COMMENT PERIOD - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person. Comments should be submitted to the Council Chair by email at jdobbs@barharbormaine.gov and will be read during the meeting* – None.

III. APPROVAL OF MINUTES – May 5, 2020 Regular Meeting

Mr. Hochman, with second by Ms. Cough, moved to approve the minutes as presented.

Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Goldthwait Y

Cough Y

Motion passed 6-0.

IV. ADOPTION OF AGENDA – Mr. Hochman, with second by Ms. Cough, moved to approve the agenda as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Goldthwait Y

Cough Y

Motion passed 6-0.

V. FINANCIAL REPORT - *Review and possible adoption of a motion to accept the financial statements as presented.* Finance Director Stan Harmon summarized his report and answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

VI. PUBLIC HEARINGS- *The public can call in at 288-1710 and enter code 0173231 to speak during the following public hearings. Chair Dobbs announced that the code changed to 0184941.*

A. Special Amusement Permit Renewals

1. **Bar Harbor Club & Spa, 111 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Richard Ade.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the Bar Harbor Club & Spa for a Class 3ad as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

2. **Stewman’s Lobster Pound Downtown, 35 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Patrick Walsh.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for Stewman’s Lobster Pound Downtown for a Class 3ad as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

3. **West Street Hotel, 50 West St, request for Class 3ad, three or more musicians with mechanical amplification and dancing as submitted by Michael Walsh.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for West Street Hotel for a Class 3ad as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough _____ Y

Motion passed 7-0.

- 4. **Dog and Pony Tavern, 4 Rodick Place, request for a Class 4, Other Entertainment, as submitted by Amanda Gallant.** There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the Dog and Pony Tavern for a Class 4 as presented. Roll Call Vote:

Dobbs _____ Y

Hochman _____ Y

Coston _____ Y

Friedmann _____ Y

Minutolo _____ Y

Goldthwait _____ Y

Cough _____ Y

Motion passed 7-0.

- B. Ethics Ordinance Amendment #2020-03 – Public comment and possible adoption of the amendment to Chapter 78 of the Municipal Code.** There was no public comment. Ms. Cough identified a typo under C-4 where the word “case” should be “cause”. The correction will be submitted with the amendment. Mr. Hochman, with second by Ms. Cough, moved to adopt the amendments to Chapter 78 Ethics Ordinance of the Municipal Code as presented. Roll Call Vote:

Dobbs _____ Y

Hochman _____ Y

Coston _____ Y

Friedmann _____ Y

Minutolo _____ Y

Goldthwait _____ N

Cough _____ Y

Motion passed 6-1 (Nay: Goldthwait).

- C. Cruise Ship Committee Ordinance Amendment #2020-04 – Public comment and possible adoption of the amendment to Chapter 31 of the Municipal Code.** There was no public comment. Mr. Knight answered Council questions. Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to Chapter 31 Cruise Ship Committee Ordinance of the Municipal Code as presented. Roll

Call Vote:

Dobbs _____ Y

Hochman _____ Y

Coston _____ N

Friedmann _____ Y

Minutolo _____ Y

Goldthwait _____ N

Cough _____ Y

Motion passed 5-2 (Nay: Coston, Goldthwait).

- D. Age Friendly Committee Ordinance Amendment #2020-05– Public comment and possible adoption of the amendment to Chapter 31 of the Municipal Code.**

There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to Chapter 31 Age Friendly Committee Ordinance of the Municipal Code as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

VII. REGULAR BUSINESS:

A. COVID-19 Community Forums – Tabled from 5/5/20 Possible motion to approve the plan for the community forums. Mr. Hochman, with second by Ms. Cough, moved to remove this item from the table. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

Mr. Dobbs introduced the plan. Nina St. Germain also participated. Following discussion, Mr. Coston, with second by Mr. Hochman, moved to approve the plan for community forums as presented. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

B. Town Land Salisbury Cove Right of Way – Tabled from 5/5/20 As requested by Joe Cough.

Mr. Hochman, with second by Mr. Coston, moved to remove this item from the table. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Motion passed 6-0-1 (Abstain: Cough).

Councilor Cough has continued recusal.

Mr. Knight presented an update from the town attorney. Code Enforcement Officer Angie Chamberlain, Joe Cough and Perry Moore participated.

Following discussion, Mr. Hochman, with second by Ms. Goldthwait, moved to indicate to Joe Cough that the Council is interested in pursuing a right of way from their sub-development to our property. Roll Call Vote:

- Dobbs Y
- Hochman Y
- Coston Y
- Friedmann Y
- Minutolo Y
- Goldthwait Y

Motion passed 6-0-1 (Recused: Cough).

- C. Licensing Ordinances – Review draft ordinances for Employee Living Quarters and Shared Accommodations. Possible motion to schedule public hearings for June 16, 2020.** Code Enforcement Officer Angie Chamberlain introduced the proposed ordinances and answered Council questions. Mr. Hochman, with second by Mr. Coston, moved to schedule a public hearing for June 16, 2020 for the purposes of hearing comments on the proposed Employee Living Quarters Licensing Ordinance Chapter 76 and Shared Accommodations Licensing Ordinances Chapter 168 of the Municipal Code. Roll Call Vote:

- Dobbs Y
- Hochman Y
- Coston Y
- Friedmann Y
- Minutolo Y
- Goldthwait Y
- Cough Y

Motion passed 7-0.

- D. Street Closure – Update on options to assist businesses with social distancing.** The following participated in the discussion: Parking Solutions Task Force Chair Eben Salvatore, Chamber Director Alf Anderson, Police Chief Jim Willis and Nina St. Germain. Mr. Coston, with second by Ms. Goldthwait, moved that the Manager and town staff engage with the Chamber and other necessary participants to pursue and refine a plan as generally described today by Eben Salvatore to include parklets and dining areas in public spaces and report back to Council at our next regular meeting. Roll Call Vote:

- Dobbs Y
- Hochman Y
- Coston Y
- Friedmann Y
- Minutolo Y
- Goldthwait Y
- Cough Y

Motion passed 7-0.

E. Permit and Paid Parking Policy – Possible motion to amend. Mr. Salvatore presented the changes. Mr. Hochman, with second by Ms. Cough, moved to approve the amendments to the Permit and Paid Parking Policy as presented. Roll

Call Vote:

Dobbs Y

Hochman Y

Coston N

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-1 (Nay: Coston).

F. Annual Town Meeting 2020 Notice of Public Hearing – possible motion for staff to prepare the final notice for Council’s signature and schedule the public hearing for June 16, 2020. Mr. Hochman, with second by Ms. Cough, moved to have staff prepare the final notice for Council’s signature and schedule the public hearing for June 16, 2020. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

G. Pandemic Items – Discussion regarding playgrounds, meetings, comfort stations, July 4th activities, band concerts, etc.

1. Comfort Stations. Mr. Coston, with second by Mr. Hochman, moved to direct the Manager to look at each bathroom individually and open them as soon as he sees fit in his judgement. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough N

Motion passed 6-1 (Nay: Cough).

2. Playgrounds. Mr. Coston, with second by Ms. Goldthwait, moved to ask Cornell to seek to open the playgrounds as soon as he feels it is safe and practical to do so. Roll Call Vote:

Dobbs Y

Hochman N

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 6-1 (Nay: Hochman).

- 3. Meetings. Following discussion, with the majority of Councilors agreeing not to hold meetings in person yet, no action taken.
- 4. July 4th activities. Alf Anderson participated in the discussion. The Chamber has not officially cancelled the parade or fireworks and is looking at alternatives to celebrate the day differently. No action taken.
- 5. Band Concerts. Band director Brian Booher shared what the board has discussed. No action taken.
- 6. Trash Cans. A question was raised whether all the trash cans are out yet. Mr. Knight will find out.
- 7. Ms. Goldthwait, with second by Mr. Hochman, moved to send a letter from the Council with our sincere apologies and gratitude to Jay Boyce at Hannaford regarding the restroom situation we created and thank him for what he has done and that we will get the town restrooms open as soon as possible. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

- H. Treasurer’s Warrant - Request of Treasurer to authorize paid bills.** – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer’s Warrants for paid bills. Roll Call Vote:

Dobbs Y

Hochman Y

Coston Y

Friedmann Y

Minutolo Y

Goldthwait Y

Cough Y

Motion passed 7-0.

VIII. TOWN MANAGER’S COMMENTS – Mr. Knight received a text from the Public Works Director, 40 trash cans are out, the rest will be out as soon as they finish with parking meter installation. He informed residents that the municipal building has reopened. Residents can access Clerk, Finance, Assessing and Code offices. When they come in wearing a mask there are stanchions and lines on the floor to maintain social

distance. All doors are open. The metal pile is open at the public works facility and transfer station stickers can be picked up at the transfer station.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Minutolo referenced a doctor from Brigham & Women’s Hospital having good luck with combination therapy. Things we can reinforce in town are social distancing, hygiene/washing hands, screening for symptoms (probably out of our control) and masks. Anything we can do to show that we are trying to mitigate the problem.

Ms. Goldthwait had a request that Council make a strong statement to encourage everyone to wear a mask. The work continues on the shore path, it looks great and it is being well-used these days. She requested the question of the fireworks be on the agenda for next meeting, the call needs to be made by then at the latest.

Ms. Cough absolutely agrees with masks, particularly in businesses. It is part of the Governor’s order. I hope it doesn’t become an issue. Be kind. She also reminded residents that their parking permits need to be renewed. She also spoke about unintended consequences and would like people to understand that Council and the town are trying to do the best we can. We can’t see everything and we can’t see the future. She hopes people will be patient, understanding and have a realistic point of view about how we are trying to enforce and keep public safety. Our town and our town manager are doing an absolutely wonderful job trying to get things open. And our year round resident population is afraid. Be nice, wear a mask.

Mr. Friedmann thanked the people in Bar Harbor who are pulling together through this. I believe the kindness and neighbors helping neighbors will make us stronger when we come out the other side.

Mr. Hochman loves Jill’s idea of having the fireworks on New Year’s Eve. He echoed the wearing of masks. You can have fun with them. He thanked the crew at the transfer station. The staff is great, keeping social distancing and making sure it is nice and clean. Happy anniversary to Ron Graves as well. He thanked Council, everybody is doing an excellent job. He thanked Cornell for all the work he is putting in. And he gave a very large thank you to Sharon for keeping us on task and our motions straight, it is really appreciated.

Mr. Coston strongly encouraged people to read the Polco report. It is extremely sobering. He spoke to market levels as well. Also at last meeting, he and Matt had a testy exchange. Some people thought I said Matt was lying. That was not my intent. The same thing can look different from two different perspectives. This is a hard issue for our community to deal with over the next 6-12 months. I’d hate to see us divide. We may disagree, but the person who owns that business is probably a neighbor or a friend.

Mr. Dobbs did an interview with a magazine from Washington state on how I feel about our national park opening up. I represented my own feelings and said I’m scared. I trust the businesses in this town and the private sector to do the right thing.

X. EXECUTIVE SESSION: (none)

XI. ADJOURNMENT – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 7:43 p.m. Roll Call Vote:

Dobbs Y

Hochman Y
Coston Y
Friedmann Y
Minutolo Y
Goldthwait Y
Cough Y
Motion passed 7-0.

Sharon M Linscott, Town Clerk

V A

NOTICE OF PUBLIC HEARING - JUNE 16, 2020
TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the Town of Bar Harbor that the Bar Harbor Town Council will hold a public hearing by video conference on Tuesday, the sixteenth of June, in the year of our Lord Two Thousand and Twenty at four o'clock in the afternoon, then and there to hear public comment on the following articles placed on the secret ballot of the Annual Town Meeting to be held on Tuesday, the fourteenth of July 2020. The public can call in at 288-1710 and enter code 0157456 to speak during the public hearing.

Article 2 - LAND USE ORDINANCE AMENDMENT – Addressing Officer – Shall an ordinance dated December 16, 2019 and entitled “An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor” be enacted?

Addressing Officer

An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor

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

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

Chapter 125, LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-66 Submission requirements

K. Assessor's certification of street names. Written certification of the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) that the proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

§ 125-67 General review standards

G. Streets, sidewalks and access.

(4) Names.

(b) No plan shall be approved unless the Planning Board finds that the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) has issued written certification that proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

EXPLANATION:

The replacement of the words “Municipal Tax Assessor” with the words “Addressing Officer” updates the Land Use Ordinance and aligns it with language used in Chapter 5 (Addressing Ordinance) of the town’s Municipal Code (which took effect November 14, 2019).

Recommendations:

*The five-member Planning Board recommends adoption by a vote of 4 to 0.
The 22-member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article 3 - LAND USE ORDINANCE AMENDMENT – Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District – Shall an ordinance dated December 16, 2019 and entitled “An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district” be enacted?

Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District

An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district

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

[Please Note: Old language is striken. New language is underlined.]

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.

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; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

§ 125-18 Village Historic

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

D. Uses allowed by site plan.

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums, ~~multifamily I, two-family dwellings.~~

§ 125-19 Mount Desert Street Corridor

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, multifamily dwelling I, 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 dwelling I and II; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

§ 125-20 Village Residential

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; multifamily dwelling I; roadside stand; 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 use.

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, road construction.

§ 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; multifamily dwelling I; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

§ 125-21.1 Downtown Village II

C. Allowed uses.

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

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

§ 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; multifamily dwelling I; artist studio; farmers market; home occupation.

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

§ 125-22 Downtown Residential

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Child-care center

Hospital

~~Multifamily dwelling I~~

Parking garage and parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development
Single-family dwelling
Two-family dwelling
Undertaking establishment
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-24 Hulls Cove Business

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank
Commercial boatyard
Commercial fish pier
Commercial stable
Ferry terminal
Hospital
Light manufacturing/assembly plant
Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Agriculture, avocational
Commercial art gallery or pottery barn
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development
Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-26 Hulls Cove Residential Corridor

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-31 Ireson Hill Corridor

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Mineral extraction

Mineral extraction and processing

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-32 Ireson Hill Residential

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cemetery
- Eleemosynary, educational or scientific institution
- ~~Multifamily dwelling I~~
- Municipal school
- Place of worship
- Road construction
- Transient accommodations (TA-1)
- Wireless communications facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Agriculture, avocational
- Driveway construction
- Filling/earthmoving activity of 10 cubic yards or more
- Multifamily dwelling I
- Noncommercial greenhouse
- Noncommercial stable
- Public or private park with minimal structural development
- Roadside stand
- Single-family dwelling
- Two-family dwelling
- Uses or small structures accessory to permitted uses or structures
- Vacation rentals

§ 125-37 Salisbury Cove Corridor

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cemetery
- Kennel, boarding
- ~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-38 Salisbury Cove Residential

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Kennel, boarding

~~Multifamily dwelling I~~

Road construction

Wireless communications facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-40 Salisbury Cove Village

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Marina

~~Multifamily dwelling I~~

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-43 Town Hill Business

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Newspaper or printing facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

§ 125-44 Town Hill Residential Corridor

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Municipal facility and grounds

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

§ 125-45 Town Hill Residential

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Marina

Mobile home park

~~Multifamily dwelling I~~

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

§ 125-47 Shoreland General Development I

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-49 Shoreland General Development II

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Road construction

~~Single family dwelling~~

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-49.1 Shoreland General Development III

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling and two-family dwelling.

(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) 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; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

§ 125-49.2 Shoreland General Development IV

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, multifamily dwelling I, cabins and cottages, all vacation rentals, artist studio, home occupation, 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 in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, ~~multifamily dwelling I~~, museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

§ 125-49.3 Shoreland Maritime Activities

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 and shall include bank; farmers market; hotel; ~~multifamily dwelling I~~; ~~multifamily dwelling II~~; parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

E. Allowed activities.

- (1) Nonintensive recreational uses not requiring structures, such as fishing and hiking.
- (2) Emergency operations.

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

EXPLANATION:

This amendment will change the permitting authority for all multifamily dwelling I uses from site plan review through the Planning Board process to a permit from the Code Enforcement Officer in all districts where the use is currently allowed. Multifamily dwelling I use is three or four dwelling units on one parcel. Additionally, it will do the following: address an inconsistency in the ordinance by making CEO the permitting authority for two-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by the

CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 22-member Warrant Committee recommends adoption by a vote of 9 to 7 with 2 abstentions.

Article 4 - LAND USE ORDINANCE AMENDMENT – Employee Living Quarters – Shall an ordinance dated December 16, 2019 and entitled “An amendment to create and define a new use titled ‘employee living quarters’; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of ‘family’; create a new definition titled ‘floor area, ground’; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district” be enacted?

Employee Living Quarters

An amendment to create and define a new use titled ‘employee living quarters’; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of ‘family’; create a new definition titled ‘floor area, ground’; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-17 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; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate

of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

§ 125-19 Mount Desert Street Corridor District.

D. Uses allowed by site plan.

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

§ 125-20 Village Residential.

D. Uses allowed by site plan.

(2) Uses allowed by conditional use permit:

(a) Ffor properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

(b) Employee living quarters.

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters are exempt from this requirement.

§ 125-21 Downtown Village I.

C. Allowed uses:

(2) Uses allowed by site plan review: employee living quarters; 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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(2) Uses allowed by site plan review: employee living quarters; hotel, motel; multifamily

dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

§ 125-24 Hulls Cove Business.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee living quarters

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

§ 125-31 Ireson Hill Corridor.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Employee living quarters

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

§ 125-40 Salisbury Cove Village.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee living quarters

Marina

Multifamily dwelling I

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Wireless communications facility

§ 125-43 Town Hill Business.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Employee living quarters

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Newspaper or printing facility

Parking garage and parking lot

Research facility

Research production facility

Road construction

Terminal yard and trucking facility

Transient accommodations (TA-1)

Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Transient accommodations (TA-7)
Transient accommodations (TA-8)
Upholstery shop
Warehousing or storage facility
Wholesale business establishment
Wireless communications facility

§ 125-45 Town Hill Residential.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters

Marina

Mobile home park

Multifamily dwelling I

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

§ 125-47 Shoreland General Development I.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge
Commercial fish pier
Commercial structure
Employee living quarters
Essential services accessory to a permitted use or structure
Ferry terminal
Gift shops
Marina
Multifamily dwelling I
Multifamily dwelling II
Municipal facility and grounds
Recreational boating facility
Road construction
Ships chandlery
Transient accommodations (TA-2)
Transient accommodations (TA-3)
Transient accommodations (TA-4)
Transient accommodations (TA-5)
Transient accommodations (TA-6)
Transient accommodations (TA-7)
Transient accommodations (TA-8)

§ 125-49 Shoreland General Development II (Hulls Cove).

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier
Commercial structure
Eleemosynary, educational or scientific institution
Employee living quarters
Essential services accessory to a permitted use or structure
Ferry terminal
Marina
Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

§ 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; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

§ 125-49.3 Shoreland Maritime Activities District.

C. Allowed uses.

- (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 and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II~~; parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

~~F. Other requirements.~~

- ~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

ARTICLE V Site Plan Review

§ 125-67 General review standards

D. Parking requirements. Any 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.

- (3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

(x) Employee living quarters shall not be required to provide parking.

§ 125-69 Standards for particular uses, structures, or activities

W. Employee living quarters. All employee living quarters shall meet the following standards:

(1) Design: When employee living quarters are visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the employee living quarters shall be visually compatible with the principal building(s) and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building(s).

(2) Setback requirements: Employee living quarters shall meet the same setback requirements as principal structures.

(3) Building footprint area: The total building footprint area of the employee living quarters shall not exceed 25% of the total building footprint area of the principal building(s) on the lot.

(4) Density bonus.

(a) An employee living quarters (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

[1] 63% in the Bar Harbor Gateway district

[2] 44% in the Mount Desert Street Corridor district

[3] 63% with sewers and 31% without sewers in the Village

Residential district

[4] 85% in the Hulls Cove Business district

[5] 31% in the Ireson Hill Corridor district

[6] 44% in the Salisbury Cove Village district

[7] 63% in the Town Hill Business district

[8] 19% in the Town Hill Residential district

(b) All other (non-employee living quarters, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

(c) If an employee living quarters (including its associated accessways and parking), increases the lot coverage as allowed under section 125-69 W.(4), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(5) Change of Use. A change of use from employee living quarters to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(6) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters.

(7) Every bedroom in employee living quarters shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

ARTICLE XII Construction and Definition

§ 125-109 Definitions.

The following terms shall have the following meanings:

EMPLOYEE LIVING QUARTERS

An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. Employee living quarters serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or employee living quarters.

FOOTPRINT AREA, BUILDING

The total square footage of a building or buildings if viewed from above, including areas under overhangs.

EXPLANATION:

This amendment would create and define a new use titled “employee living quarters”; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of “family”; and create a new definition titled “floor area, ground”; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities District.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 22-member Warrant Committee recommends adoption by a vote of 14 to 2 with 2 abstentions.

Article 5 - LAND USE ORDINANCE AMENDMENT – Shared Accommodations – Shall an ordinance dated December 16, 2019 and entitled “An amendment to create and define a new use titled ‘shared accommodations’ with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of ‘family’” be enacted?

Shared Accommodations

An amendment to create and define a new use titled ‘shared accommodations’ with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of ‘family’

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

§ 125-17 Bar Harbor Gateway.

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; shared accommodations (SA-1); vacation rentals; single-family dwelling and two-family dwelling.

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; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

§ 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, shared accommodations (SA-1); single- or two-family dwelling; vacation rentals.

D. Uses allowed by site plan.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; shared accommodations (SA-2 and SA-3); theaters.

§ 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; shared accommodations (SA-1); professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(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 lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

§ 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; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic; shared accommodations (SA-2 and SA-3).

§ 125-24 Hulls Cove Business.

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Shared accommodations (SA-2)

Shared accommodations (SA-3)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

§ 125-31 Ireson Hill Corridor.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial art gallery or pottery barn
Driveway construction
Filling/earthmoving activity of 10 cubic yards or more
Grocery stores
Noncommercial greenhouse
Public or private park with minimal structural development
Roadside stand
Shared accommodations (SA-1)
Single-family dwelling
Two-family dwelling
Uses or small structures accessory to permitted uses or structures
Vacation rentals

§ 125-43 Town Hill Business.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling
Agriculture, avocational
Commercial art gallery or pottery barn
Commercial garden, greenhouse or nursery
Driveway construction
Farmers' market
Filling/earthmoving activity of 10 cubic yards or more
Grocery stores
Noncommercial greenhouse
Noncommercial kennel
Noncommercial stable
Public or private park with minimal structural development
Roadside stand
Shared accommodations (SA-1)
Single-family dwelling
Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

§ 125-44 Town Hill Residential Corridor.

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

ARTICLE V Site Plan Review

§ 125-67 General review standards

D. Parking requirements. Any 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.

- (3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

(y) Shared accommodations

[1] Shared accommodations (SA-1): Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Hulls Cove Business, Ireson Hill Corridor, Town Hill Business, and the Town Hill Residential Corridor districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.

[2] Shared accommodations (SA-2 and SA-3): Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking spaces per occupant in the Bar Harbor Gateway and the Hulls Cove Business districts and 0.1 parking spaces per occupant in the Mount Desert Street Corridor District.

§ 125-69 Standards for particular uses, structures, or activities

X. Shared accommodations. Every bedroom in shared accommodations shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

ARTICLE XII Construction and Definition

§ 125-109 Definitions.

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or shared accommodations.

SHARED ACCOMMODATIONS

Any group of three or more rooms, other than lodging or vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of shared accommodations:

- A. SA-1: 3 to 8 people per structure
- B. SA-2: 9 to 32 people per structure
- C. SA-3: 33 or more people per structure

ARTICLE XIII Design Review

§ 125-112 Applicability of design review.

- A. Design Review Overlay Districts.
 - (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
 - (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

EXPLANATION:

This amendment would create and define a new use titled "shared accommodations" with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of "family".

Recommendations:

The five-member Planning Board recommends adoption by a vote of 4 to 0.

The 22-member Warrant Committee recommends adoption by a vote of 10 to 8.

Article 6 - LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District – Shall an ordinance dated December 16, 2019 and entitled “An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as “TA-9”) in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow “TA-9” and “campground (shoreland districts)” as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district” be enacted?

Official District Boundary Map Amendment for Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Allowed Uses to the Shoreland General Development II District

An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as “TA-9”) in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow “TA-9” and “campground (shoreland districts)” as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-49 Shoreland General Development II (Hulls Cove).

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground (Shoreland Districts)

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

TA-9

ARTICLE V Site Plan Review

§ 125-67 General Review Standards

D. Parking requirements. Any 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.

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

(b) Transient accommodations:

[2] Hotels, motels, TA-9 and conference centers: one parking space for each guest room.

“TA-9”) in §125-109 and establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, would amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow “TA-9” and “campground (shoreland districts)” as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district.

Recommendations:

The five-member Planning Board recommends adoption by a vote of 3 to 1.

The 22-member Warrant Committee recommends rejection by a vote of 13 to 3 with 1 recusal.

Article 7 - CITIZENS’ INITIATIVE: Changes to the Definition of Vacation Rentals in the Land Use Ordinance – Shall the above-described ordinance be adopted?

To See if the Voters of the Town of Bar Harbor will adopt the following changes to the definition of Vacation Rentals in the Land Use Ordinance.

Old language is ~~stricken~~. New language is underlined

§ 125-109 Definitions.

VACATION RENTALS

Non-Hosted Vacation Rental

The use of a dwelling unit ~~or portion thereof~~ for rent to a family for a period of less than 30 days and a minimum of five days. Time-share property, as most recently defined in 33 M.R.S.A § 591, is also included in this definition.

Hosted Vacation Rental

The use of a dwelling unit, or portion thereof, on a homestead exemption property, for rent to a family for a period of less than 30 consecutive days.

The list of attached zones it would apply to:

District	Vacation Rental Permitting Authority
Bar Harbor Gateway	CEO
Village Historic	CEO
Mount Desert Street Corridor	CEO
Village Residential	CEO
Downtown Village I	CEO
Downtown Village II	CEO
Downtown Village Transitional	CEO
Downtown Residential	CEO
Emery	CEO
Hulls Cove Business	CEO
Hulls Cove Residential Corridor	CEO
Hulls Cove Rural	CEO
Indian Point Residential	CEO

Indian Point Rural	CEO
Industrial	
Ireson Hill Corridor	CEO
Ireson Hill Residential	CEO
McFarland Hill Residential	CEO
McFarland Hill Rural	CEO
Otter Creek	CEO
Resource Protection	
Salisbury Cove Corridor	CEO
Salisbury Cove Residential	CEO
Salisbury Cove Rural	CEO
Salisbury Cove Village	CEO
Schooner Head	CEO
Scientific Research	CEO
Town Hill Business	CEO
Town Hill Residential Corridor	CEO
Town Hill Residential	CEO
Town Hill Rural	CEO
Shoreland General Dev. I	CEO
Shoreland Limited Residential	CEO
Shoreland General Dev. II	CEO
Shoreland General Dev. III	CEO
Shoreland General Dev. IV	CEO
Shoreland Maritime Activities	
Stream Protection	
Marine Research	
Educational Institution	CEO

CEO – Code Enforcement Officer

SP- Site Plan

Blank – Not allowed

EXPLANATION: The changes would differentiate between owner-occupied vacation rental properties (homestead qualified, year-round residences) and dwelling units owned by non-residents. Non-residents would be prohibited from doing more than a single vacation rental per dwelling unit and from renting for stays of fewer than five days.

Recommendations:

The five-member Planning Board recommends rejection, by a vote of 3 to 2.

The 22-member Warrant Committee recommends rejection by a vote of 10 to 5 with 2 abstentions.

Given under our hands this second day of June 2020.

Municipal Officers of the Town of Bar Harbor

_____	_____
Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
_____	_____
Gary Friedmann	Joseph Minutolo
_____	_____
Stephen Coston	Erin E. Cough

Jill Goldthwait

Attest:
A true copy _____
Town Clerk of Bar Harbor, ME

CONSTABLE’S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the ____ day of _____ in the year of our Lord Two Thousand and Twenty.

Attest: _____
Constable of the Town of Bar Harbor

Attest: A true copy _____
Town Clerk of Bar Harbor, ME

MUNICIPAL OFFICERS' RETURN

Pursuant to 30-A MRSA 2528(5) we have notified the inhabitants of the Town Bar Harbor of a public hearing, to be held at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Building, being conspicuous public place within said Town on the _____ day of _____ in the year of our Lord Two Thousand and Twenty, being at least seven days before the hearing.

Given under our hands this sixteenth day of June 2020.

Municipal Officers of the Town of Bar Harbor

_____	_____
Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
_____	_____
Gary Friedmann	Joseph Minutolo
_____	_____
Stephen Coston	Erin E. Cough

Jill Goldthwait	

Attest: A true copy _____
Town Clerk of Bar Harbor, ME

Order

Of the Bar Harbor Town Council
For the November 3, 2020 Town Meeting

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

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to 1. Clarify the recording of recommendations on Town Warrants and Ballots, 2. Change the Warrant Committee’s responsibilities to consideration of the Municipal Budget and Land Use Ordinance amendments, and 3. Remove review and recommendations of Citizen Initiative and Referendum from the Town Council, Warrant Committee, School Committee and Planning Board, as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.

- (1) Contents of ballots: In addition to the provisions of the Revised Statutes of the State of Maine, the ballots for all Town Meetings shall include:
 - (a) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, including in the form of the number of Committee members and number of Committee members voting for and against the recommendation;
 - (b) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, including in the form of the number of Board members and the number of Board members voting for and against the recommendation;
 - (c) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;
 - (d) For each ballot article except Land Use Ordinance amendments, ~~and~~ election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, including in the form of the

number of Councilors and the number of Councilors voting for and against the recommendation.

- (2) Warrant: The Town Meeting warrant shall be prepared as required by law and be posted in the Municipal Building. Further, the warrant shall include:
 - (a) A brief statement outlining the intent of the proposed article;
 - (b) For each ballot article except election of officeholders, revisions or modifications to this charter, the school budget, and citizen initiatives and referendums, the recommendation of the Warrant committee, including in the form of the number of Committee members and number of Committee members voting for and against the recommendation;
 - (c) For each Land Use Ordinance amendment article except those originating from citizen initiative or referendum, the recommendation of the Planning Board, including in the form of the number of Board members and the number of Board members voting for and against the recommendation;
 - (d) For each ballot article affecting school issues except those originating from citizen initiative or referendum, the recommendation of the School Committee, including in the form of the number of Committee members and the number of Committee members voting for and against the recommendation;
 - (e) For each ballot article except Land Use Ordinance amendments, ~~and~~ election of officeholders, revisions or modifications to this Charter, and citizen initiatives and referendums, the recommendation of the Town Council, including in the form of the number of Councilors and the number of Councilors voting for and against the recommendation.
 - (f) Such other explanatory material as, in the opinion of the Town Council, would help the voters better understand the issues at hand.

ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.

- A. It shall be the duty of ~~any duly elected~~ the Warrant Committee, meeting as a full body, to consider, investigate and report upon, with recommendations or comments, all articles except those dealing with election of candidates, revisions or modifications to this charter, the school budget, and citizen initiatives or referendums included in the Warrant of all Town Meetings, whether annual or special. ~~When requested to do so,~~ It shall be the duty of Town officers and committees to meet with the full body of the Warrant Committee ~~or any of its subcommittees~~ and to furnish, to all members, all information relative to matters being considered by the Warrant Committee.
- B. The Warrant Committee shall submit its recommendations on municipal budget articles to the Town Council as provided by Charter § C-31, Preparation and submission of the budget.

Rationale:

- The recommended amendments for Article II clarify the method of recording elected bodies' recommendations on Warrant Articles
- The recommended amendments clarify that the Warrant committee will review the Municipal Budget, and LUO amendments but will no longer review or make recommendations on the school budget. The School Budget is currently presented by staff, reviewed by the School Committee and the Town Council before being placed on the Town Warrant for adoption by vote at the Town Meeting. This process provides two reviews by elected bodies. Removing a third review by Warrant Committee will allow that committee to focus efforts on the Municipal Budget and proposed Land Use Ordinance amendments.
- The recommended amendments establish that neither the Town Council or Warrant Committee will provide recommendations on revisions or modifications to this charter
- The recommended amendments remove possible review or written recommendations of any citizen initiative or referendum from any elected or appointed body of the town. Citizen initiatives and referendums originate directly from voters and must be included on the Town Warrant unless immediately adopted by Town Council such a process should supersede review and recommendation by elected or appointed bodies of the town. Article ____ proposes to create a mandatory public hearing process for all initiatives and referendums so that voters may be informed, weigh their merits and express opinions in an open forum

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.

Warrant Article

Article ____ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to allow for the use of electronic voting as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE II: Town Meetings: § C-5. Annual and Special Town Meetings.

- C. (3) Method of voting at Open Town Meeting. Except where required otherwise by state law the town may use any means of manual or electronic voting approved by the Town Council to ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.

ARTICLE II: Town Meetings: § C-6. Powers and responsibilities.

- B. (3) Act on those ordinances placed on the warrant ~~pertaining to the Town's Land Use Ordinance~~ and on any initiative or referendum questions as provided for by this Charter;
- D. Any Town Meeting amendment made to the budget published in the Warrant or Town Report, shall be voted only by written or electronic ballot.

Rationale:

- The recommended amendments for Article II will allow for the use of electronic voting technology at Open Town Meeting which can expedite voting on budgetary articles not requiring written vote by State statute, help to increase participation in Town Meeting and mitigate social pressure on controversial items.
- This recommendation does not mandate the use of electronic voting at Town Meetings but allows its use providing it can ensure accuracy, efficiency, integrity, security, transparency, and voter anonymity.
- The use of electronic voting technology can also assist in providing better accessibility for voting at Open Town Meeting.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to provide a process that allows the Town Council to amend the Land Use Ordinance when an amendment is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with statutes, after it has first been recommended by the Town Planner, discussed at Public Hearings and recommended by a supermajority of both the Planning Board and Town Council, as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE III: The Town Council: § C-10. General powers and duties.

- A. (9) Make, adopt, ~~alter~~ amend and repeal ordinances for any purpose permitted by statute. with the exception of those pertaining to zoning except as provided below. In addition to such ordinances, the Council shall have the power to adopt ordinances which:
- (a) Adopt or amend an administrative code.
 - (b) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
 - ~~(c) Amend or repeal any ordinance previously adopted.~~
 - (d) Adopt land use ordinance amendments by supermajority vote as defined in §C-14C3 when:
 - i. The land use ordinance change is procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors or to bring the land use ordinance into compliance with state statutes pertaining to municipal zoning and;
 - ii. The land use ordinance change is first recommended to the Planning Board by the Planning Director and upon review and after a public hearing, the Planning board recommends it to the Town Council by a supermajority vote (as defined in §C-14C3)

ARTICLE III: The Town Council: § C-14. Procedure.

- C. (2) Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest ~~clearly exists~~ is stated and recognized by a majority vote of the Council. If any Councilor does abstain from a vote other than because of a recognized conflict of interest, he/she shall be considered to have cast a vote with the majority and the record shall so show.
- C. (3) Qualifying land use ordinance amendments as described in §C-10 A(9)d must be recommended to the Town Council by a supermajority of the full membership of the Planning Board and must be approved by a supermajority of the full membership of the Town Council.
- C. (3) (a) For the purpose of this charter, supermajority shall be defined as two-thirds of the full membership of the body rounded up to the nearest whole number. (e.g. 4 in a 5-member body and 5 in a 7-member body.) In the case of a body of 3-members or less a supermajority shall be defined as a unanimous vote.

Rationale:

- This recommendation provides a method to make minor, non-substantive, changes to the Land Use Ordinance under the following conditions:
 - The change is defined as procedural or minor in that it seeks to correct, modify, or reconcile inconsistencies, contradictions, and errors, or
 - The change is to bring the land use ordinance into compliance with state statutes

- The change is first recommended by the Town Planner
- The change is reviewed by the Planning Board and a Public Hearing is held
- The Planning Board recommends the amendment by a super-majority (two-thirds)
- The change is reviewed by the Town Council and an additional Public Hearing is held
- The amendment is then adopted by a super-majority (two thirds) of the Town Council
- This recommendation provides a mechanism to amend minor aspects of the Land Use Ordinance without the lengthy process currently in place
- This recommendation will allow the Land Use Ordinance to be more dynamic and citizen friendly
- New or substantial amendments would continue to be adopted only by voters through Town Meeting

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 7 to 2.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to change the language in Articles IV and V of the Charter that would: 1. clarify the Town Manager’s residency requirement; 2. ensure that human resource procedures are compliant with State and Federal laws; 3. clarify the role of a Town Planner; 4. allow for additional legal counsel for the Town, if needed, and; 5. establish rotating terms for School Committee members; as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE IV: The Town Manager: § C-18. Appointments; qualifications; compensation.

The Council shall appoint a Town Manager for a term not to exceed three years and shall fix the Manager's compensation. The Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the Town or state at the time of appointment and may reside outside the town while in office ~~only~~ with the approval of the Council.

ARTICLE IV: The Town Manager: § C-21. Powers and duties of the Town Manager.

- J. ~~Make recommendations to the Council for the more efficient operation of the municipality; (Reserved)~~

ARTICLE V: Administrative Organization: § C-23. Personnel administration.

- C. Personnel policies. The Human Resources Director shall prepare draft personnel policies in compliance with all applicable State and Federal Laws. After approval by the Manager, the policies shall be proposed to the Council for adoption. The Council may adopt them with or without amendment.
- D. Planning Director. The Manager or a person appointed by the manager shall be designated as the Planning Director. The Planning Director shall administer the planning department for the town.

ARTICLE V: Administrative Organization: § C-25. Town Attorney

There shall be a Town Attorney, appointed by the Council, who shall serve as chief legal adviser to the Town and all of its departments, except for the Superintending School Committee. In any matter where there may be a conflict between the Town Council and any other Town officer, department, board, agency or commission, Town Attorney shall represent the Town Council only. The Town Council may appoint or authorize such additional legal counsel as the Town's interest may require

ARTICLE V: Administrative Organization: § C-26. Superintending School Committee.

- C. Elections and terms. Each member shall be elected for a term of three years; with terms to be staggered such that no more than two Committee members are elected to fill expired terms in any one year.

Rationale:

- This recommended change clarifies that the Town Manager may reside outside of Bar Harbor with Town Council approval.
- This recommended change updates the Human Resource Director's responsibilities to ensure that all procedures are complaint with State and Federal laws
- This change does not require that the Town hire a Planner but rather emphasizes the importance of the planning function. Town Council can choose to allocate funds in the municipal budget for this position. The Charter will require that the function is assigned to staff at the Manager's direction if funding is not available.
- This recommended change institutes staggered terms for the School Committee to maintain continuity, reduce the impact of turnover and ensure consistency with other elected bodies of the Town.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to remove specific salaries for Town Council and School Committee listed in the Charter and provide for annually establishing salaries as part of the budget voted on at Town Meeting as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE III: The Town Council: § C-8. Salary.

Each member of the Town Council shall be paid an annual salary of ~~\$1,500, except the Chair, whose annual salary shall be \$1,800.~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 30-A M.R.S.A. § 2602(1), as amended, the member's salary shall be prorated based on the number of months that member has held office, to the nearest full month.

ARTICLE V: Administrative Organization: § C-26. Superintending School Committee.

D. Compensation. Each member of the School Committee shall be paid an annual salary of ~~\$400, except the Chair, whose annual salary shall be \$500~~ to be set each year in the annual municipal budget for approval at the Annual Town Meeting, with the provision that the Chair shall be paid a sum greater than other members. Each member's salary shall be paid annually in one lump sum on or about the anniversary date of the date that he/she was sworn into office. In the event that a member vacates his/her office as provided in 20-A M.R.S.A. § 2305(4), as amended, his/her salary shall be prorated based on the number of months that member has held office, to the nearest full month

Rationale:

- This recommended change allows for the Town Council compensation to be decided annually by the Town through the budget process.

- This recommended change allows for the School Committee compensation to be decided annually by the Town through the budget process.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to establish a new process for the development and adoption of the annual budget that provides for both the Town Council and Warrant Committee to conduct their reviews concurrently as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE VI: Financial Procedures: § C-31. Preparation and submission of the budget.

- A. Departmental CIP and operating budget requests. ~~Fifty-six days before the Town Manager is required to submit the budget to the Town Council, all department heads and board or committee chairs, except for the School Committee, shall submit their CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C(2) through (4). shall be prepared according to a timeline set by the Town Manager to allow for submission of the budget by the last Tuesday in January each year. Budget submissions shall be in accordance with the provisions set forth in § C-29 and § C-30.~~
- ~~B. Departmental operating budget requests. Forty two days before the Town Manager is required to submit the budget to the Town Council, the department heads, board or committee chairs, except for the School Committee and cooperating agencies shall submit their budget requests to the Town Manager. Said requests shall include the information required in § C-29B through D.~~
- B. School Committee budget request. Fourteen days before the Town Manager is required to submit the budget to the Town Council, the School Committee shall submit its operating budget and CIP funding requests to the Town Manager. Said requests shall include the information required in § C-30C (2) through (4), as well as § C-29B through D.
- C. Submittal of budget to the Council and Warrant Committee. The Town Manager shall compile the budget information submitted, prepare the budget as provided

in this section, and submit the operating budget and CIP to a joint meeting of the Town Council and Warrant Committee on or before the ~~third Tuesday in January~~ last Tuesday in January each year. The Town Warrant Committee and Town Council shall then jointly meet with town staff for detailed presentation of the municipal budget by town staff before proceeding to independent review.

- D. Warrant Committee and Town Council Review. The Warrant Committee shall review the municipal budget and submit its recommendations to the Council at a joint meeting of those bodies on or before the 4th Tuesday in February. The Council shall review the municipal and school budgets and the recommendations of the Warrant Committee.
- E. ~~Tentative adoption of budget by Council. The proposed budget prepared by the Manager shall be reviewed by the Town Council which shall tentatively adopt the budget as presented and reviewed shall be tentatively adopted by the Council with or without amendments on or before the seventh day of February the 1st Tuesday of March of each calendar year and Council shall fix a time and a place for holding a public hearing on the budget prior to the 22nd of February 4th Tuesday of March of each calendar year.~~
- F. Notice of hearing. The Town Clerk shall give public notice of such hearing in a newspaper of general circulation in the Town. Said notice shall contain as a minimum the date, time and place of the meeting, the locations where copies of the budget may be reviewed, the total appropriations requested for both the municipal and education budgets and an estimate of the ~~effect~~ effect on the tax rate. Full copies of the detailed budget shall be made available for public review at the office of the Town Clerk.
- G. Adoption of budget by Council. The Town Council shall hear public comment at the budget hearing, review the budget, adopt it with or without change and recommend it to ~~the Warrant committee on or before February 22~~ Town Meeting on or before the 4th Tuesday in March.
- ~~H. Submittal to Warrant Committee. No later than seven days following the date of adoption, the Town Manager shall submit to the Town Warrant Committee the complete detailed budget as adopted by the Town Council~~
- H. ~~Warrant Committee review. The Town Warrant Committee shall review the budget and submit its recommendations to the Council prior to April 1. The Council shall review the recommendations as submitted by the Warrant Committee and submit the budget to Town Meeting with or without changes. The recommendations of the Warrant Committee pertaining to the municipal and education budgets budget shall be provided as a commentary to the Town Meeting as set forth in §C-5 1A and §C-5 2B.~~

ARTICLE VII: Warrant Committee: § C-36. Duties and responsibilities.

- C. No later than ~~60~~ 30 days prior to each Annual or 10 days prior to each Special Town Meeting, the report of the Warrant Committee shall be submitted to the Town Clerk, who shall have it printed and made available for distribution to the voters. The report

of the Warrant Committee shall be with respect to all articles submitted to it and shall include its recommendations with respect to each article and contain any commentary which the Warrant Committee elects to have included in said report.

Rationale:

- These recommended changes introduce a new budget development timeline that encourages a more streamlined approach for the development, review and comment on the annual Town budget.
- These recommended changes allow for an effective use of time and human resources.
- These recommended changes provide a process where the Warrant Committee and Town Council will have the same and simultaneous access to budget information and staff time so that each full body may review, comment and make recommendations on the annual Town budget.
- Town staff will present the draft budget to both the Town Council and Warrant Committee at a joint meeting and their respective reviews will take place within the same timeframe.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to establish an election process for the Warrant Committee that is consistent with the other elected bodies of the Town and set the Warrant Committee membership number at 15 from 22 as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE VII: Warrant Committee: § C-34. Nomination Composition, eligibility, terms, and election

- A. ~~At least 75 days prior to each Annual Town Meeting, the person who held the office of Moderator at the most recent Annual Town Meeting (hereinafter referred to as the "Retired Moderator") shall call and chair a meeting or meetings to select 22 voters to be~~

~~nominated for election by the Annual Town Meeting to serve as Warrant Committee members.~~

- ~~B. The Nominating Committee shall be composed of five members: said Retired Moderator, the Chair and Secretary of the Warrant Committee and two other registered voters to be appointed by the Retired Moderator. The Chair of the Nominating Committee may vote on motions coming before the Committee only in the event of a tie.~~
- ~~C. Should the Retired Moderator or Warrant Committee Chair or Secretary be unable, refuse or fail to fulfill their duties as provided above, the Town Clerk shall appoint a registered voter to fill their seat.~~
- ~~D. The Nominating Committee shall report the names of its intended nominees to the Town Clerk for inclusion in the Annual Town Report at least 60 days prior to the Annual Town Meeting.~~
- ~~E. At each Annual Town Meeting, a member of the Nominating Committee shall nominate the 22 voters selected pursuant to this section to serve as the Warrant Committee for the ensuing year. The Town Meeting shall thereupon proceed with the election of the Warrant Committee.~~

- A. Composition: There shall be a Warrant Committee of 15 members elected by the qualified voters of the Town in accordance with Article VIII.
- B. Eligibility. Only persons who are qualified to vote in elections in the Town of Bar Harbor and have been registered to vote for one year prior to their election to office shall be eligible to hold the office of Warrant Committee Member. Except where clearly authorized by law, or pursuant to an agreement under the Interlocal Cooperation Act, no Warrant Committee Member shall hold any other Town office or Town employment while serving as a Warrant Committee Member.
- C. Terms: Each member shall be elected to a term for three years, with terms to be staggered such that no more than 5 Warrant Committee members are elected to fill expired terms in any one year.

ARTICLE VII: Warrant Committee: § C-35. Organization.

- A. The Warrant Committee, upon the call of the Town Clerk, shall meet and organize with the election of a Chair, a Vice Chair and a Secretary within three weeks of its election. It shall have the power to ~~fill vacancies in its number by vote of its members and shall~~ establish its own rules of procedure and bylaws.
- B. Filling of vacancies. A vacancy in the Warrant Committee shall be filled for the remainder of the unexpired term, if any, at the next regular election held more than 60 days after the occurrence of the vacancy. The Committee by a majority vote of all of its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. Notwithstanding the requirement of a quorum, if at any time the membership of the Committee is reduced below that requirement, the remaining members may by majority action appoint

additional members to raise the membership to the number required; such appointed members shall serve until succeeded by a person duly elected to fill the vacancy.

ARTICLE VIII: Elections and Nominations: § C-39. Elections.

- A. Conduct of elections. The regular municipal election shall be held on the second Tuesday of June. Except as otherwise provided for by this Charter, the provisions of the Revised Statutes of the State of Maine, as amended, shall govern elections of all Town officials required by this Charter, except the Moderator ~~and the members of the Warrant Committee~~, and said elections shall be conducted by the election officials accordingly.

ARTICLE VIII: Elections and Nominations: § C-40. Nominations.

- A. (1) Candidates for election to the Town Council, Warrant Committee, and the Superintending School Committee shall be nominated by petition. Any person who is qualified to vote in elections in the Town of Bar Harbor may be nominated for election as a Councilor, Warrant Committee member, or School Committee member by a petition signed by not less than the number of qualified voters of the Town that is required by state law.

Rationale:

- These recommended changes ensure that Warrant Committee members are individually nominated by petition and elected by ballot at Town Meeting in a manner consistent with both the Town Council and School Committee.
- These recommended changes ensure that the Warrant Committee members' terms are rotating in order to maintain continuity of the committee.
- These recommended changes establish eligibility requirements for the Warrant Committee that are consistent with other elected bodies of the Town.
- The recommended new budget development process will allow for the whole Warrant Committee to work with the whole Town Council and staff as a group so that each individual member has access to the same information as they deliberate and make recommendations to the voters of the Town.
- These recommended changes reduce the Warrant Committee membership from 22 to 15 to reflect the recommended reduction in duties and to encourage full involvement of the Committee as it fulfills its duties to consider, investigate and report upon Warrant Articles. Much of the Committee's current work relies heavily on subcommittee work by small groups of individuals rather than full review by the whole Committee.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 8 to 1.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to establish that the due date for filing of nomination papers be not less than 60 days before the election in order to be consistent with the State of Maine as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE VIII: Elections and Nominations: § C-40. Nominations

- B. Filing and acceptance of nomination petitions. All separate papers comprising a nominating petition shall be assembled and filed with the Town Clerk as one instrument not less than ~~45~~ 60 days prior to the day of election. The Clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted unless accompanied by a signed acceptance of the nomination.

Rationale:

- This recommended change ensures that the Town Charter is consistent with the procedures of the State of Maine for the filing of nomination papers by candidates for elected office.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Warrant Article

Article ___ - CHARTER MODIFICATION: Shall the Town of Bar Harbor approve the charter modification to require that a Public Hearing be held for any proposed Initiative or Referendum as presented in the Town Meeting Warrant?

Charter Modification

The Town of Bar Harbor hereby ordains that the Town Charter is modified as follows:

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

ARTICLE IX: Initiative and Referendum: § C-48. Action on petitions.

- A. Public Hearing: When an initiative or referendum has been finally determined sufficient the Council shall set a date no later than 30 days from the final determination of sufficiency to hold a public hearing for the purpose of presentation and information on the proposed initiative ordinance or resolution and to receive public comment.
- B. Action by Council. When an initiative or referendum petition has been finally determined sufficient, and after holding a public hearing, the Council shall promptly consider the proposed initiative ordinance or resolution or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance or resolution without any change in substance within 60 days or fails to repeal the referred ordinance within 30 days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters.
- C. (1) (a) The vote on a proposed or referred ordinance shall be by secret ballot at a Town election, ~~held not less than 45 days and not later than~~ but not less than 45 days nor more than one year from the date of the final Council vote thereon. If no scheduled regular annual Town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same time as the regular annual election, ~~except that the Council may in its discretion provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.~~
- i. Council may provide for a special election at an earlier date within the prescribed period.
- ii. Copies of the proposed or referred ordinance shall be made available at the polls.
- C. (2) (a) Timeline for Voting. The vote on a proposed resolution shall be held at either a Town election or an open Town Meeting not less ~~then~~ than 45 days and not more than one year from the date of the final Council vote thereon. If no regular annual Town Meeting is to be held within the period prescribed in this subsection, the Council shall provide for a special Town Meeting; otherwise, the vote shall be held at the same time as the regular annual Town Meeting, except that the Council may in its discretion provide for a special Town Meeting at an earlier date within the prescribed period.

Rationale:

- This recommended change ensures that information for proposed Initiatives or Referendums is provided to the public at a Public Hearing so citizens can gain first-hand knowledge of the proposals and their possible impacts for the Town.
- This recommended change will help voters to make effective and informed decisions and provide for transparency in communicating information about Initiatives or Referendums.

Recommendations:

The nine-member Charter Commission recommends adoption, by a vote of 9 to 0.

Given under our hands and seal at Bar Harbor this second day of June, 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson G. Dobbs, Chair

Matthew A. Hochman, Vice Chair

Gary Friedmann

Joseph Minutolo

Stephen Coston

Erin E. Cough

Jill Goldthwait

VC

memo

Town of Bar Harbor

To: Town Council

From: Sharon Linscott, Town Clerk 

CC: Cornell Knight, Town Manager

Date: 5/27/2020

Re: July 14, 2020 State Election – Appointment of Warden

It is requested to appoint the Town Clerk as Warden for the July 14, 2020 State of Maine Primary and Special Referendum Election.

Thank You.

VI A

MEMORANDUM

TO: ✓ Town Council Members
CC: Cornell Knight, Town Manager
Michele Gagnon, Planning Director
Matthew Bartlett, Fire Chief
FROM: Angela M Chamberlain, Code Enforcement Officer *AV*
DATE: April 23, 2020
SUBJECT: Chapter 85 Town Code

.....
The Town Council recently held a public hearing and approved amendments to Chapter 85 in effort to resolve code conflicts between the Maine Uniform Building and Energy Code (MUBEC) as adopted in chapter 36, the Life Safety Code adopted in chapter 85, and to adopt and enforce the same codes as the State Fire Marshal.

Unfortunately, in the same period of time that we were working on revising our ordinance language, the State Fire Marshal's office was also working towards updating their codes to a more current edition.

The State Fire Marshal recently adopted with amendments, the **2018 NFPA 101 Life Safety** and the **2018 NFPA 1 Uniform Fire Code**.

I am proposing to amend Chapter 85 again to adopt the **2018 NFPA 101 Life Safety**, and the **2018 NFPA 1, Uniform Fire Code** as the Life Safety and Fire Prevention Codes with the same amendments the State Fire Marshal has adopted.

This will align all our building codes, life safety codes, and fire prevention codes with one another, and will be in alignment with the codes that are applied at the State level. This will make enforcement and application of the codes a consistent and fair process.

I am requesting that you consider scheduling a public hearing to amend Chapter 85 again as proposed in the attached document.

Fire Prevention Ordinance Amendment

Town of Bar Harbor

#2020-06

An Amendment to adopt the 2018 NFPA 101 Life Safety, and the 2018 NFPA 1, Uniform Fire Code as the Life Safety and Fire Prevention Codes with the same amendments the State Fire Marshal recently adopted.

The Town of Bar Harbor hereby ordains that Chapter 85, Fire Prevention, of the Town Code is amended as follows:

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

CHAPTER 85 – FIRE PREVENTION

§ 85-1 Life Safety and Fire Prevention Codes.

- A. Life Safety Code adopted. The ~~2009~~18 edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.
- (1) Amendments. NFPA 101, Life Safety Code, ~~2009~~18 edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:
- (a) Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.
- ~~(b) Extinguishment requirements. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are not incorporated by reference:~~
- ~~{1} Chapter 12, Section 12.3.5.3, Subsections 3 and 4; and~~
- ~~{2} Chapter 13, Section 13.3.5.3, Subsections 1 and 2.~~
- (~~e~~b) Extinguishment requirements in one- and two-family dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, ~~2009~~18 edition, is not incorporated by reference.
- (~~d~~c) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, ~~2009~~18 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5, is modified to permit a maximum seven-and-three-quarter-inch riser for newly constructed stairs in one- and two-family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5, is modified to permit a minimum guard height of 36 inches for newly constructed stairs in one- and two-family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5, shall be amended to permit a ten-inch tread depth for newly constructed stairs in one- and two-family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.~~5~~3.2, is modified to permit a nosing at least ¾ inch but not more than 1 ¼ inches in depth for newly constructed one- and two-family dwellings. Nosings are not required where tread depth is not

less than 11”.

(ed) Separated occupancies. Tables 6.1.14.4.1 ~~a and b~~ Part 1 & 2, “Required Separation of Occupancies (hours.)”, shall be cross referenced with Table 508.4, Required Separation of Occupancies, of the 2015 International Building Code (IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

(fe) Accessory occupancies. Chapter 6, Section 6.1.14.1.3, of NFPA 101, Life Safety Code, ~~2009~~ 18 edition, is not incorporated. Section 508.2, Accessory Occupancies, of the 2015 International Building Code governs.

(gf) Dead-end corridors. The following provisions of NFPA 101, Life Safety Code, ~~2009~~ 18 edition, are modified as indicated: Chapter 18, Section 18.2.5.2, is modified to require dead-end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4, is modified to require dead-end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5, is modified to require that a dead-end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead-end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 feet.

(g) Chapter 33.7.3.6 Add Section 19.7 shall apply in such instances.

B. Fire Prevention Code adopted. In accordance with 30-A M.R.S.A. § 3003, as amended, the NFPA 1, Uniform Fire Code, ~~2006~~ 18 edition, as published by the National Fire Protection Association, is hereby adopted as the Fire Prevention Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor. Said code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(1) Amendments. NFPA 1, Uniform Fire Code, ~~2006~~ 18 Edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Chapter 13, Section ~~2.2.23.2.20.1~~, of NFPA 1, Uniform Fire Code, ~~2006~~ 18 edition, is not incorporated.

(b) ~~Chapter 20, Sections 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and 11.2, of NFPA 1, Uniform Fire Code, 2006 edition, are not incorporated~~ Chapter 13, Section 3.2.3 shall be amended to read as follows: Chapter 13, Section 3.2.3 New buildings housing emergency fire, rescue or ambulance services shall be protected throughout by approved supervised automatic sprinkler systems. Sprinklers shall be permitted to be omitted from emergency fire, rescue or ambulance services that are storing vehicles or equipment only and are not part of a multiple mixed occupancy.

(c) ~~Chapter 65, Section 11, of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated. (See Rules of the State Fire Marshal, Chapter 25, and Title 8 M.R.S.A. § 236.)~~

(d) ~~Chapter 66, Table(s) 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4, of NFPA 1,~~

~~Uniform Fire Code, 2006 edition, are not incorporated.~~

- ~~(e) Chapter 20, Section 11.1, shall be amended to read as follows: Chapter 20, Section 11.1 Application. New and existing one and two family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1, of NFPA 101 shall not be incorporated in this rule.~~

[End of Ordinance]

VI B

Vehicles and Traffic Ordinance Amendment

Town of Bar Harbor

#2020-07

An Amendment to remove references to specific dates for permit and paid parking enforcement.

The Town of Bar Harbor hereby ordains that Chapter 194, Vehicles and Traffic, of the Town Code is amended as follows:

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

CHAPTER 194 – VEHICLES AND TRAFFIC

§ 194-15 Paid parking devices on certain streets and public parking lots.

- A. When signs are erected giving notice thereof and devices are installed, no person shall park a vehicle except in conformity with the following:
- (1) Parking meters. Metered parking spaces will be enforced ~~between 9:00 a.m. and 8:00 p.m., from May 15 to October 31~~ consistent with the Bar Harbor Town Council permit and paid parking policy. Locations and rates of metered parking spaces will be regulated in accordance with the Bar Harbor Town Council permit and paid parking policy.
 - (2) Multispace Pay Stations or Kiosks. Multispace pay station or kiosk parking spaces will be enforced ~~from 9:00 a.m. to 8:00 p.m. from May 15 to October 31~~, consistent with Bar Harbor Town Council permit and paid parking policy. Locations and rates of multispace pay station or kiosk parking spaces will be regulated in accordance with Bar Harbor Town Council permit and paid parking policy.

§ 194-28 Permit parking only.

- A. Parking prohibited except by permit will be enforced consistent with the Bar Harbor Town Council permit and paid parking policy. ~~From May 15 through October 31, it~~ shall be unlawful and in violation of this article for any person to stop, stand or park any vehicle, other than a vehicle displaying a valid permit issued by the Police Chief or their designee ~~under regulations to be prescribed by Council orders prescribed in the Bar Harbor Town Council permit and paid parking policy,~~ on those streets or portions of parking areas duly posted and which are described below: in the Bar Harbor Town Council permit and paid parking policy.

[End of Ordinance]



Town of Bar Harbor Application for Special Amusement Permit

VIC ee
\$129

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

Date: 05/11/2020 Application Type: New _____ Renewal X Permit Number: _____
(assigned by Town)

Applicant Name: Jena Young Business Name: Side Street Cafe, Inc

Business Address: 49/51 Rodick St. Mailing Address: Same
Physical Address in Bar Harbor If different

Type of Business: Class I - Class A Restaurant Location to be used: In Bar Area
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place? Use back of page if necessary.

Phone: Jena Cell: 207-332-3251

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes _____ No X
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes _____ No X
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 – Single musician
- Class 2 – Two musicians
- Class 3 – Three or more musicians

With Mechanical Amplification

- Class 1a – Single musician
- Class 2a – Two musicians
- Class 3a – Three or more musicians

With Mechanical Amplification and Dancing*

- Class 1ad – Single musician
- Class 2ad – Two musicians
- Class 3ad – Three or more musicians

Other Entertainment or Amusement

- Class 4 – any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Jena Young
Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____
Date

Sharon M Linscott, Town Clerk

Revised 07/08/2019



Town of Bar Harbor Application for Special Amusement Permit

VI C2
\$129

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

Date: 5/29/2020 Application Type: New Renewal Permit Number: _____
(assigned by Town)

Applicant Name: MICHAEL BOLAND Business Name: HAVANA RESTAURANT

Business Address: 318 MAIN ST. Mailing Address: P.O. BOX 10
Physical Address in Bar Harbor If different

Type of Business: RESTAURANT Location to be used: 318 MAIN STREET
Restaurant, Bar, Nightclub, etc. Where on the premises will the amusement take place?
Use back of page if necessary.

Phone: (707) 664-3456 - ennis schwartz - contact

Has a liquor license or special amusement permit for this business ever been denied or revoked? Yes No
If yes, describe the circumstances in the space below:

Has the applicant, any partners or corporate officers of the business ever been convicted of a felony? Yes No
If yes, describe the circumstances in the space below:

The Town Council requests all applicants or their representatives attend the public hearing to answer any questions. Please be advised that the absence of your representative may delay the Council's decision.

Application is hereby made for a Special Amusement Permit for one of the following:

Without Mechanical Amplification

- Class 1 - Single musician
- ~~Class 2 - Two musicians~~ ?
- * Class 3 - Three or more musicians

With Mechanical Amplification

- Class 1a - Single musician
- ~~Class 2a - Two musicians~~ ?
- Class 3a - Three or more musicians

With Mechanical Amplification and Dancing*

- Class 1ad - Single musician
- Class 2ad - Two musicians
- Class 3ad - Three or more musicians

Other Entertainment or Amusement

- Class 4 - any other type of entertainment, as provided by 28A MRSA 1054.1.C

*Dancing also requires a state permit & Fire Marshall inspection

I certify that this application is true and correct, that I have received a copy of the Special Amusement Ordinance and that I will read said ordinance prior to offering any special amusement.

Michael Boland
Applicant's Signature

The Municipal Officers of Bar Harbor hereby approve deny this application on _____
Date

Sharon M Linscott, Town Clerk

Revised 07/08/2019

VII A

Sharon Linscott

From: Cornell Knight <cknight@barharbormail.org>
Sent: Tuesday, May 26, 2020 4:56 PM
To: 'Sharon Linscott (clerk@barharbormaine.gov)'
Subject: FW: Rent relief question

Please add to the 6/2 agenda

From: barhrbor@aol.com <barhrbor@aol.com>
Sent: Tuesday, May 26, 2020 2:34 PM
To: Cornell Knight <cknight@barharbormail.org>; kidscorner@prexar.com
Subject: Rent relief question

Hello Cornell,

Trust this finds you well.

After contacting you earlier in the Spring, as things started to come to a grinding halt in the World, I had asked if it were possible for Kids' Corner to receive rent relief. It sounded like it may be something that you and the Council would consider. We had paid for the month April, May, June ahead of time but haven't used the space since we closed on March 16th. Our tentative plan is to reopen on June 15, but as with everything right now, it depends on the crisis.

I was wondering if we would be able to carry the amount that we had paid for those months that we did not use the building forward to cover our rent during the third quarter?

Thank you so much for taking this into consideration. As with every small business, and especially child care centers right now, there is such an overwhelming financial void, we are all trying to keep our heads above water to ride out this storm together.

Looking forward to hearing back from you.

Stay well -
Lori Krupke
Director
Kids' Corner

-----Original Message-----
From: Cornell Knight <cknight@barharbormail.org>
To: kidscorner@prexar.com <kidscorner@prexar.com>
Sent: Mon, Mar 23, 2020 5:01 pm
Subject: RE: Rent relief question

Hi Lori,
I'm sure the Council would give it consideration. You are all paid up until June 30th though.
Cornell

From: kidscorner@prexar.com <kidscorner@prexar.com>
Sent: Thursday, March 19, 2020 10:52 AM
To: Cornell Knight <cknight@barharbormail.org>
Subject: Rent relief question

Hello Cornell,

I hope this email finds you well during these unprecedented times.

I wanted to reach out to see if there would be any possibility of giving Kids' Corner a relief from rent as the Center sits closed due to the COVID19 crisis? I know that everyone is scrambling to find ways to survive and get through these uncharted waters. We are just looking ahead and trying to balance the finances amongst these crazy times.

Please let me know if you need a more formal request from me for the Council and you to make this decision.

Grateful for your time.

Stay well -
Lori Krupke
Executive Director
Kids' Corner, INC

VII B&C

Sharon Linscott

From: Chris Petersen <cpetersen@coa.edu>
Sent: Thursday, May 21, 2020 8:48 AM
To: Charlie Phippen; slinscott@barharbormaine.gov; Heidi Leighton; Scott Swann
Subject: change in ordinance for BHMRC
Attachments: Shellfish Conservation 170 approved changes 5.20.20.docx; Bar Harbor change in allocation 2020 approved.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Sharon and Charlie,
Attached are the changes in the ordinance voted on by the marine resources committee and approved by the DMR.

In addition there was a second vote on the timing of licenses for next year

Starting with the changes in licenses, in consultation with MEDMR, we voted to delay the start of the 2020-21 license season to Sept. 1, 2020. That means that anyone with a current license (recreational or commercial) can harvest through August 31. The reasoning behind this is that the restrictions on being around others has restricted the ability of people to do conservation hours, and most towns are either removing the requirement for this year or delaying the date of this year's license, we chose the latter.

The second change in our license involves two things.

1. We have defined a new class of license, a junior commercial license (resident and non-resident). For anyone under 18, they can get a commercial license for half of the price. Until they are 17 they will not have to do conservation hours (by ME Dept of Labor rules). Once 18, they would move over to the commercial license category.

2. We are defining a new classification for licenses, an unlimited class. This allows us to remove the fixed number of licenses in a category. For example, currently we have 4 commercial resident licenses. If we do not sell all 4, any remaining become open for anyone, without conservation hours, after 90 days. By leaving it unlimited, anyone would have to do conservation time for a regular commercial license (resident or non-resident).

If we sell 6 or more licenses, the state 10% rule states that we would have to offer at least one non-resident license. This seems highly unlikely, since we have only had 1-4 active clammers over the last decade, and that number seems to be decreasing.

Both of these changes were approved unanimously by the committee, but now need approval by the town council. I believe multiple individuals from the committee would be willing to attend the town council meeting to present or answer any questions.

I have attached the document in track changes, so that you can see the approved changes, but am happy to send it in any other form.

I've also attached the allocation that the committee approved for 2010-11. That document is separate from the ordinance, and I do not believe needs council approval, but is to make the information complete.

Happy to answer any questions, I can also send along minutes in a day or so once we have edited them if that would be helpful.

Thanks,
Chris

--

Dr. Chris Petersen
Professor of Marine Biology and Policy
Graduate Program Director
College of the Atlantic
105 Eden Street
Bar Harbor ME 04609
207-801-5705
cpetersen@coa.edu
[@FishyStuffatCOA](#)
<http://chriswpetersen.wordpress.com/>

MARINE RESOURCES COMMITTEE

Town of Bar Harbor

Regular Meeting

Wednesday, May 20, 2020

CALL TO ORDER – 4:04 p.m. Virtual meeting through zoom link available to the public
Present: Chris Petersen, Natalie Springuel, Fiona de Koning, Matt Gerald, Joanna Fogg
Guests: Heidi Leighton (MEDMR), Alex de Koning, Charlie Phippen (harbormaster, host of the zoom meeting).

APPROVAL OF MINUTES –February minutes were reviewed and approved 5-0.

With the chair absent, by mutual consent Fiona de Koning took minutes and Chris Petersen led the discussion. Chris asked to change the order of the items, leading with the change in license timing, then moving to the change in ordinance and allocation.

Business:

A. Covid-19 and clam licenses for 2020-21. Proposal for extending current year to September 1.
Our commercial licenses currently require interactive conservation time from harvesters, and with the current pandemic that has not been possible. After consulting with Maine Department of Marine Resources, they recommended either of two options that other towns have used: remove the requirement for conservation hours or extend the current license year for several months. We also noted that individuals under 17 are not required to do conservation hours per the Maine Department of Labor. The committee approved a motion to extend the current license year from June 30, 2020 to August 31, 2020. The new license year will begin September 1, 2020 and continue to June 30, 2021. The motion was passed 5-0.

B. Ordinance change and allocation for 2020-2021. In February the committee voted to change the ordinance to (a) create the new categories of Junior Commercial (Resident and Nonresident) and (b) add an unlimited license class to the type of commercial license that could be allocated by the committee. The draft language from February went through two rounds of edits with Maine Department of Marine Resources, and the committee discussed the revised and DMR approved language, as well as the potential ramifications. In addition, the committee looked at our proposed allocation for 2020-21, where we are using the unlimited class for resident commercial licenses (both regular and junior). Under this scenario, if we sell six commercial licenses in one of those categories, a nonresident license will be made available in that category. This is part of the DMR 10% rule, whereas a minimum of 10% of licenses have to be made available to non-residents in a commercial class, starting when you get to six resident commercial licenses. Currently we only have one commercial clammer that has met the conservation hour requirement. Heidi also clarified several additional details for our discussion:

- If a nonresident completed conservation hours and was not offered a license then the conservation hours rolled over one year. The interested party would have to contact the committee to say that they were still interested (opt in) in applying for a license the following year or else the conservation time expires.
- Heidi explained that for the unlimited license sales option, that license must be available throughout the whole year, but since all commercial licenses are required to complete conservation time before the beginning of the current license year, that we would know before the time begins if anyone is eligible for a regular commercial license.

- Heidi further explained that for license sales allocations there was a 30-day submission period and Chris asked if we could do unlimited licenses this year as the usual pre-covid deadline was June 1st and our new ordinance will not be approved by this date. As the license period is extended Heidi affirmed that we could apply the changes this year.

We also noted that we can move between our current limited to our proposed unlimited class of licenses on an annual basis through the allocation request, so our changes give us flexibility to use either model in future years. In the allocation request, we had a slight increase in the cost of the commercial license, and based the newly created junior commercial licenses at half the price of the normal commercial license. We also slightly increased the cost of a recreational license.

The committee liked the idea that this change could encourage younger individuals to try commercial clamming. After discussion the committee voted 5-0 for all of the changes, and are forwarding those changes to the town council for approval.

C. Initiation of Maine Restoration and Resilience Project Grant. Chris outlined the work done to date on the MRRP Clam Restoration grant. We have received permits from both the Maine Department of Marine Resources to carry out the work as part of the College of the Atlantic's Research and Education permit (SL2019-34-04) and Acadia National Park for the work in Otter Cove (Permit-ACAD-2019-SCI-0046), and our work in the intertidal is also covered by our continuing Army Corps of Engineers Grant (NAE-2008-1654 with modifications in 2017 & 2019).

We have put out 23 recruitment boxes to date at three sites, 10 at Hadley Point, 10 at Windaway, and 3 at Otter Cove. We will be adding 10 to Thomas Island next week and in June will add the same number again to all sites for a total of 66 boxes but the end of June. The committee discussed who could help us build more boxes, and we agreed to ask Teagan White if they had time to build them, and get compensated from the grant (this is included as a line item on the grant).

Chris also showed slides of the current density of small clams at Hadley Point, the numbers are the highest recorded currently in the state, with densities up to 800 per square foot in May. We discussed why this might be true, and wondered if the mild winter could have increased survivorship. It was suggested that we could look at past years and see if in previously mild winters we also had high densities of recruits in the following year. We believe that these clams are survivors from recruitment in 2019, it is highly unlikely that any reproduction has occurred so early in 2020.

Given our large population of seed at Hadley Point, and that in the past densities this high appeared to lead to slower growth, if it might be good to either thin some areas and move them to an aquaculture site or net this or other areas to protect them from predators. We asked Heidi if it would be possible to obtain a DMR permit to move seed to an aquaculture site and she affirmed that we could apply for a permit. Over the next month we will be considering the logistics and in June will consider this idea more fully.

Items for next meeting:

The committee would like to have a summary from Emma Ober on her work on clam recruitment that was part of her senior project at College of the Atlantic. We will also review and consider options for moving or protecting clams this summer.

The meeting was adjourned at 5:00pm

Respectfully submitted by Fiona de Koning and Chris Petersen

VII B

Shellfish Conservation Ordinance Amendment

Town of Bar Harbor

#2020-xx

An Amendment to define a new junior commercial license class and a new unlimited classification for licenses.

The Town of Bar Harbor hereby ordains that Chapter 194, Vehicles and Traffic, of the Town Code is amended as follows:

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

CHAPTER 170 – SHELLFISH CONSERVATION

§ 170-4 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

JUNIOR

A person who is under 18 on the first day of the licensing period.

NONRESIDENT

Anyone not qualified as a resident under this chapter.

RESIDENT

A person who has been domiciled in this municipality for at least three months immediately prior to the time his/her claim of such residence is made.

SHELLFISH and CLAMS

Soft-shell clams, Mya arenaria.

§ 170-5 Licensing.

B. Designation, scope and qualifications.

- (1) Resident commercial shellfish license. The license is available to residents of the Town of Bar Harbor. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (2) Nonresident commercial shellfish license. The license is available to nonresidents of this municipality. It entitles the holder to dig, take or possess any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (3) Resident junior commercial license. This license is available to any resident, who has attained his or her 13th birthday, but has not yet attained their 18th birthday as of the first day of the

current licensing year. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.

- (4) Nonresident junior commercial license. This license is available to any nonresident, who has attained his or her 13th birthday but has not yet attained their 18th birthday as of the first day of the current licensing year. This license entitles the holder to harvest and take any amount of shellfish from the shores and flats of this municipality, except where lower limits have been established for certain areas.
- (35) Resident recreational shellfish license. The license is available to residents and real estate taxpayers of this municipality and reciprocating municipalities. It entitles the holder to dig, take or possess no more than one peck of shellfish in any one day for personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.
- (46) Nonresident recreational shellfish license. The license is available to any person not a resident of this municipality. It entitles the holder to dig, take or possess not more than one peck of shellfish in any one day for personal use. This license is not available, nor valid, to holders of a Maine commercial shellfish license.
- (57) All shellfish licenses. It shall be unlawful for an individual to possess any Bar Harbor shellfish license if their state shellfish harvesters license is under suspension or revocation for any reason for the period of state suspension at a minimum.
- (68) License must be signed and consent to inspection. In order for a Town shellfish license to be valid, it must be signed. Any person who signs a Town shellfish license has a duty to submit to inspection and search for violations related to the licensed activity by the Town Shellfish Warden or other Law Enforcement Officer under the following conditions:
- (a) Watercraft or vehicles and the equipment located on watercraft or vehicles which are used primarily during shellfish harvesting activity may be searched or inspected at any time if the Shellfish Warden or other Law Enforcement Officer has a reasonable suspicion of a violation of the Town Shellfish Conservation Ordinance by the licensed individual.
- (79) Conservation time requirements for commercial shellfish license. No ~~resident or nonresident~~ commercial license shall be issued until the applicant has completed the minimum number of mandatory conservation hours. Qualifying conservation time includes attending Marine Resources Committee meetings, clam flat population and recruitment surveys, reseeding and any other approved activity. Any member of the Bar Harbor Marine Resources Committee may verify hours for approved activities. The minimum required conservation hours will be established by the Marine Resources Committee at least six months prior to current license expiration date. Conservation time must be accumulated in the previous licensing year; however, if an individual obtains the appropriate conservation time, but is unable to obtain a commercial license, their conservation time will rollover to the next year or until they are offered a license to the next year or until they are offered a license. Conservation time requirements are waived for anyone ~~1716~~ and under at the end of the previous licensing year.
- (810) Commercial license eligibility. Individuals possessing Bar Harbor commercial shellfish harvesting licenses for four of the previous five years and who have accumulated the required conservation time are eligible to obtain their licenses two weeks in advance of the next license

year. The Marine Resources Committee shall determine the number of advance licenses available for the next year no later than six months in advance. If the number of eligible individuals exceeds the number of advance licenses available, those licenses shall be assigned through a lottery. Any licenses not issued before the first working day of the new license year will be available to any eligible individual that has met the conservation time requirement.

- E. Limitation of diggers. Because the shellfish resources are limited and a commercial or recreational digger can be expected to harvest a certain volume of clams per year, the number of diggers must be controlled. This number will vary from year to year depending upon estimates of the resource capabilities and management requirements consistent with good resource utilization. The following procedures will be followed to exercise the control:
- (1) Number of licenses established. Prior to May 1 the Town Marine Resources Committee, with the approval of the Maine Commissioner of Marine Resources, will establish the number of commercial and recreational licenses to be permitted following the requirements of 12 M.R.S.A. § 6671(3-A).
 - (2) Notice to Town Clerk. Prior to June 1 the Town Marine Resources Committee will notify the Town Clerk in writing of the number of licenses to be issued.
 - (3) Public notice. Not less than 10 days prior to the period of issuance notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, effective in reaching persons affected. Notice shall also be posted in the municipal offices until the period of issuance concludes.
 - (4) Limited License Sales. The number of licenses issued may be limited and will be issued according to the Municipal License Allocation Request as approved by DMR. The Town Clerk shall issue licenses to residents and nonresidents as allocated for the first 90 days of the period of issuance after which any unsold licenses shall be made available to residents and nonresidents alike on a first-come, first-served basis or by lottery, at the approved fee per available license class.
 - (5) Unlimited License Sales. When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year, it can change to unlimited license sales within a category. The Town Clerk shall issue licenses as allocated. On the first day of license sales, the total number of non-resident commercial licenses shall be issued in accordance with DMR Regulations Chapter 7.4 section 1. Thereafter, non-resident licenses will be issued in accordance with the 10% rule as described in 12 M.R.S.A. §6671(3-E) and DMR Regulations Chapter 7.4, Section 2, Table 1.
 - (46) Dates of issuance. The Town Clerk shall issue licenses ~~to residents and nonresidents~~ as allocated from the first day of July. Categories with limited license sales shall be offered until the 28th day of September, after which licenses in these categories shall be issued to residents and nonresidents on a first come, first served basis.

[End of Ordinance]

VII C

We request the following allocations for clam licenses for Bar Harbor for 2020:

Class	Subclass	Amount	Cost
Commercial	Resident	4 No Limit Set	
			\$120 4.00
Commercial	Nonresident	10%	\$240.00
Commercial	Junior Resident	No Limit Set	\$60.00
Commercial	Junior Nonresident	10%	\$120.00
Recreational	Resident	No Limit Set	\$253.00
Recreational	Nonresident	No Limit Set	\$5045.00
Recreational	Day/Week/Month Resident	No Limit Set	\$5.00
Recreational	Day/Week/Month Non Resident	No Limit Set	\$10.00
Recreational	Senior Resident	No Limit Set	\$0.00
Recreational	Senior Nonresident	10%	\$0.00
Recreational	Junior Resident	No Limit Set	\$0.00
Recreational	Junior Nonresident	10%	\$0.00

Commented [CPI]: Changed from 4

We have added 10% for Commercial Resident and Commercial Junior Non-resident – they were not in before, following the recreational guideline.

I moved the price up from \$114 to \$120 for resident commercial, made junior half that and made non-resident 2x that. I rounded up residential from \$23 to \$25, and non resident from \$45 to \$50, but left the rest alone.



CURBSIDE TEMPORARY OUTDOOR RESTAURANT AND RETAIL OPERATION PERMIT APPLICATION

1: INTRODUCTION

In accordance with Governor Janet Mills' Rural Reopening Plan of May 8th, 2020, all restaurants and retail operations that provide temporary outdoor areas must adhere to strict mitigation standards intended to prevent the spread of COVID-19. The Town of Bar Harbor is making a temporary use permit available to both restaurants and to retail operations that are located within Bar Harbor. The Initial Open Enrollment for permit applications is from June 3, 2020 through June 10, 2020. All approved Temporary Use Permits issued shall begin at 7:00am on Friday, June 12, 2020, and shall expire at 9:00pm on Friday, October 30, 2020. Additional open enrollment and approval process dates may be scheduled as determined by the Town Manager.

2: REQUIREMENTS

- The area occupied shall be the identified parking spaces abutting or in close proximity, which least infringe on public use, passage, and traffic as determined by, and at the complete discretion of, the Town of Bar Harbor. Approved spaces shall be for pedestrian use only and consistent with the Temporary Use Permit as issued by the Town.
- If an establishment already has its own adjacent side and/or rear areas, it is strongly encouraged to fully utilize them by placing its outside areas within those locations, and minimize any use of public ways or parking spaces.
- The Permittee shall be responsible for placing traffic barriers and or materials around permitted spaces as approved or required by Town Staff, for increased safety at the expense of the Permittee.
- A restaurant or retail operation may not use more than two parking spaces for its outdoor area. The fee for each permit is \$250.00 per month.
- A retail operation's outdoor area may be used to display merchandise providing that such displays are broken down at the end of each day of operation.
- Moveable items must be under the immediate supervision of the Permittee's staff and secured against wind and theft.
- A restaurant's outdoor area must use non-permanent structures which can be set up and broken

down, but they will be allowed to be left in place until the expiration of the permit on October 30th, 2020 at 9:00pm, including overnight and on days when a restaurant is closed.

- No parking spaces within 15 feet of an intersection can be used for a permit area.
- Any platforms in parking spaces must allow water run off to easily flow under the platforms.
- Consumer-grade extension cords cannot be used to deliver electricity to an outside area; establishments wishing to extend any utility to an outside area are required to consult with a qualified professional after receiving approval from the Town.
- No temporary heating sources can be used without prior Fire Department approval.
- A permit, if granted, will only be valid during the hours of 7:00am to 9:00pm each day, Sunday through Saturday, beginning at 7:00am Friday, June 12th, 2020, and shall expire at 9:00pm on Monday, October 30th, 2020.
- Permittee must occupy permitted space(s) within 7 days of issuance or permit is revoked.
- Each business may only be issued one (1) permit and the Bar Harbor Chamber of Commerce may occupy multiple permitted spaces either on street or in municipal parking lots as approved by Town Staff.
- All temporary outdoor areas shall be under the responsible direction and control of the restaurant or retail operation as identified in this application.
- The use of physical barriers (i.e., fences, barricades, etc.) to visually distinguish the boundary of the outdoor area is required.
- All improvements (i.e., furniture, fixtures) used in the outdoor area must be temporary in nature and there shall be no penetration of public way surfaces.
- The establishment must comply with all applicable city, state, and federal laws and regulations, including the Americans with Disability Act.

3: INSURANCE AND LIABILITY (PLEASE CONSULT WITH YOUR INSURANCE CARRIER REGARDING THE FOLLOWING ITEMS)

- The establishment understands and expressly assumes all the risk of operating and conducting business under this permit.
- As a condition of being granted this permit, during the term of this permit, the permittee shall defend, indemnify, save and hold the Town of Bar Harbor, and its inhabitants, officers, employees and agents completely harmless from and against any and all liabilities, losses, suits, claims, costs, expenses, judgments, fines or demands arising by reason of injury to or death of, or asserted by, any person or persons, including the permittee's agents, clients, invitees or employees, or damage to any property, including all reasonable costs for investigation and defense thereof (including but not limited to attorneys' fees, court costs, and expert witness fees), of any nature whatsoever arising out of or incident to this permit and/or the use, occupancy, conduct, or management of the demised premises or the acts or omissions of the permittee's officers, clients, agents, employees, contractors, subcontractors, licensees, or invitees, except to the extent such injury, death, or damage is caused by

the negligent acts or omissions of the Town, its agents, employees, clients or invitees. The permittee shall give to the Town reasonable notice of any such claim or actions. The permittee shall also use counsel reasonably acceptable to the Town in carrying out its obligations under this article.

The permittee further expressly agrees that it will defend, indemnify, save and hold the Town of Bar Harbor harmless from any and all claims made or asserted by the permittee's agents, servants or employees arising out of the permittee's activities under this permit. For this purpose, the permittee hereby expressly waives any and all immunity it may have under Maine's Workers Compensation Act in regard to such claims made or asserted against the Town by the permittee's agents or employees. For this purpose, the permittee further expressly waives any charitable immunity it may have under applicable law as to any and all claims of any person made or asserted against the Town arising out of the permittee's use and occupancy of the demised premises or other activity of the permittee under this Permit.

The indemnification provided under this section shall extend to and include any and all costs incurred by the Town to answer, investigate, defend and settle all such claims, including but not limited to the Town's costs for attorneys' fees, expert and other witness fees, the cost of investigators, and payment in full of any and all judgments rendered in favor of the permittee's agents, invitees, licensees, clients, servants or employees against the Town in regard to claims made or asserted by such persons.

In exercising the rights granted under this permit, the permittee shall at all times be regarded as an independent entity conducting its own business and operations and shall not at any time act, hold itself out or purport to act as an agent, contractor, co-partner, joint venture or employee of the Town.

The permittee, during the entire term of this permit shall maintain, at its sole expense, insurance in the type and amount shown below with companies authorized to do business in the State of Maine for the protection of the Town of Bar Harbor against any and all liability, including wrongful death, against all claims, losses, costs or expenses arising out of injuries to persons whether or not employed by the permittee or damage to property whether resulting from acts, omissions, negligence or otherwise of the permittee, its directors, officers, clients, employees and agents and arising from the permittee's use of the demised premises or any part or portion thereof: 1) commercial general liability insurance with a minimum limit of \$1,000,000 combined single limit per occurrence and \$2,000,000 in the aggregate; and 2) workers compensation and employers liability insurance with a minimum limit of \$500,000 per occurrence.

The permittee shall cause to be furnished to the Town, at the time of execution of this permit, evidence in the form of certificates of insurance of the existence in force of the insurance required hereunder. Said certificates shall name the Town as an additional insured and loss payee. The permittee shall cause to be furnished to the Town replacement certificates of insurance whenever the insurance policies are renewed. The Town shall be notified prior to any changes or discontinuances of coverage.

The Town agrees to promptly notify the permittee in writing of the existence or filing of any claim, demand or action arising out of an occurrence covered hereunder of which the Town has knowledge, and to cooperate with the permittee in the investigation and defense thereof.

The minimum insurance coverage required under this article shall be deemed to be automatically adjusted whenever the Maine State Legislature shall increase the Town's maximum liability beyond such minimums for personal injury, wrongful death or property damage claims brought under the Maine Tort Claims Act. In the event of such an increase, the minimum insurance coverage required shall be no less than the amounts required herein or no less than the Town's maximum liability for

such claims under the Maine Tort Claims Act, whichever is greater.

4: ENFORCEMENT

The rights and duties granted herein shall be under the supervision and control of the Town of Bar Harbor's Code Enforcement Officer and the Town of Bar Harbor's Chief of Police. In the event of a breach of this permit by permittee, the Town may, for the first breach, issue a verbal warning to Permittee; in the event of a second breach, terminate this Permit.

Notwithstanding these provisions regarding penalties for breaches or any other provision of this permit, in the event that the Town, in its sole discretion, determines that further use of the premises under this permit is not in the best interests of the Town, the rights granted herein may be suspended or terminated upon 24 hours written notice to the permittee.

At the end of the term of this permit, or if this permit is suspended or terminated, all fencing, tables, seating, or equipment must be removed from any Town of Bar Harbor public walkway or public area. The Town may move or remove any of said items if they are not removed before the end of the term of this permit or before the 24-hour notice period expires.

5: APPLICATION (ALL RESPONSES ARE REQUIRED):

Legal Name: _____

DBA Name: _____

Business Manager: _____ Phone: _____ Email: _____

Contact Person: _____ Phone: _____ Email: _____
(if not Business Manager)

Physical Address: _____ Bar Harbor, ME 04609

Mailing Address: _____
Street/PO Box City State Zip

Phone: _____ Fax: _____

Name, address, telephone number and email of Property Owner (if property is rented or leased, need a copy of rental agreement / lease): _____

Which hours do you plan to have these additional areas open (no earlier than 7:00am, and no later than 9:00pm)? _____

On the following page, sketch out your plan for your outdoor area. In your sketch you must include and clearly indicate the relative locations of the following components:

- existing dimensions/boundaries of your business;
- parking spaces, public walkways, and/or adjacent areas that you are looking to utilize; Please indicate contiguous and non-contiguous space you plan to use.
- path(s) through your area(s) that will allow for pedestrian traffic;
- arrangement of tables and other structures which have proper spacing;
- barriers to be used;
- awnings, umbrellas, and/or other rain- and sun-shielding devices to be used (optional)
- lights or lighting systems to be used; and
- reflectors to be used.

For extension of license on premise:

- There must be stanchion or fence completely enclosing the area.
- Signs must be posted, stating "no alcohol beyond this point"
- There must be sufficient employees at the extension of premise, which would be able to control and monitor the area
- Please indicate the parking spaces you plan to use. See the section of Maine's liquor laws that govern these areas at <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec1051.html>. See section 3 and 9.

Signature of Owner/Corporate Officer

Printed Name of Owner/Corporate Officer

EXTENSION AREA PREMISE DIAGRAMS

In an effort to clearly define your extension please draw a diagram below that will include the area you want for a temporary license premise. Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including methods of monitoring and containment of certain area which you are requesting approval from the Division of liquor consumptions.

6: SUBMISSION OF YOUR COMPLETED APPLICATION

When completed, please submit your application via regular mail or via e-mail to:

Sharon Linscott
Town Clerk
Town of Bar Harbor
93 Cottage Street
Bar Harbor, ME 04609
clerk@barharbormaine.gov

Approvals Required by:

Code Enforcement Officer (or designee):

Signature

Date

Fire Department (Chief or designee):

Signature

Date

Police Department (Chief or designee):

Signature

Date

Public Works (Director or designee):

Signature

Date

Finance Director (or designee):

Signature

Date

Cornell Knight

VII D2

From: Alf Anderson <alf@barharborinfo.com>
Sent: Wednesday, May 27, 2020 3:17 PM
To: Cornell Knight; Council
Subject: July 4th update

Dear councilors,

The Bar Harbor Chamber of Commerce board of directors met earlier this week to discuss plans for the Chamber's July 4th festivities. In the interest of public safety and due to the limit on large gatherings imposed by the state of Maine, we are exploring alternate ideas for our traditional parade, concerts, and fireworks show in order to allow for a safe celebration of this important national holiday.

For this year, our primary event during the day will be a "reverse" or "stationary" parade. This idea consists of asking businesses in downtown Bar Harbor to decorate their storefronts in a July 4th motif. The Chamber will collect the names and locations of participating businesses and provide a list on its website for guests and residents to access. Those who are interested could walk or drive the "parade route" to safely take in the entries from Friday through Sunday of the July 4th weekend.

We are also receptive to the idea of opening it up to residents who may want to decorate their homes or front lawns in order to be included on the parade list/route. Furthermore, if other towns on Mount Desert Island are interested in participating, this could easily become an island-wide event where residents and guests could drive from community to community and take in the sights over the course of several hours or days.

Regarding the annual fireworks display, which is usually partially funded by the Town of Bar Harbor, we do not expect there will be adequate visitation for this year's holiday to justify the expense. Therefore, at this time we are not planning to hold the July 4th fireworks display this year. We are still investigating possible alternatives for a safe nighttime celebration that will not encourage grouping and I will share these plans if and when they are formed.

Finally, we are investigating the idea of a fall festival to be held later this year, when we hope that conditions will be safer for travel. Again, we will update the Council if and when we develop plans for this.

Thank you,
Alf

Alf Anderson
Executive Director
Bar Harbor Chamber of Commerce
P.O. Box 158
93 Cottage Street, Suite 102
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Mobile: (617) 504-5393
alf@visitbarharbor.com
www.VisitBarHarbor.com
Become a member today!

Sharon Linscott

VII D3

From: Matthew Hochman <mhochman@barharbormaine.gov>
Sent: Friday, May 22, 2020 9:13 AM
To: Earl Brechlin; Cornell Knight
Cc: Council; angie chamberlain
Subject: Re: Vacation rental quarantine and residency restrictions

Thank you for your email Earl, I had planned on asking for something similar to be placed on the next agenda for discussion,

Cornell, Can this please be added to the agenda.

Thank you.

On Fri, May 22, 2020 at 9:08 AM Earl Brechlin <earl.brechlin@gmail.com> wrote:

Good morning,

I've talked with several other vacation renters who have been told, when declining guests due to the current lodging rules, that "don't worry, we'll find someone else who will rent to us."

Others have expressed a concern that out of state rental property owners have been accepting bookings, even now, with little worry about the ramifications. Like many area residents, we have cancelled everything in May, June and July, and will cancel the rest if needed when the time comes.

I was wondering if the town might adopt an emergency rule that vacation rental property owners who violate the state rules on residency and quarantine could lose their local permit for a year. If the town is made aware of a non-registered unit, then they could be warned about that as well.

I've also been distressed that some large hotel companies have absolutely nothing about the Maine restrictions on quarantine and residency on their websites for local hotels and are even advertising up to 30 percent off for New England Residents.

There is nothing about Maine residents only in June and nothing about quarantine for out of staters in July and August. Maybe, it's based on some kind of widget that knows when a Mainer is looking or it shows up when you go to checkout but that doesn't see fair for folks. Either the state or the town should think about addressing that.

Thanks for considering this

Earl Brechlin

--

Earl and Roxie Brechlin
The Carriage House Cottage
780 Eagle Lake Road
Bar Harbor, Maine 04609
207-288-4859
earl.brechlin@gmail.com
www.westardfarm.com

--

--Matthew Hochman
--Vice Chair
--Bar Harbor Town Council
--mhochman@barharbormaine.gov
--207-404-9380

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Cornell Knight

From: Jill Goldthwait <jillgold@gwi.net>
Sent: Tuesday, May 26, 2020 1:56 PM
To: Cornell Knight
Cc: Council
Subject: Request for 6/2 agenda
Attachments: bh C-19 lodging jmg.docx

Cornell and Council,

I am requesting that the idea of an alternative to the quarantine be added to the agenda for our June 2 meeting.

The “quarantine” for visitors to Maine is unworkable and unenforceable. I have drafted a possible alternative that eliminates the quarantine and develops a program of testing in the local community for both residents and employees. I am working to determine the level of community testing that would give us a valid sample. The timing may be problematic, as there may be new state orders issued before we meet. Attached is a brief outline of my thoughts. Cornell, feel free to put it in the packet.

The Task Force that has been meeting about this seems to have recommendations that are similar to these, with additional detail about how the testing could be accomplished. They do not make any recommendation on the quarantine..

See you all Tuesday.
Jill

May 22, 2020

Jill Goldthwait

jillgold@gwi.net; H 207-288-5461; C 207-460-5461

This reflects my opinions alone which are not necessarily those of the BH Town Council.

LODGING

Quarantine not workable:

Functionally difficult, covers entire stay for most guests.

Unenforceable. "Honor system" insufficient. Quarantine being ignored or is a deterrent to guest registrations.

Conflicting interpretations. Widespread uncertainty about what it means, how to comply. How/where does one find a place to quarantine for 14 days before getting a hotel room? And who would/could?

Guests from higher-case ME counties are unrestricted.

Alternative proposal, July and August:

Restrict capacity of lodging with internal corridors to 50% (see NH). If external room access only (many motels, cottages) may open at higher capacity (100%?). Re-assess monthly per local testing.

Food service: Room service, take-out or outdoor dining only.

Test statistical sample of local residents and employees regularly to detect increase in BH cases. No practical way to test asymptomatic tourists and manage results.

Continue mask and distancing requirements.

Lodging facilities need notice:

Reservations being turned away due to uncertainty.

Even with PPE acquired and staff on stand-by, some lead time is needed to open.

Drop-dead date nearing for lodging closures, even though they might have been able to stay open under whatever the final terms of operation are.

NOTE: The local group meeting on this has a plan that is similar and provides additional detail on contact tracing, etc. That proposal is compatible with mine but does not address the quarantine, which I propose to eliminate.

VII D4

Cornell Knight

From: Cornell Knight
Sent: Friday, May 15, 2020 8:59 AM
To: 'Matt Bartlett'; 'Jim Willis'
Subject: FW: Agenda for Tuesday

From: Nina Barufaldi <barharborjewel@gmail.com>
Sent: Thursday, May 14, 2020 12:57 PM
To: Cornell Knight <manager@barharbormaine.gov>
Subject: Agenda for Tuesday

Hi, This is Chamber Nina here. I just called but wanted to check in about some potential action items for the TC Agenda on Tuesday. Alf will be prepared to talk about these.

- Cluster Tables in designated parking areas and parks.
 - uniform picnic tables to be paid for by the Chamber
 - will be numbered and remain static for the season
 - approximate number and locations are being determined as we speak. Will have for you by Monday
- Alcohol consumption outside in designated picnic areas
- Temporarily relax business signage restrictions as long as it does not impede foot traffic for 2020
- Allow retail shops to display merchandise in doorways so long as it does not impede foot traffic.

I know some of these things are coming to you from different directions, but I am trying to get them organized in one place so that TC can take action in an organized and timely manner ...to be sure that businesses have the best chance of success.

This is the first bite at the apple :)

I'll call again in a bit. -n

Cornell Knight

From: Alf Anderson <alf@barharborinfo.com>
Sent: Tuesday, May 19, 2020 1:50 PM
To: Council
Cc: Cornell Knight; Nina St Germain; Eben Salvatore
Subject: Retail window displays
Attachments: Window Panes - May 2020.docx; Acadia Shop doorway displays - May 2020.docx

Dear councilors,

Please find attached two messages with photos from downtown Bar Harbor retailers Window Panes and the Acadia Shop. Both are in support of the Chamber's request that you permit merchandise to be displayed in doorways during the 2020 season as long as it does not extend into the sidewalk.

Thank you,
Alf

Alf Anderson
Executive Director
Bar Harbor Chamber of Commerce
P.O. Box 158
93 Cottage Street, Suite 102
Bar Harbor, ME 04609
Office: (207) 801-2566 ext. 13
Mobile: (617) 504-5393
alf@visitbarharbor.com
www.VisitBarHarbor.com
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Hello Alf,

I hope you're well on the glorious day.

I was chatting w Todd G. earlier about the possibility for retailers to put a few items in their entryway. I took a quick photo to give you an idea of what this might look like if allowed. I have to say I am very much in favor of this. As you know, the challenge in planning for this season with all the unknowns is overwhelming. I'm confident it's a given that many merchants will be scaling back w their help. The other idea of setting up a table in the green or the pier is in my mind very unrealistic. I do appreciate the thinking outside the box because that's what we have to do. Doing someThing like what's pictured above, for this year only Makes much more sense. It's seems many retailers would have a few options to explore in their entryways.

I do hope the town considers this use for this season only.

Thank you Alf!

Regards,

Julie



The current occupancy limits described in the Governor's COVID Prevention Checklist for Retailers will greatly affect the way our customers shop. Currently the occupancy limit is 5 customers in a shop less than 7,500 square feet. The need to show passersby merchandise and entice them to wait their turn to shop will be extremely important this year. A simple change of the ordinance to allow the use of doors, doorways, entrances, and windows for merchandise displays for the 2020 season would provide retailers another way to showcase merchandise and inspire shoppers to wait in line to shop.

In an example of a store with double doors that open out into an entry way, I anticipate that retailers would hang a few of their top selling items on the doors and utilize the space on one side of the entry to roll a rack, place a cube, or mannequin to display other unique merchandise. Retailers would be mindful of the sidewalk space, especially with the need to que a line and allow for social distancing. I have included a photo of an example at the Acadia Shop at 85 Main Street.

Thank you for the consideration,

Todd Graham

The Acadia Shops

85 Main Street, Bar Harbor, Maine 04609

207-288-1204



SIGNS AND MERCHANDISE DISPLAY

SIGNS

Chapter 125, Land Use Ordinance, section 125-67 BB. Signs and advertising remains in effect with the exception of Pandemic Signs intended to assist businesses in complying with and furthering Maine CDC guidelines and ensuring social distancing measures. Pandemic signs may be erected without a Building Permit from the Code Enforcement Officer and or a Certificate of Appropriateness from the Design Review Board as follows:

1. Pandemic signs are signs that contain information related to Pandemic operations such as, but not limited to - open for takeout and delivery only, face mask must be worn before entering, reservations only, as well as phone numbers and website information.
2. A maximum of one pandemic sign shall be erected on or adjacent to an existing sign.
3. A maximum of one pandemic sign shall be erected within 50 feet of a public entrance.
4. No pandemic sign shall be larger than 12-square feet.
5. There shall be a maximum of two 12-square feet pandemic signs per business.
6. Free-standing pandemic signs that are not fixed in place must be removed at the end of each business day.
7. Pandemic signs shall not affect health, safety and welfare of the people, pedestrian safety, shall allow for compliance with the Americans with Disabilities Act and NFPA 101, and shall not impact sight distance. For example, placement of pandemic signs shall not interfere with required minimum clear pathways of 36 inches minimum. - *Please call Fire Chief Bartlett is you have questions.*
8. Pandemic signs shall be located on-site (on property) with the exception of shared courtyard where it may be located in that common private space.

MERCHANDISE DISPLAY

1. **Merchandise in Parklet.** The display of merchandise in parklet is allowed.
2. **Merchandise in Exits and Exit Discharges.** The display of merchandise in the exit or exit discharge will remain prohibited. Hangings or draperies shall not be placed over exit doors or located so that they conceal or obscure any exit. The means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

This poses a Life Safety issue, per the town-adopted National Fire Protection Association(NFPA) Life Safety 101, chapter 7 and Town Code § 94-5 (part of the Life Safety and Fire Prevention Codes).

- Exit access and exit doors shall be designed and arranged to be clearly recognizable.
- Exits shall terminate directly, at a public way or at an exterior exit discharge.
- Exit discharge is defined as, portion of a means of egress between the termination of an exit and a public way.

EMERGENCY ORDINANCE

Whereas, a pandemic emergency exists; and,

Whereas, The Governor has extended the civil state of emergency until June 11, 2020;
and

Whereas, the Town Council has the authority to take control measures to reduce the spread of the Covid-19 virus; and

Whereas, the Town Council has the authority to enact emergency ordinances under Section C-16 of the Town Charter; and,

Whereas, in order to reduce the potential of any viral transmission within our community; and

Whereas, the pandemic will affect the business community which will need additional Covid-19 related signage; and

Whereas, the pandemic has prevented clambers from doing community service; and

Whereas, the pandemic has interrupted the budget review and municipal elections; and

Whereas, waiving the requirement for written ballots at town meeting will lower the risk of spreading the virus, and

Now Therefore be it ordained that the Town Council declares a pandemic emergency and orders the following:

1. The open town meeting shall be held on June 30, 2020.
2. The secret ballot town meeting shall be held on July 14, 2020.
3. Suspension of all deadlines or timing requirements and written ballot requirements as set forth in the Town Charter Sections C-5, 6D, 31, 34, 36, and 39, as such may pertain to budget review by the Town Council and/or Warrant Committee, nominations for elected public office and all other matters reserved for town meeting vote.
4. Delay the start of the 2020-21 clam license season to September 1, 2020.

5. Suspend enforcement of signage regulations contained in Land Use Ordinance, Chapter 125-67BB to allow additional Covid-19 related signage, provided such additional signage does not impair public safety.

VII E

**RESOLUTION
of
THE BAR HARBOR TOWN COUNCIL**

Whereas, the Mount Desert Island High School Drama department has advanced to the State Championship 9 times in the last 11 years (2010-2011, 2013-2018 and 2020);

Whereas, the Mount Desert Island High School Drama department has distinguished themselves once again by winning the 2020 Class A Downeast regional drama title;

Whereas, the Mount Desert Island High School Drama department had 4 actors named to the All Festival Cast (Zach Uliano, Rawl Blackett, Ruby Mahoney, & Rex DeMuro)

Whereas, the Mount Desert Island High School Drama department received Judges commendations for: Video Design and Operation (Piper Charron, Laura Yeadon), For outstanding Physicality & Choreography (Moxie McBreairty, Anna Redgate & Dezirae Zaman) and for Outstanding set construction (The entire MDI set crew)

Whereas, due to Covid-19 MDI Drama was unable to take their one-act on to the state championship

And Whereas, the Bar Harbor Town Council wishes to recognize these many achievements as well as the MDI Drama Department’s passion, dedication, and hard work;

Be It Therefore Resolved, that the Cast and Crew of ‘A Beautiful Day in November on the Banks of the Greatest of the Great Lakes’ their directors, supportive families, and volunteers are hereby recognized for their outstanding accomplishments.

Given under our hands and seal at Bar Harbor this second day of June 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair

Matthew Hochman, Vice Chair

Gary Friedmann

Stephen Coston

Erin Cough

Joseph Minutolo

Jill Goldthwait