Cover Page
for July 7, 2021 Planning Board Meeting

ITEMS	Material Issued 07/01/2021	Issued on ———
Cover page with date	✓	
July 7, 2021 meeting agenda	✓	
June 2, 2021 Minutes for approval	**To follow via email**	
Public Hearing and Compliance Review for PUD-2021-01 — Jones Marsh Affordable Housing Development **Supplemental information, Staff Report, and decision** *Back up material* *https://www.barharbormaine.gov/282/Planning-Board*	✓	
Signage Draft Order **Short-term rentals Draft Order** **Solar photovoltaic systems Draft Order** **Accessory dwelling units Draft Order** **Nonconformity Draft Order** **Bonus dwelling units Draft Order** *Back up material* *https://www.barharbormaine.gov/282/Planning-Board*	**These were provided last month**	
Signing of Minor Subdivision Plan for MSD-2021-01 – Orchard Phippen Subdivision	✓	
Power Point Presentation from the June 29, 2021 Public Information session	✓	

Meeting Agenda
Bar Harbor Planning Board
Wednesday, July 7, 2021 at 4:00 PM
Council Chambers of the Municipal Building
93 Cottage Street

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. EXCUSED ABSENCES

IV. PUBLIC COMMENT PERIOD
The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda nor on a pending application before the board, with a maximum of 3 minutes per person.

V. APPROVAL OF MINUTES
a. June 2, 2021

VI. REGULAR BUSINESS

a. Public Hearing/Compliance Review for PUD-2021-01 — Jones Marsh Affordable Housing Development
Project Location: Tax Map 212, Lot 43-1 off of State Route 3 and encompassing a total of 30 acres according to town tax records. The subject land is the Town Hill Residential and Town Hill Rural districts.
Applicant/Owner: Island Housing Trust
Application: The applicant proposes to subdivide a 30-acre property into nine lots (eight lots buildable for residential use and one lot reserved for open space). Six of the buildable lots would have single-family homes and two of the buildable lots would have two-family homes, for a total of ten dwelling units.

b. Public Hearing – Draft Warrant Article - LAND USE ORDINANCE AMENDMENT - Signage. Shall an ordinance, dated June 2, 2021, and entitled "An amendment to create new, and amend existing, regulations regarding signage;" be enacted?

c. Public Hearing – Draft Warrant Article - LAND USE ORDINANCE AMENDMENT – Short-Term Rentals. Shall an ordinance, dated June 2, 2021, and entitled "An amendment to regulate short-term rentals;" be enacted?

d. Public Hearing – Draft Warrant Article - LAND USE ORDINANCE

AMENDMENT - Solar Photovoltaic Systems. Shall an ordinance, dated June 2, 2021, and entitled "An amendment to allow solar photovoltaic systems as principal use;" be enacted?

e. **Public Hearing – Draft Warrant Article - LAND USE ORDINANCE AMENDMENT - Bonus Dwelling Units.** Shall an ordinance, dated June 2, 2021, and entitled "An amendment to allow bonus dwelling units;" be enacted?

f. **Public Hearing – Draft Warrant Article - LAND USE ORDINANCE AMENDMENT - Nonconformity.** Shall an ordinance, dated June 2, 2021, and entitled "An amendment to address an error of omission regarding nonconformity;" be enacted?

g. **Public Hearing – Draft Warrant Article - LAND USE ORDINANCE AMENDMENT - Accessory Dwelling Units.** Shall an ordinance, dated June 2, 2021, and entitled "An amendment to address an error of omission regarding accessory dwelling units;" be enacted?

h. **Signing of Minor Subdivision Plan for MSD-2021-01 – Orchard Phippen Subdivision**
Project location: Bar Harbor Tax Map 227, Lot 046-004, 26 Orchard Road, Town Hill Rural district
Applicant/Owner: Alec and Hannah Phippen
Application: The applicant proposes to modify the existing right-of-way of the Orchard Ridge Subdivision recorded in the Hancock Registry of Deeds as Plan 37, File #47. The modification would change the perimeter of the applicant's lot (Tax Map 227, Lot 046-004) at the cul-de-sac. The proposal does not increase the number of lots or expand the subdivision.

VII. OTHER BUSINESS

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

X. ADJOURNMENT

Town of Bar Harbor

STAFF REPORT

SUBDIVISION/SITE PLAN
PUD (OUTLYING)-2021-01
JONES MARSH AFFORDABLE HOUSING DEVELOPMENT

PUBLIC HEARING AND COMPLIANCE REVIEW

Owner/Applicant: Island Housing Trust. C/O Marla O'Bryne
(1366 Maine-102, Bar Harbor, Maine 04609)

Proposed Project: The applicant proposes to subdivide a 30-acre property into nine lots (8 buildable for residential use and one lot reserved for open space). Six of the buildable lots would have single-family homes and two of the buildable lots would have two-family homes, for a total of ten dwelling units.

Location: Tax Map 212, Lot 43-1 off of State Route 3 and encompassing a total of 30 acres according to town tax records.

Districts: Town Hill Residential and Town Hill Rural districts.

Allowed Use: One-family, two-family, and PUD-O

Applicable Laws: 125-67 General Standards; 125-69 Standards for particular uses, structures, or activities subsections M. PUD-O; N. Subdivision, and R. Affordable Housing.

Process and Proposed Motions:

1. Applicant presents application
2. Questions and comments from the board
3. Public comment period
4. Waiver requests
5. **Move to approve the application PUD-2021-01 Subdivision –Jones Marsh Affordable Housing Development, per the Bar Harbor Land Use Ordinance sections 125-67 and 125-69 M, N, and R per the Decision dated July 7, 2021 with the following conditions and modification of standards:**

Plan signing:

- By August 3, 2021, noon, submit to the Planning Director, three paper copies of the subdivision plan signed and sealed by a land surveyor, and including an updated table of dimensional requirements showing the required and provided dimensional requirements for both the Town Hill Residential and Town Hill Rural districts for signing by the Planning Board at their August 4, 2021 meeting.

The following information shall be submitted to the Code Enforcement Officer prior to issuance of a building permit for the construction of the infrastructure:

1. Maine Department of Environmental Protection (MDEP) Stormwater Permit-by-Rule, MDEP Natural Resource Protection Act Tier 2/3; and MDEP Permit-by Rule for wetlands.
2. Clearance letter from Maine Historic Preservation Commission referring the "correct" project.
3. Permission to use White Deer Circle fire pond. The submitted easement deed suffices but it needs to be signed and notarized.
4. Demonstration that the Town Attorney has reviewed the restrictive language and found it acceptable per 125-69 M(6)(c)[5].
5. Submittal of a road plan that provides for driveway culverts.

The following information shall be submitted to the Code Enforcement Officer with building permit applications for a dwelling units:

1. Per the stormwater management plan, provide an erosion and sedimentation management plan, as well as Best Management Practices for stormwater management.

The Planning Board has approved the following modifications of standards:

125-67B	Allow the modification of dimensional requirements for 125-44 (Town Hill Residential) and 125-46 (Town Hill Rural), as follows: o Minimum lot size of 40,000 square feet to be modified to 20,187 square feet. o Minimum road frontage of 200 feet to be modified to 100 feet. o Minimum rear setback of 25 feet to be modified to 10 feet per 125-69M(6)(d)[1]. o Minimum side setback of 25 feet to be modified to 20 feet, per 125-69M(6)(d)[1].
125-67B(4)(a)	Allow for parking in the front setback
125-67E22	For lot #1, allow the driveway to be located in the side setback to avoid impact to (filling) the wetland.
125-67DD	Allow for overhead utilities.
125-69M(6)(b)	Allow properties to be first offered to the people on the Island Housing Trust (IHT) wait list instead of offered to town staff, and then advertised for publicly. See 125-69R(3)(a) below.

125-69R(3)(a) Allow IHT to follow its proven system of offering properties for sale first to its existing, eligible applicant queue (currently 30 households), and then if units remain, marketing publicly, island-wide for eligible buyers pursuant to 125-69(R).

125-69R(3)(c)[5] Allow IHT to hold the affordable housing covenants (covenants) for these properties, as it holds the covenants for 37 other houses on MDI (ten in Bar Harbor). Bar Harbor Housing Authority or another suitable non-profit will hold an executory limitation enabling it to enforce the covenants in the event of a dissolution of IHT.

125-69R(3)(c)[6] Per 125-69 R(3)(c)[5] above, as IHT will hold the affordable housing covenants for these properties, and as the Bar Harbor Housing Authority or another suitable non-profit would hold them in the event the IHT becomes defunct, this is not applicable as the Town holds no responsibilities.

125-69R(3)(i)[1] Allow IHT to offer, as a preference rather than a requirement, the properties to first-time homebuyers.

125-109 Allow IHT to use a different income threshold than defined in the definition of Affordable Housing. The definition states that lots/units which may be purchased or rented for occupancy by people with up to 120% of moderate inome as established by the State Planning office [now defunct)] or the Hancock County Planning Commission."

Allow IHT to sell the properties to households earning no more than 140% of the Maine State Median Income (possibly less for the units in the duplex), using annual Housing & Urban Development (HUD) income data. IHT's current eligible applicant queue has a similar household income range of 50% to 140% of the state median income.

The income figures being used in 2021 are for a household of four people in Hancock County $71,800; 120% of that is $86,160. At the State level, the median income for a household of four people is $75,700; 140% of that is $105,980. IHT's income eligibility formula has allowed households with a range of the median incomes from 74% to 150% to live, work and contribute to the communities on MDI.

Town of Bar Harbor

STAFF REPORT

SUBDIVISION/SITE PLAN
PUD (OUTLYING)-2021-01
JONES MARSH AFFORDABLE HOUSING DEVELOPMENT

PUBLIC HEARING AND COMPLIANCE REVIEW

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Location: Tax Map 212, Lot 43-1 off of State Route 3 and encompassing a total of 30 acres according to town tax records.

Districts: Town Hill Residential and Town Hill Rural districts.

Allowed Use: One-family, two-family, and PUD-O

Applicable Laws: 125-67 General Standards; 125-69 Standards for particular uses, structures, or activities subsections M. PUD-O; N. Subdivision, and R. Affordable Housing.

Process and Proposed Motions:

1. Applicant presents application
2. Questions and comments from the board
3. Public comment period
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125-69R(3)(a)	Allow IHT to follow its proven system of offering properties for sale first to its existing, eligible applicant queue (currently 30 households), and then if units remain, marketing publicly, island-wide for eligible buyers pursuant to 125-69(R).
125-69R(3)(c)[5]	Allow IHT to hold the affordable housing covenants (covenants) for these properties, as it holds the covenants for 37 other houses on MDI (ten in Bar Harbor). Bar Harbor Housing Authority or another suitable non-profit will hold an executory limitation enabling it to enforce the covenants in the event of a dissolution of IHT.
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Town of Bar Harbor

Planning & Code Department

DECISION

PUDO-2021-01 Jones Marsh Affordable Housing Development

JULY 7, 2021

Owner/Applicant: Island Housing Trust. C/O Marla O'Bryne
(1366 Maine-102, Bar Harbor, Maine 04609)

Proposed Project: The applicant proposes to subdivide a 30-acre property into nine lots (8 buildable for residential use and one lot reserved for open space). Six of the buildable lots would have single-family homes and two of the buildable lots would have two-family homes, for a total of ten dwelling units.

Location: Tax Map 212, Lot 43-1 off State Route 3 and encompassing a total of 30 acres according to town tax records

Districts: Town Hill Residential and Town Hill Rural districts

Allowed Use: One-family, two-family, and PUD-O

Important Dates: February 3, 2021 - Sketch Plan meeting
February 26 to March 4, 2021 - Self-guided site visit
March 12, 2021 - Neighborhood meeting
June 2, 2021 – Completeness review – found complete
July 7, 2021 – Public Hearing and compliance review - approved

Comment period: Ended July 5, 2021

The approval is based upon the following submitted plans:

- L1, PUD Base Development Diagram, dated 4-15-21, prepared by LARK Landscape Architecture Studio
- L2, Site Plan, dated 6-22-21, prepared by LARK Landscape Architecture Studio
- C-1, Road Profile and Stormwater Management Plan, dated April 12, 2021, prepared by G.F. Johnston & Associates
- Building Plans & Elevations #1, undated, prepared by unknown

- Building Plans & Elevations #2, undated, prepared by unknown
- Building Plans & Elevations #3, undated, prepared by unknown
- ADA Ranch, 1st Floor Plan, undated, prepared by KBS Building Systems, Inc.
- ADA Ranch, Front Elevation, undated, prepared by KBS Building Systems, Inc.
- ADA Ranch, Exterior Elevations, undated, prepared by KBS Building Systems, Inc.
- Building Plans & Elevations #4, undated, prepared by unknown
- Building Plans & Elevations #5, undated, prepared by unknown
- Building Plans & Elevations #6, undated, prepared by unknown

To the Code Enforcement Officer: Under the authority and requirements of the Land Use Ordinance §125-61 F, at the properly noticed public hearing on July 7, 2021, by a motion duly made and seconded, it was voted to approve the noted application.

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

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of Section 125-67 General Standards, as presented in the table below:

Section 125-67 General Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
A.	Permitted use		✓	
B.	Lot standards		✓	See modification of standard
C.	Height		✓	
D.	Parking requirements		✓	
E.	Parking areas and driveways		✓	See modification of standard
F.	Loading requirements	✓		
G.	Street, sidewalks, and access		✓	See condition
H.	Buffering and screening		✓	
I.	Water supply		✓	
J.	Municipal water supply	✓		
K.	Groundwater		✓	
L.	Stormwater management		✓	See condition
M.	Municipal sewer facilities	✓		
N.	Sewage disposal		✓	
O.	Soils		✓	
P.	Landscaping		✓	
Q.	Erosion		✓	
R.	Flood permit	✓		
S.	Air quality	✓		
T.	Refuse disposal		✓	
U.	Dangerous or hazardous materials and wastes	✓		
V.	Vibration	✓		
W.	Wildlife habitat		✓	
X.	Aesthetic areas and physical and visual access		✓	
Y.	Heat	✓		
Z.	Light and glare		✓	
AA.	Noise	✓		
BB.	Signs and advertising	✓		
CC.	Outdoor storage and displays	✓		

DD.	Utilities		✓	See modification of standard
EE.	Fire protection		✓	See condition
FF.	Comprehensive plan		✓	
GG.	Financial and technical capacity		✓	
HH.	Farmland	✓		
II.	Other municipal services	✓		
JJ.	Violations		✓	
KK.	Legal documents	✓		
LL.	Historic and archaeological resources		✓	See condition
MM.	Utilization of the site		✓	See condition
NN.	Natural Features		✓	

3. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-69 Standards for particular uses, structures or activities M. PUD-O, N. Subdivision, and R. Affordable housing, as presented in the table below:

Section 125-69 Standards for particular uses, structures or activities				
	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
M. PUD-O				
(4)(a)	Parcel size and eligibility. Parcel cannot contain more than 50% of certain land types (wetland, significant vernal pools, sustained slopes greater than 20%, areas within 75 feet of certain resources, floodplains)		✓	
(4)(b)	Parcel size and eligibility. An application for a PUD-O may consist of land in more than one ownership, provided that all land comprising the parcel lies entirely within the PUD-O Overlay District.	✓		
(4)(c)	Parcel size and eligibility. Proposed developments may include preexisting buildings, provided that all PUD-O requirements are satisfied by each new or existing building and these are included in calculations for the PUD-O as a whole.	✓		
(5)	Permitted uses. The Planning Board may consider the allowance of multifamily dwellings not otherwise allowed in the underlying district when the construction of multifamily dwelling structures will result in the creation and/or retention of larger buffers, open space and recreation areas that might not be possible otherwise in the development, reduce negative impacts on the environment and will be consistent with the purpose and intent of this provision.	✓		

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
(6)(a)[1]	Intensity of development. Number of allowable dwelling units/base development calculations		✓	
(6)(a)[2]	Intensity of development. Number of allowable dwelling units. An increase in the number of dwelling units above the base development density shall be considered for certain provisions: [a] For every additional affordable dwelling unit, an additional market-rate dwelling unit may be allowed. [b] For 10% of additional open space dedicated on the application parcel, an additional market-rate dwelling unit may be allowed. [c] For the provision by deed and construction of active recreation space, an additional market-rate dwelling unit may be allowed. [d] For projects that meet, either by application or by affidavit for adherence during construction, the standards of Leadership in Energy & Environmental Design of the U.S. Greenbuilding Council ("LEEDS") or an approved equivalent, for all dwelling units, an additional market-rate dwelling unit may be allowed. [e] For projects that propose to construct new pedestrian amenities to connect the proposed development to other areas, amenities or goods and services, an additional market-rate dwelling unit may be allowed. [f] For projects that provide formal access to public transportation, an additional market-rate dwelling unit may be allowed. [g] For projects that restore or preserve an historic resource existing on the property as part of the application, an additional market-rate dwelling unit may be allowed. [h] For projects that place all public utilities, other than stormwater management systems, underground on the application parcel, an additional market-rate dwelling unit may be allowed. [i] For projects that utilize shared septic systems for all of the dwelling units, an additional market-rate dwelling unit may be allowed.	 ✓ ✓ ✓ ✓ ✓ ✓ ✓	 ✓	
(6)(a)[3]	Intensity of development. Number of allowable dwelling units. A PUD-O may never exceed the allowable number of dwelling units by more than 1 1/2 times the base development density, except as listed below: [a] The maximum allowable number of dwelling units may be twice the base development density when the increase in dwelling units above the base development density is allowed as a result of the addition of affordable housing units under § 125-69 M(6)(a)[2][a] and no other provision.	✓		
(6)(b)	Affordable units and lots. For applications that propose to exceed the base development density, the final plan must include a minimum number of affordable units or lots that is 20% of the base development density. These units and lots must be in compliance with § 125-69R. Each of these units shall be allowed a companion market-rate unit.		✓	See modification of standard

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
(6)(c)	Open space. [1] All PUD-Os shall set aside by deed or easement an area in square footage at least 40% of the application parcel as open space.		✓	
	[2] Open space calculations may not include land that is under conservation easement at the time of application.	✓		
	[3] Open space is not required to be contiguous; however, no open space area in square footage set aside shall be less than 5% of the application parcel;	✓		
	[4] No more than 75% in the aggregate of the following land types can be used in the calculation of open space: [a] Wetlands and significant vernal pools; [b] Sustained slopes greater than 20%; [c] Stormwater management systems; and [d] Area(s) within 75 feet, horizontal distance, of the normal high water line of a stream, great pond, river, saltwater body, or significant vernal pool.		✓	
	[5] Restrictive language. The applicant shall present the Planning Board with proposed language for incorporation into deeds, recorded plans and declarations designed to ensure the integrity, protection and maintenance of the common open space. Such language shall be subject to the approval of the Town Attorney to be sure it will accomplish its intended purposes. The applicant will comply with all reasonable requests of the Town to incorporate such language in appropriate documentation to ensure the purposes of this section will be met.		✓	
(6)(d)	Dimensional controls. [1] The standards in Article III may be modified through review by the Planning Board to ensure the purpose and intent of this ordinance are met.		✓	See modification of standard
	[2] The aggregate lot coverage of a PUD-O cannot exceed that of the neighborhood district.		✓	
	[3] In no event shall height requirements be allowed to exceed the requirements of the underlying neighborhood district.	✓		
(6)(e)	Other standards. The standards found in § 125-67 may be considered for modification in instances where the applicant adequately shows that the proposed application meets the purpose and intent of a PUD-O.		✓	See modification of standard
(7)	Criteria for approval. (a) In reviewing PUD-O applications, the Planning Board shall use the requirements found in §§ 125-67 and 125-69 as applicable and as may be modified to meet the Purpose and intent of a PUD-O.		✓	
	(b) The Planning Board also shall use the requirements of § 125-68, which shall not be modified, for review of property in a shoreland zone(s) as may be applicable.	✓		
	(c) All Planning Board approvals of PUD-Os are contingent upon the development meeting the express purpose and intent of a PUD-O.		✓	
N. Subdivisions				
(1)	Monuments		✓	
(2)	Blocks		✓	See modification of standard
(3)	Lot standards		✓	See modification of standard
(4)	Frontage		✓	See modification of standard
(5)	Double frontage and reverse frontage	✓		
(6)	Lot lines		✓	
(7)	Future development	✓		

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/ MET	COMMENTS
(8)	Land not suitable for development		✓	
	R. Affordable Housing			
(3)(a)	Affordable housing units shall be sold or rented to qualified moderate-income buyers – preferential occupancy		✓	See modification of standard
(3)(b)	*Reserved*			
(3)(c)	Agreement to preserve the long-term affordability of the units to moderate-income households		✓	See modification of standard
(3)(d)	Mandatory affordable housing provision shall run with the land		✓	
(3)(e)	Affordable housing units shall be constructed and completed at least concurrently with the remainder of the subdivision or multifamily project.		✓	
(3)(f)	When calculating proportionality, any fractional sum shall be rounded down to the nearest whole building unit.		✓	
(3)(g)	Requirements for Condominiums documents	✓		
(3)(h)	Affordable rents (including utilities) shall be limited to 30% of the annual income of a household whose income is the median income for Hancock County.		✓	See modification of standard
(3)(i)	Requirements for buyers of affordable units		✓	See modification of standard
(3)(j)	Moderate income for renters of affordable units		✓	See modification of standard
(3)(K)	Submission of affirmative marketing plan		✓	See modification of standard
(3)(l)	Conveyance of affordable housing lots		✓	
(4)	Payment in lieu of providing the requisite affordable housing units	✓		

The applicant is advised of the following:

1. No modifications shall be made to this approval, including changes to the plans, accompanying documents, and/or conditions, without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards/conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. Appeals of this decision may be made to the Board of Appeals pursuant to Section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this decision. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.
7. **Per Section 125-75, the plat plan shall be signed by the Planning Board within 45 days of this signed decision and recorded at the Hancock County Registry of Deeds within 90 days of the plan being signed by the Planning Board.**

✱ ✱ ✱ ✱ ✱ CONDITIONS and MODIFICATION OF STANDARDS✱ ✱ ✱ ✱ ✱

Plan signing:

1. By August 3, 2021, noon, submit to the Planning Director, three paper copies of the subdivision plan signed and sealed by a land surveyor, and including an updated table of dimensional requirements showing the required and provided dimensional requirements for both the Town Hill Residential and Town Hill Rural districts for signing by the Planning Board at their August 4, 2021 meeting.

The following information shall be submitted to the Code Enforcement Officer prior to issuance of a building permit for the construction of the infrastructure:

1. Maine Department of Environmental Protection (MDEP) Stormwater Permit-by-Rule, MDEP Natural Resource Protection Act Tier 2/3; and MDEP Permit-by Rule for wetlands.
2. Clearance letter from Maine Historic Preservation Commission referring the "correct" project.
3. Permission to use White Deer Circle fire pond. The submitted easement deed suffices but it needs to be signed and notarized.
4. Demonstration that the Town Attorney has reviewed the restrictive language and found it acceptable per 125-69 M(6)(c)[5].
5. Submittal of a road plan that provides for driveway culverts.

The following information shall be submitted to the Code Enforcement Officer with building permit applications for a dwelling units:

1. Per the stormwater management plan, provide an erosion and sedimentation management plan, as well as Best Management Practices for stormwater management.

The Planning Board has approved the following modifications of standards:

125-67B	Allow the modification of dimensional requirements for 125-44 (Town Hill Residential) and 125-46 (Town Hill Rural), as follows: o Minimum lot size of 40,000 square feet to be modified to 20,187 square feet. o Minimum road frontage of 200 feet to be modified to 100 feet. o Minimum rear setback of 25 feet to be modified to 10 feet per 125-69M(6)(d)[1]. o Minimum side setback of 25 feet to be modified to 20 feet, per 125-69M(6)(d)[1].
125-67B(4)(a)	Allow for parking in the front setback
125-67E22	For lot #1, allow the driveway to be located in the side setback to avoid impact to (filling) the wetland.
125-67DD	Allow for overhead utilities.

125-69M(6)(b)	Allow properties to be first offered to the people on the Island Housing Trust (IHT) wait list instead of offered to town staff, and then advertised for publicly. See 125-69R(3)(a) below.
125-69R(3)(a)	Allow IHT to follow its proven system of offering properties for sale first to its existing, eligible applicant queue (currently 30 households), and then if units remain, marketing publicly, island-wide for eligible buyers pursuant to 125-69(R).
125-69R(3)(c)[5]	Allow IHT to hold the affordable housing covenants (covenants) for these properties, as it holds the covenants for 37 other houses on MDI (ten in Bar Harbor). Bar Harbor Housing Authority or another suitable non-profit will hold an executory limitation enabling it to enforce the covenants in the event of a dissolution of IHT.
125-69R(3)(c)[6]	Per 125-69 R(3)(c)[5] above, as IHT will hold the affordable housing covenants for these properties, and as the Bar Harbor Housing Authority or another suitable non-profit would hold them in the event the IHT becomes defunct, this is not applicable as the Town holds no responsibilities.
125-69R(3)(i)[1]	Allow IHT to offer, as a preference rather than a requirement, the properties to first-time homebuyers.
125-109	Allow IHT to use a different income threshold than defined in the definition of Affordable Housing. The definition states that lots/units which may be purchased or rented for occupancy by people with up to 120% of moderate inome as established by the State Planning office [now defunct)] or the Hancock County Planning Commission." Allow IHT to sell the properties to households earning no more than 140% of the Maine State Median Income (possibly less for the units in the duplex), using annual Housing & Urban Development (HUD) income data. IHT's current eligible applicant queue has a similar household income range of 50% to 140% of the state median income. The income figures being used in 2021 are for a household of four people in Hancock County $71,800; 120% of that is $86,160. At the State level, the median income for a household of four people is $75,700; 140% of that is $105,980. IHT's income eligibility formula has allowed households with a range of the median incomes from 74% to 150% to live, work and contribute to the communities on MDI.

No modifications to this approval shall be made without an application to the Planning Department.

Tom St. Germain, Chair
Planning Board, Town of Bar Harbor

Date

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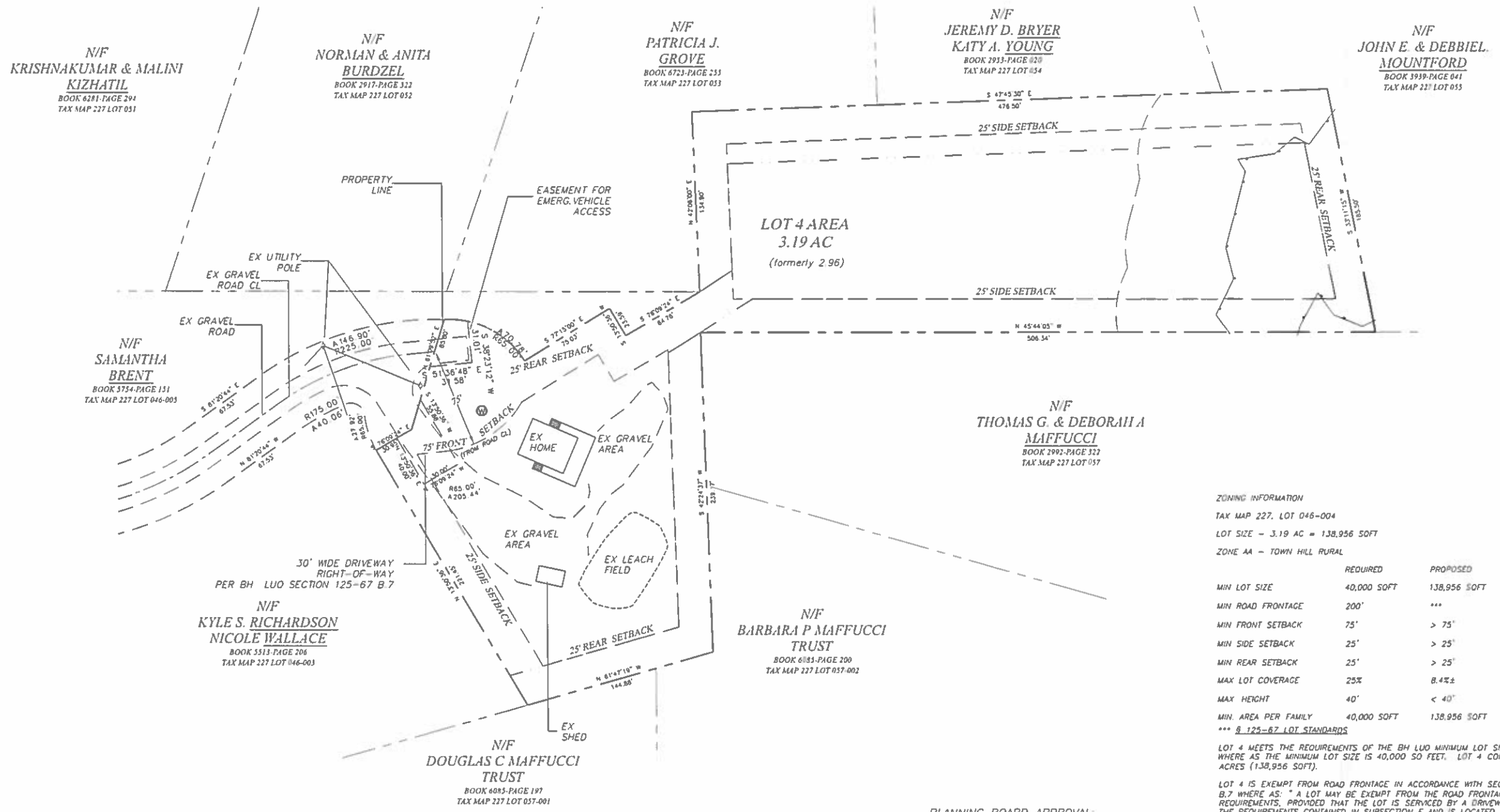


ZONING INFORMATION

TAX MAP 227, LOT 046-004

LOT SIZE = 3.19 AC = 138,956 SQFT

ZONE AA - TOWN HILL RURAL

	REQUIRED	PROPOSED
MIN LOT SIZE	40,000 SQFT	138,956 SQFT
MIN ROAD FRONTAGE	200'	***
MIN FRONT SETBACK	75'	> 75'
MIN SIDE SETBACK	25'	> 25'
MIN REAR SETBACK	25'	> 25'
MAX LOT COVERAGE	25%	8.4%±
MAX HEIGHT	40'	< 40'
MIN. AREA PER FAMILY	40,000 SQFT	138,956 SQFT

*** § 125-67 LOT STANDARDS

LOT 4 MEETS THE REQUIREMENTS OF THE BH LUO MINIMUM LOT SIZE STANDARDS WHERE AS THE MINIMUM LOT SIZE IS 40,000 SQ FEET. LOT 4 CONTAINS 3.19 ACRES (138,956 SQFT).

LOT 4 IS EXEMPT FROM ROAD FRONTAGE IN ACCORDANCE WITH SECTION 125-67 B.7 WHERE AS: " A LOT MAY BE EXEMPT FROM THE ROAD FRONTAGE REQUIREMENTS, PROVIDED THAT THE LOT IS SERVICED BY A DRIVEWAY THAT MEETS THE REQUIREMENTS CONTAINED IN SUBSECTION E AND IS LOCATED WITHIN A THIRTY-FOOT-WIDE EASEMENT RUNNING FROM THE STREET TO THE LOT." THE ACCESS TO LOT 4 SHALL REMAIN IN ACCORDANCE WITH SUBSECTION E AND MUST REMAIN 12 FEET WIDE FOR VEHICULAR ACCESS.

PLAN NOTES:

1. PLAN REFERENCE "FINAL SUBDIVISION PLAN OF ORCHARD RIDGE SUBDIVISION 45 KNOX ROAD, BAR HARBOR, HANCOCK COUNTY, MAINE" DATED, OCTOBER 29, 2007 PREPARED BY JERRY W HAMLIN, CES INC. PLS 2292, AND RECORDED AS MAP 37, FILE 47 IN THE HANCOCK COUNTY RTEGISTRY OF DEEDS AND "MORTGAGE LOAN INSPECTION FOR HANNAH & ALEC PHIPPEN 45 ORCHARD RIDGE ROAD (HANCOCK COUNTY) BAR HARBOR, MAINE" DATED, NOVEMBER 16, 2020 PREPARED BY STEPHEN R. SALSBURY PLS 2207 AND SITE SURVEY BY PLS JOSEPH BP COFFEY #2329 ON JUNE 29, 2021

STATE OF MAINE
HANCOCK, SS.
REGISTRY OF DEEDS
RECEIVED AND FILED
20
h m M
Attest
Register
RECORDED AS MAP FILE:

PLANNING BOARD APPROVAL.

THIS IS TO CERTIFY THAT AFTER REVIEWING THE SUBDIVISION SHOWN BY THIS PLAN AND CONSIDERING EACH OF THE CRITERIA SET FORTH IN M.R.S.A. TITLE 30-A, SECTION 4404 (AS AMENDED), THE UNDERSIGNED HAVE MADE FINDINGS OF FACT ESTABLISHING THAT THE SUBDIVISION SHOWN BY THIS PLAN MEETS ALL OF THE CRITERIA SET FORTH AND THEREFORE THE SUBDIVISION IS APPROVED.

DATED:
THE TOWN OF BAR HARBOR PLANNING BOARD

THIS REVISION ONLY ALTERS THE ROW LIMITS AND LOT 4 CONFIGURATION TO ADDRESS SETBACKS TO EXISTING STRUCTURES AND WELL PLACEMENT ALL OTHER LOTS REMAIN AS ORIGINALLY APPROVED

AMENDMENT #1, FIRST REVISION
TO
MAP 37, FILE 47

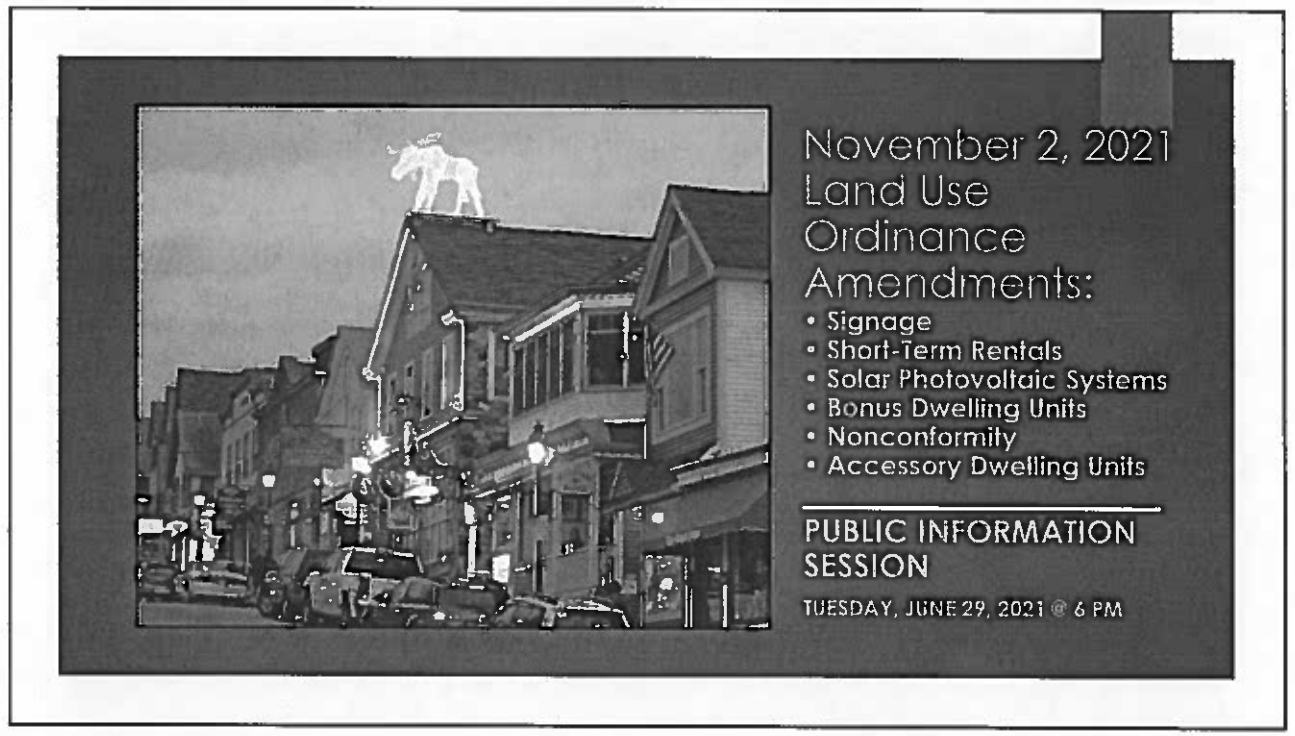
LOT 4
ORCHARD RIDGE SUBDIVSION
45 KNOX ROAD, BAR HARBOR

RECORD OWNER:
ALEC M. PHIPPEN
HANNAH PHIPPEN
26 ORCHARD ROAD
BAR HARBOR, MAINE 04609

G.F. Johnston & Associates
Consulting Civil Engineers
P.O. Box 197
Southwest Harbor, Maine 04679
207-244-1200

STATE OF MAINE
#2329
PROFESSIONAL
LAND SURVEYOR

DATE: JUNE 30, 2021
SCALE: 1" = 20'
PROJECT I.D.#: C-0783
DRAWN BY: FMV/JPC
CHECKED BY: GFJ
SHEET NO:



Public Information Session
Agenda

- Purpose
- What happens next
- Signage — presentation and Q&A
- Short-Term Rentals — presentation and Q&A
- Solar Photovoltaic Systems — presentation and Q&A
- Bonus Dwelling Units — presentation and Q&A
- Nonconformity — presentation and Q&A
- Accessory Dwelling Units — presentation and Q&A

Public Information Session
Purpose

- Present the six amendments in the pipeline for the November 2, 2021 ballot vote
- Answer questions on the six amendments
- Explain what happens next and the upcoming opportunities to make comment

Public Information Session
What Happens Next

Who/What	When
Planning Board holds public hearings	July 7, 2021
Town Council holds public hearings	August 17, 2021
Planning Board recommends to adopt or reject	September 1, 2021
Warrant Committee recommends to adopt or reject	By September 1, 2021
Vote	November 2, 2021

SIGNAGE

Shall an ordinance, dated June 2, 2021, and entitled "Signage;" be enacted?

SIGNAGE
Defining neon signs, wall sign size calculation

- **Addition to §125-109:**
  - **Creates "Sign, Neon" as a new type of internally illuminated sign.**
    - **Already referenced in Land Use Ordinance but not defined at present, good to add**
    - **Type of signage that already exists in town**
  - **Definition includes "signs intended to simulate the appearance of neon signage," as faux neon signs (illuminated by LED but made to look like neon) are increasing in popularity.**
- **Addition to §125-167 BB. (5) (f):**
  - **Changes maximum area of wall sign from 10% of wall area to 10% of facade.**
    - **Wall area not defined in LUO, whereas facade already is**
    - **Easier for everyone (board, staff and applicants) to calculate**

SIGNAGE

Creating and defining "push-through lettering"

- **Changes to §125-109, "Sign, Internally Illuminated":**
  - **Creates "E. Type 5; Push-Through Lettering," as well as two subtypes, 5-A and 5-B, based on translucent face and opaque background ratio**
  - **This is a type of sign the Design Review Board has started to see, and wants to make sure it is regulated as other types of internally illuminated signs already are.**
  - **Separately, adds clear headers for subtypes 2-A and 2-B under "B. Type 2: Cabinet With Light Limiting Face"**

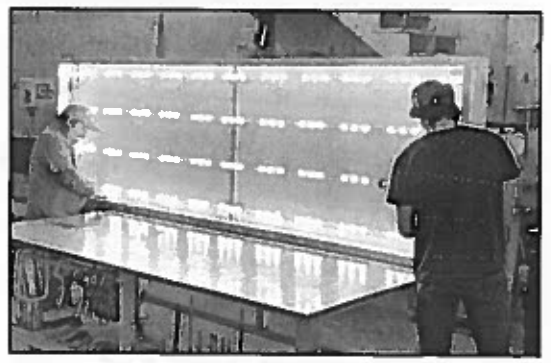
SIGNAGE

Prohibit halo signs town-wide

- **Change to §125-67 BB. (3) (h):**
  - **Corrects a typo (changing Type 2 to Type 3, which was what was meant and intended originally)**
  - **Adds Type 4 (Halo signs) to list of signs prohibited in all districts**
  - **Halo signs (also known as reverse lit channel letter signs) are already defined in ordinance. They use light shining back on the mounting surface or on the sides of the sign to "cast a halo-like glow".**
  - **Design Review Board's position: such signs would not be in keeping with the character of Bar Harbor (see §125-110 D. and E.)**

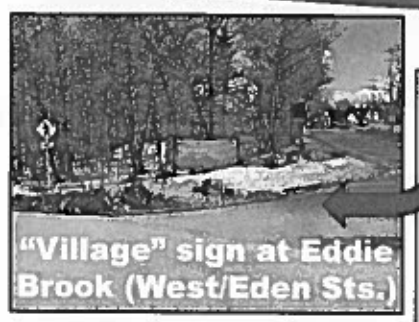
SIGNAGE
Prohibit types of cabinet signs from certain areas of town

- LUO now (§125-67 BB. (3) (i)) prohibits Type 2-B signs (cabinet w/ light limiting face) everywhere *except* for lots with frontage on Route 3 or Route 102.
- Amendment would add reference to Type 5-B signs (newly defined push-through lettering) in that section, to match existing prohibitions for Type 2-B.
- Would limit prohibition to w/in DRB overlay and allow such signs on lots w/ frontage on Route 3, Route 102 or Route 233.
- Would specifically prohibit such signs on Route 3 from Eddie Brook in the north to Cromwell Brook in the south



Cabinet sign being fabricated

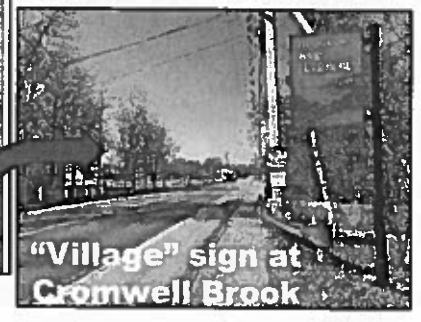
SIGNAGE
Why Eddie Brook to Cromwell Brook?



"Village" sign at Eddie Brook (West/Eden Sts.)

- Fixed, geographic features not subject to change over time (a la street names/#s or zoning district boundaries)

- Directly aligns with already established and identified Village area of Bar Harbor

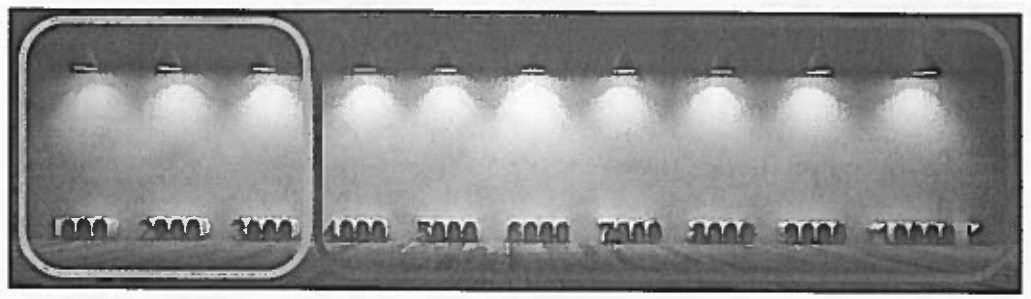


"Village" sign at Cromwell Brook

SIGNAGE

3,000K color temperature limit on externally illuminated signs

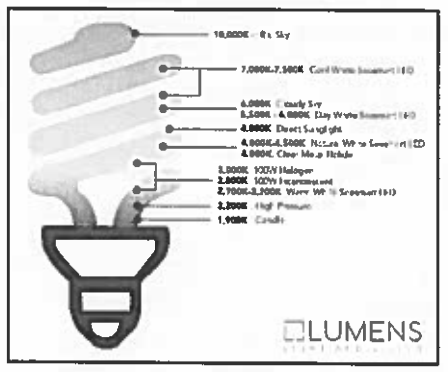
- Would add (j) at the end of §125-67 BB. (3):
  - Codifies into LUO an existing recommendation
  - Purpose: maintain a uniform (warm) color temperature level that is easier on/pleasing to the eyes
  - Staff recommendation to DRB: if it's important, make it a requirement rather than a recommendation



SIGNAGE

What's the bright idea — why 3,000K?

- Not arbitrary — 3,000K generally recognized as upper limit of "warm" temperature range

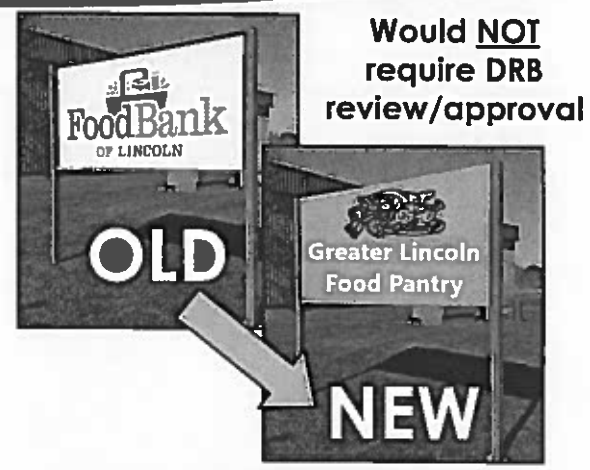


Color Temperature (KELVIN)	2700K	3000K	5000K
Light Appearance	Warm White	Warm White	Cool DayLight
Ambiance	Cozy, inviting	Warm, welcoming	Crisp, invigorating
Best for	Living rooms, kitchens, bedrooms	Bathrooms, entryways, outdoor	Basements, garages
	Table/floor lamps, pendants, chandeliers	Vanities, overhead lighting	Task lighting, security lighting

- 3,000K is recognized as a good color temperature level for outdoor and entryway lighting (i.e., signs)
- 3,000K limit would apply to external illumination (would allow for internally illuminated signs to go ↑)

SIGNAGE
Replacement of conforming signs (anything non-internally illuminated)

- Change to §125-67 BB. (6) (o) [1]:
  - Expands on an existing exemption, going from 3 specific types of signs (wall-mounted, hanging, or window) to anything that is:
    - Conforming
    - Same size/shape/location
    - Non-internally illuminated
  - Came to light when one applicant wanted new sign, same size, same color, same position, same lighting with only change being to logo of supplier
  - Design Review Board feels this proposed revision better matches original intent of this provision
  - Balancing business-friendly approach with Design Review Board duties (see §125-110 C. and F.)



Would NOT require DRB review/approval

SIGNAGE
Resolve conflict in LUO, RE: multi-tenant signage plan signs

- Change to §125-67 BB. (6) (f):
  - LUO presently contains a conflict between §125-67 BB.(6)(f), which says that individual signs under a multi-tenant signage plan must be reviewed, and §125-67 BB.(6)(o)[2], which says that signs under a multi-tenant signage plan may be replaced at anytime without DRB review as long as the signs stay within the limits of the multi-tenant signage plan.
  - Resolution: amend §125-67 BB.(6)(f) by striking the clause about individual signs. Design Review Board position is that if there is an approved multi-tenant sign plan in place, then replacement within that should be allowed.
  - Balancing business-friendly approach with Design Review Board duties (see §125-110 C. and F.)

(f) Property owners of multitenant buildings shall submit an overall signage plan for their property. No individual sign shall be approved on a multitenant building unless a signage plan has been submitted and approved. The signage plan need not show the specific message content for any individual sign contained therein; but as changes occur, individual signs will be reviewed. In addition to Table 2,* the signage plan shall show:

[1] Allowable square footage for each unit;

[2] Any restrictions on signage as may be imposed by the landowner.

↑ In conflict ↓

[2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.

Signage

Questions?

Short-Term Rentals

Shall an ordinance, dated June 2, 2021, and entitled "An amendment to regulate short-term rentals;" be enacted?

SHORT-TERM RENTALS

Protection provided to all existing VR

- Anyone with a valid VR registration will be able to continue operating as long as the registration is renewed annually

SHORT-TERM RENTALS

VR-1 and VR-2

- Two new uses: VR-1 and VR-2

SHORT-TERM RENTALS

What is a VR-1?

VR-1

- Short-term rental of your primary residence (or a part of it), and/or of another dwelling unit on the property of your primary residence
- Maximum of two VR-1 registrations per primary residence property
- Minimum rental period of two nights

SHORT-TERM RENTALS

New VR-1 allowed in 34 districts

New VR-1 allowed in 34 districts, the same districts where VRs are presently allowed

1. Bar Harbor Gateway
2. Village Historic
3. Mount Desert Street Corridor
4. Village Residential
5. Downtown Village I
6. Downtown Village II
7. Downtown Village Trans.
8. Downtown Residential
9. Emery District
10. Hulls Cove Business
11. Hulls Cove Res. Corridor
12. Hulls Cove Rural
13. Indian Point Residential
14. Indian Point Rural
15. Ireson Hill Corridor
16. Ireson Hill Residential
17. McFarland Hill Residential
18. McFarland Hill Rural
19. Otter Creek
20. Salisbury Cove Corridor
21. Salisbury Cove Res.
22. Salisbury Cove Rural
23. Salisbury Cove Village
24. Schooner Head
25. Town Hill Business
26. Town Hill Residential Corridor
27. Town Hill Residential
28. Town Hill Rural
29. Shoreland Gen. Dev. I
30. Shoreland Limited Residential
31. Shoreland Gen. Dev. II (HC)
32. Shoreland Gen. Dev. III
33. Shoreland Gen. Dev. IV
34. Educational Institution

SHORT-TERM RENTALS

New VR-1 prohibited in 6 districts

- **New VR-1 prohibited in six districts, the same districts where VRs are presently prohibited**

1. Industrial	3. Resource Protection	5. Shoreland Maritime Activities
2. Stream Protection	4. Scientific Research	6. Marine Research

SHORT-TERM RENTALS

What is a VR-2?

VR-2

- **Short-term rental of a dwelling unit that is <u>not your primary residence</u>**
- **Maximum number of <u>VR-2 registrations</u> town-wide is <u>capped at 9% of the total number of dwelling units in Bar Harbor</u>**
- **Minimum rental period of <u>four nights</u>**

Short-Term Rentals
9% cap for VR-2

- 2,795 dwelling units in Bar Harbor
- 9% cap means that no more than 252 dwelling units could be registered as VR-2
- It is estimated that about 351 dwelling units (12.5%) of existing VR registrations would be VR-2s
- It is estimated that we have 99 VR-2 registrations over the cap
- No new VR-2 registrations issued until we get below the 9% cap
- How de we get below 9%? Attrition and/or new construction

Short-Term Rentals
New VR-2 allowed in 18 districts

- New VR-2 allowed in 18 districts subject to the proposed 9% cap

1. Bar Harbor Gateway	7. Downtown Village Trans.	13. Ireson Hill Corridor
2. Village Historic	8. Downtown Residential	14. Salisbury Cove Corridor
3. Mount Desert Street Corridor	9. Emery District	15. Salisbury Cove Village
4. Village Residential	10. Hulls Cove Business	16. Town Hill Business
5. Downtown Village I	11. Hulls Cove Res. Corridor	17. Town Hill Res. Corridor
6. Downtown Village II	12. Hulls Cove Rural	18. Town Hill Residential

SHORT-TERM RENTALS

New VR-2 prohibited in 22 districts

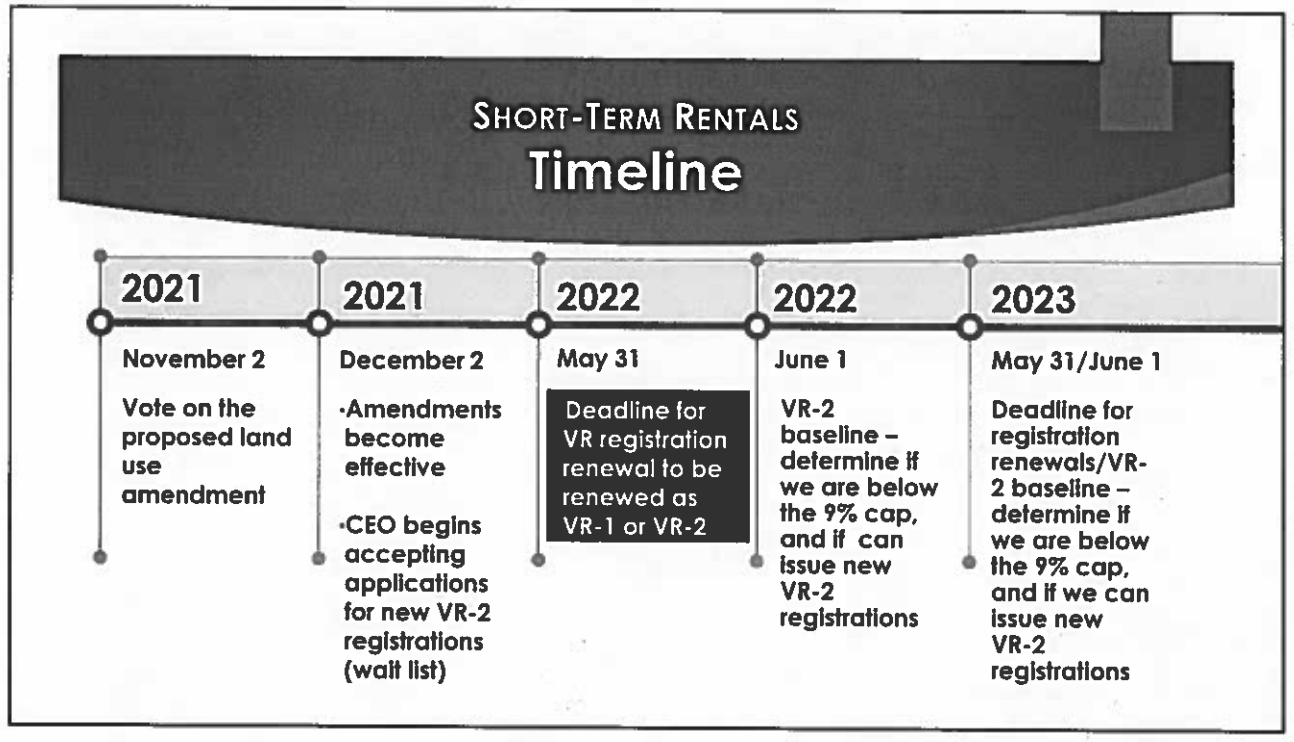
- **New VR-2 would be prohibited in 22 districts**

1. Indian Point Res.	9. Schooner Head	16. Educational Institution
2. Indian Point Rural	10. Town Hill Rural	17. Industrial
3. Ireson Hill Res.	11. Shoreland Gen. Dev. I	18. Stream Protection
4. McFarland Hill Res.	12. Shoreland Limited Res.	19. Resource Protection
5. McFarland Hill Rural	13. Shoreland Gen. Dev. II (HC)	20. Scientific Research
6. Otter Creek	14. Shoreland Gen. Dev. III	21. Shoreland Maritime Act.
7. Salisbury Cove Res.	15. Shoreland Gen. Dev. IV	22. Marine Research
8. Salisbury Cove Rural		

SHORT-TERM RENTALS

Transfer of registration is prohibited

- **TRANSFER of any registration would be prohibited.**
- **However, if there was a change of ownership during the term of the registration, the registration would remain valid for the dwelling unit, or part thereof, to which it was issued until it would expire on the following May 31.**



SHORT-TERM RENTALS
Transitioning from VR to VR-1 and VR-2

- Any currently registered VR may continue operating as a VR until May 31, 2022
- Between January 1 and May 31, 2022, need to renew VR registration either as a VR-1 or a VR-2

Short-Term Rentals
From VR to VR-1

On or before 05/31/2022

- For a VR operating in your dwelling unit, or in a room in your dwelling unit, which is your primary residence, or on the property of your primary residence, you would transition to a VR-1
- However, if you have more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) would have to be renewed as VR-2s, regardless of the 9% cap.

Short-Term Rentals
From VR to VR-2

On or before 05/31/2022

- For all other VR (i.e. operated in a dwelling unit that is not on your primary residence property) you would transition to a VR-2, regardless of the district or the 9% cap.

SHORT-TERM RENTALS

Registration Ordinance

- In conjunction with the proposed STR LUO amendment is a Short-Term Rental Registration Ordinance
- Presently, we have Ch. 190 VR Ordinance - requirements to register and operate VR
- Proposing that Ch. 190 be replaced with Ch. 174 Short-Term Rental Registration - requirements to register and operate VR
- Set to be formally presented to Town Council on August 3, 2021
- After holding a public hearing, the Town Council may consider adoption, effective December 2, 2021 (contingent upon the passing of the land use amendment on November 2, 2021)

SHORT-TERM RENTALS

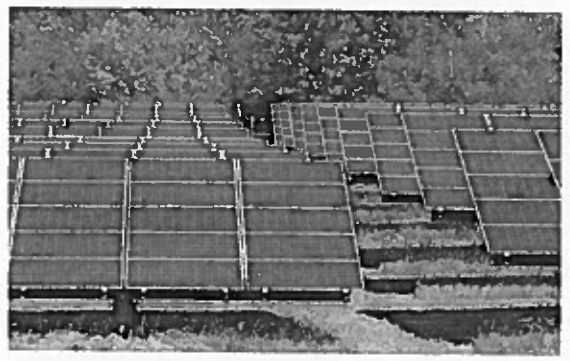
Questions?

Solar Photovoltaic (PV) Systems

Shall an ordinance, dated June 2, 2021, and entitled "An amendment to allow solar photovoltaic systems as principal use;" be enacted?

Solar Photovoltaic (PV) Systems
Principal Use

- **Allows for <u>ground-mounted</u> solar PV systems, as a principal use**



Solar Photovoltaic (PV) Systems
Principal Use

- **Allowed in 19 districts**

1. Emery District	8. Ireson Hill Corridor	14. Salisbury Cove Rural
2. Hulls Cove Business	9. Ireson Hill Residential	15. Scientific Research
3. Hulls Cove Res. Corridor	10. McFarland Hill Res.	16. Town Hill Business
4. Hulls Cove Rural	11. McFarland Hill Rural	17. Town Hill Res. Corridor
5. Indian Point Residential	12. Otter Creek	18. Town Hill Residential
6. Indian Point Rural	13. Salisbury Cove Corridor	19. Town Hill Rural
7. Industrial		

Solar Photovoltaic (PV) Systems
Principal Use

- **Planning Board review, Major Site Plan**
- **Meet all dimensional requirements <u>except that the panels would be exempt from lot coverage if it is vegetated underneath</u>**
- **All other improvements (roads, buildings, etc.) would have to meet lot coverage calculations**

Solar Photovoltaic (PV) Systems
Why an exemption from lot coverage?

- Exemption is only for panels and only if its vegetated
- Meeting lot coverage would greatly reduce available locations and feasibility in Bar Harbor
- Need approximately 5 acres of land to produce 1-megawatt (MW) of power and 25 acres to produce 5 MW
- 1 MW can supply enough power for approximately 150 houses

Solar Photovoltaic (PV) Systems
Exemption from lot coverage

- Lot coverage requirements for the 19 subject districts range from 10% to 50%, with the exception of one district where it is at 75%. Most of these districts allow a maximum of 25% lot coverage.
- If 25% lot coverage were applied (without exemption), a 1 MW solar farm would require about 20 acres and a 5 MW farm would require 100 acres.

Solar Photovoltaic (PV) Systems
Principal Use

- Subject to all submission requirements/standards (except lot coverage), plus additional standards to maintain aesthetic quality, visual character, and compatibility with surrounding uses.
  - Perimeter fencing and any portions of the fence visible from a road or abutter's dwelling will need to be screened
  - Visual impact assessment to include a narrative and demonstration detailing the impact on any sensitive visual resources

Solar Photovoltaic (PV) Systems
Principal Use

- Emergency contact, maintenance schedule of the facility and vegetation
- If the operation ceases, the owner has 365 days to start and 365 days to complete restoration. This means the removal of all equipment/structures, roads, fences, gates, etc. and revegetate.
- At the time of approval, a bond for 110% of the estimated restoration cost will be provided.

Solar Photovoltaic (PV) Systems
Accessory Use

Solar Photovoltaic System, Accessory Use:

- No size limit for roof-mounted
- Ground-mounted cannot exceed 20,000 square feet of panels
- Ground-mounted panels are subject to lot coverage
- Allowed town-wide when serving a principal use

Solar Photovoltaic (PV) Systems
Roof-mounted, accessory use

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Ground-mounted, accessory use

SOLAR PHOTOVOLTAIC (PV) SYSTEMS

Questions?

Bonus Dwelling Units

Shall an ordinance, dated June 2, 2021, and entitled "An amendment to allow Bonus Dwelling Units;" be enacted?

Bonus Dwelling Units
What is it?

- A second dwelling unit created on the same lot where only one single-family dwelling unit exists, attached or detached.
- CEO review and permit
- Maximum of one bonus dwelling unit per lot that is occupied by a single-family dwelling
- Cannot be registered as a short-term rental or a vacation rental
- Cannot be sold separately from the single-family dwelling
- Meet all dimensional requirements of the district it is in, except the area per family

Bonus Dwelling Units
Where is it allowed?

- **Allowed in 13 districts**

1. Village Historic	6. Hulls Cove Rural	10. Town Hill Rural
2. Village Res.	7. McFarland Hill Res.	11. Shoreland Gen. Dev. I*
3. Downtown Village I	8. McFarland Hill Rural	12. Shoreland Gen. Dev. II (HC)*
4. Downtown Village II	9. Schooner Head	13. Shoreland Gen Dev III*
5. Emery District		
		* *If on public water and sewer*

Bonus Dwelling Units

Questions?

NONCONFORMITY

Shall an ordinance, dated June 2, 2021, and entitled "An amendment to address an error of omission regarding nonconformity;" be enacted?

NONCONFORMITY
Error of Omission

- It corrects an error of omission where the words "in any shoreland district" were unintentionally left out of a previous land use amendment.
- This error created a loophole where property owners town-wide are able to split a conforming (or a nonconforming) lot of record even if it results in the creation (or increase) of nonconformity beyond the shoreland districts - which was never intended.
- This proposed amendment would allow two or more principal uses or structures located on a nonconforming lot of record to be sold separately, only in the shoreland districts.

Nonconformity

Questions?

Accessory Dwelling Units

Shall an ordinance, dated June 2, 2021, and entitled "An amendment to address an error of omission regarding accessory dwelling units;" be enacted?

Accessory Dwelling Units
Error of Omission

- In 2006, the town voted to approve an amendment "Weekly Rentals." The amendment created and defined a new use "Dwelling Unit, Accessory" and allowed it in certain districts. The amendment allowed homestead exemption properties to have a weekly rental plus one accessory dwelling unit.
- On June 14, 2011, the town voted to approve another amendment "Vacation Rentals." It resulted in the removal of all references to "Homestead exempt" and "Non-homestead exempt" properties but it did not remove the definition of "Dwelling Unit, Accessory," or any of the districts where it was being allowed which were part of the original (2006) weekly rental amendment.

Accessory Dwelling Units
Error of Omission

- The amendment deletes the definition of accessory dwelling unit because, as defined, there are no benefits or incentives to being permitted as an accessory dwelling unit, instead of a dwelling unit.
- It would also delete the use from all districts where it is listed

ACCESSORY DWELLING UNITS
Error of Omission

Questions?

For More Information

The full text of the six draft orders can be found on the town's website, on the Land Use Information page.

Link: https://www.barharbormaine.gov/207/Land-Use-Information