

Design Review Board
Packet of Materials
Meeting of July 25, 2019

Agenda

Minutes of June 13, 2019 for approval

Applications (1)

Other Documents

- Notes from June 27, 2019 workshop
- Color chart
- Planning Board June 5, 2019 minutes

**Agenda
Design Review Board
July 25, 2019 at 6:00 P.M.
Council Chambers – Municipal Building
93 Cottage Street**

- I. CALL TO ORDER**
 - II. EXCUSED ABSENCES**
 - III. ADOPTION OF THE AGENDA**
 - IV. ELECTION OF OFFICERS**
 - V. APPROVAL OF MINUTES (June 13, 2019)**
 - VI. PUBLIC COMMENT**
 - VII. BUILDING PERMIT REMINDERS**
 - VIII. REGULAR BUSINESS**
 - a. Certificate of Appropriateness**
 - Application: DRB-19-22 (Hulls Cove Gas Station)**
 - Applicant: Sign Services Inc.**
 - Project Location: 3 Breakneck Road/223-003-000**
 - Proposed Project: Installation or Changes in sign or awning**
- IX. OTHER BUSINESS**
 - a. Color chart**
 - b. DR Handbook – Tasks to be accomplished by August 22, 2019**
 - c. Discuss vacancies (3)**
- X. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- XI. ADJOURNMENT**

**Minutes
Design Review Board
June 13, 2019 at 6:00 P.M.
Council Chambers – Municipal Building
93 Cottage Street**

Chairperson Barbara Sassaman, Vice-chair Steve Demers, board members Francis “Pancho” Cole and Andrew Geel were present. Secretary Peter Bono was absent. The sixth and seven seats on the board are currently vacant.

Town staff present were Planning Director Michele Gagnon and Code Enforcement Officer Angela Chamberlain.

I. CALL TO ORDER

Chairperson Sassaman called the meeting of the Design Review Board to order at 6:00 PM.

II. EXCUSED ABSENCES

Secretary Bono was excused.

III. ADOPTION OF THE AGENDA

Cole moved to adopt the agenda with item VII e dropped. Geel seconded the motion. The motion carried unanimously (4-0).

IV. APPROVAL OF MINUTES (May 23, 2019)

Geel moved to adopt the minutes of May 23, 2019. Pancho seconded the motion. The motion carried unanimously (4-0).

V. PUBLIC COMMENT

There were no comment

VI. BUILDING PERMIT REMINDERS

Sassaman reminded the applicant that they would need to apply for and receive a building permit prior to commencing any of the activities approved at the meeting

VII. REGULAR BUSINESS

a. Certificate of Appropriateness

Application: DRB-19-31 (Acadia Inn)

Applicant: Kevin McKean Minuteman Signs, Inc.
(for Witham Family Hotels)

Project Location: 98 Eden Street/101-012-000

Proposed Project: Installation or changes in sign or awning

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The applicant's signs can be 30% or less translucent face and 70% or greater opaque background but it cannot be a cabinet with a translucent face. This means that the grey would have to be opaque.

Pancho moved that we accept this application as submitted with the modification that the area on the two signs – the roadside sign and the building sign – shall remain grey, black, or other nontransparent/opaque background. Demers seconded the motion. The motion carried unanimously (4-0).

b. Certificate of Appropriateness

**Application: DRB-19-32 (Bar Harbor Villager Motel)
Applicant: Kevin McKeen Minuteman Signs, Inc.
(for Witham Family Hotels)
Project Location: 207 Main Street/104-464-000
Proposed Project: Installation or changes in sign or awning**

Pancho moved that we accept this application as submitted with the proviso that the lamp illuminating from behind, because of the light, be around 2700 or 3000 (kelvin). Geel seconded the motion. The motion carried unanimously (4-0).

c. Certificate of Appropriateness

**Application: DRB-19-33
Applicant: Amy Tilbury/Bar Harbor Cheesecake Co.
Project Location: 116 Cottage Street/104-161-000
Proposed Project: Changes to exterior appearance of nonhistoric building
Installation or changes in sign or awning
Seasonal closure**

Sassaman moved that we accept this application as submitted with the following: any of the three options a, b, c, and 1, 2, and 3 are fine and are the owners decision; the colors as submitted for the building are appropriate; the gutters are added into this and are appropriate for this building and not limited to but suggested that white, brown, or black be the colors for the gutter, the window boxes are approved as submitted; the sign hanger that exist may be removed or replaced if it is similar to the existing bracket; the sign hanger may be moved to facilitate keeping the bottom of the sign ten feet above the public way; the font on the hanging signs will be used for the window sign or similar to that and the window sign letter are somewhere between 6 ½ and 10 inches tall; the color of the

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window signs is the burgundy of the sign color; and the hanging sign will be removed in the winter. Pancho seconded the motion. Discussion ensued. Sassaman amended her motion and added that any lighting for the sign, if they reuse any lighting for the sign, they must be in compliance with the dark sky code and that the white option for the gutter is removed. Pancho seconded the amended motion. The motion carried unanimously (4-0).

d. Certificate of Appropriateness

Application: DRB-19-34 (Ciao previously the Blue Door)
Applicant: Marie and Kyle Yarborough
Project Location: 135 Cottage Street/104-029-000
**Proposed Project: Changes to exterior appearance of nonhistoric building
Installation or changes in sign or awning**

Demers moved that we approve this application as submitted with the understanding that the sign will remain year round, with the option to take it down. There is no lighting. Pancho seconded the motion. The motion carried unanimously (4-0).

e. Certificate of Appropriateness

Application: DRB-19-35
Applicant: Simon and Lisa John
Project Location: 7 Holland Avenue/104--017-000
**Proposed Project: Demolition or relocation of historic building
Construction of new building or expansion of nonhistoric building**

This was removed from the agenda.

VIII. OTHER BUSINESS

- a. DR Overlay District Map and Adjustment of DRB Jurisdiction -** Sassaman said that on June 5, 2019, the Planning Board voted to not move the proposed amendments to council. The planner explained that the Planning Board had a discussion trying to determine if the proposed Design Review Board amendment complied with one of the four pathways of how an amendment can be brought forth. The Planning Board agreed that it did. There were general concerns on the amendments as it pertained to the gateway area/Route 3 section.

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- b. **Vacancies** – Sassaman explained that presently there are two vacancies on the board and members should make an effort to recruit new members. Geel indicated that his term is up for renewal and that he is unsure if he will be available to serve again.
- c. **Calendar** – The calendar gets set in October for the next calendar year. Sassaman explained that for the month of January and February – the board could schedule one meeting per month, and also keep it to one meeting per month for November and December. For the other months, there would be two meetings. The fourth week of January and February could be reserved for workshops.

IX. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

It was discussed that the board should set priorities. Items mentioned that needs to be worked on include: the handbook, off-premise signs; type I and III; proposed amendments for the expansion for jurisdiction; upstairs and downstairs color list does not match; and Appendix A. Sassaman will work on the color list.

Sassaman indicate that the board should ask Brecher and Withman, if they would be willing to come to the board to further explain the comments they made at the June 5, 2019 Planning Board meeting.

X. ADJOURNMENT

Geel motioned to adjourn at 7:17 PM. Pancho seconded the motion. The motion carried unanimously (4-0).

Signed as approved:

**Peter Bono, Secretary
Design Review Board, Town of Bar Harbor**

Date

**Design Review Board
June 27, 2019 workshop**

Notes

All members were present: Sassaman, Cole, Bono, Demers, and Geel

Staff present: Michele Gagnon

Members of the public present: David Witham

LUO

- Make sure that members have updated copies of the land use ordinance.
- Place one LUO in the Council table drawer.
- Members to provide the latest update of their LUO to MG.
- MG to make sure all members have updated copies.
- Sass and Bono latest update is 8-01-2017.

Proposed Amendments

- Sass provided summary of Planning Board June 5, 2019, Public Hearing regarding proposed Design Review Overlay District Map and Adjustment of DRB Jurisdiction.
- DRB to start presenting to Council what they are working on twice a year.
- DBR to work on not expanding the district but set the overlay (make its static). Get rid of Appendix B and make §125-112 A2 (get Janna's work) Appendix B. Include Appendix A.

Gateway

David Witham explained that in the downtown, there is a rhythm, a pattern but in the Gateway, it is more of a hodgepodge. How do you apply the DRB standards to an old but not historically significant structure? How will the owner know what is expected. DRB would need to provide clear guidance so the property owner knows what is expected. He suggested that in the Gateway, what falls under DRB could be threshold base by possibly using construction cost.

It was agreed to put the Gateway on hold.

Benefits of DRB

A few years ago, the DBR did a walk through town to assess if the town looked better now than before DBR. It was agreed that it did look better.

Pre-application meeting

Establish a system/protocol to incentivize projects over a certain size to come for a pre-app/work session – prior to the project being completely designed. In such cases, comments from the DBR would need to be very focused, as the client will take these to heart. Consider having project of a certain size signed off by a design professional.

Internally illuminated signs

What type is allowed where?

Type II – 20% allowed in the village downtown, less than 35 mph.

Type III – 30% allowed outside of the downtown, less than 35 mph.

Outside of village – intersection of Clefstone (need to look at map)

Reconcile Paint Color palette

The color chart in the Planning Office does not match the colors selected by the DRB. The color chart located in the council table drawer is the correct one.

Roof and Siding Material

Need to revise that section of the ordinance.

Need to speak with Stuart Brecher.

Should look at Portsmouth HTC of what is “not acceptable.”

Signs

We need to better define the wording on the wall/window percentage for signs on walls and in windows. Percentage of the wall including the window? Percentage of the wall of the entire building if it is broken up by a roof in the middle.

How are we going to deal with art as signage?

Ask the CEO if off-premise signs are allowed?

Bono to look into neon sign with no brand name such as cola instead of coke-a-cola.

Utilities

Utilities should not be located in front.

Lighting

Include in the LUO the kelvin requirement that is continually referred to by the DBR.

Visible

Define “visible.” What is visible from a public way and from the water.

List of priorities referred to by Sass

1. I'd really like to get the Design Review Handbook completed. That should be near the top of the list.
2. The color chart in the Planning Office does not contain the colors we chose. The chart in the drawer is the one we were all voted on. I would like to review the “Approved Pallet”. This is from the 12.08.2011 Minutes:
3. Board determinations of acceptable colors for “Color Chart”. The Board reviewed and discussed several color charts and came up with a color chart that they were all comfortable with for Staff to retain in the office. They decided that in addition to the color chart decided on, all Benjamin Moore whites were acceptable but black was

not. They planned to further discuss the color chart at their second meeting in January. As we have discussed in the meetings, the internally illuminated signs are not outlined well in any section of the LUO except in the definitions section. We need to change the "Type 2" to a "Type 3" where it does talk about "Channel Letter", but we also need to outline where Type 2 and Type 4 are allowed. We were working on it at the very end of 2105, but I can't find anything but the definitions in my computer files. There was some draft language attached to the 11/12/15 digital Packet. Perhaps more info could be found in the film from the previous meeting (10/21/15) — if it's still available for viewing.

4. I'd like to look at the clearance heights of awnings and signs.
5. I'd also like to look at the approved materials listed on the individual siding, roofing, entrances, &c. under 125-114 C (1). I don't think they are of much use and could be worded more in terms of "context" rather than "type of material." Janna had fixed some of the wording, but I think we could omit a lot of the "appropriate materials include" bits. There are some exceptions where something like shocking pink metal roofing could be deemed as inappropriate for downtown, but available materials change all the time and we don't want to make this burdensome if a newer material works well and looks appropriate. This is something Stuart Brecher was talking about (although I think he was thinking in the opposite direction) so I'd like to get his take on this particular section.
6. We need to better define the wording on the wall/window percentage for signs on walls and in windows. Percentage of the wall including the window? Percentage of the wall of the entire building if it is broken up by a roof in the middle? It's been confusing as to how to relate that section of the code to a particular building.
7. Also, I'd like to get the wording clear on how much signage can go on each front of a building with two (or three or four) road sides.
8. And how do we deal with art as signage?
9. Way back in the past we used to have a lot of discussion about signs that were too shiny, reflecting car headlights. That hasn't come up in a while, but maybe we should talk about it and see if any wording should be added to the LUO
10. What's the story on off-premises signs? Are they still allowed in Maine? How do we need to change the LUO to match the State requirements?
11. At one point we had changed the language to allow tents for health and safety for more than 72 hours. That doesn't appear in the LUO on-line. Is there wording for us to allow that now?
12. Do we need any wording on trail system signage?
13. And can we add in information on the Kelvin value we are aiming for so we don't have to bring it up every time?

**Bar Harbor Planning Board
Wednesday, June 5, 2019
Council Chambers – Municipal Building
93 Cottage Street in Bar Harbor
4:00 PM**

I. CALL TO ORDER

Chair St. Germain called the meeting to order at 4:00 PM.

Call to order @4:00
PM

Members present were Chairman Tom St. Germain, Vice-chair Joe Cough, Secretary Basil Eleftheriou, Jr., Member John Fitzpatrick and Member Erica Brooks.

Quorum – all 5
members present

Town staff present were Planning Director Michele Gagnon and Code Enforcement Officer Angie Chamberlain.

II. ADOPTION OF THE AGENDA

Chair St. Germain asked for a motion to adopt the agenda for the meeting. Vice-chair Cough made the motion, seconded by Mr. Fitzpatrick. It then carried unanimously (5-0).

Agenda adopted

III. EXCUSED ABSENCES

There were no excused absences.

IV. PUBLIC COMMENT PERIOD

There were two comments. Donna Karlson asked for a timeline regarding the public hearing for the proposed dormitory amendment. She was informed that the public hearing had been scheduled for June 19. Sarah Keeley said that she wished that the board had addressed the five-night minimum.

Chair St. Germain closed the public comment period noting that comments on vacation rentals would be heard later.

V. APPROVAL OF MINUTES

a. May 15, 2019

Mr. Fitzpatrick moved to adopt the May 15 minutes. Mr. Eleftheriou seconded the motion. The motion carried unanimously (5-0).

Minutes approved

VI. REGULAR BUSINESS

a. **Public Hearing, Deliberation, and Decision for SP-2018-07 - TA-1**
Project Location: 81 Ledgeawn Avenue, Tax Map 107, Lot 078-

Jordan TA-1 on
Ledgelawn, SP-2018-07

000, Downtown Residential District

Applicant: Robert and Kathleen Jordan

Application: The applicant is proposing to operate a TA-1 (Bed & Breakfast accommodations in the private, year-round residence of the host family who live on the premises. Breakfast is the only meal provided).

The Jordans were present to represent themselves. Mr. Jordan recounted the history of the property, and said they have always strived to be good neighbors. He said they were seeking approval from the Planning Board to come into compliance with town regulations.

Jordans present,
recount history

Chair St. Germain opened a public hearing at 4:07 PM. Donna Karlson spoke and asked about TA-1 requirements in connection with Design Review, both with regard to this project and in general around town. Barbara Sassaman, chair of the Design Review Board, said the board "had absolutely no problem with this application" because there was no change to the building. With no other comments, the public hearing was closed at 4:10 PM.

Public hearing opened
at 4:07 PM

Question about Design
Review Board

Public hearing closed at
4:10 PM

Mr. Fitzpatrick asked about parking standards and what is required under TA-1. There was discussion on this question. Mr. Fitzpatrick noted a standard modification had been requested. The applicant talked about an alternative idea of a curb cut on the north side of the house for two additional spots, but said he would prefer not to do that because it would result in the loss of one parking spot on the street.

Discussion on parking

Chair St. Germain said he anticipated seeing more applications like this. He wondered if this modification was allowed, what it would lead to in the future. He asked staff if there was precedent for such a modification, and staff could not think of any. More discussion followed, including on 125-67, E(3) which says parking areas shall be designed to allow vehicles to park without other vehicles being moved. Chair St. Germain said that should be cited in the modification, as well.

More parking talk

Vice-chair Cough noted several letters were received and asked how to make sure they are included in the record, including one from abutter Jim and Ellen Grover who asked that their letter be read into the record. He said her letter raised some questions he wanted to ask. There was discussion on whether the letter needed to be read aloud, and eventually agreed that it should be. Mr. Eleftheriou read the letter (attached), objecting to the application, aloud. The Grovers accused the applicant of ignoring and violating ordinances.

Grover letter read
aloud, opposing
application

There was discussion of what constitutes a kitchen and whether the applicants have one in their rental unit. It was noted that "kitchen" is not defined in the Land Use Ordinance. There was discussion of a consent agreement that is in

Discussion of what is or
is not a kitchen

place, whether the applicant is in violation of that and whether that is something that can be considered by the Planning Board. Town staff advised that compliance with a consent agreement is separate from compliance with the Land Use Ordinance.

Discussion on compliance with LUO vs. consent agreement

Mr. Fitzpatrick asserted there were three possible violations of the consent agreement, in his view. He later said he mentioned those items to see if that affected the standing of the application. Mr. Jordan responded to the violation comments, and said he thought he could advertise the space once he submitted his application to the Planning Board.

Discussion on possible violations, Mr. Jordan responds

Chair St. Germain referred to 125-101, A(2). CEO Chamberlain said she felt she would need to go back to the Town Council for permission to take action if she felt there was a violation, and then the town's attorney would need to go to court. Board members shared their thoughts on the matter.

More discussion on consent agreement

Mr. Jordan noted part of what was discussed at the court was pursuing a change of use to TA-1. He responded to several points raised in the letter from the Grovers.

Mr. Jordan responds to letter from Grovers

Vice-chair Cough returned to the issue of whether the applicants have a kitchen in the rental area (he said he thought they did). He said he did not agree with the idea that there had to be a stove/oven to classify it as a kitchen. Board members shared their opinions. It was noted that the definition of bed and breakfast does not prohibit a kitchen. Mr. Jordan noted that in the consent agreement, where it originally said "kitchen" was changed to "food preparation area," a change that was made as the agreement was finalized.

More discussion of the question of a kitchen

Mr. Fitzpatrick said as with a previous application for TA-1, he does not believe an exterior room/building/structure qualifies for that designation. He worried what precedent approving this application would set. He said he shared Vice-chair Cough's concern with the kitchen.

Question of whether this qualifies as TA-1

Mr. Jordan offered to connect the barn to the house if it would satisfy Mr. Fitzpatrick's concern. He said they are already connected by utilities.

Vice-chair Cough moved to continue the public hearing and that the board request town attorney Ed Bearor be in attendance at the next meeting on June 19. He said he wanted to hear his take on the kitchen question and residence definition. There was discussion among board members. Chair St. Germain noted attorney Bearor had supplied an opinion on similar questions previously, and that the board had approved a similar application after receiving that opinion. Vice-chair Cough read the definition of TA-1. Mr. Fitzpatrick said he would agree to table the application for two weeks to determine if the application has standing. **Vice-chair Cough**

Motion to continue public hearing until June 19 and have town attorney present to answer questions on kitchen, residence definitions

Board discussion

withdrew his initial motion, then made a new motion to table the application for two weeks until the board's next meeting (June 19) with the understanding that the town attorney will be at the meeting to go over the issue of residence definition as it applies to TA-1 and also the issue of standing for the applicant. Mr. Fitzpatrick seconded the motion. Chair St. Germain said he could not support the motion because he felt the board had already addressed the residence issue, and that to examine it again would be bad practice. On the subject of standing, he said he sees this application as the Jordans' way out of being in violation. Mr. Eleftheriou and Ms. Brooks both offered their own opinions. **The vote was taken, with three in favor and two opposed (Chair St. Germain and Ms. Brooks).**

First motion withdrawn, followed by motion to table application for two weeks until June 19 and have town attorney present to look at definition of residence and question of standing

Board discussion

Motion carries 3-2 (St. Germain and Brooks are opposed)
Rechholtz Subdivision
SP-2018-02

b. Public Hearing, Deliberation, and Decision for SD-2018-02 Major Subdivision (amendment to a subdivision)

Project Location: 25 White Spruce Road, Tax Map 110, Lot 038, Village Residential District

Applicant: Robert Rechholtz

Application: The applicant is proposing to subdivide a 40,000-square-foot lot into two, 20,000-square-foot lots and to connect to town sewer.

Vice-chair cough
recuses himself

Vice-chair Cough recused himself and left the room.

Rob Rechholtz proceeded to present his project and went through the items that had been requested by the board at the last meeting.

Applicant summarizes
project status

At 5:00 PM Chair St. Germain opened the public hearing. There was no comment and the hearing was closed.

Public hearing opened
– no comments
received.

Mr. Fitzpatrick asked for clarification on a few points.

Mr. Fitzpatrick moved that the water capacity letter requirement be waived from the application. Mr. Eleftheriou seconded the motion. The motion carried unanimously (4-0).

Water Capacity Letter
waived

Mr. Fitzpatrick moved to require lot number 2 to be located within 500 feet of a fire hydrant or require a note on the plot plan to be recorded at the Hancock County Registry of Deeds, which says that lot number 2 has a deed restriction "any dwelling unit shall be protected with a residential level sprinkler system." Mr. Eleftheriou seconded the motion. The motion carried unanimously (4-0).

Fire hydrant within 500
feet of lot #2 or provide
deed restriction
requiring residential
sprinkler system

Mr. Fitzpatrick moved that based on the meetings the board has held and the deliberations by the board that it finds that the project meets Chapter 125-67 General Standards and 125-69 N Subdivision Standards for

Determination that
project meets the

application SD-2018-02. Mr. Eleftheriou seconded the motion. The motion passed unanimously (4-0).

General and
Subdivision Standards

Mr. Fitzpatrick was on a roll and wrapped it up with one last motion.

Based on the Finding of Facts and Conclusions of Law, Mr. Fitzpatrick moved to approve SD-2018-02, as outlined in the Draft Decision dated June 5, 2019, as amended previously. Mr. Eleftheriou seconded the motion. The motion passed unanimously.

Project is approved

Chair St. Germain, recognizing that the following items on the agenda would be lengthy, called for a short break and the meeting to resume at 5:10 PM. Vice-chair Cough rejoined the board at the table.

Chair calls for a break

The meeting resumed at 5:10 PM.

Cough rejoins the
board at the table
Meeting resumes at
5:10 PM

**c. Public Hearing on an amendment to the Land Use Ordinance.
The purpose of the proposed amendment is to amend the
definition of Vacation Rental**

Public hearing for
proposed amendment
to definition of vacation
rental

The public hearing was opened at 5:14 PM.

The public hearing was
opened

Sixteen residents spoke. Although no one was against what was presented, there was a sentiment that the board should have considered decreasing the minimum number of days. Other views were also expressed.

Sixteen residents speak

The public hearing was closed at 5:44 PM.

The public hearing was
closed

Chair St. Germain explained that although he was in favor of lowering the number of days he explained that the board decided not to change the minimum number of days as there is insufficient information especially pertaining to the number of hosted versus non-hosted vacation rentals. There also is concern that lowering the minimum number of days might open up the floodgate for the sort of investors who has a business of a group of homes.

Vice-chair Cough said that he feels that the board will later tackle the number of days. He also offered that it might be better done in conjunction with addressing density.

Mr. Fitzpatrick explained that his support for not addressing the number of days for short-term rentals, as supported by some of the comments heard tonight, was because to address the housing crisis the town needs data and facts; it needs to figure out what it wants to be as a community and set a series of goals (goals, objectives, strategies, and actions); the Planning Board needs clear direction

from the council of what is to be accomplished; and there is also a need to take a hard look at what is an owner-occupied versus non-owner-occupied vacation rental. Mr. Fitzpatrick felt that moving from five days to three days without having all the information is not prudent and that there would many unintended consequences.

Mr. Eleftheriou agreed with both what was said by Mr. Fitzpatrick and Vice-chair Cough. He explained that insufficient data was a big factor in his decision not to change the number of days. He, again, advocated strongly for the town to conduct a hosing study. He noted that a housing study and data is needed to enable the board to move forward.

Ms. Brooks said that the town has an outdated ordinance, and that the comments that are constantly heard constitute the data and the planning process. The board needs to focus, get to work and change the ordinance. In her opinion, that will help people be in compliance and not force them to have to stop their "side income" which allows them to live here.

Chair St. Germain explained that sometime in July or August there will be a joint workshop of the Planning Board and the Town Council to continue working on this matter.

Mr. Fitzpatrick moved to forward to the Bar Harbor Town Council warrant article Land Use Ordinance Amendment: Vacation Rental; specifically, Shall an amendment dated May 1, 2019 and entitled "An amendment to the definition of Vacation Rental" be enacted for their consideration and inclusion on the warrant for the November election period. Vice-chair Cough seconded the motion. The motion carried unanimously (5-0).

Board moved to forward the amendment to vacation rental to the council for the November vote

d. Public Hearing on an amendment to the Land Use Ordinance. The purpose of the proposed amendment is to adjust the Design Review Board's jurisdiction, amend the Design Review Board Overlay District Map to reflect that expansion, and amend the language in Article XIII to accurately describe the new boundaries of the district within the Land Use Ordinance.

Public hearing for amendment to DRB Overlay and adjustment to area of jurisdiction

The Chair of the Design Review Board (DRB) Barbara Sassaman explained that the DRB is tasked with annually updating Appendix A. The board's jurisdiction is limited to the DRB Overlay District, which is superimposed over several neighborhood zoning districts. Changes to the zoning districts result in automatic changes to the DRB Overlay District. Consequently, several properties listed in the National Register of Historic Places are now out of the DRB's jurisdiction. Conversely, there are properties well outside the main village area that now fall under the DRB's jurisdiction.

Sassaman summarizes the problems with how the Overlay District boundaries are defined

The DRB feels that the changes to zoning districts affect the intent of the original DRB Overlay District boundaries. Rather than being attached to the boundaries of the underlying zoning district, the Overlay District area should be defined by a list of parcels (map/lot). This would eliminate the confusion caused when zoning district boundaries are changed. Presently, the Overlay District does not accurately reflect buildings important to Bar Harbor's overall aesthetics. Having an Overlay District that actually reflects the important buildings is the DRB's goal. The DRB has created a new Overlay District map. In addition, following the policies and strategies of the Comprehensive Plan, the DRB is asking the board to consider increasing the DRB Overlay District to include the Bar Harbor Gateway area; Salsbury Cove, and Hulls Cove.

Sassaman explains how to better define the boundaries of the Overlay District

Ms. Sassaman referenced the policies and strategies of the Comprehensive Plan as follows:

Sassaman explains how the amendments would comply with the Comprehensive Plan

Policy 1H – To preserve scenic approaches to Bar Harbor and designated villages, specifically along Routes 3, 102, and 198.

Strategy 1H3 - Extend design review beyond current application in Downtown and for B&Bs to include the Acadia Byway, a nationally designated scenic byway and the designated Town Hill Village.

Policy 1J – To preserve Bar Harbor historical and archaeological resources.

Strategy 1J3 - Update the 1976 History Building Inventory and, as appropriate, designate historic districts in portions of Salsbury Cove, Hulls Cove and Town Hill.

Policy 2B – Examine the zoning in Bar Harbor village to preserve its residential integrity, while acknowledging numerous nonconforming commercial uses.

Strategy 2B4 - Continue monitoring the effectiveness of zoning to protect the existing nature and quality of life on West Street.

Policy 2D - To revise the standards and broaden the scope of design review beyond the downtown business district to address historic and archeological, scenic byways, and other concerns in the rest of the community.

Ms. Sassaman read a quote in the Comprehensive Plan that immediately follows the previous policy. "One of the greatest outcries in neighborhood meetings was fear of what was perceived as being the loss of Bar Harbor's traditional, coastal New England character. The DRB was set up in an attempt to keep the appearance of downtown development consistent with the surrounding architecture while respecting the rights of property owners. It is clear the Town

has benefitted from this necessary review. Because of the possible negative consequence of further development, the Town should consider, after the standards have been revised, extending the Board's jurisdiction." She then went on to quote the following strategy:

Strategy 2D2 – Study the village of Hulls Cove, Salsbury Cove, and Town Hill to identify which features, structures, and visual aspects would be preserved, prepare and adopt standards in the LUO, and expand design review to those areas.

Ms. Sassaman continued by noting that last time the DRB presented to the board the proposed expansion of DRB's jurisdiction, there was opposition from the board, hence the reason the DRB removed Hulls Cove and Salsbury Cove from the plan that is now submitted. The intent of the amendments is to change the language of the LUO to have all properties listed on the National Register of Historic Places included in Appendix A regardless of whether they fall under the Overlay District or not; to slightly extend the Overlay District in Town Hill (this was caused by needing a geographical feature as a boundary marker at both ends of this area); and to expand the Overlay District to the village of Bar Harbor which would include the gateway area. At an earlier meeting with the board, it was stated that none of the owners of the properties along this stretch of Route 3 would do anything to diminish the aesthetic quality of this area. That is fine but it does not take into consideration the fact that properties are sold and owners change. This is the gateway to Bar Harbor and therefore it should reflect the aesthetic of the Town. It is the introduction to the village of Bar Harbor and it should be protected from unchecked development that would adversely affect its appearance and character. Along with this revised Overlay District map, the DRB has also have amended 125-12 (defines the Overlay District). Ms. Sassaman reminded the board that single and two-family dwellings are not under the purview of the DRB unless they are listed in the National Register of Historic places.

Sassaman explains the intent of the amendments

Chair St. Germain opened the public hearing at 6:03 PM.

Three people commented. Stewart Brecher supported the DRB's protection of historic places. He voiced concerns about the proposed standards and the attempt to copy old buildings.

The public hearing is opened

David Witham expressed concerns with the expansion of the Overlay District and with how the guidelines will apply to buildings without historical significance.

Donna Karlson talked about having more clarity on the bylaws.

The public hearing was closed at 6:15 PM.

Board deliberations began. The board had a long and arduous discussion trying to determine if the proposed DRB amendment complied with one of the four pathways of how an amendment can be brought forth. The attorney's opinion, affirming that the process for the DRB amendments met one of the four pathways, was considered in the deliberation.

Public hearing is closed

Discussion about if the proposed amendments by the DRB meets one of the four pathways to amend the LUO

Vice-Chair Cough moved to continue discussion and agreed with Ed Bearor's decision on the issue of moving it forward. Mr. Eleftheriou seconded the motion. During discussion, Vice-Chair Cough moved to call a question (to stop the debate). Although, it was noted that a second was not necessary, Mr. Eleftheriou seconded the motion, to be safe. The motion carried (3-2 with Ms. Brooks and Chair St. Germain voting against it). The initial motion was then voted on and the motion carried (3-2 with Ms. Brooks and Chair St. Germain voting against it)

It was decided that the DRB process had met one of the four pathways to bring the amendment forth

The board then deliberated on the DRB proposed amendments. There were general concerns on the amendments as it pertained to the gateway area/Route 3 section.

Mr. Fitzpatrick moved to recommend that the Design Review Overlay District Map and adjustment of Design Review Board jurisdiction amendment dated March 29, 2019 be moved to the Council with the recommendation "ought to pass." Vice-chair Cough seconded the motion. Debate followed. The vote was 2-3 with Ms. Brooks, Mr. Fitzpatrick, and Chair St. Germain voting against it, and the motion did not carry.

Board moved not to forward the DRB amendments to the council

It was clarified that the "ought to pass" wording was premature and it was agreed that the interpretation of the motion was that it was dead and not being forwarded to the council.

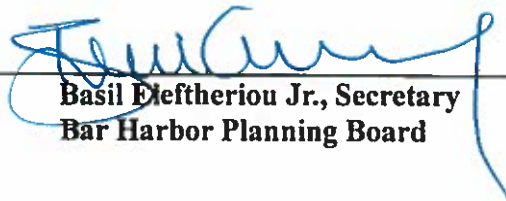
IX. ADJOURNMENT

At 7:28, Mr. Fitzpatrick motioned to adjourn the meeting. Mr. Eleftheriou seconded the motion. The motion carried unanimously (5-0).

Meeting adjourned

Minutes approved by the Bar Harbor Planning Board on June 19, 2019:

7.10.19
Date


Basil Eleftheriou Jr., Secretary
Bar Harbor Planning Board

Design Review Board Pallet of Paint Colors

Based on Benjamin Moore Historic Colors. Matching colors in other paint brands are acceptable. All whites are acceptable. Black may be used for trim only.

Color #	Name
HC-1	Castleton Mist
HC-2	Beacon Hill Damask
HC-3	Greenmount Silk
HC-4	Hawthorne Yellow
HC-5	Weston Flax
HC-6	Windham Cream
HC-7	Bryant Gold
HC-8	Dorset Gold
HC-9	Chestertown Buff
HC-10	Stuart Gold
HC-11	Marblehead Gold
HC-12	Concord Ivory
HC-13	Millington Gold
HC-14	Princeton Gold
HC-15	Henderson Buff
HC-16	Livingston Gold
HC-17	Summerdale Gold
HC-18	Adams Gold
HC-19	Norwich Brown
HC-20	Woodstock Tan
HC-21	Huntington Beige
HC-22	Blair Gold
HC-23	Yorkshire Tan
HC-24	Pittsfield Buff
HC-25	Quincy Tan
HC-26	Monroe Bisque

HC-27	Monterey White
HC-28	Shelburne Buff
HC-29	Dunmore Cream
HC-30	Philadelphia Cream
HC-31	Waterbury Cream
HC-32	Standish White
HC-33	Montgomery White
HC-34	Wilmington Tan
HC-35	Powell Buff
HC-36	Hepplewhite Ivory
HC-37	Mystic Gold
HC-38	Decatur Buff
HC-39	Putnam Ivory
HC-40	Greenfield Pumpkin
HC-41	Richmond Gold
HC-42	Roxbury Caramel
HC-43	Tyler Taupe
HC-44	Lenox Tan
HC-45	Shaker Beige
HC-46	Jackson Tan
HC-47	Brookline Beige
HC-48	Bradstreet Beige
HC-49	Mayflower Red
HC-50	Georgian Brick
HC-51	Audubon Russet
HC-52	Ansonia Peach
HC-53	Hathaway Peach
HC-54	Jumel Peachtone
HC-55	Winthrop Peach
HC-56	Georgetown Pink Beige

HC-57	Sheraton Beige
HC-58	Chippendale Rosetone
HC-59	Odessa Pink
HC-60	Queen Anne Pink
HC-61	New London Burgundy
HC-62	Somerville Red
HC-63	Monticello Rose
HC-64	Townsend Harbor Brown
HC-65	Hodley Red
HC-66	Garrison Red
HC-67	Clinton Brown
HC-68	Middlebury Brown
HC-69	Whitall Brown
HC-70	Van Buren Brown
HC-71	Hasbrouck Brown
HC-72	Branchport Brown
HC-73	Plymouth Brown
HC-74	Valley Forge Brown
HC-75	Maryville Brown
HC-76	Davenport Tan
HC-77	Alexandria Beige
HC-78	Litchfield Gray
HC-79	Greenbrier Beige
HC-80	Bleeker Beige
HC-81	Manchester Tan
HC-82	Bennington Gray
HC-83	Grant Beige
HC-84	Elmira White
HC-85	Fairview Taupe
HC-86	Kingsport Gray

HC-87	Ashley Gray
HC-88	Jamesboro Gold
HC-89	Northampton Putty
HC-90	Crown Point Sand
HC-91	Danville Tan
HC-92	Wheeling Neutral
HC-93	Carrington Beige
HC-94	Old Salem Gray
HC-95	Sag Harbor Gray
HC-96	Richmond Gray
HC-97	Hancock Gray
HC-98	Providence Olive
HC-99	Abingdon Putty
HC-100	Gloucester Sage
HC-101	Hampshire Gray
HC-102	Clarksville Gray
HC-103	Cromwell Gray
HC-104	Copley Gray
HC-105	Rockport Gray
HC-106	Crownsville Gray
HC-107	Gettysburg Gray
HC-108	Sandy Hook Gray
HC-109	Sussex Green
HC-110	Wethersfield Moss
HC-111	Nantucket Gray
HC-112	Tate Olive
HC-113	Louisburg Green
HC-114	Saybrook Sage
HC-115	Georgian Green
HC-116	Guilford Green

HC-117	Hancock Green
HC-118	Sherwood Green
HC-119	Kittery Point Green
HC-120	Van Alen Green
HC-121	Peale Green
HC-122	Great Barrington Green
HC-123	Kennebunkport Green
HC-124	Caldwell Green
HC-125	Cushing Green
HC-126	Avon Green
HC-127	Fairmont Green
HC-128	Clearspring Green
HC-129	Southfield Green
HC-130	Webster Green
HC-131	Lehigh Green
HC-132	Harrisburg Green
HC-133	Yorktowne Green
HC-134	Tarrytown Green
HC-135	Lafayette Green
HC-136	Waterbury Green
HC-137	Mill Springs Blue
HC-138	Covington Blue
HC-139	Salisbury Green
HC-140	Prescott Green
HC-141	Hollingsworth Green
HC-142	Stratton Blue
HC-143	Wythe Blue
HC-144	Palladian Blue
HC-145	Van Courtland Blue
HC-146	Wedgewood Gray

HC-147	Woodlawn Blue
HC-148	Jamestown Blue
HC-149	Buxton Blue
HC-150	Yarmouth Blue
HC-151	Buckland Blue
HC-152	Whipple Blue
HC-153	Marlboro Blue
HC-155	Newburyport Blue
HC-156	Van Deusen Blue
HC-157	Narragansett Green
HC-158	Newburg Green
HC-159	Phippsburg Blue
HC-160	Knoxville Gray
HC-161	Templeton Gray
HC-162	Brewster Gray
HC-163	Duxbury Gray
HC-164	Puritan Gray
HC-165	Boothbay Gray
HC-166	Kendall Charcoal
HC-167	Amherst Gray
HC-168	Chelsea Gray
HC-169	Coventry Gray
HC-170	Stonington Gray
HC-171	Wickham Gray
HC-172	Revere Pewter
HC-173	Edgecomb Gray
HC-174	Lancaster Whitewash