

PLANNING BOARD

PACKET OF MATERIALS

MEETING SEPTEMBER 5, 2018

Cover page with date

Agenda

Minutes for approval

Applications

Supporting Documents

Agenda
Bar Harbor Planning Board
Wednesday, September 5, 2018
Council Chambers- Municipal Building
93 Cottage Street
4:00 P.M.

- I. CALL TO ORDER**
- II. ELECTION OF OFFICERS**
- III. ADOPTION OF THE AGENDA**
- IV. EXCUSED ABSENCES**
- V. PUBLIC COMMENT PERIOD** *(The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda and not a pending application before the Board, with a maximum of three minutes per person.)*
- VI. APPROVAL OF MINUTES**
 - a. August 15, 2018**
- VII. REGULAR BUSINESS**
 - a. Final recommendation – LU-2018-01 - Zoning District Boundary Line Relocation from Town Hill Residential to Town Hill Rural for Tax Map 213, Lot 008-001 (Downeast Horizons)**
 - i. The Planning Board will make a recommendation as to whether the proposed amendment ought to be adopted or ought not to be adopted.**
- VIII. OTHER BUSINESS**
 - a. Pending Applications**
 - i. Jones Marsh PUD-O**
 - ii. Hamilton Hill Subdivision**
 - iii. Acadia Apartments PUD-V**
 - b. Dormitory**
- IX. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- X. ADJOURNMENT**

**Agenda
Bar Harbor Planning Board
Wednesday, August 15, 2018
Council Chambers- Municipal Building
93 Cottage Street
4:00 P.M.**

I. CALL TO ORDER

The Chair called the meeting to order at 4:00 PM. Members present: Tom St. Germain, Chair; Alf Anderson, Member; Basil Eleftheriou, Jr, Secretary; John Fitzpatrick, Member; and Joseph Cough, Vice Chair.

Also present: Janna Richards, Planning Director; Angela Chamaberlain, Code Enforcement Officer; and Catherine Leatherman, Administrative Assistant.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda, as written. Mr. Anderson seconded the motion, and the Board voted 5-0 to approve the motion.

III. EXCUSED ABSENCES

There were no excused absences.

IV. PUBLIC COMMENT PERIOD

There was none.

V. APPROVAL OF MINUTES

Mr. Cough moved to approve the minutes. Mr. Fitzpatrick seconded the motion, and the Board voted 5-0 to approve the motion.

VI. REGULAR BUSINESS

- a. Public Hearing: LU-2018-02 - Amendment to the Land Use Activities and Standards for the Downtown Village II district**
Project Location: Downtown Village II district
Applicant: Bar Harbor Historical Society
Application: The applicant is proposing to add "Museum" as a permitted use with Site Plan Review approval in the Downtown Village II district.

Mr. Earl Brechlan represented the applicant. He described the request that museums be added as an allowed use with site plan review in the Downtown Villiage II district.

Mr. Brechlan provided support for the request. He noted land uses that are not allowed in the Downtown Villiage II district, and those that currently are allowed. He also pointed out that the omission of museum as an allowed use in the downtown districts was likely an oversight and that the Board may consider allowing the museum use in surrounding downtown zones.

Mr. Brechlan supported the proposed amendment request using the Comprehensive Plan. In particular:

- Policy 1-C – to encourage voluntary protection of Bar Harbor’s important natural cultural and scenic resources;
- Policy 1-J - to preserve historic and archeological resources;
- Policy 1-N - to encourage support and where appropriate, use of state and regional efforts to preserve important natural and cultural resources;
- Policy 3-G - to support a vibrant and healthy downtown; and
- Policy 31-i - to encourage strategies to streamline review processes for museums and galleries.

Mr. St. Germain announced that the pupose of the meeting was to conduct a public hearing and opened the floor for public comment.

The Public Hearing opened at 04:08 PM.

1. Mr. Stewart Brecher, resident of Bar Harbor, came forward and spoke in support of the proposal, contending that a museum would enhance the town and construction of such uses should be encouraged. Mr. Brecher further offered that the Board may consider broadening the definition of museum.
2. Ms. Patricia Samuel, resident of Bar Harbor and previous small business owner, came forward and voiced her support of the museum and made a suggestion that applicants be encouraged to make proposed buildings tall enough for year-round, affordable apartments to be placed on top.

With no one further coming forward, Mr. St. Germain closed the Public Hearing at 04:12pm.

Mr. Cough verified with staff that the proposed amendment, if recommended, would be placed on the June 2019 ballot.

Mr. Fitzpatrick verified with Mr. Brechlan that the property has already been purchased and inquired as to any alternate plan, if the proposed ordinance change does not pass. Mr. Brechlan noted that the property would be repurposed, if necessary.

Mr. Cough moved to recommend to the Town Council that the written request, as submitted, be placed on the June 11, 2019 warrant. Mr. Anderson seconded the motion.

Discussion ensued as to if this proposal should include other downtown districts. The Board decided not pursue this option, at this time, but to potentially add it as a future agenda item.

Mr. Fitzpatrick noted that conditional use approval would allow the Board to consider a housing component, as part of the site plan application. There was discussion as to if “museum” could be an allowed use with a conditional permit.

Ms. Richards explained that the Board received a document from staff that indicates the districts where museums are currently an allowed use and the permitting authority, the Code Enforcement Officer or the Planning Board.

Ms. Richards summarized that the current options before Board were: 1. Move to recommend, as written to Town Council; or 2. Move to Council, with amendments or conditions, that would bring the proposal into conformance with the most recently adopted Comprehensive Plan. So, to make museum an allowed use with a conditional permit, there would need to be justification to support this as found in the Comprehensive Plan.

Ms. Richards added that there is currently an incentive to build affordable housing in the Downtown Villiage II District.

With no further discussion, Mr. St. Germain called for a vote on the motion on the table. The Board voted 5-0 to approve the motion.

VII. OTHER BUSINESS

a. PUD-2017-01 Jones Marsh Development – Recap from Site Walk & Neighborhood Meeting

Ms. Richards noted that there was a request to put all pending applications on the agenda, so that if the Board chooses to discuss further, they may do so.

The site visit, which occurred this past Friday, was attended mostly by Board members and by staff and a local newspaper reporter. There were no members of the public at the neighborhood meeting. The applicant is preparing an application for completeness review.

b. SD-2018-01 Hamilton Hill – Recap from Site Walk & Neighborhood Meeting

Ms. Richards noted that, for the Hamilton Hill application, the neighborhood meeting was attended by four residents and that five residents attended the site walk. Concerns were raised about drainage and site access at the neighborhood meeting.

c. PUD-2017-02 Acadia Apartments

Ms. Richards noted that there were no further updates in regard to the Acadia Apartments application.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Eleftheriou, Jr. followed up on the Town's recusal process. Ms. Richards stated that the Town Attorney had provided an interpretation of the ethics ordinance and that she would be discussing it further with the Town Manager.

Mr. Eleftheriou, Jr. took position that the ethics ordinance should be clarified, and Ms. Richards concurred.

Ms. Richards noted that the agenda for the next meeting would include a review of the November draft warrant and election of Board officers.

There was a discussion on the concern that the widespread allowance of museums as a use in downtown could have the unintended consequence of reducing the Town's tax base. It was decided that this could be an issue taken up by the Council.

IX. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn at 04:45pm. Mr. Anderson seconded the motion, and the Board voted 5-0 to approve the motion.

THE WARRANT
SPECIAL TOWN MEETING – November 6, 2018
TOWN OF BAR HARBOR

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the Municipal Building, Third Floor Auditorium in said Town on Tuesday the sixth day of November, A. D., 2018 at eight o'clock in the forenoon until eight o'clock afternoon, then and there to act on Articles numbered one through three, all of said articles being set out below to wit:

Article 1 - ELECTION OF MODERATOR - To choose a Moderator to preside at said meeting.

CHARTER COMMISSION:

Whereas, it is agreed that Town Meeting voters should consider possible revision of the Bar Harbor Town Charter or adoption of a new Town Charter; and

Whereas, State Law provides a process whereby a charter is to be studied, amended, revised, or a new charter adopted; and

Whereas, it is agreed that the process include, but not be limited to, consideration of electronic voting at town meeting; streamlining the budget process, and the purpose, function, and structure of the Warrant Committee; now therefore, be it

Ordered that a Charter Commission be formed as provided by title 30-A MRSA section 2102(1), subject to ratification by the voters; and, be it further

Ordered that the following articles be placed on the warrant for the town meeting to be held on November 6, 2018:

Article 2 – CHARTER COMMISSION CREATION – Shall a Charter Commission be established, pursuant to 30-A MRSA section 2102(5), for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?

Explanation: If passed by the voters, this article will create a Commission with the limited authority to study the Town Charter and recommend any Charter amendments or revisions that the Commission believes to be advisable. Any changes to the Town

Charter would have to be approved by Town Meeting voters on a secret ballot before taking effect.

Recommendations:

The seven member Town Council recommends adoption/rejection by a vote of X to Y.

The twenty-two member Warrant Committee recommends adoption/rejection by a vote of X to Y.

Article 2A – ELECTION OF CHARTER COMMISSION MEMBERS – To elect six Charter Commission members as required by State Law 30-A MRSA section 2103.

Article 3 - LAND USE ORDINANCE AMENDMENT – Official Neighborhood Districts Map Amendment Town Hill Residential to Town Hill Rural– Shall an ordinance, dated March 21, 2018, to amend the Official Neighborhood Districts Map by extending a portion of the boundary of the Town Hill Rural district to encompass the parcel identified as Tax Map 213, Lot 008-001 be enacted?

Town Hill Rural

An amendment to the Official Neighborhood Districts Map to change Bar Harbor Tax Map 213, Lot 008-001 from the Town Hill Residential district to the Town Hill Rural district.

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

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

Chapter 125 , LAND USE ORDINANCE

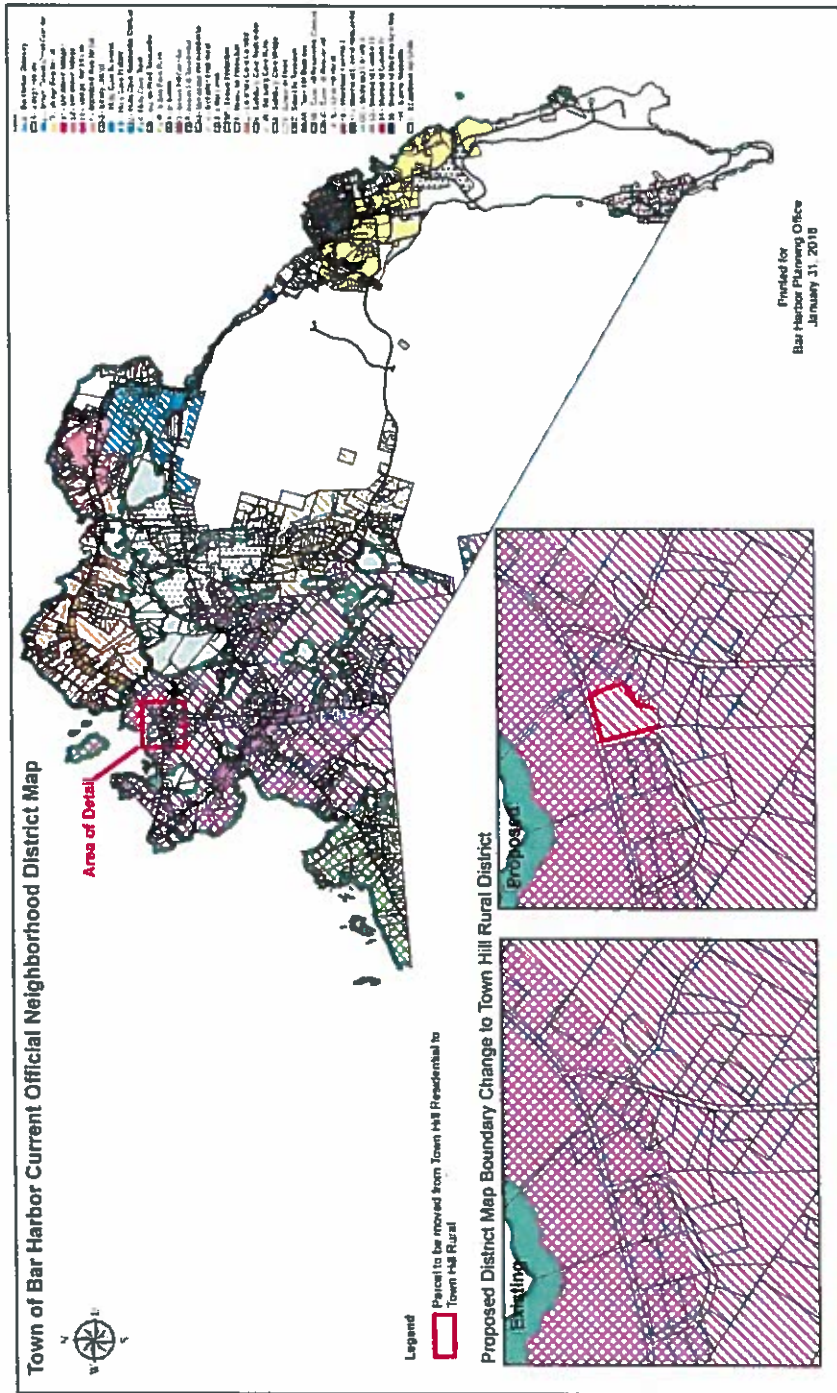
EXPLANATION:

This amendment is to relocate the district boundary line of the Town Hill Rural district to include the property located at Bar Harbor Tax Map 213, Lot 008-001.

Recommendations:

The 5 member Planning Board recommends adoption/rejection by a vote of X to Y.

The 22 member Warrant Committee recommends adoption/rejection by a vote of X to Y.



The Registrar of Voters will be available Monday through Friday from 8:30 a.m. to 5:00 p.m. for registration purposes through Election Day. Absentee ballots will be processed the Saturday before, November 3, 2018, from 10:00 a.m. until completed; and on Election Day every hour on the hour starting at 9:00 a.m. until 8:00 p.m. ***The last day to request an absentee ballot or to cast a ballot in person at the Municipal Building, prior to Election Day, is Thursday, November 1st.*** The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, November 6, 2018 for election of the Moderator and referendum balloting.

Given under our hands this eighteenth day of September 2018.

Municipal Officers of the Town of Bar Harbor

Gary Friedmann, Chair

Matthew A. Hochman, Vice Chair

Paul A. Paradis

Stephen Coston

Erin Cough

Joseph Minutolo

Judith C. Noonan

Attest:

A true copy _____
Town Clerk of Bar Harbor, ME

CONSTABLE'S RETURN

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

Attest:

Constable of the Town of Bar Harbor

Attest:

A true copy _____
Sharon M. Linscott, Town Clerk of Bar Harbor, ME

MEMORANDUM:

To: Bar Harbor Planning Board
From: Janna Richards, Planning Director
Subject: November 2018 Land Use Ordinance Amendment
Date: August 31, 2018

Pursuant to section 125-9 D of the Bar Harbor Land Use Ordinance, the Planning Board, shall, by majority vote, make a recommendation as to whether the proposed amendment:

1. Ought to be adopted, or
2. Ought not to be adopted.

Such recommendation shall be printed on the warrant.