

**PLANNING BOARD**

**PACKET OF MATERIALS**

**MEETING OCTOBER 24, 2018**

Cover page with date

Agenda

Minutes for approval - will be sent on Monday  
10/22/18

Applications

Supporting Documents

**Agenda**  
**Bar Harbor Planning Board**  
**Special Meeting**  
**Wednesday, October 24, 2018**  
**Council Chambers- Municipal Building**  
**93 Cottage Street**  
**4:00 P.M.**

- I. **CALL TO ORDER**
- II. **ADOPTION OF THE AGENDA**
- III. **EXCUSED ABSENCES**
- IV. **PUBLIC COMMENT PERIOD** *(The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda and not a pending application before the Board, with a maximum of three minutes per person.)*
- V. **APPROVAL OF MINUTES**
  - a. October 17, 2018
- VI. **REGULAR BUSINESS**
  - a. **Public Hearing: SP-2018-05 – Major Site Plan**  
**Project Location:** 8 Newport Drive, Bar Harbor Tax Map 104, Lot 523  
**Applicant:** LARK Studio for Witham Family Hotels  
**Application:** The applicant is proposing to construct a new building with a footprint of approximately 2,600 square feet, and to renovate the pool/pool deck, hardscaping/landscaping, and pedestrian walkways on an approximately 8-acre property in the Shoreland General Development I district.
  - b. **Public Hearing: SP-2018-06 – Major Site Plan**  
**Project Location:** 15 Everard Court, Bar Harbor Tax Map 104, Lot 389  
**Applicant:** LARK Studio for William Weir of Bar Harbor Savings and Loan  
**Application:** The applicant is proposing to change the use of a 0.10-acre (approximately 4,356 square feet) property located in the Downtown Village I district to a parking lot.
- VII. **OTHER BUSINESS**
  - a. **Pending Applications**
    - i. Jones Marsh PUD-O
    - ii. Hamilton Hill Subdivision
    - iii. White Spruce Road Subdivision
    - iv. Silent Stream Way Subdivision
    - v. Acadia Apartments
- VIII. **BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**
- IX. **ADJOURNMENT**

## Section 9 | SITE PLAN (125-66-J)

See attached plans, listed in the table below and waivers requested in Waiver Request Table, and listed in the Application Checklist.

Sheet	Title
L1.0	Full Site Plan
L2.0	Project Site Plan

### Parking Narrative

FIVE (5) PARKING SPACES HAVE BEEN REMOVED AND TEN (10) PARKING SPACES ADDED, FOR A NET GAIN OF FIVE (5) SPACES.

ACCORDING TO THE BAR HARBOR LAND USE CODE 125-67-D-3-B-2, THERE IS A REQUIREMENT OF ONE (1) PARKING SPACE PER GUEST ROOM REQUIRED. THIS PROJECT INCLUDES THE CREATION OF THREE (3) GUEST ROOMS IN THE FORMER BREAKFAST ROOM LOCATION, MEANING THREE (3) NEW PARKING SPACES ARE REQUIRED.

THE FIVE (5) NEWLY CREATED PARKING SPACES, ACHIEVES THE REQUIRED NET IMPROVEMENT OF THREE (3) SPACES.

PHASE III LOT COVERAGE CALCULATIONS

SQUARE FEET	ACRES	PERCENT
Total Lot Area	347,142 sq ft	100.00%
Building	27,894 sq ft	8.00%
Driveway	6,514 sq ft	1.90%
Site/Utility/Other	14,115 sq ft	4.06%
Total Impervious Area (Phase I)	148,024 sq ft	42.63%

**FLOOD NOTES**

- NOT MAINTAINED ZONE (A OR AE)
- SEE FLOOD MAP HAZARD DEVELOPMENT PERMIT ATTACHED
- UNLAWFUL TO DEVELOP IN FLOOD HAZARD ZONE

**UNLAWFUL TO DEVELOP IN FLOOD HAZARD ZONE**

- REQUIREMENT FOR THE BAR HARBOR INN RESTAURANT TERRACE AREA IS TO MAINTAIN THE EXISTING FLOOR LEVELS AND TO MAINTAIN THE EXISTING FLOOR LEVELS ABOVE THE FLOOD ELEVATION.
- NO NEW CONSTRUCTION OR RECONSTRUCTION IS ALLOWED IN THE FLOOD HAZARD ZONE.
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**PLANNING CALCULATIONS**

Category	Value	Percentage
5000 sq ft (Minimum)	2,125 sq ft	2.125%
10000 sq ft (Minimum)	4,250 sq ft	4.250%
15000 sq ft (Minimum)	6,375 sq ft	6.375%
20000 sq ft (Minimum)	8,500 sq ft	8.500%
25000 sq ft (Minimum)	10,625 sq ft	10.625%
30000 sq ft (Minimum)	12,750 sq ft	12.750%
35000 sq ft (Minimum)	14,875 sq ft	14.875%
40000 sq ft (Minimum)	17,000 sq ft	17.000%
45000 sq ft (Minimum)	19,125 sq ft	19.125%
50000 sq ft (Minimum)	21,250 sq ft	21.250%
55000 sq ft (Minimum)	23,375 sq ft	23.375%
60000 sq ft (Minimum)	25,500 sq ft	25.500%
65000 sq ft (Minimum)	27,625 sq ft	27.625%
70000 sq ft (Minimum)	29,750 sq ft	29.750%
75000 sq ft (Minimum)	31,875 sq ft	31.875%
80000 sq ft (Minimum)	34,000 sq ft	34.000%
85000 sq ft (Minimum)	36,125 sq ft	36.125%
90000 sq ft (Minimum)	38,250 sq ft	38.250%
95000 sq ft (Minimum)	40,375 sq ft	40.375%
100000 sq ft (Minimum)	42,500 sq ft	42.500%

**RENOVATE EXISTING BUILDING AND MAINTAIN EXISTING FLOOR LEVELS ABOVE THE FLOOD ELEVATION.**

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**LEGEND**

- PROPERTY LINE
- LIMIT OF WORK
- 25 SHORE SETBACK
- 75 SHORE SETBACK
- HIGH ANNUAL FLOOD LINE
- 100 YEAR FLOOD

**APPLICANT/OWNER:** LARK STUDIO

**PROJECT:** RESTAURANT TERRACE AREA

**ADDRESS:** 8 NEWPORT DRIVE, BAR HARBOR, MAINE

**DATE:** 10/13/18

**DRAWN BY:** [Name]

**THE BAR HARBOR INN RESTAURANT TERRACE AREA**

8 NEWPORT DRIVE, BAR HARBOR, MAINE

**PHASE I & II DEVELOPMENT**

PHASE I & II DEVELOPMENT

**PHASE III LOT COVERAGE CALCULATIONS**

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## Janna Richards

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**From:** Pat Coston <pcoston1@gmail.com>  
**Sent:** Friday, October 19, 2018 2:13 PM  
**To:** Jrichards@barharbormaine.gov  
**Subject:** Bar Harbor Inn

Hello,

Just a brief note to introduce ourselves - my husband and I own the Yellow House Bed & Breakfast at 15 The Field. We are neighbors to the Bar Harbor Inn. We met yesterday with Jeremy Dougherty to hear about the plans for the new building, pool and renovations to the spa. During the past six years we have enjoyed a great relationship with the Inn and we send many of our guests to dine at the Terrace Grill and to enjoy the amenities of the spa. As abutting neighbors we wanted you to know that we are very supportive of the new plans and wish them well in this endeavor. If you have any questions please feel free to contact us.

Thank you,  
Pat & Chris Coston  
pcoston1@gmail.com

**RECEIVED**

**OCT 17 2018**

**TOWN OF BAR HARBOR  
PLANNING/CODE ENFORCEMENT**

Site Plan Review  
Application #SP-2018-06  
Map 104 Lot 389  
September 19, 2018

**Revised 10-17-2018  
Per Requested by Planning Board  
During Completeness Review 10-03-18**

## **Bar Harbor Savings & Loan Everard Ct Parking Lot**



**Owner/ Applicant:**  
Bar Harbor Savings & Loan  
103 Main St  
Bar Harbor, ME 04609

**Project Representative:**  
LARK Studio  
18 Pleasant Street  
Bar Harbor, ME 04660

October 17, 2018

Town of Bar Harbor Planning Department  
Attn: Angie Chamberlain  
93 Cottage Street  
Bar Harbor, ME 04609

Re: The Bar Harbor Savings and Loan Everard Ct Parking Lot

Dear Planning Board Members,

The site plan application for 8 parking spaces and a parking island at the Emerard Ct Paking lot, was submitted on behalf of Bar Harbor Savings and Loan September 19, 2018. In response to recommendations made by the board on 10-03-18, we have made appropriate amendments to this application as requested.

Upon the board's request, the applicant and the applicant's attorney have researched deed history. We've provided additional insight on page 17 and 20 (Section 3, Title and Interest, Section 4 Legal Documents) and in the Appendix.

Additionally, as recommended by the board, we are requesting for a modification of the Town's standards in reference to the parking drive aisle width proposed in the eastern drive aisle of our Site Plan.

According to Bar Harbor Land Use 125-67D (4); 90 degree parking shall exhibit 9'-0" stall width, 9'-0" skew width, 18'-8" (to which the Site Plan currently complies) and lastly a 25'-0" drive aisle (to which the Site Plan complies on the northerly drive aisle). However, on the Site Plan easterly drive aisle, there is an existing drive aisle that currently is 23'-0" in width. This is techincally substandard to the current code, however it is uniform with surrounding drive aisles within the adjacent parking lot in Everard Ct. (town property), and meets fire and safety requirements (see Site Plan for Fire Access turning Radius). This 23'-0" drive aisle is otherwise constrained in width being the area between the edge of buildings adjacent to Main street, and an existing curb owned by the town of Bar Harbor. We'd like to fomally request a modification to the standard in this instance so that the drive aisle here shall remain at 23'-0".

Please let us know if you have any questions or require any additional information.

Thank you for your time and assistance with this project.



Sincerely,

Michael Rogers, PLA  
LARK Studio

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Pages	Title
i	TABLE OF CONTENTS
ii-iii	WAIVER REQUEST TABLE <span style="color: red;">Pages Revised 10-17-2018</span>

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1	1-15	SITE PLAN APPLICATION (125-66-A)
2	16	FEES PAID (125-66-B)
3	17	TITLE & INTEREST (125-66-C) <span style="color: red;">Pages Revised 10-17-2018</span>
4	20	LEGAL DOCUMENTS (125-66-D) <span style="color: red;">Pages Revised 10-17-2018</span>
5	21-23	PERMITS (125-66-E)
6	24	STATEMENTS OF CAPACITY & DESIGN (125-66-F)
7	25-26	DESIGN PLANS (125-66-G) & DESIGN APPROVAL (125-66-H)
8	27	LOCATION MAP (125-66-J.2)
9	28	SITE PLAN (125-66-J)
10	29	MEDIUM DENSITY SOIL SURVEY (125-66-J.15)
11	30	LANDSCAPING, BUFFERING, & SCREENING PLAN (125-66-J.22)
12	31	STREET, SIDEWALK, & ACCESS PLAN (125-66-J.44)
13	32	E-911 (125-66-K)
14	33-35	PHOTOGRAPHS (125-66-L)
15	36	SUBSURFACE WASTEWATER DISPOSAL (125-66-M)
16	37	GROUNDWATER (125-66-N)
17	38	EROSION & SEDIMENTATION PLAN (125-66-O)
18	39	FIRE PROTECTION (125-66-P)
19	40	SOLID & HAZARDOUS WASTE (125-66-Q)
20	41	BUILDING PLANS & ELEVATIONS (125-66-R)
21	42	LIGHTING PLAN (125-66-S)
22	43	SIGNS (125-66-T)
23	44	TRAFFIC IMPACT (125-66-U)
24	45-46	TECHNICAL & FINANCIAL CAPACITY (125-66-V)
25	47	BUSINESS OPERATIONS (125-66-W)
26	48	MINING (125-66-X)

<b>Appendix</b>	STORMWATER MANAGEMENT REPORT
	ADDITIONAL DEED RESEARCH <span style="color: red;">Pages Added 10-17-2018</span>

Drawings (At end of Package)	Title
L1	PROJECT SITE PLAN
C1	UTILITY PLAN <span style="color: red;">Pages Revised 10-17-2018</span>



and the same premises described as conveyed in Warranty Deed from Albion J. Emery and Ellen E. Emery to William J. Carey and Joyce S. Carey, dated December 1, 1975 and recorded in the Hancock County, Maine, Registry of Deeds in Book 1243, Page 283.

WITNESS our hands and seals this 1<sup>st</sup> day of March in the year of our Lord one thousand nine hundred and ninety.

William J. Carey  
William J. Carey

Joyce S. Carey  
Joyce S. Carey



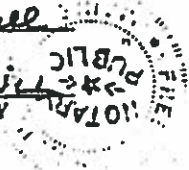
STATE OF MAINE  
HANCOCK, ss.

March 1, 1990.

Personally appeared the above-named William J. Carey and acknowledged the above instrument to be his free act and deed.  
Before me,

Frederick C. Burrell  
Notary Public

FREDERICK C. BURRELL  
Printed Name of Notary



HANCOCK

HANCOCK, SS. REC'D MAR - 5 1990 AT 9 50 M A.M



## Town of Bar Harbor Planning Department Staff Report

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**Application:**

SP-2018-05

**Meeting Date:**

October 3, 2018 – Completeness Review

October 24, 2018 – Special Meeting, Public Hearing

**Applicant:**

LARK Studio Landscape Architecture  
18 Pleasant Street  
Bar Harbor, ME 04609

**Owner:**

Witham Family Hotels  
119 Eden Street  
Bar Harbor, ME 04609

**Project Location:**

8 Newport Drive  
Tax Map 104, Lot 523

**Land Use District:**

Shoreland General Development I district

**Permitted Use:**

TA-8

**Project Description:**

The applicant proposes to construct a new building with a footprint of approximately 2,600 square feet, and to renovate the pool/pool deck, hardscaping/landscaping, and pedestrian walkways on an approximately 8-acre property in the Shoreland General Development I district.

**Applicable Laws:**

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

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

Bar Harbor Land Use Ordinance section 125-68 contains Shoreland standards.

**Staff Recommendation:**

• **Section 125-61 E. – Completeness Review:**

At the October 3, 2018 meeting, the Board found the application complete pending approval by the State Department of Health and Human Services Public Pool and Spa Registration and by the State Fire Marshal’s Office.

As of the date that this report was written (October 17, 2018), the applicant has not yet submitted documentation of approval by these agencies as well as documentation of final Permit by Rule approval by the State Department of Environmental Protection. If the Board decides to approve this application, they may consider adding the submission of these final approvals to the Planning Department as conditions to Planning Board final approval.

• **Section 125-63 – Waivers:**

- The Board accepted the waiver requests at the October 3, 2018 meeting.

• **Sections 125-67 and 125-68 – Compliance with Review Standards:**

- **Permitted Use:** TA - 8 is an allowed use in the Shoreland General Development I district with Planning Board Site Plan Review approval.

Staff does have questions regarding the three new guest rooms – in which building are these rooms to be located and are there building/floor plans for these rooms?

- **Lot Standards:** The subject lot meets the lot size, road frontage/lot width, shore frontage, and setback requirements for the Shoreland General Development I district. The applicant has applied for a Permit by Rule from the State DEP for any work to be completed within the shoreland zone setback.

The applicant also meets lot coverage for the Shoreland General Development I district, which is 50% for those areas adjacent to tidal areas. For clarification purposes, staff requests that the applicant provide a site plan that shows in color and on one plan areas that are being increased in lot coverage (impervious surface) and areas that are being removed from the lot coverage calculation. This plan would help visualize the information provided by the applicant in the Phase III Lot Coverage Calculation table.

- **Height:** The maximum height for this property’s location within the Shoreland General Development I district is 20 feet. In the shoreland zoning districts, “height”, per Section 125-109 of the ordinance, is measured as “the

vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure..."

Sheet A3 of the building plans shows the maximum allowable height being met (20 feet).

Staff would like clarification on the South Elevation (sheet A4):

1. Is the "existing low grade" the "mean original grade"?
2. Is the building height being shown as 20 feet, 3 ½ inches?

- **Parking:** Per the submitted parking narrative, the applicant is proposing to remove five parking spaces and add ten parking spaces, for a net gain of five spaces. The applicant is proposing to add three new guest rooms, which require one parking space per room. Thus, the addition of five parking spaces meets the parking requirement for three new guest rooms. Staff recommends that for clarification purposes, the parking spaces be numbered on the site plan and that all sheets that show parking be updated to reflect the parking counts as submitted on sheet L1.0, submitted to the Planning Department on October 15, 2018, for consistency purposes.

The Shoreland Zoning standards for parking areas, found in Section 125-68 B(17), states that parking areas shall comply with the requirements of Section 125-67 E and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and, where feasible, to retain all runoff on site. The Board may ask that the applicant provide a narrative explanation for how the stormwater in the affected parking areas is captured in order to meet this standard.

In addition, the Board may wish to request that the applicant provide the parking angle, stall width, skew width, stall depth, and aisle width in the location of the affected parking spaces to ensure they meet the standards found in Section 125-67 E(4).

The Board may also wish to gain clarification on any proposed or existing locations of one-way traffic in the parking areas and request that these areas be marked and delineated by arrows and lines painted on the pavement or otherwise. These areas may also be delineated similarly on the site plan for clarification purposes.

- **Driveways:** The Phase III Lot Coverage Calculation table indicates an increase in lot coverage for an added vehicular drive. The Board may request that the applicant provide more information on this proposed vehicular drive and, if applicable, how it meets the standards pertaining to driveways listed in Section 125-67E and Section 125-68 B(8).

- **Water:** The capacity statement from the Town's water division indicates that the proposed development shall not cause an unreasonable burden on the municipal water supply and that there be a condition to the Planning Board's approval that a final plan review by the water division ensuring that all service lines, valves, meters, and any associated equipment are installed according to Water Division standards be conducted prior to the issuance of a building permit.
- **Stormwater:** Stormwater infrastructure is shown on sheet L4.0. Staff requests more information in narrative form describing both existing and proposed stormwater infrastructure and how the infrastructure is designed to capture the increase in lot coverage and to reflect natural runoff conditions in terms of volume, velocity and location of runoff. Staff would like clarification on if stormwater is currently being and is proposed to continue to be discharged into the ocean.

The capacity statement from the Public Works Department indicates that the proposed development will not place an unreasonable burden on the municipal stormwater drainage system, if such system is to be used.

- **Sewer:** The capacity statement from the Town's sewer division indicates that the proposed development will provide for adequate sewage waste disposal, that it shall not cause an unreasonable burden on the municipal waste disposal facilities, and that there be a condition to the Planning Board's approval that a final plan review by the wastewater division be conducted prior to the issuance of a building permit.
- **Soils:** The primary soil located on the site is a Udorthents-Urban Land Complex. This type of soil is not rated severe or very severe for this type of development and is the primary soil makeup of the entire downtown Bar Harbor. In addition, to meet shoreland zone standards found in 125-68 B(10), this type of soil can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage and water pollution both during or after construction. Further, the applicant has submitted an erosion and sedimentation control plan and, to be granted a Permit by Rule by the DEP, must adhere to DEP standards to develop in a manner that will minimize impacts on the natural environment.
- **Landscaping:** Landscaping, both existing and proposed, are shown on the site plans and in particular on sheet L3.0. The applicant received Design Review Board approval.

- **Erosion and Sediment Control:** The erosion and sediment control plan is located on sheet L4.0. The plan meets the requirements of 125-67 Q and 125-68 B(4). The Planning Board may consider asking the applicant to add a note to the erosion and sediment control plan that states "The proposed development shall use the Maine Erosion and Sediment Control BMPs published by the Maine Department of Environmental Protection in the control of sediment and erosion."
- **Flood Permit:** The applicant has demonstrated that the proposed project development area is outside the special flood hazard area and therefore a flood hazard development permit is not required.
- **Air Quality:** The site plans submitted present no indication that the proposed development will result in undue air pollution. This standard may be considered to not be applicable.
- **Refuse Disposal:** The applicant has provided a narrative describing the amount and nature of solid waste disposal. The Public Works Department has indicated that the proposed development will not cause an unreasonable burden on the Town's ability to dispose of solid or liquid wastes.
- **Vibration:** The site plans submitted present no indication that the proposed development will transmit vibration outside the subject lot. This standard may be considered to not be applicable.
- **Heat:** The site plans submitted present no indication that radiant heat will be perceptible beyond the subject lot. This standard may be considered to not be applicable.
- **Light and glare:** Each of the proposed light fixtures are less than 1,800 lumens and are cut-off fixtures. The Board may wish to ask for more information from the applicant to ensure the standards listed in Section 125-67Z are met. The applicant received Design Review Board approval.
- **Noise:** If the Board finds it applicable, they may consider asking that the applicant add a note to the site plan stating that "The proposed development will comply in all applicable respects with the Bar Harbor Noise Ordinance."
- **Signs and advertising:** The applicant is proposing pool signage in accordance with state law. See sheet L2.0.
- **Utilities:** The utilities will be installed underground.
- **Fire protection:** The application is under review by the State Fire Marshal's Office and the Planning Board's final approval could be conditional upon Fire

Marshal final approval. The statement from the Fire Chief indicates that the proposed development will not cause an unreasonable burden on the Town's ability to deliver fire protection services.

- **Other municipal services:** Statements from Public Works and Police indicate that the proposed development will not cause an unreasonable burden on the Town's ability to deliver other necessary services.
- **Section 125-61 F.(2) - Public Comment:**
  - Staff recommends that the Board accept any brief public comment concerning the application's compliance with review standards.

# TOWN OF BAR HARBOR

## PLANNING BOARD

93 Cottage Street, Suite I  
Bar Harbor, Maine 04609-1400  
Tel. 207-288-3329 Fax 207-288-3032

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### DRAFT DECISION

**Date:** October 24, 2018

**Application:** SP-2018-05 – Bar Harbor Inn

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

**Applicant:** LARK Studio for Witham Family Hotels

**Application:** The applicant proposes to construct a new building with a footprint of approximately 2,600 square feet, and to renovate the pool/pool deck, hardscaping/landscaping, and pedestrian walkways on an approximately 8-acre property in the Shoreland General Development I district.

**Zoning District:** Shoreland General Development I

**Permitted Use:** TA-8

***To the Code Enforcement Officer:***

Under the authority and requirements of the Land Use Ordinance Article V, Section 125-61. F, at the properly noticed public hearing on October 24, 2018, by a motion duly made and seconded, it was voted to approve the noted application.

**This approval is based upon the following submitted plans:**

1. "Site Plan – Existing Buildings", Sheet L1, received 10.15.2018 and prepared by LARK Studio.
2. "Site Plan", Sheet L2, received 10.01.2018 and prepared by LARK Studio.
3. "Planting Plan", Sheet L3, received 9.19.2018 and prepared by LARK Studio.
4. "Grading & Erosion Control Plan", Sheet L4, received 9.19.2018 and prepared by LARK Studio.
5. "Utilities Plan", Sheet L5, received 9.19.2018 and prepared by LARK Studio.



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

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-67 and Section 125-68 as found below:
  - a. The Board finds the use of the property as a TA-8 (transient accommodations) is an allowed use in the Shoreland General Development I district.
  - b. The Board finds that the development will meet the minimum lot standards for the Shoreland General Development I district.
  - c. The Board finds that the development will meet the maximum height requirements for the Shoreland General Development I district.
  - d. The Board finds that the development will meet the requisite parking standards for the addition of three guest rooms.
  - e. The Board finds that this development meets the parking areas standards.
  - f. The Board finds that the driveway standards are not applicable to the proposed project.
  - g. The Board finds that the minimum loading requirements are not applicable to this application.
  - h. The Board finds that the streets, sidewalks and access standards are not applicable to this project.
  - i. The Board finds that this development meets the buffering and screening standards.
  - j. The Board finds that this development meets the municipal water standards.
  - k. The Board finds that the groundwater standards are not applicable to this project.
  - l. The Board finds that the proposed development provides for adequate stormwater management.
  - m. The Board finds that this development meets the municipal sewer facilities standard.
  - n. The Board finds that the sewage waste disposal standards are not applicable to this application.
  - o. The Board finds that the development is located in an area where the soils are not rated severe or very severe for the proposed activity.
  - p. The Board finds that this development meets the landscaping requirements.
  - q. The Board finds that the development will not cause unreasonable soil erosion.
  - r. The Board finds that the development is not located within a flood prone area.

- s. The Board finds that the development will not result in undue air pollution.
- t. The Board finds that the development meets the refuse disposal standards for solid and liquid waste.
- u. The Board finds that the dangerous and hazardous materials and wastes standards are not applicable to this application.
- v. The Board finds that no vibration will be transmitted outside the proposed development.
- w. The Board finds that the proposed development will not have an undue adverse effect on significant spawning grounds or wildlife habitat.
- x. The Board finds that there are no rare and irreplaceable natural areas located on this property.
- y. The Board finds that the development will not cause radiant heat to be perceptible beyond the proposed development.
- z. The Board finds that this development meets the lighting requirements.
- aa. The Board finds that the proposed development will comply with the Bar Harbor Noise Ordinance.
- bb. The Board finds that the development meets the sign standards.
- cc. The Board finds that the development does not include the outdoor storage of materials.
- dd. The Board finds that the proposed development meets the utilities standard.
- ee. The Board finds that the proposed development will not cause an unreasonable burden on the Town's ability to deliver fire protection services.
- ff. The Board finds that the development conforms to the Comprehensive Plan.
- gg. The Board finds that the application meets the financial and technical capacity standard.
- hh. The Board finds that there is no registered farmland within 150 feet of the planned development.
- ii. The Board finds that the Town is able to provide municipal services to the proposed development.
- jj. The Board finds that there are no known violations of the Bar Harbor Land Use Ordinance.
- kk. The Board finds that the legal documents standard is not applicable to this development.
- ll. The Board finds that the site does not contain any historic and archaeological resources.
- mm. The Board finds that the plan for development will reflect the natural capabilities of the site to support development.
- nn. The Board finds that no natural features of interest are located on the site.

**The applicant is advised of the following:**

1. No modifications shall be made to this approval including changes to the plans, accompanying documents, and conditions without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.
2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. There is an appeal period for any interested party of 30 days to appeal this decision of the Planning Board. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.

**Conditions of Approval:**

1. The applicant shall submit documentation from the State Department of Environmental Protection regarding Permit by Rule approval before obtaining a building permit.
2. The applicant shall submit documentation from the State Department of Health and Human Services Public Pool and Spa Registration approval before obtaining a building permit.
3. The applicant shall submit documentation from the State Fire Marshal's Office regarding approval before obtaining a building permit.
4. The final plan will be reviewed by the Town Water and Wastewater divisions for compliance with division standards before the issuance of a building permit.

***Signed as approved:***

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

Date

***Appeals of this decision may be made to the Board of Appeals pursuant to section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this date of this decision.***



## Town of Bar Harbor Planning Department Staff Report

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**Application:**

SP-2018-06

**Meeting Date:**

October 3, 2018 – Completeness Review

October 24, 2018 – Special Meeting, Public Hearing

**Applicant:**

LARK Studio Landscape Architecture

18 Pleasant Street

Bar Harbor, ME 04609

**Owner:**

Bar Harbor Savings and Loan

103 Main Street

Bar Harbor, ME 04609

**Project Location:**

15 Everard Court

Map 104, Lot 389

**Land Use District:**

Downtown Village I district

**Permitted Use:**

Parking Lot

**Project Description:**

The applicant proposes to change the use of a 0.10-acre (approximately 4,356 square feet) property located in the Downtown Village I district to a parking lot.

**Applicable Laws:**

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

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

In particular, section **125-67.E** pertains to parking areas.

## **Staff Recommendation:**

- **Section 125-61 E. - Completeness Review:**

- At the October 3, 2018 meeting, the Board found the application complete pending legal documentation resolving the right-of-ways.

As of the date that this report was written (October 18, 2018), the applicant has not been able to find right, title, or interest in the right-of-way that abuts the subject property to the north. The owner has provided a deed (included in the submittal for the Public Hearing) to their property located on Main Street that shows they have the right to use the right-of-way that abuts the subject property to the east. If the Board approves this application, they could make the submittal of legal documentation showing right, title, or interest in the right-of-way that abuts the subject property to the north a condition to Planning Board final approval.

Staff is working with the Town Attorney and the applicant/owner is working with their attorney to determine how to proceed. Granting a prescriptive easement, as requested by the applicant/owner, is not within the purview of the Planning Board and this request will need to be entertained by the Town Manager and Town Attorney.

- **Waivers -**

- The Board accepted the waiver requests at the October 3, 2018 meeting. No additional waivers are being requested.

- **Section 125-67 - Compliance with Review Standards:**

- **Permitted Use:** Parking lot is an allowed use in the Downtown Village I district with Planning Board Site Plan Review approval.
- **Lot Standards:** The subject lot meets the lot size, lot frontage/width, setbacks, and lot coverage for the Downtown Village I district.
- **Parking:** Eight parking spaces (one of which is ADA accessible) are shown on the site plan. The spaces meet the dimensional standards for parking at 90 degrees, found in Section 125-67 E(4). The handicap space meets ADA requirements, but staff would ask that the 20-foot depth be noted on the site plan. The applicant has requested a modification to the aisle width standard found in Section 125-67 E(4). The Planning Board should act on this modification request in accordance with Section 125-64 and, prior to making a motion to grant or deny the modification request, should make findings related to public health, safety, and welfare or particular site characteristics, as is stated in Section 125-64 (please see page 4 of the draft decision for possible language).

- **Buffering, Screening, and Landscaping:** The site plan shows buffering and landscaping and the application contains a maintenance plan in accordance with Section 125-67 H and 125-67 P.
  - **Stormwater:** A proposed stormwater management system for the site is shown on the site utility plan. The applicant includes a stormwater system modeling narrative indicating that the amount of runoff post-development will not increase post-development. The proposed new pipe system will handle the estimated flows plus an increase of 10%. The capacity statement from the Public Works Department indicates that the proposed development will not place an unreasonable burden on the municipal stormwater drainage system. The Public Works Department has requested that the applicant/owner provide the Town an easement to the newly proposed storm drain. The Planning Board could make the recording of this easement at the Registry of Deeds a condition to Planning Board final approval.
  - **Erosion:** The site utility plan includes a stormwater and erosion control plan. Staff asks that the following note be added to this section of the plan: “The stormwater management system will be maintained in accordance with the maintenance plan as stated in the Stormwater Management Report.”
  - **Flood Permit:** The applicant has demonstrated that the subject property is not located within a special flood hazard area and therefore does not require a flood permit.
  - **Air Quality:** The site plan submitted presents no indication that the proposed development will result in undue air pollution. This standard may be considered to not be applicable.
  - **Vibration:** The site plan submitted presents no indication that the proposed development will transmit vibration outside the subject lot. This standard may be considered to not be applicable.
  - **Heat:** The site plans submitted present no indication that radiant heat will be perceptible beyond the subject lot. This standard may be considered to not be applicable.
  - **Noise:** If the Board finds it applicable, they may consider asking that the applicant add a note to the site plan stating that “The proposed development will comply in all applicable respects with the Bar Harbor Noise Ordinance.”
  - **Signs:** The proposed signs are 3 square feet each for a total of 24 square feet (8 signs at 3 square feet). The individual signs are well below the maximum individual sign area and the aggregate area for signs is well below the maximum sign area. The signs are not visible from a public way and therefore are not subject to Design Review Board review.
- **Public Comment** - Staff recommends that the Board accept any brief public comment concerning the application’s compliance with review standards.

# TOWN OF BAR HARBOR

## PLANNING BOARD

93 Cottage Street, Suite I  
Bar Harbor, Maine 04609-1400  
Tel. 207-288-3329 Fax 207-288-3032

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### DRAFT DECISION

**Date:** October 24, 2018

**Application:** SP-2018-06 – Bar Harbor Savings & Loan

**Project Location:** 15 Everard Court (Map 104, Lot 389-000)

**Applicant:** LARK Studio for William R. Weir, Jr. of Bar Harbor Savings and Loan

**Application:** The applicant proposes to change the use of a 0.10-acre property (approximately 4,356 square feet) located in the Downtown Village I District to a parking lot.

**Zoning District:** Downtown Village I

**Permitted Use:** Parking Lot

***To the Code Enforcement Officer:***

Under the authority and requirements of the Land Use Ordinance Article V, Section 125-61. F, at the properly noticed public hearing on October 24, 2018, by a motion duly made and seconded, it was voted to approve the noted application.

**This approval is based upon the following submitted plans:**

1. "Site Plan", Sheet L1, received 10.3.2018 and prepared by LARK Studio.
2. "Site Utility Plan", Sheet C1, received 10.17.2018 and prepared by G.F. Johnston & Associates.

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

1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V.
2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-67 as found below:

- a. The Board finds the use of the property as a parking lot is an allowed use in the Downtown Village I district.
- b. The Board finds that the development will meet the minimum lot standards for the Downtown Village I district.
- c. The Board finds that the maximum height requirements for the Downtown Village I district are not applicable to this development.
- d. The Board finds that the requisite parking standards are not applicable to this development.
- e. The Board finds that this development meets the parking areas and driveways standards, and that the Board has granted a modification to the aisle width standard, as described in more detail below.
- f. The Board finds that the minimum loading requirements are not applicable to this application.
- g. The Board finds that the streets, sidewalks and access standards are not applicable to this project.
- h. The Board finds that this development meets the buffering and screening standards.
- i. The Board finds that the municipal water standard is not applicable to this project.
- j. The Board finds that the groundwater standards are not applicable to this project.
- k. The Board finds that the proposed development provides for adequate stormwater management, and that the Board has made it a condition to approval that the owner grant a stormwater easement to the Town, as described in more detail below.
- l. The Board finds that the municipal sewer facilities standard is not applicable to this application.
- m. The Board finds that the sewage waste disposal standards are not applicable to this application.
- n. The Board finds that the development is located in an area where the soils are not rated severe or very severe for the proposed activity.
- o. The Board finds that this development meets the landscaping requirements.
- p. The Board finds that the development will not cause unreasonable soil erosion.
- q. The Board finds that the development is not located within a flood prone area.
- r. The Board finds that the development will not result in undue air pollution.
- s. The Board finds that the refuse disposal standards are not applicable to this application.
- t. The Board finds that the dangerous and hazardous materials and wastes standards are not applicable to this application.



- u. The Board finds that no vibration will be transmitted outside the proposed development.
- v. The Board finds that the proposed development will not have an undue adverse effect on significant spawning grounds or wildlife habitat.
- w. The Board finds that there are no rare and irreplaceable natural areas located on this property.
- x. The Board finds that the development will not cause radiant heat to be perceptible beyond the proposed development.
- y. The Board finds that the lighting requirements are not applicable to the proposed development.
- z. The Board finds that the proposed development will comply with the Bar Harbor Noise Ordinance.
- aa. The Board finds that the development meets the sign standards.
- bb. The Board finds that the development does not include the outdoor storage of materials.
- cc. The Board finds that the proposed development meets the utilities standard.
- dd. The Board finds that the proposed development will not cause an unreasonable burden on the Town's ability to deliver fire protection services.
- ee. The Board finds that the development conforms to the Comprehensive Plan.
- ff. The Board finds that the application meets the financial and technical capacity standard.
- gg. The Board finds that there is no registered farmland within 150 feet of the planned development.
- hh. The Board finds that the Town is able to provide municipal services to the proposed development.
- ii. The Board finds that there are no known violations of the Bar Harbor Land Use Ordinance.
- jj. The Board finds that the submittal of additional legal documents will be a condition to final Planning Board approval, as described in more detail below.
- kk. The Board finds that the site does not contain any historic and archaeological resources.
- ll. The Board finds that the plan for development will reflect the natural capabilities of the site to support development.
- mm. The Board finds that no natural features of interest are located on the site.

**The applicant is advised of the following:**

1. No modifications shall be made to this approval including changes to the plans, accompanying documents, and conditions without a review for a modification under the requirements in Section 125-88 of the Land Use Ordinance.

2. This permit does not relieve the applicant from any other local, state or federal permits that may be required for this proposed development.
3. Please refer to Article VIII for standards conditions that will be applied to the construction of this project. No performance bonds are required.
4. Building permits are required for this project.
5. There is an appeal period for any interested party of 30 days to appeal this decision of the Planning Board. It is the risk of the applicant to commence construction during this period.
6. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, Section 125-100 B of the Land Use Ordinance.

**Modification of Standards:**

1. Under the authority of Section 125-64 of the Land Use Ordinance, by a motion duly made and seconded, the Planning Board found the following:
  - a. That the applicant submitted a written request specifically stating the reason for requesting a modification to the parking aisle width standard found in Section 125-67 E(4);
  - b. That the request addresses particular site characteristics of which the existing easterly drive as shown on the site plan has an existing aisle width of 23 feet; and further that this size aisle width is uniform with surrounding drive aisles within the adjacent parking lot; and further that this drive aisle is otherwise constrained from being easily widened as it is in an area between the edge of buildings adjacent to Main Street and an existing curb; and
  - c. That the modification would not have undue adverse impact on public safety as an emergency response vehicle is able to turn and drive within the existing aisle width;
  - d. That the modification does not have the effect of altering or nullifying the propose or intent of municipal zoning, the Comprehensive Plan, or Article III of this chapter;
  - e. And that given the findings listed above, the Planning Board grants the request for a modification of the parking aisle width standard from 25 feet to 23 feet, as shown on the site plan.

**Conditions of Approval:**

1. The applicant shall submit legal documentation showing right, title, or interest in the right-of-way that abuts the subject property to the north;
2. The applicant shall grant the Town a stormwater easement and record such easement at the Registry of Deeds.

***Signed as approved:***

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

Date

***Appeals of this decision may be made to the Board of Appeals pursuant to section 125-103 of the Bar Harbor Land Use Ordinance within 30 days of this date of this decision.***

DRAFT