



## **PROPOSED EMPLOYEE HOUSING LAND USE ORDINANCE CHANGES**

**Wednesday, November 6, 2019 at 6:30 PM  
Council Chambers in Municipal Building  
93 Cottage Street, Bar Harbor**

Town staff will present the proposed employee housing Land Use Ordinance changes. The current proposal would allow two new uses (Employee Living Quarters and Shared Accommodations) in certain zoning districts in Bar Harbor. These uses are designed to provide safe housing for employees while preserving the character of the community. The public is invited and encouraged to attend this forum, ask questions and provide feedback on the proposed changes.

More information on what the proposed changes entail will be posted at: <http://www.barharmoraine.gov/207/Land-Use-Information> by noon on **Friday, November 1.**

Please RSVP by email ([tdesjardin@barharmoraine.gov](mailto:tdesjardin@barharmoraine.gov)) or phone (288-3329).



# **Employee Living Quarters and Shared Accommodations**

## **DRAFT**

**For November 6, 2019**

**Public Information Session**

- 01 Process**
- 02 Employee Living Quarters**
- 03 Shared Accommodations**

# **INTRODUCTION**

This report is a blueprint for possible revisions to the Land Use Ordinance to address employee housing. The proposal is to add two new uses – Employee Living Quarters and Shared Accommodations – as well as related special development requirements to the Land Use Ordinance and to create a related licensing ordinance.

## **Background**

Bar Harbor has struggled for many years to find the right balance between fostering a variety of employee housing and protecting single-family neighborhoods. A proposed amendment to the Land Use Ordinance, relating to employee housing (known generally as the Dormitory amendment) was brought forward, discussed, and debated earlier this year. On July 16, 2019, the Town Council voted not to place the proposed Dormitory amendment on the November 2019 ballot. The Planning and Code Department, with help from the ad hoc Zoning Advisory Group (ZAG), reviewed and revised the proposed Dormitory amendment. All correspondence pertaining to this process has been, and will continue to be, sent to the Town Council, Planning Board, and the ZAG. In the following pages are presented: 1) Process; 2) Proposed framework for the Employee Living Quarters; and 3) Proposed framework for Shared Accommodations.

# 01. PROCESS

## ZAG

An ad hoc ZAG provided Planning & Code staff with feedback and direction with this effort. The ZAG consisted of the following four people: 1) Kevin DesVeaux - resident, co-owner of West Street Café; 2) Misha Mytar - resident, project manager with Maine Coast Heritage Trust; 3) Tom St. Germain - resident, owner of Jack Russell's Steakhouse & Brewery, and Planning Board chairman; and 4) Lilea Simis - resident, co-owner of Town Hill Market. During September and October, staff met with the ZAG six times.

## WORKSHOPS

Drafts of the work, prepared by staff, were presented at the following events:

- October 2, 2019: to the Planning Board in a workshop as part of its regular meeting.
- October 16, 2019: to the Planning Board at a workshop
- October 23, 2019: to the Town Council and the Planning Board at a joint workshop.
- October 30, 2019: to the Planning Board in a workshop as part of its regular meeting.

## Listening Session

A public listening session was held on September 11, 2019 after a mass mailing (more than 1,400 pieces) went out to property owners in 17 zoning districts (plus abutters with 300 feet of these districts) and a notice was published in the *Islander*. The listening session was attended by 57 residents. Of those, 53% reside in the Downtown Residential District.

What we heard is that residents:

- Value their neighborhoods for the sense of community.
- Are concerned with dark houses/neighborhoods, noise and trash in the summer, and lack of available housing for families and year-round workers who are starting out here.
- Are concerned with too many workers housed on one site.
- Want to see standards for health and life safety; adequate egress, sprinklers, etc.
- Want the town to enforce/ensure compliance.
- Are concerned that the de-facto rooming houses are poorly maintained/unsafe, and may be dangerous.
- Almost unanimously support the concept of employee housing as an on-site accessory use but are concerned with its siting at the edge of a property, possibly raising issues with abutters.
- Want to see workers housed out of town/off-island and bused in, although one resident said keeping them away from the community they work in is not acceptable.

## **Written Comments**

Since the July 16, 2019 Town Council meeting, the Planning Department received six written comments on the proposed Dormitory/employee housing amendments: one from a Town Councilor explaining her position, three from a hotelier explaining that he does not want to be housing workers in single-family homes and his position on the draft document, one from a resident asking for these uses not to be located in residential districts, and one from another Town Councilor concerned with the cost of requiring on-site management for Employee Living Quarters.

## **Site Visits**

**YWCA** - On September 23, 2019, staff (Planning Director Michele Gagnon, Assistant Planner Steve Fuller, and Code Enforcement Officer Angle Chamberlain) toured the YWCA building on Mount Desert Street. We learned that there are 45 beds in 26 rooms. Rooms with two beds work well. The solarium (third-floor room with 7 beds) works well as each person has a defined space. There is a waiting list. They are licensed by the state as a place of lodging (they provide linens); therefore, the lodgers are not tenants and can be evicted if they cause trouble. Guests, smoking/drinking, and firearms are not allowed. There is no curfew. There is management around the clock. There is one kitchen for 45 women (they house only women, and any children up to age 7). Many of the occupants eat at work. There is one washer/dryer. There are three bathing facilities and seven toilets.

**Acadia Corp. Housing** - On October 17, 2019, the Planning Director along with Alf Anderson from the Bar Harbor Chamber of Commerce toured three of Acadia Corporation's housing structures on Main Street. During the site visit we were able to ask questions directly of the tenants and again we heard that it is not the size of the room that is important but the ability to have a defined private space. If it was not in violation of the family definition of the Land Use Ordinance (maximum of 5 unrelated people), they would put up to three people in certain bedrooms as there is a lot of wasted space. Most of these rooms could not be divided because of egress issues. The apartments at 134 Main Street that were renovated in the mid-2010s work well, have double occupancy and room sizes ranging between 140 to 157 square feet (70 to 79 SF/person). Acadia Corporation has a greater need for kitchens than an employer that provides an employee dining room (EDR – a place where food is provided to staff). The number of kitchens per people is dependent on the size of the kitchen and if they have access to an EDR. They also have apartments with only efficiency kitchens (refrigerator, microwave, and radiant plate). Although efficiency kitchens are great in terms of fire safety, the tenants said that they would prefer having an oven/stove. One bathroom for 4-5 occupants works but one bathroom for 2 occupants is more favorable. They provide linens. Although some apartments do not have a washer/dryer, it works better with them.

*Rodick House and Acadia Apartments* - Meet the area per (and definition of) family requirements. All have pretty much the same layout of one house or unit with five people in three bedrooms. One kitchen, one living room, two bathrooms, and one washer/dryer (with the exception of Acadia Apartments that has one bathroom per unit and one laundry room for the whole 16-unit complex). We did not visit the Lenox House and the Yellow House, both of which are on West Street, but it is our understanding that they are set up in pretty much the same way.

*7 Billings Avenue* - There are two units; each with 5, single-occupancy bedrooms and individual bathrooms. We did not visit the adjacent/associated property at 96 West Street, but it is our understanding that there is one unit there which is set up in similar fashion. This housing is for OP's management-level staff. Each unit has a shared kitchen, living room space and stackable washer/dryer.

*Stranholtz House* - This house was converted to employee housing a long time ago. We did not visit it, and do not have details about how it is set up inside.

**Other** - To ensure due diligence and help us better frame employers' housing needs now and in the future, we are developing a housing needs survey in coordination with the Bar Harbor Chamber of Commerce and the town's Polco Engagement Coordinator.

## **Purpose**

Curtail the displacement of working families out of town and off-island and increase the availability of housing for year-round residents by encouraging employers to provide quality and safe employee housing for their seasonal workforce that does not require the use of year-round housing stock.

## **Method**

- Develop land use regulations that allow employers to provide affordable and adequate employee housing by reducing their need to use residential homes.
- Provide opportunities for employers to locate employees on site.
- Develop licensing and inspection provisions for quality employee housing that ensures the health, safety and welfare of the seasonal employees and of the community while protecting the character and quality of life of neighborhoods.

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## Benefits

- Improved living conditions for employees.
- Protect the character and quality of life of the neighborhoods.
- Reduce reliance on single-family homes by employers to house seasonal employees, and eventually return those homes to year-round occupancy.
- Reduce the need of employee transportation (and by extension, help traffic overall).

## Consistency with Comprehensive Plan

The proposal is consistent with the Comprehensive Plan (2007 update) as follows:

The opening paragraph of the Comprehensive Plan's Vision Statement states, in part, that it "is the varied population of young and old, new comers and old timers, students, retirees and workforce members that makes Bar Harbor Special." (II-1)

- Goal 2:** To encourage orderly growth that protects the character of the Town and its economy, allows commercial and residential growth, and prevents development sprawl. (III.A-17)
- Policy 2A:** To preserve and enhance the present level of tourism and encourage managed-growth in this sector. (III.A-17)
- Strategy 2A3:** Continue to seek ways to make regulations more user friendly, efficient, and streamlined to reduce costs to businesses while providing adequate protection of town character (III.A-18)
- Goal 3:** To encourage economic development that increases job opportunities, has a low environmental impact, and supports a sustainable year-round economy. (III.A-34)
- Strategy 3A2:** Identify and implement ways to support the strategic plans of Acadia National Park, the Jackson Laboratory, MDI Biological Lab, College of the Atlantic, MDI Hospital, the hospitality industry [lodging, restaurants, and specialty retail], and the fishing industry, including regulatory and capital support, as appropriate. (III.A-35)
- Goal 6:** To encourage and promote decent and affordable housing opportunities and slow off-island migration. (III.A-56)
- Strategy 6A2:** Amend the LUO to allow dormitory type structures for workers near businesses that generate seasonal or year-round jobs and to provide other



incentives that encourage affordability, including but not limited to height restriction and lot coverage requirements. (III.A-56)

**Strategy 6B1:** Work with public, private, and non-profit interests in the community and region to provide more affordable and work force housing in Bar Harbor and the rest of the island. (III.A-57)

**Policy 6C:** To continue to support and expand municipal code enforcement to ensure that property owners comply with the LUO, building code standards are met, and weekly rentals and transient accommodations are safe for visitors. (III.A-58)

# 02. EMPLOYEE LIVING QUARTERS

**DEFINITION** Employee Living Quarters (ELQ): An accessory use in an accessory structure, or in part of the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit. It shall be used exclusively for the accommodation of employees that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary that owns the parcel where the principal structure is located.

**Relationship to Definition of Family:** Boarding house, lodging house, Transient Accommodations, and other forms of group living are listed in the definition of Family as groups that are different than (and do not constitute) a family. Employee Living Quarters will be added to the list.

<b>PROPOSED ZONING DISTRICTS</b>	125-17	Bar Harbor Gateway
	125-19	Mount Desert Street Corridor
	125-20	Village Residential - Only for properties with frontage on or access to Route 3 or 233*
	125-21	Downtown Village I
	125-21.1	Downtown Village II
	125-24	Hulls Cove Business
	125-31	Ireson Hill Corridor (no sewer)
	125-40	Salisbury Cove Village
	125-43	Town Hill Business (no sewer)
	125-45	Town Hill Residential - only for TA2, TA3, TA4, TA5, TA6, & TA7 located on the north side of Rt. 3 shoreward for 500 feet from the Trenton line to Jones Marsh Resource Protection District and district-wide for campground*
	125-47	Shoreland General Development I
	125-49	Shoreland General Development II (Hulls Cove)
	125-49.1	Shoreland General Development III
	125-49.3	Shoreland Maritime Activities

\* – These specific requirements mirror existing language in the LUO.

**LEVEL OF REVIEW** Planning Board/Major Site Plan  
In the Village Residential District allowed by Conditional Use

**DEVELOPMENT  
REQUIREMENTS  
(IN ADDITION  
TO SITE PLAN  
STANDARDS)**

1. As an accessory structure, ELQ shall meet the same setbacks as the primary structure.
2. Design Review Board applies to ELQs located in Town Hill Business, Downtown Village I and II, and Shoreland General Development I and II if the ELQ is visible from the street.
3. When an ELQ is visible from the street or from an abutter to the side or back lot lines that is under different ownership or control, the ELQ shall be visually compatible with the principal building and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building.
4. Buffering and Screening standards for this use and any associated parking shall adhere to those listed in §125-67 of the Land Use Ordinance.
5. The floor area of the ELQ shall not exceed 25% of the floor area of the principal building(s) on the lot.
6. Density bonus (lot coverage increases, reserved to the ELQ only) are allowed as follows (generally, increased by 25%):
  - 125-17 Bar Harbor Gateway - Increased from 50 to 63%
  - 125-19 Mount Desert Street Corridor - Increased from 35 to 44%
  - 125-20 Village Residential - Increased w/ sewers from 50 to 63% and w/out sewer from 25 to 31%
  - 125-21 Downtown Village I - Stays at 100%
  - 125-21.1 Downtown Village II - Stays at 70-90%
  - 125-24 Hulls Cove Business - Increased from 75 to 85%
  - 125-31 Ireson Hill Corridor - Increased from 25 to 31%
  - 125-40 Salisbury Cove Village - Increased from 35 to 44%
  - 125-43 Town Hill Business - Increased from 50% to 63%
  - 125-45 Town Hill Residential - Increased from 15 to 19%
  - 125-47 Shoreland General Development I - no change
  - 125-49 Shoreland General Development II - no change
  - 125-49.1 Shoreland General Development III - no change
  - 125-49.3 Shoreland Maritime Activities - no change
7. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.

**MINIMUM  
PARKING  
REQUIREMENTS**

None (as this is an accessory use, on-site at an existing use)

**LICENSING**

1. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.
2. Linen (bed sheets, pillowcases, blankets, and pillows) shall be provided.
3. There shall be a minimum of one toilet and one shower for every 5 occupants.
4. Community Kitchen - A minimum of one community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided for the first 8 occupants, and 1 per 12 occupants thereafter. If the employees have access to an employee dining room (EDR) or shift meals, a community kitchen shall be provided for every 45 occupants.
5. Outdoor storage (the keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours) shall be screened from public view and neighbors by a fence, wall, roof, and/or landscaping.
6. Provide washer and dryer.
7. Provide pest control.
8. Management 24/7. If off-site, available on-site within 30 minutes of being called.
9. Provide weekly trash removal.
10. Property maintenance (to be written using the International Property Maintenance Code as a reference).
11. Yearly inspection by Code Enforcement Officer and Fire Chief and license sign-off by Code Enforcement Officer, Fire Chief, and Police Chief. License renewal by Town Council with a public hearing.

# 03. SHARED ACCOMMODATIONS

## DEFINITION

**Shared Accommodations:** Any group of three or more rooms, other than lodging and vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. There are three different types of Shared Accommodations:

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

**Relationship to Definition of Family:** Boarding house, lodging house, Transient Accommodations, and other forms of group living are listed in the definition of Family as groups that are different than (and do not constitute) a family. Shared Accommodations will be added to the list.

## SA-1

3-8 people

## SA-2

9-32 people

## SA-3

33+ people

### PROPOSED ZONING DISTRICTS

#### §125-17 Bar Harbor Gateway

YES

YES

YES

- MF I & II, BnB, TA
- Min lot size 20,000 sf w/ sewers and 40,000 sf w/out sewers
- Max lot coverage 50%
- Min area/family 5,000 square feet with sewers and 10,000 square feet without sewers

#### §125-19 Mount Desert Street Corridor

YES

YES

YES

- MF I & II, BnB
- Min lot size 20,000 square feet
- ≠ setback for accessory structures
- Max lot coverage 35%
- Max height 40 feet
- Min area/family 10,000 square feet
- DRB for historic properties

#### §125-21 Downtown Village I

YES

YES

YES

- MF I & II
- Min lot size 1,000 square feet
- Max lot coverage 100%, exclusive of setbacks
- Min area/family 750 square feet
- No parking except TA and school
- DRB

	<b>SA-1</b>	<b>SA-2</b>	<b>SA-3</b>
<p><b>§125-21.1 Downtown Village II</b></p> <ul style="list-style-type: none"> <li>• MF I &amp; II, BnB</li> <li>• Min lot size 1,000 square feet</li> <li>• Max lot coverage 70 to 90%</li> <li>• Min area/family 750 square feet</li> <li>• No parking except TA, school, professional office, clinics, hospital</li> <li>• DRB</li> </ul>	<p>3-8 people YES</p>	<p>9-32 people YES</p>	<p>33+ people YES</p>
<p><b>§125-21.2 Downtown Village Transitional</b></p> <ul style="list-style-type: none"> <li>• MF I &amp; II, BnB</li> <li>• Min lot size 2,500 square feet</li> <li>• Max lot coverage 80% exclusive of setbacks</li> <li>• No min area/family</li> <li>• No parking except TA, school, prof office, clinic</li> <li>• DRB</li> </ul>	<p>YES (Maximum of one SA-1 per lot)</p>	<p>NO</p>	<p>NO</p>
<p><b>§125-22 Downtown Residential</b></p> <ul style="list-style-type: none"> <li>• MF I, TA</li> <li>• Min lot size 5,000 square feet</li> <li>• Max lot coverage 75%</li> <li>• Min area/family 2,500 square feet</li> <li>• Floor Area Ratio</li> </ul>	<p>YES (Maximum of one SA-1 per lot)</p>	<p>NO</p>	<p>NO</p>
<p><b>§125-24 Hulls Cove Business</b></p> <ul style="list-style-type: none"> <li>• MF I &amp; II, TA</li> <li>• Min lot size 10,000 sf w/ sewers, and 40,000 sf w/out sewers</li> <li>• Max lot coverage 75%</li> <li>• Min area/family 5,000 sf w/ sewers, and 20,000 sf w/out sewers</li> <li>•</li> </ul>	<p>YES</p>	<p>YES</p>	<p>YES</p>



## SA-1

## SA-2

## SA-3

3-8 people

9-32 people

33+ people

### §125-27 Hulls Cove Rural

NO

NO

NO

- Minimum lot size 40,000 square feet
- Maximum lot coverage 25%
- Min area/family 40,000 square feet

### §125-31 Ireson Hill Corridor

YES

NO

NO

- MF I & II, TA
- Min lot size 20,000 sf w/ sewers and 40,000 sf w/out sewers
- Maximum lot coverage 25%
- Min area/family 5,000 sf w/ sewers and 10,000 sf w/out sewers

### §125-43 Town Hill Business

YES

NO

NO

- MF I & II, TA
- Minimum lot size 40,000 sf
- Maximum lot coverage 50%
- Minimum area/family 10,000 square feet
- DRB

### §125-44 Town Hill Residential Corridor

YES

NO

NO

- MF I & II, TA
- Minimum lot size 40,000 square feet
- Maximum lot coverage 15%
- Minimum area/family 20,000 square feet

**SA-1****SA-2****SA-3**

3-8 people

9-32 people

33+ people

§125-47 Shoreland  
General Development I

NO

NO

NO

§125-49 Shoreland  
General Development II

NO

NO

NO

§125-49.1 Shoreland  
General Development III

NO

NO

NO

**LEVEL OF REVIEW**Planner w/ Minor  
Site PlanConversion of  
existing building,  
Planner w/ Minor  
Site Plan; all other,  
Planning Board w/  
Major Site PlanPlanning Board  
w/ Major Site Plan**DEVELOPMENT  
REQUIREMENTS  
(IN ADDITION TO SITE  
PLAN STANDARDS)**

1. Design Review Board will apply to all Shared Accommodations in addition to Town Hill Business and Downtown Village I and II (where it is already applicable when visible from the street).
2. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.

## SA-1

## SA-2

## SA-3

3-8 people

8-32 people

33+ people

### MINIMUM PARKING REQUIREMENTS

Parking spaces per occupants based on maximum occupancy

0.5/occupant allowed in tandem (max of two in a row) with a minimum of 136 SF/vehicle in:  
- BH Gateway  
- Mt Desert Street Corridor  
- DT Residential  
- Hulls Cove Bus.  
- Hulls Cove Rural  
- Ireson Hill Corridor  
- Town Hill Business  
- Town Hill Res. Corridor

0.2/occupant in:  
BH Gateway  
Hulls Cove Bus

0.2/occupant in:  
BH Gateway  
Hulls Cove Busi

0.1/occupant in:  
MT Desert St. Corridor

0.1/occupant in:  
MT Desert St. Corridor

\* – The districts at right do not have minimum parking requirements in the LUO currently →

\*None required in:  
DT Village I  
DT Village II  
DT Village Trans

\*None required in:  
DT Village I  
DT Village II

\*None required in:  
DT Village I  
DT Village II

## LICENSING

1. Every bedroom shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than 7 feet in any plan dimensions.
2. Linen (bed sheets, pillowcases, blankets, and pillows) shall be provided.
3. There shall be a minimum of one toilet and one shower for every 5 occupants.
4. Community Kitchen - A minimum of one community kitchen with facilities for cooking, refrigeration, and washing utensils shall be provided for the first 8 occupants, and 1 per 12 occupants thereafter. If the employees have access to an employee dining room (EDR) or shift meals, a community kitchen shall be provided for every 45 occupants.
5. Outdoor storage (the keeping of any goods, junk or material of any kind with the exception of functioning bicycles, in the same place for more than 24 hours) shall be screened from public view by a fence, wall, roof, and/or landscaping.
6. Provide washer and dryer.
7. Provide pest control at least twice per year.
8. Management 24/7. For SA-1 and SA-2, can be off-site but must be available 24/7 and on-site within 30 minutes of being called. Must be on site for SA-3 between 9:00 PM and 3:00 AM.
9. Provide weekly trash removal.
10. Property maintenance (to be written using the International Property Maintenance Code as a reference).
11. Yearly inspection by Code Enforcement Officer and Fire Chief and license sign-off by Code Enforcement Officer, Fire Chief, and Police Chief. License renewal by Town Council with a public hearing.