AGENDA

Bar Harbor Town Council

January 21, 2020

I. **CALL TO ORDER** – 7:00 P.M.

   A. **Excused Absence(s)**

II. **PUBLIC COMMENT PERIOD** - The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person

III. **APPROVAL OF MINUTES – January 7, 2020 Regular Meeting**

IV. **ADOPTION OF AGENDA**

V. **FINANCIAL REPORT** - Review and possible adoption of a motion to accept the financial statements as presented

VI. **CONSENT AGENDA** - A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:

   A. **Working Capital Designation –** Possible motion that the Town, in accordance with its Fund Balance Policy, designate in the Assigned Fund Balance section of the General Fund an amount equal to $2,165,000 to be labeled Assigned For Working Capital.

   B. **Emera –** Possible motion to authorize the town manager to sign the bill of sale and easement with Emera Maine for an electrical connection at the ferry terminal lot.

   C. **Shellfish Grant –** Possible motion to participate in the Restoration and Resilience Fund and apply for and accept grant funding if awarded to help the wild clam population and commercial clammers.

VII. **REGULAR BUSINESS**:

   A. **Rules of Order –** Tabled from 1/7/2020. Discussion for possible amendments.

   B. **FY19 Audit Review –** Possible motion to accept the 2019 fiscal year audit by James Wadman, CPA.

   C. **Fire Prevention Ordinance Amendment** - Possible motion to schedule a public hearing for February 18, 2020 to hear comments on an amendment to Chapter 85 of the Municipal Code.

   D. **LUO Amendments June 2020 –** Possible motion to sign the Certifications and schedule a public hearing for February 18, 2020 for the following amendments:

      1. **Addressing Officer**
      2. **Permitting Authority etc.**
      3. **Employee Living Quarters**
      4. **Shared Accommodations**

5. **Boundary Map Amendment & New Uses in Hulls Cove**

E. Employee Living Quarters & Shared Accommodations – Update on licensing process.

F. Climate Task Force – Possible motion to approve Task Force formation.

G. Police Department – Possible motion to fund renovation project.

H. FY21 Budget – Town Manager's introduction of the proposed FY21 Budget.

I. Treasurer's Warrants – Request of Treasurer to authorize paid bills.

VIII. TOWN MANAGER'S COMMENTS

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

X. EXECUTIVE SESSION: (None Scheduled)

XI. ADJOURNMENT

To ensure your full participation in this meeting, please inform us of any special requirements you might have due to a disability. Please call 288-4098

Manager's Memo

To: Bar Harbor Town Council

cc: Department Heads

From: Cornell Knight, Town Manager

Date: Friday, January 17, 2020

Re: **Town Council Meeting of January 21st**

I. **A. Excused Absence(s) –** None that I am aware of but if there is one a possible motion: to excuse Councilor _____ as provided by Town Charter section C-12.B(1)(d).

V. **FINANCIAL REPORT -** Finance Director Stan Harmon has enclosed his report covering the first half of the 2020 fiscal year. He will attend to review the highlights. If acceptable, a possible motion: to accept the Financial Report as presented.

VI. **CONSENT AGENDA**

A. Working Capital Designation- see the enclosed memo from Stan Harmon, Finance Director regarding the annual adjustment ($132,000 this year) to the fund balance for working capital as per the Council's policy. A possible motion: that the Town in accordance with its Fund Balance Policy, designate in the Assigned Fund Balance section of the General Fund an amount equal to $2,165,000 to be labeled Assigned for Working Capital.

B. Emera – in order to get underground power to the ferry terminal building, Emera needs to own the line. Enclosed is an easement and a bill of sale. The town attorney has reviewed it and sees no problem signing the two documents. A possible motion: to authorize the town manager to sign the bill of sale and easement with Emera Maine for an electrical connection at the ferry terminal lot.

C. Shellfish Grant – see the enclosed email from Dr. Chris Petersen regarding a grant application to study clams. The application was due January 16th. A possible motion: to participate in the Restoration and Resilience Fund and apply for and accept grant funding if awarded to help the wild clam population and commercial clammers.

A possible motion: to approve the Consent Agenda as published.

VII. **REGULAR BUSINESS**:

A. Rules of Order – enclosed are the Council's Rules of Order and an email from Councilor Cough with her suggested changes discussed at the last meeting.

B. FY19 Audit- Remember to bring your audit books. Jim Wadman will attend to review his report. It is 92 pages, but in a nutshell the town is in very good financial shape. The full audit report is available on the town's website under the Finance Department. A possible motion: to accept the 2019 fiscal year audit by James Wadman CPA and file in town records.

C. **Fire Prevention Ordinance -** see the memo from Angela Chamberlain, Code Enforcement Officer requesting the town align the ordinance with MUBEC. A possible motion: to schedule a public hearing for February 18, 2020 to hear comments on an amendment to Chapter 85 Fire Prevention of the Municipal Code.

D. **LUO Amendments June 2020 –** Enclosed is a memo from Michele Gagnon, Planning Director with explanations of the 5 LUO questions on the June 2020 ballot. A possible motion: to sign the Certifications and schedule a public hearing for February 18, 2020 to hear comments on the following amendments, Addressing Officer, Permitting Authority, Employee Living Quarters, Shared Accommodations and Boundary Map Amendment.

E. **Employee Living Quarters & Shared Accommodations Licensing-** see the enclosed memo from Michele Gagnon with an update on the timing of the licensing process. No action needed.

F. **Climate Task Force Action Plan Update-** enclosed is a proposal to establish the town Task Force on the Climate Emergency, which was prepared following the last stakeholders meeting. At that meeting (25 or so in attendance) it was noted that everyone (me included) is too busy to be the lead on this project but this is what the stakeholders are recommending. I think it should be the school that leads this effort. Much of the work is about public education and this is where the request initially came from. An added benefit is that it would be a regional effort. No other island town has been approached to consider the climate resolution or declare a climate emergency. A possible motion: to establish the Task Force on the Climate Emergency as presented.

G. **Police Department** – see the enclosed memo from Chief Willis regarding the extra costs for the renovation. A possible motion: that the Treasurer transfer $60,000 from the Town's CIP undesignated account #2182-6190 to the Public safety Building Renovation account #2149-6246.

H. **FY 21 Budget**- see the 2021 Budget book tab # 1. The budget will be posted on the town's website. Review starts Thursday at 6 pm.

I. **Treasurer's Warrant** – A possible motion: <u>to sign the Treasurer's Warrants for paid bills.</u>

Minutes
Bar Harbor Town Council
January 7, 2020

I. **CALL TO ORDER** – 7:00 P.M.-In attendance were Councilors: Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Jill Goldthwait, Joe Minutolo; and Town Manager Cornell Knight.

A. **Excused Absence(s)** – all present.

II. **COMMITTEE APPOINTMENTS** – *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year*:

A. **Communication & Technologies Committee**

1. *George Grohs, term expiring 2021*
2. *J. Clark Stivers, term expiring 2021*
3. *Todd Edgar, term expiring 2022*
4. *Matthew Hochman, term expiring 2022*

B. **Conservation Commission**

1. *Kimberly Zdenek, term expiring 2022*

Mr. Friedmann, on behalf of the Appointments Committee, nominated the slate as printed. By a vote of 7-0, the slate was appointed.

III. **PUBLIC COMMENT PERIOD** - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – None.

IV. **APPROVAL OF MINUTES – *December 17, 2019 Regular Meeting***
Mr. Hochman, with second by Mr. Friedmann, moved to approve the December 17, 2019 Regular Meeting minutes as presented. Motion passed 7-0.

V. **ADOPTION OF AGENDA** – Mr. Hochman, with second by Mr. Friedmann, moved to adopt the agenda as presented. Motion passed 7-0.

VI. **CONSENT AGENDA** - *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor*:

A. **State of Maine Election March 3, 2020** – *Possible motion* to appoint the Town Clerk as Warden for the March 3, 2020 State of Maine Presidential Primary and Special Referendum Election.

B. **Biennial Appointment of Election Clerks –** Possible motion to appoint the slate of election clerks for 2020-2022 as presented.

C. **Climate Grant –** Possible motion to participate with the Gulf of Maine Research Institute and apply for and accept grant funding if awarded from the Environmental Protection Agency for effects to the MDI from sea level rise.

D. Martin Luther King Day March – *Possible motion* to approve use of the following streets High, Cottage, Main and Mount Desert Street for Martin Luther King Day March, on January 20, 2020.

Ms. Cough requested moving items B and C to Regular Business items A1 and A2 respectively.

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as amended. Motion passed 7-0.

VII. PUBLIC HEARINGS

A. Vehicles and Traffic Ordinance Amendment #2020-01 – *Public comment and possible adoption of the ordinance amendment.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to adopt the amendment to Vehicles and Traffic Ordinance Chapter 194 of the Municipal Code as presented. Motion passed 7-0.

Vehicles and Traffic Ordinance Amendment
Town of Bar Harbor
#2020-01

An Amendment to change Columbus Day to Indigenous Peoples' Day.

The Town of Bar Harbor hereby ordains that Chapter 194, Vehicles and Traffic, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

CHAPTER 194 – VEHICLES AND TRAFFIC

***

§ 194-38 Idling of motor vehicles.

A. Five-minute limitation. No person may cause or allow a motor vehicle to idle for more than five consecutive minutes while that vehicle is parked in any of the downtown areas during the time from May 1 to ~~Columbus~~Indigenous Peoples' Day.

***

[End of Ordinance]

VIII. REGULAR BUSINESS:

A1. Biennial Appointment of Election Clerks – *Possible motion to appoint the slate of election clerks for 2020-2022 as presented.* Ms. Cough inquired about Councilor Goldthwait's name being on the list. Town Clerk Sharon Linscott stated Ms. Goldthwait previously served as an election clerk. Sometimes election clerks have conflicts for a specific election and don't serve for that election, but can serve for other elections during the two-year period. With Councilor Goldthwait's name being on the list, Mr. Hochman, with second by Mr. Coston, moved to recuse Councilor Goldthwait due to the appearance of a conflict of interest. Motion failed 0-6-1 (Abstain: Goldthwait.) Mr. Hochman, with second by Ms. Cough, moved to appoint the slate of election clerks for 2020-2022 as presented. Motion passed 7-0.

A2. Climate Grant – *Possible motion to participate with the Gulf of Maine Research Institute and apply for and accept grant funding if awarded from the Environmental Protection Agency for effects to the MDI from sea level rise.* Councilor Friedmann requested recusal as a board member for Climate to Thrive. Mr. Hochman, with second by Mr. Coston moved to recuse Councilor Friedmann for the appearance of conflict of interest. Motion passed 6-0-1 (Recused: Friedmann.)

Climate to Thrive Board Member Ken Colburn attended to address Council questions. Following discussion, Ms. Goldthwait, with second by Mr. Minutolo, moved to participate with the Gulf of Maine Research Institute and apply for and accept grant funding if awarded from the Environmental Protection Agency for effects to the MDI from sea level rise. Motion passed 5-1-1 (Nay: Cough, Recused: Friedmann.)

A. **Kids Corner** – *Request to Town to fund fire alarm system.* Kids Corner Executive Director Lori Krupke and Fire Chief Matt Bartlett answered Council questions. Since the town owns the building, Matt Bartlett will coordinate the upgrade. Mr. Coston, with second by Mr. Hochman, moved to fund the fire alarm upgrade at the Kids Corner building, not to exceed $8,721 in cost, from Council contingency account #1036-5906. Motion passed 7-0.

B. **Rules of Order –** *Request by Councilor Cough to review.* Ms. Cough addressed three items. First was reviewing the Rules of Order annually. Second was Public Comment Period. Following a lengthy discussion, Mr. Coston, with second by Mr. Hochman, moved to table discussion on Public Comment Period to the next agenda. Motion passed 7-0. Third was Councilors identifying where the serve as board members. After additional discussion, Mr. Hochman, with second by Ms. Cough, moved to table continued discussion of Council Rules of Order to our next meeting. Motion passed 7-0.

C. **Treasurer's Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer's Warrants for paid bills. Motion passed 7-0.

IX. TOWN MANAGER'S COMMENTS – Mr. Knight announced the Planning Department is starting the vacation rental land use amendment process and will hold three public listening sessions:
Tues, January 28 at 6:30 at the MDI Bio Lab
Wed, January 29 at 6:30 in the Council Chambers
Thur, January 30 at 6:30 at the Town Hill VIS

X. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Ms. Cough truly appreciates the work of everybody as items come to us but giving Council a little bit more notice would be much appreciated.

Mr. Minutolo wished everyone a Happy New Year.

Mr. Hochman, Mr. Dobbs and Mr. Friedmann echoed New Year wishes.

Mr. Coston stated he will try to speak more clearly next time.

XI. EXECUTIVE SESSION: (none)

XII. ADJOURNMENT – Mr. Hochman, with second by Mr. Coston, moved to adjourn at 8:10 p.m. Motion passed 7-0.

_____

Sharon M Linscott, Town Clerk

V

Memo

To: Town Councilors; Cornell Knight

From: Stan Harmon, Finance Director

CC: Department Heads - SHARON

Date: 1/12/2020

Re: Fiscal Year 2020 – December 31, 2019 – 6 Months Results

General Fund

Attached are the financial results for 6 months of operations for FY 2020 through the end of December. The Town Council will have a review of the FY19 audit on January 21st.

Expenditures (50% goal)

The December summary statements show 50.0% spent versus 50.9% of the budget spent last year, still a little lighter than where we expect from the typically heavier seasonality of summer spending. 49.3% of the $4.1 million in budgeted municipal wages are spent year-to-date compared to 50.8% in December 2018. Only Legal is trending higher right now.

Non-Property Tax Revenues (50% goal)

59% of the budget for non-property tax revenues is now collected versus 58% at this point last year. With six months of activity booked we remain on an early path to hit most of the various budget targets for the year. However, Vacation rental permit income for the year ($250) is still a relative unknown and we are hopeful that the new Ambulance billing software will pick up potentially lost revenue to reach its budget goal as the runs pick up in the Spring. Most of the PILOT contributions came in early this year.

Ambulance Revenues - *Loss of Sonogee helps explain the lower runs*

FY 2020	6 Months YTD Runs Billed	373	Ave. Gross Billing (per run)	$687
FY 2019	6 Months YTD Runs Billed	467	Avg. Gross Billing (per run)	$664
FY 2018	6 Months YTD Runs Billed	476	Avg. Gross Billing (per run)	$658
FY 2020	6 Months YTD Runs billed	373	Net Collections (per run)	$358
FY 2019	6 Months YTD Runs billed	467	Net Collections (per run)	$405
FY 2018	6 Months YTD Runs billed	476	Net Collections (per run)	$408

	12/31/2019	12/31/2018
Ambulance Accounts Receivable	$256,639	$234,142

Excise-Motor Vehicle Revenues- *data indicates we are up 2% over last year in gross $.*

FY 2020	6 Months YTD	2664 units	$578,812	=$217 / per vehicle
FY 2019	6 Months YTD	2644 units	$567,801	=$215 / per vehicle
FY 2018	6 Months YTD	2543 units	$559,049	=$219 / per vehicle
FY 2017	6 Months YTD	2478 units	$536,443	=$216 / per vehicle

Building Permitting Revenue-

FY 2020	6 Months YTD	149 permits	$ 63,349	=$425 / permit
FY 2019	6 Months YTD	151 permits	$ 45,729	=$303 / permit
FY 2018	6 Months YTD	132 permits	$ 61,517	=$466 / permit

Vacation Rentals-*rentals expire & renew May 31st*		Budget	Actual
FY2020	6 Months YTD	$175,000	$16,050
FY2019	6 Months YTD	$ 900	$ 1,550

FY '20 Previously Authorized Council Budget Adjustments or Transfers:

Contingency Fund Activity for FY '20:

Beginning Balance	(Town Meeting Approval)	$53,366
Minutes-10/15/10-Park St. School Landscape Design (cancelled)		- 0
Minutes-11/19/19-Ambulance Billing software (to #1042-5368)		-7,188
Minutes-1/7/20-FireAlarm System-Kids Corner (not to exceed)		-8,721
Ending Balance	@ 12/31/19 (available #1036-5906)	$37,457

Other General Fund Transfers: Town Council 10/1/2019

From: #1022-5700 -TSA Comp. Eqpmt	-$ 10,000

Capital Improvement Transfers/Adjustments:

To: #2122-6117 -PD-Virtual Desktops	$ 5,000
To: #2122-6124 -PD-Car Video Storage	$ 5,000
From: 2142-6214-Fire Tr#2	-$173,005
From: 2142-6218-Ladder Tr	-$ 36,865
To: 2142-Fire Eng Tr #5	$209,870

Cruise Ship Fund Transfers: NONE

Parking Fund Transfers: NONE

Property Tax Collection & Receivable Update:

The 2019 tax collections are fairly comparable to the prior year. There were 4 tax foreclosures last year and 2 this year for unpaid 2017 taxes.

Tax Year	Property Taxes Outstanding Balance	@ 12/31/19 %	@ 12/31/18 Balance	%
2007-12	$ 20,035	0.1%	$ 20,653	0.1%
2013	$ 2,870	0.1%	$ 3,097	0.1%
2014	$ 3,071	0.1%	$ 3,105	0.1%

2015	$ 3,728	0.1%	$ 3,517	0.1%
2016	$ 3,565	0.1%	$ 4,557	0.1%
2017	$ 12,665	0.1%	$ 202,314	1.3%
2018	$ 366,834	2.1%	$ 7,066,801	40.5%
2019	$ 7,413,846	41.4%		

Cash Investment and Status Report / Banking

On December 31st, the Town had $17,400,000 on hand in all funds—approximately $2.7 million more than last year's total balances at this same time period, due to new Parking fees received, the timing of CIP payments and higher fund balances. Checking interest rates have dropped to 1.41% vs. 2.10% last year.

Wastewater Division Fund

Financials (50% - 6 month Benchmark)

Spending shows the following:	**Annual Budget**	**Dec YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year	*$1,505,039*	*$712,257*	*47%*
Oper & Maint-FY2019-last year	*$1,469,846*	*$661,500*	*45%*

	12/31/2019	**12/31/2018**
Accounts Receivable-Wastewater	$67,374	$63,588

Water Division Fund

Financials (50%-6 month Benchmark)

Spending shows the following:	**Annual Budget**	**Dec YTD Actual**	**% Spent**
Oper & Maint-FY2020-this year	*$1,126,055*	*$507,679*	*45%*
Oper & Maint-FY2019-last year	*$1,106,634*	*$511,230*	*46%*

	12/31/2019	**12/31/2018**
Accounts Receivable-Water	$7,075	$12,895

Technology

In December, Steve worked with the PD on Video strategy use and storage, other trouble shooting and ordered a new Toughbook for the PD car. He also migrated all the Fire email accounts to Exchange, rebuilt a laptop for the Clerk, attended a Facebook meeting, built profiles for two new employees and was away on a two week holiday.

Assessing

In December, Steve beta tested and went live with a new/improved *Vision* software upgrade. He also attended a *Vision* user group meeting that addressed concerns that the users in Maine had regarding the last upgrade to level 8. Steve was also in touch with *Vision* personnel regarding the Town's desire to start the downtown revaluation process and communicate the possible scope of the project so that we can move ahead. With the new Public Works Director on board came a request to create a snow plow route map and Steve is creating a GIS layer for this.

Discretionary Direct spending:

		Budget	Actual-Dec	
Cruise Ship Fund – Direct Expenses:	FY20	$173,139	$89,436	52%
Chamber, Dues, Ins., Isl Explor, etc.	FY19	$150,112	$72,322	48%

		Budget	Actual-Dec	
Parking Fund – Direct Expenses:	FY20			
Wages, signs, IPS lic fees, supplies etc.		$142,865	$ 89,052	62%

Town of Bar Harbor

Expenses - Period Ending 12/31/19

10-Jan-20

50.0% of Year Completed

General Fund	Dept	A FY '20 Annual Adj'd Budget	B FY '20 6 Months Actual	C FY '19 12 Months Pre-Audit	D Bud Variance Under (over) Col. A-B	E % Spent of Budget (B/A=E)	FY '18 12 Months Actual	Comments on variances
Town Council	10	$ 39,992	$ 14,092	$ 35,212	5,904	35.2%	$ 33,267	Timing
Town Manager	12	$ 131,109	$ 62,842	$ 124,862	2,713	47.9%	$ 120,121	
Town Clerk	14	$ 126,986	$ 61,575	$ 118,345	1,918	48.5%	$ 111,685	
Finance Dept.	16	$ 357,476	$ 192,630	$ 352,773	(13,892)	53.9%	$ 322,520	Timing
Town Attorney	18	$ 47,950	$ 26,777	$ 54,220	(2,802)	55.8%	$ 18,858	Higher Trend
Elections	20	$ 18,734	$ 3,777	$ 13,189	5,590	20.2%	$ 18,326	Timing
Technology	22	$ 165,474	$ 87,446	$ 155,231	(4,709)	52.8%	$ 125,165	
Municipal Building	24	$ 79,511	$ 35,892	$ 86,046	3,864	45.1%	$ 73,551	
Town Offices	26	$ 42,745	$ 28,622	$ 43,163	(7,250)	67.0%	$ 37,465	Timing
Employee Benefits	28	$ 1,606,159	$ 730,297	$ 1,505,015	72,783	45.5%	$ 1,436,019	Timing
Code Enforcement	30	$ 101,923	$ 40,028	$ 74,430	10,934	39.3%	$ 65,125	Timing
Assessing Dept.	32	$ 151,158	$ 78,517	$ 137,892	(2,938)	51.9%	$ 126,884	
Planning Dept.	34	$ 221,203	$ 92,593	$ 126,426	18,009	41.9%	$ 134,624	Timing
Miscellaneous	36	$ 239,395	$ 108,525	$ 201,464	11,173	45.3%	$ 209,267	Timing
Fire / Ambulance Dept	42	$ 941,785	$ 491,043	$ 885,013	(20,151)	52.1%	$ 800,244	
Hydrants-Public Fire	43	$ 585,602	$ 292,802	$ 585,604	(1)	50.0%	$ 585,604	
Police Dept.	45	$ 1,283,376	$ 676,493	$ 1,272,780	(34,805)	52.7%	$ 1,036,534	Timing
Dispatch Division	47	$ 234,854	$ 124,488	$ 220,185	(7,061)	53.0%	$ 214,261	Timing
Public Safety Bldg.	49	$ 49,904	$ 23,872	$ 45,930	1,080	47.8%	$ 35,282	
Street Lights	51	$ 73,575	$ 34,013	$ 65,925	2,775	46.2%	$ 71,608	
Harbor Dept.	53	$ 125,758	$ 64,382	$ 126,722	(1,503)	51.2%	$ 111,474	
Parks & Rec & Glen M	59	$ 438,577	$ 253,295	$ 416,358	(34,007)	57.8%	$ 236,375	Timing-seasonal
General Assistance	63/66	$ 1,187	$ 71	$ 496	523	6.0%	$ 1,700	
Cooperating Agencies	68	$ 57,681	$ 57,681	$ 45,092	(28,841)	100.0%	$ 40,038	Timing
Comfort Station	70	$ 99,728	$ 64,331	$ 100,368	(14,467)	64.5%	$ 93,438	Timing-seasonal
Public Works	75	$ 153,081	$ 49,573	$ 148,951	26,968	32.4%	$ 143,258	Staff vacancy
Highway Dept	77	$ 1,125,114	$ 514,231	$ 1,082,238	48,326	45.7%	$ 1,033,837	Timing
Solid Waste	79	$ 727,340	$ 403,814	$ 773,154	(40,144)	55.5%	$ 641,258	Timing-seasonal
General Fund Totals		$ 9,227,377	$ 4,613,702	$ 8,797,084	$ (14)	50.0%	$ 7,877,788	
payroll periods		26	13	26		50.0%	26	

FY20 Budget Includes $55,776 in carryover encumbrances from FY2019

General Fund - Revenues

Town of Bar Harbor
YTD December 31, 2019
50.0% - 6 Months

Department	Budget FY'20 12 Months	Actual FY'20 6 Months	Audited FY'19 12 Months	Bud. Var. Favorable (Unfavorable)	% Rev's Received 50.0% Goal	Variances From Budget Goal Comments
Town Clerk Fees	$ 24,320	$ 10,065	$ 28,186	(2,095)	41%	Timing
Finance Department	$ 179,396	$ 95,092	$ 181,058	5,394	53%	
Municipal Building Rents	$ 33,000	$ 21,642	$ 36,705	5,142	66%	Timing-Prepayments
Code Enforcement Permits	$ 328,800	$ 113,083	$ 214,213	(51,317)	34%	Timing/ Vaca Rentals
Planning Fees	$ 16,550	$ 7,115	$ 29,347	(1,160)	43%	
Ambulance/Fire Fees	$ 333,200	$ 133,786	$ 342,354	(32,814)	40%	Larger write offs
Police/Dispatch Department	$ 170,727	$ 59,803	$ 216,286	(25,561)	35%	Timing
Harbor Department	$ 58,900	$ 56,200	$ 68,841	26,750	95%	Timing-Seasonal
Parks & Recreation	$ 800	$ 350	$ 900	(50)	44%	
Highway Division	$ 11,785	$ 15,938	$ 13,442	10,046	135%	Timing
Solid Waste-Recycling	$ 420	$ 3,568	$ 10,275	3,358	850%	
Departmental	**$ 1,157,898**	**$ 516,642**	**$ 1,141,607**	(62,307)	**45%**	
P.I.L.O.T.'s	$ 137,265	$ 151,514	$ 147,061	82,882	110%	Timing
Interest Income	$ 54,000	$ 63,689	$ 149,787	36,689	118%	Timing-Higher trend
Misc, Cable Franch., other	$ 124,910	$ 82,401	$ 135,699	19,946	66%	Timing
Excise & Other Taxes	$ 1,035,000	$ 601,694	$ 1,167,836	84,194	58%	Timing-Seasonal
Intergovernmental	$ 396,369	$ 296,662	$ 336,068	98,478	75%	Timing
Revenues-Subtotal	**$ 2,905,442**	**$ 1,712,602**	**$ 3,078,058**	259,881	**59%**	
Property Taxes	$ 17,892,429	$ 17,917,087	$ 17,241,788		100%	
Transfers In-CS & Other Funds	$ 435,692	$ 59,746	$ 363,941		14%	
Fund Balance Used	$ 55,000	$ -	$ -		0%	
Grand Total-General Fund	**$ 21,288,563**	**$ 19,689,435**	**$ 20,683,787**		92.5%	
Wastewater Revenues	$ 2,144,400	$ 900,724	$ 2,411,183		42%	1 Qtr-Summer billed arrears
Water Revenues	$ 2,151,302	$ 1,191,279	$ 2,295,858		55%	2 qtrs billed in Advance
CIP Fund Rev's/Transfers	$ 3,759,290	$ 2,940,353	$ 7,328,506		78%	Timing
Cruise Ship Fund Rev's	$ 1,133,839	$ 930,055	$ 1,023,708		82%	May & June to go
Parking Fund (net of Trans Fees)	$ 510,750	$ 1,284,970	$ 315,765		252%	May & June to go

TOWN OF BAR HARBOR
CASH / INVESTMENT STATUS @ December 31, 2019

Note	Bank	Acct. No.	Purchase	Maturity	Interest Rate		Amount
**CHECKING ACCOUNTS							
GENERAL	BHBT	77548521	GL #10-1140		1.41%	$	5,577,000
SEWER	MACHIAS SB	8100333860 / 930	GL #35-1135		0.05%	$	61,000
PARKING	MACHIAS SB	100184337	GL #64-1140		0.25%	$	18,000
SEWER	BHBT	77548513	GL #35-1140		1.41%	$	2,385,000
WATER	BHBT	77548556	GL #40-1140		1.41%	$	1,880,000
	Total Checking Accounts					$	9,921,000
GENERAL	The 1st		collaterized securities	GL #10-1145	1.26%	$	1,196,000
GENERAL	The 1st		collaterized securities	GL #10-1146	1.26%	$	1,041,000
PARKING	MACHIAS SB	ICS - CDARS	FDIC custodial bank deposits	GL #64-1120	1.10%	$	1,575,000
SEWER	MACH S BK	ICS - CDARS	FDIC custodial bank deposits	GL #35-1120	1.10%	$	823,000
**CERTIFICATES OF DEPOSIT: money market							
Gen Fnd	The First	18 months	27-Nov-18	27-Apr-20	2.71%	$	89,907
Gen Fnd	BHS&L	18 Months	28-Jun-19	28-Dec-20	2.05%	$	116,343
Gen Fnd	BHS&L	18 Months	19-Jun-19	19-Dec-20	2.05%	$	116,745
Gen Fnd	UTC-Camden	18 Month CD	11-Aug-18	11-Feb-20	1.50%	$	109,685
Gen Fnd	UTC-Camden	12 Month CD	10-Feb-19	10-Feb-20	2.00%	$	108,686
Gen Fnd	UTC-Camden	6 Mos.-CDARS	27-Sep-19	26-Mar-20	1.75%	$	242,328
#10-1160		Total Certificates of Deposit				$	783,694
CIP Reserves: Bar Harbor Banking & Trust - Trust Department				@ 9/30/19			
GENERAL	COMB-combined funds		Money Mkt Funds Sweep		2.20%	$	210,286
	Toyota Motor Credit Corp		Bond - AA- S&P	4/13/2021	2.95%	$	101,611
	JP Morgan Chase Co.		Bond - A- S&P	10/29/2020	2.55%	$	100,517
	Mead Johnson		Bond - A- S&P	11/15/2020	3.00%	$	70,607
	Apple, Inc.		Bond - AA+ S&P	11/13/2020	2.00%	$	110,231
	Bank America Corp.		Bond - A- S&P	10/21/2022	2.52%	$	100,680
	Discover Bank		CD - AAA S&P	10/17/2019	1.70%	$	149,988
	Qualcomm Inc.		Bond - A S&P	5/20/2020	2.27%	$	100,042
	Boeing		Bond - A+ S&P	10/30/2021	2.35%	$	50,334
	Morgan Stanley		CD	1/5/2021	2.00%	$	150,373
	US Treasury Note		Note - AAA S&P	9/30/2020	2.75%	$	201,812
	Goldman Sachs Bank		CD - AAA S&P	1/31/2020	2.30%	$	150,214
	IBM Credit LLC		Bond - A S&P	11/30/2021	3.51%	$	103,336
	United Technologies Corp		Bond - A- S&P	5/4/2020	1.90%	$	99,886
	Wells Fargo Co.		Bond - A- S&P	7/22/2027	4.30%	$	100,472
	Bank of Montreal		Bond - A+ S&P	12/19/2019	2.10%	$	100,008
	Intercontinental Exchange		Bond - A S&P	12/1/2020	2.74%	$	100,845
	Wells Fargo Bank NA		CD	9/8/2021	3.06%	$	102,545
	#10-1170	Total In Trust Fund	*(45/50-1170)*			$	2,103,787
	TOTALS: All CASH & INVESTMENTS					$	17,443,481

Notes: Checking Accounts and money markets above $250,000 are protected by Bar Harbor Bank's collateral (US Gov't or agency securities) that are held in joint custody at the Federal Reserve Bank of Boston.

GENERAL = Combined General, CIP, School and Cruise Ship Cash

BHBT = Bar Harbor Bank & Trust Co.
The First = First National Bank Of Damariscotta
UTC = Camden National Bank
BHS&L = Bar Harbor Savings & Loan Co.
MSB = Machias Savings

Town Bond Rating:	Affirmed	March '19	Aa2	Moody's
	Affirmed	March '19	AAA	S & P's
State of Maine Bond Rating:		May '12	AA	S & P's
State of Maine Bond Rating:		June '14	Aa2	Moody's
State of Maine Bond Rating:		Jan '13	AA	Fitch
Hancock County Rating		Jan '11	Aa2	Moody's
Hancock County Rating		Jan '11	AA	S & P's
U.S. Government Rating		August '11	AA	S & P's

VI A

Memo

To: **Town Council**

From: Stan Harmon, Finance Director

CC: Cornell Knight, Town Manager

Date: 12/26/2019

Re: **Annual Adjustment of Fund Balance Designation for Working Capital**

The Town's *Fund Balance* Policy states that the Town shall have an amount set aside in Fund Balance for "*Assigned for Working Capital*" of at least 10% of the audited revenues. This provides operating funds before property taxes are paid in September. 10% of the total audited revenues from the FY'19 audit on schedules exhibit A-1, page 70 (Town) and A-6, page 76 (School) calculated to $2,165,000. Currently, we have $2,033,000 designated in Fund Balance. In accordance with the policy I propose to adjust the working capital designation to $2,165,000, an increase of $132,000.

The purpose of this annual adjustment is that it reflects that the Town Council is managing its resources by its *Fund Balance* policy and also that the Council annually reviews all such balances as to their adequacy. These monies ensure that the Town always has enough cash on hand to respond to its operational needs or for emergencies for the Town and School. The money is transferred from the *Unassigned Fund Balance* which currently has $987,552 available at FY6/30/2019 (audit page 23). Any remaining balance in *Unassigned Fund Balance* is for unanticipated expenses; e.g., unexpected purchases, coverage of overspent winter highway storm maintenance, overspent welfare expenses, future CIP or General Fund budget allocations, etc. Unanticipated expenses from any future insurance settlements exceeding the limits covered by our carriers has a separate $500,000 *Assigned Fund Balance Designation* for major losses.

Recommended Council Action,

Ordered, that the Town, in accordance with its Fund Balance Policy, designate in the Assigned Fund Balance section of the General Fund an amount equal to $2,165,000 to be labeled *Assigned For Working Capital.*

Fund Balance Policy

Town of Bar Harbor

Since an indicator of good financial management is to end the fiscal year with revenues in addition to those budgeted and expenses less than those budgeted, resulting in a budget surplus, and

Since the Town of Bar Harbor typically ends the fiscal year with a budget surplus, and

Since this Town Council feels it would be helpful to establish a policy to guide the Town Manager in administering these leftover funds, and

Since the Town of Bar Harbor has a number of very substantial capital improvement needs, the Town Council hereby establishes the following Fund Balance Policy.

Fund Balance shall be maintained at reasonable levels at all times to ensure the financial wellbeing of the Town of Bar Harbor, to lessen the need for borrowing, to protect the Town's bond ratings and to provide the funds necessary to meet the Town's financial operating working capital. A strong Fund Balance may also allow Bar Harbor to provide for a fallback of its tax rate in times of temporary economic uncertainty, provide for unexpected capital expenditures, provide for unanticipated mandatory expenditures and provide for one-time expenses that do not create an ongoing financial obligation in future years.

Fund Balance is comprised of five classifications, in accordance with Governmental Accounting Standards Board (GASB) Rule 54, as follows:

Non spendable: Fund balance amounts that cannot be spent either because it is not in spendable form or because of legal or contractual constraints. (e.g., trusts)

Restricted: Fund balance amounts that are constrained for specific purposes which are externally imposed by providers, such as creditors or amounts constrained due to constitutional provisions or enabling legislation. (e.g., governmental grants, dog funds)

Committed: Fund balance amounts that are constrained for specific purposes that are internally imposed by the government through Town Meeting voting and does not lapse at year end. (e.g., C.I.P. fund)

Assigned: Fund amounts that are intended to be used for specific purposes that are neither considered Restricted or Committed. Fund balances may be assigned by the Town Council. (e.g., working capital needs, encumbrances)

Unassigned: Positive fund balance within the General Fund which has not been classified within the above mentioned categories and negative fund balance in other governmental funds.

An amount equal to at least 10% of the Town's latest year's audited total General Fund revenues shall be assigned by the Town Council as *"Assigned For Working Capital"*.

The Town considers *restricted*, *committed*, *assigned* and *unassigned* amounts to be already spent in that order when new expenditures are incurred for a purpose for which amounts are available in these multiple fund balance classifications.

Annually, following completion of the Town audit, the Town Manager shall review the balance of the General Fund "*Unassigned Fund Balance*" and propose to transfer through the annual budget process any funds deemed surplus from the past year's operations for purposes of funding necessary projects in the Capital Improvement Program Fund.

It is recognized, as part of this policy, that good budgeting practices suggest that fund balance shall not be routinely used to reduce taxes in the following year. Accordingly, use of fund balance to fund operating expenses shall require a two-thirds vote of the Town Council.

LEGISLATIVE HISTORY

1/21/97	Original policy adopted by Town Council.
5/1/01	Policy amended by Town Council
2/18/03	Policy amended by Town Council
1/3/06	Policy amended by Town Council
8/10/12	Staff proposed update to conform to GASB 54
8/21/12	Policy amended by Town Council

VI B

Emera
Maine

January 02, 2020

Town of Bar Harbor
Attn: Town Manager
93 Cottage Street
Bar harbor, ME 04609

Thank you for your time and cooperation regarding the installation of the new underground electric line serving the Ferry Terminal property. Emera Maine will be taking ownership of this new underground up to and including the transformer pad.

I have enclosed an easement and a bill of sale for your inspection. If they meet with your approval, please sign and date them where indicated, have your signature acknowledged by a notary public on the easement, and return the properly executed easements to me in the enclosed self-addressed envelope.

If you have any questions regarding this matter, please call me at 1-800-248-2258, extension 2921, or direct to my office at (207) 973-2921. You may also reach me by e-mail at jerry.carrier@emeramaine.com.

Thank you for all of your time.

Sincerely,

J Carrier

J Carrier
Right of Way Agent

Enclosures

BILL OF SALE

TOWN OF BAR HARBOR, a municipal corporation and body politic located at Cottage Street Bar Harbor, in the County of Hancock, State of Maine, being the owner of certain goods and chattels described below and being located in the Town of Bar Harbor, County of Hancock, State of Maine, for consideration given by EMERA MAINE, a Maine corporation having a place of business at 970 Illinois Avenue, Bangor, County of Penobscot, State of Maine, the receipt whereof is hereby acknowledged, does hereby grant, sell, convey, transfer and deliver, unto the said Emera Maine, the following described goods and chattels, namely:

A utility line consisting of 40 feet more or less of 3 phase primary underground electric, adjacent to the Ferry Terminal access road.

And It does hereby covenant with the said Emera Maine that it is the lawful owner of the said goods and chattels; that they are free from all encumbrances, that it has good right to sell the same as aforesaid; and that it will warrant and defend the same unto it the said Emera Maine, its successors or assigns, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, It, the said Town of Bar Harbor has caused this instrument to be executed by its duly authorized representative this _____ day of January, 2020.

Witness:

_____ Town of Bar Harbor

_____ By: _____

Cornell Knight its Manager

RECORD AND RETURN TO:
Emera Maine
Attn: Renee Wright
P.O. Box 932
Bangor, ME 04402-0932

EASEMENT

TOWN OF BAR HARBOR, a municipal corporation and body politic located at Cottage Street, Bar Harbor, Maine, in the County of Hancock, State of Maine, (the "Grantor") being the owner in fee simple of certain lands located in the Town of Bar Harbor, County of Hancock, State of Maine, and described as follows:

> Being the premises conveyed by The State of Maine to the Grantor herein by deed dated January 23, 2019, and recorded in the Hancock County Registry of Deeds in Book 6935, Page 340;

for consideration given, grants to **EMERA MAINE**, a Maine corporation having a place of business at 970 Illinois Avenue, Bangor, Maine, (the "Grantee"), its successors and assigns forever, the following rights, privileges and easements to be exercised upon and with respect to so much of strip of land 20 feet in width for their entire length as lie within the aforesaid lands. Said strip extending easterly from State Route #3 for 39 feet more or less to a transformer pad shown on Exhibit "A", attached hereto and made a part hereof.

The rights, privileges and easements conveyed herein include with respect to said strip are as follows: the right to enter upon said lands with workers and vehicles and all necessary tools and machinery; the right to excavate, lay, bury, install, construct, maintain, operate, repair, rebuild, and remove underground wires, cables, conduits, ducts, transformers, foundations, switching equipment, protective and safety devices, manholes, and other apparatus used or useful for the transmission of electricity, as Grantee may from time to time desire, upon and/or beneath the surface of the earth; the right to transmit electricity and intelligence over, through and by said wires, cables, conduits, ducts, transformers, foundations, switching equipment, protective and safety devices, manholes and other apparatus; and the right to keep said strip cleared by any lawful means of trees, undergrowth and all other obstructions.

The right to place the necessary aboveground padmount transformers and electrical devices, with their necessary wires, cables, conduits, ducts, and fixtures, attached thereto, within the aforementioned strip; with the right to transmit electricity and intelligence over, through and by said wires, cables, conduits, ducts, fixtures, padmount transformers, and electrical devices.

The right to extend underground lines from said strip to facilities and buildings as now located or to be located on said premises.

The rights, privileges and easements to construct, maintain and operate a line of poles and wires with their fixtures and supports, on a temporary basis, on said lands in such a manner as to provide electric service to facilities and buildings being served by the herein described underground system in the event a fault occurs in the underground system during a period of time when it may be difficult or impossible, due to weather conditions, ground conditions or otherwise, to repair such underground system; said line of poles and wires to be dismantled by said Emera Maine when such fault is corrected; and to transmit electricity and intelligence over said wires and apparatus, and to clear and dispose of interfering trees and other growth from time to time.

The Grantor for itself, and it's executors, administrators successors and assigns, covenant and agree to and with the Grantee, its successors and assigns, that it will not erect or maintain or permit the erection or maintenance of any building, trailer, mobile home, swimming pool, or other structure, of any kind or nature, upon said strips, any or all of which in the opinion of the Grantee, its successors and assigns, would endanger or interfere with the exercise of any of the rights, privileges and easements hereby conveyed.

Also conveying to Grantee, its successors and assigns, the right to establish any and all safety regulations which Grantee, in its sole discretion, deems necessary and proper for the transmission of electricity or intelligence, and for the construction and maintenance of said wires, cables, conduits, ducts, transformers, foundations, switching equipment, protective and safety devices, manholes, and other apparatus used or useful for the transmission of electricity; any interference or violation by said Grantor, it's executors, administrators successors and assigns, as determined by the Grantee, of said safety regulations, shall constitute an interference with and violation of the rights, privileges and easements hereby granted.

This conveyance is subject to the Grantee's agreement and covenant to promptly restore the surface of the Grantor's land to its prior conditions after an excavation or disturbance to said surface in connection with the exercise of the rights, privileges and easements herein granted, such restoration to be limited to regrading, regrass-seeding, and reasphalting of said surface.

Also specifically conveying to the Grantee, its successors and assigns, the right to assign to others, in whole or in part, any or all of the rights, privileges and easements herein conveyed.

IN WITNESS WHEREOF, It, the said Town of Bar Harbor has caused this instrument to be executed by its duly authorized representative this _____ day of January, 2020.

The Town of Bar Harbor

By: _____
Cornell Knight Town Manager

STATE OF MAINE

County of Hancock, ss: January _____, 2020.

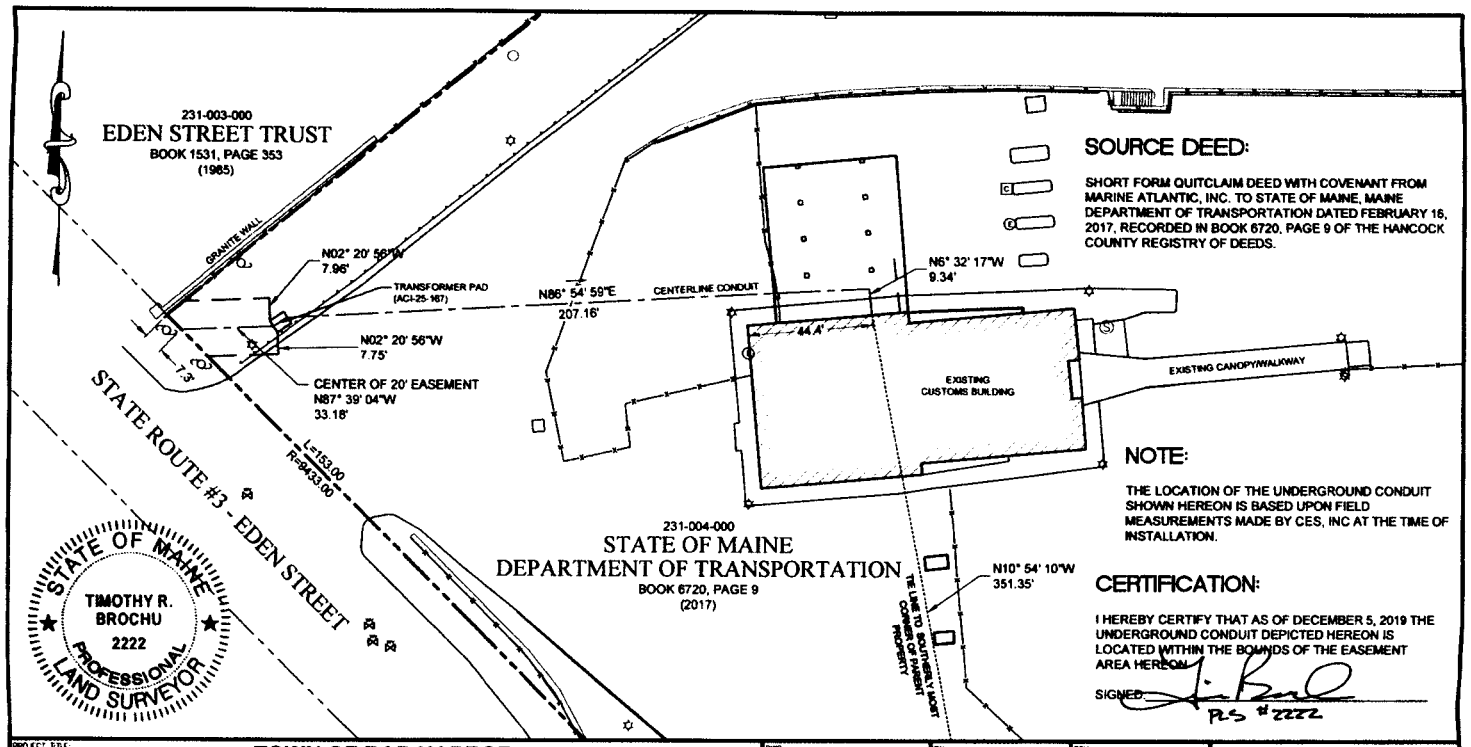
Personally appeared the above-named Cornell Knight and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said Town of Bar harbor.

Before me,

_____
Notary Public

Print Name of Notary: _____

"EXHIBIT A"



SOURCE DEED:

SHORT FORM QUITCLAIM DEED WITH COVENANT FROM MARINE ATLANTIC, INC. TO STATE OF MAINE, MAINE DEPARTMENT OF TRANSPORTATION DATED FEBRUARY 16, 2017, RECORDED IN BOOK 6720, PAGE 9 OF THE HANCOCK COUNTY REGISTRY OF DEEDS.

NOTE:

THE LOCATION OF THE UNDERGROUND CONDUIT SHOWN HEREON IS BASED UPON FIELD MEASUREMENTS MADE BY CES, INC AT THE TIME OF INSTALLATION.

CERTIFICATION:

I HEREBY CERTIFY THAT AS OF DECEMBER 5, 2019 THE UNDERGROUND CONDUIT DEPICTED HEREON IS LOCATED WITHIN THE BOUNDS OF THE EASEMENT AREA HEREON.

SIGNED: PLS #2222

PROJECT TITLE: TOWN OF BAR HARBOR 121 EDEN ST., BAR HARBOR, HANCOCK COUNTY, MAINE	DWG:		BY:	JH/TB	REV:
			DATE:	12-18-2019	REV DATE:
SHEET TITLE: UNDERGROUND ELECTRIC EASEMENT PLAN EMERA MAINE	JN:	12570.002	APPROVED BY:	TB	ISSUE:
	SCALE:	1" = 40'	CHECKED BY:	TB	ISSUE DATE:

CES INC
Engineers • Environmental Scientists • Surveyors

VI C

Sharon Linscott

From:	Chris Petersen <cpetersen@coa.edu>
Sent:	Sunday, January 12, 2020 8:53 AM
To:	slinscott@barharbormaine.gov; Charlie Phippen
Cc:	Scott Swann; Natalie Springuel
Subject:	broad reach grant from the marine resource committee
Attachments:	Bar Harbor Clam Proposal_version 3.docx
Follow Up Flag:	Follow up
Flag Status:	Flagged

Sharon and Charlie,
The BH Marine Resource Committee would like to submit a proposal to the Maine Shellfish Restoration and Resilience Fund for their January 16th (this Thursday) proposal deadline. The grant is relatively small, for just over $7000, but we think it will be helpful as we try alternatives to help our wild clam population and our commercial clammers.
The proposal with the budget is attached. Our preference is for the town to be the fiscal agent for this grant. If for some reason this is not possible, we would ask College of the Atlantic if they would be willing to be the fiscal agent. Our preference is for the town to be the agent, since it is a proposal from the committee, but we understand that there might be reasons that you can't do this, including the short time period we have given you. If you could let us know in the next few days if we can list the town as fiscal agent, that will help us move forward.
Sincerely,
Chris on behalf of the committee

--
Dr. Chris Petersen
Associate Academic Dean and Professor of Biology
Graduate Program Director
College of the Atlantic
105 Eden Street
Bar Harbor ME 04609
207-801-5705
cpetersen@coa.edu
@FishyStuffatCOA
http://chriswpetersen.wordpress.com/

Clam population enhancement in Bar Harbor
A proposal to the Maine Restoration and Resilience Project

Project Coordinator: Scott Swann, Chair, Bar Harbor Marine Resource Committee
sswann@coa.edu 207-266-4556

Additional key personnel and project partners:
Bar Harbor Marine Resources Committee members (all residents of Bar Harbor)
- Scott Swan, Chair; College of the Atlantic
- Chris Petersen – Secretary; College of the Atlantic
- Fiona de Koning – Member; Acadia Aqua Farm
- Joanna Walls – Member; Bar Harbor Oyster
- Matt Gerald – Member; Sweet Pea Farm
- Natalie Springuel – Member; Maine Sea Grant

Alex de Koning – Acadia Aqua Farm
Toby Stephenson – Boat Captain, College of the Atlantic
David Dunton – Bar Harbor shellfish harvester
Josh Kane – Bar Harbor shellfish harvester and lobsterman
Maine Coast Heritage Trust – upland land owner at one site
Student intern – to be determined
Heidi Leighton – Maine Department of Marine Resources

Start and end date of proposed work:
April 15, 2020 – end of 2021 for initial steps, but the project will be ongoing if we obtain encouraging results. If successful, at least one of our clammers is interested in pursuing the idea of a municipal lease in the future.

Project budget and expenses - see next page

Bar Harbor Marine Resources Committee Clam Population Enhancement Project budget

Description	In kind	Quantity	Cost per unit	Total
Volunteer time by MRC members	X			
Clam harvesters, time		2 clammers at 20 hours	$30/hour	$1200
Use of aquaculture leases and time provided by aquaculture farmers	X			
Boat time (captain's time, use of boat, fuel		20 hours	$50/hour	$1,000
Beal boxes, materials and construction		80	$12.50 per box	$1,000
Lantern nets		10	$22 each	$220
20x20 Mudflat nets (for deployment)		20	$40 each	$800
Student project coordinator (College level intern) Time will be focused in Spring 2020, Fall 2020, then again in Spring 2021		200 hours	$14/hour (includes fringe)	$2800
Engaging MDI High School students and COA college in field work collecting spat, SNACKS		2 field days	$100 each	$200
Communications and sharing out with Clam Committees Downeast and beyond	X			
TOTAL				**$7,220**

Narrative

Problem statement: The last few years have been very frustrating for us as a clam committee. Bar Harbor's clamflats have become less productive, and as our larger clams are harvested we do not seem to have any small clams coming back in to replace them. Our harvestable clam densities are decreasing, despite high levels of recruitment as revealed by predator exclusion boxes. Initially we did not know what caused this pattern, but believed it could be caused by poor recruitment of seed clams into the population, problems with clam flats such as low pH or pollution, or predators. Over the last several years we have done small-scale experiments in the intertidal that have convinced us that the problems are mostly due to predation of young clams, and we believe that most of this predation has been caused by green crabs (*Carcinus maenus*).

We believe it will be very hard to maintain a wild fishery in the presence of large populations of green crabs. However, we are interested in trying what we can. Looking at other towns, there are three methods that towns have used to try to enhance clam populations in their mudflats.

a. Switching focus to a less vulnerable species, like quahogs (*Mercenaria mercenaria*)
b. Putting up netting to restrict predator access, and either have this owned by individuals or by co-ops collaboratively managed by groups of citizens.
c. Attempting to eliminate the green crab population by capturing and kill.

Over the next few years we would like to experiment with the first two techniques (knowing that in our open coastal waters, eliminating predator populations entirely will not work). At the same time, we propose to collect data to get an understanding of the patterns of clam recruitment and predation in our mudflats. We are seeking funding to enhance our efforts in three main ways:

a. Allow us to buy supplies to protect and grow clams
b. Support fishermen and aquaculturists that work with us on this project
c. Support a student part-time to help us manage this work

Solutions:
We believe in the importance of maintaining a wild clam fishery, but are worried that with the current levels of predation on recruiting clams, that we will not have a wild fishery into the future. We have to be able to find clams that can grow in places where they will survive and prosper. We have three specific avenues we would like to test in a series of pilot studies to see if any are worth pursuing on a broader scale. They include raising seed in an aquaculture setting, protecting juveniles with nets and transplanting in areas where survival continues, and exploring transplanting quahogs into new habitat.

Specifically, our project will include the following steps:

1. We will put out predator exclusion boxes ("Beal Boxes") at several sites to determine the level of recruitment.
2. We will collect these recruits to grow out in lantern nets hung at one of 2-3 aquaculture sites.

3. In the following spring, we will re-seed areas, with some proportion protected from predation with netting over those areas.
4. If we get successful recruitment of quahogs (*Mercenaria mercenaria*), we will also put those into bags at aquaculture sites.

Protecting seed: We have had good success over the past three years obtaining soft-shell seed clams at some of our sites when they are protected from predators with either netting or Beal boxes. Our densities at our northern Frenchman Bay sites have averaged over 1300 (Thomas Is.) and 1000 (Hadley Point) clams per square foot in Beal boxes. Both locations have very low densities of seed clams outside of protection. To date we have only used this to assess recruitment, and after counting the seed they are spread back over the flat unprotected. With 20 boxes at each site (up from 3 in past years), we hope to collect 80-100 thousand seed clams.

We propose to protect seed in two possible ways. First, we plan on moving some seed to lantern nets hung at 2-3 separate aquaculture sites. For soft-shelled clams, they can be grown in water until they reach approximately ¾ of an inch (20 mm), after that they need to be placed in sediment to continue to grow (Denis Marc-Nault, Brian Beal personal communications). We believe that if we take seed in the fall, put it on an aquaculture site, by the next spring we will have seed at about that size, and we can then outplant them. Secondarily, if we get a lot of seed, we may keep some seed at the site, possibly with some protection from predators, although in the winter predation from crabs is minimal.

In the second year (2021), we propose to outplant these larger individuals under nets, and work with clammers to place these on one of our sites where we already have the required Army Corp of Engineers permits to have nets. This work would begin on a small scale, with the idea that we would test to see if there were places that we could have clams grow to a harvestable size, either unprotected or protected. Maintenance of sites would be done by a clammers and a student intern/project coordinator. Our harvesters have identified two places they would like to try, Otter Creek and Hadley Point.

Using existing aquaculture sites: There are two aquaculture sites, one operated by College of the Atlantic, and one operated by Alex de Koning of Acadia Aquafarm, in Frenchman Bay, that have agreed to participate in this study and allow for their sites to be used to hold clams (all sites have this as part of their current lease). We are also exploring if we can use a third site in Blue Hill Bay leased by committee member Matt Gerald. We also hope to obtain growth rate data at these different sites, they vary from mid-bay to upper bay in F. Bay and in B.H. Bay.

Opportunistic work with quahogs (*Mercenaria mercenaria*). We will place approximately 20-40 recruitment boxes at 1-2 sites in Blue Hill bay. If we get good recruitment, we plan on taking those quahogs and also moving them to the aquaculture site, and we are interested in what size quahogs will grow to while in nets, so our current plan would be to leave most or all of them there for the entire 2021 season.

Capacity:

We have experience with Beal boxes, and have learned how to resolve some of the associated problems (eg: in our early attempts, we had many become dislodged and found at the high tide line). We have used netting with mixed success, but have seen it be an effective barrier to predators. Our aquaculture farming partners are well versed in the use of lantern nets and can help guide that portion of the work.

The work for this research is focused in late spring (May) and late fall (October/November), with some maintenance work during the summer. We are hoping to have this be the focus of an intern who serves as a project coordinator and that has summer work to complement this work at the edges of the summer.

We are engaging with 2 different aquaculture operations in Frenchman Bay (Acadia Aqua Farm and COA's lease areas), and are looking at how we can leverage these aquaculture leases to enhance wild harvest of clams, while at the same time getting information on potential aquaculture for these species (particularly quahogs). The COA sites are used as an educational site for students, so we hope to engage students in this work at those sites. We also hope to engage MDI High School students in at least two days working in the field.

Limiting factors:
We are dependent on obtaining seed clams from our Beal boxes or other predator exclusion boxes we put out in the intertidal. Given the consistently high levels of recruitment over the past three years in upper Frenchman Bay, we believe we will be able to obtain adequate numbers of soft-shelled clams. Quahogs have shown variable recruitment in our Blue Hill Bay sites, and a poor recruitment year might limit our ability to do this work. We have already placed spat bags at 2 aquaculture sites (the COA sites) and could contribute spat from those bags if needed.

Sharing project data and learning:
Multiple members of our committee typically attend the Fishermen's Forum and have attended both the Downeast Fisheries Partnership community meetings and regional Clam Convenings hosted by the Maine Center for Coastal Fisheries and the Downeast Fisheries Partnership. We plan to share results with these groups and at these events, as well as with appropriate wider audiences. We also engage College of the Atlantic students with this work, and they often report out results to our town marine resource (clam) committee. We are designing the clam recruitment work so that it uses the same method as the larger recruitment study led by Brian Beal at the Downeast Institute, and we have agreed to share data with Brian. This work is not being done at a scale that we expect to produce any academic publications, the main purpose of the work is to share our insights with our local community and the broader clam community. One of our sites (Hadley Point) is a frequent spot visited by residents and tourists and we would add signage about our work to that location, as well as submit local press releases on our work.

In terms of sharing data and results, we have always attached reports of our work to the online minutes of our committee. In the age of internet searches, this seems to be effective, for example, Brian Beal recently found that we had done a brushing study in 2008 by doing an

internet search. We also hope to write at least one blogpost about our work, and share information with the appropriate groups.

VII A

Rules of Order

Bar Harbor Town Council

Parliamentary Authority

The rules contained herein shall govern the Council in all cases to which they are applicable and in which they are not inconsistent with the Statutes, the Town Charter or any special rules of order which the Council may adopt.

Special Rules of Order

~ Rules shown in italics are mandated by the Town Charter ~

1. **Meetings**

   A. ***Rules and Journal.*** *The Council shall annually determine its own rules and order of business and shall provide for keeping a record of its proceedings, which shall be kept for public record.*

   B. ***Meetings****. The Council shall meet regularly at least once in every month at such time and place as the Council may prescribe by rule.*

   C. **Regular Meetings.** Regular Meetings shall be held on the first and third Tuesdays of each month at 7:00 PM in the Municipal Building, except that by vote of the Council one regular meeting may be omitted in any month, and the time and place of meetings may be changed. Public notice of any such change shall be given as far in advance as is practicable.

   D. **Special Meetings.** *Special meetings may be held on the call of the Council Chairman, Town Manager or three or more members.* To the extent practicable Council members shall be consulted as to a convenient time.

2. **Order of Business.** At regular meetings the following shall be the normal order of business:

   I. Call to Order

   II. Committee Appointments

   III. Public Comment Period

   IV. Approval of Minutes

   V. Adoption of Agenda

   VI. Financial Reports

   VII. Public Hearings

   VIII. Regular Business

   IX. Town Manager's Comments

   X. Council Comments and Suggestions for Future Agendas

   XI. Matters for Possible Executive Session

XII. Adjournment

3. **Agenda**

A. **Preparation.** The agenda for regular meetings shall be prepared by the Town Manager in consultation with the Chair.

B. **Distribution.** Copies of the Agenda shall, if possible, be distributed to members not less than three days before the meeting and shall at the same time be delivered for posting on the bulletin board in the Municipal Building, and shall at the same time be e-mailed to others who have requested such copies in writing.

C. **Deadline.** Items for inclusion on the agenda shall be given to the Town Manager not later than 5:00 p.m. on the Wednesday preceding a Tuesday Council Meeting or, if the meeting is on another day, at a corresponding time. Thereafter no items may be added; except that by the affirmative vote of a majority of the members present, the Council may add items where:

(1) Significant inconvenience may result if the matter is postponed or

(2) The routine nature of the request is expected to be of little public interest.

D. **Amendment.** Upon the vote of a majority of members at any point in the meeting, Council may change the order of business.

4. **Procedure.** All meetings shall be conducted in accordance with the latest version of Robert's Rules of Order, except as modified or clarified in the following respects:

A. **Quorum.** *Four members of the Council shall constitute a quorum for purposes of conducting an official meeting and transacting municipal business, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the Council.*

B. **Majority.** *Except as otherwise provided in the Charter, the required majority to effectuate the passage, adoption or enactment of an item shall be a simple majority of a quorum.*

C. **Public Comment Period** – The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.

D. **Public Hearings** – The following guidelines will be read prior to opening a public hearing.

The Town Council strives to give everyone an equal opportunity to be heard, therefore:

(1.) During public comment you are allowed three minutes to speak with a two minute follow up after everyone has spoken once, and if time allows. An exception is: if Council has a question for the speaker, their response is excluded in this time limit.

(2.) A countdown device is visible to those making comment so that speakers will be aware of time and will not be interrupted during their presentation with warnings.

Upon being recognized to speak:

(1.) Step up to the microphone and state your name and address.

(2.) Please be brief and to the point.

(3.) Be respectful.

(4.) That includes not applauding or other audible reaction to speakers.

(5.) Please refrain from side conversations and other distractions.

(6.) Remember that a public hearing is a chance to comment on an item and not a forum for debate or questions and answers.

E. **Informal discussion** of a subject is permitted even while no motion is pending.

F. **Chair Votes.** The Chair shall have all the rights and duties as to voting as any other member, may make motions, and may speak in discussion without leaving the chair.

G. **Limiting Debate.** There is no limit to the number of times a member may speak on any question, except when action has been taken to limit or close debate.

H. **Tied Votes.** In the event of a tied vote, the motion fails to pass. Accordingly, a motion to reconsider is not required prior to the making of a subsequent motion.

I. **Executive Sessions**. The Maine Freedom of Access Law, 1 MRSA 405, states that "Executive sessions may be called only by a public, recorded vote of 3/5 of the members present and voting. . . . A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business." Accordingly, the following chart shall apply:

Members Present & Voting	3/5	Affirmative Votes Required
7	4.2	5
6	3.6	4
5	3.0	3
4	2.4	3

J. **Vote Required.** *Each Councilor in attendance shall vote on all issues and questions presented for vote except when a valid conflict of interest clearly exists. If*

any Councilor does abstain from a vote other than because of a recognized conflict of interest, they shall be considered to have cast a vote with the majority and the record shall so show.

K. **Rule Amendments.** Non-Charter prescribed rules, or any provision thereof, may be waived on any occasion by an affirmative vote of five Councilors. After public notice and hearing, these bylaws may be amended by an affirmative vote of five Councilors.

5. Boards, Committees and Commissions

A. **Advertisement.** Before the Council shall fill a vacancy in any Board, Committee, or Commission of the Town, notice shall be given by publication in a newspaper of general circulation in the community, inviting applications or recommendations. Such applications should include information as to the interests and qualifications of the person concerned. The Town Clerk shall see that the Chair of the agency is notified, and opportunity shall be given for recommendation from the agency or from its members.

B. **Alternate Appointment Procedures.** In making appointments, one of the two voting methods described below shall be used: the "simple voting method" or the "ballot voting method". As required by the state Right to Know Law, each Councilor's vote shall be publicly announced.

(1) **Simple Voting Method.** When the Council proceeds to the appointment, the Chair shall entertain nominations. Each Councilor shall be entitled to nominate one candidate for each open seat. No nomination requires a second. After all Councilors have had the opportunity to make a nomination, the Chair shall close the floor to nominations, recite the name of the first-named candidate and ask for a vote of those in favor of this candidate. Immediately thereafter, the Chair shall repeat the process for each candidate. No Councilor may vote for more than one candidate. The Chair shall declare appointed the candidate receiving a majority of the votes. If no candidate receives a majority *[see definition of a majority]*, a runoff election shall be held for the candidates having received the two highest numbers of votes.

(2) **Ballot Voting Method.** In the event of the annual June appointments and upon the request of any Councilor to the Town Manager prior to the agenda deadline, the ballot method of voting shall be used.

(a) Prior to the Town Council meeting, the Town Clerk shall prepare a ballot for each open seat which shows:

[1] the name of the agency,

[2] the term of the appointment,

[3] In alphabetical order down the left side of the page, the names of the candidates who have submitted written applications by the agenda deadline,

[4] In columns across the page, the names of each of the Councilors.

(b) When the Council proceeds to the appointment, the Town Manager shall display the ballot for each open position on a projection screen to make them visible to the public.

(c) The Chair shall call the name of each Councilor, who shall then name the candidate of their choice. No Councilor may vote for more than one candidate.

(d) The Manager shall mark the ballot and display each Councilor's vote on the projection screen.

(e) The Chair shall declare appointed the candidate receiving a majority of the votes.

(f) If no candidate receives a majority *[see definition of a majority]*, a runoff election shall be held for the candidates having received the two highest numbers of votes.

6. Manager Communications to Councilors.

A. **General Rule.** As time and workloads permit, the Town Manager shall endeavor to provide all Councilors with the same information at the reasonably same time.

B. **Meeting Background.** The Friday prior to each Council meeting, the Town Manager shall prepare a packet of background materials designed to give Councilors a clear, yet concise, understanding of the issues surrounding the decisions to be made at the meeting. A packet of identical background materials shall be delivered by Town personnel to each Councilor's home. If no one is at home, the packet shall be left at a location previously designated by the Councilor.

C. **Last Minute Information.** If it comes to the attention of the Manager that an agenda item will be added after the packet has been distributed and additional background material is to be provided for the meeting, those materials suitable for distribution by email shall be e-mailed to all those Councilors who use email, as well as to Town staff and news media as appropriate. In addition, photocopies of all emailed background materials shall be set on the Council table at least one half hour prior to the Council meeting. This rule shall not preclude distribution of background materials to non-email-using Councilors as time and workloads permit.

LEGISLATIVE HISTORY

12-16-86 – Original "Rules of Order" adopted
2-3-87 – Amendment regarding appointments to committees
7-7-87 – Amendment regarding posting of agendas
8-4-87 – Amendment regarding "Order of Business"
5-18-04 – Amendment adding Ethics Enforcement (to take effect on effective date of Ethics Ordinance)
6-21-05 – General update, specifically including appointments and adding Charter requirements
10-2-07 – Amendment to delete Ethics Enforcement which conflicts with new Ethics Ordinance
1-29-08 – Amendment to formalize communications policy of staff to Council
2-12-08 – Amendment to adopt Roberts Rules of Order
3-18-08 – Amendment to clarify several procedural matters
6-19-12 – Amendment to add a Public Comment Period as a standing agenda item
8-6-13 – Amendment to streamline the committee appointment process for volunteers
5-20-14 – Amendment to streamline distribution of agendas.
7-1-14 – Amendment adding Town Manager's Comments as a standing agenda item
4-7-15 – Amendment adding Public Comment and Public Hearing procedures; and updated Rules and Journal
2-5-19 – Amendment to 3C deadline, 4D countdown clock and remove H. Motion to Lay on the Table

Cornell Knight

From: Erin Early Ward <erin.barharborcouncil@gmail.com>
Sent: Wednesday, January 8, 2020 2:02 PM
To: council@barharbormaine.gov
Subject: Erin's policy suggestions from Tuesday, January 7th meeting

Suggested wording for Rules of Order policy change:

- Council will review all policies at the first full agenda meeting each fiscal year, typically the first meeting in July. (To familiarize Councilors of policy guidelines annually.)

- Councilors will submit, in writing or email, a list of their Board of Directors membership for both nonprofit and private companies as well as any current employment at the Council Organizational meeting in June. (These will be available to the public.)

- (Suggested and tabled) It shall be the policy that any public comments will need an affirmative vote of the Councilors present to allow. Comments shall not exceed 3 minutes each for a total of 15 minutes, nor shall individuals have a second opportunity to speak, unless answering a direct question from a Councilor.

Thanks,
Erin

VII B

James W. Wadman

CERTIFIED PUBLIC ACCOUNTANT

James W. Wadman, C.P.A.
Ronald C. Bean, C.P.A.
Kellie M. Bowden, C.P.A.
Wanese L. Lynch, C.P.A.
Amy E. Atherton, C.P.A.

Communications with Those Charged with Governance at the Conclusion of the Audit

December 5, 2019

Members of the Town Council
Town of Bar Harbor
Bar Harbor, ME 04609

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Bar Harbor, Maine (the Town) for the year ended June 30, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 15, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Town are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year ended June 30, 2019. We noted no transactions entered into by the Town during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the governmental and business-type activities financial statements was:

TEL.(207)667-6500
FAX.(207)667-3636

295 MAIN STREET
P.O. BOX 889
ELLSWORTH, MAINE 04605

Management's estimate of the capital asset depreciation is based on estimated useful lives of the assets at the date of construction or acquisition. We evaluated the key factors and assumptions used to develop the capital asset depreciation in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of deferred outflows, deferred inflows and unfunded pension liability related to the Maine Public Employees Retirement System defined benefit plan.

Management's estimate of deferred outflows, deferred inflows and unfunded other post employment benefits liability related to the Maine Public Employees Retirement System, the Maine Municipal Employees Health Trust plan and the MEABT plan.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated December 5, 2019.

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Town's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Town's auditors. However, these discussions

occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to management discussion and analysis and budgetary comparison schedule that required supplements (RSI) the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on combining statements, which accompany the financial statements but are not RSI. With respect to the supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the information and use of the Members of the Town Council, and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully Submitted,

James W. Wadman, C.P.A.

James W. Wadman, C.P.A.

VII C

MEMORANDUM

TO: Town Council Members
CC: Cornell Knight, Town Manager
Michele Gagnon, Planning Director
Matthew Bartlett, Fire Chief
FROM: Angela M Chamberlain, Code Enforcement Officer AC
DATE: December 27, 2019
SUBJECT: Chapter 85 Town Code

In an attempt to resolve code conflicts between the Maine Uniform Building and Energy Code (MUBEC) as adopted in chapter 36, and the Life Safety Code adopted in chapter 85, I am proposing an amendment to chapter 85.

Pursuant to 10 M.R.S.A. § 9724, the town of Bar Harbor is required to adopt the Maine Uniform Building and Energy Code. Bar Harbor has voluntarily adopted the **latest** version of the NFPA 101 Life Safety Code which is currently 2018. The latest version of the NFPA code has not been reviewed for conflicts with the MUBEC, or amended in any way to resolve contradictions.

The Technical Building Codes and Standards Board adopts and amends the Maine Uniform Building and Energy Code, and identifies and resolves conflicts of the building code and life safety codes. However, the life safety and fire codes adopted by the State Fire Marshal are not the latest versions. The State Fire Marshal uses the 2009 NFPA 101 Life Safety and the 2006 NFPA 1 Uniform Fire Code.

I am proposing to adopt the 2009 NFPA 101 Life Safety, and the 2006 NFPA 1, Uniform Fire Code as the Life Safety and Fire Prevention Codes in Chapter 85 of the Bar Harbor Town Code.

This will align all our building codes, life safety codes, and fire prevention codes with one another, and will be in alignment with the codes that are applied at the State level. This will make enforcement and application of the codes a consistent and fair process.

In addition, it is the responsibility of the Technical Building Codes and Standards Board to identify and resolve the conflicts between the codes so the town can adopt the codes as they have amended them.

Thank you for your attention to this matter.

DRAFT

Fire Prevention Ordinance Amendment

Town of Bar Harbor
#2020-xx

An Amendment to resolve code conflicts with the Maine Uniform Building and Energy Code (MUBEC) in Chapter 36.

The Town of Bar Harbor hereby ordains that Chapter 85, Fire Prevention, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

CHAPTER 85 – FIRE PREVENTION

---

§ 85-1 Life Safety and Fire Prevention Codes.

A. Life Safety Code adopted. ~~The Town of Bar Harbor ordains the~~ ~~most current~~ The 2009 edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor. ~~with the same force and effect as though set out in full herein.~~ A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.

(1) Amendments. NFPA 101, Life Safety Code, 2009 edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

(b) Extinguishment Requirements. The following provisions of NFPA # 101, Life Safety Code, 2009 edition, are not incorporated by reference:

[1] Chapter 12, section 12.3.5.3, subsections 3 & 4; and,

[2] Chapter 13, section 13.3.5.3, subsections 1 & 2.

(c) Extinguishment Requirements in One- and Two- Family Dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, 2009 edition, is not incorporated by reference.

(d) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two

family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly constructed one-and two family dwellings.

(e) Separated Occupancies. Tables 6.1.14.4.1 a & b, "Required Separation of Occupancies (hours.)" shall be crossed referenced with Table 508.4 Required Separation of Occupancies of the 2015 International Building Code(IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

(f) Accessory Occupancies. Chapter 6, Section 6.1.14.1.3 of NFPA 101, Life Safety Code, 2009 edition, is not incorporated. Section 508.2 Accessory Occupancies, of the 2015 International Building Code governs.

(g) Dead End Corridors. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.

B. Fire Prevention Code adopted. In accordance with 30-A M.R.S.A. § 3003, as amended, the NFPA 1, Uniform Fire Code, 2006 edition, as published by the National Fire Protection Association, is hereby adopted as the Fire Prevention Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor. Said code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(1) Amendments. NFPA 1, Uniform Fire Code, 2006 Edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Chapter 13, Section 2.2.2 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.

(b) Chapter 20, Sections 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and 11.2 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.

(c) Chapter 65, Section 11 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated. (See Rules of the State Fire Marshal, Chapter 25, and Title 8 M.R.S.A § 236.)

(d) Chapter 66, Table(s) 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4. of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.

(e) Chapter 20, Section 11.1 shall be amended to read as follows:
Chapter 20, Section 11.1 Application. New and existing one-and two-family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1, of NFPA 101 shall not be incorporated in this rule.

~~B~~C. Penalty. The violation of any provision of said Fire Prevention Code or Life Safety Code shall be punishable by a fine of not more than $500 plus costs and/or imprisonment for not more than six months. This penalty shall be deemed to be exclusive of any other appropriate legal or equitable action. Each day any violation of said code occurs or continues shall constitute a separate offense.

***

[End of Ordinance]

VII D

Town of Bar Harbor Planning & Code Department

Michele Gagnon, *Planning Director*
Steve Fuller, *Assistant Planner*
Angela Chamberlain, *Code Enforcement Officer*
Tammy DesJardin, *Administrative Assistant*

Memo

To:	Town Council
Copy:	Cornell Knight, Sharon Linscott, A. Chamberlain, S. Fuller, P. Lessard, and T. Desjardin
From:	Michele Gagnon MG
Date:	January 15, 2020
RE:	Proposed Land Use Amendments for June 2020

On January 8, 2020, the Planning Board voted to recommend all five proposed LUO amendments to the Town Council:

1) Addressing Officer

2) Permitting Authority etc.

3) Employee Living Quarters (ELQ)

4) Shared Accommodations (SA)

5) Official District Boundary Map Amendment etc.

Attached is a summary report for the ELQ and SA that is available on the website and will be made available at the January 21 meeting for the public.

Reading each of the draft orders' warrant article, as well as the explanation (at the end of the document), will provide a good synopsis of the proposals. Below is a brief explanation for each of the proposals.

1) Addressing officer (staff initiated)

The Council recently approved a new municipal ordinance (Chapter 5, Addressing Ordinance). Among other things, it creates a new designation of "addressing officer," who will be entrusted with street names and other addressing matters.

Currently in the LUO (specifically in Article V, Site Plan Review) there are references to the "Municipal Tax Assessor" having that responsibility. For the LUO to be properly aligned with the new Addressing Ordinance, Assessor Steve Weed has requested a LUO amendment to replace two existing references to "Municipal Tax Assessor," in the Site Plan Review section, with references to "Addressing Officer."

2) Permitting Authority, etc. (staff initiated)

We are proposing to amend the approval authority from Planning Board to Code Enforcement Officer (CEO) for multi-family dwelling I (MF I) which is 3 to 4 dwelling units.

The ordinance currently requires all MF I uses to receive site plan approval through the Planning Board process, which is costly and time-consuming and often discourages residential development. The purpose of site plan review is to allow the Planning Board to review uses/structures that have significant impacts on neighborhoods or the environment.

The CEO and Planning Board utilize the same review standards. The difference is that the Planning Board holds a public hearing but the CEO does not. It is important to note that if three or more units are proposed within any five-year period, subdivision review by the Planning Board will automatically apply (per state law).

We also propose to have the CEO permit 2-family dwellings in the Village Historic district to mirror how all other 2-family dwellings are approved throughout the town. Presently, there is a conflict in the ordinance. It states that both the CEO and Planning Board are the permitting authority in that district. In such case the Planning Board (most stringent review level of the two) would prevail, which again is costly and not time efficient.

It would also change the review/permitting for single-family dwellings in the Shoreland General Development II from Planning Board to CEO.

It would allow 2-family dwellings in the Shoreland General Development II district by CEO review/permitting. Presently, single family, MF I, and MF II (5+ dwellings) are allowed; however, a 2-family dwelling is not.

Finally, it would also remove MF I and MF II from the Maritime Activities District (ferry terminal).

3) Employee Living Quarters (ELQ) (PB/Council Initiated)

The purpose of this amendment is to 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.

ELQ is accessory to a principal structure, which must be a commercial use. It shall be used exclusively for the accommodation of employees. It must serve another use on the lot.

Special development requirements include having to meet the same setbacks as the primary structure; when visible from the street or from an abutter the ELQ shall be visually compatible with the principal building(s); and there is a lot coverage bonus (increase) provision of (generally about 25%).

ELQ are proposed in 14 districts:

1. Bar Harbor Gateway
2. Mount Desert Street Corridor
3. Village Residential
4. Downtown Village I
5. Downtown Village II
6. Hulls Cove Business
7. Ireson Hill Corridor
8. Salisbury Cove Village
9. Town Hill Business
10. Town Hill Residential
11. Shoreland General Development I
12. Shoreland General Development II (Hulls Cove)
13. Shoreland General Development III
14. Shoreland Maritime Activities

4) Shared Accommodations (SA) (PB/Council Initiated)

Same as with ELQ, the purpose of SA is to 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.

SA is any group of three or more rooms where the occupants live in furnished rooms with shared kitchens. 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:

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

Design Review Board will apply to all Shared Accommodations

SA are proposed in the following eight districts:

	SA-1	SA-2	SA-3
	3-8 people	9-32 people	33+ people
1. Bar Harbor Gateway	YES	YES	YES
2. Mount Desert Street Corridor	YES	YES	YES
3. Downtown Village I	YES	YES	YES
4. Downtown Village II	YES	YES	YES
5. Hulls Cove Business	YES	YES	YES
6. Ireson Hill Corridor	YES	NO	NO
7. Town Hill Business	YES	NO	NO
8. Town Hill Residential Corridor	YES	NO	NO

5) Official District Boundary Map etc. (Initiated by Holiday Associates of Naples — a subsidiary of Ocean Properties)

This is a property owner-initiated amendment. The proposal is to extend a portion of the boundary of the Shoreland General Development II district to encompass several parcels, which presently have land in both Hulls Cove Business district and Shoreland General Development II district. It also would create and define a new level of transient accommodation use (proposed as "TA-9") capped at 75 rooms and establish a parking standard for that use. It would allow both TA-9 and campground (shoreland districts) in the Shoreland General Development II district.

Employee Living Quarters and Shared Accommodations

Summary Report

January 16, 2020

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.

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).

Process

- **Six meetings** were held with the Zoning Advisory Group.
- **Nine meetings** were held with the Planning Board and/or Town Council.
- **57 people** attended the Listening Session.
- **45 people** attended the Public Information Session.
- **10 site visits** were conducted.
- **54 employers** responded to the Housing Needs survey.

Consistency with Plan and Policies

- Consistent with the Comprehensive Plan (2007 update).
- Consistent with the Town's Housing Policy Framework adopted by the Council on October 1, 2019.

EMPLOYEE LIVING QUARTERS

DEFINITION

Employee Living Quarters (ELQ): An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, 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 company that owns the parcel where the principal structure is located. An employee living quarter serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

PROPOSED ZONING DISTRICTS

- Bar Harbor Gateway
- Mount Desert Street Corridor
- Village Residential
- Downtown Village I
- Downtown Village II
- Hulls Cove Business
- Ireson Hill Corridor (no sewer)
- Salisbury Cove Village
- Town Hill Business (no sewer)
- Town Hill Residential
- Shoreland General Development I
- Shoreland General Development II (Hulls Cove)
- Shoreland General Development III
- Shoreland Maritime Activities

DEVELOPMENT REQUIREMENTS

1. As an accessory structure, ELQ shall meet the same setbacks as the primary structure.
2. 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.
3. The floor area of the ELQ shall not exceed 25% of the floor area of the principal building(s) on the lot.
4. Density bonus - lot coverage increases, reserved to the ELQ only - generally, increased by 25%.

SHARED ACCOMMODATIONS

DEFINITION

Shared Accommodations: Any group of three or more rooms, other than lodging or 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. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. 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**

PROPOSED ZONING DISTRICTS	**SA-1**	**SA-2**	**SA-3**
	3-8 people	9-32 people	33+ people
Bar Harbor Gateway	YES	YES	YES
Mount Desert Street Corridor	YES	YES	YES
Downtown Village I	YES	YES	YES
Downtown Village II	YES	YES	YES
Hulls Cove Business	YES	YES	YES
Ireson Hill Corridor	YES	NO	NO
Town Hill Business	YES	NO	NO
Town Hill Residential Corridor	YES	NO	NO

DEVELOPMENT REQUIREMENTS

1. Design Review Board will apply to all Shared Accommodations

December 16, 2019

VII D 1

Order

of the Bar Harbor Town Council
For the June 9, 2020 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot:

Warrant Article

Article ___ LAND USE ORDINANCE AMENDMENT — Addressing Officer – Shall an ordinance dated December 16, 2019 and entitled "An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor" be enacted?

Addressing Officer

An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor

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

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

***

§ 125-66 Submission requirements

***

K. Assessor's certification of street names. Written certification of the ~~Municipal Tax Assessor~~ <u>Addressing Officer (as defined in Chapter 5, §5-5)</u> that the proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

§ 125-67 General review standards

***

G. Streets, sidewalks and access.

***

(4) Names.

***

(b) No plan shall be approved unless the Planning Board finds that the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) has issued written certification that proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

***

EXPLANATION:
The replacement of the words "Municipal Tax Assessor" with the words "Addressing Officer" updates the Land Use Ordinance and aligns it with language used in Chapter 5 (Addressing Ordinance) of the town's Municipal Code (which took effect November 14, 2019).

Given under our hands and seal at Bar Harbor this twenty-first day of January, 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

LAND USE ORDINANCE AMENDMENT — "Addressing Officer", dated December 16, 2019.

The Bar Harbor Town Council hereby certifies to the Town Clerk that the attached Ordinance, "**Addressing Officer**", is scheduled for public hearing on February 18, 2020 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 9, 2020 annual town meeting warrant.

Given under our hands and seal at Bar Harbor this twenty-first day of January 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Freidmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

December 16, 2019

VII D2

Order

Of the Bar Harbor Town Council
For the June 9, 2020 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot:

Warrant Article

Article ___ LAND USE ORDINANCE AMENDMENT – Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District

An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district

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

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; ~~multifamily dwelling I;~~ multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-18 Village Historic

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

***

D. Uses allowed by site plan.

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums.~~, multifamily I, two-family dwellings.~~

***

§ 125-19 Mount Desert Street Corridor

***

C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, multifamily dwelling I, place of worship; public or private park, single- or two-family dwelling; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.

(2) Principal uses allowed by major site plan: convalescent home; multifamily dwelling ~~I and~~ II; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

***

§ 125-20 Village Residential

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; multifamily dwelling I; roadside stand; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal use.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: ~~multifamily I;~~ nursing/convalescent home in a building constructed before June 8, 2010, road construction.

***

§ 125-21 Downtown Village I

***

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling ~~I and~~ II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-21.1 Downtown Village II

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation; multifamily dwelling I.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling ~~I and~~ II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

***

§ 125-21.2 Downtown Village Transitional

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services;

professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; multifamily dwelling I; artist studio; farmers market; home occupation.

(2) Uses allowed by site plan review: multifamily dwelling ~~I and~~ II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-22 Downtown Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Child-care center

Hospital

~~Multifamily dwelling I~~

Parking garage and parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-24 Hulls Cove Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-26 Hulls Cove Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Mineral extraction

Mineral extraction and processing

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

<u>Multifamily dwelling I</u>

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-32 Ireson Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Eleemosynary, educational or scientific institution

~~Multifamily dwelling I~~

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-37 Salisbury Cove Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cemetery

Kennel, boarding

~~Multifamily dwelling I~~

Multifamily dwelling II

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-38 Salisbury Cove Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Kennel, boarding

~~Multifamily dwelling I~~

Road construction

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Kennel

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-40 Salisbury Cove Village

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Marina

~~Multifamily dwelling I~~

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Newspaper or printing facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

***

§ 125-44 Town Hill Residential Corridor

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Municipal facility and grounds

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

***

§ 125-45 Town Hill Residential

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Marina

Mobile home park

~~Multifamily dwelling I~~

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

***

§ 125-47 Shoreland General Development I

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49 Shoreland General Development II

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

Road construction

~~Single-family dwelling~~

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development

Single-family dwelling

Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-49.1 Shoreland General Development III

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling and two-family dwelling.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; ~~multifamily dwelling I;~~ multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.2 Shoreland General Development IV

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, multifamily dwelling I, cabins and cottages, all vacation rentals, artist studio, home occupation, government

facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, ~~multifamily dwelling I,~~ museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

***

§ 125-49.3 Shoreland Maritime Activities

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

E. Allowed activities.

(1) Nonintensive recreational uses not requiring structures, such as fishing and hiking.

(2) Emergency operations.

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

EXPLANATION:

This amendment will change the permitting authority for all multifamily dwelling I uses from site plan review through the Planning Board process to a permit from the Code Enforcement Officer in all districts where the use is currently allowed. Multifamily dwelling I use is three or four dwelling units on one parcel. Additionally, it will do the following: address an inconsistency in the ordinance by making CEO the permitting authority for two-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by the CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district.

Given under our hands and seal at Bar Harbor this twenty-first day of January, 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joe Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

LAND USE ORDINANCE AMENDMENT — "Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District", dated December 16, 2019.

The Bar Harbor Town Council hereby certifies to the Town Clerk that the attached Ordinance, "**Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District**", is scheduled for public hearing on February 18, 2020 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 9, 2020 annual town meeting warrant.

Given under our hands and seal at Bar Harbor this twenty-first day of January 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Freidmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

1/10/2020 9:41 AM

December 16, 2019

VII D3

Order

Of the Bar Harbor Town Council
For the June 9, 2020 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot:

Warrant Article

Article ___LAND USE ORDINANCE AMENDMENT – Employee Living Quarters – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district" be enacted?

Employee Living Quarters

An amendment to create and define a new use titled 'employee living quarters'; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of 'family'; create a new definition titled 'floor area, ground'; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district

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

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; <u>employee living quarters</u>; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I;

multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-19 Mount Desert Street Corridor District.

***

D. Uses allowed by site plan.

***

(2) Principal uses allowed by major site plan: convalescent home; employee living quarters; multifamily I and II; theaters.

***

§ 125-20 Village Residential.

***

D. Uses allowed by site plan.

***

(2) Uses allowed by conditional use permit:

(a) Ffor properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

(b) Employee living quarters.

***

G. Other requirements:

(1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters are exempt from this requirement.

***

§ 125-21 Downtown Village I.

***

C. Allowed uses:

***

(2) Uses allowed by site plan review: employee living quarters; hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools;

medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

***

§ 125-21.1 Downtown Village II.

***

C. Allowed uses.

***

(2) Uses allowed by site plan review: employee living quarters; hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee living quarters

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

§ 125-31 Ireson Hill Corridor.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Employee living quarters

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-40 Salisbury Cove Village.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee living quarters

Marina

Multifamily dwelling I

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Wireless communications facility

***

§ 125-43 Town Hill Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Employee living quarters

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Newspaper or printing facility

Parking garage and parking lot

Research facility

Research production facility

Road construction

Terminal yard and trucking facility

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Upholstery shop

Warehousing or storage facility

Wholesale business establishment

Wireless communications facility

***

§ 125-45 Town Hill Residential.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial

Campground

Cemetery

Commercial stable

Employee living quarters

Marina

Mobile home park

Multifamily dwelling I

Municipal facility and grounds

Municipal school

Place of worship

Road construction

Transient accommodations (TA-1)

Wireless communications facility

***

§ 125-47 Shoreland General Development I.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Cocktail lounge

Commercial fish pier

Commercial structure

Employee living quarters

Essential services accessory to a permitted use or structure

Ferry terminal

Gift shops

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal facility and grounds

Recreational boating facility

Road construction

Ships chandlery

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

***

§ 125-49 Shoreland General Development II (Hulls Cove).

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Employee living quarters

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

***

§ 125-49.1 Shoreland General Development III.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing;

parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-49.3 Shoreland Maritime Activities District.

***

C. Allowed uses.

***

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

***

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking

shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(x) Employee living quarters shall not be required to provide parking.

***

§ 125-69 Standards for particular uses, structures, or activities

***

W. Employee living quarters. All employee living quarters shall meet the following standards:

(1) Design: When employee living quarters are visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the employee living quarters shall be visually compatible with the principal building(s) 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(s).

(2) Setback requirements: Employee living quarters shall meet the same setback requirements as principal structures.

(3) Building footprint area: The total building footprint area of the employee living quarters shall not exceed 25% of the total building footprint area of the principal building(s) on the lot.

(4) Density bonus.

(a) An employee living quarters (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

[1] 63% in the Bar Harbor Gateway district

[2] 44% in the Mount Desert Street Corridor district

[3] 63% with sewers and 31% without sewers in the Village Residential district

[4] 85% in the Hulls Cove Business district

[5] 31% in the Ireson Hill Corridor district

[6] 44% in the Salisbury Cove Village district

[7] 63% in the Town Hill Business district

[8] 19% in the Town Hill Residential district

(b) All other (non-employee living quarters, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

(c) If an employee living quarters (including its associated accessways and parking), increases the lot coverage as allowed under section 125-69 W.(4), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(5) Change of Use. A change of use from employee living quarters to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(6) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters.

(7) Every bedroom in employee living quarters 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 seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

***

EMPLOYEE LIVING QUARTERS

An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, 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 company that owns the parcel where the principal structure is located. Employee living quarters serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or employee living quarters.

***

FOOTPRINT AREA, BUILDING

The total square footage of a building or buildings if viewed from above, including areas under overhangs.

***

EXPLANATION: This amendment would create and define a new use titled "employee living quarters"; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of "family"; and create a new definition titled "floor area, ground"; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities District.

Given under our hands and seal at Bar Harbor this twenty-first day of January, 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

LAND USE ORDINANCE AMENDMENT — "Employee Living Quarters", dated December 16, 2019.

The Bar Harbor Town Council hereby certifies to the Town Clerk that the attached Ordinance, "**Employee Living Quarters**", is scheduled for public hearing on February 18, 2020 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 9, 2020 annual town meeting warrant.

Given under our hands and seal at Bar Harbor this twenty-first day of January 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Freidmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

December 16, 2019

VII D4

Order

Of the Bar Harbor Town Council
For the June 9, 2020 Town Meeting

It is hereby ordered that the following article be placed on the annual town meeting warrant with voting thereon to be held by Australian ballot:

Warrant Article

Article ___LAND USE ORDINANCE AMENDMENT – Shared Accommodations – Shall an ordinance dated December 16, 2019 and entitled "An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'" be enacted?

Shared Accommodations

An amendment to create and define a new use titled 'shared accommodations' with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of 'family'

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

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-17 Bar Harbor Gateway.

***

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code

Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; shared accommodations (SA-1); vacation rentals; single-family dwelling and two-family dwelling.

***

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

***

§ 125-19 Mount Desert Street Corridor District.

***

C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, shared accommodations (SA-1); single- or two-family dwelling; vacation rentals.

***

D. Uses allowed by site plan.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; shared accommodations (SA-2 and SA-3); theaters.

***

§ 125-21 Downtown Village I.

***

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services~~,~~; shared accommodations (SA-1); professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks;

automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

***

§ 125-21.1 Downtown Village II.

***

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services~~,~~; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic; shared accommodations (SA-2 and SA-3).

***

§ 125-24 Hulls Cove Business.

***

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Shared accommodations (SA-2)

Shared accommodations (SA-3)

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Public or private park with minimal structural development

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-31 Ireson Hill Corridor.

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

§ 125-43 Town Hill Business.

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial art gallery or pottery barn

Commercial garden, greenhouse or nursery

Driveway construction

Farmers' market

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

Veterinary clinic

***

§ 125-44 Town Hill Residential Corridor.

***

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Commercial garden, greenhouse or nursery

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Shared accommodations (SA-1)

Single-family dwelling

Two-family dwelling

Undertaking establishment

Uses or small structures accessory to permitted uses or structures

Vacation rentals

***

ARTICLE V Site Plan Review

***

§ 125-67 General review standards

***

D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the

required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

***

(y) Shared accommodations

[1] Shared accommodations (SA-1): Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Hulls Cove Business, Ireson Hill Corridor, Town Hill Business, and the Town Hill Residential Corridor districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.

[2] Shared accommodations (SA-2 and SA-3): Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking spaces per occupant in the Bar Harbor Gateway and the Hulls Cove Business districts and 0.1 parking spaces per occupant in the Mount Desert Street Corridor District.

***

§ 125-69 Standards for particular uses, structures, or activities

***

X. Shared accommodations. Every bedroom in shared accomodations 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 seven (7) feet in any horizontal dimension.

***

ARTICLE XII Construction and Definition

***

§ 125-109 Definitions.

***

FAMILY

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or shared accommodations.

***

SHARED ACCOMMODATIONS

Any group of three or more rooms, other than lodging or 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. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of shared accommodations:

A. SA-1: 3 to 8 people per structure

B. SA-2: 9 to 32 people per structure

C. SA-3: 33 or more people per structure

***

ARTICLE XIII Design Review

***

§ 125-112 Applicability of design review.

A. Design Review Overlay Districts.

(1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."

(2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

***

EXPLANATION: This amendment would create and define a new use titled "shared accommodations" with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of "family".

Given under our hands and seal at Bar Harbor this twenty-first day of January, 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

LAND USE ORDINANCE AMENDMENT — "Shared Accommodations", dated December 16, 2019.

The Bar Harbor Town Council hereby certifies to the Town Clerk that the attached Ordinance, "**Shared Accommodations**", is scheduled for public hearing on February 18, 2020 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 9, 2020 annual town meeting warrant.

Given under our hands and seal at Bar Harbor this twenty-first day of January 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Freidmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

December 16, 2019

VII D5

Order

of the Bar Harbor Town Council
For the June 9, 2020 Town Meeting

It is hereby ordered that the following article be placed on the town meeting warrant with voting thereon to be held by Australian ballot:

Warrant Article

Article ___ LAND USE ORDINANCE AMENDMENT — Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District – Shall an ordinance dated December 16, 2019 and entitled "An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district" be enacted?

Official District Boundary Map Amendment for Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Allowed Uses to the Shoreland General Development II District

An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district

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

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 125, LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

***

§ 125-49 Shoreland General Development II (Hulls Cove).

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground (Shoreland Districts)

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II

Road construction

Single-family dwelling

TA-9

***

ARTICLE V Site Plan Review

***

§ 125-67 General Review Standards

***

D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be

reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.
***

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.
***

(b) Transient accommodations:

[2] Hotels, motels, TA-9 and conference centers: one parking space for each guest room.

***

ARTICLE XII Construction and Definitions

***

§ 125-109 Definitions.

The following terms shall have the following meanings:

***

TRANSIENT ACCOMMODATIONS

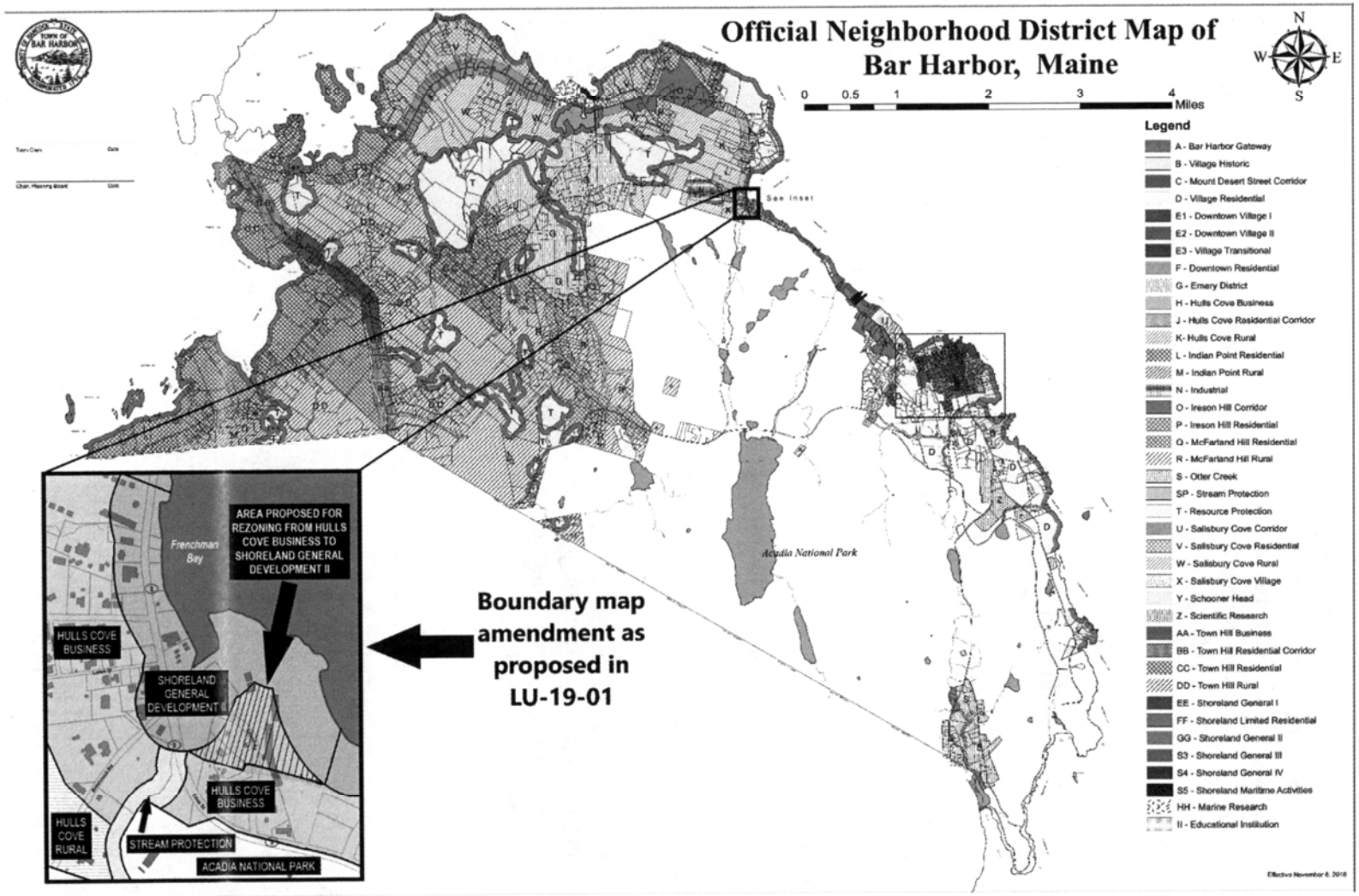
***

I. **TA-9** A building or buildings where for compensation lodging and meals are provided (four to 75 rooms). Accessory uses subject to site plan review include restaurant, conference room, retail establishment, recreational facilities, such as swimming pool, game courts, and recreational rooms or similar uses.

***

EXPLANATION:

This amendment would amend the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, would create and define a new level of transient accommodation use (proposed as "TA-9") in §125-109 and establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, would amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow "TA-9" and "campground (shoreland districts)" as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district.


Official Neighborhood District Map of
Bar Harbor, Maine
0 0.5 1 2 3 4 Miles
N
W
E
S
Legend
A - Bar Harbor Gateway
B - Village Historic
C - Mount Desert Street Corridor
D - Village Residential
E1 - Downtown Village I
E2 - Downtown Village II
E3 - Village Transitional
F - Downtown Residential
G - Emery District
H - Hulls Cove Business
J - Hulls Cove Residential Corridor
K- Hulls Cove Rural
L - Indian Point Residential
M - Indian Point Rural
N - Industrial
O - Ireson Hill Corridor
P - Ireson Hill Residential
Q - McFarland Hill Residential
R - McFarland Hill Rural
S - Otter Creek
SP - Stream Protection
T - Resource Protection
U - Salisbury Cove Corridor
V - Salisbury Cove Residential
W - Salisbury Cove Rural
X - Salisbury Cove Village
Y - Schooner Head
Z - Scientific Research
AA - Town Hill Business
BB - Town Hill Residential Corridor
CC - Town Hill Residential
DD - Town Hill Rural
EE - Shoreland General I
FF - Shoreland Limited Residential
GG - Shoreland General II
S3 - Shoreland General III
S4 - Shoreland General IV
S5 - Shoreland Maritime Activities
HH - Marine Research
II - Educational Institution
See Inset
Acadia National Park
Effective November 6, 2018
Frenchman Bay
AREA PROPOSED FOR REZONING FROM HULLS COVE BUSINESS TO SHORELAND GENERAL DEVELOPMENT II
HULLS COVE BUSINESS
SHORELAND GENERAL DEVELOPMENT II
HULLS COVE BUSINESS
HULLS COVE RURAL
STREAM PROTECTION
ACADIA NATIONAL PARK
Boundary map amendment as proposed in LU-19-01

Given under our hands and seal at Bar Harbor this twenty-first day of January, 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Friedmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

CERTIFICATION OF ORDINANCE

Bar Harbor Town Council

LAND USE ORDINANCE AMENDMENT — "Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District", dated December 16, 2019.

The Bar Harbor Town Council hereby certifies to the Town Clerk that the attached Ordinance, "**Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District**", is scheduled for public hearing on February 18, 2020 at 7:00 p.m. for public comment and the Town Council's consideration to accept or reject the final Ordinance for the June 9, 2020 annual town meeting warrant.

Given under our hands and seal at Bar Harbor this twenty-first day of January 2020.

Municipal Officers of the Town of Bar Harbor

Jefferson Dobbs, Chair	Matthew A. Hochman, Vice Chair
Gary Freidmann	Joseph Minutolo
Stephen Coston	Erin E. Cough

Jill Goldthwait

1/10/2020 9:46 AM

VII E

Town of Bar Harbor Planning & Code Department

Michele Gagnon, *Planning Director*
Steve Fuller, *Assistant Planner*
Angela Chamberlain, *Code Enforcement Officer*
Tammy DesJardin, *Administrative Assistant*

Memorandum

To:	Town Council
CC:	Cornell Knight and Sharon Linscott
Fr:	Michele Gagnon MG
Date:	January 16, 2020
RE:	ELQ and SA Licensing

At the January 8, 2020 Planning Board meeting, as part of the discussion pertaining to proposed ELQ and SA amendments, the Board discussed the need for a licensing process (as identified in the ELQ/SA Report) to unfold parallel to the LUO amendments. More specifically, there is a desire by both the community and the Board that the licensing for these uses be adopted by the Council ahead of the June 2020 vote contingent upon the approval of the LUO amendment by the voters. Planning Board Chair Tom St. Germain wrote a follow-up email to the Council dated January 9, 2020 pertaining to this matter (see attachment).

It is the intent of the Planning and Code Department to continue working on licensing regulations for both the ELQ and SA and to present these to the Council for review and consideration prior to the June 2020 vote on the LUO amendments.

Michele Gagnon

From: Tom St. Germain <tomst@barharbormaine.gov>
Sent: Thursday, January 9, 2020 5:11 PM
To: council@barharbormaine.gov
Cc: planningboard@barharbormaine.gov
Subject: LUO amendments and licensing

Dear Council Members,

At our January 8, 2020 meeting the Planning Board recommended all the proposed amendments to be forwarded to the Council for public hearing and review. Members of the planning board also moved to ask me to forward a request to the council, namely that the council acts on the licensing aspects involved in the Employee Living Quarters amendment proposals, as well as the Shared Accommodation proposals.

Planning Staff and board members believe that appropriate licensing standards are essential for proper implementation of these ordinances should they pass in June. Members of the public also spoke to the idea that the land use must be accompanied by appropriate annual licensing requirements.

Thank you for your attention to this matter. Licensing criteria have been included in the process this past summer, fall, and winter as part of these proposals. This information is available at the planning office.

I will look forward to the council review and public hearings at council on these matters.

Sincerely,
Tom St.Germain, chair
Planning Board

VII F

Task Force on the Climate Emergency

The mission of the Climate Emergency Task Force is to define and recommend climate goals with the objective of drawing down carbon from the atmosphere and ending community-wide greenhouse gas emissions by December 31, 2030.

Appointment

The Task Force shall consist of 9 residents of Bar Harbor with one member being a Town Councilor.

The remaining members of the Task Force shall consist of representatives from local stakeholder groups including educational and nonprofit organizations, businesses, youth, and concerned citizens.

The term of each member shall be for three years, except the initial appointments which shall be three appointments for 1 year; three appointments for two years and three appointments for three years. All newly designated task force members are to be sworn in by the Town Clerk.

The Task Force shall elect a Chair, Vice-Chair, and Secretary at the first regular meeting of each year for a one year term. The Chair shall call a meeting at least once a month unless there are no agenda items. The secretary shall take minutes at each meeting and send approved minutes to the Town Clerk. A quorum is 5 members of the Task Force. Meeting agendas shall be posted on the bulletin board in the Municipal Building lobby and on the town's website.

Compensation

There shall be no compensation provided for the members of the Task Force.

Duties and Responsibilities

The Task Force will:

- Educate and engage Bar Harbor residents about the climate emergency and the broader ecological crisis, as well as actions they can take to address the impacts and causes of the climate emergency.
- Explore and identify the most effective and economically beneficial opportunities for emergency-speed greenhouse gas emissions reductions across the community in the following areas:
    - Renewable energy
    - Energy efficiency
    - Housing and buildings
    - Transportation
    - Land use
- Provide significant opportunities for public input into strategic planning, project development for greenhouse gas emissions reductions, and all other investigations and work of the Task Force.
- Develop a comprehensive Bar Harbor "Climate Mobilization Action Plan" addressing climate mitigation, climate adaptation, and community education.
- Identify and pursue outside funding sources to advance the work of the Task Force.

- Assist the Town Manager in hiring a consultant to support these duties and responsibilities.

The recommendations of the Task Force will be presented to the Town Council and made available to the public.

Amendment

These bylaws may be amended only by action of the Town Council.

VIIG

MOUNT DESERT POLICE DEPARTMENT
BAR HARBOR POLICE DEPARTMENT

James K. Willis, Chief of Police

BHPD
37 Firefly Lane
Bar Harbor, Maine 04609
Tel: 207-288-3391
jwillis@barharbormaine.gov

MDPD
21 Sea Street, PO Box 248
NE Harbor, ME 04662
Tel: 207-276-5111
jwillis@mdpolice.org

To: Town Manager Cornell Knight
From: Chief James Willis
Subject: Police Station Renovations
Date: January 15, 2020

At their December 3, 2019 meeting, the Town Council authorized Architect Geoff Frasier to negotiate with a general contractor completion of the renovation project at the Police Station. He has identified an interested contractor and negotiated a price based on the original bid documents of $182,184.96. I subsequently met with Geoff Frasier to discuss acceptable value engineering concepts to reduce the price. Geoff Frasier and the contractor agree that with the changes, the project can be completed for $150,000.00 to include contractor fees and remaining architect fees.

Our original estimates for the project were $100,000.00 and the account for the project has a current balance of $92,725. To properly complete the Police Department renovation project, $60,000 in additional funding is needed, leaving a small contingency amount of $2,725.

I've discussed potential funding solutions with Finance Director Stan Harmon. A potential funding source is the CIP fund balance where adequate funds are available.

If acceptable, a possible motion; ***To properly complete the Police Department renovation project, it is ordered that the Treasurer transfer $60,000 from the Town's CIP Undesignated/Unassigned account #2182-6190 to the Public Safety Building Renovation account #2149-6246.***