

**Bar Harbor Planning Board  
Special Meeting  
Friday, February 28, 2020 — 10:00 AM  
Council Chambers – Municipal Building  
93 Cottage Street in Bar Harbor**

**I. CALL TO ORDER**

Chair Tom St. Germain called the meeting to order at 10:02 AM.

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

Town staff present were Planning Director Michele Gagnon and Assistant Planner Steve Fuller.

**II. ADOPTION OF THE AGENDA**

Vice-chair Joe Cough made a motion to adopt the agenda, seconded by Member Erica Brooks. The motion then carried unanimously (3-0).

**III. EXCUSED ABSENCES**

Vice-chair Cough made a motion to excuse the absences of Mr. Eleftheriou and Mr. Fitzpatrick. Ms. Brooks seconded the motion, which then carried unanimously (3-0).

**IV. PUBLIC COMMENT PERIOD**

Chair St. Germain opened the public comment period, and as there were no members of the public in attendance, it was subsequently closed.

**V. REGULAR BUSINESS**

**a. Subdivision Pre-Application Sketch Plan Review for SD-2020-03 — Clark Acres Subdivision Revision**

**Project Location:** Tax Map 227, Lot 099-000 and Lot 099-001. The two parcels together total 5.57 acres, according to town records (3.10 acres for 099-000, 2.47 acres for 099-001). All of the subject land is zoned as Town Hill Rural.

**Applicants/Owners:** April and Robert Post, 946 Crooked Road, Bar Harbor, ME 04609

**Application:** The applicant proposes an after-the-fact revision to the Clark Acres Subdivision (from 1989) on the Crooked Road. The applicant seeks to divide lot 227-099-000 into two lots, with the new lot (227-099-001) being 2.47 acres in size.

*Per §125-72 E of the Bar Harbor Land Use Ordinance, the Planning Board shall entertain brief public comment on the proposal for the limited purpose*

**Call to order  
at 10:02 AM**

**Three board  
members present**

**Two town staff  
members present**

**Agenda adopted  
unanimously (3-0)**

**Board excuses  
absences of B.  
Eleftheriou and J.  
Fitzpatrick**

**No members of the  
public in attendance**

**Pre-application  
/sketch plan review  
for SD-2020-03,  
Clark Acres  
Subdivision  
Revision**

*of informing the applicant of the nature of any public concerns about the project so that such concerns may be considered by the applicant in preparing his/her application.*

April and Robert Post were present to represent themselves. April explained the applicant was requesting to get approval from the board for the subdivision of the property in question.

**April and Robert Post present**

Chair St. Germain asked what questions board members had. He offered his opinion that the checklist itself was complete, but asked why capacity statements from town departments (police, fire, public works) had been waived. He said the board generally asks for those documents and that they are relatively simple to get. Vice-chair Cough agreed that for consistency, it would be good to ask for and receive those statements. Planning Director Gagnon said Planning staff had marked those boxes for waivers. She said staff will work with those departments to get capacity statements.

**Chair St. Germain asks for capacity statements not to be waived**

Vice-chair Cough asked about the original subdivision plan and what is shown on there. Staff responded. Ms. Brooks said she had no specific concerns about the application overall.

Planning Director Gagnon addressed the context of the overall application. She said all relevant permits for this property (building, etc.) were issued by the town before it was discovered that there was an issue with subdivision. She said town staff failed to realize this property was part of a subdivision. That fact was discovered by a title attorney at the time of closing. She said the applicant is now waiting to receive subdivision approval before moving into the building.

**Planning Director Gagnon gives explanation of this application's history**

Planning Director Gagnon then spoke about wetlands and wetlands delineation. She noted the applicant previously met with Jon Cullen of the Maine Department of Environmental Protection. She said she is working to get him to sign off on this property as not having a violation with regard to wetlands.

**Discussion of wetlands and Jon Cullen from MDEP**

Vice-chair Cough said he saw no reason to waive 9 K and 9 L on the checklist, as that information has already been provided.

**9K and 9L do not need waivers**

Planning Director Gagnon noted the applicant is seeking a waiver from the underground power requirement, as overhead power lines have already been installed.

**Request for waiver for underground power requirement**

Chair St. Germain said he did not have any problem with this particular request. He noted, however, that the board has seen several requests for this same waiver recently. He said perhaps the board should take a look at the larger issue, within the ordinance, given that the town has identified housing as an important issue.

**Chair St. Germain notes issue may need a larger discussion, due to multiple requests recently**

Vice-chair Cough noted that the underground power request is a "huge expense"

for developers. He noted his brother works for Central Maine Power, and said that one option would be to go overhead along a road and then have pad-mounted transformers to bring the power underground to the house from the road (but keep it overhead for the length of the road).

Vice-chair Cough shares his thoughts

Planning Director said she believes the requirement originally stems from visual concerns. There was discussion about how underground power relates to issues including street lights and water and sewer lines.

More discussion on underground power standard in LUO

There was discussion about when the board might address this, and Planning Director Gagnon suggested the earliest time would be in June of 2021.

There was discussion of when this waiver request, and others from the applicant, would be addressed. Planning Director Gagnon spoke to this subject, and said waiver requests are generally addressed in an advisory way at sketch plan stage.

Discussion of when to address waiver requirements

Chair St. Germain opened a public comment period at 10:17 AM. As there was no one from the public present, the public comment period was then closed.

No one here for public comment

Chair St. Germain recapped for the applicant what the board had stated with regard to their waiver requests.

Assistant Planner Steve Fuller spoke and asked that the board formalize the site visit set to take place immediately after the meeting. He noted that the site visit time and location was advertised in advance of the meeting, after checking with board members and the applicant to ensure their availability. He said staff has been working to strike a balance between expediting the process for the applicant while working within the requirements of the ordinance (which has been done).

Assistant Planner Fuller explains how site visit schedule was done, asks for board vote

**IX. ADJOURNMENT**

**Vice-chair Cough moved to adjourn the meeting, and conduct a site visit immediately following it at 946 Crooked Road as advertised. Ms. Brooks seconded the motion and it carried unanimously (3-0).**

Adjourn the meeting at 10:20 AM and proceed to site visit at 946 Crooked Road: Unanimous (3-0)

Vice-chair Cough noted he would not be attending the site visit as he was not feeling well. Board members, staff and the applicant thanked him for attending in order to ensure a quorum for this meeting.

**Minutes approved by the Bar Harbor Planning Board on March 12, 2020:**

3/12/20  
Date Basil Eleftheriou Jr., Secretary, Bar Harbor Planning Board