Minutes
Bar Harbor Planning Board
Wednesday, January 20, 2016
Council Chambers – Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 6:00 PM. Planning Board members present: Ivan Rasmussen, Chair; Tom St. Germain, Vice Chair; Basil Eleftheriou, Jr., Secretary; John Fitzpatrick, Member and Joseph Cough, Member.

Also present: Robert Osborne, Planning Director.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as presented. Mr. Eleftheriou, Jr. seconded the motion and the Board voted five in favor and none against the motion.

III. EXCUSED ABSENCES

None.

IV. APPROVAL OF THE MINUTES

a. January 6, 2016

Mr. Eleftheriou, Jr. made a motion to approve the minutes as presented. Mr. St. Germain seconded the motion and the Board voted five in favor and none against the motion.

V. REGULAR BUSINESS

a. Land Use Ordinance Amendments for Downtown Village I, Downtown Village II and Downtown Village Transitional Districts Use Amendments – Followup discussion.–
Article III Land Use Activities and Standards draft amendments in the form of draft warrants:

Planning Director, Bob Osborne stated that the Town Council, at their January 19, 2016 meeting had received the Land Use Ordinance amendments for "consideration of any appropriate action following the Planning Director update from the Planning Board public hearing. The action that the Council took was to call for staff to develop a Certificate of Ordinances for the February 2, 2016 Council agenda at which the Council will call for a Land Use Ordinance final public hearing on this item. He noted that there was no questions or comments from the Council on this item and inferred that the current language will go to final public hearing.

b. Land Use Ordinance Amendments for General Review Standards, Light and glare & Signs and advertising, Definitions and Design Review – Followup discussion. –Article V Site Plan Review, Article XII Construction and Definitions and Article XIII Design Review draft amendments in the form of draft warrants. Discussion of illustration for sign types.

Mr. Osborne indicated that like the first item the action that the Council took was to call for staff to develop a Certificate of Ordinances for the February 2, 2016 Council agenda at which the Council will call for a Land Use Ordinance final public hearing on this item. He noted that there was no questions or comments from the Council on this item and inferred that the current language will go to final public hearing.

Mr. Osborne noted that at the Planning Board public hearing on this item there was the comment that a graphic illustration of these newly defined illuminated sign types would be helpful to citizens to understand what is being proposed. In the Planning Board packet photos and definitions of the internally illuminated sign types were provided for the Board to make comment. Pending comment from the Planning Board and Design Review Board Staff will put this document online and otherwise make it available to the public.

Mr. Cough suggested that a photo of the Type 1 translucent face sign also be at night to demonstrate better the impact of translucent face vs. light limiting face.

Mr. Eleftheriou, Jr. suggested that a staff memorandum that outlines the Planning Board and Design Review Board process as the draft ordinance language developed could also be posted online. Also create a graphic showing the timeline for adoption of changes to the LUO.

c. Land Use Ordinance Discussion of Parking, Article III Districts, Article V Site Plan Review-General Review Standards - D. Parking regulations and Article XII Definitions.

Mr. Osborne stated that this is an ongoing item on the agenda. He indicated that elements for this are currently under development but not ready for this meeting. He noted he had reviewed gross leasable area and how it related to restaurant use. He noted that he has gathered parking standards from other municipal ordinances for review and comparison. He indicated that by the next meeting there will be materials that include: A memorandum discussing the items that the Board previously indicated they wish to review on parking; examples of parking regulations from other municipalities that might be instructive to this effort; draft language of parking items that are suggested by staff.

Mr. St. Germain asked do we have enough time to make a full effort on all of the items on the agenda? Are some items from the list of potential November 2016 topics for Land Use Ordinance amendments too much time or of a low priority that should be deferred? He noted that both the parking and the minimum area per family are complex topics and will take time.

Chair Rasmussen indicated that the consolidation of districts will be a distraction. Mr. Eleftheriou, Jr. agreed that the value of consolidating four districts into two is of questionable value unless it is part of a larger long-term plan to simplify the LUO.

Member Fitzpatrick indicated that setting goals is the first step. Lets understand what it is going to take to accomplish any of these tasks. If we do not know what our goal is for going through and making these

changes what is our end game? Is it for solving a problem? Influencing development policy over time? He reiterated the thought that consolidation of districts was not in itself useful. Parking has a number of possible end goals including ordinance correction, parking shortages and equity, facilitate institutions and downtown developments with structured parking. He suggested starting with the structured parking issues. The consolidation of districts is a complex issue complicated by years of modifications. What do we want for downtown? Affordable housing comes up, lot standards comes up, suggested that this should all start with goal setting so that the time is well used toward accomplishing those goals.

Member St. Germain suggested that a step toward goal setting would be to revisit the comprehensive plan and distilling basic goals upon which this work can be based. This was for the agenda items.

d. Land Use Ordinance Discussion of Appendix A and B

Member Cough cited the LUO language concerning modifications to Appendix A and B and noted that the 125 112 Db states that Appendix A and B is amended at Town Meeting. He suggested that the Board not spend time on those because there is another process for that type of modification. Mr. Osborne indicated that he would contact the Town Attorney to ask if that is his understanding regarding this language.

Member St. Germain noted the Route 3 project and the ferry terminal project and suggested there is a role for the Board to do consideration of those things given the timely nature of those projects. He generally supports consolidation of districts but supports working on timely projects first.

Member Cough recommended that item d (Appendix A and B) be taken off future agendas. Suggested that parking is a top priority as well as e (minimum are per family) and f (consolidation of districts) if given time.

Member St. Germain suggested that consolidation of Village I and Village II and perhaps including the Gateway were reasonable goals.

Mr. Cough raised the possibility that the Board might have subcommittees or a blended task force with the mission of moving the process along in a timely manner? Mr. Osborne indicated that he would seek legal advice and get back to the Board. If it is determined to be an official meeting of the Board it would be posted and open to the public. (Mr. Bearor indicated that two Planning Board members have no official standing and are free to meet with the Planning Director).

Member Fitzpatrick suggested that a useful purpose of a task force would be to get direct feedback from affected parties who have experienced parking issues and have ideas for changes.

e. Land Use Ordinance Discussion of Minimum area per family

Mr. Osborne provided a chart of the districts of the town applying the minimum area per family to single-family, two-family, four-family and ten-family dwelling scenarios. The chart indicated the lot area required in each case and what percent over the minimum lot area that number represents. In some cases only single-family and two-family dwellings are contemplated. In other cases single, two and multi-family I only. His observation is that there are districts that may contemplate multi-family II but as a practical matter if a ten-unit building requires as much as 9 acres the use is clearly not really feasible

because it is inappropriate that the ten-unit dwelling use tie up 9 acres of land with urban services, such a parcel is rare if at all available and the cost would be prohibitive in the extreme. The application of the minimum area standard is not evenly applied across districts, and it does not appear to be based on a model that would look at the actual area that a two-family, four-family and ten-family dwelling would physically require. He suggested that models could be developed to work through what is truly needed to accommodate the uses for both sewer and water and well and septic lots.

Member Fitzpatrick raised the possibility of looking at expansion of existing districts to locations beyond their current locations to also allow the higher housing density standard that the Downtown Residential district contemplate rather than reviewing a broad range of districts.

Member St. Germain raised the possibility of looking at the Downtown Village districts for changes that would accommodate a density bonus for employee housing to reduce the stress on single family houses being used as boarding houses.

Chair Rasmussen noted that the chart demonstrates the built in issues that the Land Use Ordinance has created over many years of modification and no major rewrites.

Member Eleftheriou, Jr. suggested that the sewered portion of the town would be a more manageable task.

Member Cough indicated that the chart points out that district consolidation/dimensional consolidation is also a way to fix some of these issues given that many districts share the same dimensional standards.

Member St. Germain noted that the comprehensive plan calls for growth in some of these areas. The parking issues are generally limited to downtown. Area per family is a more diverse issue but the minimum area question could be limited to the growth area for now and learn from that if the voters approve the limited changes in the downtown area generally.

Member Eleftheriou, Jr. suggested that the analysis could go from Hulls Cove to Jackson Lab.

Exceptions to parking requirement were noted.

Member Fitzpatrick indicated that the empirical issues with parking are leading to deficits that are related to exceptions. Cited parking study that identifies where deficits are located.

Chair Rasmussen noted that he does not want green spaces to be replaced with parking lots and that really means that structures will be necessary.

The Board identified that Mr. Fitzpatrick and Mr. Eleftheriou, Jr. will meet with the Planning Director on Tuesday at 4:00 pm to get the process underway for parking. Mr. Cough and Mr. Rasmussen will meet with the Planning Director on housing at a time and day to be determined.

I. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

None.

II. ADJOURNMENT

Mr. Cough moved to adjourn the meeting at 7:32 pm. Mr. Fitzpatrick seconded the motion. The Board voted unanimously in favor of the motion to adjourn.

Signed as approved:

4.06.16

Basil Eleftheriou, Jr., Secretary **Date**
Planning Board, Town of Bar Harbor