

Minutes
Bar Harbor Town Council
March 1, 2016

I. **CALL TO ORDER** – 7:00 p.m. – In attendance were Councilors: Paul Paradis, Gary Friedmann, Anne Greenlee, Peter St. Germain, Burt Barker, David Bowden, Clark Stivers; and Town Manager Cornell Knight.

A. **Excused Absence(s)** –All were present.

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.* – There were no comments this evening.

III. **APPROVAL OF MINUTES** – *February 16, 2016 Regular Meeting* – Ms. Greenlee, with second by Mr. St. Germain, moved to approve the minutes of February 16, 2016 as presented. Motion passed 7-0.

IV. **ADOPTION OF AGENDA** – Mr. St. Germain, with second by Mr. Stivers, moved to adopt the agenda as presented. Motion passed 7-0.

V. **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. **July Fourth** – *Possible adoption of a motion to authorize the Bar Harbor Chamber of Commerce to hold a parade and fireworks on July Fourth, as outlined in their request, and thank them for their continued willingness to organize these events.*

B. **Parks & Recreation Committee Resignation** – *Possible motion to accept the resignation of Alan Mogridge and send him a letter of thanks and wish him well.*

Mr. St. Germain, with second by Ms. Greenlee, moved to approve the consent agenda as published. Motion passed 7-0.

VI. **PUBLIC HEARINGS:**

A. **Land Use Ordinance Amendment for June 2016** – *Public comment and possible signing of the Orders placing the following amendments on the annual town meeting warrant for June 14, 2016.* – Chair Paradis reviewed the public hearing policy including allotting each person a limited 3-minute opportunity to speak; following everyone that chance, a second opportunity would be allowed, if necessary. Public Hearing opened at 7:03 p.m. Planning Director Bob Osborne introduced each article with public comment following each article.

Downtown Village District(s)

Article 2 (formerly draft a) LUO: to add farmers market – Patricia Samuel and Dessa Dancy both spoke in favor.

Article 3 (formerly draft b) LUO: to add one and two family dwellings

Article 4 (formerly draft c) LUO: to add auto sales lot and auto repair garage

Article 5 (formerly draft d) LUO: to add home occupation

Article 6 (formerly draft e) LUO: to add retirement community

Signs, Lighting and Design Review Board

Article 7 (formerly draft aa) LUO: illuminated sign standards

Article 8 (formerly draft bb) LUO: Design Review Board sign review authority

Article 9 (formerly draft cc) LUO: Design Review Board overlay district

Article 10 (formerly draft dd) LUO: move certain sign regulations

Article 11 (formerly draft ee) LUO: allowable sign area

There were no further public comments following article 2. Public hearing was closed at 7:24 p.m. Councilors Greenlee and Paradis thanked the Planning Director Bob Osborne for shepherding through the amendments, and the Design Review Board and Planning Board for their work.

Ms. Greenlee, with second by Mr. Barker, moved to sign the Council Orders placing the proposed ten Land Use Ordinance Amendments on the June 14, 2016 annual town meeting ballot. Motion passed 7-0.

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 2 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add farmers market use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add farmers market as a use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional 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

§ 125-21 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, 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.

§ 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.

§ 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; artist studio; farmers market.

EXPLANATION: The farmers market use was allowed by permit from the Code Enforcement Officer in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I and Downtown Village II Districts and Downtown Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the farmers market use to those three districts as a use allowed by permit from the Code Enforcement Officer.

Order
Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 3 - LAND USE ORDINANCE AMENDMENT: Downtown Village II District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add single-family dwelling use and two-family dwelling use to the Downtown Village II District” be enacted?

Downtown Village II District

An amendment to add single-family dwelling and two-family dwelling as uses to the Downtown Village 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 strikethrough. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 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; single-family dwelling; two-family dwelling.

EXPLANATION: The single-family dwelling and two-family dwelling uses were allowed uses by building permit from the Code Enforcement Officer in the Downtown Business Districts and were deleted when the subsequent Downtown Village II District was enacted in 2010 in the same location. The purpose of this amendment is to add single-family dwelling and two-family dwelling to that district as uses allowed by permit from the Code Enforcement Officer.

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 4 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add automobile sales lot and automobile repair garage to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add automobile sales lot and automobile repair garage as uses to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

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

[Please Note: Old language is strikethrough. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

(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; road construction; automobile sales lot; automobile repair garage.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; 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.

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

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

EXPLANATION: Automobile sales lot and automobile repair garage were allowed uses by site plan approval in the Downtown Business Districts and were deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the automobile sales lot and automobile repair garage uses to those districts as a use allowed by Planning Board site plan review.

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 5 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add home occupation use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add home occupation as a use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional 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

§ 125-21 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, 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; home occupation.

§ 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; home occupation.

§ 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; artist studio; home occupation.

EXPLANATION: The home occupation use was an allowed use by building permit in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the home occupation use to those districts as a use allowed by permit from the Code Enforcement Officer.

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 6 - LAND USE ORDINANCE AMENDMENT: Downtown Village I District, Downtown Village II District and Downtown Village Transitional District – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to add retirement community use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District” be enacted?

Downtown Village I District, Downtown Village II District and Downtown Village Transitional District

An amendment to add retirement community as a use to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District.

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

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21 Downtown Village I.

C. Allowed uses.

(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; road construction; retirement community.

§ 125-21.1 Downtown Village II.

C. Allowed uses.

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

§ 125-21.2 Downtown Village Transitional.

C. Allowed uses.

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

EXPLANATION: The retirement community use was an allowed use by site plan approval in the Downtown Business Districts and it was deleted when the subsequent Downtown Village I District, Downtown Village II District and Downtown Village Transitional District were enacted in 2010 in the same location. The purpose of this amendment is to add the retirement community use to those districts as a use allowed by Planning Board site plan review.

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 7 - LAND USE ORDINANCE AMENDMENT: Definitions - General Review Standards, Light and glare and Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “Amendments to add terms and definitions for categories of internally illuminated signs, amendments to clarify lighting requirements for signs and amendments to prohibit certain types of internally illuminated signs” be enacted?

125-109 Definitions

An amendment to add terms and definitions for categories of internally illuminated signs to the Definitions.

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 XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings: ...

SIGN, INTERNALLY ILLUMINATED - A sign with a light source incorporated into the body of the sign and where light emanates through, or from, the message of the sign; there are four types as follows:

TYPE 1; CABINET WITH TRANSLUCENT FACE: An internally illuminated sign with a cabinet style fixture with full or nearly full translucent face(s) and/or sides, through which light from an internal source passes.

TYPE 2; CABINET WITH LIGHT LIMITING FACE: An internally illuminated sign with an opaque surround cabinet style fixture with light limiting translucent face(s), flush translucent sign graphics within an opaque background field, through which light from an internal source passes. This type of sign has two acceptable categories.

- A. 20% (or less) translucent face/ 80% (or greater) opaque background field.
- B. 30% (or less) translucent face/ 70% (or greater) opaque background field.

TYPE 3; CHANNEL LETTER: An internally illuminated sign comprised of three dimensional sign graphic letters and logos, each with its own internal light source, in which the dimensional faces are internally illuminated and affixed to the sign or structure upon which the channel letter are mounted.

TYPE 4; HALO: An internally illuminated sign comprised of dimensional sign graphics, which cast a halo-like glow along the sides of the graphics, or cast light backward onto the face of the sign or structure upon which the graphics are mounted.

125-67Z Light and glare

An amendment to clarify lighting requirements for signs.

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

[Please Note: Old language is strikethrough. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67 General Review Standards.

- Z. Light and glare. All site plans shall demonstrate that the proposed development shall comply with the following requirements with respect to exterior lighting. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.

(4) Additional requirements for commercial and multifamily applications:

(a) Signs and advertising.

- [1] All externally illuminated signs shall be lighted by top-mounted lights pointed downward. No sign may be illuminated with fixtures not shielded from upward transmission of light.

- [2] Signs may be illuminated internally only by nonflashing lights ~~that contain an opaque background, and this provision applies solely for properties with frontage on Route 3 and Route 102. No internally lit signs are allowed in the Downtown Village District.~~ Any lights that flash, pulse, rotate, move, or simulate motion are not permitted.
- [3] All ~~lights~~ lighting for externally illuminated signs shall be shielded to ensure that light sources are not directed toward or directly visible to drivers or from neighboring properties.
- [4] Lighting of signs is further regulated in 125-67BB Signs and advertising and categories of internally illuminated signs are defined in 125-109 Definitions.

Signs and advertising. Prohibitions

An amendment to prohibit certain types of internally illuminated signs.

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

[Please Note: Old language is strikethrough. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE V Site Plan Review

§ 125-67BB Signs and advertising.

- BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...
 - (3) **Prohibitions...**
 - (h) Internally illuminated signs of Type 1; Cabinet with Translucent Face and Type 3; Channel Letter are prohibited in all districts. ~~in the downtown village districts and historic districts are prohibited.~~
 - (i) Internally illuminated signs of Type 2B; Cabinet with Light Limiting Face: 30% (or less) translucent face/ 70% (or greater) opaque background field are prohibited in all districts except for lots with frontage on Route 102 or Route 3.

EXPLANATION: The Design Review Board crafted language to define certain types of internally illuminated signs. The purpose of this amendment is to add those categories of internally illuminated signs to 125-109 Definitions. Internally illuminated signs have their light source incorporated into the body of the sign, and some types of internally illuminated signs currently fail to meet the Land Use Ordinance’s requirements to direct light away from adjacent properties, streets and the night sky. The Design Review Board crafted language to make clarifications in the light and glare regulations for signs found in 125-67Z. The added language clarifies the type of signage lighting that is being regulated and directs the reader’s attention to the fact that most of the lighting related sign regulation is found in 125-67BB Signs and advertising and numerous definitions related to signs are found in 125-109 Definitions. The language

marked with strikethrough is thought to be redundant because similar language is found in 125-67BB Signs and advertising.

The Design Review Board crafted language to make changes to Signs and advertising - Prohibitions regulations found in 125-67BB. The language utilizes the proposed definitions for types of internally illuminated signs. The language is intended to direct sign makers and installers toward the types of internally illuminated signs that make no glare but are easily read both day and night. The proposed amendment would allow the preferred internally illuminated signs in the Downtown Districts where they are currently prohibited. The proposed amendment would prohibit internally illuminated signs with translucent faces that do not mitigate glare town wide. The proposed amendment would prohibit internally illuminated "channel letter signs that do not mitigate glare townwide. (The amendment would not prohibit certain internally illuminated cabinet lights that have either light limiting faces (Type 2A) or halo light signs (Type 4) which outline opaque letters on the sign with a "halo of light").

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 8 - LAND USE ORDINANCE AMENDMENT: General Review Standards, Signs and advertising. – Shall an Ordinance dated December 2, 2015 and entitled "An amendment to clarify Design Review Board sign review authority" be enacted?

125-67BB Signs and advertising

An amendment to clarify Design Review Board sign review authority.

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 V Site Plan Review

§ 125-67BB Signs and advertising.

- BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...
- (6) **Signs subject to the review by the Design Review Board** for a certificate of appropriateness. All signs listed below are required to receive a Certificate of Appropriateness from the Design Review Board prior to receiving a building permit if

they are located within the identified districts or are associated with a conditionally permitted use. Signs located in all other districts shall receive a building permit from the Code Enforcement Officer prior to installing the sign.

- (a) Building permits required. All signs except those otherwise exempted are required to obtain a building permit as well as the certificate of appropriateness.
- [1] All signs listed below are required to receive a certificate of appropriateness from the Design Review Board prior to receiving a building permit if they are located within the following districts or are associated with a conditionally permitted use.
 - [a] Village Historic.
 - [b] Bar Harbor Gateway District.
 - [c] ~~Bar Harbor Historical Corridor~~ Deleted.
 - [d] Downtown Village I and II Districts.
 - [e] Educational Institutional.
 - [f] Lots with road frontage on Routes 102 and 3.
 - [g] Marine Research.
 - [h] Scientific Research.
 - [i] Shoreland ~~Commercial~~ General Development I and II.
 - [j] Town Hill Business.
 - [k] Town Hill Residential Corridor.

EXPLANATION: The Design Review Board crafted language to correct and clarify which districts the Design Review Board’s authority for sign review includes. The districts noted in this section requiring review of signs is updated in the draft amendment language. Over time the Land Use Ordinance’s district names have changed and this section should be corrected with an update. The other proposed change is to clarify that the review authority extends to the entire section (6) *Signs subject to review by the Design Review Board for a certificate of appropriateness* and not just to the subsection [1] that lists the districts.

Order
 Of the Bar Harbor Town Council
 For the June 14, 2016 Town Meeting

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

Article 9 - LAND USE ORDINANCE AMENDMENT: Design Review Board – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the boundaries of the Design Review overlay district” be enacted?

Design Review

An amendment to clarify the boundaries of the Design Review overlay district.

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

[Please Note: Old language is striken. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

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 Bar Harbor Village Historic District; and the Bar Harbor Historic Corridor District (excluding those corridor districts on Route 3 that are within the area of the Town shown on Tax Map 11D) 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 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.
 - (3) The District also includes the districts and area included in the Sign Ordinance, § 125-67BB.

EXPLANATION: The Design Review Board has crafted language to correct and clarify what districts the Design Review Board overlay district is located in. Over time the Land Use Ordinance’s district names have changed and this section should be updated. Tax map 11D as cited in the district language is obsolete and the draft language deletes the reference. Appendix A refers to Historic Properties in the Design Review Overlay District. Appendix B refers to Locally Significant Properties in the Design Review Overlay District. This section has other references to Appendix A and B requiring the Design Review Board to review buildings listed in Appendix A and/or B. This language is intended to clarify that Appendix A and B are in fact part of the Overlay District.

Order
 Of the Bar Harbor Town Council
 For the June 14, 2016 Town Meeting

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

Article 10 - LAND USE ORDINANCE AMENDMENT: Design Review / Signs and advertising – Shall an Ordinance dated December 2, 2015 and entitled “An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section” be enacted?

Design Review & Signs and advertising

An amendment to move certain signage regulations from the Design Review section to the Signs and advertising section

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

[Please Note: Old language is strikethrough. New language is underlined.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XIII Design Review and Article V Site Plan Review

§ 125-112 Applicability of design review.

- C. Activities not subject to design review. The following activities are not subject to design review:
- (6) Renovation or new construction which is limited to the following types of improvements:
 - (a) Exterior building facade paint color selected from the Design Review Board approved color chart(s). The color chart(s) can be obtained from the Planning Department and may be updated from time to time pursuant to Design Review Board approval. Colors not listed on the color chart(s) require a certificate of appropriateness from the Design Review Board.
 - (b) ~~Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged. Deleted. NOTE: Moved to 125-67-BB~~
 - (c) ~~A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building. Deleted. NOTE: Moved to 125-67-BB~~
 - (d) ~~Installation of one twenty-four-inch by thirty-six-inch sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night. Deleted. NOTE: Moved to 125-67-BB~~
 - (e) Installation of roof-mounted solar collection ~~photovoltaic~~ panels and appurtenant equipment.
 - (f) Retractable awnings made of fabric material. Fabric may be striped or solid in color, and must be listed on the approved color chart for awnings in order to be eligible for an exemption. Lettering or wording shall not be printed on the awning unless otherwise approved through the issuance of a certificate of appropriateness.
 - (g) Installation of lighting for signage, provided such lighting complies with § 125-67Z.

§ 125-67BB Signs and advertising.

BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII...

(6) **Signs subject to the review by the Design Review Board** for a certificate of appropriateness...

(o) Exemptions. The following activities are not subject to Design Review.

[1] Replacement of one conforming wall-mounted, hanging, or window sign, provided that the replacement sign is equal to or less than the square footage of the existing conforming sign it will replace. The sign may be altered in any code-compliant manner, except that it may not be relocated or enlarged.

[2] A tenant occupying a space with a Design Review Board approved tenant signage plan may replace signage at any time, provided that the new signage will comply with the approved tenant signage plan for the building.

[3] Installation of one twenty-four inch-by thirty-six inch (24" x 36") sandwich board sign, provided it is not located in a public way and is taken inside at the close of business each night.

[4] Installation of lighting for signage, provided such lighting complies with § 125-67Z.

EXPLANATION: The Design Review Board has crafted language to move certain signage activities not subject to Design Review from the Design Review section to the Signs and advertising section. The draft amendment also includes a modification to the exemption for solar panels that the exemption includes all roof-mounted panels.

Order

Of the Bar Harbor Town Council
For the June 14, 2016 Town Meeting

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

Article 11 - LAND USE ORDINANCE AMENDMENT: Signs and advertising –
Shall an Ordinance dated December 2, 2015 and entitled “An amendment to clarify the allowable sign area of regulated signs” be enacted?

Signs and advertising.

An amendment to clarify the allowable sign area of regulated signs.

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 V Site Plan Review

§ 125-67BB Signs and advertising.

- BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. In addition, activities located within the Design Review Overlay District that require a certificate of appropriateness pursuant to Article XIII, Design Review, are subject to additional requirements set forth in the standards of Article XIII.
- (2) **Exemptions.** The following signs are exempt from this chapter, shall not be counted towards sign area, and may be installed in any district without a permit, provided they comply as follows:
 - (d) Fuel pump signs as required by state law are allowed and shall not affect the computation of allowable number of signs or aggregate sign area size on a property.
 - (4) **Conditional signs.** Signs noted below are allowed without a Certificate of Appropriateness or a building permit and shall not be counted toward allowable square footage for signs sign area, subject to noted conditions, provided they comply as follows:
 - (f) One on-premises real estate sign, and one off-premises directional sign not exceeding six square feet in total sign area, may be erected advertising the sale, lease or rental of the premises upon which the on-premises real estate sign is located and shall be removed by the owner or agent when the property is sold or leased.
 - (h) One development or construction sign, not exceeding 20 square feet in sign area, may be erected 30 days prior to construction at the site of a construction project solely to identify the project and contractors and shall be removed within 30 days after completion of the project.
 - (i) Directional signs solely indicating ingress and egress placed at driveway locations, containing no advertising material or display area, not exceeding two square feet in sign area, and not extending higher than three feet above ground level are permitted.
 - (j) A sign indicating a business is open or closed, and/or a sign indicating hours of operation, not to exceed one each per entry and not to exceed more than one square foot in sign area each. In the case of a combination sign, it shall not exceed two square feet in total sign area.
 - (m) Home occupations. One sign identifying the name, address and profession or occupation of a home occupation is allowed provided that such sign is nonilluminated and does not exceed the maximum sign area requirements allowed for the street on which the home occupation has frontage:

<u>Posted Speed Limit</u> (miles per hour at location of sign)	<u>Maximum Sign Area</u> (square feet)
Less than 30	4
30 to 49	8
50 or more Greater than 49	12

(5) General requirements for all signs.

- (h) Window and door signs. Permanent window sign area and door signs area shall not exceed 30% of the window or door area.
- (i) Freestanding signs shall not extend more than 20 feet above ground level at their base, as defined by the natural contour of the ground. A freestanding sign shall adhere to the following maximum sign area size requirements:

<u>Posted Speed Limit</u> <u>Area Size</u> (miles per hour)	<u>Maximum Sign</u> (square feet)
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at location of sign)

Less than 30 25 or under	24
30 to 49 Over 25 and under 50	32
50 or more	50

EXPLANATION: The Planning Board has crafted language to utilize the defined term “sign area” consistently throughout the Land Use Ordinance. The draft amendment also modifies three charts to use consistent terminology throughout.

VII. REGULAR BUSINESS:

A. **MDI Skatepark** – *Update and possible approval of the design.* – MDI Skatepark executives Karen Svenson and Katie Churchill were present to answer questions. The design was broken down in phases and costs. They have funds to begin the first phase, a little short in the contingency fund at this time. The plan is to break ground this spring. It was reported that the Parks and Recreation Committee met and review the design proposal and recommend it. They were pleased to announce they received five bids from local contractors for the fill. Councilor Paradis reminded them they may have to return for a new MOU if additional phases follow because the current one expires in November.

Mr. Friedmann, with second by Mr. St. Germain, moved to approve the design of the skatepark as presented by the MDI Skatepark Association dated February 24, 2016. Motion passed 7-0.

B. **Mutual Aid Agreement** – *Possible motion to authorize the Fire Chief to sign the automatic mutual aid agreement between Bar Harbor Fire Department and Northeast Harbor Ambulance Service.* – Following a brief explanation from Fire Chief Matt Bartlett, Mr. Friedmann, with second by Mr. St. Germain, moved to approve the Agreement for Mutual Aid with the Northeast Harbor Ambulance Service dated March 1, 2016. Motion passed 7-0.

C. **Pay as You Throw** – *Update.* – Public Works Director Chip Reeves provided a projected costs and savings with assumptions used by WasteZero and actual data from the Town’s solid waste and recycling numbers from FY15. Councilor Friedmann, who proposed a six month trial period starting November 1st, also provided a spreadsheet with costs and savings. The estimates excluded startup costs which are unknown. Following Council’s exchange of comments, the floor was opened for public comments:

Erikson Smith, who serves on the Conservation Commission, favors PAYT and outlined his support. He further provided information that will be reported to the Conservation Commission at their next meeting. He

suggested Elliot, Maine would be a good resource, they did a six months trial and showed a savings in the first four months of \$9,000. After two years, they now combine PAYT with municipal composting for additional savings. US EPA describes residential PAYT first and most single effective way to reduce waste and reduce greenhouse gas emissions.

Matt Hochman was not opposed to PAYT, but from his experience working on the broadband project, he thought there were too many unknowns at this time to make an informed decision.

Burt Wartell spoke neither for or against. He touched on it's not just financial incentive as to recycling but what packaging is used when purchasing.

Martha Searchfield stressed education is a large component of PAYT program and it would be a huge undertaking. She suggested forming an educational committee that would include schools, YMCA, and other large organizations.

James Perkins commented, "it's really expensive to buy a new planet. A little more *can* do – do the right thing."

Karen Svenson stated more public input and comments will be a form of education. She urged an open forum before a trial period. She mentioned that she balked at first, but she's now glad that she does her part in recycling.

Further discussion ensued by Council. Following several attempts to craft a motion; Mr. Friedmann, with second by Mr. Barker, moved to direct staff to develop an on the ground plan with estimate budget neutral cost to institute a trial program, a timeframe to institute a trial with provision for comments from the public upon staffs return to Council April 19th and before Council takes final action. Motion passed 7-0.

- D. **Treasurer's Warrant** – *Request of Treasurer to authorize paid bills.* – Mr. Stivers, with second by Mr. St. Germain, moved to sign the Treasurer's warrant for paid bills. Motion passed 7-0.

VIII. **TOWN MANAGER'S COMMENTS** – Mr. Knight announced the date, time, and place for both the Republican and Democratic caucuses, and urged voters to register prior to the date.

IX. **COUNCIL COMMENTS AND SUGGESTIONS FOR NEXT AGENDA**

Ms. Greenlee expressed thanks to Alan Mogridge and wished him well in his steady recovery.

Mr. Paradis announced Betty Liscomb, who served as election clerk, lost her battle to cancer Saturday. She will be missed. He asked that we keep her husband, Peter, in our thoughts and prayers.

X. **EXECUTIVE SESSION:** (None)

- XI. **ADJOURNMENT** – Mr. St. Germain, with second by Ms. Greenlee, moved to adjourn at 9:33 p.m. Motion passed 7-0.

Patricia A. Gray, Town Clerk