Minutes
Bar Harbor Planning Board
Wednesday, March 16, 2016
Council Chambers – Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 6:02 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. St. Germain moved to adopt the agenda as presented. Mr. Fitzpatrick 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. February 24, 2016 and March 2, 2016

Mr. St. Germain moved to approve both sets of minutes as presented. Mr. Eleftheriou, Jr. seconded the motion. The Board voted unanimously in favor of approval of both sets of minutes.

V. REGULAR BUSINESS

a. **Completeness Review – SP-2016-02–** Arthur Davis – JAD Holdings, LLC
Project Location: 111 Eden Street, Bar Harbor Tax Map 101, Lot 004-000
Applicant: Arthur Davis – JAD Holdings, LLC
Application: The applicant is proposing to construct a 105 foot long residential pier in a Shoreland Residential Development III district.

Chairman Rasmussen opened the item and asked for a representative of the applicant to address the completeness review.

Greg Johnson, P.E. and agent for the project spoke about the application for a residential pier located at 111 Eden Street in a Shoreland Residential Development III District. He explained what was in the application and what items they are requesting a waiver for. He noted that the Harbor Committee had discussed the plan and that the Bureau of Submerged Lands have permitted the project as has the MDEP for a Natural Resources Protection Act permit.

After some discussion Mr. Fitzpatrick made a motion that the application is complete as submitted. It was explained that if the Board approved the motion that they were also finding in favor of the waiver request. Mr. Eleftheriou, Jr. seconded the motion. The Board voted five in favor and none against the motion that the application is complete as submitted.

b. **Land Use Ordinance Amendments for Downtown Village I, Downtown Village II and Downtown Village Transitional Districts Use Amendments - Recommendation.–**Article III Land Use Activities and Standards proposed amendments in the form of Town Council signed Orders: Planning Board March 16, 2016 Recommendation.

Chair Rasmussen asked for staff comments. Mr. Osborne explained that the Land Use Ordinance requires that subsequent to the Town Council's action on the Land Use Ordinance warrant articles that the Planning Board must again recommend that the items "ought to pass" consistent with 125-9.D and that recommendation is to be printed on the warrant. The items are unchanged from the December 2, 2015 language that the Planning Board held their January 6, 2016 public hearing on. He indicated that the Council did not recommend any changes at their March 1, 2016 meeting and public hearing and the proposed amendments are unchanged. The Council voted to sign the orders.

Warrant 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? *(Uses requires permit from the Code Enforcement Officer*).

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. Eleftheriou, Jr. seconded the motion which passed five in favor and none against.

Warrant 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 and two-family dwelling uses to the Downtown Village II District" be enacted? (*Uses require permit from the Code Enforcement Officer).*

Mr. St. Germain moved that the Planning Board return this item with an "ought to pass' recommendation. Mr. Cough seconded the motion which passed five in favor and none against.

Warrant 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 uses to the Downtown Village I District, Downtown Village II District and Downtown Village Transitional District" be enacted? *(Uses require Planning Board Site Plan Review).*

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. Eleftheriou, Jr. seconded the motion which passed five in favor and none against.

Warrant 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? *(Uses require permit from the Code Enforcement Officer).*

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. St. Germain seconded the motion which passed five in favor and none against.

Warrant 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? *(Uses require Planning Board Site Plan review).*

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. St. Germain seconded the motion which passed five in favor and none against.

c. **Land Use Ordinance Amendments for General Review Standards, Light and glare & Signs and advertising, Definitions and Design Review – Recommendation. –**Article V Site Plan Review, Article XII Construction and Definitions and Article XIII Design Review proposed amendments in the form of Town Council signed Orders: Planning Board March 16, 2016 Recommendation.

Chair Rasmussen asked for staff comments. Mr. Osborne explained that the Land Use Ordinance requires that subsequent to the Town Council's action on the Land Use Ordinance warrant articles that the Planning Board must again recommend that the items "ought to pass" consistent with 125-9.D and that recommendation is to be printed on the warrant. The items are unchanged from the December 2, 2015 language that the Planning Board held their January 6, 2016 public hearing on. He indicated that the Council did not recommend any changes at their March 1, 2016 meeting and public hearing and the proposed amendments are unchanged. The Council voted to sign the orders.

Warrant 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?

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. Eleftheriou, Jr. seconded the motion which passed five in favor and none against.

Warrant 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?

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. Eleftheriou, Jr. seconded the motion which passed five in favor and none against.

Warrant 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?

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. Eleftheriou, Jr. seconded the motion which passed five in favor and none against.

Warrant 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?
Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. Eleftheriou, Jr. seconded the motion which passed five in favor and none against.

Warrant 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?

Mr. Cough moved to that the Planning Board return this item with an "ought to pass" recommendation. Mr. Eleftheriou, Jr. seconded the motion which passed five in favor and none against.

d. Land Use Ordinance Discussion of Parking.

Mr. Osborne discussed the parking draft language that was contained in the Planning Board packet and noted that the effort was not final but that it is much easier to visualize what the impacts of potential language changes are when they are shown in the actual document rather than just in concept. No action was taken on the amendments. He noted that there are proposed changes to both where parking is allowed as well as under accessory use provisions and principal use provisions. He also noted that parking as a use is treated inconsistently in districts and suggested some changes.

e. Land Use Ordinance Discussion of Housing.

Mr. Osborne discussed the housing question and noted that there is language nationally that contemplates micro-apartments of 300 sq. ft. or less in size.

VI. OTHER BUSINESS

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VIII. ADJOURNMENT

Mr. St. Germain moved to adjourn the meeting at 7:20 pm. Mr. Eleftheriou, Jr. seconded the motion. The Board voted unanimously in favor of the motion to adjourn.

Signed as approved:

3.30.16

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