

Minutes
Bar Harbor Planning Board
Wednesday, April 6, 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 and John Fitzpatrick, Member.

Also present: Robert Osborne, Planning Director and Angela Chamberlain, Code Enforcement Officer.

II. ADOPTION OF THE AGENDA

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

III. EXCUSED ABSENCES

Joe Cough

IV. APPROVAL OF THE MINUTES

a. March 30, 2016 Regular Meeting

Mr. Fitzpatrick made a motion to approve the minutes with the change that there were no absences. Mr. Eleftheriou, Jr. seconded the motion and the Board voted four in favor and none against the motion.

V. REGULAR BUSINESS

- a. Public Hearing- Site Plan Application – 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 General Development III district.

Chair Rasmussen opened the item and asked for representatives of the project to speak. Greg Johnson, Civil Engineer presented the application for the Site Plan review. Mr. Johnson described the project as a 105 foot residential pier that is permanent in nature. There is no lighting or utilities involved in the project.

Chair Rasmussen opened the public hearing and asked for comment. As no one wished to speak Chair Rasmussen closed the public hearing and asked if the Board was ready to act on the application.

Mr. Fitzpatrick moved that the application meets the requirements for site plan approval with the noted condition that applicant obtain a flood hazard permit prior to issuance of a building permit. Mr Fitzpatrick also noted that the findings of the Planning Board Decision are correct with correction that

the shoreland district is Shoreland General Development III district. Mr. St. Germain seconded the motion which was approved four in favor and none against.

b. Land Use Ordinance Discussion of Parking.

The Board discussed parking as it relates to establishing the amount of required parking for institutional facilities that have multiple buildings and a variety of transportation modes including cars, vans, carpools transit or school busses, bicycles and pedestrian facilities. It was agreed that a single metric does not necessarily fit every case well. Institutional facilities also have public assembly spaces that are not regularly used and might be an unreasonable driver for the overall provision of parking.

It was suggested that the answer regarding how much parking is needed must in some way come from the institution itself: A series of questions could be asked on a form. A prescribed sampling of parking activity could be submitted. Perhaps the institution has a masterplan that identifies parking needs. No one solution was identified but the topic brought good conversation.

c. Land Use Ordinance Discussion of Housing.

This item was deferred in order to discuss item d.

d. Land Use Ordinance Discussion of Cruise Ship Operations definition.

A letter was received from the Main Port Authority requesting that the Town consider making changes to the Land Use Ordinance that would add a definition for a use called "Commercial Waterborne Passenger Facility". The proposal would also add the defined use to the Bar Harbor Gateway district and the Shoreland General Development III district.

The Board discussed the proposed Commercial Waterborne Passenger Facility use.

COMMERCIAL WATERBORNE PASSENGER FACILITY --A facility providing a ferry or cruise ship terminal for waterborne transportation; ferry and/or cruise terminal related operations, including, but not limited to land transportation; government related operations, including, but not limited to the United States Department of Homeland Security, including Customs and Border Protection; marina and marine uses; public access to pedestrian trails; public uses such as open air events, and other outdoor activities; parking of cars and buses; and, tourist related uses, including and not limited to, a welcoming center, restaurant(s), and related office spaces.

They noted that there are uses already in the districts that bear similarity to portions of this definition. (Emphasis added).

The Land Use Ordinance's Bar Harbor Gateway district allows the following uses:

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**; vacation rentals; single-family dwelling and two-family dwelling.
[Amended 6-14-2011]

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

It was noted that ferry terminal, government facility, farmer's market (open air event) marina and marine uses, office space and restaurant use are all currently contemplated in the district. What is new specifically is the direct combination of uses and the cruise terminal related operations and the parking and tourist related uses.

Mr. St. Germain raised issue with the presence of restaurant(s) at the terminal because it would discourage people from going into the village. There was also some discussion of the issues of moving people from the terminal to the village.

Mr. Osborne noted that the Board should not look at this process like a site plan review but rather ask if the proposal is consistent with the Comprehensive Plan and the Land Use Ordinance itself.

The Board asked if a representative from the Maine Port Authority could be available to answer questions at a future meeting.

No action was taken on the item.

VI. OTHER BUSINESS

None.

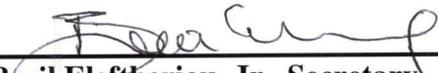
VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There was discussion about having another Planning Board workshop on parking and housing.

VIII. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn the meeting at 8:08 pm. Mr. St. Germain seconded the motion. The Board voted unanimously in favor of the motion to adjourn.

Signed as approved:


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

4.20.16
Date