

Minutes
Bar Harbor Planning Board
Wednesday, April 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: Tom St. Germain, Vice Chair; Basil Eleftheriou, Jr., Secretary; Joe Cough, Member 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 four in favor and none against the motion.

III. EXCUSED ABSENCES

Ivan Rasmussen

IV. APPROVAL OF THE MINUTES

a. April 6, 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. Completeness Review – SP-2016-03– The Jackson Laboratory

Project Location: 600 Main Street, Bar Harbor Tax Map 253, Lot 003-000

Applicant: The Jackson Laboratory

Application: The applicant is proposing to construct a three-story, 31,000 sq. ft. addition to the JAX Core Research Complex for the Center for Biometric Analysis in a Scientific Research for Eleemosynary Purposes district.

John Fitzpatrick asked to be recused from this item. Mr. Eleftheriou, Jr. moved to recuse Mr. Fitzpatrick and Mr. St. Germain seconded the motion which passed three in favor and none against.

Sarah Nicholson, PE and Patrick Taber, Jackson Laboratory spoke about the application. Ms. Nicholson described the project as the center for biometric analysis comprised of a three-story, 31,000 sq. ft. addition to the existing facility. She indicated that it creates a net loss of one parking space.

Mr. Taber indicated that the project as currently proposed is a relocation of functions within the building (rather than a new group of activities or uses). The overall project has four phases and this constitutes the first one and one half phases.

The board proceeded to the application. Mr. Cough raised a question about the date that the application was submitted and the date that the check list review was done with staff. He cited language in the Land Use Ordinance (125-61A(1) that calls for checklist review seven days prior to submission of the application. He noted that standard was not met and asked fellow Board members if they were willing to move forward. Mr St. Germain and Mr. Eleftheriou, Jr. indicated that they wished to proceed.

Mr. Cough had questions about the loading berth requirements for this application. He noted that by size the new space would be required to have certain loading berths. He indicated that he looked at the use as "industrial use" and that would have specific loading standards. Mr. Taber and Ms. Nicholson indicated that in this case the functional loading areas for the building are already well established and new spaces are not proposed for the addition. They noted that the use is "research facility" and as such would not be held to the standard specifically called out for industrial use. Angela Chamberlain, Code Enforcement Officer was asked for the Town's position on the question. She indicated that the use is research facility and is not subject to the standards for an industrial use. Mr. Taber described the layout of the building and the general needs related to loading and indicated that these are well met. It was noted that the standard that Mr. Cough was citing is 125-67F Loading requirements. Would a waiver be necessary for this item?

Mr. St. Germain discussed the lot coverage proposed for the project. It was proposed to be 30.4% for the main campus. There was some discussion regarding where that information is found.

Mr. Cough suggested working through the requested waivers. He moved to accept waiver items 3 through 6 and Mr. Eleftheriou, Jr. seconded the motion which was approved 3 in favor and none against.

Mr. Cough asked questions about several of the waivers requested for clarification.

Mr. Eleftheriou, Jr. asked about impervious surface area and green area. Mr. Taber noted that a bit of relocation of paved and green area would occur with the plan. The plan has a net loss of one parking space. It was noted that the loading is disposal of animal waste primarily.

Mr. Cough moved to approve the waivers except loading berths, more information on lot coverage. Mr. Eleftheriou, Jr. seconded the motion which was approved three in favor and none against.

There was a discussion of the loading berth calculations.

There was discussion regarding the completeness of the application. It was noted that the fire marshal and DEP approvals have not been issued yet. It was noted that these could be a condition of building permit issuance. The Board discussed May 18, 2016 as the next date that the item could be put to public hearing. Mr. Eleftheriou, Jr. moved to find the application complete. Mr. Cough seconded the motion which was approved three in favor and none against.

b. **Land Use Ordinance Discussion of Definition for Commercial Waterborne Passenger Facility (Cruise Ship Operations) and inclusion of the use in the Bar Harbor Gateway and Shoreland General Development III districts.**

John Henshaw, Maine Port Authority spoke to the Board about their request to amend the Land Use Ordinance for purposes of reuse of the ferry terminal. He indicated that the clarification is needed for cruise ship operations at this location.

Mr. Cough asked about the ferry terminal and the possible utilization of tenders at the terminal. Would this activity be similar enough to the ferry terminal that it could be done without amendment to the ordinance?

Mr. Henshaw indicated that what is needed and being asked for is a pier facility, a cruise ship berth.

Mr. St. Germain asked about the excursion operators and how they can be operated inside/outside the facility? Mr. Henshaw indicated that they must be structured in a way to do this in an orderly fashion.

Mr. St. Germain asked what was proposed for the size of restaurant(s) in the plan and would the spaces be leased? Mr. Henshaw indicated that there are only concept plans and no firm sq. ft. numbers for restaurant or retail operations.

It was asked if there was the possibility that there would be both cruise ships piers operating as well as moorings and tender operations. Mr. Henshaw indicated that this is a possibility.

The Port Authority's timeline was discussed and the general idea was that this is a multi-year process and that immediate activity is not proposed.

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.

c. Land Use Ordinance Discussion of Parking.

It was noted that there was good discussion of parking at the 4:00 pm meeting and that progress is being made. Mr. Cough noted that the discussion of parking needs to include calculable numbers for laboratory uses.

d. Land Use Ordinance Discussion of Housing.

It was noted that there was good discussion regarding housing at the 4:00 pm meeting. The Board discussed what the timeline might look like moving forward.

Mr. Osborne indicated that he would have a report on the timeline at the next meeting.

VI. OTHER BUSINESS

Mr. Cough indicated that he would like to see pending public hearing agenda items for those applications that are somewhere between completeness review and site plan review. He indicated that the public would be better aware of what is pending review.

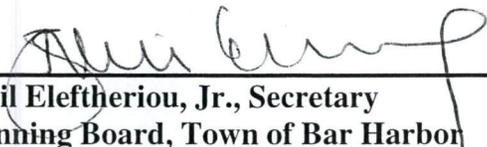
VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Cough moved to add pending public hearing items to the agenda (in the form of a list). Mr. Fitzpatrick seconded the motion which was approved four in favor and none against.

VIII. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn the meeting at 8:22 pm. Mr. Cough seconded the motion. The Board voted four in favor and none against the motion to adjourn.

Signed as approved:


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

6.01.16
Date