

**Minutes**  
**Bar Harbor Planning Board**  
**Wednesday, May 18, 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; 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. St. Germain 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. May 4, 2016**

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

*Mr. Fitzpatrick made a motion to be recused from the next item. The remainder of the Board approved the motion unanimously.*

**V. REGULAR BUSINESS**

**a. Public Hearing- Site Plan Application – 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.

*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. masonry addition to the existing facility. The height of the building was discussed in great detail including the definition for building height and how the height of the building was established. They*

*discussed how the elevation data for mean height from grade was gathered. She indicated the new proposal creates a net loss of one parking space.*

*Mr. Cough asked about the idea that the Board is reviewing just the new work for its review but is looking to the entirety of the building for the height analysis and had concerns about that approach.*

*125-67C was discussed as it relates to the mechanicals on the roof of the building as it relates to height. Mechanicals are exempted from building height provided that they do not exceed 30% of the floor below.*

*Chair Rasmussen opened the public hearing and asked for comments. No one from the public wished to speak. Chair Rasmussen closed the public hearing.*

*The Board continued to explore why the building with regard to height is looked at as a whole and not as an addition or separate building. Mr. Taber discussed the definition of building noting that the definition says: "Building- Any roofed structure built, maintained, or intended for use fo the shelter or enclosure of persons, animals, goods or property of any kind. This term is inclusive of any thereof. Where independent units with separate entrances are divided by walls, each unit is a building." Mr. Taber noted that the proposed addition has no exterior entrances and is solely dependent of the remainder of the building for access. The addition in no way functions independent of the remainder of the building. As such, the building height question is subject to the definition of building.*

*The Board discussed lot coverage and what impact this project has. Ms. Nicholson indicated that the building addition is being placed almost entirely on existing impervious surfaces and results in a negligible increase in lot coverage.*

*The Board discussed loading berths and what impact this project has. Ms Nicholson explained that this is regulated in 125-67F Loading requirements. She noted that items (1) and (2) apply in that the site itself has required loading berths of a given size, and it does. The addition does not propose any new loading berths and is not required to do so as it is not one of the item (3) uses for which a specific requirement is assigned: health institution, hotel, office, retail, commercial, industrial, school or funeral home. The use is a research facility. Mr. Taber indicated that the lab has loading well suited to their needs and the existing four docks are adequate for this addition as well.*

*The term research facility was discussed as the use cited in the district that the lab has a longstanding history of operating under. 125-109 defines "Research facility-A building or part of a building devoted to scientific inquiry and ancillary functions. No manufacturing is conducted on the premises except as related to the scientific research being conducted; said activities shall solely be for eleemosynary purposes."*

*Parking was discussed. Mr. Taber indicated that there are typically 40 additional summer employees that are transferred by van to the facility. The lab has certain events with between 20 and 160 attendees that are shuttled between the lab and the hotels and airport. Busses move 130 employees. There are 15 carpools moving 45 employees. With regard to the fill rate of the lots Mr. Taber indicated that they are not overflowing.*

*Mr. Eleftheriou Jr. made a motion to approve the site plan application with the condition that the Building Permit not be issued until the Fire Marshal issues a permit and grammatical corrections in the*

*Board Decision on items 2 and 3 as were noted. Mr. St. Germain seconded the motion. Mr. Cough indicated that he would not support the motion because he did not agree with the building height interpretation or the loading berth interpretation. The Board voted three in favor and one against the motion.*

- b. Land Use Ordinance – Draft Commercial Waterborne Passenger Facility Amendments -** Article III Land Use Activities and Standards and Article XII Construction and Definitions draft amendments in the form of draft warrants.

*The Planning Board discussed the definition and the definition found in the Seattle ordinance and agreed that the Seattle definition should be fully explored. The Board also discussed the question of new district vs. revision to existing districts and determined that they favored moving to a new shoreland district that better addresses water setback issues as well as avoids unintended impacts on the existing districts.*

- c. Land Use Ordinance – Draft Parking Amendments -** Article III Land Use Activities and Standards, Article V Site Plan Review, Article XII Construction and Definitions and Appendix C Table of Permitted Uses draft amendments in the form of draft warrants.

*The Board indicated that they would like to see these standard go forward. They did acknowledge that the changes to the residential districts were a sensitive issues that needs to be discussed with the Council next Tuesday.*

- d. Land Use Ordinance – Draft Minimum Area Per Family Amendments -** Article III Land Use Activities and Standards draft amendments in the form of draft warrants.

*Mr. Cough indicated that he would like to see these standards move forward.*

- e. Land Use Ordinance – Draft Maximum Floor Area Ratio Amendments -** Article III Land Use Activities and Standards draft amendments in the form of draft warrants.

## **VI. OTHER BUSINESS**

*It was noted that there were no pending applications for Planning Board review. The Board indicated that with regard to LUO housing efforts the important issues are weekly rentals, seasonal workforce housing solutions and the preservation of year-round housing opportunities for the town.*

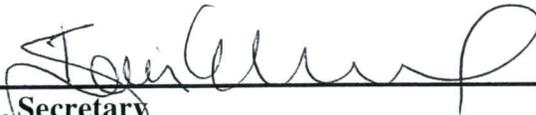
## **VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

*None.*

## **VIII. ADJOURNMENT**

*Mr. Cough moved to adjourn the meeting at 8:10 pm. Mr. Fitzpatrick seconded the motion. The Board voted unanimously to adjourn.*

*Signed as approved:*

  
\_\_\_\_\_ 9.07.16  
Date

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