

**Minutes**  
**Special Joint Meeting with**  
**Bar Harbor Town Council &**  
**Planning Board**  
**May 24, 2016**

- I. **CALL TO ORDER** – 5:00 P.M. – In attendance were Councilors: Paul Paradis, Anne Greenlee, Peter St. Germain, Burt Barker, Clark Stivers; and Town Manager Cornell Knight.

Planning Board members in attendance were: Ivan Rasmussen, Basil Eleftheriou, Tom St. Germain, and Joe Cough (arrived late) and Planning Director Bob Osborne.

- II. **ADOPTION OF AGENDA** – Town Council Chair Paradis announced the two boards would review each proposed ordinance and after each ordinance, the floor would be open for public comments up to ten minutes total per ordinance.

III. **REGULAR BUSINESS:**

- A. **November 2016 Warrant: Land Use Ordinance Amendments** -  
*Discussion with Planning Board on the following possible LUO amendments for special town meeting, November 8, 2016.*

1. **Cruise Ship Land Use Ordinance Amendment update** –  
Planning Director Bob Osborne reported that the amendment is in response to a letter from the State of Maine Port Authority to add ‘commercial waterborne passenger facility’ use. Following several Planning Board meetings, concerns arose that no amendments be made to accommodate this use that create undesirable or unintended consequences in the Bar Harbor Gateway and Shoreland General Development III districts which the property is zoned. Upon further research, Mr. Osborne found a State provision under Chapter 1000, Guidelines for Municipal Shoreland Zoning, for a district called “Commercial Fisheries Maritime Activities District”. This model ordinance district can be adopted to a small single lot and allows for development more like the existing ferry terminal.

Following discussion, it was of general consensus from both boards to create a new district and its proposed water uses without compromising the Gateway and Shoreland General Development III districts. It was duly noted that Tom St. Germain was the dissenting vote at their Planning Board meeting, he opposed this idea partially

because of the neighboring properties are zoned for less allowable lot coverage.

In addition, it was suggested that the Planning Board review the consultant's plans for the ferry terminal and the public comments received that provided the list of proposed uses. It was also noted that during Planning Board meetings, concerns were raised about the public uses such as open air events. It was suggested that the concerns raised could be addressed through a town ordinance to manage the activities, noise, and traffic. The Planning Board will continue to work on a set of amendments to address the reuse of the ferry terminal.

The meeting was opened to the public for comments:

Matt Hochman – He thinks the new district for the one lot is the cleaner way to go. He reported that he still hears a lot of comments about allowing restaurant use at this facility. It takes away from other established businesses. He fears if a list of outdoor activities is created that one might be missed and that maybe unfortunate.

Ellen Dohmen provided the definition of 'grandfathering' in terms of a LUO amendment. An amendment could not scale back what is already in place. She also cautioned against using the phrase "but not limited to" when developing language for outdoor activities.

Dessa Dancy inquired if the town can request use of the terminal for parking during the busy tourist season, especially this year with the celebration of Acadia National Parks centennial year.

Jonathan Eno inquired why this single district would not be considered spot zoning. Mr. Osborne explained that Chapter 1000 expressly allows a municipality to opt to identify one or more CFMA Districts, each of which may be as small as a single parcel, provided that the municipality takes into consideration certain criteria.

Other public comments were heard in providing support of previous speakers. Grandfathering and development comments were received from Donna Karlson and Erin Early Ward.

**2. Parking Land Use Ordinance Amendments update -**

Planning Director Bob Osborne explained the board held a number of meetings discussing parking issues – where to add parking uses in certain districts and to remove them from other districts. The proposed Parking ordinance amendment is addressing off-site, off-street parking. Parking includes parking lots, parking decks, and parking garages.

It was of general consensus from both boards to allow parking lots in the districts listed, except Village Residential and Shoreland Limited Residential.

It was also of general consensus from both boards to allow parking decks in the districts listed, except Downtown Residential.

Discussion ensued regarding adding parking garages to the proposed list of districts. Noting that Bar Harbor Gateway, Downtown Village I, Downtown Village II were districts that allowed parking garages previous to the June 2010 LUO amendments. Educational Institutional and Scientific Research would be two new districts allowing parking garages. Further, it is proposed to remove parking garages from two districts that currently allows this use: Downtown Residential and Town Hill Business.

The floor was then open to the public.

Martha Searchfield stated it cannot be underestimated the negativity about the Backyard Parking Lot. Even though it is corrective action in the Downtown Village I, she would hate to see the new districts compromised. She felt education and communication would be necessary to amend the Downtown Village I. She suggested baby steps and thought perhaps if Jackson Lab built their parking garage and people saw it, they maybe more receptive to one intown. She recommended that the two new districts be the only two to go before the voters, and sometime later consider amending the remaining three districts.

Matt Hochman cautioned off-site parking lots could take away land for housing.

Ellen Dohmen proposed 'good planning'. "Don't run scare, educate the public and sell it." Do not place something to vote, if you know it's not going to pass. Do not place the three districts that previously allowed parking garages as separate articles; good planning envisions the town as a whole, not in sections.

Dessa Dancy favored voting each of the districts separately to give the voters a choice.

Discussion then returned to the boards. It was of general consensus to proposed five parking articles. The first three articles adding parking garages in the three districts where it was previously allowed, as separate articles; one question for adding the use in the two new districts (Educational Institutional, Scientific Research); and one question removing parking garages in the two proposed districts (Downtown Residential, Town Hill Business).

Lastly on the parking issue, it was of general consensus to support the proposed language for allowable off-site parking lots as written:

to allow off-site parking lots on land in common ownership within 500 feet of the site.

3. **Housing Land Use Ordinance Amendments update**

Planning Director Bob Osborne reported the board held several meetings and proposed to make adjustments to “minimum area per family” to delete “maximum floor area ratio”. The Board’s concern is these adjustments do not address the dormitory style worker housing and the shrinking supply of entry level year round rentals.

The floor was then opened to public comment:

Ellen Dohmen expressed her concerns and inquired how could it be consistent across all districts.

Donna Karlson gave an example of her house lot and possible development. She inquired if the different setbacks for different districts were considered.

Following public comments, it was of general consensus to continue to work on the Housing amendment.

IV. **ADJOURNMENT** – The meeting adjourned at 8:02 p.m. by acclamation of both boards.

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Patricia A. Gray, Town Clerk