

Minutes
Bar Harbor Planning Board
Wednesday, July 6, 2016
Council Chambers – Municipal Building
93 Cottage Street
4:00 P.M.

I. ELECTION OF OFFICERS

Bob Osborne explained that the Town Charter calls for election of officers at the Board's first meeting in July. He asked the Board to offer nominations for Chair of the Planning Board. Joe Cough nominated Ivan Rasmussen as Chair. As there were no other nominations Mr. Cough then moved to vote Ivan Rasmussen as Chair, Basil Eleftheriou, Jr. seconded the motion which was approved unanimously.

Mr. Osborne then passed the remaining election of officers to the Chair.

Chair Rasmussen opened nominations for Vice Chair. Tom St. Germain was nominated by John Fitzpatrick to be Vice Chair. As there were no other nominations John Fitzpatrick then moved to vote Tom St. Germain as Vice Chair, Basil Eleftheriou, Jr. Seconded the motion which was approved unanimously.

Chair Rasmussen opened nominations for Secretary. John Fitzpatrick was nominated by Basil Eleftheriou, Jr. to be Secretary. As there were no other nominations Basil Eletheriou, Jr. then moved to vote John Fitzpatrick as Secretary, Joe Cough seconded the motion which was approved unanimously.

II. CALL TO ORDER

The Chair called the meeting to order at 4:05 PM. Planning Board members present: Ivan Rasmussen, Chair; Tom St. Germain, Vice Chair; John Fitzpatrick, Secretary; Member Basil Eleftheriou, Jr., and Joe Cough, Member.

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

III. ADOPTION OF THE AGENDA

Mr. Eleftheriou, Jr. moved to adopt the agenda as presented (with election of officers). Mr. Cough seconded the motion and the Board voted five in favor and none against the motion.

IV. EXCUSED ABSENCES

none

V. APPROVAL OF THE MINUTES

a. June 1, 2016

Mr. Eleftheriou, Jr. made a motion to approve the minutes noting a small correction under item 3 to cite "c" rather than "a". Mr. St. Germain seconded the motion and the Board voted five in favor and none against the motion.

VI. REGULAR BUSINESS

a. **Completeness Review – CU-2016-01**– Mount Desert Street, LLC

Project Location: 68 Mount Desert Street, Bar Harbor Tax Map 104, Lot 414-000

Applicant: Mount Desert Street, LLC (Cathy Coston and Stephen Coston)

Application: The applicant is proposing demolition of an existing 12-room motel and construction of the Mount Desert Street Inn Bed and Breakfast, a 3 and 4-story, 19,500 sq. ft., 36-room bed and breakfast (a bed and breakfast III use).

Joe Cough declared a potential conflict of interest to the Board as he has a relative that works for the potential construction firm to build the project.

The Board voted 4 in favor and none against to recuse Mr. Cough from the item.

Greg Johnston, PE and Steve Coston spoke to the Board about the conditional use application. Todd Hardy was also available to speak as the architect. Mr. Johnston noted that the overall square footage of the proposed bed and breakfast is 19,500 sq. ft. and the footprint is 5,600 sq. ft.

Mr. Fitzpatrick asked about the curb cuts. Mr. Johnston indicated that the curb cuts were not new but were being altered somewhat.

Mr. Fitzpatrick asked if they have utility easements for the power for the project and noted that they should at least be shown on the plan.

Mr. Fitzpatrick asked about proposed signage for the project. Mr. Johnston indicated that there is proposed a freestanding sign in the front yard. Mr. Fitzpatrick indicated that the sign should be shown on the plan and a cut sheet for its lighting fixture.

Mr. Fitzpatrick asked about the building height from average grade and indicated that a separate document that shows contours and wall heights should be provided.

Mr. Fitzpatrick asked about photometrics and asked for a separate document that shows all of the lighting with photometrics. He noted that some of the lighting is proposed to be installed higher than the manufacturer might recommend which could affect the utility of the cutoffs.

There were questions about the existing impervious surface that was being included on the credited amount over 35%. There was discussion about a site walk with the Planning Board.

The Board took no issues with the requested waivers.

Member Fitzpatrick moved to find the application complete with conditions: Proceed to an August 3, 2016 public hearing pending Design Review Board approval and conditioned on lighting cutsheets, photometrics and utility easements. Mr. St. Germain seconded the motion which passed four in favor and none against.

Member Fitzpatrick moved to have a site visit in the next two weeks. Mr. St. Germain seconded the motion which was approved four in favor and none against. It was noted that there would be no Board action taken at the site visit.

b. Land Use Ordinance – Draft Parking Amendments – PUBLIC HEARING - 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.

1. Draft Warrant Article a - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated June 1, 2016 and entitled “An amendment to parking regulations in the Land Use Ordinance” be enacted?

(An amendment to add the terms parking garage and parking deck with definitions, to add language to the definition of accessory use, to add certain parking uses and accessory uses to certain districts, delete certain accessory parking uses from certain districts and adds provisions for greater utilization of off-site, off-street parking).

2. Draft Warrant Article b - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated June 1, 2016 and entitled “An amendment to restore parking garage use to the Bar Harbor Gateway district in the Land Use Ordinance” be enacted?

3. Draft Warrant Article c - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated June 1, 2016 and entitled “An amendment to restore parking garage use to the Downtown Village I district in the Land Use Ordinance” be enacted?

4. Draft Warrant Article d - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated June 1, 2016 and entitled “An amendment to restore parking garage use to the Downtown Village II district in the Land Use Ordinance” be enacted?

5. Draft Warrant Article e - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated June 1, 2016 and entitled “An amendment to add parking garage use to the Educational Institutional district and Scientific Research for Eleemosynary Purposes district in the Land Use Ordinance” be enacted?

6. Draft Warrant Article f - LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated June 1, 2016 and entitled “An amendment to remove parking garage use from the Downtown Residential District and Town Hill Business District in the Land Use Ordinance” be enacted?

Chair Rasmussen indicated that the public hearing would be inclusive of all the draft warrant articles and that discussion would not be limited to individual articles. Chair Rasmussen opened the public hearing and asked for comments.

Noreen Hogan cited increasing traffic and parking pressure in the area around the hospital but did not want a parking garage.

David Bowden recounted the long history of parking concerns in the town. Urged the Board that the town, public and private, needs the tools to solve parking issues. Downtown and at Jackson Lab is where parking garages are needed. Urged reducing the number of warrant articles to three.

Suzanne Morrison raised the question about design review and that nothing was contained in the amendments to address design review of parking facilities.

Ed Bearor, Town Attorney was asked by the Board about combination of the warrant articles and indicated that the Board recommendation could include recommendation to do so.

Jake Jagel asked if merging six articles into three was a substantive change? Mr. Bearor indicated that all of the warrant articles contain parking and locations where parking uses are allowed or restricted. If the change was mixed with other topics it would be substantive.

Marie Donnelly asked about parking at the ferry terminal.

Dessa Dancy asked why it was necessary to add parking garage use to the Downtown I district given that municipal uses are contemplated in the district.

Donna Karlson offered suggestions for parking decks and parking garages. She suggested that the parking issue is a summer issue and other solutions were better. Suggested that parking garages and decks should be conditional uses. Noted that storage is stated in the definition of parking garage but not parking deck. Recommended that the articles not be combined. She indicated that she did like many parts of what are being proposed.

Mike Siclosi indicated that parking garage and parking deck are a great first step and that design issues should follow. He did not recommend the articles be combined.

Erin Early-Ward noted that the design of parking garages and decks are tied to the district standards including dimensional standards.

David Bowden indicated that the original West Street Hotel proposal included a parking garage and that it is allowed. Separating the warrants will take away tools. He did not agree that parking was a summer issue only indicating that people circle in February for on-street parking as well.

Marie Donnelly indicated she does not support combining the articles.

Liz Case indicated that she does not support combining the articles. She asked if the Board is satisfied that everything has been looked at? She wants small businesses to succeed.

Matt Hochman reminded the gathering that the parking committee is starting up and urged interested individuals to get involved.

Robert Chapin lauded the walking beauty of the town and suggested that a parking garage would ruin the beauty of the town. He encouraged longer walks. The number one consideration is beauty.

Martha Searchfield spoke about the accessory use language contained in the first article.

Dean Briar spoke about article f and the removal of parking garage from the Town Hill Business and Downtown Residential.

Shortly thereafter Chairman Rasmussen closed the public hearing.

Recommendations to the Town Council:

Member Cough made a motion to recommend passage of Agenda Items 2, 3, 4 and 5, Draft Warrant Articles "b, c, d, e" but with the added recommendation that these four changes be presented in a single ballot question. Member St. Germain seconded the motion. The Planning Board voted 3-2 to approve the motion. The ballot question could read as follows to insure the integrity of the individual questions posed in Agenda items 2,3,4,5:

" Shall an Ordinance dated June 1, 2016 and entitled "An amendment to restore parking garage use to Bar Harbor Gateway district, Downtown Village district I, Downtown Village II district, and add parking garage use to the Educational Institutional district and Scientific Research for Eleemosynary Purpose district in the Land Use Ordinance be enacted."

Member Cough moved to recommend that Agenda Item 6, Draft Warrant Article f not be presented to the voters at this time. It is the intention of the Planning Board to make a recommendation on this proposed amendment which, if passed, would remove parking garage as a permitted use in the Downtown Residential District and Town Hill Business District following the November voting on the other proposed amendments, with its expectation being that the question would be posed to the voters in June, 2017. Member St. Germain seconded the motion. The Planning Board voted 5-0 in favor of the motion.

Member Cough made a motion to recommend passage of Agenda item 1, Draft Warrant Article "a" as written. Member St. Germain seconded the motion. The Planning Board voted 4-0 to approve the motion. (Member Fitzpatrick was not present for this vote).

VII. OTHER BUSINESS

- a. Pending Applications (Mount Desert Street, LLC)

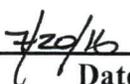
VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn the meeting at 6:35 pm. Mr. St. Germain seconded the motion. The Board voted unanimously to adjourn.

Signed as approved:


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


Date