

Minutes
Bar Harbor Planning Board
Wednesday, August 3, 2016
Council Chambers – Municipal Building
93 Cottage Street
4:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 4:00 PM. Planning Board members present: Ivan Rasmussen, Chair; Tom St. Germain, Vice Chair; John Fitzpatrick, Secretary; Joe Cough, Member and Basil Eleftheriou, Jr., Member.

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

II. ADOPTION OF THE AGENDA

Mr. Cough raised a question regarding 68 Mount Desert Street appearing on the agenda because at the Completeness review it was moved that the public hearing be set to August 3 pending the recommendation from Design Review Board. Mr. Cough noted that the plan had not yet been approved by the Design Review Board. It was discussed that Public Hearing had been advertised and people were present. Member Eleftheriou, Jr. moved the agenda as presented and Member Fitzpatrick seconded the motion which was approved four in favor and one against.

III. EXCUSED ABSENCES

None

IV. APPROVAL OF THE MINUTES

a. July 20, 2016 Regular Meeting

Member Fitzpatrick moved to approve the minutes as presented and Member Eleftheriou seconded the motion which was approved unanimously.

V. REGULAR BUSINESS

a. Public Hearing- Conditional Use Application – 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).

Member Cough noted that he was recused from this item and left the room.

The Board discussed that they had previously perhaps acted in error to accept Mr. Cough's offer to recuse himself on this item. Mr. Cough has no financial connection to this application and applicant and can reasonably be objective with regard to the application and applicant.

Mr. Eleftheriou, Jr. moved that Mr. Cough not be recused on this item and Mr. St. Germain seconded the motion which was approved four in favor and none against.

Mr. Cough returned to the meeting.

Greg Johnston, PE and Todd Hardy, Architect spoke in support of the application providing a brief description of the project.

The Board discussed the fact that the Design Review Board had not yet acted on the application and reasoned that there was no ordinance prohibition from proceeding with the public hearing to hear from those in attendance although it could prevent the Board from making a ruling on the item.

Chair Rasmussen opened the public hearing and asked for those who wished to speak on the application.

Eric Altham, 74 Mount Desert Street, stated that he is not against development but noted that the state definition of bed and breakfast includes the phrase "provided in a private home". He stated his concern to the impact on the historic corridor and cautioned that it needs to be looked into carefully.

Robert Bahr, 47 Mount Desert Street, 57 Mount Desert Street and 92 Eden Street addressed the Board. He noted that they own several bed and breakfasts in the area. There had previously been a 10 room limit on bed and breakfasts but that limit was removed. He noted that state licensing is required for a bed and breakfast. He asked that the application be denied.

Pat Samuel, Graycote Inn addressed the Board. She stated that the current design does not support the purpose of the Mount Desert Street District which includes the phrase "retain the historic character of the corridor". She urged that the Board deny the application in its current form because a bed and breakfast should look like a home (she had previously noted that this looks like an apartment house).

Dianna Moran, Spring Street addressed the Board. She expressed concern that a wider area should have been notified. She expressed concerns regarding traffic. She expressed concern about the building design.

Marie x addressed the Board. She questioned how this came about? She stated that a bed and breakfast of this size is a mistake.

As no one else wished to speak Chair Rasmussen closed the Public Hearing and asked the Board for comments.

Mr. Eleftheriou, Jr. questioned the required setback for the driveway. Greg Johnston stated that the driveway setback is 10 feet.

Mr. Elefthreiou, Jr. questioned the required setback for the dumpster and its pad.

Angela Chamberlain. Code Enforcement Officer indicated that the setback would be 25 feet.

Greg Johnston questioned if the dumpster would qualify as an essential service which could exempt the setback previously stated. Essential services as identified in 125-67.6 H allows collection – supply – disposal systems.

Angela Chamberlain indicated that this would be up to the Planning Board to determine.

Member Fitzpatrick indicated that he would disagree that a dumpster is an essential service reading the entire section.

Member Cough questioned the proposed radius on the driveway at the street and does it meet what is needed?

Mr. Johnston indicated that the Mount Desert Street cuts would meet a 40 foot radius on a right turn which is adequate.

Mr. Cough asked if the details of the curb cuts could be expanded and detailed for the front curb cuts.

Mr. Johnston indicated that the Spring Street curb cuts show a 10 foot radius. It also shows that the drive would be widened 6 to 8 feet at the opening.

Mr. Fitzpatrick suggested that the dumpster be moved. He noted that the lighting photometric range in the parking lot is 25 to 1 which is a broad range. He suggested adding poles and lights to even out the lighting. He noted that for light color that 3,000K is preferred.

Mr. Fitzpatrick suggested that the definition of dwelling unit (bed and breakfast is to be conducted within a dwelling unit) is not met although he conceded that the ordinance is not well written.

Mr. Johnston stated that with regard to the lighting of the parking lot he was working with the fact that there is lighting in the street which contributes illumination to the parking lot. The proposed poles are 12 feet in height.

Mr. Fitzpatrick asked if the Planner would seek a town legal opinion on the dwelling unit question (“in a dwelling unit”).

Mr. St. Germain moved to continue the Public Hearing to August 17, 2016 contingent on Design Review Board decision and information from the Town Attorney. Mr. Eleftheriou, Jr. seconded the motion which was approved five in favor and none against.

b. Completeness Review- Site Plan Application – SP-2016-01– Acadia Hotel

Project Location: 16 Mount Desert Street, Bar Harbor Tax Map 104, Lot 452-000

Applicant: H&P Enterprises, LLC (Peter Hastings)

Application: The applicant is proposing demolition of an existing commercial building and construction of a 3 -story, 10,000 sq. ft. building used for an eight-room expansion of the Acadia Hotel with retail space and year-round, two bedroom apartment and employee housing, with associated parking.

Peter Hastings was present to discuss the project with the Board. He briefly discussed that the application is for an 8 room addition to the Acadia Hotel with the new lobby and elevator in the building and an elevated walkway to the existing building. The first floor would contain retail space. There would be a studio apartment in the basement.

Mr. Fitzpatrick asked if there would be signage? Mr. Hastings stated that the signage had not yet been determined. He indicated that there were a total of 21 guest rooms with the two buildings combined.

Mr. Fitzpatrick requested that applicant provide an area map that shows the curb openings.

Mr. Cough indicated that a 10,000 sq. ft. building requires a loading berth for a hotel and cited the ordinance reference as 125-67 on page 125 58.2.

Chair Rasmussen called for a motion on the requested waivers. Mr. Fitzpatrick moved to accept the request for waivers except for 9M and Mr. St. Germain seconded the motion which was approved five in favor and none against.

The Board proceeded to discuss the completeness of the application itself.

Mr. Fitzpatrick identified the photometric of the site shielding from neighbors, output rating and color of bulbs. 125-67Z-3.

Mr. St. Germain identified parking space details at the Public Hearing.

Mr. Eleftheriou, Jr. moved that the application was complete and to set it for public hearing on September 7, 2016. Mr. St. Germain seconded the motion which was approved unanimously.

VI. Land Use Ordinance Discussion of Draft Shoreland District at Ferry Terminal

The Board discussed the need to visit this site and asked the Planning Director to arrange for that to happen.

VII. OTHER BUSINESS

None

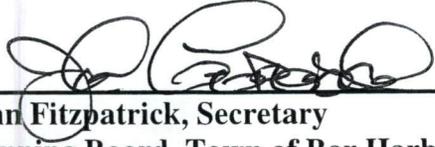
VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Fitzpatrick indicated that he would not be available on August 17, 2016.

IX. ADJOURNMENT

Mr. Cough moved to adjourn the meeting at 5:56 pm. Mr. Eleftheriou seconded the motion. The Board voted five in favor and none against the motion to adjourn.

Signed as approved:



**John Fitzpatrick, Secretary
Planning Board, Town of Bar Harbor**

9/7/16
Date