Minutes
Bar Harbor Planning Board
Wednesday, October 19, 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: Tom St. Germain, Vice Chair; John Fitzpatrick, Secretary; Joe Cough, Member and Basil Eleftheriou, Jr., Member.

Also present: Robert Osborne, Planning Director and Cornell Knight, Town Manager.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as published. Mr. Fitzpatrick seconded the motion which was approved unanimously.

III. EXCUSED ABSENCES

None (It was noted that there is now an opening on the Planning Board)

IV. APPROVAL OF THE MINUTES

a. October 5, 2016 meeting and October 14, 2016 special meeting

Mr. Fitzpatrick moved to approve the minutes of October 5, 2016 as presented and Mr. Eleftheriou, Jr. seconded the motion which was approved unanimously.

Mr. Fitzpatrick moved to approve the minutes of October 14, 2016 as presented and Mr. Eleftheriou, Jr. seconded the motion which was approved unanimously.

V. REGULAR BUSINESS

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

Each member of the Planning Board indicated that they support creating a district in which cruise ship operations may be conducted. They proceeded to finalize a list of uses that might be allowed in the proposed Shoreland Maritime Activities District.

The Board discussed the draft language for the proposed use: Passenger Terminal. The Planning Board discussed some background concerning the request from Maine Port Authority requesting the zoning amendment to add the cruise ship use to the Eden Street location.

It was discussed that open air activities are not contemplated in any district in the Land Use Ordinance. It was discussed that with the creation of a new shoreland district that it would be necessary to review all citations for shoreland districts to see if an unintentional conflict was created.

It was discussed that there are a list of uses contemplated in the district that need not be repeated in the passenger terminal definition. It was also noted that there are some inclusive terms such as multi modal facility that would include uses such as bus stops. It was discussed that "tourist related" may also allow busses.

Mr. Cough asked questions related to the potential marina use for recreational boating. Water related public recreation uses. He indicated that open air events were not needed in the list of uses in the draft definition for passenger terminal.

Mr. Eleftheriou, Jr. suggested that shops and restaurants need not be in the definition of passenger terminal because they are in the uses allowed in the district. He suggested that bus stop could be in the allowed uses. He suggested that welcoming center, excursion operations and bus stops/ground transportation could be put in allowed uses.

Commercial waterborne passenger facility from the Port Authority letter was discussed. It was agreed that shops and restaurants did not need to be in the definition but that welcoming center and excursion operations might be appropriate.

There was some discussion about what a water dependent use is and the setback requirements are.

There were several attempts to list what was in and out of the definition. Finally Mr. Fitzpatrick asked the Board to go through the list of uses in the district to identify what uses are appropriate and which are not.

The Board reasoned that a few of the uses currently allowed in the neighboring districts are likely inappropriate for this location and propose that bed and breakfasts; child care center; motel; nursing or convalescent home; private compulsory school and wind turbines are not appropriate at this location but the remainder of the uses found below are appropriate. The Board thought that the remaining uses will provide flexibility to the Maine Port Authority/Maine Department of Transportation:

Based on this discussion the Board agreed to meet with the Council in a joint meeting .

Mr. Fitzpatrick indicated that the overall goal is a pier not the other uses and that the dimensional standards are very important in that regard.

b. Land Use Ordinance Discussion of Parking

Mr. Osborne indicated that there would be a draft set of warrant articles available for the next meeting that would attempt to address a number of questions that had been raised through the recent hearings and reviews.

c. Land Use Ordinance Discussion of Minimum Area Per Family

The Board briefly discussed the minimum area per family amendments and agreed that they are ready to be discussed with the Town Council.

There was some general discussion that the housing issue is much deeper than this and would require good data to analyze. The questions include lack of seasonal housing for workers; affordability of housing for seasonal and year round workers and other issues as well. Mr. Fitzpatrick suggested that the Board obtain better information regarding this question noting that any effort to truly address the many housing issues of the town would require better data.

OTHER BUSINESS

a. Cottage Street Streetscape RFP Update

Mr. Osborne noted that the review committee had met with design firms and that a recommendation to contract with one of them was on the Town Manager's desk at this time.

b. Pending Applications
(CU) Mount Desert Street, LLC (68 Mount Desert Street)
(SD & SP) Acadia Park, LLC (134 Main Street)

Mr. Osborne indicated that Mr. Cough had provided questions that he had regarding MDOT approval, curb cuts, parking, driveways, loading berths and non-conformities and that the list was passed on to the applicant.

c. Sign Minor Subdivision Plans–

Mr. Osborne noted that this plan had been approved by staff in accordance with the LUO. The Planning Board signed the subdivision plans after they adjourned. The plans were subdivision revisions for the White Deer Subdivision and the Under the Hill subdivision.

VI. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

VII. ADJOURNMENT

Mr. Cough moved to adjourn the meeting at 6:25 pm. Mr. Fitzpatrick seconded the motion. The Board voted four in favor and none against the motion to adjourn.

Signed as approved:

10/26/16

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

V. a.

Draft Order

Of the Bar Harbor Town Council
For the November 8, 2016 Town Meeting

It is hereby ordered that the following article be placed on the special town meeting warrant with voting thereon to be held by Australian ballot.

Draft Warrant Article a

LAND USE ORDINANCE AMENDMENT – Parking – Shall an Ordinance dated x, 2016 and entitled "An amendment to parking regulations in the Land Use Ordinance" be enacted?

Parking

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.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is <u>underlined</u>.]

Chapter 125 , LAND USE ORDINANCE

ARTICLE XII Construction and Definitions

§ 125-109 Definitions.

The following terms shall have the following meanings: