

**Minutes**  
**Bar Harbor Town Council**  
**February 18, 2020**

- I. CALL TO ORDER** – 7:00 P.M.-In attendance were Councilors Jefferson Dobbs, Matthew Hochman, Stephen Coston, Gary Friedmann, Erin Cough, Joe Minutolo; and Town Manager Cornell Knight.
- A. Excused Absence(s)** – Mr. Hochman, with second by Mr. Minutolo, moved to excuse Councilor Goldthwait as provided by Town Charter section C-12.B(1)(d). Motion passed 6-0.
- II. COMMITTEE APPOINTMENTS** - *Council to consider Appointments Committee recommendations to appoint the following with expiration date of July 31 of their applicable year:*
- A. Housing Authority**
1. *Roger Bremekamp, term expiring 2024*
  2. *Christine Witham, term expiring 2024*
- Mr. Friedmann, on behalf of the Appointments Committee, moved the slate as listed. No second. The slate was appointed unanimously.
- III. PUBLIC COMMENT PERIOD** - *The Town Council allows at this time up to fifteen minutes of public comment on any subject not on the agenda and not in litigation with a maximum of three minutes per person.* – Laureen Donnelly requested that Council provide a listening session on cruise ships to take an overall look at the whole issue and gave some recommendations.
- IV. APPROVAL OF MINUTES** –
- A. January 30, 2020 Special Meeting**  
Mr. Hochman, with second by Ms. Cough, moved to approve the January 30, 2020 Special Meeting minutes as presented. Motion passed 6-0.
- B. February 4, 2020 Regular Meeting**  
Mr. Hochman, with second by Ms. Cough, moved to approve the February 4, 2020 Regular Meeting minutes as presented. Motion passed 6-0.
- V. ADOPTION OF AGENDA** –Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as presented. Motion passed 6-0.
- VI. FINANCIAL REPORT** - *Review and possible adoption of a motion to accept the financial statements as presented.* Finance Director Stan Harmon presented his report. Mr. Hochman, with second by Ms. Cough, moved to accept the financial report as presented. Motion passed 6-0.
- VII. CONSENT AGENDA** - *A single vote has been scheduled to approve the following routine items of business without discussion, unless individual agenda item action is requested by a Councilor:*

- A. **CDBG Grant** – *Possible motion to apply for a CDBG grant, and accept funding if awarded, on behalf of the Bar Harbor Housing Authority to make overdue repairs to the Rodick Lorraine Apartments.*

Mr. Hochman, with second by Ms. Cough, moved to approve the Consent Agenda as published. Motion passed 6-0.

**VIII. PUBLIC HEARINGS**

- A. **Special Amusement Permit Renewal: 1932 Criterion Theatre, 35 Cottage St,** *request for Class 4 Other Entertainment as submitted by Richard Cleary.* Councilor Hochman stated he no longer has a financial conflict of interest with the Criterion. There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to approve the Special Amusement Permit for the 1932 Criterion Theatre for a Class 4 Other Entertainment as submitted. Motion passed 6-0.
- B. **Fire Prevention Ordinance Amendment #2020-02** – *Public comment and possible adoption of the amendment to Chapter 85 of the Municipal Code.* There being no public comment, Mr. Hochman, with second by Ms. Cough, moved to adopt the amendments to the Fire Prevention Ordinance Chapter 85 of the Municipal Code as presented. Motion passed 6-0.

**Fire Prevention Ordinance Amendment**  
Town of Bar Harbor  
#2020-02

**An Amendment to resolve code conflicts with the Maine Uniform Building and Energy Code (MUBEC) in Chapter 36.**

*The Town of Bar Harbor hereby ordains that Chapter 85, Fire Prevention, of the Town Code is amended as follows:*

[Please Note: Old language is ~~stricken~~. New language is underlined.]

**CHAPTER 85 – FIRE PREVENTION**

§ 85-1 Life Safety and Fire Prevention Codes.

A. Life Safety Code adopted. ~~The Town of Bar Harbor ordains the most current~~ The 2009 edition of the NFPA 101 Life Safety Code, as amended to avoid conflict with the Maine Uniform Building and Energy Code and as published by the National Fire Protection Association, is hereby adopted as the official Life Safety Code of the Town of Bar Harbor, with the same force and effect as though set out in full herein. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor.

(1) Amendments. NFPA 101, Life Safety Code, 2009 edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Unvented fuel-fired heaters. Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.

(b) Extinguishment Requirements. The following provisions of NFPA # 101, Life Safety Code, 2009 edition, are not incorporated by reference:

[1] Chapter 12, section 12.3.5.3, subsections 3 & 4; and,

[2] Chapter 13, section 13.3.5.3, subsections 1 & 2.

(c) Extinguishment Requirements in One- and Two- Family Dwellings. Section 24.3.5.1 of NFPA 101, Life Safety Code, 2009 edition, is not incorporated by reference.

(d) Stair risers, guards, treads, and tread nosing. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are modified as indicated: The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾” riser for

newly constructed stairs in one- and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly constructed one-and two family dwellings.

(e) Separated Occupancies. Tables 6.1.14.4.1 a & b, "Required Separation of Occupancies (hours.)" shall be crossed referenced with Table 508.4 Required Separation of Occupancies of the 2015 International Building Code(IBC). Where separation requirements in the two tables conflict, separation requirements set forth in the IBC table control.

(f) Accessory Occupancies. Chapter 6, Section 6.1.14.1.3 of NFPA 101, Life Safety Code, 2009 edition, is not incorporated. Section 508.2 Accessory Occupancies, of the 2015 International Building Code governs.

(g) Dead End Corridors. The following provisions of NFPA 101, Life Safety Code, 2009 edition, are modified as indicated: Chapter 18, Section 18.2.5.2 is modified to require dead end corridors not to exceed 20 feet. Chapter 32, Section 32.3.2.5.4 is modified to require dead end corridors not to exceed 50 feet. Chapter 42, Table 42.2.5 is modified to require that a dead end corridor in an ordinary hazard storage occupancy protected by a sprinkler system not exceed 50 feet. A dead end corridor in an ordinary hazard storage occupancy not protected by a sprinkler shall not exceed 20 ft.

B. Fire Prevention Code adopted. In accordance with 30-A M.R.S.A. § 3003, as amended, the NFPA 1, Uniform Fire Code, 2006 edition, as published by the National Fire Protection Association, is hereby adopted as the Fire Prevention Code of the Town of Bar Harbor. A copy of said code shall be kept on file in the office of the Clerk of the Town of Bar Harbor. Said code is hereby incorporated by reference as the minimum standards for safeguarding life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises.

(1) Amendments. NFPA 1, Uniform Fire Code, 2006 Edition, is adopted in its published form as if fully set forth herein, with the following amendments and exceptions:

(a) Chapter 13, Section 2.2.2 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.

(b) Chapter 20, Sections 2.3.5; 3.2.1; 4.2.6; 5.2.5.4; 6.2.6; 7.2.6; 8.2.6; 9.2.2; 10.2; and 11.2 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.

(c) Chapter 65, Section 11 of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated. (See Rules of the State Fire Marshal, Chapter 25, and Title 8 M.R.S.A § 236.)

(d) Chapter 66, Table(s) 66.2.3.2.1.1(a); 66.2.3.2.1.1(b); 66.2.3.2.1.4. of NFPA 1, Uniform Fire Code, 2006 edition, is not incorporated.

(e) Chapter 20, Section 11.1 shall be amended to read as follows:

Chapter 20, Section 11.1 Application. New and existing one-and two-family dwellings shall comply with Section 20.11 and NFPA 101. Chapter 24, Section 3.5.1, of NFPA 101 shall not be incorporated in this rule.

BC. Penalty. The violation of any provision of said Fire Prevention Code or Life Safety Code shall be punishable by a fine of not more than \$500 plus costs and/or imprisonment for not more than six months. This penalty shall be deemed to be exclusive of any other appropriate legal or equitable action. Each day any violation of said code occurs or continues shall constitute a separate offense.

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[End of Ordinance]

## **C. FY 21 Budget**

1. *Public comment on the proposed budget for fiscal year 2021 (July 1, 2020 to June 30, 2021). No public comment.*

- 2. *Possible adoption of the proposed budget as presented/amended and recommend it to the Warrant Committee.* Town Manager Knight gave a brief overview. The high school assessment originally had a 3.5% increase but is now an 11% increase. With the county increase of 7.6%, the high school increase of 9.8%, the local education budget increase of 3% and the decrease in the municipal budget of 0.6%, all those combined would increase the mil rate from 11.85 to 12.18, a 2.8% increase. Following discussion, Mr. Hochman, with second by Ms. Cough, moved to adopt the proposed 2021 Municipal Budget and recommend it to the Warrant Committee. Motion passed 6-0.

**D. LUO Amendments June 2020 - Public comment and possible motion to sign the orders placing the following LUO amendments on the June 9, 2020 annual town meeting warrant.**

**1. Addressing Officer**

No public comment. Mr. Hochman, with second by Ms. Cough, moved to sign the Addressing Officer Order and place the amendment on the June 9, 2020 annual town meeting warrant. Motion passed 6-0.

**Order  
of the Bar Harbor Town Council  
For the June 9, 2020 Town Meeting**

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

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**Warrant Article**

**Article \_\_ LAND USE ORDINANCE AMENDMENT — Addressing Officer** – Shall an ordinance dated December 16, 2019 and entitled “An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor” be enacted?

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**Addressing Officer**

**An amendment to Article V, Site Plan Review, to use the term Addressing Officer in place of Municipal Tax Assessor**

*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 underlined.]

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**Chapter 125 , LAND USE ORDINANCE**

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**ARTICLE V Site Plan Review**

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**§ 125-66 Submission requirements**

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- K.** Assessor's certification of street names. Written certification of the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) that the proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

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**§ 125-67 General review standards**

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- G.** Streets, sidewalks and access.

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(4) Names.

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(b) No plan shall be approved unless the Planning Board finds that the ~~Municipal Tax Assessor~~ Addressing Officer (as defined in Chapter 5, §5-5) has issued written certification that proposed street names for proposed streets in the development comply with all requirements for the enhanced 911 system.

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**EXPLANATION:**

The replacement of the words “Municipal Tax Assessor” with the words “Addressing Officer” updates the Land Use Ordinance and aligns it with language used in Chapter 5 (Addressing Ordinance) of the town’s Municipal Code (which took effect November 14, 2019).

**2. Permitting Authority etc.**

No public comment. Mr. Hochman, with second by Ms. Cough, moved to sign the Permitting Authority Order and place the amendment on the June 9, 2020 annual town meeting warrant. Motion passed 6-0.

**Order**

Of the Bar Harbor Town Council  
For the June 9, 2020 Town Meeting

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

**Warrant Article**

**Article \_\_\_ LAND USE ORDINANCE AMENDMENT – Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District** – Shall an ordinance dated December 16, 2019 and entitled “An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district” be enacted?

**Permitting Authority for Certain Residential Uses in Certain Districts, Adding a Use in the Shoreland General Development II District, and Removing Uses in the Shoreland Maritime Activities District**

**An amendment to change the level of permitting for multifamily dwelling I uses from the Planning Board to Code Enforcement Officer (CEO) in 22 specific districts; address an inconsistency in the Land Use Ordinance by making the CEO the permitting authority for two-family dwellings in the Village Historic district; change the level of permitting for single-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district**

*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 underlined.]

**Chapter 125 , LAND USE ORDINANCE**

**ARTICLE III Land Use Activities and Standards**

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**§ 125-17 Bar Harbor Gateway**

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C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility; municipal school; public or private park with minimal structural development; vacation rentals; single-family dwelling and two-family dwelling.

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D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; ~~multifamily dwelling I~~; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

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**§ 125-18 Village Historic**

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C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: home occupation; public or private park with minimal structural development; multifamily dwelling I; vacation rentals; single-family dwelling, two-family dwelling; noncommercial greenhouse, and government facility/use.

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D. Uses allowed by site plan.

(1) Except for lots with road frontage on or access to Harbor Lane, and only so long as the use is located in a building constructed before June 8, 2010, the following uses shall be permitted in the district: bed-and-breakfast I; eleemosynary; private club.

(2) In addition to the above-noted uses, the following uses shall be permitted for properties with road frontage or access to the Baymeath Road, Lookout Point Road, and the Syndicate Road only: municipal schools, museums, ~~multifamily I, two-family dwellings.~~

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**§ 125-19 Mount Desert Street Corridor**

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C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, multifamily dwelling I, place of worship; public or private park, single- or two-family dwelling; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) Principal uses allowed by minor site plan approval: wind turbines, offices, all types of schools, bed-and-breakfast I and II.

(2) Principal uses allowed by major site plan: convalescent home; multifamily ~~dwelling I and II~~; theaters.

(3) Principal uses allowed by conditional use permit: retail; restaurants; bed-and-breakfast III and IV.

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**§ 125-20 Village Residential**

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C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility with road frontage on Route 3 or Eagle Lake Road; home occupation; municipal school; public or private park; single- and two-family dwelling; multifamily dwelling I; roadside stand; vacation rentals.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal use.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: ~~multifamily~~ ; nursing/convalescent home in a building constructed before June 8, 2010, road construction.

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**§ 125-21 Downtown Village I**

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C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; multifamily dwelling I; restaurants and bars; theaters; galleries; services, professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling ~~I and II~~; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

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**§ 125-21.1 Downtown Village II**

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C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services, vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation; multifamily dwelling I.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling ~~I and II~~; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

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**§ 125-21.2 Downtown Village Transitional**

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C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information; municipal uses; galleries; services; professional office buildings; vacation rentals; bed-and-breakfast I, II and III; single- and two-family residential; family child-care; food-processing establishments; laundry and dry cleaning; multifamily dwelling I; artist studio; farmers market; home occupation.

(2) Uses allowed by site plan review: multifamily dwelling ~~I and~~ II; parking lot; all other types of child-care facilities; medical clinics; automobile sales lot; automobile repair garage; retirement community.

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**§ 125-22 Downtown Residential**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Child-care center
- Hospital
- ~~Multifamily dwelling I~~
- Parking garage and parking lot
- Place of worship
- Road construction
- Transient accommodations (TA-1)
- Transient accommodations (TA-3)
- Transient accommodations (TA-4)
- Wireless communications facility

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Commercial garden, greenhouse or nursery
- Driveway construction
- Farmers' market
- Filling/earthmoving activity of 10 cubic yards or more
- Noncommercial greenhouse
- Multifamily dwelling I
- Public or private park with minimal structural development
- Single-family dwelling
- Two-family dwelling
- Undertaking establishment
- Uses or small structures accessory to permitted uses or structures
- Vacation rentals

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**§ 125-24 Hulls Cove Business**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Bank

Commercial boatyard  
 Commercial fish pier  
 Commercial stable  
 Ferry terminal  
 Hospital  
 Light manufacturing/assembly plant  
 Marina

~~Multifamily dwelling I~~

Multifamily dwelling II

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling  
 Agriculture, avocational  
 Commercial art gallery or pottery barn  
 Commercial garden, greenhouse or nursery  
 Driveway construction  
 Farmers' market  
 Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Public or private park with minimal structural development  
 Single-family dwelling  
 Two-family dwelling  
 Uses or small structures accessory to permitted uses or structures  
 Vacation rentals

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**§ 125-26 Hulls Cove Residential Corridor**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground  
 Cemetery  
~~Multifamily dwelling I~~  
 Multifamily dwelling II  
 Place of worship  
 Road construction  
 Transient accommodations (TA-1)  
 Transient accommodations (TA-3)  
 Transient accommodations (TA-4)  
 Wireless communications facility

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling  
 Agriculture, avocational  
 Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

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**§ 125-31 Ireson Hill Corridor**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Mineral extraction

Mineral extraction and processing

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Commercial art gallery or pottery barn

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Grocery stores

Noncommercial greenhouse

Multifamily dwelling I

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

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**§ 125-32 Ireson Hill Residential**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cemetery
- Eleemosynary, educational or scientific institution
- ~~Multifamily dwelling I~~
- Municipal school
- Place of worship
- Road construction
- Transient accommodations (TA-1)
- Wireless communications facility

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Agriculture, avocational
- Driveway construction
- Filling/earthmoving activity of 10 cubic yards or more
- Multifamily dwelling I
- Noncommercial greenhouse
- Noncommercial stable
- Public or private park with minimal structural development
- Roadside stand
- Single-family dwelling
- Two-family dwelling
- Uses or small structures accessory to permitted uses or structures
- Vacation rentals

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**§ 125-37 Salisbury Cove Corridor**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cemetery
- Kennel, boarding
- ~~Multifamily dwelling I~~
- Multifamily dwelling II
- Place of worship
- Road construction
- Transient accommodations (TA-1)
- Transient accommodations (TA-2)
- Transient accommodations (TA-3)
- Transient accommodations (TA-4)
- Transient accommodations (TA-5)
- Transient accommodations (TA-6)
- Wireless communications facility

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling

Agriculture, avocational  
 Commercial garden, greenhouse or nursery  
 Driveway construction  
 Farmers' market  
 Filling/earthmoving activity of 10 cubic yards or more  
 Kennel  
Multifamily dwelling I  
 Noncommercial greenhouse  
 Noncommercial kennel  
 Noncommercial stable  
 Public or private park with minimal structural development  
 Single-family dwelling  
 Two-family dwelling  
 Uses or small structures accessory to permitted uses or structures  
 Vacation rentals

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**§ 125-38 Salisbury Cove Residential**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Kennel, boarding  
~~Multifamily dwelling I~~  
 Road construction  
 Wireless communications facility

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling  
 Agriculture, avocational  
 Driveway construction  
 Filling/earthmoving activity of 10 cubic yards or more  
 Kennel  
Multifamily dwelling I  
 Noncommercial greenhouse  
 Noncommercial kennel  
 Noncommercial stable  
 Public or private park with minimal structural development  
 Single-family dwelling  
 Two-family dwelling  
 Uses or small structures accessory to permitted uses or structures  
 Vacation rentals

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**§ 125-40 Salisbury Cove Village**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Marina

~~Multifamily dwelling I~~

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling

Agriculture, avocational

Driveway construction

Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

Noncommercial kennel

Noncommercial stable

Public or private park with minimal structural development

Roadside stand

Single-family dwelling

Two-family dwelling

Uses or small structures accessory to permitted uses or structures

Vacation rentals

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**§ 125-43 Town Hill Business**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

~~Multifamily dwelling I~~

Multifamily dwelling II

Municipal school  
Newspaper or printing facility

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling  
Agriculture, avocational  
Commercial art gallery or pottery barn  
Commercial garden, greenhouse or nursery  
Driveway construction  
Farmers' market  
Filling/earthmoving activity of 10 cubic yards or more  
Grocery stores

Multifamily dwelling I

Noncommercial greenhouse  
Noncommercial kennel  
Noncommercial stable  
Public or private park with minimal structural development

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**§ 125-44 Town Hill Residential Corridor**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Agriculture, commercial  
Campground  
Cemetery  
~~Multifamily dwelling I~~  
Multifamily dwelling II  
Municipal school  
Municipal facility and grounds  
Place of worship  
Road construction  
Transient accommodations (TA-1)  
Transient accommodations (TA-3)  
Transient accommodations (TA-4)  
Wireless communications facility

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E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling  
Agriculture, avocational  
Commercial garden, greenhouse or nursery  
Driveway construction  
Filling/earthmoving activity of 10 cubic yards or more

Multifamily dwelling I

Noncommercial greenhouse

- Noncommercial kennel
- Noncommercial stable
- Public or private park with minimal structural development
- Roadside stand
- Single-family dwelling
- Two-family dwelling

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**§ 125-45 Town Hill Residential**

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D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Agriculture, commercial
- Campground
- Cemetery
- Commercial stable
- Marina
- Mobile home park
- ~~Multifamily dwelling I~~
- Municipal facility and grounds
- Municipal school
- Place of worship
- Road construction
- Transient accommodations (TA-1)

\*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Agriculture, avocational
- Commercial garden, greenhouse or nursery
- Driveway construction
- Filling/earthmoving activity of 10 cubic yards or more
- Multifamily dwelling I
- Noncommercial greenhouse
- Noncommercial kennel
- Noncommercial stable

\*\*\*

**§ 125-47 Shoreland General Development I**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cocktail lounge
- Commercial fish pier
- Commercial structure
- Essential services accessory to a permitted use or structure
- Ferry terminal
- Gift shops

Marina  
~~Multifamily dwelling I~~  
 Multifamily dwelling II  
 Municipal facility and grounds  
 Recreational boating facility  
 \*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling  
 Driveway construction  
 Filling/earthmoving activity of 10 cubic yards or more  
Multifamily dwelling I  
 Public or private park with minimal structural development  
 Single-family dwelling  
 Two-family dwelling  
 Uses or small structures accessory to permitted uses or structures  
 Vacation rentals  
 \*\*\*

**§ 125-49 Shoreland General Development II**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Commercial fish pier  
 Commercial structure  
 Eleemosynary, educational or scientific institution  
 Essential services accessory to a permitted use or structure  
 Ferry terminal  
 Marina  
~~Multifamily dwelling I~~  
 Multifamily dwelling II  
 Road construction  
~~Single family dwelling~~  
 \*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

Accessory dwelling  
 Driveway construction  
 Filling/earthmoving activity of 10 cubic yards or more  
Multifamily dwelling I  
 Public or private park with minimal structural development  
Single-family dwelling  
 Small, nonresidential facility, without structures, for educational, scientific or nature interpretation purposes  
Two-family dwelling  
 Uses or small structures accessory to permitted uses or structures  
 Vacation rentals  
 \*\*\*

**§ 125-49.1 Shoreland General Development III**

\*\*\*

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio, child care, family, gallery, government facility, home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); multifamily dwelling I; municipal facility, municipal school; public or private park with minimal structural development; all vacation rentals; single-family dwelling and two-family dwelling.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; ~~multifamily dwelling I~~; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

\*\*\*

**§ 125-49.2 Shoreland General Development IV**

\*\*\*

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: single-family dwelling, two-family dwelling, multifamily dwelling I, cabins and cottages, all vacation rentals, artist studio, home occupation, government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure.

D. Uses allowed by site plan. The following uses shall be permitted by site plan review in any part of this district: motels accessory to cabins and cottages (with such motel providing for no more than 10 sleeping accommodations for transient uses), marina, retail (provided the structure is no greater than 5,000 square feet in floor area), gallery, ~~multifamily dwelling I~~, museum, recreational boating facility, permanent pier, dock, wharf, breakwater or other use projecting into the water, and road construction.

\*\*\*

**§ 125-49.3 Shoreland Maritime Activities**

\*\*\*

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: government facility and grounds, and temporary pier, dock, wharf, breakwater or other use projecting into the water.

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure and shall include bank; farmers market; hotel; ~~multifamily dwelling I~~; ~~multifamily dwelling II~~; parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

E. Allowed activities.

- (1) Nonintensive recreational uses not requiring structures, such as fishing and hiking.
- (2) Emergency operations.

~~F. Other requirements.~~

- ~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

\*\*\*

**EXPLANATION:**

This amendment will change the permitting authority for all multifamily dwelling I uses from site plan review through the Planning Board process to a permit from the Code Enforcement Officer in all districts where the use is currently allowed. Multifamily dwelling I use is three or four dwelling units on one parcel. Additionally, it will do the following: address an inconsistency in the ordinance by making CEO the permitting authority for two-family dwellings in the Shoreland General Development II district from Planning Board to CEO; add two-family dwellings as an allowed use in the Shoreland General Development II district with permitting by the CEO; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district.

**3. Employee Living Quarters**

No public comment. Mr. Hochman, with second by Ms. Cough, moved to sign the Employee Living Quarters Order and place the amendment on the June 9, 2020 annual town meeting warrant. Motion passed 6-0.

**Order**

Of the Bar Harbor Town Council  
For the June 9, 2020 Town Meeting

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

**Warrant Article**

**Article \_\_ LAND USE ORDINANCE AMENDMENT – Employee Living Quarters** – Shall an ordinance dated December 16, 2019 and entitled “An amendment to create and define a new use titled ‘employee living quarters’; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of ‘family’; create a new definition titled ‘floor area, ground’; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district” be enacted?

**Employee Living Quarters**

**An amendment to create and define a new use titled ‘employee living quarters’; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of ‘family’; create a new definition titled ‘floor area, ground’; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities district**

*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 underlined.]

**Chapter 125 , LAND USE ORDINANCE**

**ARTICLE III Land Use Activities and Standards**

\*\*\*

**§ 125-17 Bar Harbor Gateway.**

\*\*\*

D. Uses allowed by site plan.

- (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

\*\*\*

**§ 125-19 Mount Desert Street Corridor District.**

\*\*\*

- D. Uses allowed by site plan.

\*\*\*

- (2) Principal uses allowed by major site plan: convalescent home; employee living quarters; multifamily I and II; theaters.

\*\*\*

**§ 125-20 Village Residential.**

\*\*\*

- D. Uses allowed by site plan.

\*\*\*

- (2) Uses allowed by conditional use permit:
  - (a) ~~F~~for properties with road frontage on or access to Route 3 or 233: all bed-and-breakfast designations; art gallery; cabins; farmers' market; museum; private school; professional office building; take-out restaurant; undertaking establishment; veterinary clinic or hospital.

- (b) Employee living quarters.

\*\*\*

- G. Other requirements:

- (1) Accessory structures shall be located in the side and rear yard of the property. Employee living quarters are exempt from this requirement.

\*\*\*

**§ 125-21 Downtown Village I.**

\*\*\*

- C. Allowed uses:

\*\*\*

- (2) Uses allowed by site plan review: employee living quarters; hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community.

\*\*\*

**§ 125-21.1 Downtown Village II.**

\*\*\*

- C. Allowed uses.

\*\*\*

- (2) Uses allowed by site plan review: employee living quarters; hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic.

\*\*\*

**§ 125-24 Hulls Cove Business.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Commercial boatyard

Commercial fish pier

Commercial stable

Employee living quarters

Ferry terminal

Hospital

Light manufacturing/assembly plant

Marina

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Recreational boating facility

Research facility

Research production facility

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Wireless communications facility

\*\*\*

**§ 125-31 Ireson Hill Corridor.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

Campground

Employee living quarters

Mineral extraction

Mineral extraction and processing

Multifamily dwelling I

Multifamily dwelling II

Municipal school

Parking lot

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

- Transient accommodations (TA-6)
- Transient accommodations (TA-7)
- Transient accommodations (TA-8)
- Warehousing or storage facility
- Wholesale business establishment
- Wireless communications facility

\*\*\*

**§ 125-40 Salisbury Cove Village.**

\*\*\*

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Eleemosynary, educational or scientific institution

Employee living quarters

Marina

Multifamily dwelling I

Place of worship

Road construction

Transient accommodations (TA-1)

Transient accommodations (TA-2)

Transient accommodations (TA-3)

Transient accommodations (TA-4)

Transient accommodations (TA-5)

Transient accommodations (TA-6)

Transient accommodations (TA-7)

Transient accommodations (TA-8)

Wireless communications facility

\*\*\*

**§ 125-43 Town Hill Business.**

\*\*\*

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Automobile repair garage

Automobile sales lot

Automobile service station

Bank

Campground

Commercial boatyard

Eleemosynary, educational or scientific institution

Employee living quarters

Food processing and freezing (excluding slaughterhouse)

Food processing and freezing

Hospital

Light manufacturing/assembly plant

Mobile home park

Multifamily dwelling I

- Multifamily dwelling II
- Municipal school
- Newspaper or printing facility
- Parking garage and parking lot
- Research facility
- Research production facility
- Road construction
- Terminal yard and trucking facility
- Transient accommodations (TA-1)
- Transient accommodations (TA-2)
- Transient accommodations (TA-3)
- Transient accommodations (TA-4)
- Transient accommodations (TA-5)
- Transient accommodations (TA-6)
- Transient accommodations (TA-7)
- Transient accommodations (TA-8)
- Upholstery shop
- Warehousing or storage facility
- Wholesale business establishment
- Wireless communications facility

\*\*\*

**§ 125-45 Town Hill Residential.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Agriculture, commercial
- Campground
- Cemetery
- Commercial stable
- Employee living quarters
- Marina
- Mobile home park
- Multifamily dwelling I
- Municipal facility and grounds
- Municipal school
- Place of worship
- Road construction
- Transient accommodations (TA-1)
- Wireless communications facility

\*\*\*

**§ 125-47 Shoreland General Development I.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Cocktail lounge

- Commercial fish pier
- Commercial structure
- Employee living quarters
- Essential services accessory to a permitted use or structure
- Ferry terminal
- Gift shops
- Marina
- Multifamily dwelling I
- Multifamily dwelling II
- Municipal facility and grounds
- Recreational boating facility
- Road construction
- Ships chandlery
- Transient accommodations (TA-2)
- Transient accommodations (TA-3)
- Transient accommodations (TA-4)
- Transient accommodations (TA-5)
- Transient accommodations (TA-6)
- Transient accommodations (TA-7)
- Transient accommodations (TA-8)

\*\*\*

**§ 125-49 Shoreland General Development II (Hulls Cove).**

\*\*\*

- D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

- Commercial fish pier
- Commercial structure
- Eleemosynary, educational or scientific institution
- Employee living quarters
- Essential services accessory to a permitted use or structure
- Ferry terminal
- Marina
- Multifamily dwelling I
- Multifamily dwelling II
- Road construction
- Single-family dwelling

\*\*\*

**§ 125-49.1 Shoreland General Development III.**

\*\*\*

- D. Uses allowed by site plan.
  - (1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; employee living quarters; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; private compulsory school; professional office building; restaurant; retail; road construction; services; take-out restaurant; wind turbines, and wireless communication facilities.

\*\*\*

**§ 125-49.3 Shoreland Maritime Activities District.**

\*\*\*

C. Allowed uses.

\*\*\*

(2) Accessory uses that are usual and normal to a principal use are allowed if they are typically permitted by the Code Enforcement Officer or site plan review for the district in which the use is proposed. Accessory uses are allowed by review of the same permitting authority that approved the principal structure and shall include bank; farmers market; hotel; ~~multifamily dwelling I; multifamily dwelling II;~~ parking deck; parking lot; professional office building; restaurant; retail; take-out restaurant and wireless telecommunications facility.

D. The following uses shall be permitted by site plan review in any part of this district: employee living quarters; functionally water-dependent uses, including permanent piers, wharfs and docks; commercial boat yard; commercial fish pier; passenger terminal; ferry terminal; marina; services.

\*\*\*

~~F. Other requirements.~~

~~(1) Multifamily I and multifamily II uses are limited to employee housing.~~

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**ARTICLE V Site Plan Review**

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**§ 125-67 General review standards**

\*\*\*

D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

\*\*\*

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

\*\*\*

(x) Employee living quarters shall not be required to provide parking.

\*\*\*

**§ 125-69 Standards for particular uses, structures, or activities**

\*\*\*

W. Employee living quarters. All employee living quarters shall meet the following standards:

(1) Design: When employee living quarters are visible from the street or from an abutting property to the side or rear lot lines that is under different ownership or control, the employee living quarters shall be visually compatible with the principal building(s) and shall provide for rooflines that are similar in pitch and materials and building materials that are similar in regard to type and color scheme as the principal building(s).

(2) Setback requirements: Employee living quarters shall meet the same setback requirements as principal structures.

(3) Building footprint area: The total building footprint area of the employee living quarters shall not exceed 25% of the total building footprint area of the principal

building(s) on the lot.

(4) Density bonus.

(a) An employee living quarters (including its associated accessways and parking areas) may benefit from increased lot coverage not to exceed:

- [1] 63% in the Bar Harbor Gateway district
- [2] 44% in the Mount Desert Street Corridor district
- [3] 63% with sewers and 31% without sewers in the Village Residential district
- [4] 85% in the Hulls Cove Business district
- [5] 31% in the Ireson Hill Corridor district
- [6] 44% in the Salisbury Cove Village district
- [7] 63% in the Town Hill Business district
- [8] 19% in the Town Hill Residential district

(b) All other (non-employee living quarters, including its associated accessways and parking) uses, activities, and structures, on the lot, shall be subject to the lot coverage requirements of the district it is in, as well as all other requirements of this chapter.

(c) If an employee living quarters (including its associated accessways and parking), increases the lot coverage as allowed under section 125-69 W.(4), it may not be enlarged, expanded, or otherwise provide for any other use, unless the lot coverage is brought into compliance with the requirements of the district it is in.

(5) Change of Use. A change of use from employee living quarters to another use shall comply with all requirements of this chapter, including lot coverage requirements.

(6) Parking benefitting from the density bonus (increased lot coverage) shall be for the exclusive use of the occupants of the employee living quarters.

(7) Every bedroom in employee living quarters shall contain not less than 70 square feet of habitable floor area for each occupant excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

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**ARTICLE XII Construction and Definition**

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**§ 125-109 Definitions.**

The following terms shall have the following meanings:

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**EMPLOYEE LIVING QUARTERS**

An accessory structure, attached or detached from the principal structure, consisting of a series of rooms containing beds, where the occupants do not constitute a family or a single housekeeping unit, and the principal structure is a commercial use. It shall be used exclusively for the accommodation of employees, for more than 30 days, that are employed on- or off-site, as long as the off-site employees are employed by the same company, a parent company, or a subsidiary company that owns the parcel where the principal structure is located. Employee living quarters serving a hospital shall not be subject to the 30-day minimum requirement. Employee Living Quarters must serve another use on the lot, meaning it cannot be the only use on the lot.

\*\*\*

**FAMILY**

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, ~~or~~ transient accommodations, or employee living quarters.

\*\*\*

**FOOTPRINT AREA, BUILDING**

The total square footage of a building or buildings if viewed from above, including areas under overhangs.

\*\*\*

**EXPLANATION:** This amendment would create and define a new use titled “employee living quarters”; allow for the use in 14 specific districts; provide specific standards for the use; amend the definition of “family”; and create a new definition titled “floor area, ground”; and prohibit multifamily dwelling I and multifamily dwelling II uses in the Shoreland Maritime Activities District.

**4. Shared Accommodations**

Ed Damm had a question about the definition of family that Town Planner Michele Gagnon answered. Mr. Hochman, with second by Ms. Cough, moved to sign the Shared Accommodations Order and place the amendment on the June 9, 2020 annual town meeting warrant. Motion passed 6-0.

**Order**

Of the Bar Harbor Town Council  
For the June 9, 2020 Town Meeting

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

**Warrant Article**

**Article \_\_\_ LAND USE ORDINANCE AMENDMENT – Shared Accommodations** – Shall an ordinance dated December 16, 2019 and entitled “An amendment to create and define a new use titled ‘shared accommodations’ with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of ‘family’” be enacted?

**Shared Accommodations**

**An amendment to create and define a new use titled ‘shared accommodations’ with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of ‘family’**

*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 underlined.]

**Chapter 125 , LAND USE ORDINANCE**

**ARTICLE III Land Use Activities and Standards**

\*\*\*

**§ 125-17 Bar Harbor Gateway.**

\*\*\*

C. Allowed uses.

(1) Principal uses allowed by building permit or a change of use permit from the Code Enforcement Officer: artist studio; child care family; gallery; government facility; home occupation (NOTE: Home occupations in properties with lot frontage or access on Route 3 shall be required to obtain minor site plan approval.); municipal facility; municipal school; public or private park with minimal structural development; shared accommodations (SA-1); vacation rentals; single-family dwelling and two-family dwelling.

\*\*\*

D. Uses allowed by site plan.

(1) The following uses shall be permitted by site plan review in any part of this district: bank; bed-and-breakfast I; bed-and-breakfast II; bed-and-breakfast III; bed-and-breakfast IV; bed-and-breakfast V; child-care center; commercial boat yard; commercial fish pier; ferry terminal; farmers' market; hotel; marina; multifamily dwelling I; multifamily dwelling II; motel; nursing or convalescent homes or congregate housing; parking lot; parking deck; parking garage, also subject to Design Review Board certificate of appropriateness; private compulsory school; professional office building; restaurant; retail; road construction; services; shared accommodations (SA-2 and SA-3); take-out restaurant; wind turbines, and wireless communication facilities.

\*\*\*

**§ 125-19 Mount Desert Street Corridor District.**

\*\*\*

C. Allowed uses.

(1) Principal uses allowed with a building permit or a change of use permit from the Code Enforcement Officer: art gallery, home occupation, museum, place of worship; public or private park, shared accommodations (SA-1); single- or two-family dwelling; vacation rentals.

\*\*\*

D. Uses allowed by site plan.

(2) Principal uses allowed by major site plan: convalescent home; multifamily I and II; shared accommodations (SA-2 and SA-3); theaters.

\*\*\*

**§ 125-21 Downtown Village I.**

\*\*\*

C. Allowed uses:

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail; public information, municipal and government uses; restaurants and bars; theaters; galleries; services; shared accommodations (SA-1); professional offices; vacation rentals; all bed-and-breakfasts; food-processing establishment; theaters; single- and two-family dwelling units; laundry and dry cleaning; artist studio, eleemosynary institution, place of worship; farmers market; home occupation.

(2) Uses allowed by site plan review: hotel; motel; conference centers; multifamily dwelling I and II; all types of child-care facilities, all types of schools; medical and dental clinics; banks; automobile service stations; hospitals; parking lot; parking deck; road construction; automobile sales lot; automobile repair garage; retirement community; shared accommodations (SA-2 and SA-3).

\*\*\*

**§ 125-21.1 Downtown Village II.**

\*\*\*

C. Allowed uses.

(1) Uses allowed by a building permit or a change of use permit with the Code Enforcement Officer: all retail, public information; municipal and government uses; restaurants and bars on lots with frontage on Cottage Street, Main Street, Mount Desert Street or West Street; theaters; galleries; artist studios; banks; services; shared accommodations (SA-1); vacation rentals; theaters; all bed-and-breakfasts; food-processing establishment; professional office buildings; laundry and dry cleaning; artist studio; farmers market; single-family dwelling; two-family dwelling; home occupation.

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community, veterinary clinic; shared accommodations (SA-2 and SA-3).

\*\*\*

**§ 125-24 Hulls Cove Business.**

\*\*\*

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Bank

- Commercial boatyard
- Commercial fish pier
- Commercial stable
- Ferry terminal
- Hospital
- Light manufacturing/assembly plant
- Marina
- Multifamily dwelling I
- Multifamily dwelling II
- Municipal school
- Parking lot
- Recreational boating facility
- Research facility
- Research production facility
- Road construction
- Shared accommodations (SA-2)
- Shared accommodations (SA-3)
- Transient accommodations (TA-1)
- Transient accommodations (TA-2)
- Wireless communications facility

\*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Agriculture, avocational
- Commercial art gallery or pottery barn
- Commercial garden, greenhouse or nursery
- Driveway construction
- Farmers' market
- Filling/earthmoving activity of 10 cubic yards or more
- Public or private park with minimal structural development
- Shared accommodations (SA-1)
- Single-family dwelling
- Two-family dwelling
- Uses or small structures accessory to permitted uses or structures
- Vacation rentals

\*\*\*

**§ 125-31 Ireson Hill Corridor.**

\*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Commercial art gallery or pottery barn
- Driveway construction
- Filling/earthmoving activity of 10 cubic yards or more

- Grocery stores
- Noncommercial greenhouse
- Public or private park with minimal structural development
- Roadside stand
- Shared accommodations (SA-1)
- Single-family dwelling
- Two-family dwelling
- Uses or small structures accessory to permitted uses or structures
- Vacation rentals

\*\*\*

**§ 125-43 Town Hill Business.**

\*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Agriculture, avocational
- Commercial art gallery or pottery barn
- Commercial garden, greenhouse or nursery
- Driveway construction
- Farmers' market
- Filling/earthmoving activity of 10 cubic yards or more
- Grocery stores
- Noncommercial greenhouse
- Noncommercial kennel
- Noncommercial stable
- Public or private park with minimal structural development
- Roadside stand
- Shared accommodations (SA-1)
- Single-family dwelling
- Two-family dwelling
- Undertaking establishment
- Uses or small structures accessory to permitted uses or structures
- Vacation rentals
- Veterinary clinic

\*\*\*

**§ 125-44 Town Hill Residential Corridor.**

\*\*\*

E. Activity or structure requires permit from Code Enforcement Officer. Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built:

- Accessory dwelling
- Agriculture, avocational
- Commercial garden, greenhouse or nursery
- Driveway construction
- Filling/earthmoving activity of 10 cubic yards or more
- Noncommercial greenhouse

- Noncommercial kennel
  - Noncommercial stable
  - Public or private park with minimal structural development
  - Roadside stand
  - Shared accommodations (SA-1)
  - Single-family dwelling
  - Two-family dwelling
  - Undertaking establishment
  - Uses or small structures accessory to permitted uses or structures
  - Vacation rentals
- \*\*\*

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**ARTICLE V Site Plan Review**

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**§ 125-67 General review standards**

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D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

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(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

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(v) Shared accommodations

[1] Shared accommodations (SA-1): Based on maximum occupancy, parking shall be provided at a rate of 0.5 parking space per occupant in the Bar Harbor Gateway, Mount Desert Street Corridor, Halls Cove Business, Ireson Hill Corridor, Town Hill Business, and the Town Hill Residential Corridor districts. Parking spaces may be allowed in tandem with a maximum of two vehicles in a row. The minimum area per parking space shall be 136 square feet.

[2] Shared accommodations (SA-2 and SA-3): Based on maximum occupancy, parking shall be provided at a rate of 0.2 parking spaces per occupant in the Bar Harbor Gateway and the Halls Cove Business districts and 0.1 parking spaces per occupant in the Mount Desert Street Corridor District.

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**§ 125-69 Standards for particular uses, structures, or activities**

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X. Shared accommodations. Every bedroom in shared accommodations shall contain not less than 70 square feet of habitable floor area for each occupant, excluding enclosed spaces such as closets and bathrooms, and shall not be any less than seven (7) feet in any horizontal dimension.

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**ARTICLE XII Construction and Definition**

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**§ 125-109 Definitions.**

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**FAMILY**

Two or more persons related by blood, marriage, adoption or guardianship, or not more than five persons not so related, occupying a dwelling unit (including a vacation rental) and living as a single housekeeping unit, such a group to be distinguished from a group occupying a boardinghouse, lodging house, club, fraternity, or transient accommodations, or shared accommodations.

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**SHARED ACCOMMODATIONS**

Any group of three or more rooms, other than lodging or vacation rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the 30-day minimum requirement. There are three different types of shared accommodations:

- A. SA-1: 3 to 8 people per structure
- B. SA-2: 9 to 32 people per structure
- C. SA-3: 33 or more people per structure

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**ARTICLE XIII Design Review**

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**§ 125-112 Applicability of design review.**

- A. Design Review Overlay Districts.
  - (1) The provisions of this article shall apply only within the geographic limits of the following Design Review Overlay District, hereinafter called the "district."
  - (2) Boundaries of the Design Review Overlay District. The district shall include the following neighborhood districts as shown on the Official Neighborhood Districts Map of Bar Harbor: the Downtown Village I District; Downtown Village II District; the Shoreland General Development I District; Shoreland General Development II District; the Village Historic District; and the Town Hill Business District. The district is depicted on the map titled "Design Review Overlay District of the Town of Bar Harbor, Maine." The district also includes all bed-and-breakfast uses, all shared accommodations uses, and individual properties with the following uses, regardless of their district location: TA-1, TA-3, TA-4, and TA-6. The district also includes properties listed in Appendix A and/or Appendix B of this chapter.

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**EXPLANATION:** This amendment would create and define a new use titled "shared accommodations" with three levels of the use based on number of occupants; allow for one or more of those three levels of the use in eight specific districts; provide specific standards for the use; make all levels of shared accommodations subject to Design Review Board approval; and amend the definition of "family".

**5. Boundary Map Amendment & New Uses in Hulls Cove**

Dennis Bracale and Mike Handwerk spoke against this amendment. Planning Board Chair Tom St. Germain also spoke. Eben Salvatore from Ocean Properties answered Council questions. Councilor Dobbs identified a conflict of interest because he does business with Ocean Properties. Mr. Hochman, with second by Ms. Cough, moved to recuse Councilor Dobbs for the appearance of conflict of interest. Motion passed 5-0-1 (Recused: Dobbs).

Ms. Cough, with second by Mr. Coston, moved to sign the Boundary Map and New Uses in Hulls Cove Order and place the amendment on the June 9, 2020 annual town meeting warrant. Motion passed 5-0-1 (Recused: Dobbs).

**Order**  
of the Bar Harbor Town Council  
For the June 9, 2020 Town Meeting

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

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**Warrant Article**

**Article \_\_\_ LAND USE ORDINANCE AMENDMENT — Official District Boundary Map Amendment For Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Uses to the Shoreland General Development II District** – Shall an ordinance dated December 16, 2019 and entitled “An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as “TA-9”) in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow “TA-9” and “campground (shoreland districts)” as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district” be enacted?

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**Official District Boundary Map Amendment for Hulls Cove Business and Shoreland General Development II districts, and Amendments to Create and Define a New TA Use with a Parking Standard and to Add Two New Allowed Uses to the Shoreland General Development II District**

**An amendment to the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all four of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, to create and define a new level of transient accommodation use (proposed as “TA-9”) in §125-109 and to establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, to amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow “TA-9” and “campground (shoreland districts)” as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district**

*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 underlined.]

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**Chapter 125 , LAND USE ORDINANCE**

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**ARTICLE III Land Use Activities and Standards**

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**§ 125-49 Shoreland General Development II (Hulls Cove).**

D. Activity or structure requires site plan approval. Activity or structure requires approval through site plan review process before it may be commenced or built:

Campground (Shoreland Districts)

Commercial fish pier

Commercial structure

Eleemosynary, educational or scientific institution

Essential services accessory to a permitted use or structure

Ferry terminal

Marina

Multifamily dwelling I

Multifamily dwelling II  
Road construction  
Single-family dwelling

TA-9  
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**ARTICLE V Site Plan Review**

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**§ 125-67 General Review Standards**

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D. Parking requirements. Any activity that can be expected to generate vehicular traffic shall provide for off-street parking in accordance with the following requirements. Parking requirements may be reduced, as determined by the Planning Board, when at least 5% of the required parking spaces are designated for low-emitting and fuel-efficient vehicles, carpools or vanpools or any combination thereof, and are marked as such. Parking requirements may also be reduced, as determined by the Planning Board, for properties that are located on a regularly scheduled bus route.

\*\*\*

(3) Except as otherwise provided in this chapter, the following minimum off-street parking shall be provided and maintained in the case of new construction, alterations or changes of use which would increase the parking demand according to the standards set forth below, or any increase in the area used which increases the number of persons using the premises. In the event of such construction, alterations, change or increase, the entire premises or use, and not just that portion constructed, altered, changed or increased, shall become subject to the following requirements.

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(b) Transient accommodations:

[2] Hotels, motels, TA-9 and conference centers: one parking space for each guest room.

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**ARTICLE XII Construction and Definitions**

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**§ 125-109 Definitions.**

The following terms shall have the following meanings:

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**TRANSIENT ACCOMMODATIONS**

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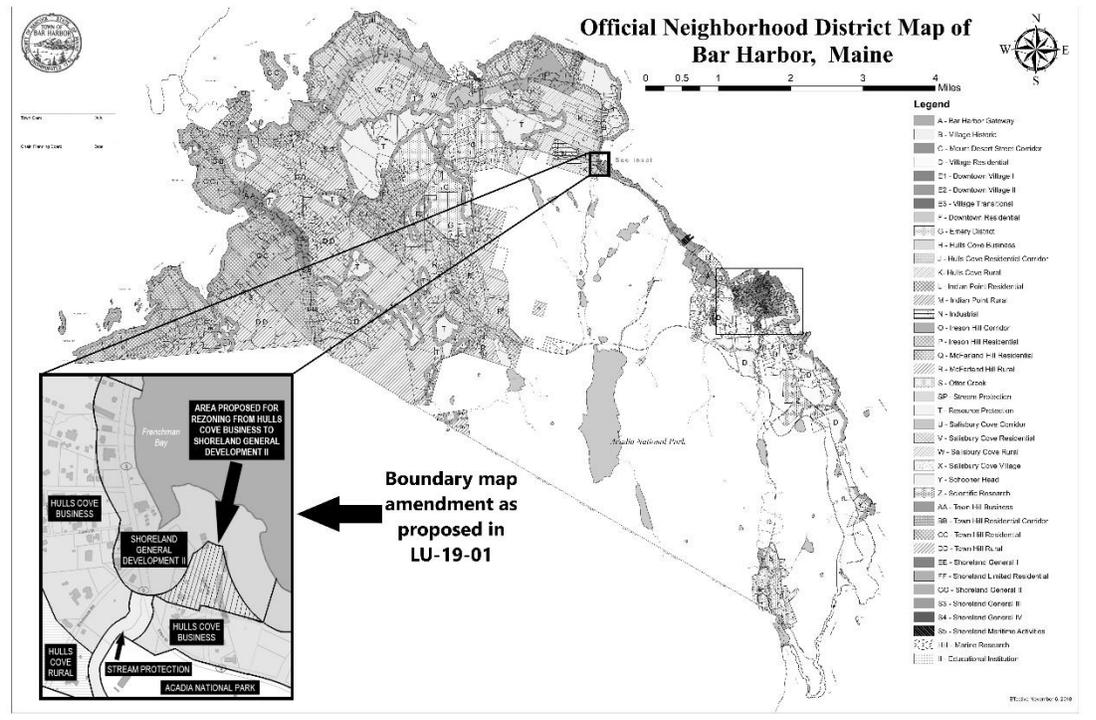
I. **TA-9** A building or buildings where for compensation lodging and meals are provided (four to 75 rooms). Accessory uses subject to site plan review include restaurant, conference room, retail establishment, recreational facilities, such as swimming pool, game courts, and recreational rooms or similar uses.

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**EXPLANATION:**

This amendment would amend the Official Neighborhood District Map by extending a portion of the boundary of the Shoreland General Development II district to encompass all or part of the following parcels: Tax Map 223, Lots 011 and 014 and Tax Map 224, Lots 001 and 022 (all of which presently have portions in both Hulls Cove Business district and Shoreland General Development II district); additionally, would create and define a new level of transient accommodation use (proposed as “TA-9”) in §125-109 and establish a parking standard for that use in §125-67 D.(3)(b)[2]; and lastly, would amend §125-49 D. of the Land Use Ordinance (Shoreland General Development II) to allow “TA-9” and “campground (shoreland districts)” as uses permitted with site plan/Planning Board approval in the Shoreland General Development II district.



**IX. REGULAR BUSINESS:**

- A. Age Friendly Committee Report** – *Annual update by Committee Member Martha Searchfield.* Committee Chair Doreen Willett presented the report and spoke to future efforts. The committee is requesting to change their mission statement which requires an ordinance amendment and will be on the next agenda. Mr. Hochman, with second by Ms. Cough, moved to thank Doreen for the Age Friendly Committee’s report and place it on file. Motion passed 6-0.
- B. Vacation Rentals** – *Update from Planning Director and possible motion to schedule a workshop with the Planning Board.* Ms. Gagnon presented her memo and answered Council questions. Mr. Coston, with second by Mr. Hochman, moved to schedule a workshop with the Planning Board for Wednesday, March 11 at 7 pm to discuss vacation rental amendments. Motion passed 6-0.
- C. Treasurer’s Warrant** - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Ms. Cough, moved to sign the Treasurer’s Warrants for paid bills. Motion passed 6-0.

**X. TOWN MANAGER’S COMMENTS** – None.

**XI. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS**

**Mr. Hochman** requested an update on where we stand with retail marijuana and processing facilities since about 60% of people from both a town vote and POLCO were interested. He also asked if we could reach out to MDOT to see if they could hasten their repair of Route 3 between Cromwell Harbor Road and Jax Lab, it is in really bad shape.

**Mr. Friedmann** asked if there was an upcoming meeting with the national park regarding uses of the parcel of land in Town Hill, including opportunities for both private

and park housing and solar panels. Solar panels on that property could power ¼ of the island when the sun is shining in the shoulder seasons. Mr. Knight stated there was a meeting scheduled in January that was postponed due to a snowstorm. It has been re-scheduled for Wednesday, 2/26 and he can report back to Council after the meeting.

**Mr. Dobbs** read a letter he received from King Roberts in Ontario, Canada requesting a pen and t-shirt. He will discuss it with the Chamber of Commerce on how to fulfill this wish.

**XII. EXECUTIVE SESSION:** (none)

**XIII. ADJOURNMENT** – Mr. Hochman, with second by Ms. Cough, moved to adjourn at 8:05 p.m. Motion passed 6-0.

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Sharon M Linscott, Town Clerk