

Minutes
Bar Harbor Planning Board
Wednesday, February 21, 2018
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 6:00 PM. Members present: Tom St. Germain, Chair; Alf Anderson, Member; and Joseph Cough, Vice Chair.

Also present: Angela Chamberlain, Code Enforcement Officer & Interim Planning Director.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as prepared with the correction to item V. that the minutes for approval are January 3, 2018. Mr. Anderson seconded the motion and the Board voted 3-0 to approve the motion.

III. EXCUSED ABSENCES

Mr. Elefteriou, Jr. and Mr. Fitzpatrick were excused absences.

IV. PUBLIC COMMENT PERIOD

There was none.

V. APPROVAL OF MINUTES

January 3, 2018

Mr. Cough moved to approve the minutes of the January 3, 2018 meeting as prepared. Mr. Anderson seconded the motion and the Board voted 3-0 to approve the motion.

VI. REGULAR BUSINESS

- a. Public Hearing:** LU-2017-01 - Zoning District Boundary Line Relocation & amendment to the Land Use Activities and Standards for the Downtown Village II district
Project Location: 21 Federal Street Bar Harbor Tax Map 104, Lot 081-000
Applicant: Marc and Marion Fine
Application: The applicant is proposing to relocate the district boundary of the Downtown Village II district to include 21 Federal Street which is currently in the Downtown Residential district and to add "Veterinary Clinic" as a permitted use with Site Plan approval in Downtown Village II district.

Staff explained the recent opinion of the Town Attorney regarding special interests for Board members who were noticed abutters. Ms. Chamberlain stated that Mr. Bearor gave the opinion that because the

Board members were not approving or denying an application, but were making a recommendation, he felt that they could participate in the proceedings after they disclose that they are a notified abutter.

Mr. Eleftheriou, who was a noticed abutter was not present. Mr. St. Germain disclosed that he owned property within 600' of the Downtown Village II district which the change was being proposed to.

Mr. Cough moved that Mr. St. Germain does not have a conflict of interest and may be allowed to participate in the proceedings. Mr. Anderson seconded the motion and the Board voted 2-0-1 to approve the motion with Mr. St. Germain abstaining.

Mr. Cough disclosed that he owns property within 600' of the property owned by the applicant and would like to recuse himself to avoid an appearance of conflict. Mr. Cough left the room.

Mr. Derek Jones, legal counsel for the applicant, introduced himself and explained the project. He discussed how the proposal met the comprehensive plan.

The Chair opened the public hearing. No one spoke and the Chair closed the public hearing.

Mr. Anderson spoke and offered that he had conflicting thoughts on the proposal. He wanted to consider the neighbors' concerns but wondered how many vacation rentals were surrounding this property which was not necessarily residential in nature.

Mr. St. Germain noted that he felt it was appropriate for this use to be located in a business district rather than a residential district. He added that he compared the dimensional standards between the existing district and the proposed district and found that they were very similar. He also offered that it was appropriate to eliminate nonconformities and that the proposal was in keeping with the Comprehensive Plan.

Mr. Anderson agreed that the use was a valuable asset to the community and the downtown.

Mr. Anderson moved to recommend the amendment as proposed to the Town Council. Mr. St. Germain seconded the motion and the Board voted 2-0 to approve the motion.

Mr. Cough returned to the meeting.

b. Public Hearing: SP-2017-06 – Bar Harbor Inn

Project Location: 8 Newport Drive, Bar Harbor Tax Map 104, Lot 523-000

Applicant: Witham Family Hotels

Application: The applicant is proposing site improvements to the outside walkways, stairs, the outdoor kitchen area, and to construct new customer areas, a fire pit, and other outside improvements.

Mike Rogers, representative for the applicant, explained the project. He noted that this plan would improve ADA compliance, increase plantings, and provide better visibility.

The Chair opened the public hearing. No one spoke and the Chair closed the public hearing.

Mr. Cough asked the applicant to explain the lot coverage calculations. The applicant noted that the maximum allowed was 50% and it would be less than the maximum. He also pointed out the breakdown was shown on the site plan.

Mr. Anderson asked if the plan had been corrected to properly show the 25' setback line from the water. The applicant stated that it was shown on plan L2.0. The Board noted that there were some portions of the patio located within the 25' setback from the shoreline. The Board discussed at length whether this was an extension of the existing retaining wall or if this was the creation of a nonconformity.

The Board agreed that they could not permit the patio areas that were shown behind the retaining wall and located within the 25' setback. They advised the applicant that he could seek approval from the Appeals Board to relocate nonconformities within the site if they were interested in keeping structures located in the setback.

Mr. Cough moved to approve the application as outlined in the draft decision with the additional condition that the applicant submit a new site plan showing all areas of the patio located beyond the 25' setback. Mr. Anderson seconded the motion and the Board voted 3-0 to approve the motion.

c. Completeness Review: LU-2018-01 - Zoning District Boundary Line Relocation

Project Location: 1200 State Highway 3, Bar Harbor Tax Map 213, Lot 008-001

Applicant: Stewart Brecher for Downeast Horizons, Inc.

Application: The applicant is proposing to relocate the district boundary of the Town Hill Rural district to include all of Tax Map 213, Lot 008-001 which is currently in the Town Hill Residential and Town Hill Rural districts.

The applicant explained that the property had once been entirely in the Town Hill Rural district and at some point, the zoning changed and the lot is now in the Town Hill Residential with a small portion in the Town Hill Rural district. He added that when the building was constructed, it was considered the use "eleemosynary" and an allowed use in the Town Hill Rural district. "Eleemosynary" is not an allowed use in the Town Hill Residential district so it is now considered a nonconforming use and may not be expanded in size. The applicant stated that tenants have outgrown the existing building and they would like to be able to construct an addition. If the district were changed back to its original district, Town Hill Rural, they would be able to expand their building.

Mr. Anderson moved to find the application complete and schedule for a public hearing on March 21, 2018. Mr. Cough seconded the motion and the Board voted 3-0 to approve the motion.

d. Completeness Review: SP-2018-01 – Jack Russell's Steakhouse and Brewery

Project Location: 102 Eden Street, Bar Harbor Tax Map 101, Lot 010-000

Applicant: G.F. Johnston & Associates for Jack Russell's Steakhouse and Brewery

Application: The applicant is proposing to change the use of the existing structure to a restaurant

Mr. St. Germain recused himself and left the room.

Mr. Becker of G.F. Johnston introduced himself and gave a brief explanation of the project.

Mr. Cough asked what the current use of the building is. Mr. Becker noted that it was permitted as a dwelling unit but would be an addition to the existing restaurant use.

Mr. Anderson moved to accept the waiver requests with the exception of item 6E. and find the application substantially complete and schedule for a public hearing on March 21, 2018 provided that the applicant submits documents for items 6B., 6C., 6E., 9F., 9M., and 18B. on or before March 2, 2018. Mr. Cough seconded the motion and the Board voted 2-0 to approve the motion.

Mr. St. Germain returned to the meeting.

VII. OTHER BUSINESS

a. Informal discussion with Design Review Board Chair regarding amendments to the Design Review Board standards

Ms. Sassaman explained that the Design Review Board had been working to expand the areas covered by the Design Review Board. The Board wanted to extend to outer areas of the town beyond the downtown and Town Hill Business.

b. Dormitory Use Land Use Ordinance Amendment (Draft dated December 20, 2017)

The Board agreed to postpone the discussion to the March 7, 2018 meeting when the full Board would be present.

c. Pending Applications

Staff noted that two new applications had been received that day and would be on the March 7, 2017 agenda.

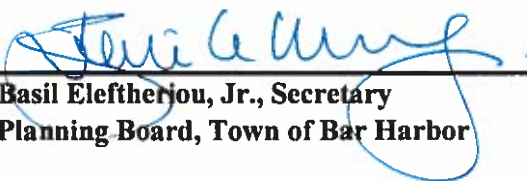
VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

IX. ADJOURNMENT

Mr. Cough moved to adjourn at 7:57 PM. Mr. Anderson seconded the motion and the Board voted 3-0 to approve the motion.

Signed as approved:


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


Date