

**Minutes  
Bar Harbor Planning Board  
Wednesday, February 27, 2019  
Council Chambers- Municipal Building  
93 Cottage Street  
4:00 P.M.**

**I. CALL TO ORDER**

*The Chair called the meeting to order at 4:00 PM. Members present: Tom St. Germain, Chair; Basil Eleftheriou, Jr., Secretary; Joseph Cough, Vice-chair; and John Fitzpatrick member.*

*Also present: Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain and Administrative Assistant Tammy DesJardin.*

**II. ADOPTION OF THE AGENDA**

*Mr. Fitzpatrick moved to adopt the agenda as prepared. Mr. Eleftheriou, Jr. seconded the motion and the board voted 4-0 to approve the motion.*

**III. EXCUSED ABSENCES**

*There were none.*

**IV. PUBLIC COMMENT PERIOD**

*There was none.*

**V. APPROVAL OF MINUTES**

**a. February 20, 2019**

*Mr. Fitzpatrick moved to approve the minutes of the February 20, 2019 regular meeting as prepared. Mr. Eleftheriou, Jr. seconded the motion and the board voted 3-0 to approve the motion.*

**VI. REGULAR BUSINESS**

- a. Completeness Review & Public Hearing: SP-2019-01-Ferry Terminal**  
**Project Location: 121 Eden Street, Bar Harbor Tax Map 231, Lot 004-000**  
**Applicant: Bay Ferries Limited**  
**Application: the applicant is proposing to renovate the existing Ferry Terminal site to meet 2018 Customs and Border Patrol standards and install new docking and loading ramps within the existing marine structure.**

*Jim Wilson Vice President of Bay Ferries Limited and Tim Brochu Project Manager of the Ferry Terminal Project for Bay Ferries Limited were present and had several plans on display for viewing. Mr. Fitzpatrick asked if there was a copy of the lease between Bay Ferries Limited and the town. Town Manager Cornell Knight provided copies of the lease to the board and Bay Ferries Limited.*

*The floor was opened by Chair St. Germain for public comment.*

*Abutting property owner Dee Daigle asked what would the noise and lighting be as part of the daily operations.*

Mr. Brochu replied that the vessel was only scheduled to be docked during the midday hours of noon-3pm and there would only be the noise of loading and unloading vehicles and passengers. No vehicles or vessels would be left idling while in port and since it was operating during midday, the noise should not cause any disruptions to abutting property owners. As far as lighting, security on the pier will be provided with down casting lights and lights above entrance/exit doors on the building.

The question was also raised if the lease allowed Bay Ferries Limited to subcontract to other vessels for the use of the dock. The response from Atlantic Fleet Services Corporation owner, Annette Higgins, was that Atlantic Fleet Services Corporation and Bay Ferries Limited would need permission from the town in order to do so. At this time there are no plans to subcontract the property to others.

Miss Daigle had no other questions and public comment was closed.

Planning Director Michele Gagnon explained that the lease could be brought back to the town if there were adverse conditions with noise and vehicle traffic but it must be done in a fair and consistent way between both parties in order for the business to continue to operate successfully.

Mr. Fitzpatrick addressed the issue of parking for walk-on passengers and also for vehicles unloading. Mr. Brochu replied that they would have parking for up to 50 vehicles and it would be assigned by the town.

Mr. Fitzpatrick made a motion to approve application SP-2019-01 at 121 Eden Street, Tax map 231-004-000 for Bay Ferries Limited based on the findings and conclusion of law outlined in the draft decision February 27, 2019 subject to the following Conditions of Approval:

1. Site plan C101 shall be updated to correct errors in the lot size, square footage of the lot size, existing areas of lot calculation and to provide current and proposed lot coverage calculations in square footage and in percentage.
2. The applicant shall provide written documentation from the Inland Fisheries and Wildlife that the development will not have an undue adverse impact on significant spawning grounds or wildlife habitats.
3. The applicant shall provide written documentation from the Maine Critical Areas Program that there are no rare or irreplaceable natural areas on the site.
4. Prior to the issuance of a building permit, the applicant must obtain a State Fire Marshall construction permit.
5. The applicant shall provide written documentation from the Maine Historic Preservation Commission that the development will have no undue adverse effect on any identified local, state or federal historic or archaeological sites.
6. Prior to the issuance of a permit for the installation of the on-loading and off-loading ramp, the applicant shall obtain all necessary permits from the Maine Department of Environmental Protection.
7. Prior to the issuance of a permit for the installation of the on-loading and off-loading ramp, the applicant shall obtain all necessary permits from the Army Corps of Engineers.
8. The applicant shall comply with stipulations outlined in the Municipal Wastewater capacity statement dated February 12, 2019.
9. The applicant shall provide an updated Municipal Water Division capacity statement.
10. The applicant shall provide an updated deed, executed contracts and leases to prove standing.

Mr. Cough seconded the motion and the board voted 4-0 to approve the motion.

## VIII. OTHER BUSINESS

### a. Pending Applications

#### i. Jones Marsh PUD-O

Code Enforcement Officer Angela Chamberlain informed the board that she expected to hear something soon.

#### ii. Hamilton Hill Subdivision

Code Enforcement Officer Angela Chamberlain informed the board that the applicant is on the Agenda for the March 6, 2019 meeting.

iii. White Spruce Road Subdivisio  
Code Enforcement Officer Angela Chamberlain informed the board she had no new information on this project.

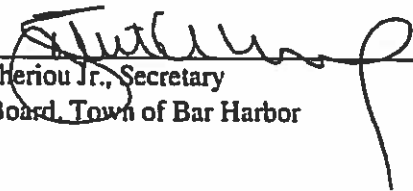
**Y. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

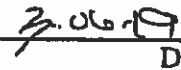
*The board discussed briefly the topics of Appendix A, Citizens Petition and Museum. The idea of having a session on changes to the Vacation Rental issues/obstacles was agreed upon and will be on the next Agenda*

**X. ADJOURNMENT**

*Mr. Cough moved to adjourn at 5:40 PM. Mr. Fitzpatrick seconded the motion and the board voted 4-0 to approve the motion.*

**Signed as approved:**

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

 Date