

Minutes
Bar Harbor Town Council
March 5, 2019

I. CALL TO ORDER – 7:00 P.M. - In attendance were Councilors: Gary Friedmann, Matthew Hochman, Stephen Coston, Joe Minutolo, Erin Cough; and Town Manager Cornell Knight.

A. Excused Absence(s) – *Councilor Paradis and Councilor Noonan requested they be excused.* Mr. Hochman, with second by Ms. Cough, moved to excuse Councilors Paradis and Noonan as provided by Town Charter section C-12.B(1)(d). Motion passed 5-0.

II. 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.* – None.

III. APPROVAL OF MINUTES – February 19, 2019 – Regular Meeting

Mr. Hochman, with second by Mr. Minutolo, moved to approve the minutes of the February 19, 2019 Regular Meeting as presented. Motion passed 5-0.

IV. ADOPTION OF AGENDA – Mr. Hochman, with second by Ms. Cough, moved to adopt the agenda as presented. Motion passed 5-0.

V. 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. Curb Cut - *Possible motion to approve the curb cut application for Andrew Shea at 41 Hancock Street, Map 105 Lot 83, as presented.*

Mr. Hochman, with second by Ms. Cough, moved to approve the consent agenda as published. Motion passed 5-0.

VI. PUBLIC HEARINGS

A. Land Use Ordinance Amendment: Appendix A – Historic Properties – *Public comment and possible motion to sign the order placing LUO amendment on the June 11, 2019 annual town meeting warrant.* Lauren Donnelly spoke in support of this amendment. Mr. Hochman, with second by Ms. Cough, moved to sign the Order placing the Land Use Amendment Appendix A on the June 11, 2019 Town meeting warrant as presented. Motion passed 5-0.

Order

Of the Bar Harbor Town Council
For the June 11, 2019 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 – Appendix A– Shall an ordinance, dated December 19, 2018, to amend Appendix A Historic Properties in Design Review Overlay District be enacted?

Appendix A – Historic Properties

An amendment to Appendix A - Historic Properties in Design Review Overlay 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

Tax Map/ Lot #	Historic Name	Address	Present Name	Date Built	National Register	Significance
103-012-000	Villa Mary	77 Eden Street	Villa Mary	1879-80	yes	<u>National Register property</u>
103-015-000	Bagatelle	75 Eden Street	Bagatelle (home & carriage house only)	1883	yes	<u>National Register property</u>
103-016-000	Fenwold	6 Harbor Lane	Fenwold	1891	yes	<u>National Register property</u>
104-002-000	The Breezes	125 West Street	The Breezes	c. 1900	yes	<u>National Register property</u>
104-003-000	Greenlawn	123 West Street	Greenlawn	1884	yes	<u>National Register property</u>
104-004-000	Saltair	121 West Street	Saltair	1887	yes	<u>National Register property</u>
104-005-000	The Tides	119 West Street	The Tides	1887	yes	<u>National Register property</u>
104-007-000	The Sunset	115 West Street	The Sunset	1911	yes	<u>National Register property</u>
104-009-000	The Bar Harbor Club	111 West Street	The Bar Harbor Club	1929-30	yes	<u>National Register property</u>
104-009-000	Guelph	111 West Street	Rosebriar	c. 1875	yes	<u>National Register property</u>
104-015-000	Charles Marinke Residence	130 West Street	Charles Marinke Residence	c. 1912		possible National Register district
104-032-000	Blanchfield House	37 Eden Street	Blanchfield House	c. 1865		architectural/ historical
104-033-000		41 Eden Street	Caruso Residence	c. 1890		architectural/ historical
104-037-000	The Crossways	4 Holland Avenue	The Crossways	1901	yes	<u>National Register property</u>
104-038-000	Westfield	120 West Street	Westfield	1901	yes	<u>National Register property</u>
104-039-000	Maisonette	118 West Street	Maisonette	1886	yes	<u>National Register property</u>

104-040-000	Chantier	116 West Street	Chantier	1887	yes	<u>National Register property</u>
104-041-000	The Kedge	112 West Street	The Kedge	c. 1870	yes	<u>National Register property</u>
104-058-000	Bar Harbor High School	93 Cottage Street	Bar Harbor Municipal Building	1907		<u>architectural/historical</u>
104-061-000	Robert Hodgkins residence	69 Cottage Street	Cottage on Cottage			<u>architectural</u>
104-068-000	Petunia Cottage	110 West Street	Petunia Cottage	1887	yes	<u>National Register property</u>
104-069-000	Foster Cottage	108 West Street	Foster Cottage	1878	yes	<u>National Register property</u>
104-070-000		106 West Street	Manor House Inn	1887		<u>architectural</u>
104-092-000	Dr. Norton's Office	67 Cottage Street	Dr. Parks' Office			<u>architectural</u>
104-097-000	Thankful Cottage	1 Billings Avenue	Thankful Cottage	c. 1850		<u>architectural</u>
104-112-000	U.S. Post Office	55 Cottage Street	U.S. Post Office	1909	yes	<u>National Register property</u>
104-121-000		17 Main Street	Galyn's			<u>architectural</u>
104-137-000		23 Cottage Street	Cadillac North Face	c. 1900		possible National Register district
104-139-000		29 Cottage Street	Cadillac AG	c. 1910		possible National Register district
104-140-000	Criterion Theatre	35 Cottage Street	Criterion Theatre	1932	yes	<u>National Register property</u>
104-141-000	Odd Fellows Hall	39 Cottage Street	Odd Fellows Hall	c. 1937		local landmark
104-157-000	Haraden residence	130 Cottage Street	Carrying Place			<u>architectural</u>
104-181-000	Everett Liscomb residence	112 Cottage Street	Coplon Assoc./Dobbs Prod.			<u>historical personage</u>
104-237-000		73 Mt. Desert Street	Primrose Inn			<u>architectural</u>
104-238-000	Ash Cottage	69 Mt. Desert Street	Mira Monte Inn	1864		<u>architectural</u>
104-244-000	H.A. Brown Furniture	74 Cottage Street	Salon NaturELLES			<u>architectural</u>
104-254-000	Christian Science Church	57 Mt. Desert Street	White Columns Inn	1937		<u>architectural/historical</u>
104-255-000	Stonethrow	67 Mt. Desert Street	Stonethrow			<u>architectural</u>
104-268-000	American Legion Hall	70 Cottage Street	American Legion Hall			<u>architectural/historical</u>
104-297-000		47 Mt. Desert Street	Thornhedge Inn			<u>architectural</u>
104-317-000		45 Mt. Desert Street	Stratford House Inn	1900		<u>architectural</u>

104-318-000	St. Saviour's Church and Rectory	41 Mt. Desert Street	St. Saviour's Church and Rectory	1900	yes	<u>National Register property</u>
104-326-000	Central House	60 Cottage Street	Central House			<u>architectural/historical</u>
104-342-000	Bar Harbor Congregational Church	29 Mt. Desert Street	Bar Harbor Congregational Church	1951		<u>architectural/historical</u>
104-355-000		46 Cottage Street	Rosalie's			<u>architectural</u>
104-372-000		14 Cottage Street	Village Emporium	c. 1889		possible National Register district
104-373-000		8 Cottage Street	Epicurean			<u>architectural</u>
104-383-000	Emery Block Building	103 Main Street	Bar Harbor Savings & Loan Assn.			<u>architectural</u>
104-386-000	Lyford Woodard Building	109 Main Street	Fenton et al. Law Offices			<u>architectural/historical</u>
104-387-000	F.H. Moses Florist Shop	113 Main Street	Stone Soup	1904		<u>architectural</u>
104-392-000	Bar Harbor Police Station	38 Rodick Street	Coston & McIsaac			<u>architectural/historical</u>
104-401-000	Comfort Station	Firefly Lane	Information Building			<u>architectural/historical</u>
104-401-000	Bar Harbor Fire Station	Firefly Lane	Bar Harbor Fire Station	1911		<u>architectural/historical</u>
104-403-000	Village Green	Main and Mt. Desert	Bandstand, clock, fountain	various		local landmark
104-413-000		74 Mt. Desert Street	Holbrook House Inn			<u>architectural</u>
104-419-000	Holy Redeemer Roman Catholic Church	56 Mt. Desert Street	Holy Redeemer Roman Catholic Church	1907		<u>architectural/historical</u>
104-432-000	Y.W.C.A.	36 Mt. Desert Street	Y.W.C.A.	1913		local landmark
104-433-000	Jesup Memorial Library	34 Mt. Desert Street	Jesup Memorial Library	1911		<u>architectural/historical</u>
104-450-000	YMCA	26 Mt. Desert Street	Abbe Museum			<u>architectural/historical</u>
104-481-000 ₁	McKay Cottages	227 Main Street	McKay's Restaurant			<u>architectural</u>
104-492-000		194 Main Street	Ivy Manor			<u>architectural</u>
104-493-000		166 Main Street	Window Panes			<u>architectural</u>
104-494-000	Adler's Town & Country	164 Main Street	Independent Cafe/Katahdin Photo Gallery			
104-497-000	Butterfields	154 Main Street	Sailor & Hook			<u>architectural/historical</u>

104-531-000	B.H. Banking & Trust awning sign	82 Main Street				<u>architectural/historical</u>
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EXPLANATION:

This amendment reorganizes the list in map and lot numerical order, removes one sign from the list, adds the historical significance of the existing buildings, and includes minor name updates and corrections.

Given under our hands and seal at Bar Harbor this fifth day of March 2019

Municipal Officers of the Town of Bar Harbor

_____ Gary Friedmann, Chair	_____ Matthew A. Hochman, Vice Chair
_____ Paul A. Paradis	_____ Joe Minutolo
_____ Stephen Coston	_____ Erin E. Cough
_____ Judith C. Noonan	

VII. REGULAR BUSINESS:

A. Vacation Rentals

- Fee** – Clarification of effective date of the \$250 vacation rental fee. – Town Manager Knight stated normally fee changes go into effect immediately but Council should clarify that this takes effect July 1. Angie Chamberlain is charging \$50, which will stay in effect to the end of the current fiscal year. Mr. Hochman, with second by Mr. Minutolo, moved that the increased vacation rental fee of \$250 will be effective July 1, 2019. Motion passed 5-0.
- LD #209** – Resolution in opposition for LD #209. – Gary Friedmann introduced LD 209 and read the resolution. Mr. Hochman, with second by Mr. Minutolo, moved to sign the resolution as presented and forward it to Rep. Hubbell and Sen. Luchini. Motion passed 5-0.

RESOLUTION
of
THE BAR HARBOR TOWN COUNCIL

Whereas, the Legislature is considering LD 209, An Act to Prohibit Municipalities from Prohibiting Short-term Rentals, and

Whereas, LD 209 would preempt the Town of Bar Harbor’s Home Rule authority, and

Whereas, LD 209 would treat Short term vacation rentals the same in all municipalities throughout the state, and

Whereas, the Town of Bar Harbor recognizes the explosive growth of short term rentals and is working to understand all the issues related to that growth, and

Whereas, the Planning Board will be working over the next few months on short term rental regulation amendments,

Now Therefore be it Resolved, that the Bar Town Council opposes LD 209 and urges Representative Hubbell and Senator Luchini to vote no on the legislation.

Given under our hands and seal at Bar Harbor this fifth day of March 2019.

Municipal Officers of the Town of Bar Harbor

----- Gary Friedmann, Chair -----	----- Matthew A. Hochman, Vice Chair -----
----- Paul A. Paradis -----	----- Stephen Coston -----
----- Judith Noonan -----	----- Joseph Minutolo -----
----- Erin E. Cough -----	

- 3. **Ordinance Changes** – *Possible motion to ask Planning Board to recommend ordinance changes.* – Mr. Hochman, with second by Mr. Coston moved that in order to prevent the displacement of year round residents and the erosion of neighborhoods the Town Council requests that the Planning Board review the vacation rental issue to include the definition, the 5 night minimum stay, the dwelling unit restriction and owner in residence versus an absentee owner and provide a report back by May 7, 2019.

A lengthy discussion followed the motion. Planning Board Chair Tom St. Germain also participated in the discussion. Items discussed were: work done recently by Tom St. Germain to help facilitate the process but also some hesitation by other Planning Board members; need for consensus by Council on a clear, concrete policy direction to the Planning Board; need for more public input in a timely manner; need for a committee; timeline for November ballot and need to accelerate the process; possible topics that are not in the original motion. Motion failed 2-3 (Nay, Mr. Hochman, Mr. Minutolo, Ms. Cough.)

Mr. Hochman, with second by Ms. Cough, moved that Council hold a public comment session at its next meeting on 3/19 on the vacation rental and short-term rental issues and at the following meeting on 4/2 have an agenda item to make a recommendation to the Planning Board and to create the ad hoc committee with Planning Board members, Council members and staff to work on an ordinance that could meet deadlines for the November ballot. Motion passed 5-0.

- B. Fiberight** – *Update by Chip Reeves, Public Works Director.* – Mr. Reeves spoke to the transition in staff at MRC. He also highlighted the work being done in Hampden, discussed commissioning plans and the ramp up process. The facility uses Fiberight technology but will be run by Coastal Resources of Maine (CRM). They will start accepting solid waste from Bar Harbor April 8, ramp up in May/June and hope to be at full operation in July/August. No action taken.
- C. Coastal Resources Recycling Guidelines** – *Shelby Wright, Coastal Resources of Maine.* – Ms. Wright is the Director of Community Resources and is responsible for everything that happens outside the doors of the plant, including education and outreach. She also spoke to her background and expertise. Ms. Wright stated

CRM is a new entity that leases the land from MRC. She summarized new recycling guidelines, which they will send to every resident/door in Bar Harbor. Mr. Reeves and Ms. Wright spoke to how things are processed at the plant (both solid waste and recycling) and the creation of alternative fuels from that process. The facility uses cutting edge technology and is the first of its kind in the country. Mr. Reeves and Ms. Wright also addressed concerns expressed by resident Michael Good regarding the Juniper Ridge Landfill. No action taken.

D. Treasurer's Warrant - *Request of Treasurer to authorize paid bills.* – Mr. Hochman, with second by Mr. Coston, moved to sign the Treasurer's Warrants for paid bills. Motion passed 5-0.

VIII. TOWN MANAGER'S COMMENTS – Mr. Knight stated Bay Ferries got their Planning Board permit, they are taking reservations and the first sail date is June 21.

IX. COUNCIL COMMENTS AND REQUESTS FOR FUTURE AGENDAS

Mr. Coston said excellent (regarding Bay Ferries.)

Mr. Minutolo commented that we had a great snowstorm, if you like snow.

Mr. Hochman congratulated the MDI Trojans girls' basketball. They didn't get the gold ball but they are North champs, and they have a lot to be proud of. He wished good luck to MDI Drama competing in the Regional Drama Festival this Friday at 9pm. He also gave thanks to Public Works who did a great job keeping the streets clear and for all the hard work.

Mr. Friedmann echoed Mr. Hochman's appreciation of the public works crew.

X. EXECUTIVE SESSION: None

XI. ADJOURNMENT – Mr. Hochman, with second by Mr. Coston, moved to adjourn at 8:45 p.m. Motion passed 5-0.

Sharon M Linscott, Town Clerk