

Minutes
Bar Harbor Planning Board
Wednesday, March 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 6:01 PM. Members present: Tom St. Germain, Chair; John Fitzpatrick, Member; 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. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.

III. EXCUSED ABSENCES

Mr. Fitzpatrick moved to excuse Mr. Eleftheriou, Jr. Mr. Anderson seconded the motion and the Board voted 4-0 to approve the motion.

IV. PUBLIC COMMENT PERIOD

There was none.

V. APPROVAL OF MINUTES

March 7, 2018

Mr. Cough moved to approve the minutes of the March 7, 2018 meeting as prepared. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.

VI. REGULAR BUSINESS

a. Sketch Plan Review: PUD-2017-02 Planned Unit Development - Village

Project Location: 25 West Street Extension, Bar Harbor Tax Map 103, Lots 048-000 & 049-000

Applicant: BH Apts., LLC

Application: The applicant is proposing to construct four new buildings with two dwelling units in each and reconfigure the existing dwelling unit layout. The project will not result in any more units than the existing total of 16.

Mr. Cough disclosed that one of the applicant's representatives, Mr. Moore, was an agent on a project Mr. Cough was involved with. He further added that they also served together on the Acadian Football League.

Mr. Anderson moved that Mr. Cough did not have a conflict of interest. Mr. Fitzpatrick seconded the motion and the Board voted 3-0 to approve the motion with Mr. Cough abstaining.

Mr. Salvatore explained the project and stated that there was no net gain of number of units proposed. He added that he had seen the comments from the abutters and he said that there had never been any issues with the neighbors and they would continue to be good neighbors. He noted that there was a manager that lived on the property with his wife and children.

Mr. Fitzpatrick asked about lot coverage calculations. Mr. Salvatore didn't see them on the plans but said that they will be on the plan when they submit for completeness. Mr. Fitzpatrick also asked the applicant to show the area per family calculations. The base density was discussed and it was agreed that only 8 units were allowed so they were grandfathered.

The Chair asked if there was any public comment.

Donna Karlson spoke and stated that she lived in the neighborhood but was not a noticed abutter. She explained that she was also speaking on behalf of Betsy Mills who is an abutter and who has had issues with this property. She expressed concerns with the building being located closer to the Mills property line than the current buildings. She suggested a fence or other type of buffer might be considered. She asked if the access to the site from Woodbury Road was adequate and why additional parking was being proposed when there was an existing, large parking area.

Mr. Fitzpatrick moved to accept the waivers as requested. Mr. Cough seconded the motion and the Board voted 4-0 to approve the motion.

b. Public Hearing: 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.

Mr. Brecher explained the project and noted that there was no change in use and the plan was to add additional space to the existing building at some point in the future if the amendment were approved.

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

Mr. Fitzpatrick asked what other uses would be allowed if the district were changed to Town Hill Rural. The Board reviewed Appendix C.

Mr. Anderson moved to recommend the request as submitted to the Town Council. Mr. Cough seconded the motion and the Board voted 4-0 to approve the motion.

c. Public Hearing: 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.

Mr. Becker from GF Johnston introduced himself and explained the project.

The Chair opened the public hearing.

Austin spoke and identified himself as an employee of Jack Russell's Steakhouse and Brewery. He stated that he has been employed there for 16 years and supports the expansion of a thriving business which directly affects him and his family.

The Chair closed the public hearing.

Mr. Fitzpatrick asked about the 3" water service. Mr. Becker noted that he was waiting for a size determination from the State Fire Marshal and the installation will occur during the Route 3 construction. Mr. Fitzpatrick also noted that he has personally witnessed a runoff problem in front of the site but did not expect the applicant to correct the problem because it was clearly not being generated from his site. Mr. Becker did offer that DOT would be moving and lowering the catch basin in that area which should address the issue. Mr. Fitzpatrick suggested that full cutoff lights be used for the jelly jar lights.

The Board discussed the gross leasable area calculations and how the applicant determined them. They discussed whether or not the basement was included in the calculation based on the definition of gross leasable area.

The Board discussed the legality of spaces 1, 17, and 18 and agreed that it looked like space 1 was approved on an earlier site plan but did not see where 17 and 18 were legally permitted.

Mr. Cough asked for building plans for the addition/breezeway as they had not been submitted.

Mr. Fitzpatrick moved to table the application to the April 4, 2018 meeting if the applicant supplied proof that parking spaces 17 and 18 are legally existing, building plans for the breezeway/addition, and gross leasable area calculations for the entire building prior to the end of the day March 30, 2018. Mr. Anderson seconded the motion and the Board voted 3-0 to approve the motion.

Mr. St. Germain returned to the meeting.

- d. Final recommendation – Statewide Timber Harvesting Provisions** - The Planning Board will make a recommendation as to whether the proposed amendment ought to be adopted or ought not to be adopted.

Mr. Anderson moved to recommend the amendment ought to be adopted. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.

- e. **Final recommendation – Integration of Appendix C and Neighborhood District Maps into Article III** - The Planning Board will make a recommendation as to whether the proposed amendment ought to be adopted or ought not to be adopted.

Mr. Anderson moved to recommend the amendment ought to be adopted. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.

- f. **Final recommendation – Shoreland Zoning Corrections Required by Maine Department of Environmental Protection** - The Planning Board will make a recommendation as to whether the proposed amendment ought to be adopted or ought not to be adopted.

Mr. Anderson moved to recommend the amendment ought to be adopted. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.

VII. OTHER BUSINESS

- a. **Pending Applications (none)**

There were no new pending applications.

- b. **Regulating Vacation Rentals Course in Augusta 04/04/18**

Mr. Fitzpatrick said that either he or Mr. Eleftheriou, Jr. would attend the training.

Mr. Anderson moved to change the time of the April 4, 2018 regular meeting to 7:00 PM to accommodate travel time from the course. Mr. Cough seconded the motion and the Board voted 4-0 to approve the motion.

- c. **Dormitory**

The Board agreed to discuss at the next meeting.

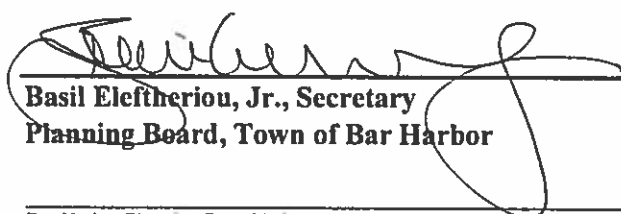
VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

IX. ADJOURNMENT

Mr. Anderson moved to adjourn at 8:55 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

4.04.18
Date