

Minutes
Bar Harbor Planning Board
Friday, April 10, 2020
Council Chambers- Municipal Building
93 Cottage Street
10:00 A.M.

This meeting was conducted remotely, via video, due to COVID-19 (as authorized under the provisions of MRSA §403-A, approved by the Maine Legislature on March 17, 2020 as part of LD 2167)

I. CALL TO ORDER

The Chair called the meeting to order at 10:04 AM. Members present: Tom St. Germain, Chair; Basil Eleftheriou, Jr., Secretary joining at 10:09 AM; Joseph Cough, Vice-chair; Erica Brooks, Member; and John Fitzpatrick, Member.

Also present: Michele Gagnon, Planning Director; Angela Chamberlain, Code Enforcement Officer; Steve Fuller, Assistant Planner; and Patrick Lessard, Deputy Code Enforcement Officer.

II. ADOPTION OF THE AGENDA

Vice-chair Cough moved to adopt the agenda as prepared. Ms. Brooks seconded the motion and the Board voted 4-0, on a roll-call vote, to approve the motion.

III. EXCUSED ABSENCES

Mr. Fitzpatrick moved to excuse Mr. Eleftheriou, Jr. as absent. Vice-chair Cough seconded the motion and the Board voted 4-0, on a roll-call vote, to approve the motion.

Mr. Eleftheriou, Jr. joined the meeting at 10:09 AM by telephoning in. He noted that he would like to participate if possible but has spotty cellphone reception.

Mr. Fitzpatrick moved to rescind his motion to excuse Mr. Eleftheriou, Jr. as absent as he was now present and would continue to participate if possible. Vice-chair Cough seconded the motion and the Board voted 4-0, on a roll-call vote, to approve the motion.

IV. PUBLIC COMMENT PERIOD

There was no public comment.

V. APPROVAL OF MINUTES

a. March 12, 2020

Mr. Fitzpatrick moved to approve the minutes of the March 12, 2020 regular meeting as prepared. Ms. Brooks seconded the motion and the Board voted 5-0, on a roll-call vote, to approve the motion.

VI. REGULAR BUSINESS

a. Public Hearing/Compliance Review for SD-2020-03-Clark Acres Subdivision Revision

Project Location: Tax Map 227, Lot 099-000 and Lot 099-001. The two parcels together total 5.57 acres, according to town records (3.10 acres for 099-000, 2.47 acres for 099-001). All of the subject land is zoned as Town Hill Rural.

Applicants/Owners: April and Robert Post, 946 Crooked Road, Bar Harbor, ME 04609

Application: the applicant proposes an after-the-fact revision to the Clark Acres Subdivision (from 1989) on the Crooked Road. The applicant seeks to divide lot 227-099-000 into two lots, with the new lot (227-099-001) being 2.47 acres in size.

Planning Director Gagnon reminded the Board that the application was found incomplete at the March 12, 2020 meeting. She noted the Fire Department capacity statement and a letter from John Cullen of Maine DEP were the two items the Board deemed missing at that time. She added that both those items had since been received.

Mr. Fitzpatrick moved to find the application complete. Vice-chair Cough seconded the motion and the Board voted 5-0, on a roll-call vote, to approve the motion.

The Chair asked if there was any public comment on the application. No one spoke.

Mr. Eleftheriou, Jr. asked if the site plan the Board was reviewing was the final site plan. He explained that since Mr. Cullen had provided his written comments related to the wetland, note #3 on the plan should either be revised or updated to reflect Mr. Cullen's findings.

Mr. Fuller added that he could ask the surveyor, Mac Harriman, to remove note #3 and to add the missing street address number on the plan.

Mr. Fitzpatrick moved to approve application SD-2020-03 based on the findings of fact and conclusions of law and in the draft decision dated April 10, 2020 with the condition that note #3 on the plan dated February 19, 2020 be removed. Vice-chair Cough seconded the motion and the Board voted 5-0, on a roll-call vote, to approve the motion.

Staff stated they would contact Mr. Harriman after the meeting.

b. Administrative Reapproval of SP-2019-04 – DeLaar dock on Frenchman's Bay at Lookout Point

Project Location: 7 Seaview Lane – Tax Map 217, Lot 008-000, and encompassing 2.7 acres of land in the Shoreland Limited Residential district.

Applicant: Vanessa J. O'Donnell

Owner: Mark DeLaar

Application: To install, in Frenchman's Bay, a permanent pier (200' X 5'), a seasonal gangway (48' X 3'), a floating dock (20' X 12') extending to water depth of five feet and repair stairs down the steep slope to provide safe pedestrian access to the dock.

Note: Application SP-2019-04 was approved by the Planning Board on October 2, 2019 but work has not yet started on the project; project is coming back for administrative reapproval in order to comply with the requirements in Section 125-90 B. of the Bar Harbor Land Use Ordinance.

Planning Director Gagnon explained that this was a re-approval of an application approved in October of 2019. She stated that there had not been any changes to the plan or the project, but the applicant had not met the time frames required in section 125-90 B. of the Land Use Ordinance.

Vice-chair Cough asked if there was any information provided on this project in the packet such as a written request from the application requesting this review, or the decision from the previous approval. Planning Director Gagnon stated that there was not. Vice-chair Cough expressed concern with the lack of information for the benefit of the public who would not have anything to review as part of the record.

Mr. Fitzpatrick moved to approve the re-approval of application SP-2019-04 as allowed under section 125-90 B. of the Bar Harbor Land Use Ordinance. Vice-chair Cough seconded the motion and the Board voted 5-0, on a roll-call vote, to approve the motion.

VII. OTHER BUSINESS

Planning Director Gagnon asked the Board for their direction on the process for the Schooner Head Housing project (PUD-2020-01), particularly rescheduling the site visit and neighborhood meeting.

Mr. Eleftheriou, Jr. asked if the site visit and neighborhood meeting were considered public proceedings. Planning Director Gagnon stated that yes, they are and she intended to readvertise the meetings, but she was trying to avoid holding any public proceedings in violation of the recent orders of the Governor prohibiting gatherings of more than 10 people.

The Board discussed options to hold the site visit and neighborhood meeting so that the applicant could continue moving their project forward. The Board agreed that they would hold an open site visit at the property over a period of multiple days. The Board members and members of the public could visit the site at any time during that period. Mr. Fitzpatrick also agreed and said that the Lab was amenable to the public visiting the site on their own and the project team would prepare visual aids and signage at the site to serve as a virtual tour.

Vice-chair Cough moved that the Board will accept the following dates related to the processing of the Jackson Lab PUD-2020-01 application: the applicant may submit their application on April 16, 2020, the Board will hold an open site visit between April 20, 2020 and April 23, 2020, the Board will hold a virtual neighborhood meeting on April 24, 2020 at 10:00 AM, and the Board will review the application for completeness on May 6, 2020. Ms. Brooks seconded the motion and the Board voted 4-0, on a roll-call vote, to approve the motion.

Planning Director Gagnon noted that staff was working on preparing packets for the Board which would be available in the Municipal Building hallway for the members to pick-up.

Vice-chair Cough moved to continue the recusal of Mr. Fitzpatrick on this application from the previous meeting. Ms. Brooks seconded the motion and the Board voted 4-0, on a roll-call vote, to approve the motion.

Vice-chair Cough moved that the Board will accept electronic submittals for all applications through April 30, 2020. Ms. Brooks seconded the motion and the Board voted 5-0, on a roll-call vote, to approve the motion.

Chair St. Germain moved that the Board will allow the applicant for PUD-2020-01 to submit its completeness review application digitally, prior to the neighborhood meeting on April 24, 2020 per the emergency order of the Town Council in the April 9, 2020 memo, which allows for the relaxation of deadlines. Vice-chair Cough seconded the motion and the Board voted 4-0 to approve the motion.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Vice-chair Cough noted that this was his first Zoom meeting and he felt that it went smoothly and was successful.

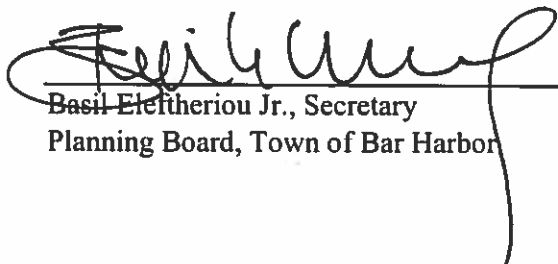
IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

Planning Director Gagnon noted that at the April 29, 2020 meeting, the Board would be reviewing applications for: Triple Chick Farm, Kampgrounds of America, Bar Harbor Savings and Loan, Harborecove subdivision and possibly Acadia Apartments. On May 6, 2020, the Board would be reviewing applications for: the Foss parking lot on Cottage Street, Destination Health apartments, the Theede Pier, The Farm subdivision, and the Schooner Head Housing development.

X. ADJOURNMENT

Vice-chair Cough moved to adjourn at 12:07 PM. Mr. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.

Signed as approved:


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

6.04.20
Date