

Minutes
Bar Harbor Planning Board
Wednesday, April 18, 2018
Council Chambers- Municipal Building
93 Cottage Street
7:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 7:00 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 and Janna Richards, 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 declare Basil Eleftheriou, Jr, Secretary, as an excused absence. 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

April 4, 2018

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

VI. REGULAR BUSINESS

a. Continuation of 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 explained that he is the sole owner of the Jack Russell’s Steakhouse and Brewery and that during past meetings he had recused himself, but that an email (inserted in the record) from the Town’s attorney clarified that Mr. St. Germain may represent himself before the Board and so tonight he would be representing himself along with his consultant and attorney.

Mr. Cough, Vice Chair, presided over the meeting in place of Chair St. Germain.

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

The Vice Chair closed the public hearing.

Mr. Fitzpatrick explained that the motion at the previous meeting was for the applicant to adjust their calculated gross leasable area, to calculate the amount of parking spaces required based on the revised gross leasable area calculation, and to present a shared parking agreement between the applicant and the abutting motel.

Mr. Cough asked for clarification on ownership information and it was determined that Mr. St. Germain is the sole, exclusive owner of the property and that Jack Russell's Steakhouse and Brewery is a tradename for the property.

A lengthy discussion ensued on the calculation of gross leasable area and, in particular, if the basements of the existing restaurant and the new addition should be part of the gross leasable area calculation. Mr. Ivan Rasmussen came forward to state that during his time as a member of both the Planning Board and the Board of Appeals, he had not seen a basement be considered in a calculation for a parking requirement.

Mr. Anderson moved to exclude basements from the gross leasable area calculation. The motion was not seconded and therefore the motion failed. Mr. Fitzpatrick moved to include the basements in the calculation if they are being used for, or in support of, the principal use. Mr. Cough seconded the motion and the Board voted 2-1 in favor of the motion with Mr. Anderson against.

A discussion ensued on if the basement of the existing restaurant and the new addition are used for, or in support of, the principal use. It was noted that the applicant has submitted a draft shared parking agreement with the abutting motel to utilize six of their parking spaces.

Mr. Fitzpatrick moved, based on the applicants commitment to not use either basement for or in support of the principal use of the building, to remove 1,596 square feet in addition to 858 square feet, as shown on exhibit SH2-R submitted by the applicant, for the basis of the parking calculation. Mr. Anderson seconded the motion and the Board voted 3-0 in favor of the motion.

Mr. Fitzpatrick confirmed that the number of parking spaces required for the total gross leasable area, minus the basements, is 23.2 spaces. The applicant has shown 18 parking spaces on-site and has a proposed parking agreement with the motel for six spaces, a total of 24 spaces, to meet the requirement.

Mr. Cough asked that a bump out shown on exhibit SH2-R also be shown on the final site plan.

Mr. St. Germain asked if he raises the floor elevation of one of the basements as part of a future construction project, if the Board could make it a condition that when that project is completed, that the basement space be taken out of the gross leasable area calculation. It was noted that a motion had already been made and approved at the meeting to include the basements in the gross leasable area calculation and to then exclude them based on the condition that they would not be used for or in support of the principal use. If the applicant fulfills the proposed construction project

in the future, he would have the option to go before the Board and request an approval for an amended site plan and ask that the basement be taken out of the gross leasable area calculation.

The applicant requested that the Board consider granting him a parking reduction for being a property that is located on a regularly scheduled bus route. Mr. Fitzpatrick and Mr. Cough resolved that the number of required parking spaces had been reduced by removing the basements from the gross leasable area calculation and that they did not feel comfortable reducing the number of parking spaces further. Mr. Anderson noted that the Board received comment from nearby businesses that customers walk to the restaurant and that he would be open to considering reducing the number of required parking spaces because the property is located on a bus route. After further discussion, the Board determined not to grant a parking reduction.

Mr. Fitzpatrick moved to approve application SP-2018-01 as submitted with the following conditions:

- 1. In the Findings and Conclusions of Law section of the draft decision (page 2), that the word minimum be changed to maximum;*
- 2. That the applicant agrees not use either basement in support of the principal use;*
- 3. That conditions 1 – 6 listed on the draft decision apply;*

and that the Board also approves the request for a modification of standards, as described in the draft decision. Mr. Anderson seconded the motion and the Board voted 3-0 in favor of the motion.

Mr. St. Germain requested a five minute break before returning to the meeting.

- b. Sign the mylar for MSD-2018-01 - The Planning Board must sign the mylar for application MSD-2018-01 prior to it being recorded at the Hancock County Registry of Deeds.**

The Board signed the mylars for MSD-2018-01.

Mr. St. Germain returned from a break, rejoined the Board at the table, reassumed his position as Chair, and signed the mylars.

VII. OTHER BUSINESS

a. Dormitory

It was suggested by the Planning Director to hold a workshop at the next regularly scheduled meeting that would focus on the proposed amendments to the land use ordinance. Mr. Fitzpatrick provided a brief background on the purpose of the proposed amendments. Mr. St. Germain added that there was a Polco survey that polled the community on their receptiveness to dormitories in certain areas of Town and he suggested cross checking the proposed amendment with the poll results to see if they are in sync.

b. Pending Applications (PUD-2017-02)

The Board noted that there would be a site visit and neighborhood meeting on April 19, 2018 in regard to this application.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

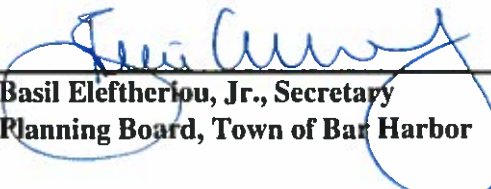
The Board determined to hold a workshop at the next regularly scheduled meeting focused on the proposed amendments to the land use ordinance that would define and provide a set of standards for dormitories.

The Planning Director provided a brief update on the State's recreational marijuana bill and it was decided that she would provide a memo to the Board further outlining the updates at the state-level and how it would impact municipalities.

IX. ADJOURNMENT

Mr. Cough moved to adjourn at 8:02 PM. Mr. Anderson 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

5.09.18
Date