

Bar Harbor Conservation Commission
Minutes of the May 16, 2018 Meeting
Conference Room – Municipal Building
93 Cottage Street

I. Call to order

The meeting was called to order at 7:05 pm. Members present: Jesse Wheeler, Chair; Michael Handwerk, Vice Chair; Jacquie Colburn, Secretary; and Kaitlyn Mullen
Staff present: Janna Richards, Planner

II. Excused Absences

Jeff Miller

III. Public Comment

There were no members of the public present.

IV. Adoption of the Agenda

Chair Wheeler made a motion to adopt the agenda with the addition of Vice Chair Handwerk's remarks regarding the LU ordinance, Ms. Mullen seconded the motion which was unanimously approved.

V. Approval of Minutes

Chair Wheeler made a motion to approve the April 30th meeting minutes as presented, Ms. Mullen seconded the motion which was unanimously approved.

VI. Updates

a. New Town Planner

Chair Wheeler welcomed Janna Richards. Ms. Richards introduced herself and the commission members did likewise. Ms. Richards and the commission members are looking forward to working together.

b. Invasive Species Workshop

Chair Wheeler confirmed the workshop will be held on Saturday, June 16th from 1-3 pm at Neighborhood House in NE Harbor. The focus of the workshop will be terrestrial (land-based) invasive species and will include speakers from the Maine Forest Service, ANP, the Land & Garden Preserve, and the Somes Meynell Sanctuary. A workshop regarding aquatic invasive species may be held in the future.

c. Land Use Ordinance

Vice Chair Handwerk presented the commission members with a hard copy of his remarks from the May 15th Town Council public hearing regarding the proposed changes to Article 2 – Chapter 125 of the ordinance pertaining to the town's Timber Harvesting Provisions. Mr. Handwerk spoke at that hearing but not in his capacity as a commission member. He is concerned that a comparison of the state's regulations to the town's codes should be completed before the town takes any action. For more detail regarding Mr. Handwerk's concerns and reasoning, see the attached document.

Commission members and Ms. Richards then discussed the implications of removing the language from the town ordinance; primarily, the enforcement would fall to the state, especially in the shoreland zone. Ms. Richards offered to speak with or possibly meet with the state to get more information, gain a better understanding of the proposed changes, and to find out what other communities have done. She also offered to speak further with Angie Chamberlain, town code enforcement officer.

VII. Ongoing Business

The commission continued working on the Open Space Plan. To bring Ms. Richards up to speed, Chair Wheeler provided a review of the commission's efforts and what has transpired to date regarding the plan. The members worked on the draft OS goals and strategies spreadsheet focusing primarily on Chapter 5. It was agreed that everyone should focus on the main strategies before the sub-strategies.

**VIII. Items for the Next Agenda – Date to be determined b/c of the Memorial Day Holiday
Open Space Plan**

- Keep working on chapters and spreadsheets.

IX. Adjournment

Mr. Wheeler made a motion to adjourn the meeting, Ms. Colburn seconded; the meeting adjourned at 9:13 pm.

DocuSigned by:

Jacquie Colburn

6/11/2018 4:34:48 PM PDT

Jacquie Colburn, Secretary
Bar Harbor Conservation Commission

Date

Bar Harbor Conservation Commission

Vice-Chair's Remarks at May 15th Public Hearing/Town Council Meeting Concerning Article 2 - Chapter 125 Land Use Ordinance (LUO) Amendment

Specific Remarks

- Mike Handwerk spoke at public hearing to inform Town Council of his concerns involving Town Code's Chapter 125 LUO stricken language as is considered for Adoption of Statewide Timber Harvesting Provisions
- Vice Chair stated a comparison of statewide regulations (Chapter 21) and our LUO municipal codes in Chapter 125 should be completed.
- Mike also suggested utilizing our new Planner, Janna, and Conservation Commission meetings to investigate, review, and provide Town Council with a recommendation.

Reasoning

- Stricken code citations throughout Chapter 125 should not be removed prior to:
 - State explanation as to why "not consistent" Town code language must be removed in its entirety before Town is considered compliant.
 - State's compliance requirements seemingly do not allow for specific municipal variations or exceptions to state-wide regulations (always should be case-by-case considerations, given proper support/reasoning for municipalities' relevant code).
 - Based upon our Commission's brief discussions involving timber harvesting and continued protection of our natural forest and water resources, Commission should consider additional investigation with several of the "non-technical" citations in Town's Chapter 125 Code, while considering whether removal of said citation would still be covered within comparable State regulations.
 - Commission's investigation into "technical" citations should involve actual property visits and feasibility of demonstrating code compliance, along with discussions with previous Conservation Commission members. Our codes are "strict" for a reason.
- Example - municipal utility procedures and programs relevant to Federal pipeline integrity and operator qualification programs – only when companies responded with exceptions to the Federal regulations did the regulations get changed in favor of individual or multiple utility operational programs and procedures
- A recommendation to Town Council will at least provide the community with an appropriate review by Conservation Commission, given much of the original code language was from previous conservation commission members. Also, the recommendation will document relevant State correspondences and findings.