

Minutes
Bar Harbor Planning Board
Wednesday, June 6, 2018
Council Chambers- Municipal Building
93 Cottage Street
6:00 P.M.

I. CALL TO ORDER

The Chair called the meeting to order at 6:00 PM. Members present: Tom St. Germain, Chair; Alf Anderson, Member; Basil Eleftheriou, Jr, Secretary; and Joseph Cough, Vice Chair.

Also present: Janna Richards, Planning Director and Angela Chamberlain, Code Enforcement Officer.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda as prepared. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 4-0 to approve the motion.

III. EXCUSED ABSENCES

John Fitzpatrick was an excused absence.

IV. PUBLIC COMMENT PERIOD

There was none.

V. APPROVAL OF MINUTES

May 16, 2018

Mr. Cough moved to approve the minutes of the May 16, 2018 meeting as submitted. Mr. Anderson seconded the motion and the Board voted 4-0 to approve the motion.

REGULAR BUSINESS

a. Completeness Review: SP-2018-02 – MDI High School Storage Facility

Project Location: 1081 Eagle Lake Road, Bar Harbor Tax Map 244. Lot 011-000

Applicant: Sealander Studio LLC

Application: The applicant is proposing to construct a 1,600 square foot single-story, with a 500-square foot mezzanine, free-standing storage and restroom facility near the northern track and playing field behind the high school. The proposed facility is accessory to the principal permitted use and structure, a municipal school, Mount Desert Island High School.

Mr. Matt Haney and Mr. Mike Sealander came forward to represent the applicant. Mr. Sealander provided a brief description of the proposed project, explaining that the facility would replace the porta-potties that currently exist near the track at the high school. The facility would also act as storage for athletic equipment.

The Board reviewed the applicant's waiver requests and the Planning Department's staff report to the Board relating to this project.

The Chair opened the public hearing. With no one coming forward, he closed the public hearing.

Mr. Cough moved to grant the applicant's waiver requests subject to the modifications as noted in the staff report dated June 1, 2018. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 4-0 to approve the motion.

Mr. Cough moved that the application be found complete, subject to the items that were outlined in the staff report dated June 1, 2018. Mr. Anderson added to the motion that the public hearing will be scheduled for July 18, 2018. Mr. Cough amended the motion and Mr. Anderson seconded the motion. The Board voted 4-0 to approve the motion.

b. Sketch Plan Review: PUD-2017-01 Planned Unit Development – Outlying Area

Project Location: Off Route 3, in the vicinity of the Mount Desert Oceanarium, Bar Harbor Tax Map 212, Lot 043-000

Applicant: Island Housing Trust

Application: The applicant is proposing to subdivide a 30-acre property into eleven (11) lots for residential use.

Mr. Cough recused himself from this agenda item. He did not return for the remainder of the meeting.

Mr. Mike Rogers from Lark Studios and Ms. Alison Beane of Island Housing Trust represented the applicant. Mr. Roger St. Amand, a wetlands biologist for the applicant, was also present.

Mr. Rogers provided a brief description of the proposed project, noting it is a partnership with Maine Coast Heritage Trust to acquire the property and to provide affordable housing for the community. Mr. Rogers clarified that the number of housing lots ranges between nine and thirteen lots, depending on the ability to extend the subdivision road to access lots proposed to be located toward the rear of the property. He explained that the DOT has advised that the location of the proposed road entrance is limited to a certain location due to poor sight distance. Mr. Rogers also explained other constraints limiting the location of the proposed road, including avoidance of wetlands and adhering to vernal pool and wetland setbacks, and noted that to reach the proposed rear four lots, the road would have to be built narrower than the road standards for a portion of the road.

Ms. Richards provided a summary of the memo she prepared for the Board in regard to the proposed road. The memo outlines the road design and construction standards in the Land Use Ordinance and how they would be applied to the proposed road. The memo also includes feedback from the Town's Fire Chief in regard to the proposed road width modification to access the rear four lots. Ms. Richards suggested that if the applicant would like the road to be taken over by the Town, that they meet with the Public Works Director. Ms. Richards noted that if it is the intent of the applicant for the road to be taken over that they would need to adhere to the Town's Road Acceptance Policy. Finally, Ms. Richards noted that it appears that the road crosses through setbacks from the wetlands shown on the site plan and that it is not within the Planning Board's

jurisdiction to entertain a modification request for a setback. Ms. Richards stated that she would work with the applicant, the Town's Attorney, and the Department of Environmental Protection (DEP) to understand where the road is located in relation to the setback requirements and provide the applicant with direction on whether or not they would need to apply to the Appeals Board to request a variance. Mr. St. Amand asked if the existing road could be considered a road crossing when applying the shoreland zoning road standards. Ms. Richards noted that she would inquire with the DEP for their interpretation of the existing road and for a suggestion of the standards that should be applied.

The applicant confirmed that they do wish to have the road taken over by the Town. There was a discussion about sprinkling the residences and the need for a fire pond or hydrants if the homes were to be sprinkled. Ms. Richards noted that she would confirm this with the Fire Chief.

Mr. Rogers provided a description of other elements of the proposed subdivision, including lot sizes, open space, and wastewater locations. Ms. Richards and Mr. St. Amand provided an explanation of the definition of a "significant vernal pool." Mr. St. Germain asked if the density that the applicant wishes to achieve could be accomplished without having the rear lots. There was more discussion about the road modifications that the applicant is proposing in their sketch plan. Ms. Beane provided an explanation of the cost of the homes.

It was determined that the Board would wait to act on the applicant's waiver requests and to schedule a site walk and neighborhood meeting until the applicant was provided feedback on the road design.

The Chair opened the public hearing and, with no one coming forward, the Chair closed the public hearing.

c. OTHER BUSINESS

a. Update on Proposed Dormitory Use Land Use Ordinance Amendment

Ms. Richards noted that she made the changes to the districts in which the proposed uses would be allowed, per the workshop held on May 2, 2018. She also inserted comments that would act as place holders for additional edits to the proposed amendment.

d. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. St. Germain requested a schedule of benchmarks for getting the proposed dormitory use land use ordinance amendment on the ballot for a vote in November. Ms. Richards said that she would have this for the next meeting. Mr. Eleftheriou, Jr. proposed another workshop in July on the proposed amendment. Ms. Richards and Mr. St. Germain stated they would keep in touch about scheduling a workshop.

Mr. St. Germain noted that he summarized the Board's workshop on marijuana and would circulate that summary to the Board for comments. He stated that he would like to get a copy of the summary to the Council before their June 19, 2018 meeting.

Mr. Anderson provided an update on a recent trip to Denver, Colorado in regard to marijuana retail shops and regulation of Air B and B's.

Ms. Richards provided an update of the applications that would be on the next meeting's agenda.

e. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn at 7:20 PM. Mr. St. Germain seconded the motion and the Board voted 3-0 to approve the motion.

Signed as approved:



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

6.26.18
Date