

Minutes
Bar Harbor Planning Board
Wednesday, June 20, 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; John Fitzpatrick, Member; 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. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.

III. EXCUSED ABSENCES

There were no excused absences.

IV. PUBLIC COMMENT PERIOD

There was none.

V. APPROVAL OF MINUTES

June 6, 2018

Mr. Eleftheriou, Jr. moved to approve the minutes of the June 6, 2018 meeting as submitted. Mr. Anderson seconded the motion and the Board voted 3-0-2 to approve the motion, with Mr. Fitzpatrick and Mr. Cough abstaining.

VI. REGULAR BUSINESS

a. Continuation of 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. Perry Moore and Mr. Eben Salvatore represented the applicant. Mr. Moore explained the changes to the sketch plan that were a result of the site walk and neighborhood meeting held in April, after the initial sketch plan review meeting took place before the Board at their March 21, 2018 meeting. He noted that the building proposed to be located near the intersection of West

Street Extension and Woodbury Road was removed and relocated to the eastern property line. In addition, the proposed parking areas located off of Woodbury Road were removed. Mr. Moore stated that in addition to reviewing the revised sketch plan with the Board, he would also like to discuss the affordable housing criteria that are required by the Planned Unit Development ordinance. In addition, he explained that the revision to the sketch plan would result in the applicant requesting a modification to the distance between structures setback, which as part of a Planned Unit Development, the Planning Board has the discretion to modify.

Mr. St. Germain asked for clarification from Ms. Richards as to what the “base development density” or “the density allowed for a conventional subdivision application” would be for the subject property. Ms. Richards indicated that based on the assessing records the total land area for the property would be 1.54 acres (67,082.4 square feet), with a minimum area per family of 10,000 square feet, and that therefore the density allowed for a conventional subdivision application would be 6.7 units, rounded to 7 units. The property has sixteen units because it is a nonconforming lot that was developed prior to having the minimum area per family standard that currently exists. Ms. Richards noted that because it is a nonconforming lot that it is difficult to calculate how credits for additional units, which are allowed for as part of the Planned Unit Development ordinance, would be applied in this situation. Mr. Moore stated that a survey was conducted that demonstrates that the combined subject lots include more acreage than is found in the Town’s assessing records.

Ms. Richards asked that the applicant clarify what they are proposing in terms of a modification to the Planned Unit Development affordable housing requirement. She explained that any modification to the requirements would need to be reviewed in accordance with Section 125-64 of the ordinance as well as with the purpose and intent of the Planned Unit Development section of the ordinance.

Mr. Fitzpatrick asked for an explanation on the history of how the current housing development on the subject lot was built. There was a discussion on the Planned Unit Development affordable housing requirement and how it could be applied to this property. Mr. Moore went through how the proposed development meets the purpose and intent of the Planned Unit Development ordinance. Mr. Cough referred the Board and the applicant to the Affordable Housing standards found in Section 125-69 R. and expressed his concern on how the applicant would be able to meet those standards. Mr. Salvatore asserted that the proposal would meet that section of the ordinance.

There was more discussion about the affordable housing requirement and how it could be applied to the application. It was determined that if the survey of the combined lots was accurate, that the base development density would be 9, that the maximum number of units that could be obtained with a Planned Unit Development would be 18 (double the base development density), and that 2 units would be required to be affordable (20% of the base development density). The applicant stated that they no longer believed they would need to request a modification to the affordable housing requirement and that they could meet the required amount of affordable housing units, of which they noted would be year-round units.

There was discussion about the setback requirement modification that the applicant may be inclined to request. Mr. St. Germain asserted that it would be helpful for the applicant to provide the Board with a lot coverage calculation, a depiction of scale of the proposed new structures to

existing structures, and drawings of the buildings that show the proposed distances between the buildings. There was discussion about the possibility of combining the proposed buildings into a larger building or buildings. Mr. Fitzpatrick added that he would like to see a three-dimensional perspective of the proposed scale of the buildings. Ms. Richards indicated that she would confirm what the base development density is for this proposed project given that it is a nonconforming lot. She also noted that for a completeness review submission that the applicant would need to provide a draft agreement that would preserve the units as affordable over the long-term.

Mr. Cough addressed the Great American Neighborhood guidelines and if the proposed project was in line with these guidelines. Mr. Eleftherious, Jr. indicated that a three-dimensional rendering of the proposed project would be helpful for the Board's review.

Mr. St. Germain opened the Public Hearing and there was a reminder that, per the ordinance, "At the time of its review of a preapplication sketch plan, the Planning Board shall entertain brief public comment on the proposal for the limited purpose of informing the applicant of the nature of any public concerns about the project so that such concerns may be considered by the applicant in preparing his/her application."

Mr. Dennis Bracale came forward to express his concern on the proposed project and how it would impact an abutting historic property. He also noted concern for a potential wetland/stream near the property line of the property where the proposed new buildings would be placed. Mr. Bracale mentioned a letter that was submitted as public comment from Arthur Greif and it was confirmed that Board received this letter prior to the meeting. He expressed concern on the compatibility of the proposed development with the surrounding neighborhood.

Ms. Bobbi Avancena came forward to express that she is satisfied with the changes that the applicant made to the sketch plan in removing the building from the intersection of West Street Extension and Woodbury Road.

Ms. Elizabeth Mills, an abutter to the proposed project, came forward to express her concern with the noise level, particularly later at night, and littering from the existing development and the compatibility of the development with the surrounding residential neighborhood. She also voiced her concern on the proximity of the proposed development to her property, which is historic, and the amount of open space that would be taken away from those who live in the development with the construction of additional buildings. Ms. Mills asserted that she also has safety concerns that are associated with the existing development.

Ms. Carol Wade came forward to express her concern about the noise level from the existing development as well as putting increased traffic onto West Street Extension or Woodbury Road. She also expressed safety concerns.

Ms. Donna Karlson came forward to express concern on the compatibility of the proposed development with the surrounding neighborhood. She noted concern with the amount of people who stay at the existing development and the inability to regulate overnight guests. Ms. Karlson expressed safety concerns and concerns with ensuring that the affordable housing units are provided to year-round residents. She urged Ocean Properties and other employers to help with developing workforce housing amendments to the Land Use Ordinance. Ms. Karlson voiced

concern with the noise level from the existing and proposed development and its impact on abutting property owners. Ms. Karlson noted that a higher fence could be proposed, questioned the details of the vegetated buffer shown on the sketch plan, and indicated that the proposed distance between buildings setback would be "tight." She also expressed concern with the visual impact that the proposed development would have on the neighborhood and on abutters, particularly the abutting historic property. Ms. Karlson questioned how the proposed development would meet the purpose and intent of a Planned Unit Development.

Ms. Mary Jane Whitney came forward to express her concern with the proposed development and its impact on the abutting historic property.

Ms. Elizabeth Mills came forward again to state that she worked closely with Emera to design the substation near her property so that it was compatible with the visual characteristics of the surrounding area.

With no one further coming forward, Mr. St. Germain closed the Public Hearing.

Mr. Moore provided a summary of the previous discussion with the Board and described the submissions the applicant will provide for future submissions. He noted that he would like to come back before the Board as a continuation of the sketch plan review. It was noted that the Board could wait to have another site walk/neighborhood meeting until after the next rendition of the plan was submitted for the Board's consideration.

Mr. Fitzpatrick moved to continue the sketch plan review at a future meeting. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.

b. Completeness Review: SP-2018-04 – Community Boat Ramp

Project Location: 43 Lookout Road, Bar Harbor Tax Map 217, Lot 015-000

Applicant: Jeffrey H. Crafts, PE for John Cochran

Application: The applicant is proposing to construct a permanent 1,000 square foot boat ramp, of which approximately 500 square feet above the highest annual tide will be paved, and 500 below the highest annual tide will be made of precast concrete.

Mr. Jeffrey Crafts came forward to present the application. He provided a brief description of the proposed project. Mr. Crafts noted that part of the submission before the Board is a draft license agreement that would allow members of the public to use the proposed boat ramp. He also stated that he has complete applications for permits from the Army Corp of Engineers and Maine Department of Environmental Protection (DEP) for the proposed project. Mr. Crafts indicated that he should have a copy of the approved permits for the next meeting with the Board. It was determined that the list of waivers being requested did not need to be modified and that there was no lighting being proposed as part of this project. Mr. Fitzpatrick asserted that any approval would be conditioned on receiving the approved permits from the Army Corp of Engineers and the DEP. He also noted that the municipality listed on the site plan should be revised from Hulls Cove to Bar Harbor and that the lot lines and setbacks should be added to the site plan. Mr. Cough asked that existing and proposed conditions be distinguished from each other on the site plan.

Mr. Fitzpatrick moved to accept the applicant's waiver requests. Mr. Cough seconded the motion and the Board voted 5-0 to approve the motion.

The Board determined to hold a special meeting on July 11, 2018 at 5:00 P.M. to hold a public hearing for this application and also to further discuss the proposed dormitory use land use ordinance amendment.

Mr. Cough moved to find the application complete subject to the approved Army Corp of Engineers and DEP permits being completed and submitted, lot lines and setbacks being added to the site plan, existing and proposed conditions being distinguished from each other on the site plan, and the name of the municipality being changed from Hulls Cove to Bar Harbor on the site plan, and that a public hearing be scheduled for July 11, 2018 at 5:00 P.M. Mr. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.

VII. OTHER BUSINESS

a. Schedule and Benchmarks for Proposed Dormitory Use Land Use Ordinance Amendment

Ms. Richards passed out a draft benchmark schedule for getting a proposed amendment on the June ballot and noted that she is working with the Town Clerk to update the schedule for the November election.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Ms. Richards provided the Board with a draft memo regarding comments on the Acadia National Park Transportation Plan. She explained that she provided the memo to the Council and that they had provided feedback on the memo at their meeting held on June 19, 2018. The Board provided Ms. Richards with their comments, which Ms. Richards will integrate into the memo along with the Council's additional comments.

There was a discussion about the Council's motion to wait on taking action on any adult-use marijuana policies at their June 19, 2018 meeting.


Mr. Fitzpatrick stated that the Island Housing Trust would be having a meeting on June 21, 2018 regarding their affordable housing study.

Mr. Eleftheriou, Jr. indicated that the Bar Harbor Historical Society purchased a property on Cottage Street to construct a new museum and that a museum is not currently an allowed use in the Downtown Village II zoning district. Ms. Richards stated that the Planning Department is aware of the situation and that they have discussed the process for requesting a land use amendment with members of the historical society and that they would be submitting an application with this request in the near future.

IX. ADJOURNMENT

Mr. Anderson moved to adjourn at 8:28 PM. Mr. Fitzpatrick seconded the motion and the Board voted 5-0 to approve the motion.

Signed as approved:



9.19.18
Date

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