

**Minutes**  
**Bar Harbor Planning Board**  
**Wednesday, July 18, 2018**  
**Council Chambers- Municipal Building**  
**93 Cottage Street**  
**4:00 P.M.**

**I. CALL TO ORDER**

*The Chair called the meeting to order at 4:00 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; Angela Chamberlain, Code Enforcement Officer; and Katie Foster, acting Town Attorney.*

**II. ADOPTION OF THE AGENDA**

*Mr. Cough moved to modify the agenda to place item 6.a after item 6.d. Mr. Eleftheriou, Jr. seconded the motion. Mr. Fitzpatrick inquired with one of the application's representatives to confirm that he would like for the item to be moved toward the end of the agenda. Although the application's representative stated that he would like the item moved, Mr. Cough moved to retract his motion. Mr. Eleftheriou, Jr. seconded the motion for retraction and the Board voted 5-0 to approve the motion.*

*Mr. Eleftheriou, Jr. moved to modify the agenda to place item 6.a after item 6.d. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.*

*Mr. Fitzpatrick moved to adopt the revised agenda. Mr. Cough 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**

**July 11, 2018**

*Mr. Anderson noted that he left the July 11, 2018 meeting at 7:00 P.M. and asked that the minutes be modified to reflect his leaving. Mr. Cough moved to approve the minutes of the July 11, 2018 meeting with the modification indicated by Mr. Anderson. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.*

## VI. REGULAR BUSINESS

### b. Public Hearing: SP-2018-01 – Jack Russell’s Steakhouse & Brewery

**Project Location:** 102 Eden Street, Bar Harbor Tax Map 101, Lot 010-000

**Applicant:** Jack Russell’s Steakhouse and Brewery

**Application:** At their June 18, 2018 meeting, the Appeals Board found that the Planning Board’s April 18, 2018 decision to deny the applicant’s request for a parking reduction for being on a regularly scheduled bus route was clearly contrary to the Bar Harbor Land Use Ordinance and remanded the decision to the Planning Board for further proceedings.

*Mr. Tom St. Germain recused himself from the agenda item and sat at the applicant’s table to represent himself as owner of Jack Russell’s Steakhouse & Brewery. He was joined by Mr. Don Becker of G.F. Johnston & Associates. Mr. Cough assumed the position of Acting Chair and opened the Public Hearing.*

*Mr. Cough explained that Mr. Eleftheriou, Jr. was not at the April 18, 2018 meeting at which the Planning Board made the decision that was now being remanded back to the Planning Board by the Appeals Board. He explained that Mr. Eleftheriou, Jr. has expressed that he would like to be able to deliberate and vote on the decision before the Board that night and any future decisions on the matter should they occur. Mr. Cough further explained that Mr. Eleftheriou, Jr. has reviewed the materials, including the application, minutes, and decision from the April 18, 2018 Planning Board meeting and the June 18, 2018 Appeals Board meeting, as well as watched the videos of both of the meetings. Mr. Eleftheriou, Jr. confirmed Mr. Cough’s statement on his efforts to review the Planning Board and Appeals Board records.*

*Mr. Cough asked the applicant if he had any objections to Mr. Eleftheriou, Jr. being a voting member for his application before the Board. Mr. St. Germain exerted that Mr. Eleftheriou, Jr. had missed more than the April 18, 2018 Planning Board meeting at which the decision was made. It was confirmed that Mr. Eleftheriou, Jr. was not present at the February 21, 2018 meeting (Completeness Review); March 21, 2018 meeting (Public Hearing); and April 18, 2018 meeting (Continuation of the Public Hearing). Mr. Eleftheriou, Jr. was present at the April 4, 2018 meeting, which was also a continuation of the Public Hearing. Mr. St. Germain expressed his concern that the final decision made at the April 18, 2018 Planning Board meeting was built upon findings at previous meetings and that Mr. Eleftheriou, Jr. was not present at all of those meetings. He inquired as to if Mr. Eleftheriou, Jr. reviewed all previous meeting materials that he was not present at (February 21, 2018 and March 21, 2018).*

*The Acting Town Attorney, Katie Foster, went to sit with the Board. Mr. St. Germain objected to Mr. Eleftheriou, Jr. participating in the deliberations and decision-making for the remand to the Planning Board by the Appeals Board. Mr. Eleftheriou, Jr. expressed that the deliberations and decision before the Board are narrow in focus in that they pertain to the reduction of the parking standard for being on a regularly scheduled bus route and that he reviewed all materials that pertain to that matter. Mr. Cough read from an email from the attorney, Mr. Bill Kelly, who sat with the Appeals Board during their June 18, 2018 meeting that states, “If there is an objection, the Planning Board should listen to the objection and then vote if the new member can sit. Almost always the new member can sit after a full review of the existing record. If the Applicant has a bias*

*objection, that should be fully considered, and the PB will need to vote on whether or not the new member can be an impartial fact finder.”*

*Mr. St. Germain asked if Mr. Eleftheriou, Jr. sent an email pertaining to overcrowding in the parking lot at the subject lot to the Board and Mr. Eleftheriou, Jr. responded that he sent an email reminding the Board to act on the request of the applicant to modify the driveway width standard. Mr. St. Germain stated that part of the basis for his objection is that he saw an email from Mr. Eleftheriou, Jr. that expressed concern for overcrowding in the parking lot on the subject lot. Mr. Eleftheriou, Jr. added that he had expressed that a site walk could be necessary to view the layout of the parking lot.*

*Mr. Eleftheriou, Jr. offered to step down from the deliberations and decision-making for the remand to the Planning Board by the Appeals Board. Ms. Foster indicated that the other Board members were present at the April 18, 2018 meeting and if they had missed a meeting prior to the April 18, 2018 meeting, their ability to deliberate and vote should have been recognized at the April 18, 2018 meeting. The reason Mr. Eleftheriou, Jr.’s ability to deliberate and vote during this meeting was because he was absent from the April 18, 2018 meeting. Mr. Fitzpatrick confirmed with Mr. Eleftheriou, Jr. that he reviewed the record from the April 18, 2018 meeting and Mr. Eleftheriou, Jr stated that he did.*

*Mr. Fitzpatrick moved to allow Mr. Eleftheriou, Jr. to participate in this hearing AB-2018-01, the administrative appeal for Jack Russell Steakhouse and Brewery. Mr. Cough seconded the motion. Ms. Richards reminded the Board that now that the application is before the Board, it is classified as a site plan review, SP-2018-01. Mr. Fitzpatrick amended his motion from a hearing for AB-2018-01 to SP-2018-01. Mr. Cough seconded the amended motion and the Board voted 2-1 to approve the motion with Mr. Anderson opposed.*

*Mr. Cough asked Ms. Richards to provide a summary of the application before the Board. Ms. Richards provided a description and timeline of the Planning Board approval and the Board of Appeals decision. Ms. Richards read the Appeals Board decision into the record. Mr. Cough asked Ms. Foster for clarification on the focus of the decision that the Planning Board is being asked to consider. Ms. Foster noted that it is a narrow focus and that the Board needs to decide whether they are going to give a parking credit based on the property being on a bus route.*

*Mr. St. Germain expressed his interpretation of the findings and decision by the Appeals Board, stating that the Appeals Board found that the Planning Board used the exclusion of the basement square footage in calculating the required number of parking spaces as the basis for not considering the parking reduction for being on a bus route. He further stated that tonight he is purely asking the Board for a parking reduction for being on a regularly scheduled bus route. Mr. St. Germain also stated that he is also requesting the Board consider a parking reduction for carpool or vanpool or efficient vehicle spaces. Ms. Foster exerted that what is being considered tonight is what was requested during the Planning Board meeting on April 18, 2018, which was to have a reduction of parking spaces based on the bus route and not to consider the other aspects for reduction.*

*Ms. Richards indicated that in the Planning Board packet before the Board there is a building permit and a decision for a minor site plan application from 2006 that demonstrates that basements were included in the gross leasable area calculation that was used to determine the required*

number of parking spaces for a restaurant. She noted that the materials could not be used in the Planning Board's deliberations at this meeting as the deliberations and decision to be made need to be independent of the parking calculation, but have been introduced to be a part of the record for this application. Ms. Richards explained that the Appeals Board knew of the documents, but did not know the contents of the documents. Mr. St. Germain expressed concern with these documents being introduced into the record at this time. Ms. Richards explained that during the previous Planning Board meetings the Board was searching for precedent for a time when gross leasable area was used in the parking space calculation and it was in error that these documents were not introduced at that time.

Mr. Anderson confirmed with the Town Attorney that the Board was not to take into consideration the request for a parking reduction for carpool or vanpool or efficient vehicle spaces. Mr. Cough closed the Public Hearing.

Mr. Fitzpatrick summarized that in the April 18, 2018 decision, the required number of parking spaces is 24, with 18 being provided on-site, and 6 being provided off-site through a shared parking agreement. He indicated that the site plan on record asks for a modification of a reduction of two of the required parking spaces for being on a regularly scheduled bus route. Mr. St. Germain stated that he is requesting a modification of a reduction of six of the required parking spaces for being on a regularly scheduled bus route so that he is able to meet the requirement without having to engage in a shared parking agreement. He expressed that the Appeals Board agreed that it was safer for customers to utilize the bus stop near his property rather than walk from an adjacent parking area to his property. Mr. Fitzpatrick stated that he did not believe that was the decision of the Appeals Board and, that while it may have been commentary during the meeting, it was not expressly stated in the decision. Mr. St. Germain read finding number four from the Appeals Board decision into the record.

Ms. Foster provided an explanation of Section 125-64 of the Land Use Ordinance. Mr. Anderson asked the applicant if during his time owning the business if there have been accidents in the parking lot and Mr. St. Germain indicated that he cannot recall any accidents in the parking lot. Mr. Anderson further inquired to any pedestrian incidents in the parking lot or in the street surrounding the property and Mr. St. Germain stated that he is unsure of any pedestrian incidents. Mr. Anderson clarified that the parking agreement would be with the hotel next door to the property and not across the street from the property and Mr. St. Germain said that Mr. Anderson was correct. Mr. St. Germain asserted that it was safer for customers to be dropped off by a bus at the driveway of his property rather than walking through a parking area and sidewalk to his property. Mr. St. Germain added that he contributed financially for a bus stop to be placed on his property, that he promotes customers take the bus to his business, and that managers of hotels nearby to his business have indicated that their customers walk or take the bus to the property. Mr. Anderson asked if there will be a sidewalk on both sides of Route 3 in the vicinity of the property after the construction has been completed and Mr. St. Germain indicated that was correct.

Mr. Fitzpatrick inquired how many parking spaces were required of the applicant before the application for the change of use was submitted to the Planning Board. Mr. St. Germain indicated that he was not sure and Mr. Fitzpatrick expressed he believes it was 17 spaces. Mr. Fitzpatrick inquired how many seats are within the current restaurant. Mr. St. Germain indicated that he was not sure and that the Land Use Ordinance does not calculate parking based on the number of seats.

*Mr. Fitzpatrick stated that prior to this application coming before the Planning Board, there were 17 required parking spaces and 106 seats in the current restaurant, as indicated in the site plan application. Mr. Fitzpatrick clarified with the applicant that he is asking for a reduction for being on a bus route from 24 spaces to 18 spaces and that he has been approved for a total of 206 seats. He summarized that the applicant would therefore be adding 100 seats and 1 parking space.*

*Mr. Becker expressed his concern with Mr. Fitzpatrick basing his deliberations on the parking space requirement using the number of seats in the restaurant when that was not a standard found in the Land Use Ordinance. Ms. Foster explained that the language in the ordinance provides the Planning Board with the authorization to either grant or not to grant a parking reduction for being on a bus route. Ms. Richards indicated that it is the Board's task to either grant or not to grant the request of the applicant to modify the parking standard. If the Board does not grant the request, the Board needs to base the decision on a public health, safety, or welfare finding, or take into consideration particular site characteristics. If the Board does grant the request, the same type of finding needs to be made. Ms. Foster reminded that Board that Section 125-64 states that a modification to a standard may be granted when necessary to protect the public health, safety, or welfare, or to address particular site characteristics.*

*Mr. Becker stated that there are restaurants in Bar Harbor that do not have parking and that this is not generally considered a safety hazard. He further noted that not having enough parking on-site is not a safety concern and it is more of a concern from a business standpoint. Mr. Fitzpatrick explained that those restaurants in Bar Harbor that do not have parking are within the downtown area where there is no parking standard for restaurants and that this property is within the Bar Harbor Gateway district, which is not part of the downtown, and has a parking standard for restaurants. Mr. Becker asked the Board to consider that, given there are hotels in the vicinity of the property where customers can park and walk, similar to the downtown area, the parking standard could be reduced to reflect less of a demand for parking on-site.*

*Mr. Fitzpatrick expressed that the safest option that has been presented to the Board for this particular site is the finding that was made at the April 18, 2018 meeting for the applicant to provide 18 parking spaces on-site and 6 parking spaces off-site through a shared parking agreement. He further noted that modifying the parking standard to reduce the number of parking spaces would pose a safety risk that outweighs and would not be offset by the public's benefit of utilizing the Islander Explorer bus service. Mr. Fitzpatrick explained that the safety risk lies in customers looking for a parking space on-site not being able to find a space and alternatively exiting back onto Route 3 looking for parking off-site in places that may not have safe access to the property.*

*Mr. Eleftheriou, Jr. noted that there seems to be no precedent in previous Planning Board applications for the Planning Board granting a modification for a parking standard reduction for being on a regularly scheduled bus route. He also mentioned that there was no explanation for the land use ordinance amendment, which revised the Town's parking standards to authorize the Planning Board to grant a modification to the parking standard for being on a regularly scheduled bus route, that could provide a narrative on the intent of the amendment. Mr. Eleftheriou, Jr. stated that while the applicant may promote the use of the bus by his patrons and may be able to manage the use of the parking lot, the decision by the Planning Board will run with the property*

*and will regulate future owners of the property who may not have the same intentions and business strategies as the current owners.*

*Mr. Eleftheriou, Jr. expressed concern that the Islander Explorer is not a regularly scheduled bus route because of its limited schedule, running primarily for just under four months of the year, and that the property is a year-round business and, that in the absence of a year-round bus route, there is no promotion of public health, safety and welfare.*

*Mr. Anderson stated that reducing the parking standard for being on a regularly scheduled bus route is in line with the Comprehensive Plan that encourages more biking, walking, and use of public transportation. He also disagreed with Mr. Eleftheriou, Jr.'s interpretation of the Islander Explorer being a regularly scheduled bus route, indicating that while it may not be year-round and may be limited, there is a regular schedule for the bus.*

*Mr. Cough expressed that parking is a safety standard and that managing vehicular traffic is a safety standard. He noted that modifying the parking standard to reduce the amount of spaces would not encourage bus use and would exacerbate already difficult site characteristics.*

*Mr. Fitzpatrick moved that the Planning Board, after consideration of the impact on public health, safety, and welfare, finds, and reaffirms, the Planning Board's decision on April 18, 2018 regarding the application SP-2018-1, the proposal converting an existing building to a restaurant, requiring not less than 24 parking spaces to support the proposed use, and not less than 18 to be provided on-site, and not less than six to be provided at an adjacent property off-site, to remain intact. Mr. Eleftheriou, Jr. added the lack of a year-round bus schedule does not promote safety concerns when parking. Mr. Cough added that a reference to Section 125-64 be included in the motion, as well as parking and vehicular safety aspects and the excessive use of the property as a general welfare concern.*

*Ms. Foster recommended that the Board make a motion and then support the motion with findings.*

*Mr. Fitzpatrick moved, after consideration of the modification of standards found and as outlined in Section 125-64 of the Land Use Ordinance and 125-67 D, the Planning Board grants the applicant's request for a reduction in parking standard requirements for the property's location on a regularly scheduled bus route. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 1-3 against the motion, with Mr. Anderson in favor and Mr. Fitzpatrick, Mr. Cough, and Mr. Eleftheriou, Jr. against. Mr. Fitzpatrick stated the reasons for denying the modification of standard include the limitations of the existing bus schedule and the negative effects of the proposed reduction in parking standard requirements to the public's health, safety, and welfare.*

**c. Sketch Plan Review: SD-2018-01 – Major Subdivision – Hamilton Hill**

**Project Location:** 18 Eagle Lake Road, Bar Harbor Tax Map 107, Lots 001-000 and 001-002

**Applicant:** Kebo Properties, LLC

**Application:** The applicant is proposing to develop a 17 lot subdivision for residential use.

*Mr. St. Germain rejoined the Board as Chair; however, he recused himself from this application as he is a direct abutter to the proposed subdivision. Mr. St. Germain left the room. Mr. Eleftheriou, Jr. inquired with Ms. Foster about the Board member recusal protocol. Ms. Foster noted that she*

would speak with Mr. Edmond Bearor and report back to the Board regarding the protocol in accordance with the Town's Ethics Ordinance. Mr. Cough became the acting Chair for this application.

Mr. Chris Swan and Mr. Scott Henggeler of Kebo Properties, LLC provided background and a description of the proposed subdivision. Mr. Swan clarified that this is not an extension of the Kebo Ridge subdivision and is separate from that subdivision. He explained that the main access to the subdivision is being proposed off of Kebo Street, which would provide access to 15 of the lots, and that the remaining two lots would be accessed from the existing driveway off of Eagle Lake Road. Mr. Swan stated that the majority of the subdivision is proposed to be connected to Town sewer, Town water, and would be serviced by underground utilities. He noted that the existing house is to remain on a six-acre lot.

Ms. Richards provided the acting Chair with the process for a subdivision sketch plan review, per Section 125-72 of the Land Use Ordinance. Mr. Cough opened the Public Hearing.

Mr. Jim Corbett came forward to express his concern with water that flows off of Hamilton Hill in the vicinity of his property. He explained that he and his neighbors invested (spending approximately \$75-80,000) in installing a drainage system to handle the water that was flowing onto their properties. He confirmed that the Board received his email explaining the water drainage situation on Spring Street. Mr. Corbett explained the water drainage system that he and his neighbors had installed and requested that proper drainage be installed with the proposed subdivision so that it does not create a problem.

Ms. Martha Searchfield came forward to inquire if there is a mechanism to ensure that the proposed stormwater drainage system that is installed as part of the project is working correctly overtime after it has been installed. Ms. Richards noted that there are performance guarantees related to infrastructure improvements that the Board could require for the proposed project. Ms. Searchfield requested that the Planning Board consider a performance guarantee for the proposed stormwater drainage infrastructure as the project moves forward through the Planning Board process.

Mr. Tim Searchfield came forward to ask to view a large size plan of the proposed subdivision. Ms. Richards put a copy of the plan on the wall. Members of the public gathered around the plan with Mr. Swan.

Mr. Eleftheriou, Jr. asked if proposed stormwater treatment areas were shown on the plan and the impetus for their placement based on current runoff patterns. Mr. Swan demonstrated where the existing access drive is located and where the proposed roads are to be placed. Mr. Swan clarified that all lots are proposed to be on public water and that some may not be serviced by public sewer. Mr. Searchfield asked where the runoff from the proposed driveways would go and Mr. Swan indicated that their engineer would provide plans for subsequent meetings that would show runoff patterns and how the runoff would be managed. Mr. Cough asked that the meeting resume. Ms. Richards noted that the public's concerns in regard to stormwater runoff have been recorded, that the applicant will need to provide a stormwater management plan as part of their application, and that the plan may address the public's concerns and questions. She also noted that there will be a

site walk and neighborhood meeting scheduled where questions and concerns could be discussed in more detail.

The Board went through the list of the applicant's waiver requests and the staff report regarding the waiver requests. It was noted that a road association would be established for those lots located off of the newly proposed road and that a separate right-of-way agreement would apply to the two lots located off the existing driveway. There was a discussion about the potential of the Board requesting a performance guarantee for the stormwater management system.

Mr. Eleftheriou, Jr. went through the staff report that explains the modification to standards that the applicant is requesting. Ms. Richards clarified the purpose for one of the easements shown on the plan. She further clarified that a driveway can access two single-family homes. Ms. Richards reminded the applicant that there are two driveway width standards, one for a driveway up to 500 feet in length and another for a driveway 500 feet and greater.

The Board decided to wait until the Completeness Review meeting to act on the applicant's waiver requests. Mr. Eleftheriou, Jr. moved to approve the sketch plan for SD-2018-01, the major subdivision Hamilton Hill, and direct staff to schedule a neighborhood meeting and site visit. Mr. Cough closed the Public Hearing. Mr. Cough seconded the motion and the Board voted 4-0 to approve the motion.

**d. Completeness Review: LU-2018-02 - Amendment to the Land Use Activities and Standards for the Downtown Village II district**

**Project Location:** Downtown Village II district

**Applicant:** Bar Harbor Historical Society

**Application:** The applicant is proposing to add "Museum" as a permitted use with Site Plan Review approval in the Downtown Village II district.

Mr. St. Germain re-joined the Board as Chair. Mr. Earl Brechlin represented the applicant, the Bar Harbor Historical Society. Mr. Brechlin provided a background and a description of the proposed amendment to the Land Use Ordinance to add museum as an allowed use with site plan approval in the Downtown Village II district. Ms. Richards explained that the proposed change would affect the entire Downtown Village II district and, as such, a map was provided to the Board showing the entire Downtown Village II district and a 600-foot radius surrounding the district. She further explained that there are no additional definitions or standards for a museum being proposed as part of this application. Mr. Brechlin added that as part of the application before the Board is a narrative explaining how the proposed change is in line with the Comprehensive Plan. Ms. Richards explained that there are no waiver requests as part of a land use amendment application and also that there is no zoning map change for this particular application as the request applies to the entire district.

Mr. Fitzpatrick noted that his only concern with the proposed change would be if it allowed for establishments such as "Ripley's Believe It or Not" to locate on Main Street. He further stated that the proposed change would provide the historical with more visibility in the downtown. Mr. Eleftheriou, Jr. added that the definition of "museum" states that it is a non-profit institution.

Mr. Eleftheriou, Jr moved to find the application LU-2018-02, an amendment to the land use activities and standards for the Downtown Village II district, complete, and to schedule the public



hearing for August 15, 2018. Mr. Cough seconded the motion and the Board voted 5-0 to approve the motion.

a. **Public Hearing: 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.

*Ms. Richards noted that the items identified as missing during the completeness review were submitted and provided to the Planning Board in their packet. Mr. St. Germain opened the Public Hearing. With no one coming forward, he closed the Public Hearing. Ms. Richards noted that also submitted to the Planning Board in their packet is a letter from the State Department of Health and Human Services indicating that there are no outstanding issues with the proposed development's impact on the existing public water supply at the high school. Mr. Eleftheriou, Jr. confirmed with the applicant that there will be no increase in impervious surface as a result of the proposed development.*

*There was a discussion between the Board, staff, and the applicant on the proposed lighting plan. Mr. Fitzpatrick stated that from the submittal materials before the Board, it is unclear which and how many of the lighting fixtures the applicant is proposing to use and the associated lumens being projected from those light fixtures. Mr. Fitzpatrick also noted that it does not seem that the privacy screen was accounted for in the lighting plan showing the distribution of light. He expressed concern that the screen may diminish the amount of light illuminating the entrance to one of the bathroom stalls. Mr. Fitzpatrick asked that the applicant re-evaluate the light distribution model so that there are no dark pockets created near the entrances to the bathrooms. He also asked that the applicant be more specific on the type of light fixture that the proposed development will be utilizing. Mr. Fitzpatrick noted that all the light fixtures shown in the application are full cutoff and Dark Sky compliant.*

*Mr. Fitzpatrick noted that there is a sewer lift station and septic tank shown on plan C-2 and the applicant indicated that those were no longer relevant as the final design for the site connects to the existing sewer line. Mr. Fitzpatrick asked that the lift station and septic tank be removed from the plan to avoid confusion and also to show the size and paths of all water lines on the plan. He recommended that the applicant may want to review the engineer's note that places the responsibility of the functionality of the wastewater system on the high school.*

*Mr. Eleftheriou, Jr. noted that there does not seem to be lighting outside one of the bathrooms. The applicant indicated that they would add lights to provide adequate lighting for the entrances to all of the bathrooms.*

*Mr. Fitzpatrick moved to approve application SP-2018-02 according to the findings and conditions outlined in the draft decision dated July 18, 2018 with the condition that the lighting plan be modified to provide adequate lighting over public access to the bathrooms and a revised submittal be provided to the Town prior to the issuance of a building permit of the actual light fixtures to be used. Mr. Cough seconded the motion and the Board voted 5-0 to approve the motion.*

**e. Continuation of Sketch Plan Review: PUD-2017-01 – Planned Unit Development – Outlying Area - Jones Marsh Development**

**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. Joe Cough recused himself and left the room. Mr. Mike Rogers of Lark Studio and Ms. Alison Beane of Island Housing Trust represented the applicant. Mr. Rogers noted that he submitted a letter to the Board explaining the revisions to the sketch plan since the previous meeting they presented before the Board (June 6, 2018). He noted that the proposed road is shown to meet the standards of a minor road, giving access to nine lots, and that a 30-foot easement with a driveway extends to two lots. Mr. Rogers explained that the proposed road alignment has been altered so that it is no closer to the wetlands than the existing driveway and that the applicant would prefer to utilize the footprint of the existing road/driveway to limit expenses of further clearing for the road. Mr. Rogers also mentioned that the applicant would be requesting a modification to the road design standards to utilize a "T" turnaround instead of a cul-de-sac and that the Public Works Director had indicated that he would be in favor of that modification. Ms. Richards noted that she has shown the proposed plan to the Town Attorney and that he will advise the Planning Department on the process for permitting a road/driveway that runs over an existing, nonconforming road and the process for permitting a road/driveway that does not run over an existing, nonconforming road. Mr. Rogers provided the Board and inserted into the record a visual assessment that was performed for the development, per the requirements of the PUD-O ordinance.*

*Mr. Fitzpatrick moved to direct staff to schedule a site visit and neighborhood meeting for the project. Mr. Anderson seconded the motion. Mr. Eleftheriou, Jr. confirmed with the applicant that they received a copy of the staff report written for this meeting regarding this application. Mr. St. Germain clarified that the motion is to find the sketch plan complete and schedule the site visit and neighborhood meeting. The Board voted 4-0 to approve the motion.*

*Mr. Cough did not return to the meeting.*

**VII. OTHER BUSINESS**

*It was noted that no applications were submitted for the August 1, 2018 scheduled meeting.*

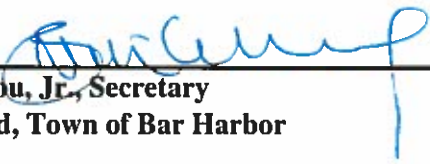
**VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

*Mr. Fitzpatrick asked if the Land Use Ordinance could be amended to require applicants to submit a PDF/digital copy of an application in addition to hard copies.*

**IX. ADJOURNMENT**

*Mr. Anderson moved to adjourn the meeting at 7:35 P.M. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 4-0 in favor of the motion.*

*Signed as approved:*



9/19/18

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

**Date**