

**Bar Harbor Planning Board  
Wednesday, August 7, 2019  
Council Chambers – Municipal Building  
93 Cottage Street in Bar Harbor  
4:00 PM**

**I. CALL TO ORDER**

Chair St. Germain called the meeting to order at 4:01 PM.

**Call to order at 4:01 PM**

Members present were Chair Tom St. Germain, Vice-chair Joe Cough, Secretary Basil Eleftheriou, Jr. and Member Erica Brooks. Member John Fitzpatrick was not in attendance.

**Four members present, Fitzpatrick absent**

Town staff present were Planning Director Michele Gagnon and Code Enforcement Officer Angela Chamberlain. Town Attorney Ed Bearor was also present.

**CEO and Planning Director present for town staff, as well as attorney Ed Bearor**

**II. ADOPTION OF THE AGENDA**

**Mr. Eleftheriou made a motion to adopt the agenda, seconded by Ms. Brooks. The motion to adopt the agenda then carried unanimously (4-0).**

**Agenda adopted**

**III. EXCUSED ABSENCES**

Chair St. Germain said Mr. Fitzpatrick had notified the board he would be absent from the meeting. **Ms. Brooks made a motion to excuse Mr. Fitzpatrick from the meeting, seconded by Mr. Eleftheriou. The motion then carried unanimously (4-0).**

**Fitzpatrick's absence is excused**

**IV. PUBLIC COMMENT PERIOD**

Chair St. Germain opened the public comment period after explaining the ground rules. Leo Doreika spoke and referred to the "general advisory discussion" language for agenda item 6C (a proposed parking area at the corner of Cottage and Kennebec streets) and asked if there would be time then to speak on the matter. Chair St. Germain said there likely would be, as the board has a liberal public comment policy. Planning Director Gagnon later noted a courtesy notice of the meeting had been sent to abutters of the project in agenda item 6C.

**L. Doreika asks about opportunity to speak on an agenda item**

Donna Karlson spoke next. She referred to Planning Director Gagnon's comments at a recent Charter Commission meeting about the importance of public involvement when it comes to proposed Land Use Ordinance changes, and said she strongly agreed with that perspective. She said it is also important to have a vision for the community, and wondered if that could be accomplished through the comp plan process.

**D. Karlson speaks about the need to have public involvement**

No one else came forward to speak and the public comment period was closed.

**Public comment period closed**

## V. APPROVAL OF MINUTES

Chair St. Germain referred to the draft minutes from the July 10 meeting, and asked Planning Director Gagnon if the board needed to take any action regarding not officially excusing Vice-chair Cough's absence from that meeting on that date. She said she did not think that was necessary. **Mr. Eleftheriou made a motion to approve the July 10, 2019 minutes as written, and Ms. Brooks seconded the motion. It then carried unanimously (4-0) without discussion.**

**Minutes from July 10 meeting approved**

## VI. REGULAR BUSINESS

### **a.) Public hearing, Deliberations, and Decision for CU-19-02 — Emera Maine Substation on Eagle Lake Road (Young's Corner Switching Station)**

**Project Location:** Tax Map 237 Lot 19, off the Eagle Lake Road (west of Norway Dr.) in the McFarland Hill Residential District

**Applicant/Owner:** Emera Maine, 970 Illinois Avenue, Bangor, Maine 04401

**Application:** To upgrade the existing pole-mounted recloser switching station to a modern, traditional switching station. This project consists of earthwork, a retaining wall to protect wetland features, concrete foundations, fencing, a control house, steel bus-work, three breakers, high speed relays, a back-up battery system and communications equipment.

**Public hearing, Deliberations and Decision for CU-19-02, Emera Maine Substation on Eagle Lake Road (Young's Corner Switching Station)**

Steve Sloan, manager of transmission development, and Kevin Webber, right-of-way agent in the property department, were present to represent Emera. Mr. Sloan recapped the project and what it involves, noting it is one phase of a multi-year program by Emera to improve service reliability to Bar Harbor and this part of Mount Desert Island. He said the equipment presently at Young's Corner has reached the end of its lifespan and needs to be replaced for the whole system to work as efficiently and effectively as it can.

**Steve Sloan and Kevin Webber present to represent Emera**

Mr. Sloan said the new switching station will be small and will be located on the back side of the property. He said the old equipment will be phased out as the new station is phased in.

**Applicant explains and recaps project**

He said there have been discussions with the Planning Department about what will be done with the area on the upper level in the future. Although it is separate from this application, Mr. Sloan said Emera staff "understand the importance of the long-term improvement of the visual quality of the upper area." As such Emera has issued a letter (included in the application) stating that as equipment on the upper level is phased out the area will be cleared, and landscaping and screening will be put in place for what goes in on the lower part of the development (the new switching station).

**Discussion about future landscaping and screening**

**Emera has provided a letter on this matter**

Chair St. Germain asked the applicant to review what it had done in response to board requests at the previous meeting for more information. Mr. Webber reviewed those new submissions, including a location map on a 7.5-minute USGS map, the 100-year flood zones, and plans and profiles of the proposed

buildings (to show the height restriction was not being violated). Mr. Sloan said those documents show that the height is 35 feet above original elevation, excluding the lightning rods as discussed at the last meeting. Other submissions included the letter Mr. Sloan referred to and details on the lighting at the site. Mr. Sloan said the lighting will be for use during maintenance work and other visits (there will be no continuous lighting — lights will only be on as needed).

**Applicant recaps submissions in response to board feedback and requests at the previous meeting**

Mr. Webber noted there were concerns from the board last time about setback from wetlands, and CES prepared a letter saying that the wetlands in question are forested wetlands, therefore not in the shoreland zone and not subject to the 75-foot setback. Regarding the requirement that impervious area not exceed a net of 0 percent, Mr. Webber said Emera's engineer looked at the plan and reevaluated the numbers. Now, said Mr. Webber, there will be a net decrease of approximately 500 square feet by reclaiming and restoring areas that are currently impervious. Mr. Sloan noted that the new development will be taking place on an area that is already impervious, and he said Emera recognized that that point needed to be clarified. Vice-chair Cough asked for clarification on how those reclaimed areas were depicted on the plan and Mr. Webber responded.

**Discussion of wetlands and impervious area on the lot**

Vice-chair Cough asked about the pull-off area that currently exists and Mr. Webber said it will remain, at least for this project. Vice-chair Cough said it is a welcome spot for anyone who may need to get off the road for some reason. Mr. Sloan noted a neighbor had made a similar inquiry and that the subject had been discussed with town staff. Mr. Sloan said Emera would consult with the town (Planning and Public Works) and MDOT regarding future plans for that area.

**Discussion pull-off area**

Mr. Sloan noted that the location of hazardous materials (battery banks, in this case) are shown on the plan, in response to board requests.

**Hazardous material storage areas shown on plan**

Planning Director Gagnon said the matter of performance and plant maintenance guarantee was not addressed. She said she believed that was because landscaping was not done as part of this phase of the project.

**Landscaping comment from staff**

Chair St. Germain opened a public hearing at 4:19 PM. Donna Karlson came forward to speak and shared a comment about substations in general: the noise from transformers. She referred to other substations where transformers were replaced, and she said she could not hear the new transformers there. She said Emera does quality work. Mr. Sloan offered a clarification about this particular facility: there will not be any transformers here (because it is a switching station, and not a substation, he said). When no one else came forward to speak, Chair St. Germain closed the public hearing at 4:20 PM.

**Public hearing opened at 4:19 PM**

**D. Karlson speaks about Emera's work in general, she has been impressed**

Chair St. Germain asked if applicants are required to show lot coverage as a percentage on their site plan. After some discussion, it was noted that square footage of lot coverage is shown on the plan, and Mr. Sloan said Emera would be glad to add the percentage figure onto the plan.

**Public hearing closed at 4:20 PM**

**Talk of lot coverage as a percentage**

Mr. Eleftheriou referred to a point raised by Mr. Fitzpatrick at the last meeting, relating to tax map and lot numbers. Mr. Eleftheriou said Emera included its own map and lot numbers, but not those of any abutters, on the site plan. Mr. Webber noted Exhibit 11 under Tab 1, which shows the tax map and lot numbers for all lots in the vicinity. Planning Director Gagnon said she thought that was what Mr. Fitzpatrick had wanted, and Mr. Eleftheriou agreed it was sufficient.

**Discussion on tax map and lot numbers**

Mr. Eleftheriou asked about the color for the building, which he did not see listed anywhere. Planning Director Gagnon said Emera received a certificate of appropriateness from the Design Review Board, and said she thought that was sufficient. On landscaping, Mr. Eleftheriou asked if staff was satisfied with the letter from Emera or wanted a plan. Planning Director Gagnon said she was satisfied with the former.

**Discussion of building color and landscaping**

Mr. Eleftheriou has one other question that was answered. No board members had any other questions. Vice-chair Cough said he watched the previous meeting.

**Board questions conclude**

There was more discussion about whether lot coverage percentage needed to be included on the site plan. The same question was asked about including tax map and lot numbers. Attorney Bearor read from the ordinance and said it was vague on the latter point. Chair St. Germain thought the lot coverage percentage piece, however, was required by standard.

**Questions about lot coverage and tax map and lot numbers**

**Mr. Eleftheriou moved to approve CU-19-02 Emera Maine Substation [switching station] based upon the draft decision that was presented to the board that day, with the stipulation that the applicant, prior to any building permit issuance, will add to the site plan percentage of lot coverage. As part of his motion he stated the application meets the conditional use standards for §125-69 V.3 and meets the standards of 125-67. Mr. Cough seconded the motion and it then carried unanimously (4-0).**

**CU-19-02: Emera Maine Substation [switching station]: APPROVED**

**Applicant to record lot coverage as a % on final site plan**

**b. Public Hearing, Deliberations, and Decision for SP-2018-07 — TA-1**  
**Project Location:** 81 Ledgelawn Avenue, Tax Map 107, Lot 078-000, Downtown Residential District  
**Applicant:** Robert and Kathleen Jordan  
**Application:** To operate a TA-1 (Bed & Breakfast accommodations in the private, year-round residence of the host family who live on the premises. Breakfast is the only meal provided).

**Public Hearing, Deliberations and Decision for SP-2018-07, TA-1 for Robert and Kathleen Jordan**

Robert Jordan was present. He summarized the application: to change the use to TA-1, after several years of debate and discussion with the town, in order to be compliant. He said he and his wife are not currently in violation. Chair St. Germain referred to a letter from Code Enforcement Officer Chamberlain on that subject.

**Robert Jordan present, recaps application and review process**

Chair St. Germain said the public hearing had already been held, and as such the board was in the deliberation stage of the review process. He said he believed parking was addressed last time, and spoke on whether the TA-1 designation was applicable in this case as it had been applied in another case several months ago.

**Chair St. Germain recaps review process**

Planning Director Gagnon interjected to note that an abutter, Grover, requested that the application not be heard at the meeting because the abutter was unable to attend. That same abutter provided a letter to the Planning Board.

**Gagnon notes comments from abutter Grover**

Chair St. Germain asked Attorney Bearor to speak. Attorney Bearor recapped some of his involvement with this matter to date, and said the question could be characterized as an ambiguity. He said when a local ordinance that regulates what someone can or cannot do with their property is ambiguous, the benefit of the doubt goes to the landowner. He said he had reviewed the ordinance, the terms used therein and their definitions (and Webster's collegiate dictionary when a term was not defined in the LUO). Attorney Bearor said in both this case and an earlier application, he believed the determinative factor was not whether the facility (space being provided to guests) is within the proper house, or attached or detached, but whether there is a kitchen or cooking facilities. If it had either of those, he said, it would constitute an accessory dwelling. "If there's nothing more than a bedroom and a bathroom, then I would view this as a TA-1 use," Attorney Bearor said.

**Attorney Bearor recaps review of legal questions posed in prior review**

**Bearor weighs-in on the overall TA-1 question: he says based on his review, if there's no kitchen, it can count as TA-1**

Chair St. Germain noted the board had seen an application very similar to this earlier in the year, configured in a very similar way (separate building on the same premises), where the board found the separate building to be part of the same dwelling. Chair St. Germain said he believed the board would have to find the configuration on the Jordan property would have to meet the same definition. Ms. Brooks said it seemed like the same situation, to her.

**Chair St. Germain refers to previous TA-1 application and notes similarities**

In response to questions, Mr. Jordan said there is a microwave, mini-fridge and two-burner cooktop (though it does not have a stove or oven with it) in the space covered by this application. He said he had been told previously that a kitchen was defined as having an oven and a range. He described it as a food preparation area, rather than a full kitchen.

**Jordan states what is available for food prep equipment; he does not see it as a kitchen**

Mr. Eleftheriou asked about a comment Mr. Jordan made at an earlier meeting about possibly connecting the two buildings with a breezeway. Mr. Jordan said he was still considering doing it for his own benefit, not because he felt he was required to do it.

**Question about possible breezeway connection**

Referring to a comment made by his neighbor in the letter, Mr. Jordan said the building is a conforming structure.

**Jordan says building is conforming**

Discussion ensued about the definition of terms including kitchen, accessory structure and premises. Chair St. Germain said he felt this application meets the

definition and standard of TA-1. Mr. Eleftheriou said he was fine with everything except the two-burner cooktop mentioned by Mr. Jordan. Chair St. Germain asked for CEO Chamberlain's opinion. CEO Chamberlain said it was a hard issue to deal with, what is really a kitchen. She said the bigger issue for her is often whether there is a sink. Vice-chair Cough read the definition of kitchen from Webster's dictionary, which referred to "cooking facilities." Attorney Bearor said the town needs to draw a line on what constitutes a kitchen.

**Discussion of what constitutes a kitchen**

Vice-chair Cough said he disagreed with the idea this application qualifies as TA-1, emphasizing the "in the private, year-round residence of the host family" language. He said he does not feel a separate building fits the definition. He said he does not think a sewer line or other utility counts as a connection (a connected building). Chair St. Germain said he feels TA-1 covers it because of the word "premises," and reiterated his belief this is the same as a previous application. Discussion and debate on these same general themes ensued. There were questions about what would happen to this space in the winter, whether it would still be used as TA-1. Mr. Jordan said if the building covered in the application could have qualified as a dwelling unit, he and his wife would have used it as a weekly rental rather than going the TA-1 route.

**Cough does not see this as meeting TA-1**

**Definition of TA-1 is debated, discussed**

Attorney Bearor said he did not read the definition the same way as Cough did. He said he was not troubled by the fact this space is not in the same building where the Jordans live. Chair St. Germain noted "premises" can include multiple buildings. He said he was worried about potentially treating similar applications differently. Discussion and debate of these same points continued. Vice-chair Cough said he was interested in hearing more from CEO Chamberlain. She said the building in question does not meet the definition of a dwelling. She said she would have a problem with it if it had a kitchen sink and a stove, which it does not. She said those factors do not allow for food preparation, and that therefore it is not a kitchen, and that she has been consistent in that review approach.

**Bearor has different view than Cough does on the TA-1 question**

**Chamberlain: Jordan's space is not a dwelling because it lacks stove, kitchen sink**

Mr. Eleftheriou said that although he believes the board's interpretation of TA-1 has been correct, he is uncomfortable with it. He said it needs to be resolved in the Land Use Ordinance, because there will be more applications and he does not think it was the intent when it was crafted. He said he thinks this application meets TA-1, but that the TA-1 definition needs some work.

**Eleftheriou says TA-1 in general needs work done on it**

Chair St. Germain spoke on what a board motion would need to address.

**Mr. Eleftheriou moved to approve SP-2018-07 at 81 Ledge-lawn Avenue based on the findings and decision. He noted that the board has received the capacity letter statements from Police, Fire, Public Works, and Sewer, that the board has addressed the modification of parking standards per §125-67 E and §125-64 as addressed at the June 19, 2019 Planning Board meeting. He further moved that the project has met the standards of §125-67, that the project (TA-1) is an allowed use in an accessory structure as presented and**

**SP-2018-07, TA-1 at 81 Ledge-lawn Avenue: APPROVED**

to approve the SP-2018-07 application, as outlined in the draft decision dated June 5, 2019. He added that §125-22, the floor area ratio, does not pertain to this application and noted that there was a resolution of the land use violation as detailed in the letter provided by CEO Chamberlain dated 7-30-2019. He also noted that the June 19, 2019 meeting needed to be added to the list of meeting dates in the decision. Ms. Brooks seconded the motion. The motion carried 3-1 with Vice-chair Cough voting against it.

**c. General Advisory Discussion for proposed parking area at 56 Cottage St.**  
**Project Location:** 56 Cottage Street, Tax Map 104, Lot 327, Downtown Village II District

**Applicant:** Karol A. Foss

**Application:** To develop a private 44-space parking area at the corner of Cottage and Kennebec streets. The project would use a one-way entrance from Kennebec Street and a one-way exit onto Cottage Street.

Ms. Brooks and Mr. Eleftheriou noted they have a home and a business, respectively, within 300 feet of the proposal. Chair St. Germain noted he owns property within that same zoning district, and Mr. Cough said he did also. Chair St. Germain noted engineer Greg Johnston, representing Ms. Foss in this matter, had represented him on a different matter last year (Attorney Bearor said that was not a problem). An extensive discussion ensued between board members and Attorney Bearor on whether anyone needed to remove/recuse themselves from the discussion. Attorney Bearor said he was “troubled by the ordinance having the draconian requirement that someone with a conflict literally leave the room” but said the ordinance must be followed. There was discussion of the 300-foot threshold. In the end, Ms. Brooks and Mr. Eleftheriou voluntarily left the room.

Greg Johnston then presented to the board on behalf of Karol Foss. He said the applicant felt it was important to garner input early on because of the location of the proposal. He said groups of parking spaces would be leased to local businesses, and that the parking lot would be accessed by use of a key fob.

Mr. Johnston said there are two curb cuts on Cottage Street currently, and he said entrance/exit is critical for the design of this proposal. He said under the proposal, the curb cut on Cottage Street closest to Kennebec Street would be shut off and could then become a public parking space along cottage street. The entrance meanwhile, would be on Kennebec. He said the proposed design means that queuing occurs in the parking lot rather than on the street. He said this design was also created with pedestrian safety in mind. He said there would be landscaping and benches along Cottage Street.

Mr. Johnston said he had met with town staff and received valuable feedback. He said the applicant is looking at buffering options, and has met with the Central Inn owners on that subject. He said any and all feedback is valuable.

**General Advisory Discussion for a proposed parking lot at 56 Cottage Street**

**Discussion on whether certain board members need to leave the room, recuse themselves**

**Bearor voices concern about ordinance rules**

**Brooks and Eleftheriou leave the room voluntarily**

**Greg Johnston represents the applicant, explains what is proposed**

**Johnston explains particulars of the proposed design**

**Applicant is gathering feedback**

On the subject of lighting, Mr. Johnston said there is a lot of light present already from street lights. He said the applicant does not want to have lots of additional lighting, and would prefer to have lighting on bollards.

**Applicant wants to minimize new lighting**

Vice-chair Cough said he liked the plan and had some questions. On lighting, he noted the town is switching to new LED lighting soon and said the applicant should be aware of that while making calculations. Likewise, he encouraged the applicant to be aware of a possible Cottage Street re-do and to try and match whatever lighting is used in the parking lot to whatever is present on the street at the time. Vice-chair Cough questioned whether there could be a dead-end in a two-way area, whether that is allowed under ordinance.

**Cough has questions for applicant about lighting and layout**

Chair St. Germain clarified that the lot is exclusively private, and Mr. Johnston confirmed that is the case. He said consideration of where the exit is located was made because users will be turning left, to head out of town. He said the location of the gate off of Kennebec Street could be adjusted. Mr. Johnston said the parking lot will be monitored by a private security company, and that handling calls about how to get in or out would not be handled by the town. He said directional signage will also be part of the application.

**Johnston further elaborates on design details**

**Lot will be privately monitored, will not need town resources**

Chair St. Germain asked if this will be the long-term use for this property. Mr. Johnston said yes, he believed so, and that it was a plan designed to help businesses in town.

**Question of long-term use of site**

Chair St. Germain then opened the meeting up to public comment on the proposal. Leo Doreika, who lives at 10 Kennebec Street, said he liked the plan overall but said he had concerns about the impact it would have on traffic on Kennebec Street. He described it as a busy street with no sidewalks. He said he was concerned about cars and pedestrians sharing the same territory. Mr. Doreika asked if it would be possible to keep the two curb cuts on Cottage Street or to have a combined entrance/exit gate setup. He went on to describe challenges of trying to navigate a vehicle on Kennebec Street, particularly with this proposal.

**Public comment period opens**

**L. Doreika speaks first, and his concerns center on Kennebec Street**

Adele Abolafia, 9 Kennebec Street, spoke next. She spoke about the community and family atmosphere on Kennebec Street. She said it is substandard, however, because it is narrow, has no sidewalks and is heavily traveled. She shared statistics she gathered while observing traffic on the street on the afternoon of August 1. Ms. Abolafia made suggestions for the site plan: eliminate the entrance on Kennebec Street if possible, and use that space as green space instead; make wider green space along the property lines; and possibly remove parking spots 29 and 30 to create a larger screening and buffer zone along property lines. She suggested using evergreens rather than deciduous trees to provide a better buffer, and encouraged the applicant to be mindful of lighting.

**A. Abolafia speaks, shares concerns about Kennebec Street.**

Ms. Abolafia also posed questions: what will the turnover rate be (will one person use one spot, or could multiple people use it over the course of the day?),

**Abolafia offers ideas for changes, asks questions about proposal**



what are the hours of operation, and will commercial vehicles be allowed?

Mary Booher, who owns property at 5 Kennebec Street, spoke next. She said the property borders the proposed parking area on both sides. She said the potential congestion on Kennebec Street was a “grave concern.” She said she wondered about hours of operation, as well. Vice-chair Cough said a lot of these questions will likely be answered later, and Chair St. Germain said it is good to put the questions out there now so the applicant can be aware of them. Ms. Booher said she agreed with the other speakers.

**M. Booher speaks, agrees with other speakers about Kennebec Street and asks questions**

Martha Williams, 17 Kennebec Street, questioned why there can be a curb cut on Kennebec Street when the parking spot that used to be there was taken away (which she said happened when Atlantic Brewing’s new facility came in). She said traffic on Kennebec Street will be delayed by traffic making the turn in to the parking lot. She said pedestrians will be an issue on both Kennebec and Cottage Street. She said the town will gain a paid parking space, but residents of Kennebec Street do not stand to gain anything. She said she appreciated the idea of keeping new lighting to a minimum.

**M. Williams speaks next, likes minimal new lighting but says Kennebec Street residents will gain nothing from this proposed project**

Steve Ressel, 15 Kennebec Street, echoed what his neighbors had said about the entrance being on Kennebec Street. He said he liked the idea of a private parking lot, but that the proposed entrance location was a concern to him. He voiced concern about pedestrians chatting with customers sitting outside at Atlantic Brewing, as well as deliveries for that facility. He said those deliveries back up cars turning off of Cottage on to Kennebec Street. He said a time-lapse camera could record what happens on Kennebec Street daily in terms of traffic, both vehicular and pedestrian. He voiced support for a separate entrance, or a combined entrance/exit on Cottage Street.

**S. Ressel speaks, and like others shares concern about entrance to lot being from Kennebec Street — wants to see a different layout**

Vice-chair Cough asked if the applicant would be amenable to putting the pedestrian walkway on the perimeter, using it as a sidewalk, and putting the landscaping on the inside. He elaborated on that idea, noting that he did not know that it could be required but rather be “food for thought” at least.

**Cough shares some design ideas with applicant**

Mr. Johnston said he appreciated the feedback from the board and the public. He said town ordinance would prohibit the entrance closest to Kennebec Street from being used because it is too close to (within 50 feet of) that side street. He said there were some possibilities for modification (i.e., aisle width) that could allow for changes in the plan. He mentioned the possibility of having electric vehicle charging stations in the parking lot, and noted those vehicles are typically smaller and would require less space. Discussion continued between Mr. Johnston and Vice-chair Cough.

**Johnston said applicant appreciates feedback, and spoke of changes that might be made to the plan**

Stuart Brecher came to the microphone to speak. He said he was “staggered that such a prominent spot in downtown Bar Harbor can be devoted to a parking lot.” He said it completely destroys the urban pattern. He said he could see a parking

**S. Brecher speaks, is strongly opposed to parking lot at this location in the downtown area**

lot as a temporary solution, but that creating a permanent “hole in the middle of the urban fabric” would be a “visual and social disaster.”

Lola Abbott, 8 Kennebec Street, said she had lived on Kennebec Street for 60 years. She said previous uses on the site in question had both entrance from and exit on to Cottage Street, and that there didn’t seem to be any problems with that. She said extra traffic on Kennebec Street would cause problems.

L. Abbott speaks, is also concerned about having entrance from Kennebec St.

Chair St. Germain closed the public hearing. Mr. Johnston said he appreciated the board’s time. Planning Director Gagnon noted there was input provided from the Technical Review Team, too. As the discussion wrapped up, Chair St. Germain called for the other members to return to the meeting and said he had to leave because of a prior commitment. He then said he would stay for a couple of the Other Business items, however, because of the topics being talked about.

Public comment period closed

Other members called back in to meeting room when discussion is done

**VII. OTHER BUSINESS**

**a. Dormitory — next step**

Dormitory, next step

Chair St. Germain expressed his disappointment with the Town Council, specifically with the disparaging comments they have made toward him and the Planning Board as a whole while they are in session.

Chair St. Germain displeased with the Town Council

Planning Director Gagnon referred to her memo to the Council dated August 1, 2019 and which was presented at the Council meeting of August 6, 2019. She explained the purpose of the ad hoc Zoning Advisory Committee (ZAC) and how it will complement the work of the Planning Board. She asked if anyone from the Planning Board would be interested to serve on the Committee. Vice-chair Cough remarked that if the Planning Director decides on who will be part of the committee then she should pick a member. Planning Director Gagnon responded that she thought it was more respectful to ask if someone from the board wanted to volunteer to be on the ZAC. As there was no member of the Planning Board who volunteered, Chair St. Germain suggested that the board take this up at the next meeting.

Planning Director Gagnon explains idea of an ad hoc Zoning Advisory Committee (ZAC)

Discussion of who from the Planning Board should serve on the ZAC (no volunteers)

**b. Update on Harbor Committee work at Ferry Terminal**

Planning Director Gagnon indicated she had provided the Harbor Committee minutes, addressing its work RE: the Ferry Terminal, to the Planning Board.

Update from Gagnon RE: ferry terminal

**c. Auditorium concept plans**

Mr. Eleftheriou volunteer to sit on this committee.

Eleftheriou volunteers to serve on auditorium concept plans comm.

**d. Planning Board alternate members**

Planning Director Gagnon explained that she would like to have the board consider increasing the membership of the board to seven members: five regular members and adding two alternate member positions. The alternates would have the same rights as the regular members, with the exception that they would only vote if one or more regular member was absent. It also provides the ability for

Planning Director Gagnon makes presentation about adding two alternate members to board

someone to gain experience, and when the board needs to fill a regular member vacancy, it already would have someone possibly ready to step up. Chair St. Germain left the meeting at 6:21 PM.

Chair St. Germain leaves at 6:21 PM

Mr. Eleftheriou moved to instruct staff to establish two alternate Planning Board member positions. Vice-chair Cough seconded the motion and it carried unanimously (3-0).

Moved, seconded and approved (3-0) to have staff establish 2 alternate member positions

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

Mr. Eleftheriou asked if Attorney Bearor would clarify the recusal process. It was agreed that it needed to be done.

Eleftheriou asks Bearor to clarify recusal process

Town Councilor Joe Minutolo was invited to speak. He explained that he had a conversation with Attorney Bearor and the attorney mentioned that the recusal process needed to be clarified.

Town Councilor Minutolo speaks on same subject

Vice-chair Cough said that if staff sends courtesy notices to abutters, those abutters should be informed that the board may or may not take comments.

Cough: Courtesy notices should say board may or may not take comment

Planning Director Gagnon explained the conceptual flow chart for a possible Council-approved Land Use Ordinance amendment process that she presented to the Charter Commission on Monday, to the Town Council on Tuesday, and now to the Planning Board.

Gagnon shares flow chart for possible change to LUO amendment process, and offers thoughts on what question people should be asking

She said that if people think that the current process of amending the LUO is working as it should be, then this should be the end of the conversation. However, if people think it is not working as well as it should or could, then the town should try to figure out a better way to amend the Land Use Ordinance.

**IX. ADJOURNMENT**

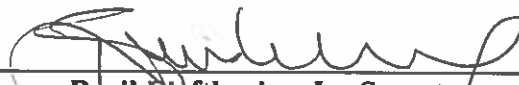
At 7:46 PM, Mr. Eleftheriou moved that the board adjourn the meeting. Ms. Brooks seconded the motion and it then carried unanimously (3-0).

Meeting adjourns at 7:46 PM

Minutes approved by the Bar Harbor Planning Board on September 4, 2019:

9.04.19

Date

  
Basil Eleftheriou Jr., Secretary  
Bar Harbor Planning Board