

MINUTES
Bar Harbor Planning Board
Wednesday, August 15, 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 Catherine Leatherman, Administrative Assistant.

II. ADOPTION OF THE AGENDA

Mr. Cough moved to adopt the agenda, as written. Mr. Anderson 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

Mr. Cough moved to approve the minutes. Mr. Fitzpatrick seconded the motion, and the Board voted 5-0 to approve the motion.

VI. REGULAR BUSINESS

- a. **Public Hearing: 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. Earl Brechlin represented the applicant. He described the request that museums be added as an allowed use with site plan review in the Downtown Village II district.

Mr. Brechlin provided support for the request. He noted land uses that are not allowed in the Downtown Village II district, and those that currently are allowed. He also pointed out that the omission of museum as an allowed use in the downtown districts was likely an oversight and that the Board may consider allowing the museum use in surrounding downtown zones.

Mr. Brechlin supported the proposed amendment request using the Comprehensive Plan. In particular:

- Policy 1-C – to encourage voluntary protection of Bar Harbor’s important natural cultural and scenic resources;
- Policy 1-J - to preserve historic and archeological resources;
- Policy 1-N - to encourage support and where appropriate, use of state and regional efforts to preserve important natural and cultural resources;
- Policy 3-G - to support a vibrant and healthy downtown; and
- Policy 31-i - to encourage strategies to streamline review processes for museums and galleries.

Mr. St. Germain announced that the purpose of the meeting was to conduct a public hearing and opened the floor for public comment.

The Public Hearing opened at 04:08 PM.

1. Mr. Stewart Brecher, resident of Bar Harbor, came forward and spoke in support of the proposal, contending that a museum would enhance the town and construction of such uses should be encouraged. Mr. Brecher further offered that the Board may consider broadening the definition of museum.
2. Ms. Patricia Samuel, resident of Bar Harbor and previous small business owner, came forward and voiced her support of the museum and made a suggestion that applicants be encouraged to make proposed buildings tall enough for year-round, affordable apartments to be placed on top.

With no one further coming forward, Mr. St. Germain closed the Public Hearing at 04:12pm.

Mr. Cough verified with staff that the proposed amendment, if recommended, would be placed on the June 2019 ballot.

Mr. Fitzpatrick verified with Mr. Brechlin that the property has already been purchased and inquired as to any alternate plan, if the proposed ordinance change does not pass. Mr. Brechlin noted that the property would be repurposed, if necessary.

Mr. Cough moved to recommend to the Town Council that the written request, as submitted, be placed on the June 11, 2019 warrant. Mr. Anderson seconded the motion.

Discussion ensued as to if this proposal should include other downtown districts. The Board decided not pursue this option, at this time, but to potentially add it as a future agenda item.

Mr. Fitzpatrick noted that conditional use approval would allow the Board to consider a housing component, as part of the site plan application. There was discussion as to if “museum” could be an allowed use with a conditional permit.

Ms. Richards explained that the Board received a document from staff that indicates the districts where museums are currently an allowed use and the permitting authority, the Code Enforcement Officer or the Planning Board.

Ms. Richards summarized that the current options before Board were: 1. Move to recommend, as written to Town Council; or 2. Move to Council, with amendments or conditions, that would bring the proposal into conformance with the most recently adopted Comprehensive Plan. So, to make museum an allowed use with a conditional permit, there would need to be justification to support this as found in the Comprehensive Plan.

Ms. Richards added that there is currently an incentive to build affordable housing in the Downtown Village II District.

With no further discussion, Mr. St. Germain called for a vote on the motion on the table. The Board voted 5-0 to approve the motion.

VII. OTHER BUSINESS

a. PUD-2017-01 Jones Marsh Development – Recap from Site Walk & Neighborhood Meeting

Ms. Richards noted that there was a request to put all pending applications on the agenda, so that if the Board chooses to discuss further, they may do so.

The site visit, which occurred this past Friday, was attended mostly by Board members and by staff and a local newspaper reporter. There were no members of the public at the neighborhood meeting. The applicant is preparing an application for completeness review.

b. SD-2018-01 Hamilton Hill – Recap from Site Walk & Neighborhood Meeting

Ms. Richards noted that, for the Hamilton Hill application, the neighborhood meeting was attended by four residents and that five residents attended the site walk. Concerns were raised about drainage and site access at the neighborhood meeting.

c. PUD-2017-02 Acadia Apartments

Ms. Richards noted that there were no further updates in regard to the Acadia Apartments application.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Eleftheriou, Jr. followed up on the Town’s recusal process. Ms. Richards stated that the Town Attorney had provided an interpretation of the ethics ordinance and that she would be discussing it further with the Town Manager.

Mr. Eleftheriou, Jr. took position that the ethics ordinance should be clarified, and Ms. Richards concurred.

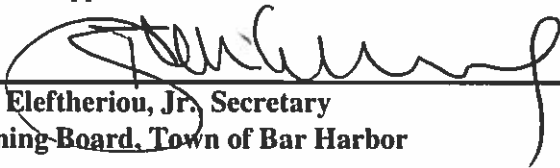
Ms. Richards noted that the agenda for the next meeting would include a review of the November draft warrant and election of Board officers.

There was a discussion on the concern that the widespread allowance of museums as a use in downtown could have the unintended consequence of reducing the Town’s tax base. It was decided that this could be an issue taken up by the Council.

IX. ADJOURNMENT

Mr. Eleftheriou, Jr. moved to adjourn at 04:45pm. Mr. Anderson seconded the motion, and the Board voted 5-0 to approve the motion.

Signed as approved:



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

10.04.18

Date