

Minutes
Bar Harbor Planning Board
Wednesday, September 1, 2021 — 4:00 PM
Council Chambers of the Municipal Building
93 Cottage Street

I. CALL TO ORDER

Chair St. Germain called the meeting to order at 4:02 PM. Planning Board members present were Chair Tom St. Germain, Vice-chair Joe Cough, Secretary Millard Dority and Member Elissa Chesler.

Town staff members present were Planning Director Michele Gagnon, Assistant Planner Steve Fuller, and Code Enforcement Officer Angie Chamberlain.

Mike Rogers was also present to represent Island Housing Trust.

II. ADOPTION OF THE AGENDA

Secretary Dority moved to adopt the agenda. Vice-chair Cough asked about Item A and its origins. He asked when the board called for a public hearing on the matter. Assistant Planner Fuller said the state law that allows a board or committee to adopt the policy requires a public hearing. Vice-chair Cough believed that the board's rules required that board members call for a public hearing, rather than have staff put it on the agenda. It's a change to the board's policies, he said.

Attorney Edmond Bearor said a public hearing was part of the notice; he did not comment on how the public hearing came about. This wouldn't be a change because no policy exists yet, he said. In my view, said Vice-chair Cough, this becomes part of the Planning Board Rules of Procedures to allow that. That requires a 30-day notice of the proposed changes being printed, available on the web and noticed elsewhere. He felt the board had not satisfied the Rules of Procedure or the required timeframe for public notification.

Assistant Planner Fuller said his understanding is that this is a standalone separate policy, not an addition to established Rules of Procedure. It's not a land use matter, said Planning Director Gagnon, and staff would never think about calling for a public hearing under any other circumstances. She noted that the agenda was sent to Chair St. Germain for review and the issue was not flagged.

Staff have done this for the other boards and committees that they work with, said Assistant Planner Fuller, and Design Review Board and Board of Appeals have both adopted this policy. The Town Council has also adopted this. Public notice was provided on the municipal bulletin board and run twice in the newspaper, said Assistant Planner Fuller. Staff found the ordinance to be silent on practice or procedure for a public hearing on a policy and not on a land use matter so staff used the timeframe outlined for other things, which requires at least ten days.

Secretary Dority said this not as a land use but as an operational issue. Chair St. Germain didn't recall whether the public hearing had been included in the first agenda sent to him; it was determined that it had been.

There was some discussion on when the notice would have appeared in the newspaper. Assistant Planner Fuller said staff took directive from the board as they understood it last time, that the board wished to have this policy and to do so in compliance with state law requires a public hearing. There was a discussion about the order of agenda items. Just because I said it should be on the agenda as soon as possible, said Vice-chair Cough, does not make it the staff's prerogative to put it on the agenda. We didn't call for this, he said.

There are people participating remotely, said Chair St. Germain, as the board discusses whether it will allow remote participation. The policy speaks about members and members of the public, said Assistant Planner Fuller, and the town's legal counsel are more than members of the public in that they're providing legal guidance.

Town Manager Cornell Knight, who was in the audience, got up to speak. He said the policy is going to all town boards and committees for consideration. One ad listing all boards and committees is being run, he said, and every board and committee is taking this up. The Town Council approved the policy and the attorneys suggested every board and committee take it up. There's been no prohibition on legal counsel or even the public attending remotely, said Manager Knight, there's been no prohibition for them to participate remotely, it's only members of the public body to have the state law changed, so there's no problem with them participating.

Secretary Dority disagreed with Vice-chair Cough that the Chair should not be able to add or take off agenda items in consultation with staff. That the Chair would have to ask permission is cumbersome, said Secretary Dority. Vice-chair Cough said he was referring primarily to public hearing items, rather than regular business items.

Responding to Manager Knight, Vice-chair Cough said if this is allowed as a public hearing "then we allow everything." In my view it's an ill-advertised public hearing.

It is an unusual circumstance, said Member Chesler. It was advertised in the newspaper in a timely manner, and I think it should remain on the agenda, and I'm comfortable going forward with it, she added.

Chair St. Germain said it's questionable whether it was advertised in a timely manner, as it sounds as though it were advertised in the newspaper before it was shown to the chair. Vice-chair Cough said he would be okay with it if it were at the end, but he was unhappy about the public hearing part of it.

Chair St. Germain called a vote on the adoption of the agenda. The motion failed, 2-2, with Vice-chair Cough and Chair St. Germain against and Secretary Dority and Member Chesler in favor.

Vice-chair Cough moved to adopt the agenda striking Item VI. a. because he did not feel the public had been properly notified. Chair St. Germain seconded. The motion failed 2-2, with Vice-chair Cough and Chair St. Germain in favor and Secretary Dority and Member Chesler against.

Vice-chair Cough moved to adopt the agenda changing Item VI. a. to VI. k and to move Item VI. j to Item VI. a and add the words “amend decision and sign subdivision plan” to the beginning of the item. The motion carried, 4-0.

III. EXCUSED ABSENCES

Vice-chair Cough moved to excuse Member Ruth Eveland, who had indicated in advance she would be absent. The motion carried unanimously, 4-0.

IV. PUBLIC COMMENT PERIOD

Chair St. Germain opened the public comment period at 4:35 PM. Seeing no one, Chair St. Germain closed the public comment period.

V. APPROVAL OF MINUTES

- a. July 7, 2021
- b. August 4, 2021

As the minutes for the meeting of August 4, 2021 were not available for review, Secretary Dority moved to approve the July 7, 2021 minutes. Vice-chair Cough seconded and suggested an amendment with a mention that the second set of minutes will be delayed to the next meeting; Secretary Dority was not okay with the amendment. Vice-chair Cough withdrew the amendment and left his second. The motion carried unanimously, 4-0, on a roll-call vote.

Secretary Dority moved to table the August 4, 2021 [minutes] to the next meeting and asked Chair St. Germain whether he could offer a comment. Vice-chair Cough seconded. Secretary Dority said that at the last meeting when people were asked whether they were up to speed on the West Street Apartment project he neglected to report that he wasn't on the board when the initial application was submitted. I was not at the initial meeting but I did my due diligence and it would have no difference in the outcome of the adjudication, he said. He apologized. Chair St. Germain thanked Secretary Dority. The motion carried, 4-0, on a roll call vote.

VI. REGULAR BUSINESS

- a. **Amend Decision and Sign Subdivision Plan for PUD-2021-01 — Jones Marsh Affordable Housing**

Project Location: Tax Map 212, Lot 43-1 off of State Route 3 and encompassing a total of 30 acres according to town tax records. The subject land is the Town Hill Residential and Town Hill Rural districts.

Applicant/Owner: Island Housing Trust

Application: The applicant proposes to subdivide a 30-acre property into nine lots (eight lots buildable for residential use and one lot reserved for open space). Six of the buildable lots would have single-family homes and two of the buildable lots would have two-family homes, for a total of ten dwelling units.

Planning Director Gagnon introduced the item. She referred to the staff report. The subdivision plans, which are now two sheets, are presented differently than plan L-2, the site plan, dated 6-22-2021, prepared by LARK Studio, she said; the plan prepared by surveyors has all necessary information to be recorded.

L-2 was supposed to be signed by a surveyor; the surveyor Stephen Salisbury, basically broke L-2 into sheet 1 and sheet 2. The information is largely the same, but some, including the setbacks, are different, said Planning Director Gagnon. All the information that was there to start remains in the record and written in the decision but is not the plan the board would be signing, she said. The decision will reflect the two new plans in the record, and the board will have to agree to extend August 24, 2021 submission deadline to August 31, 2021. There is a proposed motion capturing all of this, said Planning Director Gagnon.

She added that if the board feels this is being rushed it can be pushed to the agenda next month. "I don't want you to feel rushed," she said. The material being referred to was on board members' desks today, said Chair St. Germain. This is more information than I was able to swallow, said Vice-chair Cough, who was willing to hold a special meeting to help it along. I don't like the compressed timetable he said. Chair St. Germain asked if the board had objections to hearing from the applicant's representative. Mike Rogers, representing Island Housing Trust, said that it had been a busy year and the surveyor was unable to get it in his schedule as quickly as they would have liked. He noted that the setbacks on the plan were in table format, as the survey did not want to "muddy the drawings."

Chair St. Germain had not had an opportunity to look through the material given to the board. He was willing to have a special meeting. Mr. Rogers said there was some urgency and the owner would like to move it along. There was a discussion regarding the earliest date the board could hold a special meeting.

Secretary Dority moved to continue the hearing on the application to the earliest date possible after the three day advertisement period to a date determined by the Planning Office and Chair St. Germain. Vice-chair Cough seconded. Chair St. Germain asked Planning Director Gagnon to repeat when the three days would begin. There was a discussion as to when the meeting could be held and whether the three days would be business days or regular days. It was determined that regulations required three regular days. There was a question of whether the meeting was required to be broadcast; Vice-chair Cough said it needed to be. Chair St. Germain called the vote. The motion carried unanimously, 4-0.

~~b. Sketch Plan Review for SD-2021-04—Hostins Subdivision~~

~~**Project Location:** 40 West Eden Street (Tax Map 220, Lot 32), encompassing a total of 2.16 acres according to town tax records, in the Town Hill Rural District.~~

~~**Applicant/Owner:** Roberto Hostins~~

~~**Application:** The applicant proposes to divide Tax Map 220, Lot 32 at 40 West Eden Street and create two lots from the existing single lot in an existing subdivision.~~

~~*Note: This agenda item was removed at the request of the applicant prior to the meeting.*~~

- c. Recommendation of the Planning Board, to be posted on the warrant for the Special Town Meeting of the Town of Bar Harbor on November 2, 2021, to adopt or reject a Land Use Ordinance Amendment, dated June 2, 2021, and entitled “An amendment to create new, and amend existing, regulations regarding signage.”**

Chair St. Germain explained where the item was in the process. Summaries were given in the packet for August 4, 2021, he said, which did a very good job of describing the items. Assistant Planner Fuller was happy to answer questions. **Secretary Dority moved to recommend adoption of an amendment to create new and amend existing regulations regarding signage. Vice-chair Cough seconded. The motion carried unanimously, 4-0.**

- d. Recommendation of the Planning Board, to be posted on the warrant for the Special Town Meeting of the Town of Bar Harbor on November 2, 2021, to adopt or reject a Land Use Ordinance Amendment, dated June 2, 2021, and entitled “An amendment to regulate short-term rentals.”**

Chair St. Germain sought a motion on the item. **Member Chesler moved to recommend adoption of the amendment to the LUO dated June 2, 2021 titled “An Amendment to Regulate Short-Term Rentals.” Secretary Dority seconded. Discussion followed.**

Vice-chair Cough did not support the item. He felt that not grandfathering rentals that already exist (not future ones) was inconsistent with the ordinance. Secretary Dority commented that this is his second stint on the board and that this issue has been discussed for 25 years. There will never be the perfect land use amendment, he said, there will always be something wrong. It just seems as though it’s time for the people of Bar Harbor to be able to vote, said Secretary Dority, and a majority vote of the Planning Board will essentially kill this. He understood the benefits of VR-2s for those who own them, but said he hardly saw the benefit for the town.

Member Chesler noted that the town’s Comprehensive Plan discusses balance. There’s no perfect solution; I look at this in its ability to balance, she said. The board does not necessarily know what impact it will have on property values. Housing values may

remain high regardless of this activity, she continued, and felt it was a means of setting some allocation of residences aside to create the balance the Comprehensive Plan describes. It's an opportunity for residents to vote on their priorities, she added.

Transferability is one of the most contentious issues, continued Member Chesler. She said there were a lot of different ways to retain property value and to plan for transition of a property, and felt it was critical the town had a vote.

The town will have an opportunity to vote on this, said Chair St. Germain. He said he was on record as not being in favor of this set of regulations for a variety of reasons. He called for a vote on the motion.

The motion failed, 2-2, with Member Chesler and Secretary Dority in favor and Chair St. Germain and Vice-chair Cough against.

The vote means the article will require a $\frac{2}{3}$ majority at the Town Meeting, said Chair St. Germain. Attorney Bearor said that §125-9 D says the board *shall* make a recommendation but §125-9 E goes on to explain that if the board votes in favor it shall be adopted by a simple majority, if the board does not recommend adoption, he said, an amendment will require a $\frac{2}{3}$ majority. Attorney Bearor felt §125-9 D was conclusive that the board needed to make a recommendation by majority vote.

Vice-chair Cough did not read it that way. Member Chesler asked whether it could be tabled until the upcoming special Planning Board meeting for Jones Marsh. The board is constrained by the calendar, said Chair St. Germain, and votes must be in 60 days before the special town meeting so ballots can be printed. That is two days from now, he said.

Secretary Dority asked Attorney Bearor what it would mean if no action were taken. Candidly, said Attorney Bearor, it means the board is abdicating its responsibility to make a recommendation. There's no doubt about what the ordinance says.

Chair St. Germain felt there must be another way and that is why §125-9 E was added. "I'm comfortable what I'm telling you is correct," said Attorney Bearor. "I don't think you're doing what the ordinance requires you to do when you leave the matter behind with a 2-2 vote. That is not acting by majority...The ordinance quite plainly says you have to act by majority." Attorney Bearor felt §125-9 E did not obviate the board's responsibility under §125-9 D.

What does §125-9 E do then? Asked Vice-chair Cough. "I don't know," said Attorney Bearor. The basis for §125-9 E is to tell us what town meeting votes are required if the board, acting by majority, says no or yes. But what §125-9 E says has nothing to do with §125-9 D, said Attorney Bearor; §125-9 E stands alone.

"What I don't understand is what, no offense, what you're afraid of for passing this and letting a 50 percent majority make this decision," said Secretary Dority, addressing Vice-

chair Cough. If you're really confident that your position is right then the people of the town are going to say we're wrong.

"I'm not going to put something I think is inconsistent with the land use ordinance," said Vice-chair Cough, which he reiterated he felt this was. I've been clear about this from the beginning, he said. The Comprehensive Plan "contradicts itself," said Vice-chair Cough.

Chair St. Germain offered an explanation for his vote. This came from the Zoning Advisory Group. During this process, since it came from ZAG to us, from, theoretically the Council, the LUO was unable to send it back to the Town Council with amendments. But the Town Council, after holding a public hearing and subsequent to the board's public hearing, felt they were able to amend it. They amended something we'd already had a public hearing on, he said. At least one, if not two town councilors, wanted a $\frac{2}{3}$ threshold, said Chair St. Germain.

Given the constraints on the board's ability to amend a proposal that comes from Town Council this is a place where board members have the ability to vote as they see fit without pressure, said Chair St. Germain. We're very much able to exercise our opinion. He felt the amendment shouldn't cover high value homes, which he said have nothing to do with affordable housing, or allow two day rentals. It places no cap on VR-1s, said Chair St. Germain, which "will cause a proliferation of VR-1s." Over many years, said Chair St. Germain, he had not heard people in favor of a one-question proposal. There are so many aspects of this one question there are many points on which a voter could oppose it, he added. It deserves a $\frac{2}{3}$ majority for all of these reasons and many more, said Chair St. Germain. He also felt §125-9 E was there in the event the board could not reach a consensus.

Planning Director Gagnon reminded board members that six months ago, as a result of Polco survey, registered voters who responded to the survey voted 52 percent not to allow transferability in Downtown Village I and II, and a higher percentage opposed transferability in all other areas. That survey is statistically representative, because there was a high response rate, she said, adding that there are only roughly 100+ VR-1s.

Vice-chair Cough said the board has put forward a couple of proposals it thinks will turn the tide on the affordable component. If the board can make that happen with bonus dwelling units (BDUs) they're accomplished the percentage goal. He felt the punitive aspect of doing this while the board attempts to work bonus dwelling units into play and not giving that a real shot is more damaging.

Member Chesler said proliferation of VR-1s is how a lot of people can afford their homes. A BDU is a significant investment and will take a lot of time to construct and put into service, she said, while a VR-1 is how a lot of people have stayed here and this protects that.

This hurts VR-1s in terms of the number of days, said Vice-chair Cough. Their use is protected either way - they're not going anywhere. Their operational component may change but they're protected; and they're protected by the difficulty associated with enforcement anyway.

Secretary Dority asked about Vice-chair Cough's comment regarding VR-1s being hurt by this. Vice-chair Cough said he misspoke. The town is not enforcing VR-1s that are being rented for one night only, said Vice-chair Cough. Planning Director Gagnon said that wasn't true. Vice-chair Cough said he shouldn't have said nobody is enforcing it, but because once the violation is found the guests have left and it's impossible to enforce.

That happens with the definition of family, as well, said Secretary Dority. It's a big job to catch people who have more residents in their apartment than they should have. Enforceability is part of the ordinance in my view, said Vice-chair Cough.

A member of the audience, resident Ivan Rasmussen, asked for a point of order. He said that under Robert's Rules of Order the chair's vote breaks a tie. Secretary Dority believed that the chair doesn't vote unless there is a tie.

Chair St. Germain asked if the board was stuck. I don't believe we are, he said. It must be anticipated that tie votes can occur. He felt that §125-9 D and E work together.

"It doesn't strike me that people are going to change their mind," he said. Vice-chair Cough brought up the assumption board members would agree on allowing remote at this meeting. We haven't established that yet, said Vice-chair Cough. Responding to a question from Chair St. Germain, Vice-chair Cough felt §125-9 E "stands alone."

Member Chesler felt they were two steps in a process and that if the board fails to make a decision it wouldn't default to §125-9 E. Chair St. Germain suggested the board move on and let the record stand.

- e. **Recommendation of the Planning Board, to be posted on the warrant for the Special Town Meeting of the Town of Bar Harbor on November 2, 2021, to adopt or reject a Land Use Ordinance Amendment, dated June 2, 2021, and entitled "An amendment to allow solar photovoltaic systems as principal use."**

Member Chesler moved to recommend adoption of an amendment to allow solar photovoltaic systems as a principal use. Secretary Dority seconded. Vice-chair Cough said he couldn't support 100 percent lot coverage with the setbacks being allowed. I'm not fine with one element of this town being allowed to occupy 100 percent of their land, he said. I think it'll affect values of neighboring properties. I'd be fine with it for the town in their capacity and if it were 50 percent I'd be amenable to that but not 100 percent. The motion failed, 2-2, with Member Chesler and Secretary Dority in favor and Chair St. Germain and Vice-chair Cough against.

- f. Recommendation of the Planning Board, to be posted on the warrant for the Special Town Meeting of the Town of Bar Harbor on November 2, 2021, to adopt or reject a Land Use Ordinance Amendment, dated June 2, 2021, and entitled “An amendment to allow bonus dwelling units.”**

Secretary Dority moved to recommend passage of an amendment to allow bonus dwelling units. Member Chesler seconded. The motion carried unanimously, 4-0.

- g. Recommendation of the Planning Board, to be posted on the warrant for the Special Town Meeting of the Town of Bar Harbor on November 2, 2021, to adopt or reject a Land Use Ordinance Amendment, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding nonconformity.”**

Vice-chair Cough moved to recommend adoption of the article. Secretary Dority seconded. The motion carried unanimously, 4-0.

- h. Recommendation of the Planning Board, to be posted on the warrant for the Special Town Meeting of the Town of Bar Harbor on November 2, 2021, to adopt or reject a Land Use Ordinance Amendment, dated June 2, 2021, and entitled “An amendment to address an error of omission regarding accessory dwelling units.”**

Member Chesler moved to recommend adoption of an amendment to address an error of omission regarding accessory dwelling units. Secretary Dority seconded. The motion carried unanimously, 4-0.

- i. Recommendation of the Planning Board, to be posted on the warrant for the Special Town Meeting of the Town of Bar Harbor on November 2, 2021, to adopt or reject a Land Use Ordinance Amendment, dated July 8, 2021, and entitled “An amendment to Appendix A — Historic Properties in Design Review Overlay District”**

Vice-chair Cough moved to recommend adoption of the article. Secretary Dority seconded. The motion carried unanimously, 4-0.

- j. See VI. a***

- k. Public Hearing — Remote Participation Policy
 - i. Public Hearing**
 - ii. Consideration of adoption of Remote Participation Policy****

Assistant Planner Fuller introduced the item. The proposed policy came from a document that was prepared by the Maine Municipal Association and provided to municipalities. Staff changed only the body name at the top, he said.

Chair St. Germain noted that the document states members cannot participate in text only such as email, text messages or chat but remote participation can be done via telephone or video technology. Project representatives should be covered by this as well, said Chair St. Germain. He felt the draft didn't go far enough in outlining standards for remote participation by members. Secretary Dority agreed that the board needed to guard against someone popping in for an item and then leaving.

Vice-chair Cough reminded Chair St. Germain about the public hearing; Chair St. Germain did not feel satisfied that the standard for public hearing had been met. He asked whether other boards had adopted this. Both the Design Review Board and Board of Appeals adopted the policy, said Assistant Planner Fuller. Vice-chair Cough asked whether they amended their policies to accommodate specific needs regarding executive session.

In executive session no minutes are taken, said Secretary Dority, and boards can control who joins electronically. Certain issues under discussion require privacy, said Vice-chair Cough, and gave an example of a member participating remotely in a public place while private issues were under discussion. Are there rules around that? He asked. We expect people to be here, said Secretary Dority, unless there are extenuating circumstances. This doesn't say that, said Chair St. Germain, nor does it address issues such as the participation of consultants, attorneys and engineers, privacy and poor internet connections that might prohibit a member from voting.

Member Chesler called a point of order and reminded the board about the public hearing. There was a discussion regarding the public hearing.

At 5:55 PM, Chair St. Germain opened the public hearing.

Secretary Dority commented that one of the reasons the ordinance is seen as cumbersome is because the board attempts to detail everything in a policy. In some cases it might be good to leave some of it ambiguous so it can be determined "on the fly," he said. "I think this is really good," said Secretary Dority. This is in reaction to a pandemic to give the board some leeway.

We should encourage people to be here, said Secretary Dority, and the chair has a lot of control over it and can require participants to attend in person. But there could be an extenuating circumstance in which the chair would grant a request.

Assistant Planner Fuller asked whether legal counsel would be able to offer feedback. Telephone lines existed before COVID, said Chair St. Germain, who wondered why remote policy was not forced upon boards and other legislative bodies. The

technology existed but such policies were never enacted. Why wasn't it enacted beforehand? Are there complications we're touching on but not hitting directly? He asked. Does a member of the body still get to vote if they are attendant initially and there to achieve a quorum but then had an unstable internet connection? A member could always phone in, said Secretary Dority.

Member Chesler noted that a condition of remote participation is that one has adequate internet connection or technology to participate remotely. I think this is important, she said, noting that she had not been able to seek reappointment to the Conservation Commission as she had to travel for work. The public should always have the option to attend remotely, she said.

Attorney Stephen Wagner said he could address some questions but asked Assistant Planner Fuller to repeat the comments as he had a hard time hearing. Pre-pandemic, said Attorney Wagner, it was the general understanding in the legal community that Maine's right to know act did not allow members to hold public proceedings using remote meetings. The Attorney General has clarified that you don't need to enact this policy to allow remote participation by the public, said Attorney Wagner. The prohibition applied to members participating, he said, and the policy has been amended in other cases to make that point clear.

Regarding executive session, there is an advantage to having a policy that gives broad discretion to the chair, which allows the committee to act depending on the circumstances, Attorney Wagner continued. Councils have addressed the issue using Maine Municipal Association guidance suggesting the session be set up as a webinar. Technology issues are a concern, he continued, as one of the requirements of the statute is the town is responsible for having technology to ensure every member is able to hear every other member.

There was a discussion as to whether that would require the town to ensure every member had a solid internet connection. Chair St. Germain asked why there was no remote policy in place before COVID. Attorney Wagner's understanding was that there was resistance from members of the press that such a policy would be abused or make meetings less accessible to the public. Commentary from Maine Municipal Association indicated that the practical experience of towns and cities by and large made the technology work. The press and other previously opposed groups softened their opposition, said Attorney Wagner.

COVID showed it could be done and gave us an option we didn't have before, said Secretary Dority. The technology improved rapidly over the last few years, said Member Chesler, and described her experience at the Jackson Laboratory. Chair St. Germain asked whether applicants and their representatives have always been allowed to participate remotely, as described. Yes, said Attorney Wagner, subject to local rules, but the chair could deny an applicant's request to participate remotely. The chair would have that discretion regardless.

Secretary Dority recommended the board not try to define and list every possible scenario. The board decided to continue the public hearing at the next regular meeting. Assistant Planner Fuller referred to Vice-chair Cough's point about part of the board's procedures and asked where this rests.

The board would be within its rights to pass this as a stand alone policy, said Attorney Wagner. Or could say, this is part of Rules of Procedure. By and large others have adopted it as a stand-alone policy. Assistant Planner Fuller pulled up the board's webpage and showed members where the LUO, Rules of Procedure and similar documents are organized. If adopted as a stand-alone, he said, it could be presented along with these other documents. He noted that the board's next meeting is 28 days away.

VII.

VII. OTHER BUSINESS

a. Review and discuss 125-69 R. Affordable Housing and the definition of affordable housing in 125-109

Chair St. Germain asked whether the board felt prepared to dive into this. Vice-chair Cough was okay pushing it to another meeting. There was a discussion of what the item would entail, led by Planning Director Gagnon. The board should define what it wants to accomplish, she said. "Don't be stuck on the word affordable," she said, rather than how much above or below median income and what that means in reality. There are at least 800 municipalities with inclusionary zoning in the nation, said Planning Director Gagnon. The board, said Chair St. Germain should think of ways that voluntary approaches to median or below-priced housing might cause some bonuses to occur.

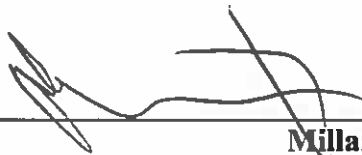
b. Continued discussion of prioritization of possible LUO amendments

Chair St. Germain felt the board should prioritize the yellow sheets given to members at the previous meeting. He asked members to prioritize high, medium and low priority items.

At 6:36 PM, Vice-chair Cough moved to adjourn. Member Chesler seconded. The motion carried unanimously, 4-0.

Minutes approved by the Bar Harbor Planning Board on September 29, 2021:

Date



Millard Dority
Secretary, Bar Harbor Planning Board

10.1.21