

Bar Harbor Ferry Terminal Property

Leadership Advisory Committee

Monday, September 11, 2017, 10:30 – 1:00

Municipal Council Chambers

Minutes

Attending: Anna Durand, Kristy Losquadro, Ruth Eveland, Heather Sorokin, Tom Crikelair, Scott Hammond, Joe Minutolo, Ted Koffman. Elizabeth Swain, Facilitator, Cornell Knight Town Manager.

Presentation and questions of Bob Osborn, Bar Harbor Planning Director

Areas within 250' are in the shoreland zone, with specific state regulations. Bar Harbor's Shoreland Maritimes Activities District is consistent with Chapter 1000, state guidelines for municipal zoning ordinances. The Planning Board tried not to create a non-conforming district. They wanted to see the site utilized and preserved for water access uses. The existing (previous) zoning would have allowed for a hotel to be built on the site, eliminating all water-related uses. The list of permitted and accessory uses are all tied to water dependent uses. Building height is intended to be consistent with the neighborhood.

The presence and use of the pier for water access must be part of whatever use is selected in order to be consistent with the zoning. The Planning Board discussed the possibility of a blended facility that would support some kind of private boating. The state wanted to make it clear that cruise operations were permitted on that lot, which is one of the reasons for the definitional change that resulted in promulgation of the Maritimes Activities District. Cornell has an engineer checking on the covenant on use restrictions, and he will report back to the committee. If a decision is made for no water-dependent use at the site, the zoning would have to change. Commercial fishing would be consistent with the current zone – a fish pier is listed as a permitted use. If the property reverts to the DOT, they would have to propose a use consistent with the current zoning, unless Bar Harbor chose to change the zone.

Discussion of Options 1-4

Description of contemplated uses for Option 1- Cruise ship with berthing

Detailed potential uses were not specifically discussed, as the committee understands them to be centered around berthing cruise ships

Questions

- What is the condition of pier?

- What is the expense of bringing the site up to standards for use?
- What are the possibilities of having a ferry at the site?
 - o Currently there is ferry service to Winter Harbor
 - o Major study a decade ago contemplating high-speed ferry service between Bar Harbor and Portland
- What is the likelihood that tendering-only would inhibit future cruise ship visitation?
- How would movement of cruise ship visitors to the town, park or elsewhere be facilitated?
 - o Where would those transportation vehicles load and unload?
 - o What would be the impact on Acadia National Park (carrying capacity), and how would it align with the Park's transportation strategies?
 - Already dealing with congestion and harm to the park experience
 - o How would the number of visitors be managed? There is no discussion of raising the passenger cap. The issue is how to manage the cruise ships we are currently receiving.
- What would be the visual impact of various ships that might berth? Can we get that simulation produced?
- What are the financial implications of the per-head fee and how can that money be used in Bar Harbor? Any chance of lowering property taxes?
- How many buses would be needed relative to tendering?
- How can you quantify the "public good" relative to the financial gain to the town from the per-head fee?
- What is the role of the Bar Harbor Port Authority, and what financial risk would be on the town?

Description of contemplated uses Option 2- Pier with Tendering

Potential Uses/Direction to the Committee

- Committee needs to take the time to understand what is happening now in the harbor – tendering, passengers, transportation, etc.
- Need to narrow the options before attempting to estimate costs, and/or using consultants to do so.

Questions

- Could the matrix be modified for this use?
- Would like to see the guiding principles restated
- What would a Port Authority do?
- How many passengers are being moved per hour? What is the schedule of bus activity? How are the tours scheduled, both for one and two-ship days and for busy and moderate days?
- The committee will endeavor to develop a complete picture of how tendering would work and to assess the strengths and weaknesses of that option.
 - o What is the impact on Acadia National Park?
 - o What is the impact on the cruise ship passenger?

- What are the impacts on tender operations, including to the ferry terminal and downtown?
- What are the impacts on the tour bus operators?
- How many buses would be needed and what would their routes be?
- What are the impacts on out of town coach tours?
- How would this affect the Island Explorer?
- What are the safety implications?
- What would be our new relationship be with Ocean Properties (current tendering operator)? Would there be a new tendering operator and would they be in competition and how would that be balanced?
- Is there a positive change to be made by tendering to two sites?

Description of contemplated uses Option 3- Marine Uses

Possible Uses/Direction to the Committee

- Consider need for protection of boats – both pleasure and commercial.
- Consider the potential for a marina at the facility – possibly like Dysarts in Southwest Harbor.
 - The current town boat ramp is not suitable in any rough weather. There is currently no fuel available on the ferry side of the harbor.
- A commercial float for water taxis and charter boats could be valuable
- A Winter Harbor ferry site
 - Possibility of benefiting current ferries
- One dock could be for tourists and one for cruise ships
 - Staging area for tour buses
 - Possible multi-level parking
 - Coordinate with new bike lane and sidewalks
- Possible access for fishermen
- Museum
- Good access to water for recreational use
- Look for uses that address existing problems like congestion

Questions

- Is this a suitable harbor?
- Would a breakwater be needed for protection against northeast winds?

Description of contemplated uses Option 4- Non-maritime uses including outcome of reverting back to DOT

Possible Uses/Direction to the Committee

- Consider benefits of purchasing the pier for \$3.5 million so the town has time to contemplate options.
 - It doesn't eliminate all the other possibilities but buys time

- Need to focus on likely outcomes if it reverts back to the state

Questions

- What would that cost and financing plan look like?
- If the DOT could sell it to a private entity, should Bar Harbor consider selling it?
- Consider costs to the town of removing and/or remediating the current facility.

Questions/Comments from the public

1. Support purchasing the land with no strings attached. That gives the town time to make a decision.
2. Very encouraged by direction of the committee. Warned against “committee drift”. Each committee should try to stay focused on their mandate. Tendering and pier committee should take a trip on a cruise ship and experience the tendering process. A Bar Harbor Port Authority would collect funds on behalf of the town. A marina would likely attract pleasure boats. Why would the town want this facility if not for maritime uses? It should be put toward a maritime use. To comply with the zoning, it does not have to include a pier.
3. Pleased that finances and transportation are front and center. Need to focus on the ecological aspects of these options. Preserving this great natural area should be a number 1 priority.
4. Need to distinguish between lobstermen and fishermen. Consider legal aspects of use alternatives – potential lawsuits. Environmental impacts such as waste and pollution must be weighed. Insure involvement of Acadia National Park.
5. Are there gas tanks underground on the site?
6. Would passenger caps need to be raised to support the revenue requirements of a pier with berthing? What kind of zones (Homeland Security) are required for berthing and tendering?
7. Is BA consultants still available to the town? Answer: yes.
8. How to move passengers back to town if there is a berthing facility? Why build a pier that can accommodate 10,000 people a day if they have nowhere else to go? One way to control growth is to continue doing what we are doing now. We need to find out about the Park’s plans and consider their input in these alternatives.
9. There are people on the cruise ship committee who can provide some information to address questions.
10. Passenger caps can be effectively increased by extending the season.
11. Cruise ships have been coming since the early 90’s. The town has implemented many excellent practices that have brought order to the tendering and touring operations.

Note: Committee chair recommended taking a tender to better understand the current operations.

Committee Discussion

No substantive discussions should occur by email, but assignments and committee dates can be exchanged over email, with a copy to Pat as the town clerk. The co-chairs can meet and discuss direction without public notice. Elizabeth agreed to provide each committee with a list of questions/issues to be considered, based on the committee discussion and public input.

Sub-committee process: It's likely each committee contains individuals with specific interests and preferences. A recommended strategy was for each group to develop a full picture of each approach, with the intention of developing a strategy that could work. Give each option the greatest possibility for success. Each committee's job is to present the option as completely as possible, and look at ways to improve the current situation.

Elizabeth will develop a draft matrix after the next Leadership Committee meeting.

Two committees can merge if they are developing similar plans.

Cornell will ask DOT to grant the committee access to the ferry property.

Elizabeth suggested the committee chairs challenge their members to focus on shared interests rather than opposing positions.

Leadership Committee meeting dates:

September 29, 11:00 – 1:00

October 10, 10:00 – 12:00

October 23, 11:00 – 1:00

Public Comment

- Councilor Hochman thanked the committee for their service and expressed optimism that the committee was off to a good start.
- Question about legal challenge and the process of the committee obtaining public comment before making a recommendation to the council. There is a desire for the community to weigh in on the proposed recommendation.

It was noted by committee members that public comment opportunities have been built into the subcommittee and leadership committee processes, and that a second public comment session has been scheduled as part of the last committee meeting.

Ruth offered to make paper copies of the BA consultants' report available at the library.