

Minutes
Bar Harbor Planning Board
Wednesday, September 19, 2018
Council Chambers- Municipal Building
93 Cottage Street
4:00 P.M.

I. CALL TO ORDER

The meeting was called to order at 4:00 PM. Members present: Tom St. Germain, Chair; Basil Eleftheriou, Jr, Secretary; John Fitzpatrick, Member; Alf Anderson, 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 approve the agenda as submitted. Mr. Fitzpatrick 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

a. September 5, 2018

Mr. Fitzpatrick moved to approve the minutes as submitted. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.

VI. REGULAR BUSINESS

a. Sketch Plan Review: SD-2018-03 – Major Subdivision

Project Location: Silent Stream Way, Bar Harbor Tax Map 220, Lot 061-003

Applicant: Steven Ciciotte

Application: The applicant is proposing to subdivide a 3.51-acre lot into two separate lots of 1.75 acres.

Mr. Ciciotte provided a brief explanation of the proposed subdivision. It was noted that Mr. Ciciotte submitted all requirements for sketch plan review and that he is in the process of completing a formal survey and soil test pit locations, both of which would be submitted for the completeness review meeting, and working on proposed test pits for two sites.

Mr. St. Germain opened the floor for public comment. There was no public comment.

Staff and the Board discussed that the next step in the process would be to schedule a site visit before the Completeness Review meeting.

Mr. Fitzpatrick moved to accept the waiver requests as submitted for application SD 2018-03. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.

Mr. St. Germain informed the applicant that Ms. Richards would set up a site visit. Mr. Fitzpatrick reminded the applicant that the survey would need to be completed for the Completeness Review meeting.

b. Sketch Plan Review: SD-2018-02 – Major Subdivision

Project Location: 25 White Spruce Road, Bar Harbor Tax Map 110, Lot 038

Applicant: Robert Rechholtz

Application: The applicant is proposing to subdivide a 40,000 square foot lot into two separate lots of 20,000 square feet, and to connect the two lots to the Town sewer.

Mr. Cough recused himself from this agenda item and left the room.

Mr. Rechholtz provided an explanation of the proposed subdivision, indicating that he is proposing to connect both lots to Town sewer. Mr. Fitzpatrick clarified with the applicant that the lots would connect to town sewer, but not town water, and that both lots would be serviced by wells.

There was a discussion between the Board and staff about the road frontage exemption standard that is being proposed as part of this subdivision. It was noted that the applicant would need to show a 30-foot easement with a driveway on the survey/subdivision plan to the newly proposed lot.

Mr. St. Germain opened the floor for public comment. There was no public comment.

Mr. St. Germain informed the applicant that the staff would set up a site visit as the next step before the Completeness Review meeting.

Mr. Fitzpatrick noted the following modifications to the applicant's waiver requests:

1. *Item 6c – add to the list of waiver requests.*
2. *Item 7c – add to the list of waiver requests.*
3. *Item 9i- remove from the list of waiver requests.*
4. *Items 9r, 9s & 9w - add to the list of waiver requests.*

Mr. Fitzpatrick moved to approve the waiver requests with the afore mentioned modifications for application SD-2018-02. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.

c. Continuation of a Sketch Plan Review: PUD-2017-02 – Planned Unit Development - Village

Project Location: 25 West Street Extension, Bar Harbor Tax Map 103, Lots 048-000 & 049-000

Applicant: BH Apts., LLC

Application: The applicant is proposing to construct four new buildings with two dwelling units in each and to reconfigure the existing dwelling layout.

Mr. Cough rejoined the Board.

With no project representatives present, Mr. Fitzpatrick moved to table the application until the next meeting, on October 3, 2018. Mr. Eleftheriou, Jr. seconded the motion. Staff informed the Board that the applicant was on their way to the meeting. Mr. Fitzpatrick withdrew his motion to table the application.

The Board discussed the ethics ordinance and the Island Housing Trust study while waiting for the applicant's arrival.

Mr. Moore explained that the applicant was before the Board to discuss a modification to a setback requirement. The applicant submitted a rendering that includes the building-to-building setback modification to help the Board visualize the scale of the proposed buildings to each other and to the public. Mr. Moore also addressed the screening/buffering between the subject property and the abutting property to the east.

There was a discussion about the number of units that would need to be designated as affordable if the applicant chose to use that standard to go above the base development density amount of 9 to reach 16 or 18 units. The Town's attorney had provided his interpretation of the number of units that would need to be designated as affordable based on the applicable section of the Planned Unit Development – Village ordinance.

There was further discussion about the modification to the setback. It was explained that the applicant is seeking a building-to-building setback modification, but that if the Board was not inclined to grant the building-to-building setback, that the applicant would then request a modification to the front building setback in order to layout the buildings as proposed on the property. It was also noted that there was a change in the layout of one of the proposed buildings closest to West Street Extension in that previously it was shown as being parallel to West Street and that it was currently being shown as perpendicular to West Street Extension. There was also clarification that the front setback in the zoning district is 20 feet, not 25 feet.

The Board and the applicant discussed potential layout options for the buildings that would make the most sense given the setbacks and the site, both internally and externally in relation to abutting properties. Mr. Fitzpatrick requested that the applicant designate the buildings through some sort of numbering system on future plan submittals for clarification purposes.

Ms. Richards suggested that the Board, in determining whether or not to grant a modification, could look to the purpose and intent of the chapter to ensure that the modification would support the purpose and intent. There was a discussion about whether the Board was to look at the purpose and intent of the PUD-V section or the purpose and intent of the chapter (the Land Use Ordinance). Ms. Richards suggested that both the purpose and intent of the chapter and the section could be reviewed and considered.

Mr. Fitzpatrick indicated that he would be inclined to grant a modification to the building-to-building setback but that he would entertain other schematics for the building layout design. He added that buffering, noise control, lighting, and visual compatibility would be other consideration to incorporate into the design.

There was further discussion about the required number of affordable housing units to go from the base development density of 9 units to the applicant's desired 18 units. There was consensus amongst the Board that they would tend to follow the interpretation on the affordable housing unit standard provided by the Town's Attorney. There was also consensus amongst the Board that they

are willing to work with the applicant to modify the distance between the proposed buildings to encourage a building design layout that makes sense both internally and externally while meeting the purpose and intent of the ordinance.

The Chair opened the public comment period.

Mr. Julius Ridolfi came forward to express his concern about the amount of noise generated from the subject property and requested that the noise issue be addressed, possibly through the hiring of a security guard who would work at the property from the hours of 6pm to 6am.

Mr. Jeff Crafts came forward and disclosed that he is a professional engineer who has been hired by neighbors of the property. He expressed concerns about the proposed development being close to the eastern property line and also concerns about stormwater management. Mr. Crafts offered that he would like to discuss building layout and planning ideas with the applicant and with the Planning Board.

Mr. Dennis Bracale came forward to express concern over the historic property abutting the proposed development. He inquired with Ms. Richards about the standards for historic properties found in the land use ordinance. Ms. Richards explained that the project was currently before the Board as a sketch plan, but that for Completeness Review one of the standards would require the applicant to include a letter from the Maine State Historic Commission.

With no one further coming forward, the Chair closed the public comment period.

Mr. Cough asked the applicant to explain the buffer between the proposed development and the historic property abutting to the east. Mr. Moore explained that shown on the most recent sketch plan is a conifer tree buffer and that a fence was not currently being proposed, but could be explored further.

Mr. St. Germain confirmed that the applicant had enough information to proceed to the Completeness Review meeting.

VII. OTHER BUSINESS

a. Pending Applications

- i. Jones Marsh PUD-O
- ii. Hamilton Hill Subdivision

Ms. Richards indicated that there were no updates on either pending application.

b. Marijuana

Mr. St. Germain asked that this item be added to the agenda so that the Board could discuss their previous workshop on the topic, as well as the POLCO results on the topic, and determine if the Board should work on proposed amendments to the Land Use Ordinance in anticipation of an "opt-in" by the Council.

Board and staff discussion ensued and it was agreed that sufficient notice would be given by the Council for the Board to be able to development standards in the Land Use Ordinance.

c. Affordable housing

Ms. Richards provided the Board with a packet of information that could help the Board have a discussion on the definition of affordable housing. There was concern that the definition of affordable did not result in actual affordable rents/mortgages for those looking to rent/buy in Bar Harbor. After a discussion, Ms. Richards noted that she could put together a spreadsheet that shows the rent/mortgage for each of the income brackets (50%, 80%, 120%) and add a "140%" bracket to show the Board so that they may consider modifying the definition found in the Land Use Ordinance.

d. Dormitory

This item was not discussed in detail, but is covered in Section VIII below. Additionally, a workshop was proposed on this topic at the next scheduled Planning Board meeting, on October 03, 2018.

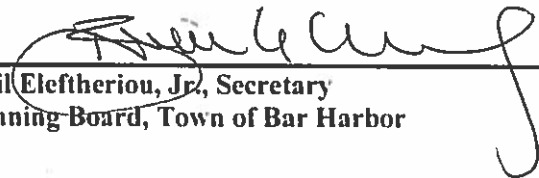
VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Fitzpatrick provided an explanation and description of a list of proposed land use ordinance changes that he had generated since the time he had been on the Board. It was determined that preparing proposed changes for group accommodations (including dormitories and rooming house) would be a priority and that the administrative changes could be worked on next. A workshop on group accommodations at the October 3, 2018 meeting was tentatively scheduled.

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

10-03-18
Date