

Minutes
Bar Harbor Planning Board
Wednesday, October 17, 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 and Angela Chamberlain, Code Enforcement Officer.

II. ADOPTION OF THE AGENDA

Mr. Fitzpatrick moved to approve the agenda as submitted. Mr. Eleftheriou, Jr. 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. October 3, 2018

Mr. Eleftheriou, Jr. moved to approve the minutes as submitted. Mr. Anderson seconded the motion and the Board voted 4-0-1 to approve the motion.

VI. REGULAR BUSINESS

a. Completeness Review: SD-2018-04 – Major Subdivision

Project Location: 194 Main Street, Bar Harbor Tax Map 104, Lot 389

Applicant: HP&J Holdings LLC

Application: The applicant is proposing to construct six new dwelling units on a portion of a 0.54-acre (approximately 23,522 square feet) lot in the Downtown Village I district.

The applicant submitted a memo formally requesting that the application be withdrawn and removed from the agenda. Therefore, this item was not considered or discussed at the meeting.

b. Completeness 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. Steven Ciciotte, the applicant, was present to provide a description of the proposed subdivision and an update since the Sketch Plan Review meeting. Mr. Ciciotte informed the Board that the Site Visit was held a couple of days prior to the meeting and that it was found that lot 2A did not have 200 feet of road frontage. Mr. Ciciotte had worked with his surveyor to get the 200 feet and provided the Board with an updated plan. However, Mr. Ciciotte noted that he was going to work with his surveyor again to move the lot line of 2A further to the east and provide lot 2B with a driveway easement on another rendition of the plan, to be provided to the Board prior to the Public Hearing. He stated that he would provide an updated subdivision plan, draft deeds, and draft easement language for the driveway easement prior to the public hearing meeting.

Mr. Cough inquired about the inclusion of wetland setbacks on the proposed lots and Ms. Richards explained that those wetlands that are greater than 80,000 square feet should reflect the setback. Mr. Cough asked Ms. Richards to provide the section of the ordinance that allows for a road frontage exemption for certain lots.

Mr. Fitzpatrick moved, in addition to the waivers granted at the sketch plan review meeting held on September 19, 2018, to waive items 9S, 16A, and 19A, as suggested by staff in the staff report dated October 17, 2018. Mr. Anderson seconded the motion and the Board voted 5-0 to approve the motion.

Mr. Eleftheriou, Jr. noted that the applicant name on the public works capacity statement needed to be revised to reflect this project.

Mr. Fitzpatrick moved to find the application SD-2018-03 complete pending incorporation of items 9M and 9W and adjusting the scale of the subdivision plan so that items within 200 feet are visible and to schedule the public hearing for November 7, 2018. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 5-0 to approve the motion.

VII. OTHER BUSINESS

a. Pending Applications

- i. Jones Marsh PUD-O
- ii. Hamilton Hill Subdivision
- iii. Bar Harbor Savings and Loan
- iv. Bar Harbor Inn
- v. White Spruce Subdivision
- vi. Acadia Apartments

Ms. Richards indicated that there were no updates on the Jones Marsh PUD-O or the Hamilton Hill subdivision. She noted that Bar Harbor Savings and Loan and the Bar Harbor Inn were submitting additional information for the public hearing meeting on October 24, 2018 and that the Board would have their packets for that meeting by Friday, October 19, 2018. Ms. Richards stated that the Board had attended the White Spruce Road subdivision site walk the previous week. For

the Acadia Apartments pending application, Ms. Richards indicated that the applicant was continuing to work on utility plans for the project and were meeting with abutters of the property to discuss the project further.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Mr. Eleftheriou, Jr. inquired about Council's request for the Planning Board to modify the section of the Land Use Ordinance that pertains to enforcement. Ms. Richards noted that the Planning Department would seek advice from the Town Attorney to understand if the modification was a minor change and, if so, if it could potentially be made in the short term. If it required a more extensive initiative, the Planning Department would report that the Planning Board is working on ordinance amendments that have higher priority and that the Board could add the modification to the list of proposed ordinance amendments to be worked on in the future.

Mr. Eleftheriou, Jr. asked the Board to discuss ways in which they could improve their process so that they could make findings and motions that would be upheld if appealed. Ms. Richards provided three ways in which the Board could improve their process in the future if they so choose: (1) attend the MMA training for Boards that would help understand making findings of fact and motions and the legal implications associated with not following process; (2) utilize a motion template to help make motions that cite sections of the ordinance; (3) utilize a finding of fact template and go through the finding of fact at the public hearing meeting. Ms. Richards noted that she could provide the Board with templates from other municipalities that the Board could adjust to be applicable to Bar Harbor.

Mr. St. Germain inquired if there would need to be a Planning Board review process for the proposed development at the ferry terminal to accommodate Bay Ferries. Ms. Chamberlain noted that it may be considered a nonconforming use, but that would have to be solidified. Ms. Richards noted that the ordinance shows that ferry terminal is an allowed use in the Shoreland Maritime Activities zoning district with site plan review and that she would discuss this conversation further with the Town Manager.

IX. ADJOURNMENT

Mr. Cough moved to adjourn at 4:45pm. Mr. Eleftheriou, Jr. 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

10.31.18
Date