

**Minutes  
Bar Harbor Planning Board  
Wednesday, October 24, 2018  
Council Chambers- Municipal Building  
93 Cottage Street  
4:00 P.M.**

**I. CALL TO ORDER**

*The Chair called the meeting to order at 4:01 PM. Members present: Tom St. Germain, Chair; John Fitzpatrick, Member; Alf Anderson, Member; and Basil Eleftheriou, Jr, Secretary.*

*Also present: Angela Chamberlain, Code Enforcement Officer and Janna Richards, Planning Director.*

**II. ADOPTION OF THE AGENDA**

*Mr. Eleftheriou, Jr. moved to adopt the amended agenda as prepared. Mr. Anderson seconded the motion and the Board voted 4-0 to approve the motion.*

**III. EXCUSED ABSENCES**

*Mr. Anderson moved to excuse Mr. Cough as absent. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 4-0 to approve the motion.*

**IV. PUBLIC COMMENT PERIOD**

*There was none.*

**V. APPROVAL OF MINUTES**

**October 17, 2018**

*Mr. Fitzpatrick moved to approve the minutes of the October 17, 2018 meeting as prepared. Mr. Anderson seconded the motion and the Board voted 4-0 to approve the motion.*

**VI. REGULAR BUSINESS**

**a. Public Hearing: SP-2018-05 – Major Site Plan**

**Project Location:** 8 Newport Drive, Bar Harbor Tax Map 104, Lot 523-000

**Applicant:** Lark Studio for Witham Family Hotels

**Application:** The applicant is proposing to construct a new building with a footprint of approximately 2,600 square feet, and to renovate the pool/pool deck, hardscaping/landscaping, and pedestrian walkways on an approximately 8-acre property in the Shoreland General Development I district.

*Mike Rogers and Geoff Fraser introduced themselves and provided the Board with copies of their approval for the pool from the Maine Department of Health and Human Services, and an updated plan with corrected lot coverage calculations.*

*Mr. St. Germain noted that at the prior meeting the Board had requested that the applicant provide the parking layout and a break down of how the lot coverage calculations were determined. The applicant acknowledged that they had provided those as requested.*

*Mr. Fraser also added that he recalculated the height of the building to address staff's concerns and the height of the building is 6" less than the maximum height requirement in the district.*

*The Chair opened the public hearing. No one spoke. The Chair closed the public hearing.*

*Mr. Fitzpatrick noted that the sewer and water capacity statements both had comments that the departments wanted to see final plans before a building permit is issued. He also asked the applicant to provide a parking plan showing how the entire site is in compliance with the parking standards, not just the three spaces for the three new rooms.*

*Mr. Fitzpatrick moved to approve SP-2018-05 as it meets the standards contained in section 125-67 with the conditions that prior to the issuance of a building permit the applicant submit parking calculations to show compliance with 125-67 D.(3)(b)[2], 125-67 E.(4), and 125-67 E.(5), obtain a construction permit from the State Fire Marshal, obtain design approval from the Sewer and Water Departments, and revise and resubmit plans L1 and L2 showing the corrected lot coverage calculations. Mr. Eleftheriou, Jr. seconded the motion and Board voted 4-0 to approve the motion.*

**b. Public Hearing: SP-2018-06 – Major Site Plan**

**Project Location:** 15 Everard Court, Bar Harbor Tax Map 104, Lot 389-000

**Applicant:** Lark Studio for William Weir of Bar Harbor Savings and Loan

**Application:** The applicant is proposing to change the use of a 0.10-acre (approximately 4,356 square feet) property located in the Downtown Village I district to a parking lot.

*Ms. Charlotte Evanofski introduced herself and explained the project.*

*She noted that the only outstanding issue remaining for the project was the inability for anyone to find documentation that the site had right, title, or interest in the right of way to the north of the property. The Board discussed and agreed that this was not an issue that was appropriate for the Board to work out, it was best resolved with legal counsel. Ms. Richards added that the Board could approve the project with the condition that the applicant needed to resolve the issue and once they established legal right, title or interest, they could move forward with their project. She did note however that if they couldn't obtain right, title or interest, they would have to revise their project and return to the Board with a new plan as this site plan was designed using the northerly right of way.*

*It was also noted that the applicant will need to provide an easement to the town so the Public Works Department can do work with the easement area. Mr. Weir added that the town does not plow the north right of way and the Bank had hired Gott's to plow the right of way to keep it open during the winter months.*

*The Board discussed the 23' aisle width modification of standards from the required 25'.*

*The Chair opened up the public hearing. No one spoke. The Chair closed the public hearing.*

*Mr. Eleftheriou, Jr. moved to approve the modification of standards required to reduce the parking aisle width standard from 25 feet to 23 feet as shown on the site plan, as allowed under section 125-64 and based on the findings that:*

*the applicant submitted a written request specifically stating the reason for requesting the modification to the parking aisle standard found in section 125-67 E.(4); that the request addresses particular site characteristics of which the existing easterly drive as shown on the plan has an existing aisle width of 23 feet; and further that this size aisle width is uniform with surrounding drive aisles within the adjacent parking lot; and further that this drive aisle is otherwise constrained from being easily widened as it is in an area between the edge of buildings adjacent to Main Street and an existing curb; that the modification would not have an undue adverse impact on public safety as an emergency response vehicle is able to turn and drive within the existing aisle width; and the modification does not have the effect of altering or nullifying the purpose or intent of municipal zoning, the Comprehensive Plan, or Article III of the Land Use Ordinance.*

*Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.*

*Mr. Eleftheriou, Jr. moved to approve application SP-2018-06 with the conditions that the applicant submit legal documentation showing right, title, or interest in the right of way that abuts the subject property to the north and that the applicant shall grant the Town a stormwater easement and record such easement at the Registry of Deeds. Mr. Anderson seconded the motion and the Board voted 4-0 to approve the motion.*

## **VII. OTHER BUSINESS**

### **a. Pending Applications**

- i. Jones Marsh PUD-O
- ii. Hamilton Hill Subdivision
- iii. White Spruce Road Subdivision
- iv. Silent Stream Way Subdivision
- v. Acadia Apartments

*Staff updated the Board on the status of each of the applications.*

### **b. Request by applicant, Witham Family Hotels, to determine if a proposed development can be reviewed as a minor site plan**

- i. The applicant is proposing modifications to a TA-8 use (Best Western) in the Ireson Hill Corridor district that include adding extensions to three housekeeping closets, an extension to a laundry room, a vestibule, and a porte cochere. Separately, each modification, aside from the porte cochere, is under 400 square feet; however, the total amount would be greater than 400 square feet (approximately 1,300 square feet). The porte cochere is approximately 520 square feet. The LUO states that minor site plan can be substituted for major site plan review in cases of "Those projects, which in the opinion of the Planning Board, will not have a significant impact on the neighborhood or on the environment and meet the purpose of site plan without public review.

*The applicant explained the project.*

*Mr. Fitzpatrick moved that under the authority in section 125-58 B.(4), the Planning Board finds that because there are no significant environmental impacts or significant impacts on the neighbors, and based on the diminmous impacts in impervious surfaces and because there is no increase in traffic or parking requirements, and abutters will be appropriately notified, this application can be reviewed as a minor site plan. Mr. Anderson seconded the motion and the Board voted 4-0 to approve the motion.*

**VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

*Mr. St. Germain urged the Board members to attend the Town Council's goal setting session on November 5, 2018. He explained that the Council talks about their goals for the following year and it was an opportunity for the Planning Board to participate in that discussion and bring issues to the Council's attention that they might want to see addressed.*

*Mr. Fitzpatrick updated on the Board on the housing study. He noted that the draft report was being circulated and the steering committee comments were due on Friday so the final report should be out in the next few weeks.*

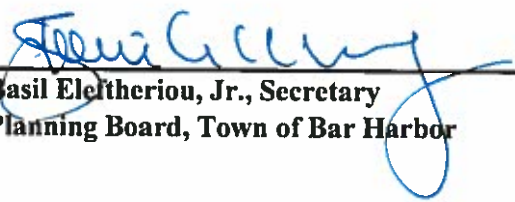
*Mr. Eleftheriou, Jr. asked the Board if they would be interested in making a recommendation to the Parking Solutions Task Force in regards to the parking meter RFP's. He wanted to encourage the Task Force to consider kiosks in as many locations as possible rather than individual meters. It was the consensus of the Board that kiosks were preferred over meters.*

*Mr. Eleftheriou, Jr. moved that Staff draft a letter to the Town Council and the Parking Solutions Task Force outlining the discussion the Board had and to show their support for the mimial use of individual meters and the use of kiosks wherever possible. Mr. Fitzpatrick seconded the motion and the Board voted 4-0 to approve the motion.*

**IX. ADJOURNMENT**

*Mr. Anderson moved to adjourn at 5:35 PM. Mr. Eleftheriou, Jr. seconded the motion and the Board voted 4-0 to approve the motion.*

**Signed as approved:**

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

  
Date