

**NOTICE of PUBLIC HEARING**  
**TOWN OF BAR HARBOR**

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the inhabitants of the Town of Bar Harbor that the Bar Harbor Town Council will hold a public hearing in the Council Chambers, third floor, Municipal Building on Tuesday, the twenty-first of May, in the year of our Lord Two Thousand and Nineteen at seven o'clock in the afternoon, then and there to hear public comment on the following articles placed on the secret ballot of the Annual Town Meeting to be held on Tuesday, the eleventh of June 2019:

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**Article 2 - LAND USE ORDINANCE AMENDMENT – Museum Use** – Shall an Ordinance dated August 15, 2018 and entitled “Museum Use in the Downtown Village II district” be enacted?

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**Museum Use**

**An amendment to the Bar Harbor Land Use Ordinance to allow the Museum use in the Downtown Village II district.**

*The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:*

[Please Note: Old language is striken. New language is underlined.]

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**Chapter 125 , LAND USE ORDINANCE**

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**ARTICLE III Land Use Activities and Standards**

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**§ 125-21.1 Downtown Village II.**

C. Allowed uses:

(2) Uses allowed by site plan review: hotel, motel; multifamily dwelling I and II; parking lot; parking deck; all types of child-care facilities; all types of schools; hospitals, medical and dental clinics; automobile service stations; redemption centers; automobile sales lot; automobile repair garage; retirement community; veterinary clinic-; museum.

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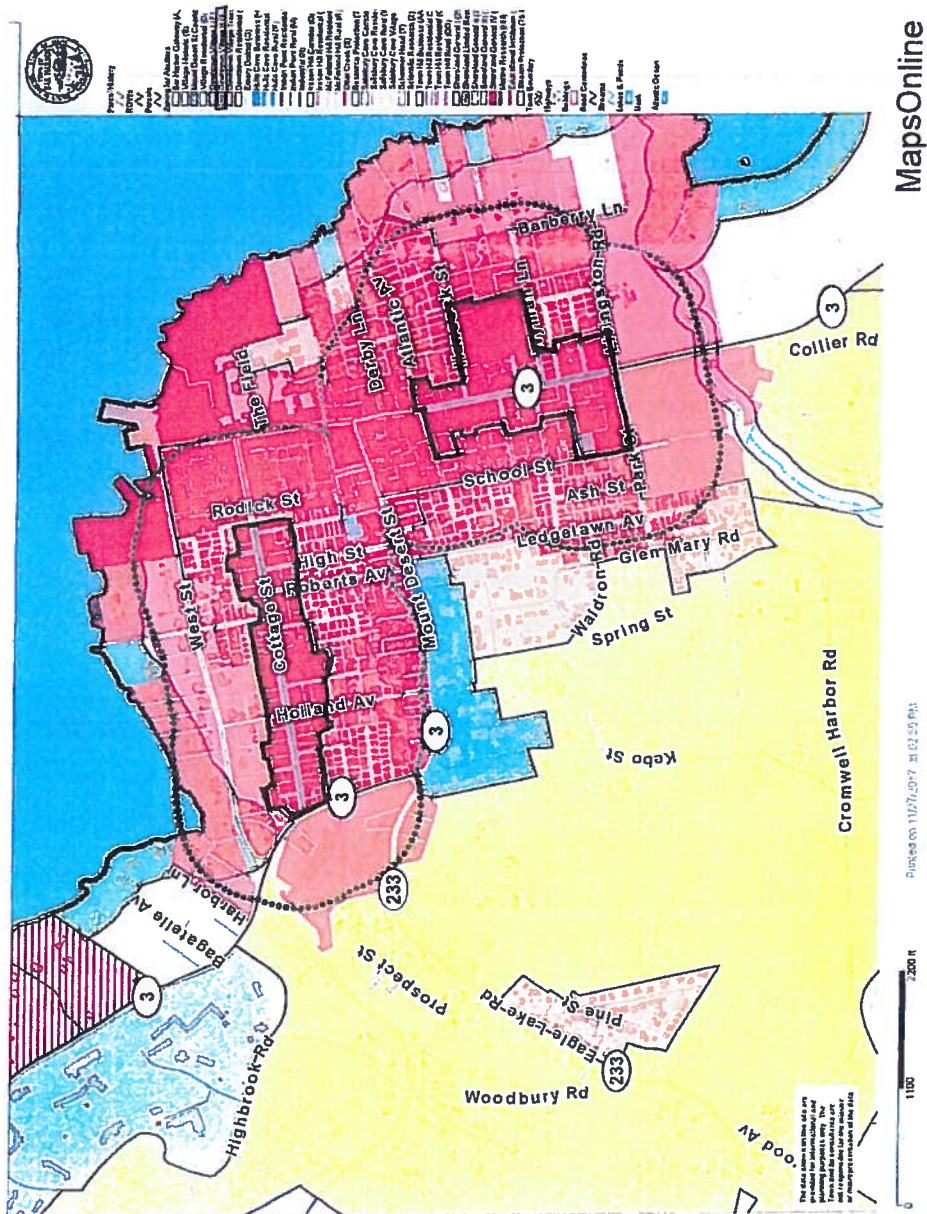
**EXPLANATION:**

*This amendment is to permit museums as an allowed use with site plan approval in the Downtown Village II district.*

**Recommendations:**

*The five member Planning Board recommends rejection, by a vote of 3 to 0.*

*The 22 member Warrant Committee recommends rejection, by a vote of 19 to 0.*



**Article 3 - LAND USE ORDINANCE AMENDMENT – Appendix A–** Shall an ordinance, dated December 19, 2018, to amend Appendix A Historic Properties in Design Review Overlay District be enacted?

## Appendix A – Historic Properties

### An amendment to Appendix A - Historic Properties in Design Review Overlay District.

The Town of Bar Harbor hereby ordains that Chapter 125 of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

## Chapter 125 , LAND USE ORDINANCE

Tax Map/ Lot #	Historic Name	Address	Present Name	Date Built	National Register	Significance
103-012-000	Villa Mary	77 Eden Street	Villa Mary	1879-80	yes	<u>National Register property</u>
103-015-000	Bagatelle	75 Eden Street	Bagatelle (home & carriage house only)	1883	yes	<u>National Register property</u>
103-016-000	Fenwold	6 Harbor Lane	Fenwold	1891	yes	<u>National Register property</u>
104-002-000	The Breezes	125 West Street	The Breezes	c. 1900	yes	<u>National Register property</u>
104-003-000	Greenlawn	123 West Street	Greenlawn	1884	yes	<u>National Register property</u>
104-004-000	Saltair	121 West Street	Saltair	1887	yes	<u>National Register property</u>
104-005-000	The Tides	119 West Street	The Tides	1887	yes	<u>National Register property</u>
104-007-000	The Sunset	115 West Street	The Sunset	1911	yes	<u>National Register property</u>
104-009-000	The Bar Harbor Club	111 West Street	The Bar Harbor Club	1929-30	yes	<u>National Register property</u>
104-009-000	Guelph	111 West Street	Rosebriar	c. 1875	yes	<u>National Register property</u>
104-015-000	Charles Marinke Residence	130 West Street	Charles Marinke Residence	c. 1912		possible National Register district
104-032-000	Blanchfield House	37 Eden Street	Blanchfield House	c. 1865		architectural/ historical
104-033-000		41 Eden Street	Caruso Residence	c. 1890		architectural/ historical
104-037-000	The Crossways	4 Holland Avenue	The Crossways	1901	yes	<u>National Register property</u>
104-038-000	Westfield	120 West Street	Westfield	1901	yes	<u>National Register property</u>
104-039-000	Maisonette	118 West Street	Maisonette	1886	yes	<u>National Register property</u>
104-040-000	Chantier	116 West Street	Chantier	1887	yes	<u>National Register property</u>

104-041-000	The Kedge	112 West Street	The Kedge	c. 1870	yes	<u>National Register property</u>
104-058-000	Bar Harbor High School	93 Cottage Street	Bar Harbor Municipal Building	1907		<u>architectural/historical</u>
104-061-000	Robert Hodgkins residence	69 Cottage Street	Cottage on Cottage			<u>architectural</u>
104-068-000	Petunia Cottage	110 West Street	Petunia Cottage	1887	yes	<u>National Register property</u>
104-069-000	Foster Cottage	108 West Street	Foster Cottage	1878	yes	<u>National Register property</u>
104-070-000		106 West Street	Manor House Inn	1887		<u>architectural</u>
104-092-000	Dr. Norton's Office	67 Cottage Street	Dr. Parks' Office			<u>architectural</u>
104-097-000	Thankful Cottage	1 Billings Avenue	Thankful Cottage	c. 1850		<u>architectural</u>
104-112-000	U.S. Post Office	55 Cottage Street	U.S. Post Office	1909	yes	<u>National Register property</u>
104-121-000		17 Main Street	Galyn's			<u>architectural</u>
104-137-000		23 Cottage Street	Cadillac North Face	c. 1900		possible National Register district
104-139-000		29 Cottage Street	Cadillac AG	c. 1910		possible National Register district
104-140-000	Criterion Theatre	35 Cottage Street	Criterion Theatre	1932	yes	<u>National Register property</u>
104-141-000	Odd Fellows Hall	39 Cottage Street	Odd Fellows Hall	c. 1937		local landmark
104-157-000	Haraden residence	130 Cottage Street	Carrying Place			<u>architectural</u>
104-181-000	Everett Liscomb residence	112 Cottage Street	Coplon Assoc./Dobbs Prod.			<u>historical personage</u>
104-237-000		73 Mt. Desert Street	Primrose Inn			<u>architectural</u>
104-238-000	Ash Cottage	69 Mt. Desert Street	Mira Monte Inn	1864		<u>architectural</u>
104-244-000	H.A. Brown Furniture	74 Cottage Street	Salon NaturELLES			<u>architectural</u>
104-254-000	Christian Science Church	57 Mt. Desert Street	White Columns Inn	1937		<u>architectural/historical</u>
104-255-000	Stonethrow	67 Mt. Desert Street	Stonethrow			<u>architectural</u>
104-268-000	American Legion Hall	70 Cottage Street	American Legion Hall			<u>architectural/historical</u>
104-297-000		47 Mt. Desert Street	Thornhedge Inn			<u>architectural</u>
104-317-000		45 Mt. Desert Street	Stratford House Inn	1900		<u>architectural</u>
104-318-000	St. Saviour's Church and Rectory	41 Mt. Desert Street	St. Saviour's Church and Rectory	1900	yes	<u>National Register property</u>

104-326-000	Central House	60 Cottage Street	Central House		<u>architectural/historical</u>
104-342-000	Bar Harbor Congregational Church	29 Mt. Desert Street	Bar Harbor Congregational Church	1951	<u>architectural/historical</u>
104-355-000		46 Cottage Street	Rosalie's		<u>architectural</u>
104-372-000		14 Cottage Street	Village Emporium	c. 1889	possible National Register district
104-373-000		8 Cottage Street	Epicurean		<u>architectural</u>
104-383-000	Emery Block Building	103 Main Street	Bar Harbor Savings & Loan Assn.		<u>architectural</u>
104-386-000	Lyford Woodard Building	109 Main Street	Fenton et al. Law Offices		<u>architectural/historical</u>
104-387-000	F.H. Moses Florist Shop	113 Main Street	Stone Soup	1904	<u>architectural</u>
104-392-000	Bar Harbor Police Station	38 Rodick Street	Coston & McIsaac		<u>architectural/historical</u>
104-401-000	Comfort Station	Firefly Lane	Information Building		<u>architectural/historical</u>
104-401-000	Bar Harbor Fire Station	Firefly Lane	Bar Harbor Fire Station	1911	<u>architectural/historical</u>
104-403-000	Village Green	Main and Mt. Desert	Bandstand, clock, fountain	various	local landmark
104-413-000		74 Mt. Desert Street	Holbrook House Inn		<u>architectural</u>
104-419-000	Holy Redeemer Roman Catholic Church	56 Mt. Desert Street	Holy Redeemer Roman Catholic Church	1907	<u>architectural/historical</u>
104-432-000	Y.W.C.A.	36 Mt. Desert Street	Y.W.C.A.	1913	local landmark
104-433-000	Jesup Memorial Library	34 Mt. Desert Street	Jesup Memorial Library	1911	<u>architectural/historical</u>
104-450-000	YMCA	26 Mt. Desert Street	Abbe Museum		<u>architectural/historical</u>
104-481-0001	McKay Cottages	227 Main Street	McKay's Restaurant		<u>architectural</u>
104-492-000		194 Main Street	Ivy Manor		<u>architectural</u>
104-493-000		166 Main Street	Window Panes		<u>architectural</u>
104-494-000	Adler's Town & Country	164 Main Street	Independent Cafe/Katahdin Photo Gallery		
104-497-000	Butterfields	154 Main Street	Sailor & Hook		<u>architectural/historical</u>
104-504-000	Pine and Palm (florist) (original facade only)	134 Main Street	Acadia Corporation	c. 1883	<u>architectural/historical</u>

104-507-000	Sproul's Cafe	128 Main Street	Ward Building	1880	yes	National Register property
104-509-000	Bee's Candy	116 Main Street	Hemporium	c. 1880		<del>(address error)</del> <u>architectural/historical</u>
104-510-000	Caleb's	112 Main Street	The Barnacle			<del>(map/lot error)</del> <u>architectural</u>
104-512-000	First National Bank	102 Main Street	First National Bank			<u>architectural/historical</u>
104-519-000	Grant Building	80 Main Street	The Christmas Spirit Shop	<u>1897</u>		<u>architectural/historical</u>
104-523-000	The Mount Desert Reading Room	8 Newport Drive	Bar Harbor Inn (original Reading Room only)	1887		architectural/historical
104-525-000	Morrison Building	62 Main Street	Morrison Building	<u>1897</u>		<u>architectural/historical</u>
104-528-000	Sherman's Bookstore	56 Main Street	Sherman's Bookstore			<u>architectural</u>
104-531-000	Bar Harbor Banking & Trust	82 Main Street	Bar Harbor Banking & Trust	1887		<u>architectural/historical</u>
105-001-000	Bass Cottage	14 The Field	Bass Cottage Inn	1885		possible National Register district
105-002-000	Ullikana	16 The Field	Ullikana	1885		possible National Register district
107 219-000	Bangor Hydro Building	18 Edgewood Street	Bangor Hydro Building			<u>architectural/historical</u>
108-003-000	E.G. Jordan Building	288 Main Street	Acadia Frameworks			<u>architectural</u>
108-005-000	Edgar Morang Residence	278 Main Street	Tea House	1924		<u>architectural</u>
108-068-000	Bar Harbor Water Co.	337 Main Street	Anchor Space			<u>architectural</u>
<b>Signs</b>						
104-0125-000	Geddy's Pub Moose	<u>19 Main Street</u>				<u>local landmark</u>
104-140-000	Criterion Theatre marquee	<u>35 Cottage Street</u>				<u>National Register property</u>
104-243-000	Jordan's Restaurant hanging sign					
104-384-000	West End Drug stained glass	<u>105 Main Street</u>				<u>architectural/historical</u>
104-512-000	First National Bank clock sign	<u>102 Main Street</u>				<u>architectural/historical</u>
104-531-000	B.H. Banking & Trust awning sign	82 Main Street				<u>architectural/historical</u>

**EXPLANATION:**

*This amendment reorganizes the list in map and lot numerical order, removes one sign from the list, adds the historical significance of the existing buildings, and includes minor name updates and corrections.*

*Recommendations:*

*The five member Planning Board recommends adoption, by a vote of 3 to 0.*

*The 22 member Warrant Committee recommends adoption, by a vote of 19 to 0.*

**Citizens' Initiative**

**Article 4 - Only registered voters in the Town of Bar Harbor shall be permitted to vote on any appointed board, committee or commission. – Shall the above-described ordinance be enacted?**

**RESIDENCY A PREREQUISITE TO VOTING ON TOWN BOARDS**

The Town of Bar Harbor hereby ordains that Bar Harbor Code Chapter 31, *Boards, Committees and Commissions*, shall be amended as follows (additions are underlined, and deletions are ~~struck-through~~):

“Article IX General.

§31-50 **Residency a prerequisite to voting.** All voting members of all boards, committees and commissions that are appointed by the Bar Harbor Town Council, or that are appointed to any subsidiary board, committee or commission of said Council, shall be persons who are registered to vote in the Town of Bar Harbor. If permitted by this Chapter or by other Chapters of this Code, or by the Charter of the Town of Bar Harbor, persons who are not registered to vote in the Town of Bar Harbor may be appointed to such boards, committees or commissions, but they shall not be permitted to vote on any business that comes before such boards, committees or commissions.”

**PURPOSE:** The purpose of this amendment to the Bar Harbor Town Code is to prohibit persons who are not Bar Harbor voters from voting on boards, committees or commissions of the Town. (Non-residents could still provide expertise through non-voting appointment or participation on such boards, committees or commissions.)

*Recommendations:*

*The seven member Town Council recommends rejection, by a vote of 7 to 0.*

*The 22 member Warrant Committee recommends adoption, by a vote of 15 to 3 with one abstention.*

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## Citizens' Initiative

**Article 5 - LAND USE ORDINANCE AMENDMENT – Limits on Pier Length and Size of Berthed Cruise Ships** – Shall an Ordinance entitled “An Amendment to the LUZO to Prohibit Berthing Piers for Large Cruise Ships” be enacted?

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### AN AMENDMENT TO THE LUZO TO PROHIBIT BERTHING PIERS FOR LARGE CRUISE SHIPS

The Town of Bar Harbor hereby ordains that Bar Harbor Code Chapter 125, the *Bar Harbor Land Use Ordinance* (LUZO), § 125-68(B)(6) shall be amended as follows (additions are underlined, and deletions are ~~struck through~~):

“(j) Notwithstanding and in addition to any other provision of this chapter, no person shall be permitted to construct or to operate a pier, dock or wharf, or other similar facility, or any water-related structure, that allows direct passenger disembarkation from, or embarkation onto, cruise ships capable of carrying more than five hundred (500) passengers; and further, no person shall be permitted to construct or to operate a pier, dock or wharf, or other similar facility, or any water-related structure, that is over three hundred (300) feet in length. These prohibitions are applicable regardless of whether such pier, dock or wharf, or other similar facility, or any water-related structure, is a stand-alone facility or is part of a passenger terminal.”

PURPOSE: The purpose of this amendment to the LUZO is to prohibit construction of a pier for the berthing of large-scale cruise ships in the Town of Bar Harbor.

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***Recommendations:***

*The five member Planning Board recommends rejection, by a vote of 3 to 0.*

*The 22 member Warrant Committee recommends adoption, by a vote of 14 to 4.*

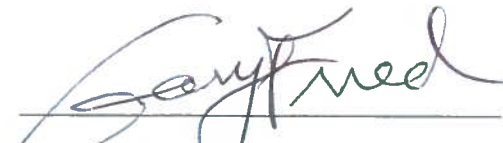
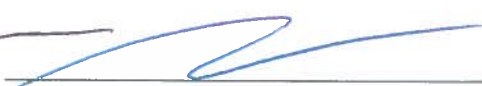
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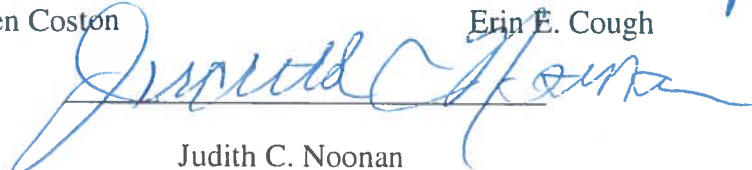
Given under our hands this sixteenth day of April 2019.

**Municipal Officers of the Town of Bar Harbor**

 _____	 _____
Gary Friedmann, Chair	Matthew A. Hochman, Vice Chair

 _____	 _____
Paul A. Paradis	Joseph Minutolo

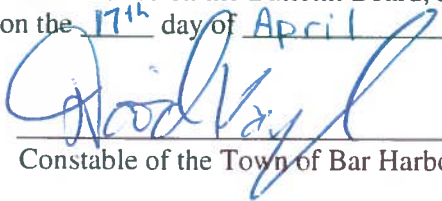
 _____	 _____
Stephen Coston	Erin E. Cough

  
\_\_\_\_\_  
Judith C. Noonan

Attest:  
A true copy   
Town Clerk of Bar Harbor, ME

**CONSTABLE'S RETURN**

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting attested copy of the within Notice on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the 17<sup>th</sup> day of April in the year of our Lord Two Thousand and Nineteen.

Attest:   
\_\_\_\_\_

Constable of the Town of Bar Harbor

Attest: A true copy   
Town Clerk of Bar Harbor, ME