

# 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 fifteenth of October, 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 written ballot of the Special Town Meeting to be held on Tuesday, the fifth of November 2019:

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**Article 2 – LAND USE ORDINANCE AMENDMENT: Vacation Rental** – Shall an amendment dated May 1, 2019 and entitled “An amendment to the definition of Vacation Rental” be enacted?

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### Vacation Rental

#### An amendment to the definition of Vacation Rental

*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**

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### **ARTICLE XII Construction and Definitions**

#### **§ 125-109 Definitions**

##### **VACATION RENTAL**

The use of a dwelling unit or portion thereof for rent to a family for a period of less than 30 days and a minimum of five days. Time-share property, as most recently defined in 33 M.R.S.A. §591, is also included in this definition.

***Explanation:** The addition of the words “or portion thereof” to the definition of Vacation Rental would allow a portion of a dwelling to be used for Vacation Rental.*

**Recommendations:**

*The 5 member Planning Board recommends adoption by a vote of 5 to 0.*

*The 22 member Warrant Committee recommends adoption by a vote of 16 to 1.*

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**Article 3 - LAND USE ORDINANCE AMENDMENT** – Shall an ordinance dated May 22, 2019 and entitled “An amendment to site plan review procedure” be enacted?

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**An amendment to Site Plan Review Procedure**

**An amendment to Article V**

*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**

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**ARTICLE V Site Plan Review**

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**§125-61 Review procedure.**

**A. Preapplication meeting.**

(1) Major site plans. ~~At least seven business days p~~Prior to submitting a formal application for site plan review to the Planning Board, an applicant shall meet with the Planning Department for the purpose of reviewing such application. Following said meeting the applicant may either revise the application in accordance with any recommendations of the Planning Department and thereafter repeat this step or may request the application be submitted to the Planning Board at its next regularly scheduled meeting, occurring at least 15 business days after the meeting with the Planning Department.

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**D. Mailed notice of receipt of application.**

(1) Time of mailing. ~~At least 10 days prior to the date of the initial completeness review~~ Within three business days of issuing a receipt pursuant to the previous section, written notice of the receipt of an application and the date of the initial completeness review shall be mailed by first-class mail to the owners of all property within 300 feet of the outer boundary of the property in question and, if the proposed development is within 500 feet of a Town line, to the Town Clerk and Chairperson of the Planning Board of the adjacent Town. The owners of property shall be considered to be those shown on the Town's tax list as the persons against whom taxes are assessed. The Planning Board shall, in each case, maintain a list of property owners so notified. Notice shall be deemed received if mailed to an owner's last known address according to the

Town tax records. Failure of any property owner to be sent or actually to receive notice shall not necessitate another hearing or invalidate any actions of the Planning Board taken in good faith.

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**E. Completeness review for major site plan.**

(1) Generally. Upon receipt of an application, the Planning Board shall conduct an initial review for the sole purposes of determining whether the application is complete and establishing the initial amount of any technical assistance fee to be assessed pursuant to § **125-65D**. If the application is deemed complete, it shall be deemed pending, and the Planning Board shall set the matter for a public hearing to take place within 45 days of the initial review. ~~If the application is deemed incomplete, the Planning Board shall, within 10 days, notify the applicant, in writing, of the specific additional material needed to complete the application. Upon the applicant's submission of such additional material, all parties shall be given at least seven days to review the additional submissions before the Planning Board again reviews the application to determine completeness.~~

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***EXPLANATION:***

*This amendment is to streamline the processing of applications.*

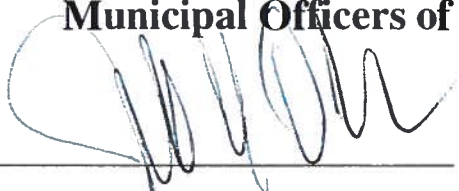

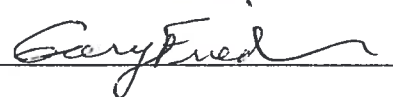
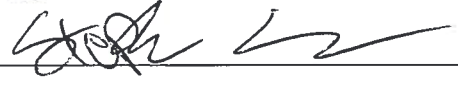
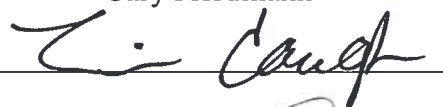
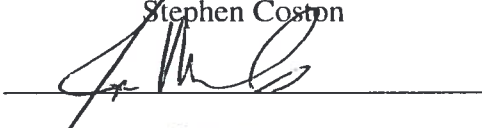
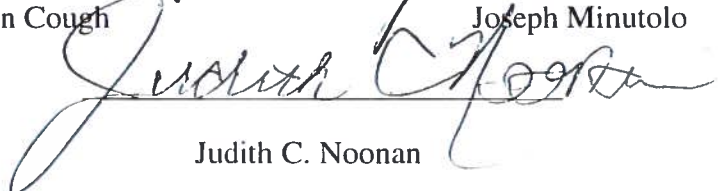
***Recommendations:***

*The 5 member Planning Board recommends adoption by a vote of 5 to 0.*

*The 22 member Warrant Committee recommends adoption by a vote of 17 to 0.*

Given under our hands this seventeenth day of September 2019.

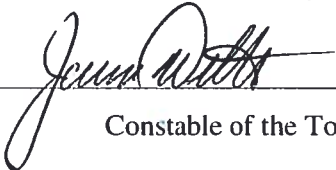
**Municipal Officers of the Town of Bar Harbor**

 _____ Jefferson Dobbs, Chair	 _____ Matthew A. Hochman, Vice Chair
 _____ Gary Friedmann	 _____ Stephen Coston
 _____ Erin Cough	 _____ Joseph Minutolo
 _____ 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 18<sup>th</sup> day of September 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