## TRANSMITTAL DOCUMENT
**FOR THE APRIL 29, 2020**
**PLANNING BOARD MEETING**

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<th>ITEM</th>
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|                      |               |
| Cover page with date | ✔️            |
| Agenda               | ✔️            |

|                      |               |
| Minutes for approval |               |
| Feb 5, 2020          | ✔️            |
| March 4, 2020        |               |

|                      |               |
| Staff Report Decision|               |
|                      | ✔️            |

| Supporting Documents | Applications are posted here |
|                      | https://www.barharbormaine.gov/298/Boards-M--Z |

### I. REGULAR BUSINESS

a. Public Hearing/Compliance Review, Site Plan SP-2019-07 - Triple Chick Farm

b. Public Hearing/Compliance Review for Site Plan SP-2020-02 - Bar Harbor Oceanside KOA
| c. Public Hearing/Compliance Review for Site Plan SP-2020-01 – Bar Harbor Savings & Loan |
| e. Public Hearing for remand of PUD-2017-02 from the Board of Appeals |
Agenda
Bar Harbor Planning Board
Wednesday, April 29, 2020 at 4:00 PM
Council Chambers — Municipal Building
93 Cottage Street

IMPORTANT NOTICES:
Under the provisions of MRSA §403-A, this meeting and public hearings may be held remotely (via the online video meeting platform Zoom) if the declarations of emergency by state/town government remain in effect when the meeting is held.

Information will be posted on the Planning Board’s webpage, located at https://www.barharbormaine.gov/282/Planning-Board, by Monday, April 27 stating whether the meeting will be held in-person at the Municipal Building (93 Cottage Street in Bar Harbor) or conducted remotely. Either way, the public can watch the meeting live on Spectrum channel 1303 or by streaming it online at https://townhallstreams.com/towns/bar_harbor_me

If the meeting is conducted remotely, members of the public will be able to take part in any of the public hearings by means of a conference call. For instructions on how to do so, visit https://www.barharbormaine.gov/282/Planning-Board. Applications for the projects listed below are also posted at that address.

I. CALL TO ORDER

II. ADOPTION OF THE AGENDA

III. EXCUSED ABSENCES

IV. PUBLIC COMMENT PERIOD
The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda and not a pending application before the board, with a maximum of three minutes per person.

V. APPROVAL OF MINUTES
a. February 5, 2020
b. March 4, 2020

[ Continued on the following page → ]
VI. REGULAR BUSINESS

a. Public Hearing/Compliance Review, Site Plan SP-2019-07 - Triple Chick Farm

Project Location: Off of State Highway 102 — Tax Map 235, Lot 002, encompassing 72.19 acres of land in the following zoning districts: Town Hill Residential Corridor, Town Hill Residential and Stream Protection.
Applicant/Owner: Triple Chick Farm, LLC
Application: Construction of a driveway (over 500 feet in length) to provide for land and forestland management practices, as well as to serve a future single-family residence. Site plan review is required because the driveway will cross a stream in the Stream Protection zoning district.

b. Public Hearing/Compliance Review for Site Plan SP-2020-02 - Bar Harbor Oceanside KOA

Project Location: 135 County Road — Tax Map 211, Lot 001, and encompassing ±2.63 acres of land in the following zoning districts: Town Hill Corridor, Town Hill Residential and Shoreland Limited Residential
Applicant: Bar Harbor Oceanside KOA
Owner: Kampgrounds of America, Inc.
Application: To construct a manager’s house and laundry/maintenance facility; to relocate the sewerage dump station, propane filling tank and dumpsters out of the County Road right-of-way and along a new camp road on the site; to demolish the existing old log cabin and other structures on the site; and to close one of the four existing curb cuts on County Road.

c. Public Hearing/Compliance Review for Site Plan SP-2020-01 – Bar Harbor Savings & Loan

Project Location: 15 Everard Court (Tax Map 104, Lot 389, encompassing ±0.1 acre of land in the Downtown Village I zoning district)
Applicant/Owner: Bar Harbor Savings & Loan
Application: Modification of an approved site plan (SP-2018-06) for parking lot design. The proposal is to increase the number of parking spaces from eight to 12. The revised design will require double-stacked (tandem) parking, designated for employees only.

[ Continued on the following page → ]

**Applicant/Owner:** ABC, LLC

**Application:** The renovations of three single-family dwelling units, the conversion of an existing single-family dwelling unit into a two-family dwelling unit, and the construction of one new two-family dwelling unit and of six new single-family dwelling units for a total of 13 dwelling units.

e. Public Hearing for remand of PUD-2017-02 from the Board of Appeals Project Location: 25 West Street Extension (Tax Map 103, Lots 48 and 49; encompassing a total of 1.54 acres of land in the Village Residential District).

**Applicant/Owner:** BHAPTS, LLC

**Application:** The remand to the Planning Board was from a decision on appeal from the Board of Appeals (identified as AB-2019-01). The Board of Appeals, at a meeting on February 11, 2020 and in a written decision dated February 13, 2020, found in four separate findings that the Planning Board’s approval of PUD-2017-02 was clearly contrary to the town’s Land Use Ordinance in four specific areas (non-conforming structures, base development density, maximum allowable units and required affordable housing units). The applicant has submitted a revised plan for the project to the Planning Board, stating the new plan addresses those four specific findings of the Board of Appeals.

VII. OTHER BUSINESS

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

X. ADJOURNMENT
Minutes
Bar Harbor Planning Board
Wednesday, February 5, 2020 — 4:00 PM
Council Chambers – Municipal Building — 93 Cottage Street, Bar Harbor

I. CALL TO ORDER
Chair Tom St. Germain called the meeting to order at 4:00 PM.

Members present were Chair St. Germain, Vice-chair Joe Cough, and members Erica Brooks and John Fitzpatrick. Secretary Basil Eleftheriou Jr. was absent.

Town staff present were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, Deputy Code Enforcement Officer Pat Lessard and Assistant Planner Steve Fuller.

II. ADOPTION OF THE AGENDA
Vice-chair Cough made a motion to adopt the agenda, seconded by Mr. Fitzpatrick. The motion then carried unanimously (4-0).

III. EXCUSED ABSENCES
Vice-chair Cough made a motion to excuse the absence of Mr. Eleftheriou, seconded by Mr. Fitzpatrick. The motion then carried unanimously (4-0).

IV. PUBLIC COMMENT PERIOD
Chair St. Germain opened the public comment period at 4:01 PM; as no member of the public came forward to speak, it was subsequently closed.

V. APPROVAL OF MINUTES
a. January 8, 2020
Vice-chair Cough made a motion to adopt the minutes of the January 8, 2020 meeting. The motion was seconded by Mr. Fitzpatrick and carried unanimously (4-0).

VI. REGULAR BUSINESS
a. Subdivision Pre-Application Sketch Plan Review for SD-2019-03 — Destination Health
Project Location: 124 Cottage Street — Tax Map 104, Lot 159, and encompassing ±0.16 acres of land in the Downtown Village II district
Applicant/Owner: Destination Health, LLC
Application: To construct a two-story, four-unit apartment building (constituting a subdivision, by unit, under state statute) on the Brewer Avenue end of the parcel.
Per §125-72 E of the Bar Harbor Land Use Ordinance, the Planning Board shall entertain brief public comment on the proposal for the limited purpose of informing the applicant of the nature of any public concerns about the project so that such concerns may be considered by the applicant in preparing his/her application.
Sheridy Olson, one of the owners of the parcel, and Stewart Brecher, part of the architectural team, were present to discuss the project and introduced themselves. Mr. Brecher opened with a bit of humor, asking, "Is it OK not to shake hands and tear up the agenda at the end of the meeting?" [For context, the quip followed House Speaker Nancy Pelosi tearing up her copy of President Donald Trump’s State of the Union speech the night before.] Chair St. Germain replied, with a smile, "If you have to tear it up at the end of the meeting, so be it, Stewart." Ms. Olson added, "As long as you recycle it."

Mr. Brecher explained that the part of the project before the board that night was the side of the site on Brewer Avenue, where a building with four, one-bedroom apartments are planned (three weekly rentals and one year-round), as well as four parking spaces.

The applicants, said Mr. Brecher, were not before the board to discuss the Destination Health aspect of the project, which has received permits and on which construction is already underway. He noted the project constitutes a subdivision (by dwelling unit) under state law, thereby requiring the applicant to come before the board even though it does not involve subdividing the land or building into different ownership. He described the building in some detail.

Chair St. Germain opened the public comment period at 4:05 PM.

Bob McCann, 9 Brewer Avenue, spoke first. He asked about how the apartments will be rented, noting that Brewer Avenue is a tight street. He wondered where overflow parking would be for the units, particularly if visiting families bring two cars. He also asked if there are minimum width requirements for parking spaces, and Chair St. Germain said there are specific standards in the Land Use Ordinance.

Laney Lloyd, 10 Myrtle Avenue, said she worried about traffic congestion and trying to find a parking space.

Chair St. Germain closed the public comment period at 4:09 PM.

Ms. Olson said one of the units will be a year-round apartment, hopefully for an employee of Destination Health, while the other three units will be weekly rentals. Mr. Brecher said that congestion and traffic are issues everywhere in the downtown area but that the project meets all required setbacks and is following the ordinances in place. The building is set back about 35 feet from the street, he noted. Parking is a problem all around town, Mr. Brecher said. He noted there are municipal parking lots and metered spaces for visitors to Destination Health on the Cottage Street side of the property. He said he hoped visitors would walk or use the bus while visiting Bar Harbor. The vacation rentals are necessary to make the project financially viable, said Mr. Brecher. Ms. Olson noted as a wellness
center, Destination Health encourages walking and the use of bikes for transport.

Chair St. Germain asked how many parking spaces are required for the project; Planning Director Michele Gagnon replied that in that particular zoning district (Downtown Village II) none are required. Chair St. Germain noted for the public that the applicant intends to provide parking beyond what is required in the district, and that it appeared to meet the requirements of the Land Use Ordinance.

Mr. Fitzpatrick noted that the documents before the board met sketch plan requirements but that for a subdivision application the board would require a site plan with all the amenities on it.

Chair St. Germain mentioned the checklist and possible waiver requests, along with a site visit and neighborhood meeting. Planning Director Gagnon said she felt it was early to act on the waiver requests but noted that the board has, in the past, given general guidance at this point instead. Assistant Planner Fuller, replying to a question from the board, said a site visit is required within 30 days. Chair St. Germain said the site visit would likely be followed by a neighborhood meeting, probably in the Municipal Building. He explained how that process works. Planning Director Gagnon noted that a neighborhood meeting is optional.

Replying to questions from the board, Mr. Brecher said he intended to be at the board’s next meeting for completeness review and that there is sufficient capacity to hook in sprinklers for the building.

**Mr. Fitzpatrick made a motion, seconded by Vice-chair Cough, to have Planning Department staff schedule a site visit, followed immediately after by a neighborhood meeting.**

Mr. Brecher asked for feedback on the checklist before the next meeting. Mr. Fitzpatrick asked whether there would be signs for rentals, if any easements were required, whether water service lines would need to be increased and if there was overhead service for power. Mr. Brecher replied that no easements are necessary, water service lines are fine, and the buildings are fed for power from Myrtle and Cottage Streets. There will be no signs for the rental units, Mr. Brecher said. Board members did not flag any other issues for the applicant. With no more discussion, **the motion to schedule a site visit and neighborhood meeting then carried unanimously (4-0).**

Mr. Brecher told the board that because of a tight construction timeline and financial hardship if the four units are not approved in time to be rented for the summer season, the applicant plans to apply for a building permit for a two-unit building on the same footprint to get a foundation laid in the event there are approval issues with the four-unit building. The two-unit building permit could be granted by staff. The applicant is not trying to get around the process, said Mr. Brecher. **S. Brecher speaks of concurrently seeking a building permit for project completion.**
Brecher. Vice-chair Cough said the applicant could do that and that it would not change the review process with the Planning Board going forward.

b. Subdivision Pre-Application Sketch Plan Review for SD-2020-01 — Maller/MacQuinn Subdivision

**Project Location:** Tax Map 208, Lot 098; a portion of Tax Map 216, Lot 049; and a portion of Tax Map 216, Lot 050; said lots encompassing a total of ±137.32 acres, of which this subdivision would involve ±68.75 acres. Portions of the subject land are in the following zoning districts: Salsbury Cove Rural, Ireson Hill Residential, Hulls Cove Rural, Shoreland Limited Residential and Resource Protection.

**Applicants/Owners:** Harold MacQuinn, Inc. (Tax Map 216, Lot 049); Christopher Maller (Tax Map 208, Lot 098); and Christopher S. Maller Revocable Trust (Tax Map 216, Lot 059)

**Application:** To develop a 14-lot residential subdivision on property located off of Owls Nest Lane (a town-owned road), with lots ranging in size from 1.12 acres to 19.42 acres.

*Per §125-72 E of the Bar Harbor Land Use Ordinance, the Planning Board shall entertain brief public comment on the proposal for the limited purpose of informing the applicant of the nature of any public concerns about the project so that such concerns may be considered by the applicant in preparing his/her application.*

Engineer Greg Johnston was present to represent the applicant. He presented a plan of the project to the public, and many audience members got out of their seats to look at this plan when it was first presented.

Mr. Johnston said the overall project size is roughly 68 acres and that most of the subdivision lots will be between 1 and 2 acres, with three considerably larger lots. He spoke about trying to move roads away from existing rear yards, and also about covenants already in place on Owls Nest Lane. Mr. Johnston said there would be restrictive covenants that would mirror some of the restrictions in other deeds for other subdivisions in the area, such as house size limitations. He said building areas as indicated factored in wetlands on the site. He noted the intent is to have the roads serving the project built to town standards (including being paved) and eventually accepted by the town.

Chair St. Germain asked about a possible fire pond. Mr. Johnston said the Fire Department has strongly recommended the applicant consider residential sprinklers for houses in the project, but that sprinkling is difficult in residential areas with wells and would likely increase the price of the homes. He said the applicant is leaning toward putting in a fire pond.

Chair St. Germain asked whether the project is in line with the Land Use Ordinance, particularly with regard to road length (§125-67 G. (3) (b) — that no
dead-end street shall exceed 2,000 feet in length) and another requirement that there cannot be a subdivision with 15 or more lots that does not have two connections with existing public streets. He said those matters might not be addressed that night but he wanted to put them on the table for discussion.

Mr. Johnston replied that the project has at least two turnarounds that are not dead ends and said one approach would be to interrupt those with roads with turnarounds for emergency vehicles.

Regarding the other issue, found in §125-67 G. (2) (h) [1] — the requirement for two connections with 15 or more lots, Mr. Johnston said the big question is where does one start counting for 15 lots. He noted that the town ordinance refers to state law (Title 4401-4) for the definition of subdivision and summarized it as three or more lots in a five-year period. He said lots outside the five-year period should not be counted.

Chair St. Germain opened the meeting to public comment at 4:50 PM.

First to speak was Dana Reed, who lives at 36 Stony Brook Way. He said he considered both of the applicants friends of his and said he had respect for Mr. Johnston. He raised the issue of having two street connections for subdivisions of 15 or more lots. Mr. Reed spoke about the same state law Mr. Johnston referenced, and said it allowed the Planning Board to consider lots that were created earlier. Mr. Reed spoke about increased traffic on Stony Brook Way, which he said is in disrepair already. He said additional construction traffic would further that. He asked about the maximum grade for the proposed road, and wondered if the Town Council would accept it.

Mr. Reed referenced the language regarding length of a dead-end road, and said he saw this as definitely being a dead-end road. He said the topography of the proposed road could also present challenges in meeting road construction requirements in the Land Use Ordinance. Mr. Reed expressed a concern about the proposed size/layout of Lot #10. He asked about proposed restrictions and deed covenants, and asked if the town would enforce them. He said there had been problems along those lines in the past. Mr. Reed also asked about where Owls Nest Lane ended with regard to the property line.

Sarah Mangs, 34 Owls Nest Lane, spoke next. She noted she is not a direct abutter to the project, but had community-level concerns. She wondered whether the developer had had discussions with Spectrum regarding internet and cable television connectivity and if the infrastructure in place presently could support additional homes. She asked that the developer address that with Spectrum.

Linda Rooney, 19 Owls Nest Lane, spoke next. She asked where a fire pond might be located and if it would serve the entire neighborhood. She said her main concern was the length of the proposed road, and wondered about having an...
additional entrance and exit for the project.

Bendigo Binns, 54 Owls Nest Lane, spoke next and voiced concern about construction traffic. He said he would prefer that construction traffic be routed via other access points, i.e. through the gravel pit behind Pirate’s Cove, noting that many school-age children in the area play around the street, as it is a cul-de-sac at present, especially in the summertime.

David Mangs, 34 Owls Nest Lane, spoke next and echoed concerns about traffic and topography. Mr. Mangs asked whether there would be an impact on the wells in the area with the addition of the new houses. He said his well is 400 feet deep and draws 8 gallons per minute. He also said he had trouble finding the plans on the town’s website.

Bob Bechtold, 42 Stony Brook Way, spoke next and asked about setback requirements. Mr. Mangs returned to the microphone to ask about the requirement for an additional entrance/exit, and how that requirement works. Mr. Binns also returned and spoke about having issues with trucks idling on the road before the sound ordinance kicks in. He asked that construction traffic not enter Stony Brook or Owls Nest prior to 7 a.m., and that they instead idle on Route 3.

Fred Campbell, 55 Owls Nest Lane, spoke next. He spoke about erosion taking place already. He echoed what Mr. Binns said about sound issues relating to construction, and said requirements were not being followed in that area.

Emily Perry, 41 Owls Nest Lane, spoke next. She said her concern was the significant wetland area nearby and the wildlife that lives there.

With no additional speakers, the public hearing ended at 5:09 PM.

Replying to public questions, Mr. Johnston said he would not necessarily have all of the answers yet but would work to maintain lines of communications with residents. He said he would continue to explore the 2,000 foot dead-end issue, and take cues from the board and staff on how to interpret requirements. He said he would similarly look for guidance on the second entrance/exit issue. He said the developer would be adhering to town standards for the grading of the road, because the intent is for it to be adopted as a town road, and spoke about why the road is drawn the way it is on the site plan right now.

Mr. Johnston spoke to Mr. Reed’s concerns about the layout of Lot #10. He said all lots have had test pits dug on them. Mr. Johnston said existing deeds have been looked at to know what other owners bought into. He addressed the question about where Owls Nest Lane ends with relation to the property line. He also spoke about setback requirements (no-cut zones) on existing lots on Owls Nest. Mr. Johnston said the applicant wants to ensure that covenants are upheld and that modern conveniences such as internet and cable television are available.
He said he has talked with Emera Maine but will reach out to Spectrum as well.

Mr. Johnston said the fire pond would be centrally located and said it would be smart planning to have it be able to serve the neighborhood. Regarding construction traffic, he said they would work with construction crews to find a way to keep the impact on the neighborhood down and were committed to being good neighbors. He said time of day and noise would also be looked at. Mr. Johnston noted that there are conditions in the deeds of residents along Owls Nest and Stony Brook alerting them that future development may occur. He said it is unusual to see that in deeds. He spoke to concerns about road construction.

Mr. Johnston spoke about buffers and no-cut zones, and how he and the applicants were approaching that. He added that the developer is looking at areas where water runs down the hill for a fire pond, and said he is also looking at a fire pond to potentially help address stormwater. He said stormwater and fire ponds have some different typical requirements, however, so that has to be looked at more closely.

Responding to concerns about wetlands and wildlife, Mr. Johnston said the developers had looked at habitat maps and that the lots near the wildlife habitat are the largest by design, to minimize the impact on wildlife, with building envelopes closer to the road rather than the wetlands.

Chair St. Germain raised the issue of what the applicant wants to do with utilities, and said he understood the plan to be to go underground with utilities for a distance and then bring them back up above ground. Mr. Johnston said they would be seeking a waiver to allow overhead utilities in order to help keep costs down. He said the applicant would consider placing the utilities underground until they get well into the site and then “popping up and going overhead.” He said he thought the language in the ordinance relating to this is unnecessary, in a lot of instances.

Vice-chair Cough said he assumed that covenants would be in the full application package. Mr. Johnston replied that they would be. Vice-chair Cough asked for information on adjacent subdivision covenants, including Owls Nest and Stony Brook, to be included for purposes of comparison. “I’m not saying I’m going to hold you to them,” he said, but “I’d kind of like to see where you are comparable and where you’re not.”

Planning Director Gagnon, in response to an earlier question from Mr. Reed, noted that the town does not enforce covenants and deed restrictions of any kind and that those are essentially private zoning/regulations.

Chair St. Germain said he would like to consult the town’s attorney for his opinion regarding the 2,000-foot dead-end road issue as well as the issue of the 15-lot subdivision language in the Land Use Ordinance. Chair St. Germain noted
that the application should also address how the requirements for grading on the road and shoulders will be met.

Vice-chair Cough suggested the applicant go to the Town Council to get a sense in advance of whether the town would be amenable to accepting the road, if it were built to town standards, before going through the expense of building it with the assumption that it would be adopted. Planning Director Gagnon noted that there is a road acceptance policy and a process in the Land Use Ordinance regarding how and when to approach the Town Council with a road adoption request. Mr. Johnston said he believes the road is built to standards and then remains private until the owner can prove standards have been met. There is no guarantee the Town Council will accept the road.

Chair St. Germain asked whether the Town Council would accept responsibility for a fire pond and said that while the internet connectivity question is not necessarily relevant to the board, it is of interest to future inhabitants.

Linda Rooney, Owl’s Nest Lane, returned to the microphone and asked if the applicant could show residents a larger site plan depicting the proposed building envelopes and include the existing houses, for scale. David Mangs asked if the applicant could notify all neighborhood residents, not just abutters, of developments in the future.

Vice-chair Cough moved to ask staff to schedule a site visit followed by a neighborhood meeting, with the neighborhood meeting at the MDI Bio Lab, if possible. Mr. Fitzpatrick seconded the motion, which passed unanimously (4-0).

Planning Director Gagnon distributed part of the checklist, which was missing from what the board had received in advance of the meeting. Chair St. Germain asked when the application would be ready for completeness review. Mr. Johnston replied that it would likely be ready by April, but said he didn’t have the 2020 schedule, which Planning Director Gagnon then provided to him. There was discussion of when it would be best for the board to review the checklist.

Regarding the checklist, Vice-chair Cough said that in reference to item 5C, he would like to have information regarding discussions with the Maine Department of Transportation be part of the exhibit, rather than waive it, which he said would help answer questions that had arisen about entrance and exit.

Chair St. Germain noted that the applicant had requested a waiver on 4C (proposed performance plan and maintenance guarantee). He asked if that would be the part of the checklist where the board would address a maintenance plan for a fire pond, noting that the town would likely be reluctant to accept a fire pond if it did not meet necessary Fire Department standards.
Chair St. Germain also wondered about the impact of the project on groundwater in the area. Mr. Johnston replied that “we have a lot of data on the wells” in the area. He noted the records that are kept for wells and that one had been reported as “low-yield.” He said a four-bedroom home needs a 0.25 gallon per minute well; most wells in the area are 20 gallons per minute, but one is 2 gallons per minute. “We didn’t hear anybody’s well has gone dry,” said Johnston.

Mr. Johnston said working with bedrock wells on Mount Desert Island is akin to “black-box magic.” He explained the difficulties in this work, and said that while he thought bedrock testing could be of “some use” that “the evidence of all these other wells is much more useful than drilling test wells.” He said he would provide more information from the state database on the wells to the board.

Chair St. Germain said staff should give more consideration as to whether item 4C should be a waiver, with regard to a fire pond, but that otherwise “the checklist that is presented looks pretty sound.” Mr. Johnston noted that the checklist was done prior to discussions with the fire chief. Vice-chair Cough added that providing a larger scale plan of the homes and building envelopes, as was suggested earlier by a resident, would be “helpful” and “fairly easy to do.”

c. Completeness Review under Site Plan Review for SP-2019-07 – Triple Chick Farm

Project Location: Off of State Highway 102 — Tax Map 235, Lot 002, encompassing 72.19 acres of land in the following zoning districts: Town Hill Residential Corridor, Town Hill Residential and Stream Protection.

Applicant/Owner: Triple Chick Farm, LLC

Application: Construction of a driveway (over 500 feet in length) to provide for land and forestland management practices, as well as to serve a future single-family residence. Site plan review is required because the driveway will cross a stream in the Stream Protection zoning district.

Mr. Johnston stayed at the microphone to represent Triple Chick Farm. He explained that the project, which includes construction of a driveway to a parcel abutting Triple Chick Farm, is before the board because it crosses a Stream Protection district. Johnston noted the plan is to build a residential dwelling for a farm manager, not for workforce housing or multiple dwellings. He explained the layout and location of the project and recounted a history of the site as well.

Mr. Johnston noted the applicant has been in touch with and obtained necessary permits from the Maine Department of Transportation, Maine Department of Environmental Protection and the Army Corps of Engineers, which he said are included in the packet. There was more discussion of the property and why the project was coming before Planning Board. “It’s a precast, three-sided box culvert,” said Mr. Johnston, “so that the streambed stays intact. That’s the goal.”
At 6:01 PM, Chair St. Germain opened the meeting for public comment and closed it after no residents got up to speak.

The board then moved on to waivers. There was a discussion about the grade of the road and what Mr. Johnston needed (or did not need) to show with regard to that requirement. Mr. Fitzpatrick said he felt the “package is pretty well assembled.”

Mr. Fitzpatrick moved, seconded by Ms. Brooks, to grant the waivers requested in the checklist. The motion then passed unanimously (4-0).

Mr. Fitzpatrick then made a motion, seconded by Vice-chair Cough, to find the application SP-2019-07 complete per Bar Harbor Land Use Ordinance §125-66 and to request staff to schedule a public hearing on the application for Wednesday, March 4, 2020. The motion then carried unanimously (4-0).

Mr. Johnston then said that the standards require that even private utilities that cross a Stream Protection district must be included in a site plan. He said he did not want to have to come back before the board for utilities. “Our intention is to keep the poles within the cleared opening that we’ve already described in the plan,” said Mr. Johnston, noting that there would likely be two poles near the stream. Code Enforcement Officer Chamberlain said it would be “safest” to include the two pole locations as part of the plan; Mr. Johnston agreed to do so.

**VII. OTHER BUSINESS**

Planning Director Gagnon described to the board the need for a possible special meeting for April Post and her family to resolve issues with a property located in a subdivision from the 1980s. Planning Director Gagnon explained that the family is unable to close on the house they recently built because of a subdivision issue that neither the Planning Department nor the family was aware of when the house was built. “We did not know about [this], the applicant did not know about [this],” said Gagnon, adding that she was trying to cut six weeks off of the Planning Board review process for the family, who wants to move into their house, by having a special meeting. “They’re really in a bind,” she said. In response to a question from Mr. Fitzpatrick, she explained that under the town’s Land Use Ordinance the creation of a new lot within an existing subdivision necessitates full subdivision review by the Planning Board (three meetings — sketch, completeness, compliance/public hearing — rather than just one).

Vice-chair Cough wondered why the family couldn’t approach the council for a consent agreement. Planning Director Gagnon replied that it likely wouldn’t satisfy a title attorney and that these are unique circumstances. Vice-chair Cough said he was fine with scheduling a special meeting. Chair St. Germain said the board would wait to hear from staff and would attempt to schedule a special meeting “at our earliest convenience.” Planning Director Gagnon noted she only wants special meetings for special circumstances on a limited basis.

Public comment period opened, and closed with no comment

Waiver discussion

Board moves to grant requested waivers: APPROVED, 4-0

Board moves to find application complete and schedule for a public hearing on March 4, 2020: APPROVED, 4-0

Discussion about what applicant needs to show for utilities on the site plan

Planning Director Gagnon speaks about need to hold special meeting for unique situation involving subdivision and single-family home

Planning Director: Limited use of special meetings

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Bar Harbor Planning Board — February 5, 2020 meeting minutes
VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Chair St. Germain asked board members for their comments and suggestions. He referred to a handout from staff about residential fire sprinklers, and Mr. Fitpatrick said it was likely that home fire sprinklers would be mandatory within the next decade. Code Enforcement Office Chamberlain noted that sprinklers are no longer as prohibitively expensive as they once were.

Chair St. Germain noted that a public hearing on Land Use Ordinance amendments was scheduled for February 18, 2020 at the Town Council meeting and said he planned on attending. He encouraged other members to attend.

Chair St. Germain asked Planning Director Gagnon to update the board on the progress of the vacation rental zoning advisory group. She said the group has six members and held three “listening sessions” last week, with a total of 210 participants. She said the comments gathered were “very meaningful” and noted that she had stopped taking comments as of January 31, because it was “becoming repetitive.” She said the zoning advisory group was working on setting goals and objectives and would seek the Town Council’s blessing.

Planning Director Gagnon said outreach for the listening sessions was done differently than usual, by sending mailings to all postal customers in Bar Harbor (those with either a physical address or a P.O. Box in one of the three ZIP codes in town). She said this method resulted in a wide variety of input from residents, including many who had never spoken at public meetings on this subject before, and many who do not own vacation rentals. She said it was off to a good start.

In response to questions from Chair St. Germain, Planning Director Gagnon said the group planned to meet on February 6, 2020, and that the group would be “setting regulatory approaches” but would not be writing ordinance language. There was further discussion about how the process would work.

Chair St. Germain asked for updates on upcoming projects. Planning Director Gagnon mentioned two possible projects brought forward by Mike Rogers. Assistant Planner Fuller noted that the Harbor View subdivision by Chris White in Hulls Cove had come to the Technical Review Team for more feedback from staff and said he wasn’t sure when they would be ready for completeness. Planning Director Gagnon also noted that there was a parking lot approved for Bar Harbor Savings & Loan but that the bank is considering making changes to.

IX. ADJOURNMENT

At 6:23 p.m., Vice-chair Cough made a motion, seconded by Mr. Fitzpatrick, to adjourn. The motion then passed unanimously (4-0).
Minutes approved by the Bar Harbor Planning Board on April 29, 2020:

Date

Basil Eleftheriou Jr., Secretary
Bar Harbor Planning Board
Bar Harbor Planning Board
Wednesday, March 4, 2020 — 4:00 PM
Council Chambers – Municipal Building
93 Cottage Street in Bar Harbor

I. CALL TO ORDER
Chair Tom St. Germain called the meeting to order at 4:00 PM.

Members present were Chair St. Germain, Secretary Basil Eleftheriou Jr., and members John Fitzpatrick and Erica Brooks. Vice-chair Joe Cough was absent.

Town staff present were Planning Director Michele Gagnon, Code Enforcement Officer Angela Chamberlain, Assistant Planner Steve Fuller and Deputy Code Enforcement Officer Patrick Lessard.

II. ADOPTION OF THE AGENDA
Mr. Fitzpatrick made a motion to adopt the agenda, seconded by Mr. Eleftheriou. The motion to adopt the agenda carried unanimously (4-0).

III. EXCUSED ABSENCES
Mr. Fitzpatrick made a motion to excuse the absence of Vice-chair Cough, seconded by Mr. Eleftheriou. The motion then carried unanimously (4-0).

IV. PUBLIC COMMENT PERIOD
Chair St. Germain invited public comment, but there were no takers.

V. APPROVAL OF MINUTES
   a. February 5, 2020
   Assistant Planner Steve Fuller said minutes from the February 5, 2020 meeting were not yet available and would be presented to the board at its next meeting.

VI. REGULAR BUSINESS
   a.) Reschedule Public Hearing/Compliance Review, Site Plan SP-2019-07 — Triple Chick Farm (Reschedule from March 5, 2020 to Wednesday, April 1, 2020)

   Project Location: Off of State Highway 102 — Tax Map 235, Lot 002, encompassing 72.19 acres of land in the following zoning districts: Town Hill Residential Corridor, Town Hill Residential and Stream Protection.

   Applicant/Owner: Triple Chick Farm, LLC

   Application: Construction of a driveway (over 500 feet in length) to provide for land and forestland management practices, as well as to serve a future single-family residence. Site plan review is required because the driveway will cross a stream in the Stream Protection zoning district.

   Mr. Eleftheriou moved to reschedule the public hearing and compliance review for SP-2019-07 to April 1, 2020. Mr. Fitzpatrick seconded the motion, and it carried unanimously (4-0).
b.) Completeness Review for Site Plan SP-2020-02 — Bar Harbor Oceanside KOA

Project Location: 135 County Road — Tax Map 211, Lot 001, and encompassing ±2.63 acres of land in the following zoning districts: Town Hill Corridor, Town Hill Residential and Shoreland Limited Residential

Applicant: Bar Harbor Oceanside KOA

Owner: Kampgrounds of America, Inc.

Application: To construct a manager’s house and laundry/maintenance facility; to relocate the sewerage dump station, propane filling tank and dumpsters out of the County Road right-of-way and along a new camp road on the site; to demolish the existing old log cabin and other structures on the site; and to close one of the three existing curb cuts on County Road.

Jim Kiser was present to represent the applicant. He gave an overview of the application and what it entails, including a new maintenance building, an upgraded laundry facility and new housing for the manager. He also spoke about the changes involving the dump station, filling station and trash area, and noted that one entrance would be closed and another would be upgraded. He addressed issues of ingress and egress generally.

Chair St. Germain asked for feedback from the board. Mr. Eleftheriou asked if there was an easement from Emera. Mr. Kiser said he believed it was a private pole, and that a survey did not pick up any existing easements. He said Emera may take a small easement, but it will depend where the company sites specific infrastructure.

Mr. Eleftheriou then asked about approval from the Fire Marshal’s Office for the propane tank. Mr. Kiser said state approval is required, though it is a different department, and explained what work must be done in what order. Planning Director Gagnon said the fire chief has been involved in discussions.

Mr. Fitzpatrick asked about a permit from the Maine Department of Environmental Protection, and Mr. Kiser explained his process. Planning Director Gagnon referred to the staff report and the note on this subject therein.

Mr. Fitzpatrick referred to checklist item 9E and asked to see lot size and lot coverage in both acres and square feet (he clarified he was most interested in square feet). He said he also saw a discrepancy in the application with different references to lot size. He flagged another discrepancy, regarding lot coverage (all driven on note number 6) – building footprint area vs. total impervious.

Mr. Fitzpatrick asked about capacity statements, and Planning Director Gagnon confirmed they are still coming in (she said public works and fire department were missing).
Mr. Fitzpatrick referred to checklist item 20B, elevations, etc. for the new building. He asked for a description of materials and colors. Mr. Kiser referred to the application where materials were specified (albeit in small print), and Mr. Fitzpatrick said a color palette would be helpful.

Mr. Fitzpatrick said it seemed like there was a significant amount of structures within the front setback (the propane slab, slab for dumpsters, filling stations). He said he would look to staff to see if that is an issue. Code Enforcement Officer Angela Chamberlain said septic would be exempt from setback requirements, but that the pads would have to meet those requirements. Mr. Kiser explained why it was laid out the way it was and said he could consider a gravel pad rather than a concrete pad if that would satisfy the requirements. Mr. Fitzpatrick asked about the dump and water filling station. CEO Chamberlain said the dump stations would not qualify as structures and said she didn’t have concerns about the water filling stations. She said fences are also exempt.

Mr. Fitzpatrick asked if the road was gravel or pavement, and Mr. Kiser said it is gravel at this time. Mr. Fitzpatrick then asked about curb cuts and asked if two could be combined into one to reduce the overall number. Mr. Kiser explained why he favored keeping three cuts (because of different-sized camp vehicles). Mr. Fitzpatrick also asked about the distances between curb cuts, for compliance.

Mr. Fitzpatrick asked that setback lines from wetland areas be shown on the plan. A discussion about state law and town ordinance ensued, and Planning Director Gagnon noted the wetlands would have to be 80,000 square feet to trigger setbacks. The wetland area in question is far below that threshold, all agreed.

Mr. Fitzpatrick moved to accept the following checklist items as waivers in the site plan application [SP-2020-02] for Bar Harbor Oceanside Kampground: 1F; 4A-4E; 5A and 5C; 6C, D and E; 7B-E and 7G; 7.1 A, B, D and E; 9F, H, I, J, K, X, DD, EE, FF, and JJ; 11F; 12C, E, G, H, I, L, M, N; 16B; 18B; 20D; 23B; 24D; 25C; and 26A-F. Mr. Eleftheriou seconded the motion. With no discussion, the motion then carried unanimously (4-0).

At 4:25 PM, Chair St. Germain invited members of the public to ask questions or share concerns. No one came forward to speak, and Chair St. Germain closed the public comment period at 4:25 PM.

Mr. Fitzpatrick moved to find, per the Bar Harbor Land Use Ordinance s125-66, application [SD-2020-02] complete with the exception of capacity letters from the fire department and public works, that shall be submitted at the compliance review meeting, and to schedule a public hearing for Wednesday, April 1. Ms. Brooks seconded the motion, which then passed unanimously (4-0).
c.) Sketch Plan Review for Subdivision/Planned Unit Development (Village) — PUD-2020-01 — Schooner Head Housing

**Project Location:** Tax Map 253, Lot 011 on Schooner Head Road; encompassing a total of ±40.24 acres, according to town tax records. The subject land is all in the Village Residential zoning district.

**Applicant:** Developers Collaborative

**Owner:** The Jackson Laboratory

**Application:** To develop a 44-unit residential subdivision in five buildings (one three-story, four two-story) on Schooner Head Road.

Per §125-72 E. of the Bar Harbor Land Use Ordinance, the Planning Board shall entertain brief public comment on the proposal for the limited purpose of informing the applicant of the nature of any public concerns about the project so that such concerns may be considered by the applicant in preparing his/her application.

i. Schedule site visit (mandatory) and neighborhood meeting (optional)

Mr. Fitzpatrick acknowledged that the applicant (The Jackson Laboratory, the property owner) is his employer, and as such said he would be recusing himself. He left the room at 4:28 PM. With his departure, the voting membership of the board was reduced to three members.

Chair St. Germain asked for a motion to accept Mr. Fitzpatrick’s self-recusal. Ms. Brooks moved to accept Mr. Fitzpatrick’s recusal from the agenda item, which was seconded by Mr. Eleftheriou. The motion then carried unanimously (3-0).

Present for the applicant were Catherine Longley, executive vice president and chief operating officer at The Jackson Laboratory, along with engineer Sarah Nicholson from Woodard & Curran and senior project manager Michael Lyne from Developers Collaborative. Ms. Longley said they were thrilled to be before the board and to talk about their plan. She spoke first about the lab’s work in general to address housing for its employees.

Ms. Longley then spoke about this particular project: long-term rental units for lab employees, built on land owned by the lab off of Schooner Head Road. She said the 44-units in this proposal represent the first phase of a larger project, and would include a mix of one-, two-, and three-bedroom apartments. She noted that the lab had hosted a neighborhood meeting of its own earlier in the year, and said it planned to hold more meetings going forward, also. She said the lab welcomes input from its neighbors.

Ms. Longley explained the role of Developers Collaborative in the project. She said Developers Collaborative would develop the project, and own, maintain, lease and pay taxes on the buildings. She said the lab would be leasing the property to Developers Collaborative under a ground lease. She then turned over the presentation to Mr. Lyne.
Mr. Lyne spoke about his company and the work that it has done in the state, including in Ellsworth. He said the company does a mix of market-rate and affordable housing, though the latter is its niche. He said the company and the lab have worked closely together for six months and that it feels like a good fit.

Ms. Nicholson spoke about discrepancy regarding the size (in acres) of the site, noting the numbers range between 36 and 40. She said the discrepancy would be cleared up and resolved. She spoke about the proposed development and reiterated that this is seen as a first phase of a larger project — but that this application is for 44 units. She gave an overview of the location and layout of the project. She outlined the distinction between parking and pedestrian space.

Ms. Nicholson noted an error on one of the plans, relating to the percentage of impervious area (32 percent, which is incorrect). She said that figure was mistakenly calculated based on the area of phase one, rather than the whole lot.

Mr. Eleftheriou asked where future phases would be located, and the applicants responded they would generally be to the south of the first phase. Chair St. Germain asked about elevations on the site, which Ms. Nicholson had earlier noted were steep in sections. Ms. Nicholson responded to this question.

Chair St. Germain asked about the checklist. He said at the earlier meeting hosted by the lab, there were discussions about upgrading water and sewer service down Schooner Head Road. He said there was a waiver request for the road (12J — design details for street improvements) and asked if that was something the board needs to look at or if it will be handled by public works. Ms. Nicholson said she did not think the utilities upgrades had to do with the Planning Board, but that it would require working closely with the town. Planning Director Gagnon said capacity letters would need to be provided.

Chair St. Germain said the PUD-V standards (which is the only way Multifamily II dwellings can be done in the Village Residential zoning district, he noted) requires part of the development to be affordable for certain tenants. He wondered how the requirements of the Land Use Ordinance matched with the lab’s plan to use this for housing for its own employees. Chair St. Germain referred to §125-69 S. (6) (b), which requires a minimum of 20 percent of the units (calculated from base development density) to be affordable. That standard also refers to §125-69 R., which has specific affordable housing requirements.

Chair St. Germain asked if the applicant had considered this for purposes of eventual compliance review. Ms. Brooks said she wondered the same thing. Mr. Eleftheriou read from §125-69 R. He read specifically from §125-69 R. (3) (a).

Discussion ensued between the board and Planning Director Gagnon, who asked how this was different from or similar to the Acadia Apartments project on West...
Street Extension. As discussion continued, Planning Director Gagnon said she was confident the applicant could come up with a plan to meet the requirement. She thanked Chair St. Germain for raising the issue now, early in the process.

Mr. Lyne said he appreciated the feedback from the board and said the applicant would look into the matter further. He asked how the 20 percent requirement would apply in phased project such as this. Further discussion with the board followed. Chair St. Germain noted 20 percent of base development density on this particular parcel could be as high as 40 units, even if the applicant did not build out to the lot’s full allowable potential. Mr. Lyne said the applicant would work with staff to address this issue further. Chair St. Germain said another applicant had recently done a project in this same district, and had a plan done.

Mr. Lyne asked if the applicant could request a waiver relating to this requirement, in regard to how the 20 percent was applied over the phases of the project. Chair St. Germain said it was an interesting question. Ms. Brooks spoke about her reading of the ordinance in relation to this application. Discussion continued. “I hope we can figure this all out because I think it’s, overall, a good project,” said Ms. Brooks. “It’s just fine-tuning some of this stuff.”

Planning Director Gagnon returned to the subject of utilities and said the applicant would be providing water and sewer details regarding how it would be laid out on site and how it would connect to the town lines.

Ms. Nicholson said the plan is to move the project along as quickly as possible (to be at the next meeting for completeness, etc.). She spoke next about the Maine Department of Environmental Protection permitting process. She said the DEP sees this as a common scheme of development because the lab owns the land and the lab’s site location permit will need to be amended to cover this project. Ms. Nicholson said the applicant has already talked with the DEP and gotten permission for the parking lot area for this project to be covered under an exemption for facilities with existing site location permits. She said that would allow for up to 30,000 square feet to be built without upfront DEP review.

Ms. Nicholson said she was bringing that up because the applicant will not have a DEP permit when it comes back before the board but will have documentation from DEP stating the agency is fully on-board with that approach. She said the DEP review will likely be concurrent with Planning Board review, but that approval from the state agency will likely take longer and come later. Planning Director Gagnon noted that the approach is a risk on the applicant’s part, which Ms. Nicholson acknowledged.

Chair St. Germain referenced a letter the board had received and asked if the applicant had also been provided with a copy. Chair St. Germain said the primary concern of the letter writer seemed to be buffering, and he invited the applicant to talk about buffering and setbacks. Ms. Nicholson noted the setback is shown...
on the site plan. Mr. Lyne spoke about the proposed layout of the site, and the need to maintain a buffer between the road and the parking area. He said parking had been pushed back from an earlier plan, thereby increasing the buffer space. “We certainly don’t want a total hardscape right up against Schooner Head Road,” Mr. Lyne said. He spoke more about the overall layout of the site, and said the applicant wants to “keep a light-hand-on-the-land mentality.” Mr. Lyne said the applicant would work with Friends of Acadia in addressing a recreational path that passes through the property presently.

Chair St. Germain asked if there was any comment from the public, and there was not. He then asked if there were any suggestions from board members for the applicant as they prepare for completeness review at the next meeting. There was discussion of when the site visit and neighborhood meeting would be held. Chair St. Germain asked if the rendering shown to the board that night was available online, and staff and the applicant discussed that matter.

Ms. Nicholson asked what documentation the board would want for right, title and interest, given the ownership/leasing structure she had outlined earlier.

Mr. Eleftheriou asked how market-rate and affordable rents are determined. Mr. Lyne spoke to this question, and spoke about the Maine State Housing Authority as well as Housing and Urban Development standards.

Chair St. Germain referred back to §125-69 R. and said it sort of defines what is considered affordable rent. Mr. Lyne asked how compliance would be shown. Chair St. Germain said Acadia Apartments and Compass Harbor were two previous projects that were PUDs in the Village Residential zoning district. There was discussion of attorneys being involved. Planning Director Gagnon said the applicant could develop something, show it to staff, and then have an attorney review it if the board had any legal questions or concerns.

Discussion turned to the site visit and neighborhood meeting. It was noted that 10 AM on Friday, March 20 worked for the applicant, if it worked for the board, to hold a site visit with a neighborhood meeting immediately following. Chair St. Germain noted that Vice-chair Cough had raised a concern prior to the meeting about the propriety of holding the neighborhood meeting at the lab, but Chair St. Germain said he did not have a problem with that. Ms. Brooks said she did not see it as an issue, either.

Ms. Brooks motioned to hold a site visit at 10 AM on Friday, March 20, with a neighborhood meeting following immediately afterwards at The Jackson Laboratory. Mr. Eleftheriou seconded this motion, and it then carried unanimously (3-0).

Mr. Fitzpatrick returned to the room at 5:09 PM. With his return, the voting membership of the board returned to four members.
d. Completeness Review for Site Plan SP-2020-01 — Bar Harbor Savings & Loan

**Project Location:** 15 Everard Court (Tax Map 104, Lot 389, encompassing ±0.1 acre of land in the Downtown Village I zoning district)

**Applicant/Owner:** Bar Harbor Savings & Loan

**Application:** Modification of an approved site plan (SP-2018-06) for parking lot design. The proposal is to increase the number of parking spaces from eight to 12. The revised design will require double-stacked (tandem) parking, designated for employees only.

Mike Rogers, landscape architect at LARK Studio in Bar Harbor, was present to represent the applicant. He reviewed the history of the site and the previous review process for the original parking lot plan. He explained the bank wanted to expand the amount of parking available there and explained how they made changes to achieve that (elimination of a lawn panel and instituting a tandem/double-stacked parking system). Mr. Rogers said he believed he had achieved everything staff had asked for after going through the Technical Review Team process.

Chair St. Germain asked if the parking was required for the bank use, or if it was instead independent parking. Mr. Rogers said it was the latter, being done to make it easier for their employees and customers.

Mr. Eleftheriou asked about prescriptive rights. Mr. Rogers said it was a holdover from the earlier site plan review process. Mr. Eleftheriou asked if those rights were still needed for this application and Mr. Rogers said he believed so. Planning Director Gagnon noted it was a condition of approval in the previous application, and that the applicant had not since provided the town with proof that the condition had been met. She spoke about the use of the term “prescriptive rights” and said that after conversation with the town’s attorney that was likely not the right term to use. Planning Director Gagnon referred to page one of the staff report and her remarks there, and said the bank could pursue an easement in writing with the town. She said that would require discussion with the town manager and Town Council. She said it should be “workable.”

Mr. Fitzpatrick asked if the previous site plan approval had expired. Planning Director Gagnon said it had not. She said the question now was if the board was willing to do a modification of standard to allow for tandem parking. She said members of the Technical Review Team had voiced no great concerns during their review of the application. She noted the fire chief did want to ensure adequate year-round clearance, and that the applicant had demonstrated that. She said staff also asked for signage to be put in place so the town (i.e., Police Department) does not have to field the calls. Mr. Rogers said that was done.
Chair St. Germain asked staff why the Planning Board was reviewing the application if it was not required for the use. CEO Chamberlain said it is because parking lots require site plan approval. Planning Director Gagnon then clarified that point number one in the staff report was moot because after talking with CEO Chamberlain further she realized the issue had in fact been taken care of.

Chair St. Germain asked if there was a hope that the modification of standard request would be discussed at the meeting. Mr. Rogers noted there are 12 employees in the office who all work on the same schedule. He said there was a plan for valet parking if needed, and that signage would be put in place, and explained how other issues (snow removal, etc.) would also be addressed.

Chair St. Germain said the fundamental question was whether the board was comfortable with stacked parking. Ms. Brooks said she was comfortable with it. Mr. Fitzpatrick said as presented, he would “fully support it.” Mr. Eleftheriou said he agreed. Chair St. Germain asked CEO Chamberlain for her thoughts. She said in this particular situation, she did not have a strong objection. But in general, she said she is “not a big fan of relying on other people to move cars in order for other people to maneuver out” and said she thinks it starts looking busy when cars are double stacked (especially in situations where it is not a back lot). Planning Director Gagnon said if the board chooses to grant the modification of the standard, it would be important for the board to state the reasons it is doing so “so that this does not become necessarily a practice for everywhere, everywhere.” She acknowledged the reasons that might set this case apart. Chair St. Germain said he did not have a problem with the bank’s proposal at all.

CEO Chamberlain said the bank will need to operate the site the way the Planning Board approves the application. “They can’t just go and do something different,” she said. “That never happens in this town,” Mr. Eleftheriou deadpanned.

Chair St. Germain said it seemed the board was sympathetic to the bank’s request. There was discussion about how this application supersedes the previous one. Planning Director Gagnon said a request for modification comes to the planner, but that she did not feel comfortable signing off on this particular application. CEO Chamberlain said the previous application, by default, would be null and void when this application is approved. Planning Director Gagnon said she would provide the board’s previous decision to the Planning Board to make sure all the previous conditions of approval carried over. There was a discussion about communication from the title attorney.

Discussion turned to waiver requests. Mr. Fitzpatrick referred to item 5C, relating to Design Review Board. Planning Director Gagnon said the checklist was built with the idea that it was amending the previous approval. There was discussion about how best to proceed in this process. Mr. Rogers said everything was included in order to make sure the board had a full application to look at.
There was more discussion. Mr. Fitzpatrick said his concerns were strictly administrative, to ensure that proper process was being followed.

Mr. Fitzpatrick said he was confused as to why there were a lot of waiver requests in areas that he would not expect them, based on what was submitted. Ms. Brooks wondered if it would be efficient to simply go through the lists of waivers right then and see what is applicable. Chair St. Germain recapped what needed to be done to move the project forward. There was more discussion. Planning Director Gagnon asked if she could meet with Mr. Rogers before the next meeting and produce a revised checklist. Chair St. Germain noted the board has sometimes found an application incomplete, but then scheduled it for a public hearing pending receipt of any missing materials (such as a checklist). He recapped how that process would work: the board could request an updated checklist, find the application incomplete, and still schedule it for a public hearing pending receipt of an updated checklist. Planning Director Gagnon said it would be helpful to have the checklist done before the application deadline.

Chair St. Germain said the board would find the application incomplete, but schedule it for a public hearing on Wednesday, April 1, 2020 pending the receipt of an updated waiver request checklist, with the deadline for that receipt by the Planning Office to be March 12, 2020. After a suggestion from Planning Director Gagnon, he added the board would also like the previous decision and letter from the attorney for the applicant (she said the staff would supply the decision). Chair St. Germain clarified that what he said was a motion. Mr. Eleftheriou seconded the motion, and without further discussion it then carried unanimously (4-0).

e. Completeness Review under Site Plan Review for Subdivision SD-2019-02
— Harborage (formerly Harbor View)
Project Location: 25 Crooked Road (Tax Map 216, Lot 006; encompassing 4.5 acres of land in the Hulls Cove Business zoning district)
Applicant/Owner: ABC, LLC.
Application: The renovations of three, single-family dwelling units; the conversion of an existing single-family dwelling unit into a two-family dwelling unit; and the construction of one new, two-family dwelling unit and of six new, single-family dwelling units for a total of 13 dwelling units.

Mr. Rogers remained at the table to represent applicant ABC, LLC and present its application. He noted that the board had held its pre-application/sketch plan review, along with a site visit and neighborhood meeting, back in the fall of 2019. He spoke about how this is planned as an affordable housing development, adding seven new buildings to the site in addition to restoring the existing buildings to working condition. He also spoke about driveways and wetlands. Mr. Rogers noted that there was a question about a waterway on the site, and whether it was a stream. He said the Maine Department of Environmental

More discussion on waiver requests, and updating checklist
Move to find the application SP-2020-01 incomplete, pending receipt of updated waiver request checklist, and schedule for public hearing on April 1, 2020: APPROVED, 4-0
Completeness review for SD-2019-02, Harborage (formerly Harbor View) subdivision

Mike Rogers also representing this applicant
Gives overview and explanation of the proposed project
DEP determined one waterway was not a stream
Protection looked at it and determined it not to be a stream and so it is instead just a drainage ditch. Therefore, no DEP permit is required for that.

Mr. Rogers noted changes that were made to the plan: adding a 30-foot paved buffer coming off of Crooked Road (the rest of the driveway is gravel) and asking for a modification of standard relating to power supply. He said it costs about $80,000 to do buried electric lines and noted this is intended to be an affordable housing project. Overhead power, he said, would cost $12,000 to $15,000. There was a discussion about how much underground power would add to the cost of each housing unit. Chair St. Germain noted there is already overhead power going to some existing buildings on site. Discussion followed. Chair St. Germain said the matter would be resolved at the next meeting.

Chair St. Germain asked about the small pond located on the site. Mr. Rogers said the fire department did not want to use it as a fire pond. Planning Director Gagnon said it is pretty grown in, appears to be full of silt and serves a purpose for stormwater management along the Crooked Road. Mr. Rogers spoke about two fire hydrants shown on the plan, in order to satisfy a fire department request.

Mr. Fitzpatrick said he thought that there were a bunch of things missing from the application: a receipt (others present said they had it), statements of capacity (Planning Director Gagnon said staff would sometimes prefer to write capacity statements between completeness and compliance reviews, and Mr. Fitzpatrick said he knew they would be coming), land use district noted on the site plan (he was shown where it was noted), anything developed or sold within the past five years (he was told nothing had been), subdivisions within 200 feet (Mr. Rogers indicated there were none), letters from Inland Fisheries & Wildlife, State Historic Preservation Office, etc. (Planning Director Gagnon noted those would be required as this is a subdivision — checklist items 9T, U and V), size of wetlands on the northeast corner of the property (Mr. Rogers said new construction for the project is outside the 75-foot setback), 100-year flood plain (Mr. Rogers said it does not extend that far, but said he would provide a FEMA map), and lot coverage calculations (Mr. Rogers said they were shown on the civil drawings rather than the site plan).

Regarding checklist item 20B (asking for building elevations, heights, exterior materials and colors), Mr. Fitzpatrick asked why it was needed in this case if it’s a subdivision. CEO Chamberlain said it is a subdivision by unit rather than lots, and that the plan is for the applicant to construct the buildings. She asked where the limits of common elements for each unit are (where are the building envelopes) for the new buildings. Discussion ensued. Mr. Rogers said the information was provided on C1, echoed by a couple of board members. He said specific colors have not been selected, as each home will be built separately. CEO Chamberlain said her interest was knowing what area the board would be approving for each unit. She said that will be needed as future building is done. There was more discussion on this among board members, staff and Mr. Rogers.
Planning Director Gagnon said it should be referenced in the covenants, as well. Chair St. Germain said it should be on the site plan, as well, and explained why. “I think that the board should have some idea of what it could be built out to,” said CEO Chamberlain. More discussion followed. Mr. Fitzpatrick suggested marking a developable area rather than a specific building footprint. He clarified that this would include anything impervious that would count toward lot coverage. Planning Director Gagnon spoke to exterior materials and colors, and CEO Chamberlain said it was not crucial information for this application.

In seriousness, Mr. Fitzpatrick said he wanted to see the colors and other details because they are asked for in the ordinance.

Mr. Eletheriou asked what sheet L1 was for. Mr. Rogers said it was used to show things that were further away, such as fire hydrants. Mr. Fitzpatrick asked which plan the board would sign, and Mr. Rogers said it would be C1. The board noted that different units have different numbers on different plans, and asked for consistency. Mr. Fitzpatrick said to make sure that everything listed on checklist item 9 appears on the site plan that the board will eventually sign. Planning Director Gagnon said the board can sign more than one sheet. There was discussion about how all of this could best be done.

Mr. Fitzpatrick moved to grant the waivers requested by the applicant as listed in the checklist dated August 5, 2019, as such waivers will not unduly restrict the review process as they are inapplicable, unnecessary and/or inappropriate for complete review. Mr. Eletheriou said his concern was that the checklist he was looking at was dated February 13, 2020. Mr. Rogers spoke to this matter. Mr. Fitzpatrick amended the date in his motion to February 13, 2020. Mr. Rogers noted a revised document was submitted February 25, 2020, though the only difference was that the applicant was looking for a modification of the requirement for underground power. He noted it all goes back to the checklist from the town dated August 5, 2020. Mr. Eletheriou seconded Mr. Fitzpatrick’s motion, as amended. Without further discussion, it then carried unanimously (4-0).

Mr. Fitzpatrick moved to find, the Bar Harbor Land Use Ordinance §125-66, the application [SD-2019-02] complete, with the following exceptions [from the checklist]: items 6B, 6C and 6E (capacity statements); 9T, 9U, 9V (statements from state/federal agencies); 9Y (100-year flood plain); 9AA (wetland setbacks); 18A (fire capacity statement); 20B (building elevations and color board); and 24A (cost estimate); that shall be submitted at a date to be established by staff to schedule a public hearing for April 1, 2020. Planning Director Gagnon noted the submittal deadline for the April 1 meeting is Thursday, March 12. Mr. Eletheriou seconded the motion, and without further discussion it carried unanimously (4-0).
f. Public Hearing and Recommendation of the Planning Board, to be posted on the warrant for the Town Meeting of the Town of Bar Harbor on June 9, 2020 to adopt or reject a Land Use Ordinance Amendment, dated December 16, 2019 and entitled “Addressing Officer”

Chair St. Germain noted that the Planning Board is nearing completion of its involvement in the Land Use Ordinance amendment proposals. He said it might be the last time the board needed to vote on anything relating to the proposals. He noted the Town Council had already voted previously to place these proposals on the warrant for the June town meeting, and that the board’s job was now to recommend whether the proposals ought (or ought not) to pass. The Planning Board’s recommendation, he noted, will be printed on the ballot.

Chair St. Germain opened a public hearing at 6:16 PM. When no one came forward to speak, the public hearing was closed.

Mr. Fitzpatrick moved to recommend that [the “Addressing Officer” amendment] ought to pass. Mr. Eleftheriou seconded the motion. With no further discussion, the motion then carried unanimously (4-0).

g. Public Hearing and Recommendation of the Planning Board, to be posted on the warrant for the Town Meeting of the Town of Bar Harbor on June 9, 2020 to adopt or reject a Land Use Ordinance Amendment, dated December 16, 2019 and entitled “Permitting Authority for Certain Residential Uses…”

Chair St. Germain opened a public hearing at 6:17 PM. When no one came forward to speak, the public hearing was closed.

Mr. Fitzpatrick moved to recommend that the [“Permitting Authority for Certain Residential Uses…” proposed] ordinance change ought to pass. Mr. Eleftheriou seconded the motion. With no further discussion, the motion then carried unanimously (4-0).

h. Public Hearing and Recommendation of the Planning Board, to be posted on the warrant for the Town Meeting of the Town of Bar Harbor on June 9, 2020 to adopt or reject a Land Use Ordinance Amendment, dated December 16, 2019 and entitled “Employee Living Quarters”

Chair St. Germain opened a public hearing at 6:18 PM. When no one came forward to speak, the public hearing was closed.

Mr. Fitzpatrick moved to recommend that the [“Employee Living Quarters” proposed] ordinance change ought to pass. Mr. Eleftheriou seconded the motion. With no further discussion, the motion then carried unanimously (4-0).
i. Public Hearing and Recommendation of the Planning Board, to be posted on the warrant for the Town Meeting of the Town of Bar Harbor on June 9, 2020 to adopt or reject a Land Use Ordinance Amendment, dated December 16, 2019 and entitled “Shared Accommodations”

Chair St. Germain opened a public hearing at 6:19 PM. When no one came forward to speak, the public hearing was closed.

Mr. Fitzpatrick moved to recommend that the [“Shared Accommodations” proposed] ordinance change ought to pass. Mr. Eleftheriou seconded the motion. With no further discussion, the motion then carried unanimously (4-0).

j. Public Hearing and Recommendation of the Planning Board, to be posted on the warrant for the Town Meeting of the Town of Bar Harbor on June 9, 2020 to adopt or reject a Land Use Ordinance Amendment, dated December 16, 2019 and entitled “Official District Boundary Map Amendment and New Uses in Hulls Cove”

Chair St. Germain opened a public hearing at 6:19 PM. When no one came forward to speak, the public hearing was closed.

Mr. Fitzpatrick moved to recommend that the [“Official District Boundary Map Amendment and New Uses in Hulls Cove” proposed] ordinance change ought to pass. Mr. Eleftheriou seconded the motion. With no further discussion, the motion then carried (3-1, with Mr. Fitzpatrick opposed).

VII. OTHER BUSINESS

a. Vacation rentals update from Planning Director
Planning Director Gagnon referred to a status report that she had provided to the board in advance of the meeting and outlined what was included in that report. She outlined the work that is being done by staff working with the Vacation Rental Zoning Advisory Group. She outlined the proposed schedule going forward, that the group is operating under at present. She said she did not want to go public with the proposal until “we are ready to stand in front of a group and answer all the questions intelligently.” She elaborated on that position.

Mr. Eleftheriou asked about data-gathering efforts, and he referred to the idea of having a third-party gather data related to vacation rentals. Planning Director Gagnon said the previously discussed idea of working with Host Compliance was more about ordinance enforcement than gathering data. She said that effort was on hold “as everything was in flux.” Ms. Brooks noted there was a lot of data in the recent presentation that had been put together and delivered.
b. Discussion of possible Design Review Board LUO amendment(s) for fall 2020

Planning Director Gagnon said staff was trying to maintain better contact between the Design Review Board and the Planning Board, so that the latter group is not surprised when the former group is working on something. She said staff had met previously with the Design Review Board to come up with priorities and issues of concern to the Design Review Board. She said the goal was to break those lists up into small chunks that can be dealt with in a manageable way.

Planning Director Gagnon outlined what some of the ideas were that were being looked at (one example: tying DRB to specific properties rather than zoning districts, as zoning district lines sometimes change). Another example is internally illuminated signs, and another issue relates to Appendix A and Appendix B. Design Review Board Chairman Barbara Sassaman came to the microphone and spoke about some of these issues. She said the change relating to Design Review Board oversight would focus on properties that are along street, which would eliminate a number (she said perhaps several dozen) properties that are behind main streets but are now included in Design Review Board purview. Ms. Sassaman explained why several properties were being looked at for adding to Design Review Board purview, and she said that was because town officials wanted the overlay to go to road intersections. She also spoke about language relating to internal illumination for signs. Discussion continued between Ms. Sassaman and Chair St. Germain.

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Assistant Planner Steve Fuller offered several reminders: that there would be a site visit the following day at 1 PM, for those able to attend, for the proposed Maller/MacQuinn subdivision off of Owl’s Nest Lane followed by a site visit at 2:15 PM at the MDI Bio Lab. He also noted there was a special meeting scheduled for the following week, on Thursday, March 12, and that board members had received information for that meeting at the present meeting.

IX. REVIEW OF PENDING PLANNING BOARD PROJECTS

Planning Director Gagnon noted there are 14 projects in various stages of Planning Board or Planning Department review. She listed some of the projects.

Mr. Eleftheriou asked what land use topic might be addressed next after work is done on vacation rentals, within the housing policy framework document. Planning Director Gagnon said the next topic would be density (area per family). She said staff met with the College of the Atlantic and to see how its Land Use Planning & GIS class might be involved. She said looking at dimensional...
requirements per district could show how those lead to fragmentation of habitat, sprawl and that it is not conducive to workforce housing at all (due to minimum area per family and setback requirements. She said a visual illustration of these issues could be helpful. Chair St. Germain asked if the effort to examine density issues would include a zoning advisory group and Planning Director Gagnon said it would. He asked what the timeline might look like, and she spoke to that. She said it would include brainstorming sessions with developers. Ms. Brooks volunteered to serve on this group, drawing on her experience in real estate.

Mr. Eleftheriou asked about licensing for Employee Living Quarters and Shared Accommodations. Planning Director Gagnon spoke about that effort. Mr. Eleftheriou said he saw it as “extremely important to have that completed by the vote, in order to gain the trust of the residents to vote favorably on these things in June.” Mr. Fitzpatrick said he thought that it was “essential.” CEO Chamberlain said that work was “a priority for us right now, to get that completed.”

Ms. Brooks asked about the comments from Perry Moore (relating to nitrate analysis and minimum lot size) at the site visit for the project that would be coming back to Planning Board on March 12. The planning director responded. She noted the size of the lot in question exceeds town and state minimum as is. Further discussion ensued among board members and with staff.

Mr. Eleftheriou asked about the requirement for underground utilities in a subdivision in the Land Use Ordinance. He asked if there was any institutional knowledge about why that was in the ordinance. Both he and CEO Chamberlain said they thought it had to do with aesthetics. Mr. Fitzpatrick said it also helps ensure resiliency. Discussion ensued about the pros and cons of this requirement. Mr. Fitzpatrick spoke about the advantages of underground power RE: weather.

IX. ADJOURNMENT
At 6:49 PM, Mr. Fitzpatrick moved that the board adjourn the meeting. Mr. Eleftheriou seconded the motion, and it then carried unanimously (4-0).

Minutes approved by the Bar Harbor Planning Board on April 29, 2020:

Date   Basil Eleftheriou Jr., Secretary / Bar Harbor Planning Board

Further discussion on this, involvement of COA students

Licensing for ELQ and SA proposals — all involved agree this is critical and a priority

Question about issue raised by P. Moore at Feb. 28 site visit

Discussion about requirement for underground utilities in a subdivision

Meeting adjourns at 6:49 PM
Town of Bar Harbor Planning Department
Staff Report

Compliance Review & Public Hearing
Site Plan SP-2019-07 - Triple Chick Farm

Project Location: Off of State Highway 102 — Tax Map 235, Lot 002, encompassing 72.19 acres of land in the following zoning districts: Town Hill Residential Corridor, Town Hill Residential and Stream Protection.

Applicant/Owner: Triple Chick Farm, LLC

Application: Construction of a driveway (over 500 feet in length) to provide for land and forestland management practices, as well as to serve a future single-family residence. Site plan review is required because the driveway will cross a stream in the Stream Protection zoning district.

Land Use District: Town Hill Residential Corridor, Town Hill Residential and Stream Protection.

Permitted Use: Driveway in Stream Protection district

Meeting Dates:
February 5, 2020: Completeness Review
April 29, 2020: Compliance and Public Hearing

Applicable Laws:
Bar Harbor Land Use Ordinance §125-67 General Standards and §125-68 Shoreland Standards

Review Process:
1. Applicant presents application
2. Questions and comments from the board
3. Public hearing
4. Compliance review per §125-67 General Standards and §125-68 Shoreland Standards

Staff Comments:
Received letter from Fire Department

Proposed Motions:
Move to approve application SP-2019-07 — Triple Chick Farm for a driveway crossing as it complies with the LUO specifically with 125-67 General Standards and §125-68 Shoreland Standards
Town of Bar Harbor Planning Department
Staff Report

Compliance Review & Public Hearing
Site Plan SP-2020-02 - Bar Harbor Oceanside KOA

Project Location: 135 County Road — Tax Map 211, Lot 001, and encompassing ±2.63 acres of land in the following zoning districts: Town Hill Corridor, Town Hill Residential and Shoreland Limited Residential
Applicant: Bar Harbor Oceanside KOA
Owner: Kampgrounds of America, Inc.
Application: To construct a manager’s house and laundry/maintenance facility; to relocate the sewerage dump station, propane filling tank and dumpsters out of the County Road right-of-way and along a new camp road on the site; to demolish the existing old log cabin and other structures on the site; and to close one of the three existing curb cuts on County Road.
Land Use Districts: Town Hill Corridor, Town Hill Residential and Shoreland Limited Residential
Permitted Use: Campground

Planning Board Meeting Date:
March 4, 2020: Completeness Review
April 29, 2020: Compliance Review & Public Hearing

Applicable Laws:
Bar Harbor Land Use Ordinance §125-67 General Standards and §125-68 Shoreland Standards

Review Process:
1. Applicant presents application
2. Questions and comments from the board
3. Public hearing
4. Compliance review per §125-67 General Standards, §125-68 Shoreland Standards, and 125-69 Standards for particular uses, structures or activities C. Campgrounds

Staff Comments: Received capacity statement from the Fire and the Public Works departments

Proposed Motions: Move to approve application SP-2020-02 — Bar Harbor Oceanside KOA as it complies with the LUO specifically §125-67 General Standards, §125-68 Shoreland Standards, and 125-69 Standards for particular uses, structures or activities C. Campgrounds
Town of Bar Harbor Planning Department
Staff Report

Compliance Review & Public Hearing
SP-2020-01 Bar Harbor Savings & Loan

Project Location: 15 Everard Court (Tax Map 104, Lot 389, encompassing ±0.1 acre of land in the Downtown Village I zoning district)
Applicant/Owner: Bar Harbor Savings & Loan
Application: Modification of an approved site plan (SP-2018-06) for parking lot design. The proposal is to increase the number of parking spaces from eight to 12. The revised design will require double-stacked (tandem) parking, designated for employees only.
Land Use District: Downtown Village I
Permitted Use: Parking

Planning Board Meeting Date:
March 4, 2020: Completeness
April 29, 2020: Completeness and Compliance Review & Public Hearing

Applicable Laws:
Bar Harbor Land Use Ordinance §125-67 General Standards

Review Process:
1. Applicant presents application
2. Questions and comments from the board
3. Public hearing
4. Compliance review with §125-67 General Standards

Staff Comments:
1. Capacity statement from Police Department was submitted.

2. On March 4, the PB found the application incomplete, therefore you will need to have a motion to address this matter before moving to forward with compliance.

3. The tandem parking would require a modification of standard 125-67 E. Parking Areas and Driveways (3) “Parking areas shall be designed to permit each vehicle to proceed to and from any parking stall without requiring the moving of any other vehicle.”
Proposed Motions:
1. Move to find the application SP-2020-01 Bar Harbor Savings & Loan complete

2. Move to modify standard 125-67 E. Parking Areas and Driveways (3) "Parking areas shall be designed to permit each vehicle to proceed to and from any parking stall without requiring the moving of any other vehicle." and to allow tandem parking because the parking area is within a larger parking area, it only serves employees, it does not impede traffic flow, and will serve to free public parking spaces.

3. Move to approve the application SP-2020-01 Bar Harbor Savings & Loan with the condition that the applicant demonstrate that the 12-inch diameter storm drain is in good condition prior to connecting a new storm drain to the existing pipe as it complies with the LUO specifically §125-67 General Standards
Town of Bar Harbor
Planning Department
Staff Report

Compliance Review and Public Hearing
SD-2019-02 Harborcove (formerly Harbor View)

Project Location: 25 Crooked Road (Tax Map 216, Lot 006; encompassing 4.5 acres of land in the Hulls Cove Business District).

Applicant/Owner: ABC, LLC

Application: The renovations of three single-family dwelling units, the conversion of an existing single-family dwelling unit into a two-family dwelling unit, and the construction of one new two-family dwelling unit and of six new single-family dwelling units for a total of 13 dwelling units.

Meeting Dates:
September 4, 2019: Sketch Plan Review
September 25, 2019: Site Visit and Neighborhood Meeting
March 4, 2020: Completeness Review
April 29, 2020: Compliance Review and Public Hearing

Land Use District: Hulls Cove Business District

Permitted Use: Single family, two-family, MF I and MF II

Applicable Laws:
Bar Harbor Land Use Ordinance §125-67 General Standards and Special Standards 125-69 N. Subdivision

Review Process:
1. Applicant presents application
2. Questions and comments from the board
3. Public Hearings
4. Compliance review §125-67 General Standards and Special Standards 125-69 N. Subdivision
Staff Comments:
1. Letters from Public Works, Water and Sewer departments were submitted.

2. Overhead utility will require modification of standard of 125-67. DD. Utilities.

3. The applicant does not need an ACOE permit.

4. Conditions should include a) responses from MHPC, IFW, and Natural Areas program stating that there are no issues and b) the subdivision plan to be recorded at the registry of deeds shall be stamped by a public land surveyor prior to being signed by the PB.

Proposed Motions:
1. Move to modify the standard 125-67. DD. Utilities, as presented in the application, as electrical wires remaining above ground are located in harmony with the neighborhood properties and the site.

2. Move to approve the subdivision site plan SD-2019-02 Harborcove, with the following conditions - responses from MHPC, IFW, and Natural Areas program stating no issues, and the subdivision plan to be recorded at the registry of deeds shall be stamped by a public land surveyor prior to being signed by the PB - as it complies with the LUO specifically with §125-67 General Standards and Special Standards 125-69 N. Subdivision.
Town of Bar Harbor Planning Department
Staff Report

Compliance Review and Public Hearing
Remand of PUD-2017-02 from the Board of Appeals

Project Location: 25 West Street Extension (Tax Map 103, Lots 48 and 49; encompassing a total of 1.54 acres of land in the Village Residential District).

Applicant/Owner: BHAPTS, LLC

Application: The remand to the Planning Board was from a decision on appeal from the Board of Appeals (identified as AB-2019-01). The Board of Appeals, at a meeting on February 11, 2020 and in a written decision dated February 13, 2020, found in four separate findings that the Planning Board’s approval of PUD-2017-02 was clearly contrary to the town’s Land Use Ordinance in four specific areas (non-conforming structures, base development density, maximum allowable units and required affordable housing units). The applicant has submitted a revised plan for the project to the Planning Board, stating the new plan addresses those four specific findings of the Board of Appeals.

Permitted Use: MF I

Applicable Laws:
Bar Harbor Land Use Ordinance §125-67 General Standards, Special Standards 125-69 N. Subdivision and S. PUD-V

Meeting Dates:
April 29, 2020: Public hearing and limited compliance review per February 11, 2020 BOA decision

Review Process:
1. Applicant presents application
2. Questions and comments from the board
3. Public Hearings
4. Compliance review restricted to the elements listed in the BOA Feb. 11, 2020 Decision for compliance with LUO §125-67 General Standards, and Special Standards 125-69 N. Subdivision and S. PUD-V (if and as it related to the limited review per the Feb. 11 BOA decision), if applicable

Staff Comments:
1. Conditions should include the subdivision plan to be recorded at the registry of deeds shall be stamped by a public land surveyor prior to being signed by the PB.

Proposed Motions:
1. Move to approve the subdivision site plan PUD-2017-02 BHAPTS, with the condition the subdivision plan to be recorded at the registry of deeds shall be stamped by a public land surveyor prior to being signed by the PB - as it complies with the LUO