

Minutes
Bar Harbor Planning Board
January 6, 2010
Council Chambers – Municipal Building
93 Cottage Street

I. CALL TO ORDER — 6:00 p.m.

Members Present: Lynne Williams, Vice Chair; Buck Jardine, Secretary; Kay Stevens-Rosa, Member.

Others Present: Anne Krieg, Planning Director; Lee Bragg, Town Attorney; Brian Madigan, Staff Planner.

II. ADOPTION OF THE AGENDA

Ms. Stevens-Rosa moved to adopt the agenda. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

III. APPROVAL OF MINUTES

December 16, 2009 Minutes

Mr. Jardine moved to approve the minutes from the December 16, 2009 meeting. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

IV. REGULAR BUSINESS

A. Continuation of Public Hearing – SP-09-02 – West Street Hotel

Project Location: West Street, Bar Harbor Tax Map 104, Lots 113-118, 122, 123, 143, 144, 146, 147, 149

Applicant: North South Construction Inc.

Application: Hotel and Accessory Uses

Mr. Salvatore, the applicant's representative, reviewed changes to the site plan. Mr. Salvatore stated that the entrance to the hotel was reconfigured to allow three lanes of travel to address the Board's concerns related to queuing and traffic congestion. Mr. Salvatore also stated that the new site plan better preserves right-of-way on Laurel Court. Mr. Salvatore also commented that the architectural plans were still under revision and would be submitted for review shortly. Ms. Krieg commented that the changes to the site plan would affect the stormwater calculations. Mr. Salvatore stated that the new site plan would be submitted to Oak Engineering for review shortly.

Mr. Hamilton, the applicant's attorney, took issue with several items from the draft decision the Board issued at the last Planning Board meeting. Mr. Hamilton discussed

his interpretation of habitable space which differs substantially from the Board's interpretation. Mr. Hamilton then verbally reviewed the documentation he had submitted to the record earlier in the week. Ms. Williams stated the explanation of these documents was irrelevant because the applicant had not submitted a revised architectural plan. Mr. Jardine stated that he felt Mr. Hamilton's interpretation of the ordinance is expansive.

Ms. Williams expressed concern with the length of time the project had been before the Board. She offered two options that might speed the review process. She stated that the Board could close the public hearing at the next meeting, deliberate, and make a decision. Alternatively, the Board could close the public hearing and lapse back into completeness due to the substantial changes the applicant had made to the design of the project since the initial submittal.

Mr. Hamer, attorney for Mr. David Witham, presented a summary of the documents Mr. Bearor had submitted to the Board earlier in the week. Mr. Hamer further requested the project be brought to close as soon as possible.

Mr. Jardine moved to continue the project to the January 20, 2010 Planning Board meeting. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

B. Continuation of Zoning Map Request – Jordan Fernald Funeral Homes

Project Location: Eden St, Tax Map 103 Lot 052

Applicant: Jordan Fernald Funeral Homes

Application: Application to expand the Bar Harbor Corridor District

Mr. Hamilton stated the Fernald's are prepared to withdraw the zoning map amendment request provided that the current language does not change substantially before Town Meeting.

Ms. Stevens Rosa moved to continue the project to the March 10, 2010 Planning Board meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

C. Public Hearing –SP-09-07 – AT&T Mobility Wireless Telecommunications Facility

Project Location: 286 State Highway 3, Tax Map 209 Lot 106

Applicant: AT&T mobility

Application: Construct a wireless telecommunications facility at 286 State Highway 3.

Mr. Hobbins, the applicant's attorney, gave overview of the project details. Mr. Gashlin, the applicant's site acquisition consultant, gave an overview of the technical aspects of the project. Mr. Gashlin stated that the applicant had originally proposed overhead utilities, but now plans to install underground utilities.

Mr. Gashlin reviewed several sections of the Wireless Communication ordinance. He stated that Section 125-69(9)(F) and (G) require the applicant to camouflage the structure where findings of particular sensitivity are made. He added that the proposed antenna would be better camouflaged than the “Red Zone” antennas. Mr. Gashlin stated that he believes they have presented reasonable efforts to camouflage the proposed tower.

Mr. Kelly, Planner for Acadia National Park, reviewed several points in the Wireless Communications ordinance that pertain to the scenic byway. Mr. Kelly reviewed the significance of Route 3 as an All American Road. Mr. Kelly added that in his opinion the proposed tower does not meet several Sections of the ordinance including: Section 125-69(T)(9)(e) and (f), Section 125-69(T)(10)(a), or Section 125-69(T)(11)(a) and (c).

Paul McQuin, an abutting landowner, stated the applicant has a responsibility to make the tower blend in with the surrounding scenery as best it can. Several other members of the public expressed that they would like to see the tower better camouflaged.

Mr. Gashlin added that he saw no objective reasons for the Board to determine a monopine tower is necessary. He added that the cost of constructing a monopine tower significantly increases the project cost.

Ms. Stevens-Rosa stated that she is not convinced a monopine is best alternative, however, she believes the tower could be better camouflaged than proposed.

Mr. Jardine commented that Bar Harbor is a unique setting and therefore aesthetic impacts are of particular interest. He stated that he believes the monopine would be much less conspicuous than a monopole.

Ms. Williams stated she believes a monopine tower, similar to the one recently approved for Verizon, would be less conspicuous.

Ms. Stevens Rosa moved to continue to the project to the January 20, 2010 Planning Board meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion.

D. Continuation of Zoning Map Amendment Request – Witham Family Limited Partnership and Bryony, LLC.

Project Location: In the vicinity of Rt 3 and Sand Point Road, Tax Map 208
Lots 089 and 091

Applicant: Witham Family Limited Partnership and Bryony, LLC.

Application: Request Zoning Map Amendment

Mr. Jardine moved to continue this project to the February 10, 2010 Planning Board meeting. Ms. Williams seconded the motion and the Board voted unanimously to approve the motion.

E. Public Hearing –SD-09-01 – Robert R. Rechholtz

Project Location: 25 White Spruce Road, Tax Map 110 Lot 038
Applicant: Robert R. Rechholtz
Application: Subdivision

Mr. Jardine asked if the applicant had redrawn the lot line so that the width of the parcel met the minimum lot standards for the Bar Harbor Residential district. The Applicant indicated that this was the case. Ms. Krieg stated that in this case she would consider the area labeled “gravel parking area” on the plan as a driveway. As such, the applicant would be relieved from making the driveway area comply with the setback standards in this district. She also stated the applicant would need to amend the gravel parking area so that the gravel does not extend over the abutting lot line.

Mr. Jardine moved to approve the application with the understanding that the gravel portion of the driveway be considered a driveway and that there would be no encroachment on to the second lot. Ms. Stevens-Rosa seconded the motion and the Board voted unanimously to approve the motion.

V. OTHER BUSINESS

A. June 2010 Land Use Ordinance amendments

Ms. Krieg and Mr. Madigan reviewed the proposed changes to the existing Bar Harbor Historic District, Downtown Business Districts, Commercial Agriculture definition, and changes to the Planned Unit Development section of the ordinance. Several members of the public expressed confusion regarding the order of the agenda.

Mr. Williams, a resident of the lower Main Street area, stated that he was concerned that residents in this area were only recently notified of the proposed changes to their district.

Mr. Maffucci stated that he supports the proposed changes to the commercial agriculture definition.

B. Town Hill Mini-Plan discussion

Ms. Krieg provided an overview of the Town Hill public workshop which was held Monday January, 2010. She also gave an overview of the overall Mini Plan process. Ms. Krieg stated that the Town Council voted to approve buildings with a foot print size of up to 15,000 square feet in size. The Council further stated that buildings over 15,000 square foot footprint would be subject to a discretionary review by means of a Commercial PUD approval. Ms. Krieg stated that if the Planning Board ultimately votes that an item ought not to pass it would require a 2/3 vote, or supermajority, for adoption by Town Meeting. She noted that if the Mini Plan and Ordinance fail at Town Meeting, the zoning standards in Town Hill would remain as they are currently.

Ms. Stevens-Rosa expressed frustration with the public review process and Town Council's vote. She stated that after the many hours of work that have been done, she feels the plan has been hijacked at the last minute. She added that the average footprint in Town Hill at this time is less than 7,500 square feet.

Mr. Jardine added that he feels the plan to create the PUD provision is beneficial, however the size cap should which triggers the PUD should be lower than 15,000 square feet.

Ms. Williams asked if there was some way to separate out the cap provision from the rest of Town Hill Mini Plan so that if one could pass without the other.

Several frustrated residents expressed deep concerns for with the path the Town Hill Mini Plan has taken. They believe the work done throughout the Mini Plan process is no longer accurately represented. The Mini Plan is driven by small scale, and residents do not believe this is being preserved. Residents also stated that small business is good for the economy, and can be used to grow the future of Town Hill as a village.

VI. PLANNING DIRECTOR'S REPORT

Ms. Krieg stated she had no further items to discuss.

VII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

There were none.

VIII. ADJOURNMENT

Ms. Stevens-Rosa moved to adjourn the meeting. Mr. Jardine seconded the motion and the Board voted unanimously to approve the motion. The meeting was adjourned at 10:05 pm.

Minutes prepared by Staff Planner Brian Madigan, and reviewed by Secretary Jardine, for Planning Board Review at their January 20, 2010 meeting

Signed as approved:

Clyde L. Jardine, Jr., Secretary
Planning Board, Town of Bar Harbor

Date