

**THE WARRANT**  
**ANNUAL TOWN MEETING – JUNE 3 & 10, 2025**  
**TOWN OF BAR HARBOR**

STATE OF MAINE

County of Hancock, ss

To: A Constable of the Town of Bar Harbor

Greeting:

In the name of the State of Maine you are hereby required to notify and warn the voters of the Town of Bar Harbor, in said County, qualified by law to vote in Town affairs to meet in the **Conners Emerson School Gymnasium** in said Town on Tuesday the third day of June, 2025 at six o'clock in the afternoon, then and there to act on *Articles A through V*;

And to notify and warn said voters to meet in the **Municipal Building, Third Floor Auditorium** in said Town on Tuesday, the tenth day of June, 2025 at eight o'clock in the forenoon until eight o'clock in the afternoon, then and there to act on *Articles One through Eight* of said articles being set out below to wit:

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**Action on Articles A through V will be on  
Tuesday, June 3, 2025 starting at 6:00 p.m.  
Conners Emerson School Gymnasium**

~ Voter Check-in Required ~

*For "Open Town Meeting," June 3th, all Voters must check in to obtain a voter card prior to the start of Town Meeting. Voters are encouraged to arrive at least 45 minutes before the start of the meeting.*

**Article A ELECTION OF MODERATOR** - To choose a Moderator to preside at said meeting.

**Note: Articles B through L authorize expenditures in cost center categories.**

**Article B EDUCATION BUDGET EXPENDITURES: Regular Instruction** - To see what sum the School Committee is authorized to expend for **Regular Instruction** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$3,811,650.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.*

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article C**      **EDUCATION BUDGET EXPENDITURES: Special Education** - To see what sum the School Committee is authorized to expend for **Special Education** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$2,189,963.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.*

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article D**      **EDUCATION BUDGET EXPENDITURES: Career and Technical Education** – To see what sum the School Committee is authorized to expend for **Career and Technical Education** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$0.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.*

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article E**      **EDUCATION BUDGET EXPENDITURES: Other Instruction** - To see what sum the School Committee is authorized to expend for **Other Instruction** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$156,159.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.*

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article F**      **EDUCATION BUDGET EXPENDITURES: Student & Staff Support** - To see what sum the School Committee is authorized to expend for **Student & Staff Support** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$1,016,591.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.*

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article G**      **EDUCATION BUDGET EXPENDITURES: System Administration** - To see what sum the School Committee is authorized to expend for **System Administration** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$280,078.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article H EDUCATION BUDGET EXPENDITURES: School Administration** - To see what sum the School Committee is authorized to expend for **School Administration** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$484,155.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article I EDUCATION BUDGET EXPENDITURES: Transportation & Buses** - To see what sum the School Committee is authorized to expend for **Transportation & Buses** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$447,978.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article J EDUCATION BUDGET EXPENDITURES: Facilities Maintenance** - To see what sum the School Committee is authorized to expend for **Facilities Maintenance** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$929,431.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article K EDUCATION BUDGET EXPENDITURES: Debt Service and Other Commitments** - To see what sum the School Committee is authorized to expend for **Debt Service and Other Commitments** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

*Recommendations: School Committee recommends \$0.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article L EDUCATION BUDGET EXPENDITURES: All Other Expenditures** - To see what sum the School Committee is authorized to expend for **All Other**

**Expenditures** for the fiscal year beginning July 1, 2025 and ending June 30, 2026.

**Recommendations:** *School Committee recommends \$85,000.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.*

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Note: Articles B – L authorize a total budget of: \$9,401,005.**

**Note: Articles M and N raise funds for the Proposed School Budget.**

**Article M EDUCATION BUDGET: Essential Programs and Services** – To see what sum the voters of the Town of Bar Harbor will appropriate for the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act (State Recommends \$ 5,273,522) and to see what sum the voters of the Town of Bar Harbor will raise as the Town’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act in accordance with the Maine Revised Statutes, Title 20-A, section 15688 for the period July 1, 2025 to June 30, 2026.

*Explanation: The Town of Bar Harbor’s contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars.*

**Recommendations:** *School Committee recommends:*

|   |                    |
|---|--------------------|
| <i>State’s Essential Programs and Services Model (to appropriate)</i> | <i>\$5,273,522</i> |
| <i>Town’s Minimum Share (to raise)</i>                                | <i>\$4,425,962</i> |

*The five-member School Committee recommends adoption by a vote of 5 to 0.*

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article N EDUCATION BUDGET: Additional Local Funds** - To see what sum the voters of the Town of Bar Harbor will raise and appropriate in additional local funds for school purposes for the period July 1, 2025 to June 30, 2026, which exceeds the State’s Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee.

**Explanation:**

*The additional local funds are those locally raised funds over and above the Town of Bar Harbor’s local contribution to the total cost of funding public education*

*from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amounts raised for the annual payment on non-state funded debt service that will help achieve the Town of Bar Harbor's budget for educational programs. The School Committee recommends the additional local funds shown below and gives the following reasons for exceeding the State's Essential Programs and Services funding model. The State funding model underestimates the actual costs to fully fund the proposed budget.*

**Recommendations:** *School Committee recommends \$3,569,339  
(this exceeds EPS by \$3,569,339)*

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Note: Articles M & N raise a total town appropriation of \$7,995,301.**

**Note: Article O summarizes the proposed school budget and does not authorize any additional expenditures.**

**Article O** **EDUCATION BUDGET: Total Expenditures-** To see what sum the voters of the Town of Bar Harbor will authorize the School Committee to expend for the fiscal year beginning July 1, 2025 and ending June 30, 2026 from the Town's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act, non-state-funded school construction projects, additional local funds for school purposes under the Maine Revised Statutes, Title 20-A, section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools.

**Recommendations:** *School Committee recommends \$9,401,005.*

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article P** **EDUCATION BUDGET: State, Federal, and Other Funds -** In addition to the amount in Articles B – O, shall the School Committee be authorized to expend such other sums as may be received from state or federal grants or programs or other sources during the fiscal year 2025-2026 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

**Recommendations:**

*The five-member School Committee recommends adoption by a vote of 5 to 0.  
The seven-member Town Council recommends adoption by a vote of 5 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Note: Current Year Totals \$ 421,303**

**Article Q MUNICIPAL BUDGET: Expenditures** - To see what sum the Town will raise and appropriate for the Municipal Budget for FY26 (7/1/25 TO 6/30/26).

***Explanation:***

*This is the total amount that the Town Council is allowed to spend from all sources except grants and donations, as provided in Article VI, and from reserve accounts.*

***Recommendations:*** Town Council recommends \$30,590,532.

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends rejection by a vote of 10 to 3.*

**Article R MUNICIPAL BUDGET: Other Revenues** - To see what sum the Town will vote to reduce the amount to be raised by taxation by using estimated revenues and fund balance for the Municipal Budget for FY26 (7/1/25 TO 6/30/26).

***Explanation:***

*In addition to property taxes, the Town receives other revenues from fees, licenses, excise taxes, etc., and we sometimes use monies left over from prior years (fund balance). The funds shown in this article reduce the amount of property taxes that have to be raised.*

***Recommendations:*** Town Council recommends:

|                                    |                     |
|------------------------------------|---------------------|
| <i>Other Revenues</i>              | <i>\$15,174,316</i> |
| <i>Fund Balance – Cruise Ship</i>  | <i>\$384,931</i>    |
| <i>Fund Balance – Parking Fund</i> | <i>\$791,122</i>    |

*The seven-member Town Council recommends adoption by a vote of 5 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 12 to 1.*

**Article S MUNICIPAL BUDGET: Grants and Donations** – In addition to the amount in Article Q, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY26 (7/1/25 TO 6/30/26) for municipal purposes, provided that such additional funds do not require the expenditure of local funds not previously appropriated?

***Explanation:***

*From time to time, the Town Council receives funds from state and federal grants, and donations, as well as sources other than local tax dollars. This article gives the Town Council the authority to spend such funds, as long as no local property tax dollars are required to match them, other than those already in the budget.*

***Recommendations:***

*The seven-member Town Council recommends adoption by a vote of 7 to 0.*

*The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article T PREPAYMENT OF TAXES** – To see if the Town will vote to accept tax payments prior to the commitment date and to pay interest on said tax payments in the amount of 0% per year figured on a monthly basis until the tax commitment date is reached.

***Explanation:***

*On rare occasions, taxpayers need to pay their taxes before they have been billed. The Town Treasurer cannot accept such early payment unless an article is passed.*

***Recommendations:***

*The seven-member Town Council recommends adoption by a vote of 7 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article U TAX DUE DATE AND INTEREST RATE** – To see if the Town will vote that the first half taxes shall be due and payable on or before September 30, 2025 and that the second half taxes shall be due and payable on or before March 31, 2026 and that interest shall be charged at the annual rate of 7.5% on any unpaid taxes due on September 30, 2025 beginning October 1, 2025 and on any unpaid taxes due March 31, 2026 beginning April 1, 2026.

***Explanation:*** *The due dates proposed are the last business day in September 2025 and March 2026. The proposed interest rate is the highest allowed by State Law to encourage taxes to be paid on time.*

***Recommendations:***

*The seven-member Town Council recommends adoption by a vote of 7 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

**Article V OVERPAYMENT OF TAXES** – To see if the Town will vote to establish the interest rate to be paid to a taxpayer who is determined to have paid an amount of real estate taxes in excess of the amount finally assessed for 2025 at 3.5% per year on the amount of overpayment.

***Explanation:***

*If a taxpayer prevails in a tax assessment appeal against the Town, we must pay interest on the tax amount being refunded. The Town is required by law to set the interest amount each year. We are suggesting the lowest interest rate allowed by law, which is 4% less than what we charge for late payments.*

***Recommendations:***

*The seven-member Town Council recommends adoption by a vote of 7 to 0.  
The 15-member Warrant Committee recommends adoption by a vote of 13 to 0.*

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**Election of Town Officers and Ballot Articles**  
**Action on the following articles will be at the Town Election with**  
**Polls Open Tuesday, June 10, 2025 from 8:00 a.m. to 8:00 p.m.**  
***Municipal Building Auditorium***

**Article 1 – ELECTION OF OFFICERS** – To elect Town Officers as are required to be elected by secret ballot.

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**Article 2 – COMPREHENSIVE PLAN** – Shall the Town of Bar Harbor adopt the 2035 Comprehensive Plan, which will replace the 2007 Comprehensive Plan?

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**EXPLANATION**

*The Bar Harbor 2035 Comprehensive Plan is a strategic document outlining the town's vision for sustainable growth and development through 2035. It addresses key areas such as land use, housing, transportation, economic development, and natural resource conservation. The plan emphasizes minimizing urban sprawl by focusing development near existing infrastructure and preserving rural character. The plan serves as the legal basis for land use ordinance changes.*

**Recommendations:**

- The seven-member Town Council recommends adoption by a vote of 7 to 0.*
  - The seven-member Planning Board recommends adoption by a vote of 6 to 0.*
  - The 15-member Warrant Committee recommends adoption by a vote of 15 to 0.*
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**Article 3 – LAND USE ORDINANCE AMENDMENT – Offensive Language** – Shall an ordinance, dated November 27, 2024, and entitled “**An amendment to delete offensive language from the Land Use Ordinance**” be enacted?

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**SUMMARY**

*The amendment would remove the term “grandfathered,” which has a negative historical connotation.*

**EXPLANATION**

*The amendment would remove the term “grandfathered” to refer to legal nonconformity, as it is unnecessary and inappropriate. The term “grandfathered” is from a period in American history*

where laws existed that enforced racial segregation and discrimination against African Americans. There are more appropriate terms, already in the ordinance, that describe the same concept.

**Recommendations:**

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

The 15-member Warrant Committee recommends adoption by a vote of 15 to 0.

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**Offensive Language**

**An amendment to the Land Use Ordinance  
Articles IV, V, and XII**

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

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

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**Chapter 125, LAND USE ORDINANCE**

**Article IV Nonconformity**

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**§ 125-52. Defined.**

A legally existing (~~grandfathered~~) nonconforming lot, structure or use is a lot, structure or use that lawfully existed immediately prior to the enactment of this chapter, or any subsequent amendment, and which, as a result of the enactment of this chapter, or any subsequent amendment, presently fails to comply with any of the requirements of this chapter or its amendments, including, but not limited to, the use restrictions and lot standards for the district in which it is located, or any standards set forth in Article V. Any other lot, structure or use that fails to comply with any of the requirements of this chapter or its amendments is an illegal nonconformity.

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**Article V Site Plan Review**

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**§ 125-67. General review standards.**

The Planning Board, before granting site plan approval, must find that the proposed plan will comply with each of the following standards. In all instances the burden of proof shall be upon the applicant.

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BB. Signs and advertising. All site plans shall demonstrate that all signs related to the proposed development will comply with the following

standards, to which all signs located within the Town of Bar Harbor are subject, regardless of the need for site plan approval. [Amended 11-5-1991; 11-2-1999; 11-4-2003; 6-13-2006; 11-7-2006; 11-6-2007; 6-9-2009; 6-8-2010; 11-2-2010; 6-14-2016; 11-2-2021; 6-11-2024ATM by Art. 5]

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(7) Nonconforming signs.

- (a) Defined. A legally existing (~~grandfathered~~) nonconforming sign is a sign that lawfully existed immediately prior to July 2009 which, as a result of the enactment of the 2009 Bar Harbor Land Use Ordinance, or any subsequent amendment, presently fails to comply with any of the requirements of the Land Use Ordinance. Any other sign that fails to comply with any of the requirements of this chapter or its amendments is an illegal nonconformity.

**Article XII Construction and Definitions**

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**§ 125-109 Definitions**

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SUBSURFACE SEWAGE DISPOSAL SYSTEM — Any system designed to dispose of waste or wastewater on or beneath the surface of the earth; includes but is not limited to septic tanks, disposal fields, ~~grandfathered~~ legally nonconforming cesspools, holding tanks, and pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. § 414, any surface wastewater disposal system, or any municipal or quasi-municipal sewer or wastewater treatment system.[Added 11-5-1991; amended 11-4-2008; 11-3-2009]

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[End of ordinance]

**Article 4 – LAND USE ORDINANCE AMENDMENT – Salisbury Cove Corridor, Minimum Front Setback** – Shall an ordinance, dated November 27, 2024, and entitled “An amendment to change the front setback requirement in the Salisbury Cove Corridor district,” be enacted?

*SUMMARY*

*The amendment would decrease the minimum front setback requirement in the Salisbury Cove Corridor district.*

*EXPLANATION*

*The amendment would reduce the minimum front setback requirement for lots with frontage on Route 3, located in the Salisbury Cove Corridor district, as measured from the center line*

of Route 3, from 150 feet to 75 feet. Consequently, the minimum front setback for all lots in the Salisbury Cove Corridor district would be 75 feet regardless of frontage location.

There are only two “corridor” districts outside of the downtown: Salisbury Cove Corridor and Ireson Hill Corridor. These two districts are in close proximity, in designated Growth Areas per the 2007 Comprehensive Plan, and have lots with frontage along Route 3. However, the Salisbury Cove Corridor district minimum setback is double for lots with frontage on Route 3 when compared to its neighboring district, Ireson Hill Corridor. The amendment would make the minimum front setback requirement of the Salisbury Cove Corridor district consistent with the minimum front setback requirement of the neighboring Ireson Hill Corridor district which is 75 feet.

**Recommendations:**

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

The 15-member Warrant Committee recommends adoption by a vote of 11 to 4.

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**Salisbury Cove Corridor, Minimum Front Setback**

**An amendment to the Land Use Ordinance  
Article III**

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

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

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**Chapter 125 , LAND USE ORDINANCE**

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**Article III. Land Use Activities and Standards**

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**§ 125-37 Salisbury Cove Corridor**

**B. Dimensional Standards**

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(3) Minimum front setback: 150 [feet] for lots with frontage on Route 3; 75 [feet] elsewhere.

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[End of ordinance]

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**Article 5 – LAND USE ORDINANCE AMENDMENT – Time Frames and Phasing –** Shall an ordinance, dated November 27, 2024, and entitled “An amendment to the time frames for project completion and to phased development,” be enacted?

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**SUMMARY**

*The amendment would:*

- 1) *Allow more time for an approved project to commence and to be deemed substantially completed.*
- 2) *Delete the requirement to record a notice at the Hancock County Registry of Deeds if the approval has expired.*
- 3) *Require a developer to demonstrate the need for a phase development approval.*
- 4) *Allow for consideration of a phase development approval if a developer provides a town-approved plan to provide adequate public facilities.*
- 5) *Extend the maximum length of phasing periods.*

**EXPLANATION**

*The amendment would:*

- 1) *Allow more time for a project to commence once approved by the Planning Board (or per 125-108 M., by the Code Enforcement Officer or the Planning Director as delegated authority for the Planning Board) from six to 12 months. This timeframe would start on the date of approval.*
- 2) *Allow more time for the project to be deemed substantially complete from 18 to 24 months once started.*
- 3) *Delete the requirement to record a notice at the Hancock County Registry of Deeds upon determination that an approval has expired.*
- 4) *Require the developer to demonstrate to the Planning Board why a phase development approval should be considered by submitting a comprehensive and detailed phasing plan proposal to show that the size and/or complexity of the development are better suited to a phased approach.*
- 5) *Allow the Planning Board to consider approving a phase development for a project when public facilities are lacking as long as the developer provides a town-approved plan to provide adequate public facilities.*
- 6) *Extend the maximum length of the phasing period from three year to four years.*

**Recommendations:**

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

*The 15-member Warrant Committee recommends adoption by a vote of 15 to 0.*

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**Time Frames and Phasing**

**An amendment to the Land Use Ordinance  
Article VIII**

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

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

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**Chapter 125 , LAND USE ORDINANCE**

**Article VIII. Standard conditions**

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**§ 125-90 Time frames for completion.**

**A. Permits.** Activities or uses for which a permit from the Code Enforcement Officer is required shall be commenced within six months and, except for activities and uses which are by their nature ongoing, shall be substantially completed within 12 months of the issuance of the permit. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire. Failure of the applicant to abide by the time requirements of this subsection shall render the permit null and void and require the applicant to obtain a new permit before the activity or use may proceed further.

**B. Planning Board approvals.** Activities or uses for which approval of the Planning Board is required shall be commenced within ~~six~~ 12 months unless the Planning Board grants one or more extensions of time for periods of not more than six months each. ~~The six 12-month time frame shall commence on the date on which approval, including conditional approval, is granted upon demonstration that all conditions included in a decision have been met.~~ Except for activities which are by their nature ongoing, the approved activity or use shall be substantially completed within ~~18~~ 24 months of the commencement unless the Planning Board, within the time originally allotted, extends the time for completion by up to 12 months. Any extension to commence or complete an approved activity or use shall be granted only upon a finding by the Planning Board that the developer has made progress toward commencement or completion or that progress has been prevented by reasons beyond the control of the developer and that any required performance guarantees have been updated accordingly and revised to provide for increased costs. Failure of the developer to abide by the time requirements of this subsection shall render the approval null and void and require the developer to reapply for Planning Board approval before the activity or use may proceed further. The Planning Board reserves the right to refuse an extension for commencement or completion if the applicant fails to show due diligence in making progress on the approved activity or use. ~~Upon determining that a development's approval has expired under this subsection, the Planning Board shall have a notice to that effect placed in the Hancock County Registry of Deeds.~~

**C. Phased development.**

**(1) Permissive.** ~~Notwithstanding the requirements of Subsection B, the Planning Board, at the time of granting final approval to a plan, upon the written request of an applicant, may permit the development to be completed in two or more phases, subject to such conditions as the Planning Board deems necessary to ensure orderly development and to protect the public health, safety and welfare.~~ **Large and/or Complex development.** The Planning Board, upon the written request of an applicant, may permit the development to be completed in two or more phases, subject to such conditions as the Planning Board deems necessary. The developer shall submit a comprehensive and detailed phasing plan that demonstrates that the size and/or complexity of the development are better suited to a phased development approach. Notwithstanding the requirements of Subsection B, the

Planning Board may approve the development in phases over a maximum period of four years.

~~(2) **Mandatory.** Notwithstanding the requirements of Subsection B, if the head of any municipal or quasi-municipal department notified of a proposed development informs the Planning Board that his or her department or district does not have adequate facilities to service the development, or if the Superintendent of Schools indicates that there is less than 20% excess classroom capacity existing in the schools which will serve the development, considering previously approved but not built developments, the Planning Board shall require the project to be completed in two or more phases, subject to such conditions as the Planning Board deems necessary in order to allow the orderly planning, financing and provision of public services to the development and to prevent classroom overcrowding. The Planning Board shall not, under the terms of this subsection, require the completion of a development over a period longer than three years. **Lacking of public facilities.** The Planning Board may only approve a development for which the Town Public Works Director or designee (for public road, water, sewer, and stormwater), Fire Chief, Police Chief, and Superintendent of Schools have, considering previously approved but not built developments, signed off through their capacity statement(s) as having adequate facilities to service the development. In the event the necessary supporting facilities are lacking, the developer may submit a comprehensive and detailed phasing plan, to be approved by the respective department, explaining the approach to provide the needed facilities. Notwithstanding the requirements of Subsection B, the Planning Board may approve the development in phases over a maximum period of four years.~~

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[End of ordinance]

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**Article 6 – LAND USE ORDINANCE AMENDMENT – Multifamily I and Multifamily II Definitions** – Shall an ordinance, dated November 27, 2024, and entitled “**An amendment to amend the definitions of Multifamily I and Multifamily II**” be enacted?

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*SUMMARY*

*The amendment would change the definition of multifamily I and multifamily II.*

*EXPLANATION*

*The amendment would clarify that the uses known as multifamily I and multifamily II are not intended to be separate, detached single-family buildings on the same lot but structures that contain multiple separate living units for residential use such as but not limited to triplex, quadplex, and town houses. The portion of the definitions that have been interpreted as allowing separate, detached single-family buildings on the same lot would be deleted.*

**Recommendations:**

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

The 15-member Warrant Committee recommends adoption by a vote of 15 to 0.

**Multifamily I and Multifamily II Definitions**

**An amendment to the Land Use Ordinance  
Article XII**

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

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

**Chapter 125 , LAND USE ORDINANCE**

**Article XII. Construction and Definitions**

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**§125-109 Definitions**

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**DWELLING**

A building or portion thereof used exclusively for residential occupancy and containing one or more dwelling units.

**DWELLING, MULTIFAMILY I**

A building or portion thereof ~~or multiple buildings~~ located on a lot used for residential occupancy by three or four families living independently of each other and doing their own cooking in the building in each of three or four separate and independent dwelling units.

**DWELLING, MULTIFAMILY II**

A building or portion thereof, ~~or multiple buildings~~, located on a lot ~~or on a contiguous parcel or area of land~~, used for residential occupancy for five or more families living independently of each other and doing their own cooking in the building in each of five or more separate and independent dwelling units.

**DWELLING, SINGLE-FAMILY DETACHED**

A building designed or intended to be used exclusively for residential occupancy by one family only and containing only one dwelling unit and having no roof, wall or floor in common with any other dwelling unit. The term shall include modular, prefabricated and manufactured homes.

**DWELLING, TWO-FAMILY**

A detached or semidetached building used for residential occupancy by two families living independently of each other and doing their own cooking in the building in each of two separate and independent dwelling units.

**DWELLING UNIT**

A room or group of rooms which is designed, equipped and intended exclusively for use as residential living quarters by only one family, which contains independent living, cooking, sleeping, bathing and sanitary facilities, and which is separate and independent from other such rooms or groups of rooms.

**DWELLING UNIT (SHORELAND DISTRICTS)**

A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time period rented. Recreational vehicles are not residential dwelling units.

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[End of ordinance]

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**Article 7 – LAND USE ORDINANCE AMENDMENT – Short-term Rental –** Shall an ordinance, dated November 27, 2024, and entitled “**An amendment to VR-1 proof of primary residence, clarification of the minimum number of rental days for VR-1 and VR-2, and deletion of obsolete language,**” be enacted?

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*SUMMARY*

*The amendment would remove obsolete language, delete and amend definitions, and address length of stay as a stand-alone matter instead of within the definition of vacation rental-1 and vacation rental-2.*

*EXPLANATION*

*The amendment would:*

- *Remove obsolete language including the transition clause that was needed when the cap on VR-2 was introduced in 2021 but is no longer necessary.*
- *Remove the definition of vacation rental which is a term that is no longer necessary because we use the terms short-term rental, vacation rental-1 and vacation rental-2.*
- *Remove the definition of homestead exemption property and of nonhomestead exemption property because these terms no longer used.*
- *Remove the “length of stay” language from the definition of Vacation Rental-1 and Vacation Rental-2 and, instead, would address “length of stay” as a stand-alone matter. The minimum length of stay would not change.*
- *Refine the definition of primary residence and place the determination of adequate proof of Primary Residence in Chapter 174, Short-term Rental Registration.*

**Recommendations:**

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

*The 15-member Warrant Committee recommends adoption by a vote of 15 to 0.*

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**Short-term Rental**

**An amendment to the Land Use Ordinance  
Articles V and XII**

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

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

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**Chapter 125, LAND USE ORDINANCE**

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**Article V. Site Plan Review**

**125-69 Standards for particular uses, structures or activities.**

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**Y. Short-term rentals.**

(1) Terms, maximum number of registrations, and transfer of registration.

(a) Terms.

[1] All registrations expire on May 31 of each year.

[2] If there is a change of ownership mid-term, the registration remains valid for the dwelling unit, or part thereof, to which it was issued until it expires on the following May 31.

(b) Maximum number of registrations.

[1] Maximum number of vacation rental-1 (VR-1) registrations. A maximum of two VR-1 registrations per Tax Assessor property identification number for the rental of an entire dwelling unit, or a portion thereof, may be issued. A property owner is only eligible for a VR-1 registration if that property owner can demonstrate that the dwelling unit or another dwelling unit, on the lot where the VR-1 is located, qualifies as their primary residence.

[2] Maximum number of vacation rental-2 (VR-2) registrations (VR-2 cap). ~~Notwithstanding § 125-69Y(2),~~ ~~the~~ The Town-wide maximum number of VR-2 registrations (VR-2 cap) that may be issued shall not exceed 9% of the Town's total number of dwelling units. The total number of dwelling units shall be determined by the Assessor at the start of each calendar year.

(c) Transfer of registration is prohibited. The transfer of any short-term rental

registration is expressly prohibited. For purposes of ~~vacation~~ short-term rental property, a transfer of ownership occurs whenever the property is conveyed as shown on a Maine Real Estate Transfer Tax Declaration, or where a controlling interest in any entity is conveyed as shown on a Maine Controlling Interest Transfer Declaration.

~~(2.) Transition to vacation rental 1 (VR-1) and vacation rental 2 (VR-2), and continuance.~~

~~(a) Transition process from vacation rental (VR) to a vacation rental 1 (VR-1) or to a vacation rental 2 (VR-2).~~

~~[1] Starting on December 2, 2021, any duly registered VR may continue the use as a VR (to include four night minimum and the use of an entire dwelling unit or part thereof) until May 31, 2022. On or before May 31, 2022, the VR registration must be renewed as follows, and every year thereafter the registration must be renewed or it is forfeited:~~

~~[a] If the VR is operated in a dwelling unit, or is a room in the dwelling unit, which is the owner's primary residence, or on the property of the primary residence, then the owner shall renew the VR registration as a VR 1. However, if the owner has more than two existing VR registrations on the same primary residence property, then the third registration (and any additional registrations thereafter) shall be renewed as VR 2s, even if the maximum number of VR 2 registrations (VR 2 cap) is exceeded and even if VR 2s are not allowed in that district.~~

~~[b] If the VR is not operated in a dwelling unit which is the owner's primary residence or is not on the property of the owner's primary residence, the VR registration may be renewed as a VR-2, even if the maximum number of VR 2 registrations (VR 2 cap) is exceeded and even if (new) VR 2s are not allowed in that district.~~

~~[2] After December 2, 2021, the Code Enforcement Officer shall accept applications for, but will not process or issue, any new VR-2 registrations until June 1, 2022. On or after June 1, 2022, new VR-2 registrations shall comply with the maximum number of VR-2 registrations (VR-2 cap), pursuant to § 125-69Y(1)(b)[2].~~

~~(2) Continuance of registration Renewal for vacation rental-1 (VR-1) and vacation rental-2 (VR-2).~~

~~[1] (a) Any duly registered VR-1 or VR-2 may continue the use as a VR-1 or VR-2 and is eligible for renewal but only in strict compliance with the following:~~

~~[a] The registration must be renewed annually in accordance with this chapter and with Chapter 174, Short-Term Rental Registration. Any registration not renewed by the annual expiration date (May 31) will be deemed expired, and will not be eligible for renewal. An applicant whose registration has expired may apply for a new VR-1 or new VR-~~

2 registration and will be required to follow all the requirements for a new VR-1 or new VR-2 registration.

**(3) Minimum length of stay**

(a) Vacation rental-1 (VR-1) shall not be rented to a person or a group for less than two nights.

(b) Vacation rental-2 (VR-2) shall not be rented to a person or a group for less than four nights.

**(4) Proof of Primary residence for VR-1**

To operate a dwelling unit, or portion thereof, as a VR-1, the property owner must prove that the VR-1 is the legal address of the property owner’s primary residence, in accordance with Chapter 174 Short-Term Rental Registration.

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**Article XII. Construction and Definitions**

PRIMARY RESIDENCE — The location where the owner resides for most of the year more than 183 days of the year and is listed as their legal address for tax/and or governmental identification purposes. The property owner uses this address as their legal address for tax returns, driver’s license, and/or voter registration. An individual may only have one primary residence at a time. The determination of primary residence for the purpose of proving eligibility for a VR-1 registration shall be made in accordance with Chapter 174 Short-Term Rental Registration.

**PROPERTY, HOMESTEAD EXEMPTION**

~~A property whereby the property owner qualifies for the homestead exemption under 36 M.R.S.A. §§ 681 through 689, respectively.~~

**PROPERTY, NONHOMESTEAD EXEMPTION**

~~A property whereby the property owner does not qualify for the homestead exemption under 36 M.R.S.A. §§ 681 through 689, respectively.~~

~~[Added 6-13-2006]~~

SHARED ACCOMMODATIONS - Any group of three or more rooms, other than lodging or ~~vacation~~ short-term rental, where for direct or indirect compensation the occupants live in furnished rooms with shared kitchens for more than 30 days. The occupants do not constitute a family or a single housekeeping unit. The makeup of the occupants is determined by the landlord, property manager, or other third party and not by the occupants themselves. A shared accommodation serving a hospital shall not be subject to the thirty-day minimum requirement.

There are three different types of shared accommodations:

- A. SA-1: three to eight people per structure.
- B. SA-2: nine to 32 people per structure.
- C. SA-3: 33 or more people per structure.

SHORT-TERM RENTAL — Includes ~~vacation rental~~, vacation rental-1 (VR-1) and vacation rental-2 (VR-2).

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

VACATION RENTAL-1 (VR-1) — A dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence property and is rented to a person or a group for less than 30 days ~~and a minimum of two nights~~. The rental of a portion of the dwelling, such as a bedroom, must be located in the principal structure housing the dwelling unit.

VACATION RENTAL-2 (VR-2) — An entire dwelling unit that is not the primary residence of the property owner and is rented to a person or a group for less than 30 days ~~and a minimum of four nights~~.

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[End of ordinance]

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**Article 8 – LAND USE ORDINANCE AMENDMENT – Fire Protection** – Shall an ordinance, dated November 27, 2024, and entitled “**An amendment to increase the maximum distance between a subdivision lot and a fire hydrant**” be enacted?

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*SUMMARY/EXPLANATION*

*The existing Land Use Ordinance language requires that subdivision lots that have access to a public water supply be no more than 500 feet from a fire hydrant. The amendment would increase the maximum distance from 500 feet to 1,000 feet. The Fire Department is able to use a hydrant that is up to 1,000 feet away from a lot in case of a fire.*

**Recommendations:**

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

*The 15-member Warrant Committee recommends adoption by a vote of 15 to 0.*

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**Fire Protection**

**An amendment to the Land Use Ordinance**

**Article V**

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

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

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**Chapter 125 , LAND USE ORDINANCE**

**Article V. Site Plan Review**

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**125-67 EE. Fire protection.**

(2) No subdivision which has access to a public water supply shall be developed such that any building lot is more than ~~500~~ 1,000 feet from a fire hydrant which has a capacity of 750 gallons per minute.

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[End of ordinance]

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The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, June 10, 2025 for election of Town officers and referendum. Absentee ballots may be processed on Saturday, June 7, 2025 starting at 9:00 a.m., or immediately following a requested inspection, and on Election Day every hour on the hour starting at 9:00 a.m.

**The last day to request an absentee ballot is Thursday, June 5.**

The Registrar of Voters of the Town of Bar Harbor hereby gives notice that she or her designee will be at the Municipal Offices on Monday through Friday from 8:30 a.m. to 5:00 p.m., except holidays, and during poll hours on Election Day for the registration of persons desiring to register for this election. To register to vote, residents must provide proof of identity and proof of physical residence address. A Maine driver’s license with current physical address satisfies both requirements.

Given under our hands this fifteenth day of April, 2025.

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

|                        |                         |
|------------------------|-------------------------|
| _____                  | _____                   |
| Valerie Peacock, Chair | Maya Caines, Vice Chair |
| _____                  | _____                   |
| Matthew A. Hochman     | Joseph Minutolo         |
| _____                  | _____                   |
| Meagan Kelly           | Randy Sprague           |
| _____                  |                         |
| Earl Brechlin          |                         |

Attest:

A true copy \_\_\_\_\_

Town Clerk of Bar Harbor, ME

### CONSTABLE'S RETURN

By virtue of the within Warrant to me directed, I have warned and notified the inhabitants of the Town of Bar Harbor to assemble at the time and place and for the purposes therein named by posting an attested copy of the within Warrant on the Bulletin Board, Municipal Offices, being conspicuous public place within said Town on the 2 day of May in the year Two Thousand and Twenty-Five.

Attest:

  
\_\_\_\_\_

Constable of the Town of Bar Harbor

Attest: A true copy \_\_\_\_\_

Town Clerk of Bar Harbor, ME

  

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