

THE WARRANT
ANNUAL TOWN MEETING – JUNE 5 & 12, 2018
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 **Emerson School Gymnasium** in said Town on Tuesday the fifth day of June, A. D., 2018 at **seven** o'clock in the afternoon, then and there to act on *Articles A through X*;

And to notify and warn said voters to meet in the **Municipal Building, Third Floor Auditorium** in said Town on Tuesday, the twelfth day of June, A. D., 2018 at eight o'clock in the forenoon until eight o'clock in the afternoon, then and there to act on *Articles One through Seven* of said article being set out below to wit:

Reminder

~ Voter Check-in Required ~

“Open Town Meeting”, June 5th, all Voters must check-in at the table in the lobby outside the gym to obtain a voter card prior to entering the Town Meeting. Voters are encouraged to arrive at least 30 minutes before the start of the meeting.

LD#1, Property Tax Relief, requires voter hand count and written ballot on several Articles.

<p>Action on the following articles will be on the Town Meeting floor Tuesday, June 5, 2018 starting at 7:00 p.m. <i>Emerson School Gymnasium</i></p>
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Article A ELECTION OF MODERATOR - To choose a Moderator to preside at said meeting.

Article B ELECTION OF WARRANT COMMITTEE MEMBERS - To elect Warrant Committee members as required by Section C-34 of the Town Charter.

Note: Articles C through M authorize expenditures in cost center categories.

Article C 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$2,594,356	\$2,594,356	\$2,594,356

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Article D 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$1,427,777	\$1,427,777	\$1,427,777

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Article E 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 0	\$ 0	\$ 0

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article F 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 82,332	\$ 82,332	\$ 82,332

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article G 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 588,815	\$ 588,815	\$ 588,815

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Article H 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 150,773	\$ 150,773	\$ 150,773

The School Committee recommends adoption.

*The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article I 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, 2018 and ending June 30, 2019.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:	\$ 359,923	\$ 359,923	\$ 359,923

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Article J 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, 2018 and ending June 30, 2019.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:	\$ 298,667	\$ 298,667	\$ 298,667

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 6 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article K 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, 2018 and ending June 30, 2019.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:	\$ 588,562	\$ 588,562	\$ 588,562

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Article L 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 0	\$ 0	\$ 0

*The School Committee recommends adoption.
 The seven member Town Council recommends adoption by a vote of 6 to 0.
 The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article M 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, 2018 and ending June 30, 2019.

	<i>School</i>	<i>Town</i>	<i>Warrant</i>
Recommendations:	<i>Committee</i>	<i>Council</i>	<i>Committee</i>
	\$ 115,000	\$ 115,000	\$ 115,000

*The School Committee recommends adoption.
 The seven member Town Council recommends adoption by a vote of 6 to 0.
 The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Note: Articles C – M authorize a total budget of:

<i>School</i>	<i>Town</i>	<i>Warrant</i>
<i>Committee</i>	<i>Council</i>	<i>Committee</i>
\$6,206,205	\$6,206,205	\$6,206,205

Note: Articles N & O raise funds for the Proposed School Budget

Article N 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 \$4,103,301) 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, 2018 to June 30, 2019.

***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.*

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:			
<i>State Subsidy</i>	\$ 463,669	\$ 463,669	\$463,669
<i>Town’s Minimum Share</i>	\$3,639,632	\$3,639,632	\$3,639,632
<i>State’s Essential Programs & Services Model</i>	\$4,103,301	\$4,103,301	\$4,103,301

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Note: Article O raises additional local funds recommended to support the proposed school budget

Article O EDUCATION BUDGET: Tax Cap Override - 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, 2018 to June 30, 2019, which exceeds the State’s Essential Programs and Services allocation model by as required to fund the budget recommended by the school committee.

Written Ballot Vote Required

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.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:			
<i>Additional Local Funds</i>	\$1,790,414	\$1,790,414	\$1,790,414
<i>Exceeding EPS by</i>	\$1,790,414	\$1,790,414	\$1,790,414

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Note: Articles N & O raise a total town appropriation of:

<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
\$5,430,046	\$5,430,046	\$5,430,046

Note: Article P summarizes the proposed school budget and does not authorize any additional expenditures

Article P 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, 2018 and ending June 30, 2019 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.

	<i>School Committee</i>	<i>Town Council</i>	<i>Warrant Committee</i>
Recommendations:			
	\$6,206,205	\$6,206,205	\$6,206,205

*The School Committee recommends adoption.
The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 16 to 0.*

Article Q EDUCATION BUDGET: State, Federal, and Other Funds - In addition to the amount in Articles C – P, 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 2018-2019 for school purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

Current Year Totals: \$188,808

Recommendations:

The School Committee recommends adoption.

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

The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.

Article R MUNICIPAL BUDGET: Expenditures - To see what sum the Town will raise and appropriate for the Municipal Budget for FY19 (7/1/18 TO 6/30/19).

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 U, and from reserve accounts. Total expenditures may be less depending upon the results of the bond issues on June 12, 2018.

Recommendations:	<i>Town Council</i>	<i>Warrant Committee</i>
<i>Total Expenditures</i>	<i>\$16,866,877</i>	<i>\$16,866,877</i>

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

The 22 member Warrant Committee recommends adoption.

Article S 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 FY19 (7/1/18 TO 6/30/19).

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:	<i>Town Council</i>	<i>Warrant Committee</i>
<i>Other Revenues</i>	\$ 8,682,343	\$ 8,682,343
<i>Fund Balance</i>	\$ 70,000	\$ 70,000

*The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article T MUNICIPAL BUDGET: Tax Cap Override – To see if the Town will vote to increase the property tax levy limit of \$7,707,492 established for the Town of Bar Harbor by State law in the event that the Municipal Budget approved by the Town results in a tax commitment that is greater than the property tax levy limit.

Written Ballot Vote Required.

Explanation:

In 2005 the State Legislature passed a “tax reform” law known as LD#1. This bill created a maximum municipal tax levy based upon this year’s tax, plus an allowance for personal income growth and the town’s tax base growth due to new construction. However, LD#1 allows Bar Harbor voters to increase that tax cap with the approval of a simple majority of the voters at Town Meeting. The only requirement is that a secret vote must be taken by written ballot. Using the State’s formula, the maximum tax levy for Bar Harbor’s Municipal Budget is \$7,707,492. As detailed in your copy of the annual Town Report, it appears that the proposed budget is \$407,042 over the tax cap.

Recommendations:

*The seven member Town Council recommends adoption by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Article U MUNICIPAL BUDGET: Grants and Donations – In addition to the amount in Article R, shall the voters appropriate and authorize the Town Council to expend additional state, federal and other funds received during FY19 (7/1/18 TO 6/30/19) 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 22 member Warrant Committee recommends adoption by a vote of 18 to 0.

Article V 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 payments unless an article is passed.

Recommendations:

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

The 22 member Warrant Committee recommends adoption by a vote of 18 to 0.

Article W 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 28, 2018 and that second half taxes shall be due and payable on or before March 30, 2019 and that interest shall be charged at the annual rate of 8.0% on any unpaid taxes due on September 28, 2018 beginning September 29, 2018 and on any unpaid taxes due March 29, 2019 beginning March 30, 2019.

Explanation:

The due dates proposed are essentially the same as last year. 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 22 member Warrant Committee recommends adoption by a vote of 18 to 0.

Article X 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 2018 at 4.0% 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 22 member Warrant Committee recommends adoption by a vote of 18 to 0.*

Election of Town Officers
Action on the following articles will be at the Town Election with
Polls Open Tuesday, June 12, 2018, 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.

Article 2 - LAND USE ORDINANCE AMENDMENT – Adoption of the Statewide timber harvesting standards and repeal of Forest Management and Timber Harvesting Provisions in the Land Use Ordinance – Shall an Ordinance dated November 1, 2017 and entitled “An amendment to adopt the statewide timber harvesting standards and repeal the forest management and timber harvesting provisions in the Land Use Ordinance” be enacted?

Adoption of Statewide Timber Harvesting Provisions

An amendment adopt the statewide timber harvesting standards and repeal the forest management and timber harvesting provisions in the Land Use Ordinance.

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 I General Provisions

§ 125-8 When effective; filing; repealer.

A. The effective date of this chapter or any amendments thereto shall be 30 calendar days following its/their adoption at a regular or special Town Meeting; provided, however, that those portions of this chapter related to shoreland regulation shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of this chapter, attested and signed by the Town Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner fails to act on this chapter within 45 days of his/her receipt of this chapter, it shall be deemed approved. Any application for a permit submitted to the Town within such forty-five-day period shall be governed by the terms of this chapter if the chapter is approved by the Commissioner of the Department of Environmental Protection.

B. A certified copy of this chapter shall also be filed with the Hancock County Registry of Deeds.

C. The adoption of this chapter hereby repeals and supersedes all conflicting land use provisions of all ordinances adopted prior to the effective date of this chapter.

~~D. Repeal of municipal timber harvesting regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-B, Subdivision 5, at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. § 438-B, Subdivision 5, the following provisions of this chapter are repealed:~~

~~(1) Table of Uses: "Forest management activities except for timber harvesting" and "Forest management activities including timber harvesting...#2."~~

~~(2) Section 125-68B(2) in its entirety.~~

~~(3) Section 125-109 definitions for "forest management activities."~~

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 III Land Use Activities and Standards

§ 125-17 Bar Harbor Gateway.

E. Allowed activities.

(1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; ~~forest management activities except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation/essential services.

§ 125-18 Village Historic.

E. Allowed activities.

(1) Activities allowed without a building permit: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; ~~forest management activities except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation and essential services.

§ 125-19 Mount Desert Street Corridor District.

E. Allowed activities.

(1) Activities allowed without a permit, provided that the activity complies with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; ~~forest management activities except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installations/essential services.

§ 125-20 Village Residential.

F. Allowed activities.

(1) Activities allowed without a permit, provided that it complies with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; ~~forest management activities except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation.

§ 125-21 Downtown Village I.

D. Allowed activities.

(1) Activities allowed without a permit, provided that they comply with all provisions of the Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; ~~forest management activities, except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation/essential services.

§ 125-21.1 Downtown Village II.

D. Allowed activities:

(1) Activities allowed without a permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; ~~forest management activities, except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation.

§ 125-21.2 Downtown Village Transitional.

D. Allowed activities.

(1) Activities allowed without a permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 10 cubic yards; ~~forest management activities, except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation.

§ 125-49.1 Shoreland General Development III.

E. Allowed activities.

(1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; ~~forest management activities except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation/essential services.

§ 125-49.2 Shoreland General Development IV.

E. Allowed activities.

(1) Activities allowed without a building permit, provided that they comply with all provisions of Chapter 125: activities necessary for managing/protecting land; filling/earthmoving activity of less than 16 cubic yards; ~~forest management activities except timber harvesting~~; nonintensive recreation uses not requiring structures; public utility installation/essential services.

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

§ 125-109 Definitions.

The following terms shall have the following meanings:

~~DBH~~— The diameter of a standing tree measured 4.5 feet from ground level.

~~FOREST MANAGEMENT ACTIVITIES~~— Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated activities, but not the construction or creation of roads. See also "timber harvesting." [7]

~~LICENSED FORESTER~~— A forester licensed under 32 M.R.S.A. Chapter 76.

~~RESIDUAL BASAL AREA~~— The average of the basal area of trees remaining on a harvested site.

~~SKID ROAD or SKID TRAIL~~— A route repeatedly used by forwarding machinery or animals to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

~~SLASH~~— The residue, e.g., treetops and branches, left on the ground after a timber harvest.

~~TIMBER HARVESTING~~— The selective cutting and removal of at least 50 cords, or equivalent, of timber from one lot or from abutting lots, irrespective of the ownership of such lots, within a one-year period for the primary purpose of selling or processing forest products, and the attendant operation of harvesting machinery. Timber harvesting does not include the construction of roads or the clearing of land for approved construction for which a lawful permit has been issued in accordance with state and local codes, ordinances, statutes, rules and regulations. The cutting or removal of trees in the shoreland zone on a lot that has less than two acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to § 125-68B(13).

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 V Site Plan Review

§ 125-68 Shoreland standards.

[Amended 11-5-1991; 5-4-1992; 5-6-1996; 6-13-2006[1]]

A. Notwithstanding and in addition to any other provisions of this chapter, before granting site plan approval or a building permit for:

[Amended 11-3-2009]

(1) Any structure built on, over or abutting a dock, wharf, pier or other structure extending below the normal shoreline of a water body or within a wetland;

(2) Any land use activity situated entirely or partially within 250 feet, horizontal distance, of the normal shoreline of any great pond or river, within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland, or within 75 feet, horizontal distance, of the normal high-water line of a stream, tributary stream, significant vernal pool as such terms are defined in 38 M.R.S.A. § 435 et seq. and § 125-109 of this chapter.

[Amended 6-8-2010]

B. The Planning Board, Code Enforcement Officer or Planning Department, as applicable, must find that the proposed plan will comply with such of the following standards, and all land use activities within the shoreland zone shall conform to the following standards as are applicable:

[Amended 11-7-2006; 11-4-2008; 11-3-2009; 6-8-2010]

~~(2) Timber harvesting. All site plans shall demonstrate that all timber harvesting proposed in a shoreland area shall comply with the following minimum requirements:~~

~~(a) Within a shoreland area zoned for resource protection abutting a great pond there shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high water line, except to remove safety hazards.~~

~~(b) Beyond the seventy five foot strip referred to in § 125-68(B)(2)(a) above, timber harvesting is permitted in accordance with § 125-68(B)(2)(c) below, except that in no case shall the average residual basal area of trees over 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.~~

~~(c) Except as provided in the preceding subsection and in Subsection B(2)(a) and (b), selective cutting of no more than 40% of the trees four inches or more in diameter, measured at 4 1/2 feet above ground level, shall be allowed in any ten-year period. In addition:~~

~~[1] Within 100 feet, horizontal distance, of the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, or within 25 feet from a significant vernal pool, there shall be no clear-cut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~

~~[2] At distances greater than 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA and greater than 75 feet, horizontal distance, of the normal high water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clear cut openings shall be included in the calculation of total volume removal. For the purposes of these standards, volume may be considered to be equivalent to basal area.~~

~~[3] Any debris that falls below the normal high water line of a water body or tributary stream shall be removed. No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high water line or upland edge of a wetland, and between 50 feet and 250 feet, horizontal distance, of the normal high water line or upland edge of a wetland, all slash larger than three inches in diameter must be disposed of in such a manner that no part thereof extends more than four feet above the ground.~~

~~[4] Timber harvesting equipment shall not use stream channels as travel routes except when:~~

~~[a] Surface waters are frozen; and~~

~~[b] The activity will not result in any ground disturbance.~~

~~[5] All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~

~~[6] Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~

~~[7] Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet in width in horizontal distance for slopes up to 10% shall be retained between the exposed mineral soil and the normal high water line of a water body, significant vernal pool or upland edge of a wetland. For each ten percent increase in slope, the unscarified strip shall be increased by 20 feet in horizontal distance. The provisions of this subsection apply only to a face sloping toward the water body, wetland or significant vernal pool; provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet in horizontal distance from the normal high water line of a water body or upland edge of a wetland.~~

~~(d) Subject to all other limitations imposed in Subsection B(2)(c), the Planning Board shall approve timber harvesting in excess of the forty percent limitation within a shoreland district upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such harvesting is necessary for good forest management and will be carried out in accordance with the purposes of this chapter and the mandatory shoreland zoning laws of the State of Maine. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each approval granted under this section within 14 days of the Planning Board approval.~~

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 V Site Plan Review

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

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:...

I. Timber harvesting. The selective cutting and removal of trees from their growing sites in those districts indicated in Article III as allowing timber harvesting are permitted in accordance with the following conditions:

(1) Forest management and harvest plan required. A licensed professional forester shall prepare a forest management and harvest plan for the proposed harvest tract, pursuant to the Maine Forest Service Information Sheet "Guidelines for Forest Management and Harvest Plans," and a copy of said plan shall be filed with the permit application.

(2) Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provisions shall be made to prevent soil erosion and sedimentation of surface waters.

(3) Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained.

(4) Harvesting activities shall not create single openings greater than 7,500 square feet in the forest canopy.

(5) In any stand, harvesting shall remove not more than 40% of the volume of trees in any ten-year period. For the purpose of these standards, a stand means a contiguous group of trees, sufficiently uniform in species, arrangement of age classes, and conditions to be identifiable as a homogeneous and distinguishable unit.

(6) No accumulation of slash shall be left within 75 feet of the normal high water mark of any pond, lake, river, or saltwater body as defined. At distances greater than 75 feet from the normal high water mark of such waters, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground.

(7) Log yards and other sites where logging activities result in the exposure of areas of mineral soil shall be located such that an unscarified filter strip is retained between the exposed mineral soil and the normal high water mark of any pond, lake, river, or saltwater body as defined. The width of this strip shall vary according to the average slope of the land as follows:

Average Slope of Land Between Exposed Mineral Soil and Normal High Water Mark	Width of Strip Between Exposed Mineral Soil and Normal High Water Mark (feet)
Up to 30%	85
40%	105
50%	125
60%	145
70%	165

~~(8) Inspection by licensed forester required. The timber harvesting operation shall be administered by a licensed professional forester consistent with the provisions of the forest management and harvest plan on file and shall be inspected by a licensed professional forester weekly throughout the operation. A final inspection shall be made by the licensed forester upon harvest completion.~~

~~(9) Best management practices required. Best management practices shall be implemented to help control and reduce nonpoint source pollution of water resources by adhering to provisions in the Maine Forest Service publication "Erosion and Sediment Control Handbook for Maine Timber Harvesting Operations."~~

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

APPENDIX C, Table of Permitted Uses

	<u>Downtown Residential</u>	<u>Educational Institution</u>	<u>Emery</u>	<u>Hulls Cove Business</u>	<u>Hulls Cove Residential Corridor</u>	<u>Hulls Cove Rural</u>	<u>Indian Point Residential</u>	<u>Indian Point Rural</u>	<u>Industrial</u>	<u>Ireson Hill Corridor</u>	<u>Ireson Hill Residential</u>	<u>Mcfarland Hill Residential</u>	<u>Mcfarland Hill Rural</u>	<u>Marine Research</u>	<u>Otter Creek</u>
Forest management activities except timber harvesting...¹	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Forest management activities including timber harvesting...#2⁺			e	e		e	e	e				e	e		e
	<u>Resource Protection</u>	<u>Salisbury Cove Corridor</u>	<u>Salisbury Cove Residential</u>	<u>Salisbury Cove Rural</u>	<u>Salisbury Cove Village</u>	<u>Schooner Head</u>	<u>Scientific Research</u>	<u>Shoreland General Development I</u>	<u>Shoreland General Development II</u>	<u>Shoreland Limited Residential</u>	<u>Stream Protection</u>	<u>Town Hill Business</u>	<u>Town Hill Residential Corridor</u>	<u>Town Hill Residential</u>	<u>Town Hill Rural</u>
Forest management activities except timber harvesting...¹	#	#	#	#	#	#	#	#	#	#	#	#	#	#	#
Forest management activities including timber harvesting...#2⁺	e	e	e	e	e								e	e	

Appendix C Table of Permitted Uses, Key to Appendix C – Permissibility of Use (Excerpt)

a = Activity or structure allowed without a permit, provided it complies with all provisions of this chapter.

c = Activity or structure requires permit issued by Code Enforcement Officer (CEO) before it may be commenced or built.

#2 = Forest management activities, including timber harvesting supervised by a licensed forester.

¹ = NOTE: An amendment adopted 11-4-2008 provided that these provisions are repealed on the date established under 38M.R.S.A. § 438-B, Subdivision 5.

EXPLANATION:

Title 38 M.R.S.A. section 438-A provides that, notwithstanding other provisions of the Mandatory Shoreland Zoning Act, the regulation of timber harvesting and timber harvesting activities in shoreland areas must be in accordance with section 438-B and rules adopted by the Maine Bureau of Forestry pursuant to Title 12, section 8867-B. Section 438-B establishes three options from which each municipality may choose as the State implements a set of statewide timber harvesting standards in shoreland areas.

The Town of Bar Harbor elects to utilize Option 1.

Option 1: The first option available to a municipality is the complete repeal of timber harvesting provisions from the shoreland zoning ordinance. Under this option the Bureau of Forestry will administer the regulation of all forestry activities within the municipality.

Additionally the Town elects to remove the forest management and timber harvesting standards from the remaining (non-shoreland zoning) areas of the Land Use Ordinance as well.

Recommendations:

The five member Planning Board recommends adoption, by a vote of 4 to 0.

The 22 member Warrant Committee recommends rejection, by a vote of 15 to 2, with one abstention.

Article 3 - LAND USE ORDINANCE AMENDMENT – Shoreland Zoning Corrections

Required by DEP – Shall an Ordinance dated November 1, 2017 and entitled “An amendment to meet conditions imposed by the Department of Environmental Protection to various Articles of the Land Use Ordinance” be enacted?

Shoreland Zoning Corrections Required by DEP

An amendment to meet conditions imposed by the Department of Environmental Protection to various Articles of the Land Use Ordinance.

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 III Land Use Activities and Standards

§ 125-51. Marine Research.

A. Purpose.

B. Dimensional standards.

- (1) ~~A.~~ Minimum lot size: 20,000 square feet with sewers; 40,000 square feet without sewers.
- (2) ~~B.~~ Minimum road frontage and lot width: 100 [feet] with sewers; 200 [feet] without sewers.
- (3) ~~C.~~ Minimum shore frontage: 150 feet per dwelling unit adjacent to tidal areas; 200 feet for all other uses and structures, excluding functionally water-dependent structures.
- (4) ~~D.~~ Minimum front setback: 25 [feet].
- (5) ~~E.~~ Minimum side setback: 25 [feet].
- (6) ~~F.~~ Minimum rear setback: 25 [feet].
- (7) ~~G.~~ Minimum setback from shoreline: zero feet for functionally water-dependent uses; 75 feet for all other uses.
- (8) ~~H.~~ Maximum lot coverage: 25%.
- (9) ~~I.~~ Maximum building coverage: 12.5%.
- (10) ~~J.~~ Maximum height: 35 feet within 250 feet of the shoreline or upland edge of a wetland; 40 feet elsewhere.
- (11) ~~K.~~ Minimum area per family: ~~20,000~~ 30,000 square feet.

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 V Site Plan Review

§ 125-68 Shoreland standards.

- A. Notwithstanding and in addition to any other provisions of this chapter, before granting site plan approval or a building permit for:
 - (1) Any structure built on, over or abutting a dock, wharf, pier or other structure extending below the normal shoreline of a water body or within a wetland;
 - (2) Any land use activity situated entirely or partially within 250 feet, horizontal distance, of the normal shoreline of any great pond or river, within 250 feet, horizontal distance, of the upland edge of a coastal or freshwater wetland, or within 75 feet, horizontal distance, of the normal high-water line of a stream, tributary stream, significant vernal pool as such terms are defined in 38 M.R.S.A. § 435 et seq. and § 125-109 of this chapter.

- B. The Planning Board, Code Enforcement Officer or Planning Department, as applicable, must find that the proposed plan will comply with such of the following standards, and all land use activities within the shoreland zone shall conform to the following standards as are applicable:...
 - (12) Principal and accessory structures. All site plans shall demonstrate that all principal and accessory structures in a shoreland district shall comply with the following:
 - (a) All new principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the shoreline of great ponds classified GPA and rivers that flow to great ponds classified GPA and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, significant vernal pools or the upland edge of a wetland, and for properties located in the Shoreland General Development III and IV District; except that in a the Shoreland General Development I, and II, and ~~III~~ Districts, the setback from the shoreline shall be at least 25 feet, horizontal distance. In the Resource Protection District, the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified above shall apply. In Stream Protection district any structure associated with a “municipal facility or grounds” or with “uses or small structures accessory to permitted uses or structures” be set back 75 feet, horizontal distance, from the shoreline, unless a variance is obtained from the Board of Appeals. In Resource Protection the setback requirement from the shoreline for wind turbines shall be 250 feet horizontal distance unless a variance is obtained from the Board of Appeals. In the Stream Protection District the setback requirement from shoreline for wind turbines or municipal facilities and grounds shall be 75 feet horizontal distance unless a variance is obtained from the Board of Appeals.

In addition:

- [1] The water body, tributary stream, or wetland setback provision shall not apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- [2] Principal and accessory structures are exempt from setbacks from a forested wetland of any size on lots in existence prior to or on September 6, 2005, or from

a freshwater wetland less than 10 acres in size on lots in existence prior to or on September 6, 2005.

- [3] For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on coastal bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff Map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a highly unstable or unstable bluff, or where the top of the bluff is located, the applicant may, at his or her expense, employ a Maine registered professional engineer, a Maine certified soil scientist, a Maine state geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.
- [4] On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Code Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed 80 square feet in area nor eight feet in height and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation-clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (b) Notwithstanding the dimensional, setback and coverage requirements of the applicable district and the requirements of § 125-67H, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer for structures 400 square feet or less in area and from the Planning Board for structures greater than 400 square feet in area to provide shoreline access in areas of steep slopes or unstable soils provided that the structure is limited to a maximum of four feet in width; that the structure does not extend below or over the normal high water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
- (13) Clearing or removal of vegetation for activities other than timber harvesting. All site plans shall demonstrate that clearing of vegetation for purposes of development shall be accomplished in accordance with the following:
- (b) Except in areas as described in Subsection B(13)(a) above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, 75 feet, horizontal distance, from any other water body, tributary stream, stream, significant vernal pool or the upland edge of a freshwater wetland, and 25 feet from the upland edge of a forested wetland, a buffer strip of vegetation shall be preserved as follows:...

[3] In order to protect water quality and wildlife habitats, ~~adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA,~~ existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed except to provide for a footpath or other permitted uses as described in Subsection B(13)(b)[1] and [2].

(17) Parking areas. All site plans shall demonstrate that any parking areas associated with proposed development in a shoreland district shall comply with the following requirements:

(a) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in districts other than Shoreland General Development I and II districts shall be no less than 50 feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

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 V Site Plan Review

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

Notwithstanding and in addition to any other provision of this chapter, before granting site plan approval for any land use activity described in this section, the Planning Board must find that the proposed plan will comply with such of the following standards as are applicable:...

V. Purpose of conditional use. The purpose of this section is to establish procedures and standards to enable the Planning Board to review applications for conditional uses. A "conditional use" is a structure or use that is generally not appropriate in a given district, but with restrictions and if controlled as to location, size and off-site impacts may have no adverse effects upon the public health, safety or welfare, surrounding properties, the natural environment, or on municipal services. The only structures or uses that shall be permitted as conditional uses are those approved as conditional uses by the Planning Board. Conditional use may not be applied to uses in the shoreland districts.

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

§ 125-109.Definitions.

The following terms shall have the following meanings:

LOT COVERAGE

Except as otherwise provided in § 125-67B(8), the footprint area of all structures and improvements calculated as a percentage of the area of the lot shall be considered to be lot coverage, including but not limited to principal and accessory buildings; all improved vehicular and pedestrian surfaces, such as parking lots, roads, driveways, maneuvering spaces, and pedestrian walkways, regardless of the construction material employed; ~~or~~ graveled areas and other nonvegetated surfaces. Unimproved natural surfaces of a site shall not constitute lot coverage, regardless of whether they are vegetated. Boats stored in cradles above an unimproved natural surface shall not constitute lot coverage. However, in the case of lumber yards, areas of stored lumber shall constitute lot coverage.

**Appendix C
Table of Permitted Uses**

	Downtown Residential	Educational Institution	Emery	Hulls Cove Business	Hulls Cove Residential Corridor	Hulls Cove Rural	Indian Point Residential	Indian Point Rural	Industrial	Ireson Hill Corridor	Ireson Hill Residential	McFarland Hill Residential	McFarland Hill Rural	Marine Research	Otter Creek	Resource Protection	Salisbury Cove Corridor
Accessory dwelling	c		c	c	c	c	c	c		c	c	c	c		c	e	c

EXPLANATION:

In 2012, the Department of Environmental Protection issued a Department Order (#04-2012) that outlined specific areas in the Bar Harbor Land Use Ordinance which were not consistent with the State of Maine Guidelines for Municipal Shoreland Zoning Ordinances. The amendments in this warrant article are necessary to be in compliance with the Mandatory Shoreland Zoning Act.

Recommendations:

The five member Planning Board recommends adoption, by a vote of 4 to 0.

The 22 member Warrant Committee recommends adoption, by a vote of 18 to 0.

Article 4 - LAND USE ORDINANCE AMENDMENT – Integration of Appendix C (Table

of Permitted Uses) and individual Official Neighborhood District Maps into Article III (Land Use Activities and Standards) – Shall an Ordinance dated

November 1, 2017 and entitled “An amendment to move the regulations found in Appendix C Table of Permitted Uses to their respective districts in Article III Land

Use Activities and Standards, delete Appendix C in the Land Use Ordinance, and insert individual Official Neighborhood District Maps to each district in Article III”

be enacted? NOTE: If the Warrant Article “Adoption of the Statewide timber harvesting Provisions is voted and approved by voters the intent of this Warrant

Article is to be subject to the Statewide timber harvesting provisions, to not contradict that Warrant Article and to delete all references to timber harvesting and forest

management.

Integration of Appendix C into Article III

An amendment to add individual Official Neighborhood District Maps to each district in Article III, and move the regulations found in Appendix C Table of Permitted Uses to their respective districts in Article III Land Use Activities and Standards, and to delete Appendix C in the Land Use Ordinance.

Full text of the Integration of Appendix C and individual Official Neighborhood District Maps into Article III amendment of the Land Use Ordinance, Chapter 125 of the Town Code, is on file in the Town Clerk’s office and Planning Department.

Also viewable on the Town’s website: www.barharbormaine.gov – Town Hall – Planning Department –<http://www.barharbormaine.gov/DocumentCenter/View/2505>

EXPLANATION:

This article is intended to locate all the permitted uses for every district in the same location in the Land Use Ordinance. Currently, 30 districts and their permitted uses are found in one location (Appendix C) and 10 districts and their permitted uses are in another area of the ordinance (Article III). This relocation of the existing information will relocate all the districts to Article III of the ordinance. Additionally, individual Official Neighborhood District Maps will be inserted into the text of the ordinance (Article III) so the user will be able to determine the boundaries of a particular district.

Recommendations:

The five member Planning Board recommends adoption, by a vote of 4 to 0.

The 22 member Warrant Committee recommends adoption, by a vote of 18 to 0.

Article 5 - LAND USE ORDINANCE AMENDMENT – Official District Boundary Map Amendment Downtown Residential-Downtown Village II - Veterinary Clinic Use in Downtown Village II – Shall an ordinance, dated February 21, 2018, to amend the Official Neighborhood District Map by extending a portion of the boundary of the Downtown Village II district to encompass the parcel identified as Tax Map 104, Lot 081-000, and to amend the Land Use Ordinance to allow ‘veterinary clinics’ as a use permitted with site plan approval in Downtown Village II district, be enacted?

Veterinary Clinic Use

An amendment to the Bar Harbor Land Use Ordinance to allow the Veterinary clinic use in the Downtown Village II district and to amend the Official District Boundary Map to change Bar Harbor Tax Map 104, Lot 081-000 from Downtown Residential district to the Downtown Village II district.

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

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

Chapter 125 , LAND USE ORDINANCE

ARTICLE III Land Use Activities and Standards

§ 125-21.1 Downtown Village II.

C. Allowed uses:

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

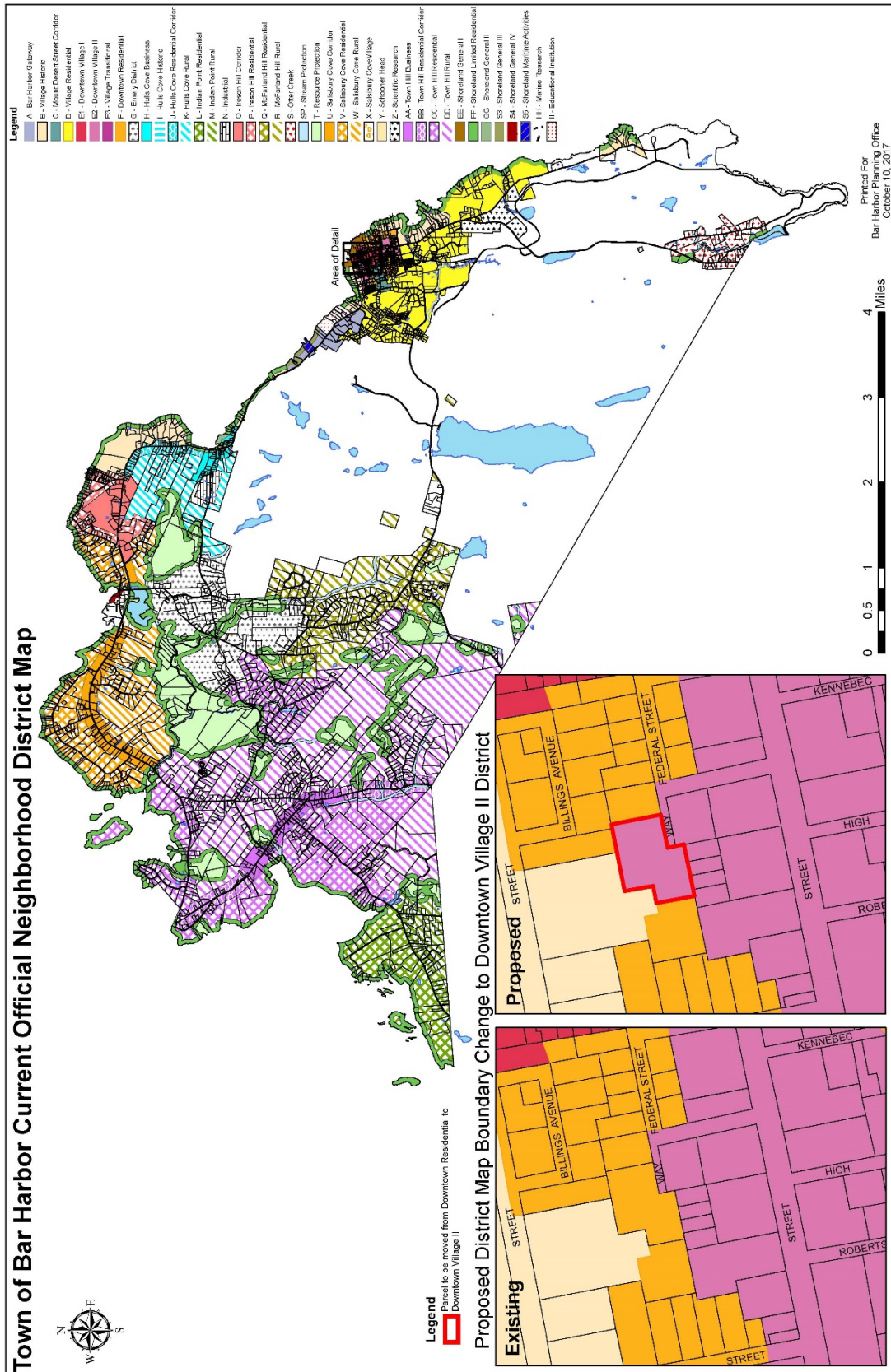
EXPLANATION:

This amendment is to relocate the district boundary line of the Downtown Village II district to include the property located at Bar Harbor Tax Map 104, Lot 081-000, and to permit veterinary clinics as an allowed use with site plan approval in the Downtown Village II district.

Recommendations:

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

The 22 member Warrant Committee recommends adoption, by a vote of 16 to 0.



Article 6 - FERRY TERMINAL LAND PURCHASE – Shall the Town of Bar Harbor:

1. **Authorize** the Town Council to provide for purchase of the former Ferry Terminal property, said project, known as the **Ferry Terminal Purchase** to include the following:
 - Purchase of land, including any facilities previously built and located in the tidal zone
 - Identified by Town Tax Map 231, Lot 004 at 121 Eden Street
 - Other activities or expenses that are reasonably related to the project

2. **Appropriate** the sum of Three Million Five Hundred Thousand dollars (\$3,500,000) to provide for the costs of said project, including closing costs and all transaction costs;

3. **Authorize** the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000); and

4. **Delegate** the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council.

FINANCIAL STATEMENT

As of June 5, 2018

1. Total Town Indebtedness- Principal

A. Bonds outstanding and unpaid	\$18,648,778
B. Bonds authorized and unissued (June 2018)	- 0
C. Bonds to be issued if this article is approved:	\$ 3,500,000

2. Costs

At an estimated interest rate of 3.50% for a twenty (20) year maturity, the estimated costs for this bond issue will be:

Principal:	\$3,500,000
Interest:	<u>\$1,425,275</u>
<u>Total Debt Service:</u>	<u>\$4,925,275</u>

3. Validity

The validity of the bond and of the voters' ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies

from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

Stanley W. Harmon
Treasurer
Town of Bar Harbor

Explanation:

The Town Council exercised the option to purchase the Ferry Terminal lot from the Maine Department of Transportation which requires a Town Meeting vote by June 2018. Although there was a lower price option available with a requirement of maritime transportation use within five years, the Town Council decided to purchase the lot for \$3.5 million with “no strings attached” from MDOT after the purchase. A General Obligation bond is being considered which places the taxpayers responsible for the debt services over the 20 year payback period. A business plan is being developed based upon the Ferry Terminal Property Advisory Committee’s recommendations.

Recommendations:

*The seven member Town Council recommends adoption, by a vote of 7 to 0.
The 22 member Warrant Committee recommends adoption, by a vote of 19 to 0.*

Article 7 - PARKING METER SYSTEM – Shall the Town of Bar Harbor:

1. **Authorize** the Town Council to provide for purchase and installation of downtown parking meter system, said project, known as the **Parking Meter System** to include the following:
 - Purchase of 400+ electronic parking meters, including, but not limited to, parking meters, kiosks, accompanying software, handheld citation meters and all other equipment costs
 - Other activities or expenses that are reasonably related to the project
2. **Appropriate** the sum of Six Hundred Thousand dollars (\$600,000) to provide for the costs of said project, including design work and transaction costs;
3. **Authorize** the Treasurer and Chair of the Town Council, acting pursuant to the provisions of 30-A M.R.S.A. Section 5772, to issue general obligation securities of the Town of Bar Harbor (with or without call provisions and with or without premium, and including temporary notes in anticipation of the sale thereof) in an aggregate principal amount not to exceed Six Hundred Thousand Dollars (\$600,000); and

4. **Delegate** the discretion to fix the date(s), maturity(ies), interest rate(s), denominations(s), place(s) of payment, form and other details of said securities, including execution and delivery of said securities on behalf of the Town of Bar Harbor, and to provide for the sale thereof, to the Treasurer and Chair of the Town Council.

FINANCIAL STATEMENT

As of June 12, 2018

1. Total Town Indebtedness- Principal

A. Bonds outstanding and unpaid	\$18,648,778
B. Bonds authorized and unissued (June 2018)	- 0
C. Bonds to be issued if this article is approved:	\$600,000

2. Costs

At an estimated interest rate of 3.25% for a Two (2) year maturity, the estimated costs for this bond issue will be:

Principal:	\$600,000
Interest:	<u>\$ 29,406</u>
<u>Total Debt Service:</u>	<u>\$629,406</u>

3. Validity

The validity of the bond and of the voters’ ratification of the bond may not be affected by any error in the above statements. If the actual amount of the total debt service for the bond issues varies from the estimate, the ratification by the voters is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

/s/

 Stanley W. Harmon
 Treasurer
 Town of Bar Harbor

Explanation:

The Town Council and the Parking Solutions Task Force have formed a plan to implement seasonal (May to October) paid day-time parking in the downtown area, potentially generating over \$500,000 per year in new revenue for the Town. Revenues will be deposited into a new special parking fund used to reduce demand for parking and congestion in the commercial downtown district, making all areas of town more walkable and bikeable, and funding pedestrian improvements. Examples of items funded can be; Town infrastructure, such as sidewalks, LED streetlights, satellite parking and shuttle service, upgrading existing streetscapes, pedestrian and bike friendly projects. Projects funded in this way will not increase the property tax burden. The Parking Kiosk/Meter System will include handheld electronic devices for enforcement/ticketing. Most fees will not be paid in coins, but via debit or credit cards. Experience elsewhere demonstrates that paid parking, electronic monitoring and ticketing increases turnover and more effectively allocates demand. Projected revenues from the program would repay the bond in the first two years, while other projects, as outlined above, are planned and readied for implementation.

Recommendations:

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

The 22 member Warrant Committee recommends adoption, by a vote of 15 to 2, with one abstention.

The polls will be open from 8:00 a.m. until 8:00 p.m. on Tuesday, June 12, 2018 for election of Town officers and referendum. Absentee ballots will be processed on Saturday, June 9, 2018 starting at 10:00 a.m. and on Election Day every hour on the hour starting at 9:00 a.m. until 8:00 p.m. ***The last day to request an absentee ballot or to cast a ballot in person at the Municipal Building, prior to Election Day, is Thursday, June 7th.***

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 poll hours on Election Day for the registration of persons desiring to register for this election. Must provide proof of identity and official document showing physical address, not a post office box. A Maine Driver’s license with current physical address would satisfy both requirements.

Given under our hands this seventeenth day of April 2018.

Municipal Officers of the Town of Bar Harbor

Paul A. Paradis, Chair

Gary Friedmann, Vice Chair

Peter St. Germain

Matthew A. Hochman

Stephen Coston

Erin E. Cough

Judith C. Noonan

Attest:

A true copy _____
Town Clerk of Bar Harbor, ME

CONSTABLE’S RETURN

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

Attest: _____
Constable of the Town of Bar Harbor

Attest: A true copy _____
Patricia A. Gray, Town Clerk of Bar Harbor, ME

