

Design Review Board Workshop
Tuesday, October 21, 2025 at 12:00 PM
Municipal Building, 93 Cottage Street, Bar Harbor
Conference Room 301
(In person meeting)

The Design Review Board will hold a workshop on Tuesday October 21, 2025 at 12:00 PM to discuss changes to Article XIII Design Review.

While it is a public meeting, the Design Review Board conducts no deliberations and does not take any action (vote). Members of the public are welcome to attend. Public comment will only be taken at the discretion of the board.

For additional information, or if there are any questions, please contact Emily Sprecher by calling the Planning Department at 288-3329 or by emailing esprecher@barharbormaine.gov.



Bar Harbor Design Review Board
Chapter 125 Article XIII

October 21, 2025

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§125-110 GENERAL PROVISIONS

- A. **Purpose and intent.** The purpose of this Article is to provide a legal framework within which the residents of the Town of Bar Harbor can protect the historical, architectural, and cultural heritage of significant areas, landmarks, and sites in Bar Harbor while approving appropriate new construction. The intent is to safeguard the structures and attract visitors and new residents, give the Town its distinctive character, and educate the community about its past. Therefore, this Article endeavors to:
- (1) Protect the exterior architectural and landscape features of historic and locally-significant properties.
 - (2) Prevent the demolition or removal of historic and locally-significant properties.
 - (3) Preserve the essential character of historic districts and significant property by protecting the design and spatial relationships of groups of buildings and other structures.
 - (4) Encourage new buildings and other structures that are designed and built in a manner compatible with the character of the areas in which they are constructed.
- B. **As defined in Section §125-109 of this ordinance, the term ‘structure’ encompasses buildings and signs. All references to ‘structure’ within this Article are to be interpreted in accordance with this definition.**
- C. **The term ‘site’ includes lots and any form of landmark not already included in the definition of ‘structure’ in all instances within this Article.**
- D. **Classification of structures and sites.** All structures and sites within the Design Review Board jurisdiction are classified as one or more of the following:
- (1) **Significant property:** All structures and sites listed in Appendix A of this ordinance, comprised of historic and locally-significant property.
 - (2) **Historic property:** Structures and sites listed in Appendix A of this ordinance that are also listed in the National Register of Historic Places.
 - (3) **Locally-significant property:** Structures and sites listed in Appendix A of this ordinance that are not listed in the National Register of Historic Places.
 - (4) **Non-historic:** Structures and sites not listed in Appendix A of this ordinance.

§125-111 JURISDICTION OF THE DESIGN REVIEW BOARD

- A. It is the purview of the Design Review Board, hereinafter called the “Board,” to carry out the provisions of this Article.
- B. The provisions of this Article apply only to the areas or items covered under the Board’s jurisdiction. Interior architectural elements are not covered under the Board’s jurisdiction and are therefore not subject to the provisions in the Article.
- C. The extent of the Board’s jurisdiction includes views from public streets, parking lots, walkways, waterfronts, and any passageway or part thereof open to the public and designed for travel by vehicle, or foot (collectively referred to herein as the “public way”).

D. The jurisdiction includes the following, known as the “Design Review Overlay District”:

(1) Bar Harbor Village Area

- (a) All properties with road frontage on State Highway 3 from Harbor Lane to Cromwell Harbor Road (includes parts of Eden and Main Streets and all of Mount Desert Street).
- (b) All properties with road frontage on West Street from Eden Street to, and including, the Ells Pier/Town Pier.
- (c) All properties with road frontage on Bridge Street from West Street to the ocean shore.
- (d) All properties with road frontage on Cottage Street from Eden to Main Streets.
- (e) All properties with road frontage on Main Street from West Street to Cromwell Harbor Road.
- (f) All properties with road frontage on Rodick Street and Rodick Place.
- (g) All properties with road frontage on Firefly Lane.
- (h) All properties with road frontage on The Field.
- (i) All properties abutting the Shore Path from the Ells Pier/Town Pier to Wayman Lane.

(2) Town Hill Village Area

All properties with road frontage on State Highway 102 from the southern end of Right of Way Road to Pats Way.

(3) All properties within the Shoreland Maritime Activity District.

(4) **Hulls Cove Village Area**

All properties with road frontage on State Highway 3 from Visitor Center Road to the southern end of Sand Point Road.

E. **The jurisdiction of the Design Review Board also applies to the following items regardless of their geographic location.**

- (1) All properties and structures listed in Appendix A of this ordinance.
- (2) All internally illuminated signs.
- (3) All multi-tenant signage plans.
- (4) All seasonal closure plans.
- (5) All parking garage uses in the Scientific Research for Eleemosynary Purposes, Educational Institutions, and Bar Harbor Gateway districts.
- (6) All projects financially subsidized by the Town of Bar Harbor.

§125-112 EXEMPT ACTIVITIES, NOT REQUIRING REVIEW AND APPROVAL BY THE BOARD

The following activities are exempt from Board review and do not require a Certificate of Appropriateness:

- A. The construction, renovation, alteration, relocation, or demolition of all non-historic structures and sites not listed in Appendix A of this ordinance **used entirely for single- or two-family dwelling occupancy.**
- B. Construction or alteration of a non-historic structure not visible from a public way.
- C. Normal maintenance and repair where no change is made to the exterior appearance of the structure or grounds.
- D. Change of exterior paint color if the color is selected from the Board-approved color chart(s). The color chart(s) may be obtained from the Planning Director, or their designee (herein Planning Director), and may be updated from time to time under the Board's approval. Colors not listed on the color chart(s) require approval by the Board.
- E. The installation of retractable fabric awnings. The fabric may be solid or striped and must be listed on the approved color chart(s) for awnings. The color chart(s) may be obtained from the Planning Director and updated from time to time under the Board's approval.

Colors not listed on the color chart(s), and/or lettering or graphics to be printed on an awning, require approval by the Board.

- F. The installation of roof-mounted solar collection panels and appurtenant equipment.
- G. The change in use of an existing building with no changes to the exterior.
- H. The construction, reconstruction, alteration, restoration, or demolition of any feature that the Code Enforcement Officer certifies is required because of an unsafe or dangerous condition to ensure public safety.

§125-113 ACTIVITIES REQUIRING REVIEW AND APPROVAL BY THE BOARD

For areas or items under the Board’s jurisdiction, the following activities must only commence after approval by the Board and issuance of a Certificate of Appropriateness and building permit(s) by the Code Enforcement Officer.

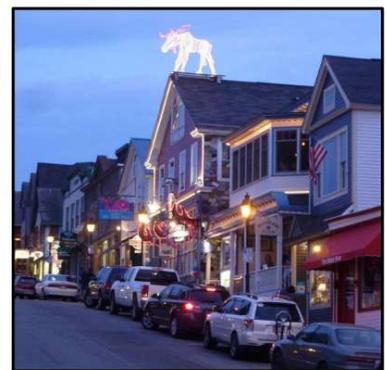
- A. New construction of a non-residential structure.
- B. Changes in the exterior appearance of a principal or accessory structure that is visible from a public way by means of alteration, reconstruction, or construction of a building addition.
- C. New or amended multi-tenant signage plans.
- D. Erection of new internally illuminated sign, or the relocation or modification of an existing internally illuminated sign.
- E. New or amended seasonal closure plan for a business when involving the placement of window or door

PRE-APPLICATION GUIDANCE

The following is guidance only and is not officially included in this ordinance.

1. Before applying for a Certificate of Appropriateness, applicants are encouraged to meet with staff from the Planning Department to discuss their project.
2. Applicants are strongly encouraged to engage in informal, non-binding discussions with the Board prior to submitting a formal application for new buildings and large-scale projects.
3. All pre-application activities are informational in nature and should not be construed as decisions or commitments by either the Board or the applicant.
4. To further assist applicants, a copy of The Design Review Handbook of the Town of Bar Harbor, which includes design guidelines to help meet established standards, is available at the Planning Department and [online](#) on the Design Review Board page of the Town of Bar Harbor website.

**THE DESIGN REVIEW HANDBOOK
OF
THE TOWN OF BAR HARBOR, MAINE**



coverings that alter the exterior appearance of the property and can be seen from a public way.

F. Demolition or relocation of a significant property.

§125-114 APPLICATION PROCEDURES

A. Application submission

- (1) The applicant must fully complete the application form (available at the Planning Department and on the Design Review Board page of the Town of Bar Harbor website) and provide all required submission items identified in the application form for the selected project activities. The applicant must provide three copies of the completed application form and all required submission items.
- (2) The applicant is responsible for providing sufficient information to the Planning Director and the Board to allow for proper assessment of the appropriateness of the proposed project.
- (3) The applicant may supply additional information beyond the minimum requirements.
- (4) To be placed on the Board agenda, an application must be submitted to the Planning Director at least fourteen calendar days before the next scheduled meeting of the Board.
 - (a) Upon receipt of an application, the Planning Director has ten calendar days to determine if it is complete. If the Planning Director determines the application is complete, it must be placed on the agenda.
 - (b) If the Planning Director determines the application is incomplete, it will provide the applicant with a written outline specifying the additional information and/or revisions required. The Planning Director will inform the applicant that their application will not be scheduled for consideration and placed on the Board's agenda until the additional information and/or revisions have been submitted.
 - (c) The meeting agenda must be posted at least three calendar days before the meeting.

B. Review procedures

- (1) Applicants are strongly encouraged to be present when their application is being considered. They may be represented by an authorized agent at any meeting of the

- Board. Any person acting as the applicant's authorized agent must provide written evidence verifying their authority to represent the applicant.
- (2) Applicants must demonstrate that their application meets the requirements of this ordinance.
 - (3) If the Board finds the application meets the standards of evaluation in this ordinance, it must issue a decision to grant a Certificate of Appropriateness.
 - (4) If the Board finds the application does not meet the standards of evaluation in this ordinance, it must:
 - (a) Issue a decision to grant a Certificate of Appropriateness with conditions, or
 - (b) Move to continue the application review to a subsequent meeting, or
 - (c) Issue a decision to deny a Certificate of Appropriateness.
 - (5) The Board must issue a written decision, signed by the Chair, including conditions of approval and written findings of fact supporting the decision. The Planning Director must provide a copy of the signed decision to the Code Enforcement Officer for distribution to the applicant.

§125-115 STANDARDS OF EVALUATION FOR ALL PROPERTIES WITHIN THE DESIGN REVIEW JURISDICTION

Each of the following visual and physical standards must be shown by the applicant to be **visually compatible with its surroundings when viewed from any public way**. Accessory structures must be visually compatible with their principal building(s).

A. Building Standards

- (1) Building height
- (2) Building width
- (3) Proportion of principal facades: the relationship of the width to the height of the principal elevations
- (4) Roof shape
- (5) Scale of a structure: size and mass of a structure must be visually compatible with its surroundings as well as its windows, door openings, porches, balconies, and other openings. Proposed structures should neither be of overpowering mass or scale to visually dominate the streetscape to the visual exclusion of other structures, nor

- should proposed structures be of such a diminutive size to create visual holes in the streetscape. Structures exposing a broad mass to the street must be visually broken into smaller components compatible with the majority of the surrounding structures.
- (6) Proportions of openings: the ratio of the width to the height of windows and doors.
 - (7) Rhythm of solids to voids in facades: window and door areas should be at least 25% and no more than 66% of the individual facade area facing a public way.
 - (8) Rhythm of entrance porches and other projections including the relationship of entrances and other projections to sidewalks: buildings used for retail or other public uses should have clearly defined entrances.
 - (9) Rhythm of spacing and structures on streets: the relationship of a structure or related elements to the open space between it and adjoining structures or related elements including the pattern of setback from a public way and orientation on the lot.
 - (10) Directional expression of the principal elevation: a structure must be visually compatible with other structures, any public way, and places it is related to in directional character, whether vertical character, horizontal character, or non-directional character.
 - (11) Relationship of materials: the relationship of the color and texture of the façade materials must be visually compatible with the predominant materials in its viewscape. The colors should be based on the architectural style and period of the structure.
 - (12) Fire Escapes must be located on the sides or rear of the structure, where site conditions and design restraints allow.

B. Utility Standards

Utilities (including meters) and machines used to heat, cool, and power a structure must be located at the rear or side of the building and/or screened from the view of any public way.

C. Pedestrian Access Standards

Where sidewalks exist or are proposed, the site design must direct pedestrians to the front entrance of the building without the need to cross any parking area(s) or driveway(s).

D. Motor Vehicle Facilities and Service Standards

Motor vehicular facilities and services, which include parking lots, driveways, drive-throughs, overhead garage doors, service areas, fueling stations, charging areas, and other forms of vehicle access, must be located to the side or rear of the building and must be screened from view of any public way.

E. Awnings, Canopies, and Umbrellas Standards

The standards are not intended to restrict the shape of the awnings; however, the color and design should be visually compatible with and maintain the character of the building.

- (1) The solid structure of a street-level awning must be at least 8 feet above the traveled way.
- (2) A street-level awning must be at least 18 inches behind the curb.
- (3) Awning and canopy valances must be no longer than 10 inches.
- (4) Lettering no more than 8 inches in height is permitted on the valances of awnings, canopies, and umbrellas.
- (5) Lettering on awnings or canopies is considered signage and must comply with §125-67BB.
- (6) Awnings should not cover unique or architecturally significant features.
- (7) Glossy finish vinyl as a material for awnings is inappropriate.
- (8) Awning lighting must conform with §125-67Z.
- (9) Permanent freestanding canopies and tents are prohibited. Tents may be used for periods not exceeding 72 hours, subject to prior approval by the Code Enforcement Officer. They may only be used for outdoor functions such as art shows, festivals, fairs, weddings, and similar events. Tents and canopies erected for periods longer than 72 hours may be permitted by the Board if the applicant demonstrates they are necessary for health and safety reasons.

F. Landscaping Standards

- (1) The use of invasive species as listed on the *Invasive Plant Do Not Sell List* published by the Maine Department of Agriculture, Conservation and Forestry is prohibited.
- (2) The design of the landscape should enhance the appearance of the building as well as the grounds. Landscaping should not block unique architectural features of the building or appear disproportional to the lot and building size.

(3) In the Town Hill Village Area, plantings should include street tree plantings. Parking areas must be screened from Route 102. Shrubs and other materials should enhance the buildings. All other requirements in §125-67H must be followed.

G. Fencing Standards

In addition to visual compatibility, proposed fences must comply with the requirements of §125-67B(5)(a) and §125-69O of this ordinance.

H. Accessibility and Life Safety Standards

Provisions for handicapped access as required by state and federal law, including NFPA 101, should be provided in a manner which preserves the architectural character of the building or structure.

§125-116 MULTI-TENANT SIGNAGE PLANS

A multi-tenant signage plan must be submitted to the Board for review when two or more businesses of separate ownership operate on a single lot under common ownership, to ensure the proposed signage is visually compatible. Before an individual sign for a multi-tenant property may be considered for a Certificate of Appropriateness, a multi-tenant signage plan must be on file in the Planning Office.

- A. A multi-tenant signage plan is a plan submitted by a building owner that establishes design guidelines for tenant signage. The plan, at minimum, must include allowable square footage for each unit and any restrictions set by the owner. The plan may include, but is not limited to size limitations, color choice, design style, and locations of signage. It is not necessary to specify message content for individual signs in the signage plan.
- B. A multi-tenant signage plan must be reviewed for approval by the Board. Once approved, the plan will be filed with the Planning Director and the Code Enforcement Officer.
- C. The Certificate of Appropriateness obtained initially will remain in effect as long as the multi-tenant signage plan remains unchanged.

§125-117 INTERNALLY ILLUMINATED SIGNS

All new and modified internally illuminated signs proposed are subject to review by the Design Review Board. Modifications include, but are not limited to, changes in size, color, lighting,

graphic design or relocation. Internally illuminated sign types are defined in section §125-109 of this ordinance.

- A. Internally illuminated signs of Type 2-A and Type 5-A are allowed in all districts, and signs of Type 2-B and Type 5-B are allowed only where identified in §125-67BB(3)(i).
- B. Internally illuminated signage must meet the standards of §125-67BB and §125-67Z(4) of this ordinance.

§125-118 SEASONAL CLOSURE PLANS

The purpose of this guidance is to maintain an inviting streetscape appearance and avoid the impression that the Town is enactive or closed to visitors and shoppers. To preserve the Town's aesthetic and support businesses that remain operational during the off-season, the Board strongly discourages the installation of closure treatments involving the covering of display windows prior to January 1.

- A. Signs for businesses may be left in place or removed for seasonal closure.
- B. When signs hung from chains or cables are removed for seasonal closure, their chains or cables should also be removed.
- C. The use of a fabric covering the sign, and bearing the name of the business, is encouraged.
- D. Window coverings must be safely and securely attached and have a neat and clean appearance.
- E. Closure provisions that cover windows or display spaces with materials such as bed sheets, paper, tarps, cardboard, or bubble wrap are inappropriate.
- F. The creation of off-season window displays is encouraged.

§125-119 ADDITIONAL STANDARDS OF EVALUATION FOR HISTORIC PROPERTIES

- A. **General:** The standards of evaluation described below, and elsewhere in this Article, are intended for the evaluation of historic properties. As defined in §125-110, historic properties include structures and sites listed in Appendix A of this ordinance that are also listed in the National Register of Historic Places.

B. Standards Adopted by Reference: The Rehabilitation and Restoration standards in the most recent version of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (1995) are adopted by reference and made part of this ordinance with same force and effect as though set out in full herein. A copy of *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings* (1995) is available at the Planning Department. The following Rehabilitation and Restoration standards reflect the 1995 edition of this reference. Applicants are responsible for ensuring that these standards, as presented in this ordinance, remain consistent with the most current published version of this reference.

(1) Standards for Rehabilitation

- (a) A property will be used as it was historically or be given a new use that required minimal change to its distinctive materials, features, spaces and spatial relationships.
- (b) The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces and special relationships that characterize a property will be avoided.
- (c) Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- (d) Changes to a property that have acquired historic significance in their own right will be retained and preserved.
- (e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- (f) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

- (g) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (h) Archaeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- (i) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (j) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(2) Standards for Restoration

- (a) A property will be used as it was historically or be given a new use that interprets the property and its restoration period.
- (b) Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces and spatial relationships that characterize the period will not be undertaken.
- (c) Each property will be recognized as a physical record of its time, place and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection and properly documented for future research.
- (d) Materials, features, spaces and finished that characterize historical periods will be documented prior to their alteration or removal.
- (e) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
- (f) Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture and, where possible, materials.

- (g) Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
 - (h) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 - (i) Archaeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
 - (j) Designs that were never executed historically will not be constructed.
- (3) A structure designated as a historic landmark or site, a structure located in a designated historic district, or related structures or improvements, such as walls, fences, light fixtures, steps, or paving located in an area under the Board's jurisdiction, must not be altered, and no approval by the Board will be issued for such actions unless these actions will preserve or enhance the historical and architectural character of the structure, and are visually compatible with the viewscape.
- (4) Contemporary design for alterations and additions to existing properties is permitted when it does not destroy significant historical, architectural, or cultural material, and the design is compatible with the size, scale, material, and character of the property, neighborhood, or environment.
- (5) **Whenever possible**, new additions or alterations to structures must be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

C. **Historical Surveys**

All architectural and archaeological surveys conducted by architectural historians and archaeologists must be recognized by the State Historic Preservation Commission and on file in the Planning Department and presented with the application.

D. **Accessibility and Life Safety**

Work that must be done to meet accessibility and life safety requirements (per NFPA 101) must also be assessed for its potential impact on historic elements as it is rehabilitated or restored.

§125-120 RELOCATION OR DEMOLITION OF SIGNIFICANT PROPERTY

- A. **Review and approval.** A property owner requesting a permit for the relocation or demolition of significant property from the Code Enforcement Officer must first receive approval from the Design Review Board, and a Certificate of Appropriateness from the Code Enforcement Officer.
- B. **Structural assessment.** A structural condition report written by a professional engineer or licensed architect addressing the structural condition, condition of building systems, and any issues regarding the renovation or use of a structure that may affect the feasibility of renovation or relocation must be provided. The report must include a professional recommendation regarding the proposed activity. The burden of proof is on the applicant to provide sufficient evidence to warrant a finding of fact by the Board.
- C. **Relocation of a significant structure.** The Board will approve the issuance of a Certificate of Appropriateness for the relocation of a significant structure to another site if the conditions in §125-120A and B are satisfied.
- D. **Demolition of a significant structure**

(1) Normal maintenance and repair required

Owners of structures under the jurisdiction of the Board must not allow their properties or their exterior architectural features to fall into disrepair, to create a detrimental effect on the character of the area or the structure itself or result in conditions that could justify demolition in the interest of public safety.

(2) Immediate demolition

If the owner of a structure classified as significant seeks to demolish the structure in whole or in part, the Board may approve the issuance of a Certificate of Appropriateness for the demolition if the property owner shows that the application meets all of the following standards:

- (a) The property owner can demonstrate that the structure, or significant portions or features thereof, cannot be renovated, reconstructed, or the cost of renovation makes the retention infeasible.
- (b) The structure has been identified by the Board as non-historic or incompatible with the area in which it is located.

- (c) The structure, or significant portions and features thereof have been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety and that hazard cannot be abated by reasonable measures.

(3) Delayed demolition

If it is determined the structure should be preserved, and the Board fails to approve the issuance of a Certificate of Appropriateness permitting the demolition, a 150 calendar day delay period is imposed to consider and find alternatives to demolition. This delay period allows the Town, interested persons, historic societies, or other organizations to acquire or find a means to preserve the structure.

- (a) Upon notification that the structure is significant and should be preserved, the Code Enforcement Officer must delay the issuance of a demolition permit for 150 calendar days from the date of the delayed demolition finding by the Board.
- (b) The owner must make a good faith effort to accommodate reasonable requests from interested parties for information about and access to the structure to evaluate alternatives to demolition.
- (c) The owner must allow members of the Bar Harbor Historical Society, MDI Historical Society, and the Maine Historic Preservation Commission reasonable access to interior and exterior areas of the structure to enable documentation of the structure and its significant features via photography, video recording, written observations, and other methods.
- (d) If no viable alternatives to demolition are identified and accepted by the Design Review Board by the end of the demolition delay period, the Code Enforcement Officer may issue a demolition permit.

(4) Posting of public notice for approved demolition

The applicant is responsible for posting a public notice of demolition at the site of the proposed demolition. The notice must be clearly visible from the street. The public notice must include property information (including property address and contact information for owner and applicant) and description of the proposed demolition (type, extent, reason, proposed re-use/replacement, and Town contact phone number and email address).

- (a) Within 30 calendar days of the Design Review Board denying a Certificate of Appropriateness for demolition of a significant structure: the Planning Director must mail notice of the proposed demolition to the Bar Harbor Historic Society, the Mount Desert Island Historical Society, the Maine Historic Preservation Commission, the Town Manager, and the Town Council.
- (b) The notice must be placed in a printed newspaper of general circulation at least twice.
- (c) The applicant must prominently and securely post the public notice at the location of the structure proposed for demolition. The notice must be at least 18 inches by 24 inches in size, weatherproof, and placed as close as practicable to the front property line or the principal access point to the site, whichever provides the greatest visibility to the public. Such notice must contain the same language as the newspaper notice. The sign must be removed within 150 calendar days after the Design Review Board's denial of a Certificate of Appropriateness per 125-119C(3)(a) or if an alternative to demolition has been found and approved by the Design Review Board.

§125-121 CRITERIA FOR ESTABLISHMENT OF SIGNIFICANT PROPERTY OR NEW OR EXPANDED HISTORIC DISTRICT

- A. **Criteria:** One or more of the following characteristics must apply, without limitation as to cultural or chronological period, in order to qualify for designation as significant property or for establishment of a new historic district pursuant to this Article:
- (1) Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social, or sociological history of Bar Harbor and/or the Nation, including sites and structures at which the public may gain insight or see examples either of particular items or of larger patterns in the North American heritage.
 - (2) Structures or sites associated with historic personages.
 - (3) Structures or sites associated with historic examples of a great idea or ideal.
 - (4) Structures or structural remains and sites embodying examples of architectural types of specimens valuable for study or representation of a period, style, or method of

building construction, of community organization and living or of landscaping; or a single notable structure or a single site representing the work of a master builder, designer, architect, or landscape architect.

- (5) Structures which contribute to the visual continuity of a historic district.
- (6) Structures or sites listed on or eligible for listing on the National Register of Historic Places and structures or sites listed or eligible for listing as a National Historic Landmark.

B. General: Significant property and new historic districts must be established by amendment to this ordinance. Amendments may be proposed by the Town Council, the Planning Board, petition of the voters registered in the Town, or the property owner.

- (1) Recommendations for inclusion in or removal from Appendix A of significant property outside the jurisdiction of the Board will be considered at the request of the property owner only.
- (2) An application for designation or exclusion of significant property in or from Appendix A must be in writing and must include the required information. The Board must have a meeting within thirty calendar days from the date of receipt of the application to formulate a recommendation concerning the proposed amendment.
- (3) Upon acceptance of the proposal to designate or exclude a significant property in or from Appendix A, the Board must prepare a proposed amendment to this ordinance. The proposed amendment must include a description of the significant property with the date it was adopted.

C. Application for significant structure or site must include:

- (1) A concise description of the physical elements, qualities, architectural style, period, and historical significance represented by the structure or site, including consideration of scale, materials, workmanship, and spatial qualities, as relevant.
- (2) A concise statement of how the structure or site meets the review criteria of this Article.
- (3) A series of photographs of the structure, and/or a site map, illustrating significant details as noted in the criteria of §125-121.

D. Application for a new historic district must include:

- (1) A brief statement of the remaining physical elements that make the area a historic district and a description of building types, architectural styles, and periods represented.
- (2) A concise statement of how the district meets the review criteria of this Article.
- (3) A justification of the boundaries of the district.
- (4) A description of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of non-contributing structures.
- (5) A map showing all district structures with the identification of contributing structures.

E. Application for proposed expansion of the existing jurisdiction of the Board must include:

- (1) A concise statement of the physical elements that justify an expansion of the existing jurisdiction, an explanation detailing how the expansion is consistent with the character of the area, and a description of building types and architectural styles and periods represented.
- (2) A concise statement of how the expansion of the existing jurisdiction meets the review criteria of this Article.
- (3) A justification for the expanded boundaries of the jurisdiction.
- (4) A description of the types of structures that do not contribute to the significance of the area and an estimate of the percentage of non-contributing structures in the jurisdictions proposed expansion.
- (5) A map showing all structures in the proposed jurisdiction expansion area with an identification of contributing structures.

F. Review, studies, and recommendations: Before making its recommendation concerning designation of significant property or establishment of a new or expanded historic district, the Board must conduct research on the proposal. The Board must forward a draft of the proposal/application to the Maine Historic Preservation Commission for review and comment. The Board will make a report to the Town Council on every request received.

G. Public hearing and final report: Before submitting a final report to the Town Council, the Board must hold a public hearing on the request. Notice of said hearing must be published at least twice in a printed newspaper of general circulation in the Town of Bar

Harbor. The date of the first publication must be at least seven calendar days before the hearing. Notice to abutters must be mailed by first class mail, to the owners of all property within 300 feet of the outer boundary of the property in question, except such mailing must occur within at least fourteen calendar days from the public hearing. Such notice must contain the same language as the newspaper notice. The owners of the property must be those shown on the Town's tax list as the person against whom taxes are assessed. Failure of any such person to receive notice of the public hearing will not necessitate another hearing or invalidate any action of the Board. A copy of the notice must be sent, at the same time, to the Chair of the Planning Board. The Design Review Board must submit a final report with its recommendations to the Town Council no later than sixty calendar days after the public hearing.

- H. **Proposed amendment:** Upon acceptance of the proposal to designate a property as significant or establish or expand a historic district, the Board must prepare a proposed amendment to this ordinance. The proposed amendment must include a description of the significant property or new or expanded jurisdiction area with the date it was adopted.

§125-122 ADMINISTRATION AND ENFORCEMENT

- A. A Certificate of Appropriateness issued under this Article expires if the authorized activity does not commence within one year of the date of issue and if the activity is not (X%?) completed within two years of said date. The Board may extend the Certificate for up to one year for good cause.
- B. This Article must be administered by the Board and enforced by the Code Enforcement Officer (CEO).

DEFINITIONS – These will be located in the larger Land Use Ordinance

THE DESIGN REVIEW HANDBOOK - A guide to provide the public with pictorial examples of design standards as outlined in Article XIII of the Land Use Ordinance. ~~help the public understand the Design Review Board's application and approval processes, and the Ordinance which specifies appropriate designs within the jurisdiction of the Design Review Board.~~ Proposed changes based on discussion of intention of Handbook moving forward (to be used more as reference with examples vs including specific standards)

DEMOLITION - The intentional act of substantially pulling down, destroying, dismantling, removing, or razing a building, or commencing the work of total, substantial, or partial destruction with the intent of completing the same. Could add to §125-109 or use Webster definition: "The act of demolishing." Demolishing: "Tear down, raze"

NATIONAL REGISTER OF HISTORIC PLACES - A register assigned by The National Historic Preservation Act of 1966 as amended recognizes buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifies them as worthy of preservation. Is this necessary to define? Don't generally define organizations (i.e., "Maine Historic Preservation Commission" not defined in ordinance)

VIEWSCAPE - The public setting in which a structure, site, or landmark is located. It is the immediately visible neighborhood of the street or public land associated with such a structure. As well as neighboring land and structures, the viewscape includes such things as awnings, fences, sidewalks, and lights. A viewscape is not synonymous with scenic views or viewshed. Every kind of structure is considered in the context of its viewscape. An area within the jurisdiction may include many viewsapes. Not included in §125-109, agree to add