

**Cover Page  
for Wednesday, October 26, 2022  
Planning Board Meeting**

<p><b>*Project Information is available at</b>  <a href="https://www.barharbormaine.gov/282/Planning-Board">https://www.barharbormaine.gov/282/Planning-Board</a></p>	<p><b>Material Issued</b>  <b>10/19/2022</b></p>	<p><b>Issued on</b>          _____</p>
ITEMS		
Cover page with date	✓	
October 26, 2022 Meeting Agenda	✓	
<b>Compliance Review/Public Hearing for SD- 2022-05 — Salvatore Subdivision</b> <ul style="list-style-type: none"> <li>• Application materials</li> <li>• Staff report</li> <li>• Decision</li> </ul>	✓ ✓ ✓	



**Meeting Agenda**  
**Bar Harbor Planning Board**  
**Wednesday, October 26, 2022 at 4:00 PM**  
Council Chambers — Municipal Building — 93 Cottage Street

**I. CALL TO ORDER**

**II. ADOPTION OF THE AGENDA**

**III. EXCUSED ABSENCES**

**IV. PUBLIC COMMENT PERIOD**

The Planning Board allows up to 15 minutes of public comment on any subject not on the agenda nor on a pending application before the board, with a maximum of three minutes per person.

**V. REGULAR BUSINESS**

- a. **Public Hearing and Compliance Review for Subdivision SD-2022-5 – Salvatore Subdivision**  
**Applicant:** Eben Salvatore, 123 Eden Street, Bar Harbor, Maine 04609  
**Owner:** Heirs of Judith Strout, P.O. Box 36, Hulls Cove, Maine 04644  
**Application:** Split Tax Map 228 Lot 34 encompassing  $\pm 17.7$  acres into two lots — one lot will be 13.3 acres and the other lot will be 4.4 acres. Also, part of the subdivision is Tax Map 228 Lot 34-2 (now 2.31 acres) which was originally part of Tax Map 228 Lot 34 (the parent lot).  
**Project Location:** 21 Russell Farm Road (Tax Map 228, Lot 34), encompassing a total of  $\pm 17.7$  acres.

**VI. OTHER BUSINESS**

**VII. BOARD MEMBER COMMENTS/SUGGESTIONS FOR THE NEXT AGENDA**

**VIII. REVIEW OF PENDING PLANNING BOARD PROJECTS**

**IX. ADJOURNMENT**

**PLEASE NOTE**

- The Planning Board has adopted a Remote Participation Policy that allows it to use means of remote participation under certain circumstances.
- By 4:00 PM on Friday, October 21, 2022, it will be determined if remote participation will be an option for the October 26, 2022 meeting. To find out if remote participation will be an option, and if it is an option how to join via Zoom, go to <https://www.barharmoraine.gov/282/Planning-Board> after 4:00 PM on October 21, 2022.
- All Planning Board meetings are broadcast live on Bar Harbor Spectrum channel 7 (in Bar Harbor), streamed online at [https://townhallstreams.com/towns/bar\\_harbor\\_me](https://townhallstreams.com/towns/bar_harbor_me), and archived on that website for later viewing after the meeting.
- Anyone with a disability wishing to attend this meeting and who may have questions about how to do so should contact Tammy DesJardin at [tdesjardin@barharmoraine.gov](mailto:tdesjardin@barharmoraine.gov) or at 288-3329.

Posted 10/19/2022  
@ 10:30 AM - SEF



# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

# STAFF REPORT

## COMPLIANCE REVIEW

### SD-2022-05 – Salvatore Subdivision

**Date:** October 18, 2022

**Meeting Date:** October 26, 2022

#### I. PROJECT OVERVIEW:

**A. Applicant:** Eben Salvatore, 123 Eden Street, Bar Harbor, Maine, 04609

**B. Owner:** Heirs of Judith Strout, P.O. Box 36, Hulls Cove, Maine, 04644

**C. Application:** To split Tax Map 228, Lot 34, encompassing  $\pm 17.7$  acres, into two lots — one lot will be 13.3 acres and the other lot will be 4.4 acres. Also, part of the subdivision is Tax Map 228, Lot 34-2 (now 2.31 acres) which was originally part of Tax Map 228, Lot 34 (the parent lot).

**D. Project Location:** 21 Russell Farm Road (Tax Map 228, Lot 34), encompassing a total of  $\pm 17.7$  acres

**E. Districts:** McFarland Hill Residential, McFarland Hill Rural, Shoreland Limited Residential and Resource Protection.

**F. Allowed Use:** Subdivision of land

**G. Meeting Dates:** Sketch plan review on August 3, 2022; site visit on September 20, 2022; completeness plan review on October 5, 2022; compliance plan review/public hearing on October 26, 2022.

**H. Comment Period:** The written comment period for compliance review ends Monday, October 24, 2022.



# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

### II. APPLICABLE LAWS:

For compliance plan review — 125-67 General review standards, 125-68 Shoreland standards, and 125-69 N. Subdivisions

### III. REVIEW PROCESS:

- A. Applicant presents application
- B. Questions and comments from the board
- C. Hold public hearing
- D. Deliberations and determination of compliance with standards per 125-67, 125-68 and 125-69 N.
- E. Proposed Motion: **Move to approve the application SD-2022-05 — Salvatore Subdivision per the decision dated October 26, 2022, as it meets the standards of the Bar Harbor Land Use Ordinance sections 125-67, 125-68 and 125-69 N. with the following conditions of approval: that the driveway for Lot 3 connecting to Russell Farm Road be located at least 250 feet from the intersection of Russell Farm Road with Norway Drive; that the requirement for a residential sprinkler system compliant with the 2019 edition of NFPA 13.d, as noted on the plan, be in the deed for Lot 3 and that a copy of that deed be provided to the Code Enforcement Officer prior to permits being issued; and that if a driveway culvert is required for Lot 3, 12-inch minimum diameter HDPE pipe will be used, to be inspected by Highway Department before completion.**

### IV. STAFF COMMENTS:

None.

### V. WRITTEN COMMENTS FROM CITIZENS:

As of October 18, 2022, one written comment (attached) was received for this application.



# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

# DECISION

## SD-2022-05 – Salvatore Subdivision

Date: October 26, 2022

### I. Project Overview

- A. **Applicant:** Eben Salvatore, 123 Eden Street, Bar Harbor, Maine 04609
- B. **Owner:** Heirs of Judith Strout, P.O. Box 36, Hulls Cove, Maine 04644
- C. **Application:** To split Tax Map 228, Lot 34, encompassing  $\pm 17.7$  acres, into two lots — one lot will be 13.3 acres and the other lot will be 4.4 acres. Also, part of the subdivision is Tax Map 228, Lot 34-2 (now 2.31 acres) which was originally part of Tax Map 228, Lot 34 (the parent lot).
- D. **Project Location:** 21 Russell Farm Road (Tax Map 228, Lot 34) encompassing a total of  $\pm 17.7$  acres.
- E. **Districts:** McFarland Hill Residential, McFarland Hill Rural, Shoreland Limited Residential and Resource Protection.
- F. **Allowed Use:** Subdivision of land
- G. **Meeting Dates:** Sketch plan review on August 3, 2022; site visit on September 20, 2022; completeness plan review on October 5, 2022; and public hearing and compliance review on October 26, 2022.

### II. Appeal Period

Any interested party has 30 days to appeal this decision. It is to the risk of the applicant to commence construction during this period.

### III. Requirements and Conditions of Approval

- A. The following information shall be provided and satisfactory to the Code Enforcement Officer prior to the issuance of any building permit(s):
  - 1) The driveway for Lot 3 connecting to Russell Farm Road be located at least 250 feet from the intersection of Russell Farm Road with Norway Drive; and,
  - 2) The requirement for residential sprinkler system compliant with the 2019 edition of NFPA 13.d., as noted on the plan, be in the deed for Lot 3 and a copy of that deed be provided to the Code Enforcement Officer prior to permits being issued; and,
  - 3) If a driveway culvert is required for Lot 3, 12-inch minimum diameter HDPE pipe will be used, to be inspected by the Highway Department before completion.



# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

- B. Per Section 125-75, the plat plan (subdivision plan) shall be signed by the Planning Board within 45 days of this signed decision and recorded by the applicant at the Hancock County Registry of Deeds within 90 days of the plan being signed by the Planning Board or the plan is null and void and will require the applicant to reapply for Planning Board approval.
- C. Building permits are required for this project. This Planning Board approval is not a substitute from applying for and securing building permits from the Bar Harbor Code Enforcement Office prior to commencing work.
- D. This project cannot commence without having secured all required state and federal permits and approvals unless explicitly otherwise stated.
- E. Article III, Land Use Activities and Standards, of the Land Use Ordinance will be applied to the construction of this project.
- F. No performance bond is required for this project.
- G. Violations of any conditions placed upon this approval are subject to enforcement per Article IX, §125-100 B. of the Land Use Ordinance.

### IV. Time Frame for Completion

Per §125-90 of the Land Use Ordinance:

- A. The work shall start within 6 months from all of the above-stated conditions being met.
- B. The work must be substantially completed within 18 months of commencement.
- C. A one or more commencement extension time for periods of no more than six months and/or a 12-month extension for completion may be requested to the Planning Board in writing, and prior to the date by (and no later than) which the work must commence or be completed. The extension is contingent upon the applicant having made progress toward commencement or completion, or that progress has been prevented by reasons beyond the control of the applicant, and that any required performance guarantees have been updated.
- D. Failure of the applicant to abide by the above-stated time requirements shall render the approval null and void and require the applicant to reapply for Planning Board approval.
- E. The Planning Board reserves the right to refuse an extension for commencement or completion if the applicant fails to show due diligence in making progress on the approved work.

### V. Modifications to this Approval

No modifications to this approval shall be made, including changes to the plans, supporting documents, and conditions, without an application to and review by the Planning Board under the requirements of the Land Use Ordinance.

### VI. To the Code Enforcement Officer

Under the authority and requirements of the Land Use Ordinance §125-61 F., at the properly noticed public hearing on October 26, 2022, by a motion duly made and seconded, it was voted to approve the noted application.



# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

### VII. Findings and Conclusions

- A. This approval is based upon the following submitted plans:
- Applicant's Exhibit 9.0, Site plan, dated 10.10.2022, prepared by The Moore Companies in association with Plisga & Day Land Surveyors
  - Applicant's Exhibit 9.1, Detail site plan for proposed lot, dated 09.13.2022, prepared by The Moore Companies
  - Salvatore Subdivision plan, dated 10.10.2022, prepared by The Moore Companies in association with Plisga & Day Land Surveyors
- B. This approval is based upon the following findings and conclusions of law:
1. Based on the documents received, this application meets the requirements under the Land Use Ordinance Article V; and
  2. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of §125-67 General Standards, as presented in the table below.



# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

### §125-67 General Standards

	REQUIREMENTS/STANDARDS	NOT APPLICABLE	APPLICABLE/MET	COMMENTS
A.	Permitted use		✓	
B.	Lot standards		✓	
C.	Height	✓		
D.	Parking requirements	✓		
E.	Parking areas and driveways		✓	See conditions
F.	Loading requirements	✓		
G.	Street, sidewalks, and access	✓		
H.	Buffering and screening	✓		
I.	Water supply	✓		
J.	Municipal water supply	✓		
K.	Groundwater	✓		
L.	Stormwater management	✓		
M.	Municipal sewer facilities	✓		
N.	Sewage disposal		✓	
O.	Soils		✓	
P.	Landscaping	✓		
Q.	Erosion		✓	
R.	Flood permit	✓		
S.	Air quality	✓		
T.	Refuse disposal	✓		
U.	Dangerous or hazardous materials and wastes	✓		
V.	Vibration	✓		
W.	Wildlife habitat		✓	
X.	Aesthetic areas and physical and visual access		✓	
Y.	Heat	✓		
Z.	Light and glare	✓		
AA.	Noise	✓		
BB.	Signs and advertising	✓		
CC.	Outdoor storage and displays	✓		
DD.	Utilities	✓		
EE.	Fire protection		✓	See condition
FF.	Comprehensive plan		✓	
GG.	Financial and technical capacity	✓		
HH.	Farmland	✓		
II.	Other municipal services		✓	
JJ.	Violations		✓	
KK.	Legal documents	✓		
LL.	Historic and archaeological resources		✓	
MM.	Utilization of the site		✓	
NN.	Natural Features		✓	





# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

3. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, the Planning Board finds that the application meets the requirements of §125-68 Shoreland Standards, as presented in the table below.

<b>§Section 125-68 Shoreland Standards</b>				
	<b>REQUIREMENTS/STANDARDS</b>	<b>NOT APPLICABLE</b>	<b>APPLICABLE/MET</b>	<b>COMMENTS</b>
B.1	Agriculture	✓		
B.2	<i>Reserved</i>	✓		
B.3	Beach construction	✓		
B.4	Erosion and sedimentation control	✓		
B.5	Mineral Exploration	✓		
B.6	Uses extending over or below the shoreline	✓		
B.7	Lot standards		✓	
B.8	Roads and driveways		✓	
B.9	Subsurface wastewater	✓		
B.10	Soils		✓	
B.11	Seasonal conversion	✓		
B.12	Principal and accessory structures	✓		
B.13	Clearing and removal of vegetation for activities other than timber harvesting	✓		
B.14	Water quality	✓		
B.15	Archeological sites	✓		
B.16	Commercial and industrial uses	✓		
B.17	Parking areas	✓		
B.18	Essential services	✓		
B.19	Private campsites	✓		
B.20	Signs	✓		

4. Based upon the documents received, and accepting the work of the professionals who have prepared the documents, this application meets the requirements of Section 125-69 Standards for particular uses, structures or activities N. Subdivision, as presented in the table below:

### Section 125-69 Standards for particular uses, structures or activities

	<b>REQUIREMENTS/STANDARDS</b>	<b>NOT APPLICABLE</b>	<b>APPLICABLE/MET</b>	<b>COMMENTS</b>
<b>N. Subdivisions</b>				
(1)	Monuments		✓	
(2)	Blocks	✓		



# TOWN OF BAR HARBOR

## Planning and Code Enforcement

93 Cottage Street  
Bar Harbor, ME 04609-1400

(3)	Lot standards		✓	
(4)	Frontage		✓	
(5)	Double frontage and reverse frontage	✓		
(6)	Lot lines		✓	
(7)	Future development	✓		
(8)	Land not suitable for development		✓	

Decision Signed by:

---

Millard Dority, Chair  
Planning Board, Town of Bar Harbor

Date